(b) Exception. This order shall not apply to shipments subject to tariff provisions requiring the use of twenty-five or more cars per shipment.

(c) Notice. The carrier shall not apply to shipments subject to tariff provisions which require that cars be furnished by the shipper.

(d) Rates and minimum weights applicable. The rates and minimum weights applicable to shipments for which cars smaller than those ordered have been furnished and loaded as authorized by Section (a) of this order shall be the rates and minimum weights applicable to the larger cars ordered.

(e) Billing to be endorsed. The carrier substituting smaller cars for larger cars as authorized by paragraph (a) of this section shall place the following endorsement on the bill of lading and on cars as authorized by paragraph (a) of this section.

Paragraph (a) of this order shall apply to intrastate, interstate, and foreign commerce. This order shall not be suspended by order and shall become effective at 11:59 p.m. October 15, 1976.

By the Commission, Railroad Service Board, members Joel E. Burns, Lewis R. Teeple, and Thomas J. Byrne.

ROBERT L. OSWALD, Secretary.

[FR Doc. 76-30671 Filed 10–18–76; 8:45 am]

[Rev. S. O. No. 994–A]

PART 1034—ROUTING OF TRAFFIC

Rerouting of Traffic—Appointment of Agents

A. At a session of the Interstate Commerce Commission, Division 3, held in Washington, D.C., on the 7th day of October 1976.

Upon further consideration of Revised Service Order No. 904 (3FR 7017; 3FR 23272; 3FR 28301; 3FR 35002; 3FR 44011 and 40 FR 59749), and on good cause appearing therefor:

It is ordered, That: 1034:194 Revised Service Order No. 904–A (Rerouting of traffic—appointment of agents) be, and it is hereby, vacated and set aside.

SEC. 1. General.

The rules, regulations, and tariffs provided for in this order shall be suspended in so far as they conflict with the provisions of this order.

SEC. 2. Effective date.

This order shall become effective at 11:59 p.m. October 15, 1976; that copies of this order shall be furnished to all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Division 3, Commissioners Brown, MacFarland and Clapp.

ROBERT L. OSWALD, Secretary.

[FR Doc. 76–30670 Filed 10–18–76; 8:45 am]

Title 50—Wildlife and Fisheries

CHAPTER 1—UNITED STATES FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

SUBCHAPTER E—TAKING, POSSESSION, TRANSPORTATION, SALE, PURCHASE, BARTER, EXPORTATION, AND IMPORTATION OF WILDLIFE

PART 17—ENDEMIC AND THREATENED WILDLIFE AND PLANTS

Determination of 26 Species of Primates as Endangered or Threatened Species

The Director, United States Fish and Wildlife Service (hereinafter, the Director and the Service, respectively), hereby issues a rulemaking which determines the following 26 species of primates to be Endangered species as defined by the Endangered Species Act of 1973 (16 U.S.C. 1531–1543; 87 Stat. 884; hereinafter the Act): Cotton-top tamarin, Saginus oedipus (including S. geoffroyi as a subspecies); Fried tamarin, Saginus fuscus; Yellow-tailed woolly monkey, Lagothrix lalacauda; Diana monkey, Cercocephalus diurnus (including C. boliviensis and C. dryas as subspecies); Red-earred nosed spotted monkey, Cercocephalus erythrosternus; Red-bellied monkey, Cercocephalus erythropeterus; L'Huill's monkey, Cercocephalus leoni (including C. preussi as a subspecies); White-collared mangabey, Cercocephalus torquatus (including C. atys and C. lanzi as subspecies); Colobus satanus; Mandrill, Papio sphinx; Drill, Papio leucophaeus; and Francois' leaf monkey, Presbytis francoisi.

