PART 2846—QUALITY ASSURANCE

Subpart 2846.6—Material Inspection and Receiving Reports

2846.601 General.

Subpart 2846.7—Warranties

2846.704 Authority for use of warranties.

Subpart 2846.6—Material Inspection and Receiving reports

§ 2846.601 General.

Bureaus shall prescribe procedures and instructions for the use, preparation, and distribution of material inspection and receiving reports and commercial shipping document/packing lists to evidence Government inspection.

[FR Doc. 98–12791 Filed 5–13–98; 8:45 am]

BILLING CODE 4410–AR–M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 23

RIN 1018–AE94

Amendment to Appendix III Listing of Bigleaf Mahogany Under 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 an amendment to the Appendix III listing of bigleaf mahogany (*Swietenia macrophylla*) under the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES or Convention). The species in the Americas and its logs, sawn wood, and veneer sheets have been included in Appendix III since November 1995, based on an action by the Government of Costa Rica. The Government of Bolivia has recently supplied information to the CITES Secretariat to independently include its population in Appendix III to support its national legislation for the species and the need for cooperation of other CITES countries in controlling the international trade. The Service will consider any comments received on whether to enter a reservation on the Republic of Bolivia's action for its population.

DATES: The change to the Appendix III listing for the Bolivian population of the species as set forth in this rule entered into force on March 19, 1998, under the terms of the Convention. This rule is effective on May 14, 1998.

ADDRESSES: Please send correspondence concerning the amendment announced in this rule to Chief, Office of Scientific Authority, ARLSQ 750; 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 8:00 a.m. to 4:00 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 700; 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. Susan Lieberman, Chief, Office of Scientific Authority, phone 703–358–1708, fax 703–358–2276, e-mail susan__lieberman@mail.fws.gov; or the Office of Management Authority, telephone 800–358–2104, e-mail r9oma__cites@mail.fws.gov

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 revises the list of CITES species that is reproduced in the U.S. Code of Federal Regulations (CFR) at 50 CFR 23.23(f). The current information following COP10 (see below) was published in the **Federal Register** of August 22, 1997 (62 FR 44627). As advanced by the Government of Bolivia pursuant to Article XVI paragraph 1 of the Convention, the present rule acknowledges that now both Bolivia and Costa Rica have added *Swietenia macrophylla* (bigleaf mahogany [called mara or caoba]) to Appendix III in support of their domestic conservation measures and need for cooperation of other Parties.

The species continues to be included in Appendix III in the Americas (i.e., South America, Central America, the Caribbean, and North America), including only its logs, sawn wood, and veneer sheets 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. (At COP10 in June 1997, the categories saw-logs, sawn wood, and veneers were revised slightly to the above for several such listings; cf. 62 FR 44627.)

The CITES Secretariat notified all Party countries on December 19, 1997 (in Notification No. 1011), of this addition to Appendix III by Bolivia of their population of this species. In accordance with Article XVI paragraph 2, such an amendment becomes effective 90 days after notification, in this case on March 19, 1998. All the shipments of bigleaf mahogany originating from Bolivia that are exported on or after that date must be accompanied by the appropriate documentation as required by CITES (usually an export permit), 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 Bolivia, as well as Costa Rica, which had earlier added the species to Appendix III, effective November 16, 1995 (see **Federal Register** of February 22, 1996, 61 FR 6793–6795).

Export from the other 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). (The species is native from Bolivia and Brazil to Mexico.) These documents legally verify either: (1) that the specimens originated in a non-listing country; (2) that they are being re-exported after a

legal 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. Article X of CITES and Resolution Conf. 9.5 specify the requirements for comparable documentation from countries not party to the treaty. The pre-Convention date for *Swietenia macrophylla* (bigleaf mahogany) remains November 16, 1995.

The Convention's Secretariat and U.S. Office of Management Authority in 1995 (and sometimes since) have inquired regarding certificates of origin or permits that exporting range countries issue for shipments of the specimens of this species (i.e., logs, sawn wood, and veneer sheets). Responses have been received from Mexico, Guatemala, Belize, Honduras, Nicaragua, Venezuela, Peru, and Brazil (*cf.* Secretariat's December 19, 1997, Notification No. 1004). Costa Rica and Bolivia, as Parties listing the species in Appendix III, use their regular documents (e.g., permits). Importation or exportation of CITES-regulated plant specimens must be through particular designated U.S. Department of Agriculture ports (50 CFR 24.12), which includes additional ports designated for logs and lumber. For information on the types of documents required for such mahogany 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 (or pertinent population) 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 or a population 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 March 19, 1998, 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 notice 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, 50 CFR 23.23(f) is amended at the conclusion of this document.

At the tenth meeting of the Conference of the Parties to the Convention (COP10) in June 1997, the United States was among 67 of 112 Parties that voted to include this species in Appendix II; this 60 percent of the Parties in favor, however, fell short of the two-thirds majority needed for adoption of the proposal (see the **Federal Register** notice of August 22, 1997 [62 FR 44627]). After the vote, Bolivia in plenary stated its intention to include its population of the species in Appendix III [cf. Resolution Conf. 9.25 (Rev.)]. The Service has not recommended entering a reservation on this enhanced status for the Bolivian population of the species in Appendix III. 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 consider recommending that the United States submit a reservation to the depositary government (which is Switzerland).

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). This rule recognizes the Republic of Bolivia's decision to include one of their native species in CITES Appendix III and serves public notice of their decision. As such, this rulemaking does not constitute an agency action under the Administrative Procedure Act.

This document was prepared by Dr. Bruce MacBryde and Dr. Susan Lieberman, 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(f) is amended by revising the entry of Swietenia macrophylla under the plant family Meliaceae to read as follows:

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

* * * * *

(f) * * *

Species	Common name	Appendix	First listing date (month/day/year)
* * *	* * *	* * *	
Plant Kingdom:	PLANTS:		
* * *	* * *	* * *	
Family Meliaceae:	Mahogany family:		
* * *	* * *	* * *	
Swietenia macrophylla populations in the Americas (including logs, sawn wood, and veneer sheets, but no other parts or derivatives, e.g., products).	Bigleaf mahogany	III (Bolivia, Costa Rica)	11/16/95
* * *	* * *	* * *	

Dated: May 5, 1998.

Donald Barry,

Acting Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 98–12803 Filed 5–13–98; 8:45 am]

BILLING CODE 4310–55–P