

notice of proposed rulemaking, Docket No. HM-121; Notice No. 74-12 (39 FR 36596), which proposed numerous miscellaneous amendments. Comments on one group of proposed changes concerning I-bars on steel drums were requested by November 12, 1974. Comments on all other proposed changes were requested by January 21, 1975. These amendments concern only those proposed changes to the regulations concerning the size of I-bars on steel drums. Two comments were received. Both comments agreed with the proposals and urged their adoption.

In consideration of the foregoing, 49 CFR Part 178 is amended as follows:

§§ 178.81-7, 178.83-7, 178.84-7, 178.87-7, 178.88-6, 178.90-6, 178.91-7, 178.97-5, 178.98-5, and 178.99-5 [Amended]

(A) In the following sections under the columns entitled "Rolling hoops" and "Size (gauge or inch)," the dimension "1 1/2" is revised to read "3/4 x 1/4," wherever it appears:

§ 178.107-6 [Amended]

(B) In § 178.107-6(a), in the third column of the table, the dimension "1 x 1/2" is revised to read "3/4 x 1/4."

§ 178.108-6 [Amended]

(C) In § 178.108-6(a), in the fourth column of the table, the dimension "1 x 1/2" is revised to read "3/4 x 1/4."

§ 178.109-6 [Amended]

(D) In § 178.109-6(a), in the third column of the table, the dimension "1 x 1/2" is revised to read "3/4 x 1/4."

This Amendment is effective March 31, 1975. However, immediate compliance with the regulations, as amended herein, is authorized.

(Transportation of Explosives Act (18 U.S.C. 831-836); sec. 6, Department of Transportation Act (49 U.S.C. 1655); Title VI; sec. 902 (h), Federal Aviation Act of 1958 (49 U.S.C. 1421-1430, 1472(h), and 1655(c)).)

Issued in Washington, D.C. on December 23, 1974.

R. P. SKULLY,  
Board member,  
Federal Aviation Administration.  
KENNETH L. PIERSON,  
Alternate Board Member,  
Federal Highway Administration.  
MAC E. ROGERS,  
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[FR Doc. 74-30368 Filed 12-27-74; 8:45 am]

#### Title 50—Wildlife and Fisheries

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

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

### PART 17—ENDANGERED AND THREATENED WILDLIFE

#### Miscellaneous Amendments

By notice of proposed rulemaking published in the FEDERAL REGISTER on

April 1, 1974 (39 FR 11903-11904), notice was given to amend the Code of Federal Regulations, Title 50, Part 17—*Endangered Wildlife*, by adding three species of kangaroo—Red (*Megaleia rufa*), Eastern Gray (*Macropus giganteus*), and Western Gray (*Macropus fuliginosus*)—to the list of endangered fauna, pursuant to the authority contained in the Endangered Species Act of 1973 (87 Stat. 884).

During the ensuing 60-day comment period and since then, the U.S. Fish and Wildlife Service continued to seek and to examine additional information concerning the status of the three species of kangaroo in question. Interested persons were invited to submit written comments, suggestions, support data, views, or arguments concerning this proposed amendment to the Director, U.S. Fish and Wildlife Service, Washington, D.C. 20240, prior to June 4, 1974. Two biologists of the U.S. Fish and Wildlife Service spent five weeks in Australia gathering information and data from Federal and State officials there, and from graziers, private businessmen, and conservationists. The office of Endangered Species (U.S. Fish and Wildlife Service) has had the task of reviewing and evaluating all the information obtained during the interim period. Other priorities have delayed the final decision and publication of this rulemaking, but the delay in no way has affected the status of the three kangaroo, because the Australian government has continued to maintain a strict ban on the exportation of these animals. The most stringent prohibition that the United States could invoke would be to ban their importation into this country.

A thorough review of all information obtained relative to the status of the three kangaroo species in question (Red, Eastern Gray, and Western Gray), and to the threats on their continued existence, indicates that none presently can be considered in danger of extinction. Hence, none qualifies for classification as "Endangered" within the meaning of the Endangered Species Act of 1973 (16 U.S.C. 1531-1543). Section 4(a) of that act includes the following statement:

The Secretary shall by regulation determine whether any species is an endangered species or threatened species because of any of the following factors:

- (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) The inadequacy of existing regulatory mechanisms; or
- (5) Other natural or manmade factors affecting its continued existence.