The Secretary also notes that the following 14 species of primates are Threatened species as defined by the Act: Lesser slow loris, Nycticebus pygmaeus; Philadelphia tarantula, Ateles geoffroyi; White-footed tamarin, Saginus iucnopus; Black howler monkey, Alouatta pigra; Gelada Baboon, Theropithecus gelada; Stump-tailed macaque, Macaca arctoides (including M. thibetana as a subspecies); Formosan rock macaque, Macaca cyclopis; Toque macaque, Macaca sinica; Japanese macaque, Macaca fuscata; Long-tailed langur, Presbytis potto; Purple-faced langur, Presbytis entellus; Tonkin snub-nosed monkey, Rhinopithecus avunculus; Pigmy chimpanzee, Pongo pygmaeus; and Chimpanzee, Pan troglodytes.

B. Background

Recognizing that many primate species are in the process of being listed because of their unique characteristics, the basis of the listings for many species which are being subject to the increasing pressures of habitat disruption and utilization in biomedical research and the pet trade, the Service in 1973 contracted with the American Society of Mammalogists and the American Society of Zoologists to provide a thorough survey of the current status of each recognized species. This survey has now been completed in draft form, and the data it contains forms the basis for the present rulemaking.

In the Federal Register of April 19, 1976 (41 FR 16460–16469), the Service proposed to list the 26 primates as mentioned above. The Service also proposed to list the Squirrel Monkey (Saimiri sciureus) as a Threatened species, too much Information on the Squirrel Monkey was received in response to the proposed rulemaking to require an immediate final determination on this species and the status of the Squirrel Monkey was not defined in this time.

SUMMARY OF COMMENTS

In response to the proposed rulemaking of April 19, 1976, 225 persons expressed general approval, two opposed the entire proposal, and one favored only certain sections. Some persons commented only on particular species, with the following species known as the most discussed: Tarsius syrichta—70 in favor of listing, 2 opposed; Japanese Macaque—2 opposed; Stump-tailed Macaque—1 opposed; Cotton-top Mar-

FEDERAL REGISTER, VOL. 41, NO. 202—TUESDAY, OCTOBER 19, 1976
most—1 opposed; Squirrel Monkey—2 in favor, 23 opposed.

A large number of the respondents provided substantive data that would warrant consideration of a change in the proposed rulemaking. In the case of the Squirrel Monkey, however, extensive data were received from the Committee on Conservation of Nonhuman Primates of the Institute of Laboratory Animal Resources, Division of Biological Sciences—Assembly of Life Sciences, National Research Council. The Committee held that the data indicated that the species did not qualify for listing pursuant to the Act. Information indicating that the Squirrel Monkey may not be threatened also was received from personnel of the National Science Foundation, Department of Health, Education, and Welfare, Naval Aerospace Medical Research Laboratory, Office of the Surgeon General of the Army, American Psychological Association, University of Southern California's School of Medicine, Michigan State University's Department of Zoology, Harvard Medical School, and several other organizations. As a result, the data will be evaluated, and further investigations made, before a final decision on listing the Squirrel Monkey.

The American Association of Zoological Parks and Aquariums, and several other organizations and persons, stated that the chief causes of the decline in the proposed species were habitat loss and hunting, rather than importation for zoological exhibition, and that the proposal referred to representantive propagation efforts, while not alleviating the real problems. In this regard, however, it should be emphasized that zoos or zoological gardens may obtain permits to import endangered or threatened species for propagation purposes, and may obtain additional monkeys for threatened species for zoological exhibition only.

Several parties pointed out that importation of primates for the pet trade, which was given in the proposal of April 19, 1976, as a reason for the decline of some species, had been banned by the Department of Health, Education, and Welfare. The regulations to this effect were published in the Federal Register of August 11, 1976 (40 FR 33559).

