

the bill of lading. This information includes the name and address of the transporting carrier and any interlining carriers, the actual pickup dates and agreed delivery date, the tare, gross, and net weights as required by §1056.6(a)(1), the number of the transporting vehicle, and the amount of estimated charges. Section 1056.6(a) specifies the manner in which the tare, gross, and net weights are to be determined, and requires that these weights be entered on the bill of lading. Section 1056.6(b) orders the carrier to obtain a separate weight ticket, signed by the weighmaster or driver for both the tare and gross weights. It further requires that:

"* * * the driver shall enter thereon (the weight tickets) the number of the bill of lading accompanying the shipment involved." (Emphasis added.)

Under §1056.10(b)(5), the carrier must attach true copies of these weight tickets to the bill of lading. The tare weight must be entered on the bill of lading given to the shipper, with a weight ticket attached, before the gross weight is obtained. Moreover, the gross weight must be entered on, and a weight ticket attached to, the bill of lading as soon as the gross weight is obtained. Section 1056.6 specifies that the gross weight must be obtained at a certified scale nearest to the point of origin, or if none is available at point of origin, then at the nearest certified scale in the direction of the movement of the shipment, or the direction of the next pickup or delivery in the case of part loads.

(A) Copy of the Bill of Lading for a Particular Shipment must Accompany the Shipment while in Transit.

Reading these requirements together, and particularly the specific language of §1056.6(b), we interpret the regulations to require that a copy of the bill of lading for each shipment must accompany the particular shipment while in transit. By "accompanying the shipment in transit", we mean that a copy of the bill of lading must be in the possession of the driver or agent of the carrier and physically transported in the vehicle carrying the household goods shipments. If more than one shipment is transported on a single vehicle, a copy of the bill of lading for each shipment must be carried.

(B) A Copy of the Bill of Lading must Accompany the Shipment while in Transit as soon as the Gross Weight is Obtained.

In complying with the regulations, it is obvious that a copy of the bill of lading must be carried in the vehicle transporting the shipment at the time the gross weight of the shipment is obtained in order to record that weight on the bill and attach the gross weight ticket to it. Therefore, it seems reason-

able to require that a copy of the bill of lading must accompany the shipment in transit once the gross weight is obtained, and at all times thereafter until the shipment is delivered.

Our interpretation here is consistent with the intent of the regulations and also with what we understand to be the prevailing practice in the industry. This interpretation is issued simply to make explicit what is already implicit in the regulations. This interpretative order is effective on the date it is issued. However, we will accept and consider any comments submitted by interested persons concerning the Commission's interpretations of the regulation. These comments must be submitted on or before May 18, 1978.

It is ordered that a copy of this decision be served on all certificated motor common carriers of household goods.

By the Commission.

Dated: April 6, 1978.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc. 78-10450 Filed 4-17-78; 8:45 am]

[7035-01]

[S.O. No. 1321]

PART 1033—CAR SERVICE

**Lenawee County Railroad Co., Inc.,
Authorized To Operate Over
Tracks of Consolidated Rail Corp.**

AGENCY: Interstate Commerce Commission.

ACTION: Emergency Order (Service Order No. 1321).

SUMMARY: The Lenawee County Railroad operates two separate lines of railroad in the vicinity of Grosvenor, Mich. Service Order No. 1321 authorizes the Lenawee County Railroad to operate over 3.6 miles of a line of the Consolidated Rail Corp. between Lanawee Junction, Michigan and Grosvenor in order to permit their single locomotive to serve both line segments.

DATES: Effective 12:01 a.m., April 13, 1978. Expires July 31, 1978.

FOR FURTHER INFORMATION CONTACT:

C. C. Robinson, Chief, Utilization and Distribution Branch, Interstate Commerce Commission, Washington, D.C. 20423, telephone 202-275-7840, telex 89-2742.

SUPPLEMENTARY INFORMATION: The Order is printed in full below.

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 11th day of April 1978.