Evidence on hand at the time of the proposed rulemaking (April 1, 1974) suggested that Factors (1), (2), (4), and (5) were pertinent, and the discussion outlined some specific problems. In light of the more detailed knowledge now available, a further discussion is desirable to qualify the statements made at that time with regard to each of the four factors.

#### FACTOR (1) PRESENT OR THREATENED DESTRUCTION, MODIFICATION, OR CURTAILMENT OF HABITAT OR RANGE

The three problems identified in the proposed rulemaking for loss of kangaroo habitat in Australia are indeed present and are cause for concern. However, these losses, while substantial in total acreage, are small relative to the total kangaroo habitat and range. Greatest concern for habitat loss is evident for the Western Gray (*Macropus fuliginosus*) due to ever increasing expansion of agricultural interests in Western Australia. Although this loss poses a threat to the species and may result in its endangerment, it does not imply extinction within the foreseeable future. The various State governments are well aware of the habitat destruction and change that is taking place in parts of Australia and are taking steps to control the degradation occurring.

#### FACTOR (2) OVERUTILIZATION FOR COMMERCIAL, SPORTING, SCIENTIFIC, OR EDUCATIONAL PURPOSES

Once again the statements made in the proposed rulemaking are valid ones, yet there is no evidence to suggest "overutilization" on a species population basis nationwide. The combined effects of drought and commercial harvest reduced kangaroo populations to low levels in some regions during the late 1960's, but the wet conditions prevailing during the past three years have benefited the kangaroo. The animal is considered a pest by many graziers.

A few would prefer not having any kangaroo on their stations, yet most recognize the animal as a part of their country's heritage and have no desire to cause the animal's extinction. There seems to be an ever increasing number of graziers prohibiting all but controlled hunting of kangaroo on their properties. All States now have established quotas on the annual harvest of kangaroo (Queensland is about to do so). Western Australia intends to remove the Red Kangaroo from its "vermin" classification. The trend throughout Australia is for better regulation of kangaroo harvests. Nevertheless, species such as kangaroo, which have high commercial value and which have been and are being exploited heavily, must be regarded as species that are apt to become endangered unless adequate controls exist. Such species should be considered "Threatened" species as defined by the Endangered Species Act of 1973.

#### FACTOR (4) INADEQUACY OF EXISTING REGULATORY MECHANISMS

There remain many deficiencies in the gathering of population data that would be desirable for the setting of better control regulations, as is the case with many of the exploited animals throughout the world. The difficulties and expense of gathering such data, however, are well known to biologists and wildlife managers, and no management agency can do more than its best under existing restrictions on money and personnel to gather the information needed. All of the States have the necessary regulatory

power to adequately control the harvest of kangaroo; all have competent resource managers and biologists who are attempting to obtain the data needed for proper management; and none wishes to see any of the kangaroo exterminated. Regulations and management policy concerning kangaroo are not uniform between the States; many of the differences simply reflect different attitudes and environmental conditions; nevertheless, nationwide coordination is necessary. The current lack of coordination will not result in the extinction of the species within the foreseeable future, but does pose a threat that could lead to endangerment if not corrected.

**FACTOR (5) OTHER NATURAL OR MAN-MADE FACTORS AFFECTING ITS CONTINUED EXISTENCE**

All five problems mentioned in the proposed rulemaking exist, yet not to the extent of causing the three kangaroo to become extinct within the foreseeable future. There are valid indications that the kangaroo-hide industry will expand in future years, given the opportunity. Such commercial exploitation need not be detrimental, provided adequate controls exist; there is reason to believe that Australia is developing such controls. Preserves for sustaining kangaroo populations are lacking in number, but additional ones are being gazetted each year. Also, while not specifically classed as "preserves," there is substantial acreage in each State where hunting is prohibited or strictly controlled. Admittedly, law enforcement efforts are difficult because of funding and staffing lacks; and this problem, if uncorrected, poses a threat to the kangaroo that might lead to their endangerment.

Supporting evidence for the above statements is on file with the Office of Endangered Species, U.S. Fish and Wildlife Service, Washington, D.C. Interested persons are invited to examine and discuss this information at the Office if they desire.