In accordance with section 4(b) of the Endangered Species Act of 1973, the Service requested the State Department to notify all foreign governments, with which the United States maintains diplomatic relations, of the proposal. Seven official responses were received. Bolivia expressed general approval, but was opposed to listing the Squirrel Monkey. Iran expressed concern about possible restrictions on captive propagation. Japan noted that there were no existing regulations in the country regarding the status of the Japanese Macaque. Mexico and South Africa indicated that they had no comments on the proposal. New Zealand and the Netherlands expressed general approval of the U.S. concern for the problem in addition to the proposal. The Netherlands pointed out certain mis-

takes in the names of some of the species proposed. These errors have been corrected in the following:

**Decription of the Rulemaking**

Section 4(a) of the Endangered Species Act of 1973 states that the Secretary of the Interior may determine a species to be an endangered species, or threatened species. Because of any five factors. These factors are: (1) the present or threatened destruction, modification, or curtailment of its habitat or range; (2) overutilization for commercial, sporting, scientific, or educational purposes; (3) disease or predation; (4) other natural or man-made factors affecting its continued existence. The primates proposed above for listing as either endangered or threatened species relate to these factors as follows (numbers refer to factors above):

- **Cotton-top tamarind.** (1) This species is restricted in range, being found only in Panama and northern Colombia. Excursions for deforestation has been noted to cultivated fields or pasture is threatening their survival in both Panama and Colombia. (2) Cotton-top tamarins were imported into the United States for the pet trade at a rate of over 2000 per year; as many as 30,000-40,000 have been exported from the eastern Colombia forests. Between 1968 and 1972, 13,749 cotton-top tamarins were imported into the United States. (3) This species is dependent upon forest habitats. Logging is the principal reason for its decline in Colombia. (4) There are no existing regulatory mechanisms.

- **Pied tamarin.** (1) This species is found only in northern Brazil where its range is now fragmented, reduced, and precariously small. It has been reported that this species "has a minuscule range in the vicinity of the Sao Paulo metropolitan area." (2) There are no existing regulatory mechanisms.

- **Pied tamarin.** (3) There are not existing regulatory mechanisms.

- **Red-eared vose-spotted monkey.** These monkeys are vital to their needs. Since this species is dependent upon forest habitat and would be expected to decline in areas of deforestation. In the western population area it is currently threatened because of its restricted area of distribution. The forest near Mt. Cameroon is presently being logged and the habitat has become drastically reduced. (4) In Cameroon hunting and trapping for food are decimating the population, and there are no existing regulatory mechanisms.

- **White-collared mangabey.** (1) This monkey is found from Senegal to Ghana and from Nigeria to Gabon with a 500 mile gap separating these populations. In this range it inhabits mangrove, coastal, gallery and inland swamp forests, with proximity to water apparently being essential for its survival. Logging is the principal reason for its decline in Cameroon and Equatorial Africa. In the western part of its range, large scale logging combined with fire and hunting has drastically reduced the forest. In Equatorial Africa it is estimated that only 33 percent of this monkey's habitat is still intact. In Sierra Leone, less than 4 percent of the habitat remains. (4) Populations of this species have been decimated in Equatorial Guinea and Cameroon by hunting and trapping for food, and there are no existing regulatory mechanisms.

- **Black colobus.** (1) This is a rain forest monkey that is distributed through the dense, primary forests away from human habitations; tall trees for sitting and resting are vital to their needs. Since this species is not ecologically tolerant, logging and other human activities throughout
its range are decimating populations. (4) This species is hunted for food in Cameroon and Equatorial Guinea; it has been hunted nearly to extinction in the Douala-Edea Reserve, and it is estimated that 1,000–1,500 individuals are killed annually for food in Equatorial Guinea; there are no existing regulatory mechanisms.

**Mandrill.** (1) This species is very restricted in range and is found in rain forest and coastal forests. These forests are being logged for timber, cleared for plantations and shifting agriculture, and cut for logging access roads. In Cameroon, the coastal forests are being destroyed extremely rapidly because of their accessibility for logging and their fertile soil. In Equatorial Guinea, the range of the mandrill had already been significantly reduced by deforestation by 1967 and has undoubtedly been further reduced since then. (4) In both Cameroon and Equatorial Guinea, mandrills are widely hunted for food; they are captured in traps, and shot with poison arrows. It is the favorite meat of 20 percent of the Fang people in Equatorial Guinea and Cameroon. Mandrills are in demand for zoo exhibits because of their spectacular appearance. It is reported that 87 were exported from Equatorial Guinea in 1987 and sold to animal dealers who sent them to zoos to "improve their centers." Between 1968 and 1972, a total of 61 mandrills were recorded as entering the United States. In the past three years, mandrills have been reported to come from Tanzania where the species does not occur.

