

(5) *Turkey hunt*: Spring hunt dates to be announced.

(6) Permits are required for primitive weapons hunt, gun deer hunt, youth deer hunt, and turkey hunt.

(7) No loaded firearms allowed in boats, vehicles, on campgrounds, or in roadways used by vehicles.

(8) All deer taken in the gun deer hunt and the youth gun deer hunt must be checked at a designated check station.

(9) Horses are prohibited.

Louisiana

Catahoula National Wildlife Refuge

(1) *Archery deer hunt*: October 1, 1979, through November 2, 1979, and December 22, 1979, through December 30, 1979, on approximately 3,000 acres; either sex. Rabbit and squirrel may be taken as incidental species.

(2) *Gun deer hunt*: December 6, 1979, through December 8, 1979; bucks only.

(3) *Youth deer hunt*: November 3, 1979; either sex.

(4) A refuge permit will be required for all gun hunters.

(5) Hunting hours: one-half hour before sunrise until one-half hour after sunset. Hunters may enter area 30 minutes prior to legal shooting hours and must exit 30 minutes after legal hours.

(6) No permanent tree stands may be constructed.

(7) A minimum of 400 square inches of daylight fluorescent orange must be visibly worn above the waist during deer gun hunts.

(8) All bagged deer must be checked out at refuge headquarters.

Mississippi

Noxubee National Wildlife Refuge

(1) *Archery deer hunt*: October 6, 1979, through October 30, 1979, and November 1, 1979, through November 16, 1979; either sex.

(2) *Primitive weapons deer hunt*: December 4, 1979, through December 15, 1979; either sex.

(3) *Gun deer hunt*: November 17, 1979, through November 24, 1979, and January 5, 1980, through January 10, 1980; bucks only.

(4) *Turkey hunt*: March 22, 1980, through April 2, 1980, and April 4, 1980, through April 26, 1980, with shotguns only. Limit: two gobblers per year.

(5) All deer and turkey harvested must be checked at the refuge headquarters or designated check station.

(6) Weapons allowed for deer gun hunts are: centerfire rifles and 20 gauge or larger shotguns.

(7) Sunday hunting is prohibited.

(8) Horses are prohibited.

(9) Permits are required for all deer and turkey hunts.

(10) Man-drive deer hunting is prohibited.

(11) The use of any citizens band radio device to aid in the pursuit or taking of game animals is prohibited.

Yazoo National Wildlife Refuge

(1) *Archery deer hunt*: November 1, 1979, through November 16, 1979, and January 19, 1980, through January 26, 1980, on approximately 7,800 acres; either sex.

(2) *Primitive weapons deer hunt*: December 10, 1979, through December 15, 1979; either sex.

(3) *Gun deer hunt*: December 27, 1979, through December 29, 1979, and January 3, 1980, through January 5, 1980, and January 11 and 12, 1980; bucks only.

(4) Permits are required.

(5) Loaded firearms in vehicles are prohibited.

(6) Man-drive deer hunting is prohibited.

(7) All deer must be checked at refuge headquarters.

(8) No Sunday hunting permitted.

(9) A minimum of 500 square inches of fluorescent hunter orange must be visibly worn above the waist during deer gun hunts.

The provisions of these special regulations supplement the regulations which generally govern hunting on wildlife refuge areas and which are set forth in Title 50, *Code of Federal Regulations*, Part 32. The public is invited to offer suggestions and comments at any time.

Dated: August 28, 1979.

Jim L. Killer,
Acting Area Manager.

[FR Doc. 79-27816 Filed 9-5-79; 8:45 am]

BILLING CODE 4310-55-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 674

Alaska Salmon Fishery; Final Regulations

AGENCY: National Oceanic and Atmospheric Administration (NOAA)/Commerce.

ACTION: Final regulations.

SUMMARY: The Assistant Administrator for Fisheries on May 15, 1979, approved, with the exception of one provision, the fishery management (FMP) for the "High Seas Salmon Fishery off the Coast of Alaska East of 175° East Longitude"

prepared by the North Pacific Fishery Management Council, pursuant to the Fishery Conservation and Management Act of 1976 (the Act), as amended. The FMP was published on June 8, 1979 (44 FR 33250). Proposed regulations implementing the approved portion of the FMP were published on May 18, 1979 (44 FR 29080), with a public comment period ending on July 18, 1979. In accordance with section 305(e) of the Act, the proposed regulations were made effective immediately on an emergency basis for 45 days. On July 11, the regulations were re promulgated to be effective for an additional 45-day period (44 FR 40519). Final regulations, which take into account comments received during the comment period, are now issued.

