

Paperwork Reduction Act

The regulation contains no information collection requirements which are subject to review and approval by OMB under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 et seq.).

List of Subjects in 45 CFR Part 1370

Aged, Child welfare, Grant programs—Social programs, Domestic violence, Family violence, Spouse abuse, Elder abuse and neglect.

(Catalog of Federal Domestic Assistance Programs: 93.671, Family Violence Prevention and Services Program)

Dated: January 31, 1996.

Mary Jo Bane,

Assistant Secretary for Children and Families.

For the reasons set forth in the preamble, Title 45, Chapter XIII, of the Code of Federal Regulations is amended by adding a new subchapter H consisting of part 1370 to read as follows:

SUBCHAPTER H—FAMILY VIOLENCE PREVENTION AND SERVICES**PART 1370—FAMILY VIOLENCE PREVENTION AND SERVICES PROGRAMS**

Sec.

1370.1 Purpose.

1370.2 State and Indian tribal grants.

1370.3 Information and technical assistance center grants.

1370.4 State domestic violence coalition grants.

1370.5 Public information campaign grants.

Authority: 42 U.S.C. 10401 et seq.

§ 1370.1 Purpose.

This part addresses sections 303, 308, 311, and 314 of the Family Violence Prevention and Services Act (the Act), as amended (42 U.S.C. 10401 et seq.). The Act authorizes the Secretary to implement programs for the purposes of increasing public awareness about and preventing family violence; providing immediate shelter and related assistance for victims of family violence and their dependents; and providing for technical assistance and training relating to family violence programs to States, tribes, local public agencies (including law enforcement agencies, courts, legal, social service, and health care professionals), non-profit private organizations and other persons seeking such assistance. All programs authorized under the Act are funded subject to the availability of funds.

§ 1370.2 State and Indian tribal grants.

Each grantee awarded funds under section 303 of the Act must meet the statutory requirements of the Act and all

applicable regulations. An announcement which describes the application process, including information on statutory requirements, other applicable regulations, and any required financial and program reports, is published in the Federal Register.

§ 1370.3 Information and technical assistance center grants.

Each grantee awarded funds under section 308 of the Act must meet the statutory requirements of the Act and all applicable regulations. An announcement which describes the application process, including information on statutory requirements, other applicable regulations, and any required financial and program reports, is published in the Federal Register.

§ 1370.4 State domestic violence coalition grants.

Each grantee awarded funds under section 311 of the Act must meet the statutory requirements of the Act and all applicable regulations. An announcement which describes the application process, including information on statutory requirements, other applicable regulations, and any required financial and program reports, is published in the Federal Register.

§ 1370.5 Public information campaign grants.

Each grantee awarded funds under section 314 of the Act must meet the statutory requirements of the Act and all applicable regulations. An announcement which describes the application process, including information on statutory requirements, other applicable regulations, and any required financial and program reports, is published in the Federal Register.

[FR Doc. 96-3931 Filed 2-21-96; 8:45 am]

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DEPARTMENT OF THE INTERIOR**Fish and Wildlife Service****50 CFR Part 23**

RIN 1018-AD61

Addition of Bigleaf Mahogany to Appendix III of the Convention on International Trade in Endangered Species of Wild Fauna and Flora

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: This rule announces the addition to Appendix III of the Convention on International Trade in

Endangered Species of Wild Fauna and Flora (CITES or Convention) of bigleaf mahogany (*Swietenia macrophylla*) from the Americas and its saw-logs, sawn wood and veneers only, as submitted by the Government of Costa Rica. A list of the species contained in the CITES appendices is presented for informational purposes in the U.S. Code of Federal Regulations at 50 CFR 23.23. The Service will consider any comments received on whether to enter a reservation on the addition of this species to Appendix III. Second, a phrase is revised in 50 CFR 23.23(d) to clarify that the regulated parts and derivatives of plants are in some cases presented categorically, and in others set out with the particular entry on the species in the list.

DATES: This rule is effective on February 22, 1996. The recent change to Appendix III set forth in this rule entered into force on November 16, 1995, under the terms of the Convention.

ADDRESSES: Please send correspondence concerning the amendment announced in this rule to Chief, Office of Scientific Authority, ARLSQ 725, U.S. Fish and Wildlife Service, Washington, DC 20240; fax number 703-358-2276. Express and messenger deliveries should be addressed to Chief, Office of Scientific Authority, Room 750, U.S. Fish and Wildlife Service, 4401 North Fairfax Drive, Arlington, Virginia 22203.

The text of the Appendix III notification from the Convention's Secretariat is available on request, and related materials are available for public inspection by appointment, from 8 a.m. to 4 p.m. Monday through Friday, at the above address in Arlington, Virginia.

Please send certificate/permit questions or any applications concerning this regulation to Chief, Office of Management Authority, U.S. Fish and Wildlife Service, 4401 North Fairfax Drive, Room 420c, Arlington, Virginia 22203, fax number 703-358-2281. Express and messenger deliveries should be addressed to Chief, Office of Management Authority, at that Arlington address.