**Drill.** (1) This species is now confined to an extremely restricted area in western Cameroon and eastern Nigeria where it is found in lowland rain forest, coastal and riverine forest and secondary forest. Because drills are dependent upon forest, deforestation, which is occurring at a rapid rate in Cameroon, is one of the principal causes of their decline. Overall, the range of the drill has already been reduced to one-half its original size in Cameroon due to deforestation; deforestation has probably also decreased its habitat in Nigeria. Hunting for food exerts a serious pressure on drill populations. Drills are often hunted with dogs who chase them into traps set in large groups of twenty or more. The long reproductive period makes this species especially vulnerable to hunting by humans since their population recruitment rate is quite low, and thus removed individuals are replaced slowly. There are no regulatory mechanisms for the protection of this species.

**Francois' leaf monkey.** (1) The small range of this species lies within an area where it has been extensively hunted for military operations. (4) There are no protective regulatory mechanisms.

**Philippine tarsier.** (1) This species is restricted to a relatively small area of the Philippines, including Mindanao, Bohol, Leyte and Samar. It is threatened because of its small range and because its habitat is being destroyed by deforestation of forest. (4) There are no protective regulatory mechanisms.

**White-footed tamarin.** (1) This species is restricted in range to a small area in northern Colombia. Its habitat has been greatly reduced due to clearing of forests especially during the past 20 years.

It has been reported that in one area of forest under rapid destruction, tamarin habitat was reduced by one third its original extent during six weeks of clearing. The tamarins are thus restricted to isolated pockets of forest left on patches of land unsuitable for cultivation or pasture. (4) There are no protective regulatory mechanisms for this species.

**Black howler monkey.** (1) This monkey is threatened because habitat disruption (logging, clearing) has been favorable to the mantled howler monkey (*Alouatta palliata*) which has displaced the colonialized areas previously inhabited by black howler monkey. Apparently logging and clearing of land has caused the mantled howler monkey to replace the black howler monkey in many areas and now threatens the survival of the latter species.

**Stumptail macaque.** (1) Deforestation by logging and agriculturalization and recent military activity (bombing, defoliant) has caused a deteriorating environment for this species. (2) Trapping and exportation of stumptail macaques for biomedical research, as well as changes in local traditions, are beginning to endanger the existence of this species. Between 1968 and 1972, 1,043 to 1,727 stumptail macaques were imported into the United States per year. (4) There are no regulatory mechanisms for the protection of this species.

**Gelada baboon.** (1) This species has a very limited distribution, being entirely restricted to northern Ethiopia. Within this range, local populations, especially in the southern part, are much reduced due to habitat restriction by intensive agriculture and settlement. Farming forces these baboons onto poorer quality land. Here grass density tends to be lower, resulting in decreases in population size. Habitat destruction is generally severe on the Amhara Plateau, and has resulted in heavy topsoil erosion everywhere. It is concluded that this pressure on the species is not presently great enough to cause drastic decreases in number, but it is continued throughout the range. It may eventually have a marked effect on gelada populations. (4) The collection of geladas for scientific and other purposes is illegal in Ethiopia. However, collection and export does still occur, and between 1968 and 1972 a total of 1,251 geladas were exported from Ethiopia. (4) There are no regulatory mechanisms to prevent this species.

**Lesser slow loris.** (1) The restricted habitat of this species has been subjected to extensive disruption due to military operations. (4) There are no protective regulatory mechanisms.

**Formosan rock macaque.** (1) This species is restricted to the montane forests of Taiwan. Extensive agricultural and other development in the lowlands, as a result of a rapidly expanding human population, has apparently forced this species into the more remote mountainous regions, and has isolated some populations from others. (4) These monkeys are shot and trapped as a food item, and the skeletal system is used to prepare Chinese medicinal mixtures with aphrodisiac properties. Live macaques are kept as pets; the species is used extensively for research in Taiwan. There are no existing regulatory mechanisms.