EFFECTIVE DATE: 0001 hours Alaska Standard Time (AST), August 31, 1979, and shall remain in effect until 2400 hours AST, April 14, 1980.

FOR FURTHER INFORMATION CONTACT: Mr. Harry L. Rietze, Director, Alaska Region, National Marine Fisheries Service, P.O. Box 1660, Juneau, Alaska, 99802. Telephone: 907-586-7221.

SUPPLEMENTARY INFORMATION: Regulations implementing the FMP on an emergency basis were first published in the *Federal Register* on May 18, 1979 (44 FR 29080). The preamble to those regulations discussed several aspects of the FMP, and those explanatory statements are not repeated here. With the exception of incorporating a change to the regulations that was published on July 17, 1979 (44 FR 41467) and making certain changes to the moratorium provisions in section 674.4, these final regulations are identical to the emergency regulations first published.

The changes to section 674.4 are intended to clarify the operation of the one-year moratorium on issuance of commercial power troll permits to fish in the fishery conservation zone (FCZ). This moratorium was intended to complement the Alaska limited entry system, but several inconsistencies between the State system and section 674.4 have been identified. Most of the problems are resolved but some differences remain, primarily due to the involvement of two separate jurisdictions, State and Federal.

Briefly the changes to § 674.4 are as follows:

1. Correction of typographical errors in 674.4(b)(1)(i);
2. Rewording for clarity in § 674.4(b)(1)(ii);
3. Addition of three determinations the Regional Director must make prior to approving transfer of the FCZ authorization in § 674.4(c)(1)(ii), which

are that the transferee has access to gear, that the State is not seeking to revoke the permit because it was fraudulently obtained, and that the proposed transfer is not a lease;

4. Expansion of information available to the Regional Director in making his decision on requested transfers in § 674.4(c)(1)(ii)(A);

5. Elimination of confusion that might arise from the placement of § 674.4(c)(2) in the regulations;

6. Clarification of § 674.4(d)(4) that Alaska power troll permit holders may only come to the Regional Director for an emergency transfer after an emergency transfer has been denied by the State; and

7. Addition of a new paragraph (g) which limits the definition of "person" to human beings for purposes of § 674.4.

Response to Comments

The Alaska Commercial Fisheries Entry Commission (CFEC), which administers Alaska's limited entry system, submitted lengthy comments relating to § 674.4 of the regulations. These were the only comments received. Most of CFEC's arguments, some legal and some practical, relate to the possibility of an FCZ-only permit being "severed" from a State entry permit through a transfer approved by the Regional Director after the State has denied transfer of the State permit. CFEC's comments are summarized by topic below, together with agency responses.

1. *Arguments against § 674.4(c) allowing severance.*—a. *Corporate "persons".* Comment: The definition of "person" in § 674.2 is much broader than the State definition which is limited to natural persons (humans) only. This raises the possibility that when the State automatically denies a transfer to a corporation or other entity because it is not a natural person, the Regional Director would have to allow the transfer of the FCZ portion of the permit if the corporation could demonstrate the ability to actively participate in the fishery. Transfers of this type could result in numerous severances, with an undesired increase in the total number of units of gear operating in the salmon fishery.

Response: The FMP clearly did not intend to allow such increases in effort. Addition of the new paragraph (g) restricting the definition of "person" for purposes of § 674.4 will resolve this problem.

b. *Limited Entry Findings and Goals.* Comment: It is possible that, even after redefining "persons" to exclude corporations, severance of the State and Federal permits could occur if the State

denies transfer of a State permit and the Regional Director grants transfer of the Federal permit. Allowing any severance is contrary to the findings and goals of the FMP that limited access is necessary to maintain the fishery without increasing present levels of effort.