FOR FURTHER INFORMATION CONTACT: Dr. Charles W. Dane, Chief, Office of Scientific Authority (telephone 703-358-1708), or the Branch of Permits, Office of Management Authority (telephone 800-358-2104).

SUPPLEMENTARY INFORMATION:

Background

The Convention on International Trade in Endangered Species of Wild Fauna and Flora (TIAS 8249) regulates international trade in certain animal and

plant species. The species for which trade in particular specimens is controlled are listed in Appendices I, II, and III to the Convention. Appendix III comprises the list of species subject to regulation within any CITES Party country that has requested the cooperation of the other Parties in regulating international trade in the specified specimens of the species.

This rule updates the list of CITES species that is reproduced in the U.S. Code of Federal Regulations (CFR) at 50 CFR 23.23(f) (see the latest revision in the Federal Register of October 6, 1995 [60 FR 52450]) by adding *Swietenia macrophylla* (bigleaf mahogany) in the Americas (i.e., South America, Central America, the Caribbean, and North America) to Appendix III as advanced by the Government of Costa Rica pursuant to Article XVI paragraph 1 of the Convention, including only its saw-logs, sawn wood, and veneers as the parts or derivatives covered by the provisions of the Convention. Thus, products such as finished furniture are excluded. Moreover, export of specimens from plantations located outside the Americas is not regulated. The CITES Secretariat notified all Party countries on August 18, 1995, of the addition to Appendix III of the populations of this species in the Americas. (the species is native from Bolivia and Brazil to Mexico.) In accordance with Article XVI paragraph 2, such an amendment becomes effective 90 days after notification, in this case on November 16, 1995. All shipments exported on or after that date must be accompanied by appropriate documentation in compliance with CITES, which is to be presented upon import to the Party countries.

International trade in Appendix III species and their parts and derivatives that are specified as being included requires the issuance of either an export permit, a certificate of origin, a re-export certificate, or a pre-Convention certificate, by the exporting or the re-exporting Party. An export permit, which signifies that the specimens were not obtained in contravention of the laws of that country for conservation, is required if the shipment originates from the Party that added the species to Appendix III, in this case Costa Rica. Export from the other Party countries in the Americas requires the issuance of either a certificate from the country of origin, a certificate from the country of re-export, or a pre-Convention certificate (from the country of export); these documents legally verify either (1) that the specimens that were acquired since the date of the species' listing originated in a non-listing country; (2)

that they are being re-exported after an importation in accordance with CITES; or (3) that they were acquired before the provisions of the Convention applied to them. All the countries of South America, Central America, and North America and some countries in the Caribbean are Parties to the Convention. Beginning in 1976 with Resolution Conf. 1.5, the Parties have recommended that Article X of CITES be applied so that equivalent documentation is required from non-Parties to the Convention.

The Convention's Secretariat as well as the United States Office of Management Authority have made inquiries regarding the certificates of origin that exporting range countries plan to issue for shipments of the specimens of this species (e.g., saw-logs, sawn wood, or veneer sheets). By February 9, 1996, responses had been received from Mexico, Guatemala, Belize, Honduras, Nicaragua, Venezuela, Bolivia, and Brazil. For information on the types of documents required for such importation into the United States, as well as requests for any documents needed for such re-export or export from the United States, contact the Service's Office of Management Authority (address and phone number above).

Any Party at any time may enter a reservation on a species added to Appendix III. A Party that has entered a reservation is treated as a country that is not party to the Convention with respect to the trade in the species concerned (until such time as that Party withdraws its reservation). The limited effects of a reservation in alleviating importers and exporters from documentation requirements with the other CITES Parties were thoroughly discussed in a Federal Register notice on November 17, 1987 (52 FR 43924). In a subsequent Federal Register notice of March 28, 1988 (53 FR 9945; see also 53 FR 12497, April 14, 1988), the Service made a procedural change in requesting comments about such reservations for species added to Appendix III. Because the effects of such a reservation are limited, and there is also no time limit for reserving on a species added to Appendix III, a proposed rule is not published at the time the list in § 23.23 is amended. Regardless of any U.S. decision to enter a reservation, this particular amendment to Appendix III entered into force on November 16, 1995, under terms of the Convention. Publishing this rule informs the public of this international action while still affording those interested the opportunity and time to assess the merits of entering a reservation. Therefore, good cause exists to omit a

proposed-rule and public-comment process, since it is unnecessary and contrary to the public interest [5 U.S.C. 553(b)]. Because bigleaf mahogany in the Americas was added to Appendix III of the Convention effective on November 16, 1995, and because of the other reasons stated herein, the Service finds that good cause exists for making this rule effective upon its date of publication [5 U.S.C. 553(d)]. Accordingly, paragraph (f) of § 23.23 of 50 CFR is amended at the conclusion of this document.