It is hereby determined that the three kangaroo in question are not "Endangered" at present, within the meaning of the Endangered Species Act of 1973. Because of the heavy commercial exploitation and harvest of these kangaroo, however, in conjunction with potentially inadequate export controls, difficult enforcement problems, and the expressed concern of the Australian government, there is ample justification for classifying the three animals as "Threatened." Additionally, all of the factors discussed earlier are pertinent and in consort do represent "threats" to the maintenance of these species as viable components of their ecosystems. Current efforts by the Federal government in Australia and by each of the State governments there, however, emphasize the desire to assure adequate protection for the three kangaroo in future years. In view of the expressed concern of the Australian government regarding kangaroo management and harvest in that country, as reflected by its total ban at present on kangaroo exports and its intent to add

the three species in question to Appendix II of the Convention on International Trade in Endangered Species of Wild Fauna and Flora, the Secretary of the Interior supports the Australian government in its present stand.

Accordingly, it is hereby determined that the Red (*Megaleia rufa*), Eastern Gray (*Macropus giganteus*), and Western Gray (*Macropus fuliginosus*) kangaroo are "Threatened" species. The following regulations are deemed necessary and advisable for the protection of these species.

The regulations in Part 17, Title 50, Code of Federal Regulations, presently are being revised. A proposed rulemaking will be retitled "Endangered and Threatened Wildlife" and the designation of threatened species and the promulgation of rules applying to such species will be placed in a new "Subpart D."

Accordingly, Part 17 of Title 50, Code of Federal Regulations, Chapter I, is amended as set forth below:

Effective: January 29, 1975.

Dated: December 16, 1974.

LYNN A. GREENWALT,  
Director,  
U.S. Fish and Wildlife Service.

1. Part 17 of subchapter B of 50 CFR, Chapter I, is retitled as set forth above.

2. In the Table of sections, a new subpart D consisting of §§ 17.31 and 17.32 are added to read:

Subpart D—Threatened Wildlife  
Sec.  
17.31 General.  
17.32 Threatened wildlife list.

3. Sections 17.31 and 17.32 read as follows:

**§ 17.31 General.**

(a) This subpart contains the list of species determined to be "threatened" pursuant to section 4 of the Endangered Species Act of 1973.

(b) The prohibitions which apply to each listed species or related group of species are shown immediately below the entry to which they apply.

(c) In the "Threatened Wildlife" list of § 17.32, the "Scientific Name" constitutes the official identification of the species. The "Common Name" identifies the species by the English language names currently in common usage. Common names can vary greatly in local usage, and therefore they are provided for convenience only, but do not provide official identification of the species.

(d) In the "Threatened Wildlife" list of § 17.32, the column "Portion of range where threatened" designates the geographic area within which the species in question actually is determined to be threatened. The identified prohibitions apply only to wildlife of that species which live or occur in the designated geographic area, or which originated there. The "Range" column is shown for reference only, and indicates the present general distribution of the species. Example:

Common name	Scientific name	Range	Portion of range where threatened
XYZ Parrot	<i>Xyris xyris</i>	South America	Colombia

This means that although the XYZ parrot occurs throughout South America, it has been determined to be threatened only in Colombia. Elsewhere in its range the parrot might be listed as endangered or perhaps not be listed at all. In the latter case, the prohibitions would apply only to XYZ birds occurring or originating in Colombia.

(e) The listing of a particular taxonomic group includes all lower taxonomic groups. Example:

(1) If the genus *Felis* was listed, all species, subspecies, races, and populations of that genus are considered to be listed.

(2) If the species *Felis concolor* was listed, all subspecies, races, and populations of that species are considered to be listed.

**§ 17.32 Threatened Wildlife List.**

Common name	Scientific name	Range	Portion of range where threatened
(a) Mammals:			
(1) Red Kangaroo	<i>Megaleia rufa</i>	Australia	Entire range.
(2) Eastern Gray Kangaroo	<i>Macropus giganteus</i>	...do.....	Do.
(3) Western Gray Kangaroo	<i>Macropus fuliginosus</i>	...do.....	Do.

(i) **Prohibitions.** These prohibitions apply to the *Megaleia rufa*, *Macropus giganteus*, and *Macropus fuliginosus* listed above.

(A) Except as permitted by the Director pursuant to paragraph (a)(3) (i) or (ii), of this section, it shall be unlawful to import for commercial purposes any such wildlife.