Response: The agency anticipates that few, if any, severances would actually occur since very few transfers are denied by the CFEC, which means few applications for transfer will be submitted to the Regional Director. Moreover, the Regional Director will be making any such decisions on the basis of the same criteria as CFEC, and the results may often, though not always, be the same. Finally, the moratorium clearly is of limited duration and should not cause long-term problems that cannot be resolved by the limited entry system still to be developed in subsequent FMP's.

c. *Costly Enforcement.* Comment: Severance would lead to difficult and costly enforcement problems because of different kinds of permits.

Response: The regulations already provide for separate FCZ-only permits to be issued by the Regional Director in 674.4(b). The creation of a few more FCZ-only permits through severance will not significantly add to enforcement problems already existing.

d. *Administrative Difficulties.* Comment: Section 674.4(c)(1) would be difficult to monitor with regard to State permits which still have FCZ authorization and permits which have transferred that authorization.

Response: This raises valid administrative concerns, but the agency is confident they can be resolved through cooperation between CFEC and the Alaska Region, National Marine Fisheries Service.

e. *Uninformed Transferees.* Comment: Severance would create problems for persons purchasing Alaska permanent entry permits not knowing of a split of authorization that would preclude access to the FCZ.

Response: The agency believes that methods can be developed to warn innocent purchasers—notation of State permits, lists of severed permits—but also is confident that the courts can easily handle the few cases of misrepresentation, fraud or breach of contract that might arise in this regard.

f. *Diminished State Jurisdiction.* Comment: Contrary to section 306(a) of the Act, allowing severance to occur diminishes State jurisdiction by carving out of the "single use privilege" represented by a State entry permit, a "new" authorization to fish in the FCZ only. This reduces Alaska's control over

the fishery by half, from 99 percent to 50 percent.

Response: The agency does not fully understand the thrust of this comment. The FCMA clearly establishes Federal jurisdiction over the FCZ, and to the extent that an FCZ-only permit is created through a severance, the State has not suffered any diminution within its boundaries of its jurisdiction over the remaining State permit. Although the State may have suffered reduced authority over the 15 percent of the fishery in the FCZ, this situation was an intentional consequence of the Act and not § 674.4(c). Furthermore, that a few FCZ-only permits might be issued does not cause Alaska to lose half of its control over the fishery; the approximately 950 units of gear are still under State control in State waters.

g. *No contravention of 306(a).* Comment: Section 306(a) of the Act does not require Federal overview of State denials of transfers because such decisions do not constitute "direct or indirect" regulation, or if they do, it is permitted because all the vessels concerned are "registered with the State."

Response: The agency simply disagrees with CFEC's argument that the State is not "directly or indirectly" regulating in the FCZ when it denies transfer of a permit. The FMP provides that for Federal purposes, the State permit suffices as a Federal permit. Therefore, a State decision to deny a transfer of the State permit effectively would deny transfer of the Federal permit, a decision the agency believes must be made a federal official, in this instance, the Regional Director. As far as the "vessels registered with the State" exception, the agency at this time is not prepared to conclude that 306(a) legally would permit the State to make decisions on transfer of Federal permits.

h. *Transferor's prerogative.* Comment: Section 674.4(c)(1)(ii) requires that the Regional Director shall approve a transfer of the FCZ portion of permit upon satisfaction of certain criteria. This derogates from the right of the transferor who may have no notice of the potential transferee's action under § 674.4(c), and may in fact object to it.

Response: Transfer of the FCZ authorization represented by the State permit would require a willing transferor. The regulations in no way force a State permit holder to sell his FCZ authorization if transfer of the State permit is denied. The rights of the parties in such cases would be determined by the provisions of any private agreement they have effected regarding the transfer.

2. *Emergency Transfer under § 674.4(d).*—a. *Prerequisite of State denial.* Comment: If the intention is to allow the Regional Director to approve an emergency transfer only after the State denies one, the regulations do not so provide.

Response: Having had an emergency transfer denied by the State was intended to be a prerequisite to the authority of the Regional Director to approve an emergency transfer under § 674.4(d). The change to § 674.4(d)(4) will achieve this result.

b. *Notice.* Comment: CFEC regulations allow a potential emergency transferee to begin fishing under authority of a carbon copy of the transfer application as soon as the original is mailed. Can this be accommodated under the regulations?