The Lenawee County Railroad Co., Inc. (LCRC), has been authorized,

under Certificate D-OP 18, to operate USRA Line Nos. 392a, 393, and 394 (two portions) between various points in Lenawee County, Mich. Certain of these lines are separated from each other by lines operated by the Consolidated Rail Corporation (Conrail). In order economically to operate these lines it is necessary that the LCRC operate over tracks of Conrail between Lenawee Junction, Mich., milepost 324.8 and Grosvenor, Mich., milepost 321.2, a distance of 3.6 miles. Conrail has consented to use of these tracks by LCRC.

In the opinion of the Commission immediate operation by LCRC over these tracks of Conrail is necessary in the interest of the public and the commerce of the people; that notice and public procedure herein are impracticable and contrary to the public interest; and that good cause exists for making this order effective upon less than thirty days' notice.

It is ordered, That:

§1033.1321 Service Order No. 1321.

(a) Lenawee County Railroad Company, Inc., authorized to operate over tracks of Consolidated Rail Corporation. The Lenawee County Railroad Company, Inc. (LCRC), is authorized to operate over tracks of Consolidated Rail Corporation (Conrail) between Lenawee Junction, Mich., milepost 324.8 and Grosvenor, Mich., milepost 321.2, a distance of 3.6 miles.

(b) Application. The provisions of this order shall apply to intrastate, interstate, and foreign traffic.

(c) Effective date. This order shall become effective at 12:01 a.m., April 13, 1978.

(d) Expiration date. The provisions of this order shall expire at 11:59 p.m., July 31, 1978, unless otherwise modified, changed or suspended by order of this Commission.

(49 U.S.C. 1 (10-17).)

It is further ordered, That copies of this order shall be served upon the Association of American Railroads, Car Service Division, as agent of the 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, Railroad Service Board, members Joel E. Burns, Robert S. Turkington, and John R. Michael.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc. 78-10448 Filed 4-17-78; 8:45 am]

[7035-01]

[S.O. No. 1322]

PART 1033—CAR SERVICE

Distribution of Grain Cars

AGENCY: Interstate Commerce Commission.

ACTION: Emergency Order (Service Order No. 1322).

SUMMARY: Because of an extreme shortage of jumbo covered hopper cars and boxcars, numerous country elevators are unable to secure freight cars required for shipments of grain resulting in severe economic loss both to the elevator operators and to their former patrons. Service Order No. 1322 requires railroads to devote at least 70 percent of their serviceable jumbo covered hopper cars and 50 percent of their serviceable ownership of 40-foot, narrow-door, plain boxcars to grain service. A minimum of half of each of these groups of grain cars must be applied against car orders placed by country elevators.

DATES: Effective April 17, 1978. Expires April 30, 1978.

FOR FURTHER INFORMATION CONTACT:

C. C. Robinson, Chief, Utilization and Distribution Branch, Interstate Commerce Commission, Washington, D.C., 20423, telephone 202-275-7840, telex 89-2742.

SUPPLEMENTARY INFORMATION: The Order is printed in full below.

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 12th day of April 1978.

An acute shortage of covered hopper cars and boxcars for transporting shipments of grain exists in the western part of the United States. These shortages are particularly prevalent at country grain elevators. In some instances railroads have given priority in filling orders for grain cars to the larger terminal and sub-terminal elevators, thus aggravating the shortages at country elevators. Such practices have resulted in severe financial hardships to many country elevators and other small volume grain shippers by forcing them to pay penalties for non-shipment against outstanding sales contracts or to repurchase such contracts, to pay increased transportation costs for shipments via other modes, or to sell their grain at substantial discounts to other companies that have been able to acquire control over either railroad or privately owned freight cars. It is the opinion of the Commission that an emergency exists requiring immediate action to promote car service in the interest of the public and the commerce of the people; that

notice and public procedure are impracticable, and that good cause exists for making this order effective upon less than thirty days' notice.

It is ordered, That:

§ 1033.1322 Service Order No. 1322.

(a) *Distribution of grain cars—Application.* (1) The provisions of this order shall apply to intrastate, interstate, and foreign commerce.

(2) This order shall apply to all freight cars listed in the Official Railway Equipment Register, I.C.C.—R.E.R. No. 406, issued by W. J. Trezise, or successive issues thereof, as having the following descriptions:

Jumbo covered hoppers: Mechanical designation "LO" Capacity 4000 cu. ft. or greater and 180,000 lb. or greater.