At the ninth meeting of the Conference of the Parties to the Convention, the United States was among 50 of 83 Parties that voted in favor of including this species in Appendix II, which fell short of the two-thirds majority needed for adoption (see the Federal Register notices of November 8, 1994 [59 FR 55617] and January 3, 1995 [60 FR 73]). The Service has not recommended entering a reservation on this Appendix III listing. Consideration for doing so would be given if valid and compelling reasons are shown that implementation of this listing would be contrary to the interests or laws of the United States. The Service now solicits comments on whether to enter a reservation, and particularly seeks any new information that becomes available. The Service will consider all comments received, and if appropriate, will recommend that the United States submit a reservation to the depositary government (which is Switzerland).

Revision in CFR Based on Previous Changes to Appendices

The first sentence of 50 CFR 23.23(d) stipulates that the readily recognizable parts and derivatives of the animals and plants included in the CITES appendices are subject to the regulations of this part, unless specified otherwise for particular species in certain appendices (see 60 FR 50477, September 29, 1995 and 60 FR 52450, October 6, 1995). The present rule provides the opportunity for a minor corrective change to that sentence to clarify that exclusions of parts or derivatives for certain plant species are presented with the particular entry on that species, whereas for other plant taxa the exclusions or exemptions are presented categorically in the text of 50 CFR 23.23(d).

The opening language of § 23.23(d) in those recent Federal Register notices mistakenly omitted reference to Appendices II and III listings of plant species that may contain exclusions of certain readily recognizable parts and derivatives that are not addressed by the categorical exclusions specified in

paragraph (d). This ambiguity is corrected in this rule in order to explicitly eliminate possible perception of additional regulation of certain Appendix II or Appendix III plant products. Absent compelling biological reasons, the United States should not be regulating parts or derivatives of Appendix II or III species that have not been specified by the Parties as in need of trade control. This amendment thus relieves unnecessary potential import restriction and avoids potential inconsistent application of CITES requirements for Appendix II or III plant shipments. For the reasons set out above, the Service finds that good cause exists to omit the public notice-and-comment procedure of 5 U.S.C. 553(b), since such public process would be unnecessary and contrary to the public interest by continuing a potential needless regulatory burden and by potentially leading to inconsistent administration of CITES for some Appendix II or III plant shipments. For these same reasons, the Service finds that good cause exists for making this change effective upon publication of this notice [5 U.S.C. 553(d) (1) & (3)].

Other Procedural Requirements

The Department has determined that changes to the Convention appendices, which result from actions of the Parties

to the treaty, do not require preparation of Environmental Assessments as defined under authority of the National Environmental Policy Act (42 U.S.C. 4321-4347). Since this Appendix III action has been taken by Costa Rica and communicated by the CITES Secretariat, the Department also has determined that the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) does not apply to this listing process. This rule was not subject to review by the Office of Management and Budget under Executive Order 12866.

This document was prepared by Drs. Bruce MacBryde and Charles W. Dane, Office of Scientific Authority, under the authority of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*, 87 Stat. 884, as amended).

List of Subjects in 50 CFR Part 23

Endangered and threatened species, Exports, Imports, and Treaties.

Regulation Promulgation

PART 23—ENDANGERED SPECIES CONVENTION

Accordingly, for the reasons set out above in this document, Part 23, Subpart C of Title 50 (Chapter I, Subchapter B) of the Code of Federal Regulations is amended as set forth below:

1. The authority citation for Part 23 continues to read as follows:

Authority: Convention on International Trade in Endangered Species of Wild Fauna and Flora, 27 U.S.T. 1087; and Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*).

2. Section 23.23 is amended by revising paragraph (d) introductory text to read as follows:

§ 23.23 Species listed in Appendices I, II, and III.

* * * * *

(d) Unless specified otherwise, all living or dead animals and plants in Appendix I, II or III, and all their readily recognizable parts and derivatives, are subject to the regulations of this Part. Excluded are specified parts or derivatives of particular Appendix III animal species and Appendix II and Appendix III plant species as indicated in the listings of those taxa in subsection (f) below; furthermore, the following specified parts or derivatives of certain plants are categorically excluded or exempted:

* * * * *

3. Section 23.23(f) is amended by adding the following entry between the entries for *Swietenia humilis* and *Swietenia mahagoni* under the plant family Meliaceae:

* * * * *

(f) * * *

Species	Common name	Appendix	First listing date (month/day/year)
Plant kingdom—Family meliaceae:	Plants—Mahogany family.		
* * * * *	* * * * *		*
Swietenia macrophylla populations in the Americas (including saw-logs, sawn wood, and veneers, but no other parts or derivatives, e.g., products).	Bigleaf mahogany	III (Costa Rica).	11/16/95
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Dated: January 22, 1996.
 George T. Frampton, Jr.,
Assistant Secretary for Fish and Wildlife and Parks.
 [FR Doc. 96-3366 Filed 2-21-96; 8:45 am]
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