Response: Section 674.4(d)(4) requires that the Regional Director be notified when the State approves an emergency transfer prior to the transfer becoming effective in the FCZ. Since mailing the application seems to constitute State approval, all the transferee would need to do is mail a copy to the Regional Director in order to satisfy the notice requirements. Language is added to paragraph (d)(4) to confirm this possibility.

CFEC also made comments regarding the clarity of two provisions, § 674.4(b)(1)(ii)(B) and § 674.4(c)(2). Both suggestions were incorporated as changes to the regulations.

A notice of availability of the final environmental impact statement for the FMP was published on January 29, 1979 (44 FR 5707).

Exemption from Executive Order 12044

Executive Order 12044 required that a regulatory analysis be prepared for regulations which may have major economic consequences for the general economy, individual industries, geographical regions, or levels of government. The NOAA Directive on Procedures for Development of Regulations (NDPR) requires a regulatory analysis for every new FMP and its implementing regulations. The NDPR, however, contains a provision (section 101(d)) that regulations issued in response to an emergency are exempt from the requirement that a regulatory analysis be prepared.

A draft regulatory analysis for the high seas salmon FMP has been prepared, but the final one is not yet completed. Delay in implementing the final regulations until a final regulatory analysis has been approved would be contrary to the public interest. Therefore, the Assistant Administrator for Fisheries, NOAA, recognizing the

need to continue the management regime established by the interim emergency regulations, finds an emergency within the meaning of section 101(d) of the NDPR continues to exist. A failure to implement final regulations could lead to overfishing of the salmon stocks that the FMP was designed to protect. In addition, the depressed coho salmon runs protected by the field order closure of August 7, 1979, would be in danger of overfishing.

Dated this 31st day of August, 1979, at Washington, D.C.

Winfred H. Meibohm,
Executive Director, National Marine
Fisheries Service.

Authority: 16 U.S.C. 1801 *et seq.*

50 CFR Part 674 is amended as follows:

§ 674.4 [Amended]

1. Section 674.4(b)(1)(i) is corrected by changing the citation from (b)(i)(ii) to (b)(1)(ii), and by adding "area" after "management" in (B).

2. Section 674.4(b)(1)(ii) is amended by deleting the phrase "persons who have ever held a State of Alaska power troll permit under this paragraph (b) as a result of having fished that Alaska has not instituted proceedings to revoke the State permit because it was fraudulently obtained, and that the proposed transfer is not a lease."

4. Section 674.4(c)(1)(ii)(A) is amended by adding a second sentence: "The Regional Director may request additional information from the individual requesting transfer or from the State to aid in his consideration of the request."

5. Section 674.4(c)(2) is amended by changing the period to a comma and adding the phrase "except for emergency transfers under paragraph (d) of this section."

6. Section 674.4(d)(4) is amended to read: "Paragraphs (d) (2) and (3) of this section apply to a holder of an Alaska power troll permit only if the State has denied an emergency transfer of that State permit. If the State has authorized an emergency transfer of a State permit, the transferee must notify the Regional Director in writing before the emergency transfer is effective for purposes of paragraph (a)(1) of this section. Such notification may be accomplished by mailing to the Regional Director a copy of the Alaska emergency transfer request form."

7. Section 674.4 is amended by adding the following as a new subsection (g):

"(g) For purposes of this § 674.4, the definition of 'person' excludes

corporations, partnerships, associations or other nonhuman entities."

[FR Doc. 79-27829 Filed 9-5-79; 8:45 am]

BILLING CODE 3510-22-M

OFFICE FOR MICRONESIAN STATUS NEGOTIATIONS

32 CFR Part 2700

Security Information Regulations; Implementation of Executive Order 12065

Correction

In FR Doc. 79-27435 published at page 51573 on Tuesday, September 4, 1979, the following corrections should be made:

1. In the first column on page 51574, the amendatory language appearing before the part heading is corrected to read as follows: "Title 32 of the Code of Federal Regulations is amended by establishing Chapter XXVII—Office for Micronesia Status Negotiations, and by adding a new Part 2700 to read as follows:".

2. Sections 2400.1-2400.52 are renumbered as 2700.1-2700.52, respectively. All internal references to sections in Part 2400 are changed to the appropriate sections in Part 2700.

BILLING CODE 6820-27-M

Proposed Rules

Federal Register

Vol. 44, No. 174

Thursday, September 6, 1979

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 1030]

Milk in the Chicago Regional Marketing Area; Proposed Temporary Revision of Shipping Percentage

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed temporary revision of rule.