40 ft., narrow door, plain boxcars: Mechanical designation "XM" with inside length less than 49 ft. 6 in., and equipped with doors less than 9 ft. wide.

(3) This order shall apply to the following common carriers by railroad:

The Atchison, Topeka & Sante Fe Railway Co.; Burlington Northern Inc.; Chicago & Northern Western Transportation Co.; Chicago, Milwaukee, St. Paul & Pacific Railroad Co.; Chicago, Rock Island & Pacific Railroad Co.; Illinois Central Gulf Railroad Co.; Missouri-Kansas-Texas Railroad Co.; Missouri Pacific Railroad Co.; St. Louis-San Francisco Railway Co.; Soo Line Railroad Co.; Union Pacific Railroad Co.; Terminal Switching Railroads.

(b) *Definitions*—(1) *Terminal and Sub-Terminal Elevators.* The terms "terminal elevators" and "sub-terminal elevators" mean a grain storage elevator located at one of the principal port and interior markets listed below:

New Orleans, La., and sub-ports Ama, Destrehan, Myrtle Grove, Reserve, Westwego, Baton Rouge, La., (Port Allen).
Beaumont, Tex., Port Arthur, Tex., Galveston, Tex., Houston, Tex., Corpus Christi, Tex.
San Diego, Calif., San Francisco, Calif., and sub-ports Sacramento, Stockton, Los Angeles, Calif. and sub-ports Long Beach, San Pedro.
Seattle, Wash., Tacoma, Wash., Kalama, Wash., Longview, Wash., Vancouver, Wash.
Portland, Oreg., Astoria, Oreg.
Milwaukee, Wis., Superior, Wis.
Amarillo, Tex., Lubbock, Tex., Plainview, Tex., Dallas, Tex.
Dodge City, Kans., Great Bend, Kans., Newton, Kans., Wellington, Kans., Salina, Kans., Wichita, Kans., Hutchinson, Kans., Atchison, Kans., Topeka, Kans.
St. Joseph, Mo.
Council Bluffs, Iowa, Sioux City, Iowa.
Omaha, Nebr., Lincoln, Nebr., Hastings, Nebr.
Denver, Colo.
Duluth, Minn., Minneapolis, Minn., St. Paul, Minn.
Chicago, Ill.
Kansas City, Mo., St. Louis, Mo.
Ft. Worth, Tex.
Enid, Okla.

(2) *Country Elevators defined.* The term "country elevator" means all

grain storage or loading facilities located at interior points not listed in paragraph (b)(1) of the section and served by one or more of the railroads listed in paragraph (a)(3) of this section.

(3) *Terminal Switching Railroads defined.* The term "terminal switching railroad" means any railroad, not participating in the freight rate, performing terminal switching services of carloads of grain originated by any of the railroads specifically named in paragraph (a)(3) of this section.

(4) *Grain defined.* The term "grain" mean any unprocessed, raw, whole grain including soybeans.

(c) *Restrictions on use of covered hopper cars.* (1) Each railroad listed in paragraph (a)(3) of this section shall assign to grain service at least seventy (70) percent of its serviceable ownership of jumbo covered hopper cars.

(2) Each railroad listed in paragraph (a)(3) of this section shall use at least fifty (50) percent of the jumbo covered hopper cars assigned to grain service for transporting shipments of grain from country grain elevators. The remaining grain service jumbo covered hopper cars may be used for transporting shipments of grain from terminal and sub-terminal elevators.

(3) The limitations on the use of jumbo covered hopper cars provided by Service Order No. 1304 shall continue to apply. Covered hopper cars used in unit-grain train services shall be considered as being assigned to country elevators or to terminal or sub-terminal elevators in accordance with the classification of elevators provided in paragraphs (b) (1) and (2) of this section.

(d) *Restrictions on use of plain boxcars.* (1) Each railroad listed in paragraph (a)(3) of this section shall assign to grain service at least fifty (50) percent of its serviceable ownership of 40 ft., narrow-door, plain boxcars.