(B) It shall be unlawful, in the course of a commercial activity, to deliver, receive, carry, transport, or ship in interstate or foreign commerce any such wildlife imported unlawfully.

(C) It shall be unlawful to sell or offer for sale in interstate or foreign commerce any such wildlife imported unlawfully.

(D) Upon receiving from the Australian Government a certificate that (1) a particular Australian State has developed an effective sustained-yield program for such wildlife, and (2) the taking of such wildlife in that State will not be detrimental to the survival of the species or subspecies of which such wildlife is a part, the Director may, consistent with the purposes of the act, permit by publication of a notice in the FEDERAL REGISTER the commercial importation of any such wildlife originating from that State, upon proof that such wildlife is lawfully taken and exported from that State: *Provided*, That if the Director determines from all the evidence that a previously certified Australian State no longer maintains an effective sustained-yield program for such wildlife, he may

by regulation prohibit any further commercial importation of such wildlife from that State.

(i) *Exceptions.* This exception applies to the *Megaleia ruta*, *Macropus giganteus*, and *Macropus fuliginosus*, listed above.

(A) The Director may grant permits for the importation of such wildlife to prevent economic hardship. The provisions of § 17.22 (with the exception of §§ 17.22(c) (3), 17.22(c) (4), 17.22(c) (5), and 17.22(d)), shall apply to the issuance of such permits. In addition, the requirements of section 10(b) of the Endangered Species Act of 1973 (16 U.S.C. 1539(b)) regarding hardship exemptions for endangered species shall apply to applications for hardship exemptions under this section as if such wildlife were classified "endangered;" and the applicant for an exemption under this section must submit all information required by section 10(b).

(B) The tenure of any economic hardship permit issued for such wildlife under this provision will be limited by section 10(b) of the Endangered Species Act of 1973 as if those species were listed as "endangered" under the act.

[FR Doc.74-30369 Filed 12-27-74; 8:45 am]

#### Title 7—Agriculture

### CHAPTER III—ANIMAL AND PLANT HEALTH INSPECTION SERVICE, DEPARTMENT OF AGRICULTURE

#### PART 301—DOMESTIC QUARANTINE NOTICES

##### Subpart—Citrus Blackfly Regulated Area

This document amends the supplemental regulation which sets forth the regulated area for purposes of the Federal Citrus Blackfly Quarantine by adding to the suppressive regulated area all of Hidalgo County, Texas, and by designating as generally infested a part of Cameron County, Texas, which was previously designated as suppressive.

Pursuant to the provisions of sections 8 and 9 of the Plant Quarantine Act of August 20, 1912, as amended, and section 106 of the Federal Plant Pest Act (7 U.S.C. 161, 162, 150ee), and § 301.86-2 of the Citrus Blackfly Quarantine regulations (7 CFR 301.86-2), a supplemental regulation designating the regulated area is hereby amended to read in 7 CFR 301.86-2a as follows:

§ 301.86-2a Regulated area; suppressive and generally infested areas.

(a) The civil divisions and parts of civil divisions described below are designated as citrus blackfly regulated areas within the meaning of the provisions of this subpart and such regulated areas are hereby divided into generally infested areas or suppressive areas as indicated below:

(1) *Generally infested area—Cameron County.* That portion of Cameron County bounded by a line beginning at a point on the Rio Grande River directly south of the junction of Farm to Market Road 802 and U.S. Highway 281; thence due north along an imaginary line from said point on the Rio

Grande River to the point of juncture of Farm to Market Road 802 and U.S. Highway 281; thence northerly and easterly along Farm to Market Road 802 to its junction with Farm to Market Road 511; thence southerly along said road to its junction with Farm to Market Road 3068; thence southerly along said road to its junction with Farm to Market Road 1410; thence directly south along an imaginary line from said junction to the Rio Grande River; thence northwesterly along said river to the point of beginning.

(2) *Suppressive area—Cameron County.* The entire County except the portion designated generally infested.

*Hidalgo County.* The entire county.