SUMMARY: This notice invites written comments on a proposal that the supply plant shipping requirements under the Chicago Regional milk order be decreased temporarily by 5 percentage points for the months of October and November 1979. The action was requested by a cooperative association representing a portion of the producers supplying the market to prevent uneconomic shipments of milk.

DATE: Comments are due on or before September 17, 1979.

ADDRESS: Comments (two copies) should be filed with the Hearing Clerk, United States Department of Agriculture, Washington, D.C. 20250.

FOR FURTHER INFORMATION CONTACT: Martin J. Dunn, Marketing Specialist, Dairy Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, 202-447-7311.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and the provisions of § 1030.7(b)(5) of the order, the temporary revision of certain provisions of the order regulating the handling of milk in the Chicago Regional marketing area is being considered for the months of October and November 1979.

All persons who desire to submit written data, views or arguments in connection with the proposed revision should file the same with the Hearing Clerk, Room 1077, South Building, United States Department of

Agriculture, Washington, D.C. 20250, not later than September 17, 1979. All documents filed should be in duplicate. The period for filing views is being somewhat limited to enable the timely consideration of this matter since the proposed action would be applicable to milk shipments made during October. Further, the proposed change provides some relaxation of pooling standards and thus will not require extensive preparation or substantial alteration in method of operation for handlers.

All written submissions made pursuant to the notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The provision proposed to be revised is the supply plant shipping percentages of 35 percent set forth in § 1030.7(b) that is applicable during the months of October and November.

Pursuant to the provisions of § 1030.7(b)(5), the supply plant shipping percentages set forth in § 1030.7(b) may be increased or decreased by up to 10 percentage points during the months of September through March to encourage additional milk shipments to pool distributing plants or to remove the need for milk shipments to such plants merely for purposes of qualifying a supply plant.

The National Farmers Organization, representing a portion of the producers supplying the Chicago Regional market, has requested that during October and November 1979 the supply plant shipping percentages be reduced 5 percentage points. The cooperative stated that the 35 percent shipping requirements for October and November would cause uneconomic shipments of milk.

There is a reduced demand for Class I milk and an increase in the milk supply for the market. Thus, there is a reduced demand for supply plant milk in Class I use and a reduction in required shipments may be appropriate. A reduction in the required shipments of supply plant milk during October and November would allow greater flexibility in obtaining milk from among the supply plants associated with the market. Also, the proposed reduction in shipping percentages may prevent uneconomic movements of milk merely for purposes of pool plant qualification.

Accordingly, it may be appropriate to reduce the pool supply plant shipping

percentages for the months of October and November 1979.

Signed at Washington, D.C., on August 31, 1979.

H. L. Forest,

Director, Dairy Division.

[FR Doc. 79-27821 Filed 9-5-79; 8:45 am]

BILLING CODE 3410-02-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 79-CE-26]

Transition Area—Fulton, Missouri; Proposed Designation

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Proposed Rule Making (NPRM).

SUMMARY: This Notice proposes to designate a 700-foot transition area at Fulton, Missouri, to provide controlled airspace for aircraft executing a new instrument approach procedure to the Fulton, Missouri Municipal Airport which is based on the Non-Directional Radio Beacon (NDB) which the City of Fulton is installing on the airport.

DATES: Comments must be received on or before October 10, 1979.

ADDRESSES: Send comments on the proposal to: Federal Aviation Administration, Chief, Operations, Procedures and Airspace Branch, Air Traffic Division, ACE-530, 601 East 12th Street, Kansas City, Missouri 64106, Telephone (816) 374-3408.

The official docket may be examined at the Office of the Regional Counsel, Central Region, Federal Aviation Administration, Room 1558, 601 East 12th Street, Kansas City, Missouri.

An informal docket may be examined at the office of the Chief, Operations, Procedures and Airspace Branch, Air Traffic Division.

FOR FURTHER INFORMATION CONTACT: Dwaine E. Hiland, Airspace Specialist, Operations, Procedures, and Airspace Branch, Air Traffic Division, ACE-537, FAA, Central Region, 601 East 12th Street, Kansas City, Missouri 64106, Telephone (816) 374-3408.