**Japanese macaque.** (1) This monkey is found in mixed broadleaf and conifer evergreen forest. Japa-
for food by the Mentawi Island people and this is the major cause of their decline. Some human population in Sipora and the Fagel Islands are growing rapidly, hunting poses a severe threat to the survival of this species; there are no regulatory controls over this hunting. 

Purple-faced langur. (1) This langur is restricted to the island of Leyte where they are arboreal and specialists of the top canopy layer. They are especially vulnerable to cutting of forest. In addition, they are specialized feeders and the tall trees provide many of their preferred food items. Both the lowland evergreen rain forest and the semideciduous forests of Leyte have undergone extensive logging and replacement with rubber, coconut, tea or teak plantations which are unsuitable for the purple-faced langur thus threatening the survival of this species.

Tonkin snub-nosed monkey. (1) This species is extremely restricted in range, being confined to North Vietnam where it is a rain forest occupant. There, rain forests have been extensively disrupted due to military activities.

Pigmy chimpanzees. (1) This species is found only in central and western Zaire where destruction of forests and spread of agriculture are major threats. Little is known about its population densities but it is considered rare in most areas. (4) Although legally protected in Zaire, pigmy chimpanzees are heavily hunted for food and their preferred food items. Both the Tonkin snub-nosed monkey and the northern pygmy chimpanzee are considered rare in most areas. (4) Although legally protected in Zaire, pigmy chimpanzees are heavily hunted for food and their preferred food items. Both the Tonkin snub-nosed monkey and the northern pygmy chimpanzee are considered rare in most areas. 

Chimpanzees. (1) Commercial logging and clearing of forests for agriculture have destroyed vast stretches of suitable habitat for this species. Use of arboricides also threaten some populations. (2) Although chimpanzees are heavily hunted and their preferred food items. Both the Tonkin snub-nosed monkey and the northern pygmy chimpanzee are considered rare in most areas. (4) Although legally protected in Zaire, pigmy chimpanzees are heavily hunted for food and their preferred food items. Both the Tonkin snub-nosed monkey and the northern pygmy chimpanzee are considered rare in most areas. 

The terms "industry or trade," as used in the above definition, were defined in the September 26, 1976, Final Rule, 41 Federal Register, 44440, as follows:

"Industry or trade" in the definition of "commercial activity" in the Act means the intended transport of wildlife or plants from one person to another in the pursuit of gain or profit.

For any species herein listed as a Threatened species, the same prohibitions apply as to an Endangered species. An exception, however, is made in the case of live animals held in captivity in the United States on the effective date of this rulemaking, or to the progeny of such animals, or to the progeny of animals legally imported into the U.S. after the effective date of this rulemaking. None of the prohibitions outlined above apply to such activities.

Regulations published in the Federal Register (46 FR 54641) of December 29, 1981, provide for the issuance of permits to carry out otherwise prohibited activities involving Endangered or Threatened species under certain circumstances. In the case of Endangered species, such permits are available for scientific purposes or to enhance the propagation or survival of the species. In some instances, permits may be issued during a specified time to relieve undue economic hardship which would be suffered if such relief were not available. In the case of Threatened species permits may be issued for scientific purposes, enhancement of propagation or survival, economic hardship, zoological exhibition, educational purposes, or special purposes consistent with the purposes of the Act.

The Service will review these species to determine whether they should be protected by the Secretary of the Convention on International Trade in Endangered Species of Wild Fauna and Flora for placement upon the appropriate appendix to that Convention, or whether they should be considered under other appropriate international agreements.


Dated: October 12, 1976.

LOUIS A. GREENWALT, Director, Fish and Wildlife Service.

Accordingly, Part 17, Subparts B and D, Title 50 of the Code of Federal Regulations, is amended as set forth below:

§ 17.11 Endangered and threatened wildlife.