(2) Each railroad listed in paragraph (a)(3) of this section shall use at least fifty (50) percent of the 40 ft., narrow-door, plain boxcars assigned to grain service for transporting shipments of grain from country grain elevators. The remaining grain service 40 ft., narrow-door, plain boxcars may be used for transporting shipments of grain from terminal and sub-terminal elevators.

(e) *Restrictions on use of foreign cars.* At least fifty (50) percent of all foreign cars used for loading grain shall be allocated to country elevators. In the application of this section a "foreign" car is a car bearing the reporting marks of a railroad other than the line furnishing the car for loading.

(f) *Exceptions.* Exceptions to this order may be authorized to carriers by the Railroad Service Board, Interstate Commerce Commission, Washington, D.C. 20423. Requests for exceptions

must be submitted in writing, or confirmed in writing, and must state clearly the reason and justification for such exception.

(g) *Records and Reports.* (1) Each railroad subject to this order shall maintain in the offices of the superintendent of each division serving either country, terminal or sub-terminal elevators, the following records compiled separately for cars ordered by and furnished to country elevators and for cars ordered by and furnished to terminal or sub-terminal elevators containing the following information, by date for which cars have been ordered for placement.

Station _____
 Name of Elevator _____
 Cars ordered:
 Date wanted _____
 Box _____
 Covered hoppers _____
 Cars furnished:
 Date _____
 Box _____
 Covered hoppers _____

Substitution of one type of car for another or the furnishing of smaller cars for larger cars ordered must be indicated by appropriate notes.

Cars which have made one or more trips in grain service subject to tariff provisions requiring two or more consecutive trips shall be considered as ordered when they arrive empty at the next point designed for loading.

(2) A summary of the divisional reports described in paragraph (g)(1) of this section shall be compiled at the close of each month by each railroad subject to this order containing the following information separately for country elevators and for terminal and subterminal elevators.

Date wanted _____
 Cars ordered:
 Box _____
 Covered hoppers _____
 Cars furnished:
 Date _____
 Box _____
 Covered hoppers _____

Substitution of one type of car for another or of smaller cars for larger cars ordered must be indicated by appropriate notes.

A copy of the summary report for the immediately preceding month shall be sent to the Director, Bureau of Operations, Interstate Commerce Commission, Washington, D.C. 20423, on or before the seventh day of each month.

(h) The provisions of Service Orders Nos. 1182, 1234, 1280, 1304, 1305, 1310, 1312, 1313, and 1314, revisions thereof or amendments thereto, shall remain fully in effect.

(i) *Effective date.* This order shall become effective at 12:01 a.m., April 17, 1978.

(j) *Expiration date.* This order shall expire at 11:59 p.m., April 30, 1978, unless otherwise modified, changed, or

suspended by order of this Commission.

(49 U.S.C. 1(10-17)).

It is further ordered, That a copy of this order shall be served upon the Association of American Railroads, Car Service Division, as agent of the 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 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, Railroad Service Board, members Joel E. Burns, Robert S. Turkington and John R. Michael.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc. 78-10449 Filed 4-17-78; 8:45 am]

[4310-55]

Title 50—Wildlife and Fisheries

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

PART 17—ENDANGERED AND THREATENED WILDLIFE AND PLANTS

Listing of the Greenback Cutthroat Trout as a Threatened Species

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: The Service determines the greenback cutthroat trout (*Salmo clarki stomias*) to be a Threatened species. This action will reclassify the greenback cutthroat trout from Endangered to Threatened. Conservation efforts by State and Federal agencies on behalf of this species have restored it to the point where it is no longer Endangered. Threats from hybridization and habitat alteration exist but are not serious enough to require an Endangered status; they do indicate, however, that the trout is Threatened. The greenback cutthroat trout occurs only in Colorado, and this rule would permit the species to be taken in accordance with the laws of that State.

DATE: This rule becomes effective May 18, 1978.

FOR FURTHER INFORMATION CONTACT:

Mr. Keith M. Schreiner, Associate Director, Federal Assistance, Fish and Wildlife Service, U.S. Department of the Interior, Washington, D.C. 20240, 202-343-4646.