(Secs. 8 and 9, 37 Stat. 318, as amended; sec. 106, 71 Stat. 33 (7 U.S.C. 161, 162, 150ee); 37 FR 28464, 28477, as amended; 38 FR 19140, 7 CFR 301.86-2, 39 FR 9653)

The Deputy Administrator of the Plant Protection and Quarantine Programs has determined that the citrus blackfly has been found or there is reason to believe it is present in the civil divisions and parts of civil divisions listed as regulated areas, or that it is necessary to regulate such areas because of their proximity to citrus blackfly infestation or their inseparability for quarantine enforcement purposes from citrus blackfly infested localities. Further, he has determined that the areas designated as suppressive and generally infested areas are eligible for such designation under § 301.86-1.

The Deputy Administrator has also determined that the quarantined State, wherein only portions of the State are designated as regulated areas, has adopted and is enforcing a quarantine or regulation which imposes restrictions on the intrastate movement of the regulated articles which are substantially the same as those which are imposed with respect to the interstate movement of such articles under the quarantine and regulations in this subpart and that the designation of less than the entire State as a regulated area will otherwise be adequate to prevent the interstate spread of the citrus blackfly. Therefore, the civil divisions and parts of civil divisions listed above are designated as citrus blackfly regulated areas.

This document imposes restrictions that are necessary in order to prevent the dissemination of the citrus blackfly and should be made effective promptly to accomplish its purpose in the public interest. Accordingly, it is found upon good cause, under the administrative procedure provisions of 5 U.S.C. 553, that notice and other public procedure with respect to the foregoing amendment are impracticable and unnecessary and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

This amendment shall become effective December 30, 1974.

Done at Washington, D.C., this 24th day of December, 1974.

LEO G. K. IVERSON,  
Deputy Administrator, Plant  
Protection and Quarantine  
Programs.

[FR Doc.74-30355 Filed 12-27-74; 8:45 am]

### CHAPTER XVIII—FARMERS HOME ADMINISTRATION, DEPARTMENT OF AGRICULTURE

#### SUBCHAPTER B—LOANS AND GRANTS PRIMARILY FOR REAL ESTATE PURPOSES

[FmHA Instruction 444.1]

#### PART 1822—RURAL HOUSING LOANS AND GRANTS

##### Subpart A—Section 502 Rural Housing Loan Policies, Procedures and Authorizations

###### REVISION OF SUBPART

Subpart A of Part 1822 of Title 7, Code of Federal Regulations (35 FR 14901; 38 FR 4383; 38 FR 7123; 38 FR 30908; 39 FR 14714) is revised to expedite and further improve the operation and administration of the section 502 Rural Housing Loan Program. This revision makes the following changes and additions:

(1) Subpart M of this Part, "sections 502 and 504 Rural Housing Loans on Leasehold Interests on Nonfarm Tracts," is incorporated in the revised procedure.

(2) Part 1890 n of this Chapter, "Servicing of Interest Credits for section 502 RH Borrowers," and the existing special notices and FmHA Bulletins concerning the granting and servicing of interest credits for section 502 RH loans are incorporated as Exhibit E of this Subpart.

(3) The provisions of Part 1890 f of this Chapter, "Farmers Home Administration Loans to Indians Secured by Trust or Restricted Land," is incorporated in this revised Subpart.

(4) Section 1822.2 is revised to remove that portion which allows Section 502 RH loans to finance farm service buildings.

(5) Section 1822.3(c) is revised to define "rural area" in accordance with the provisions of the Housing and Community Development Act of 1974.

(6) Section 1822.3(n) is revised to liberalize the types of deductions that may be made in determining a family's eligibility for a Rural Housing (RH) loan.

(7) Section 1822.7(c) is revised to provide for the refinancing of debts as authorized by the Housing and Community Development Act of 1974.

(8) Section 1822.7(1) is revised to clarify that group service participation loans are made only to finance a domestic water or waste disposal system which is related to the borrower's dwelling.

(9) Section 1822.7(o), added by 39 FR 14714 dated April 26, 1974, is now contained in Exhibit E of this Subpart.

(10) Section 1822.9(c) is revised to provide that an appraisal of the security property will be made when a mortgage will be taken on real estate securing a loan of \$5,000 or more.

(11) Section 1822.10 is revised to permit, in certain cases, loans of \$2,500 or less scheduled for repayment in not more than 10 years from the date of the note to be made on the basis of a promissory note only and loans of not more than \$5,000 scheduled for repayment in not more than 15 years from the date of the note to be secured by the best real estate mortgage obtainable on the property.