3. Section 17.40 is amended by adding the following paragraph (c):

§ 17.40 Special rules—Mammals.

(c) Primates. (1) Except as noted in paragraph (c) (2) below, all provisions of § 17.31 shall apply to the Lesser slow loris, Nycticebus coucang; Palm civet, Viverra zibetha; Wild tarsier, Tarsius syrichta; White-footed tamarin, Saguinus leucopus; Black howler monkey, Alouatta pigra; Stump-tail macaque, Macaca arctoides; Gelada, Theropithecus gelada; Formosan rock macaque, Macaca cyclopis; Japanese macaque, Macaca fuscata; Long-tailed langur, Presbytis potenzanisi; Purple-faced langur, Presbytis obscura; Tonkin snub-nosed monkey, Rhinopithecus avunculus; Pigmy chimpanzee, Pan paniscus; and Chimpanzee, Pan troglodytes.

(2) The prohibitions referred to above do not apply to any live member of such species held in captivity in the United States after the effective date of the final rulemaking, or to the progeny of such animals, or to the progeny of animals legally imported into the United States after the effective date of the final rulemaking, Provided, That the person wishing to engage in any activity which would otherwise be prohibited must be able to produce satisfactory documentation or other evidence as to the captive status of the particular member of the species on the effective date of this rulemaking or that the particular member of the species was born in captivity in the United States after the effective date of this rulemaking, Identification of the particular member to a record in the International Species Inventory System (ISIS), or to a Federal, State or local government, or to a Federal, State or local government agency with similar governing jurisdiction, shall be deemed to be satisfactory evidence. Records in the form of studbooks or inventories, kept in the normal course of business, shall be acceptable as evidence, provided that a notarized statement is inserted in such record to the effect that:

(i) The records were kept in the normal course of business prior to November 18, 1976, and accurately identify (by use of markers, tags, or other acceptable marking devices) individual animals; or

(ii) That the individual animal identified by the records was born in captivity on

(Date)

The notarized statement in paragraph (c) (2) (i), above, shall be acceptable only if the notarization is dated on or before January 3, 1977. The notarized statement in (c) (2) (ii), above, shall be acceptable only if the notarization is dated within 15 days of the date of birth of the animal.

Title 7—Agriculture

SUBTITLE A—OFFICE OF THE SECRETARY OF AGRICULTURE

PART 2—DELEGATIONS OF AUTHORITY BY THE SECRETARY OF AGRICULTURE AND GENERAL OFFICERS OF THE DEPARTMENT

Subpart C—Delegations of Authority to the Under Secretary, Assistant Secretaries and Director of Agricultural Economics

Acquisition Executive for USDA

PART 2, Subtitle A, Title 7, Code of Federal Regulations, is amended to appoint the Assistant Secretary for Administration the USDA Acquisition Executive as defined in OMB Circular No. A-109.

Section 2.23 (b) is amended to delegate to the Assistant Secretary for Administration responsibility as Acquisition Executive for USDA, as follows:

§ 2.23 Delegations of authority to the Assistant Secretary for Administration.

(b) Related to management and finance.

(i) Act as Acquisition Executive in USDA as defined in OMB Circular No. A-109: Major System Acquisitions. In this capacity he will assure that OMB Circular No. A-109 is effectively implemented in USDA and ensure that the management objectives of the circular are realized. Also, he will have authority to:

(i) Designate the program manager for each major system acquisition, and

(ii) Designate any departmental acquisition as a major system acquisition under A-109.

Since this amendment involves a delegation of responsibility with regard to internal operating procedure it is not believed that public comment would afford the Department any additional information. Accordingly, pursuant to 5 U.S.C. 553, good cause is found that notice and public procedure is unnecessary, and good cause is found to make the amendment effective less than 30 days after publication.

Effective date: These amendments shall become effective October 19, 1976.

Dated: October 14, 1976.

JOHN A. KNEBEL,
Acting Secretary of Agriculture.