SUPPLEMENTARY INFORMATION:

BACKGROUND

On September 26, 1977, the Service published a proposed rulemaking in the FEDERAL REGISTER (42 FR 48901-48902) advising that sufficient evidence was on file to support a determination that the greenback cutthroat trout was a Threatened species pursuant to the Endangered Species Act of 1973, 16 U.S.C. 1531, et seq. That proposal summarized the factors thought to be contributing to the likelihood that this fish could become Endangered within the foreseeable future, specified the prohibitions which would be applicable if such a determination was made, and solicited comments, suggestions, objections, and factual information from any interested person. Section 4(b)(1)(A) of the Act requires that the Governor of each State or Territory, within which a resident species of wildlife is known to occur, be notified and be provided 90 days to comment before any such species is determined to be a Threatened species or an Endangered species. A letter was sent to Governor Lamm of the State of Colorado on September 29, 1977, notifying him of the proposed rulemaking for the greenback cutthroat trout. On September 29, 1977, letters were sent to other Federal agencies notifying them of the proposal and soliciting their comments and suggestions.

SUMMARY OF COMMENTS AND RECOMMENDATIONS

Section 4(b)(1)(C) of the Act requires that a summary of all comments and recommendations received be published in the FEDERAL REGISTER prior to adding any species to the List of Endangered and Threatened Wildlife and Plants.

In the September 26, 1977, FEDERAL REGISTER proposed rulemaking (42 FR 48901-48902) and associated Press Release, all interested parties were invited to submit factual reports or information which might contribute to the formulation of a final rulemaking.

All public comments received during the period September 26, 1977, to December 31, 1977, were considered.

The Colorado Department of Natural Resources, Division of Wildlife, responded for the State. They supported the proposed reclassification of the greenback cutthroat trout as Threatened. They also expressed confidence in the recovery of the trout through the implementation of the Greenback Cutthroat Trout Recovery Plan.

The U.S. Forest Service and the National Park Service submitted comments concurring with the proposed reclassification of the greenback cutthroat trout.

One national conservation organization submitted comments and expressed concern that the proposed regulation did not expressly limit taking to areas which have reached carrying capacity nor limit such taking to non-commercial purposes. The State of Colorado will determine which populations would benefit from sport fishing and limit taking to those areas. State regulations prohibit taking of trout for commercial purposes.

CONCLUSION

After a thorough review and consideration of all the information available, the Director has determined that the greenback cutthroat trout is threatened throughout all or a significant portion of its range due to one or more of the factors described in Section 4(a) of the Act. This review amplifies and substantiates the description of those factors and are described as follows:

1. *The present or threatened destruction, modification, or curtailment of its habitat or range.*—The greenback cutthroat trout is less tolerant of adverse conditions than are other trouts such as brown trout or rainbow trout. Optimum conditions of oxygen, temperature, and water purity for the greenback cutthroat trout appear to be more stringent than for other trouts. The original distribution of the greenback cutthroat trout was the headwaters of the South Platte and Arkansas River basins. Permanent populations were restricted to the mountains and foothills because the warm, turbid conditions in the South Platte and Arkansas Rivers in the plains did not provide suitable habitat. The extirpation of the greenback cutthroat trout proceeded very rapidly due to competition and hybridization with introduced trouts and loss and degradation of habitat from mining, logging, grazing, and irrigation projects. By 1930, the greenback cutthroat trout in its pure form was commonly assumed to be extinct.

Protection of presently occupied habitat varies. Como Creek and Black Hollow Creek are on Roosevelt National Forest lands with the exception of a few hundred yards of the head of Como Creek, which is on the grounds of the Arctic and Alpine Research Institute of the University of Colorado. Bear Lake, Forest Canyon, Hidden Valley, and Caddis Lake are on lands of the Rocky Mountain National Park; Island Lake and the Boulder water-

shed lakes are on land owned by the city of Boulder. The headwaters of the Little South Platte River is on the Roosevelt National Forest and Rocky Mountain National Park. South Huerfano Creek is on a private ranch surrounded by the San Isabel National Forest and Florence Creek is on the Uintah and Ouray Indian Reservations. The habitats on public lands appear to be safe from degradation. Waters on private land either known to contain greenback cutthroat trout or in the historic range and possibly containing undiscovered populations continue to be threatened by habitat destruction due to logging, mining, grazing, or water development projects.

5. *Other natural or manmade factors affecting its continued existence.*—The greenback cutthroat trout is not likely to coexist successfully with other species of trout. The introduction of non-native trout within the range of the greenback cutthroat trout presents the most serious threat to its continued existence. Hybridization usually occurs with other subspecies of cutthroat trout and with rainbow trout. Eastern brook trout do not hybridize with greenback cutthroat trout wherever the two species occur together. Introduction of non-native trout into greenback cutthroat trout habitat by fishermen is a threat to the species, as is destruction of barrier dams.

EFFECT OF THE RULEMAKING

The effects of this determination and rulemaking include, but are not necessarily limited to, those discussed below.

Endangered species regulations already published in Title 50 of the Code of Federal Regulations set forth a series of general prohibitions and exceptions which apply to all Endangered species. All of these prohibitions and exceptions also apply to any Threatened species unless a special rule pertaining to the Threatened species has been published and indicates otherwise. In the case of the greenback cutthroat trout, the special regulation will allow "take" of the species in accordance with State laws.

This rule will not change the eligibility of the greenback cutthroat trout for the protection provided by Section 7 of the Act. That Section reads as follows:

INTERAGENCY COOPERATION

The Secretary shall review other programs administered by him and utilize such programs in furtherance of the purposes of

this Act. All other Federal departments and agencies shall, in consultation with and with the assistance of the Secretary, utilize their authorities in furtherance of the purposes of this Act by carrying out programs for the conservation of endangered species and threatened species listed pursuant to section 4 of this Act and by taking such action necessary to insure that actions authorized, funded, or carried out by them do not jeopardize the continued existence of such endangered species and threatened species or result in the destruction or modification of habitat of such species which is determined by the Secretary, after consultation as appropriate with the affected States, to be critical.

Although no Critical Habitat has yet been determined for this species, the other provisions of Section 7 are applicable.

Provisions for Interagency Cooperation were published at 50 CFR Part 402 on January 4, 1978, in the FEDERAL REGISTER (43 FR 870-876) to assist Federal agencies in complying with Section 7 of the Endangered Species Act of 1973.

EFFECT INTERNATIONALLY

In addition to the protection provided by the Act, the Service will review the greenback cutthroat trout to determine whether it should be proposed to the Secretariat of the Convention on International Trade in Endangered Species of Wild Fauna and Flora for placement upon the appropriate Appendix(ices) to that Convention or whether it should be considered under other, appropriate international agreements.

NATIONAL ENVIRONMENTAL POLICY ACT

An environmental assessment has been prepared and is on file in the Service's Washington Office of Endangered Species. It addresses this action as it involves the greenback cutthroat trout. The assessment is the basis for a decision that this determination is not a major Federal action which would significantly affect the quality of the human environment within the meaning of Section 102(2)(C) of the National Environmental Policy Act of 1969.

The primary author of this rule is Dr. James D. Williams, Office of Endangered Species, 202-343-7814.

REGULATIONS PROMULGATION

1. Accordingly, § 17.11 of Part 17 of Chapter I of Title 50 of the U.S. Code of Federal Regulations is amended by adding the greenback cutthroat trout, alphabetically under "Fishes," as follows:

§ 17.11 Endangered and threatened wildlife.

Species		Range					
Common name	Scientific name	Population	Known distribution	Portion of range where threatened or endangered	S tatus	When listed	Special rules
Fishes Trout, greenback cutthroat.	<i>Salmo clarki stomias</i> .	N/A	U.S.A. (Colorado).....	Entire.....	T.....	1, 38.....	17.44(f).....

2. Section 17.44 is amended by adding a new paragraph (f) as follows:

§ 17.44 Special rules—fishes.

* * * * *

(f) Greenback cutthroat trout (*Salmo clarki stomias*).

(1) All provisions of § 17.31 apply to this species, except that it may be taken in accordance with applicable State law.

(2) Any violation of State law will also be a violation of the Act.

NOTE.—The Service has determined that this document does not contain a major re-

quiring preparation of an Economic Impact Statement under Executive Order 11949 and OMB Circular A-107.

Dated: April 6, 1978.

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

[FR Doc. 78-10089 Filed 4-17-78; 8:45 am]