(7) Whether for purposes of country of origin marking, the term ''produce'' should be defined to include both fruits and vegetables.

(8) Where frozen produce packaging contains produce sourced from multiple countries, should this have any bearing on the placement of the country of origin marking?

(9) Whether the particular conditions of the frozen food section in a store impact on the likelihood that a consumer will notice label information regarding country of origin without this information being given special prominence. If so, whether there is any empirical evidence of such consumer behavior.

(10) Whether consumer behaviors and attitudes toward country of origin marking of frozen produce can be documented with studies or surveys. If so, how much time would be needed for a study or survey to be conducted and for the data to be analyzed?

(11) If Customs goes forward with a notice of proposed rulemaking, what should be a sufficient period of time for public comment?

(12) If Customs issues a notice of proposed rulemaking, should a public hearing be held in connection with such proposed rulemaking?

(13) If Customs proposes and adopts new country of origin marking regulations, what would be an appropriate time frame between the publication of the final rule and the effective date of such regulations?

(14) What other issues should be addressed in the proposed rulemaking in order to afford a full opportunity for public comment?

Comments

In order to assist Customs in determining whether to proceed with a notice of proposed rulemaking to prescribe rules regarding the country of origin marking for packages of frozen produce, and the appropriate type size and style specifications for such marking, this notice invites written comments on the issues raised in this document as well as any other issues in connection with this matter. Consideration will be given to any comments that are timely submitted to Customs. Comments submitted will be available for public inspection in accordance with the Freedom of Information Act (5 U.S.C. 552), section 1.4, Treasury Department Regulations (31 CFR 1.4), and section 103.11(b), Customs Regulations (19 CFR 103.11(b)), on regular business days between the hours of 9 a.m. and 4:30 p.m. at the Regulations Branch, Office of Regulations and Rulings, U.S. Customs Service, 1099 14th Street, N.W., Suite 4000, Washington, D.C.

William F. Riley,

Acting Commissioner of Customs.

Approved: January 27, 1995.

Ronald K. Noble,

Under Secretary of the Treasury.

[FR Doc. 95–2546 Filed 2–1–95; 8:45 am]

BILLING CODE 4820–02–P

DEPARTMENT OF AGRICULTURE

Forest Service

36 CFR Part 242

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 100

Petition for Rulemaking to the Secretaries of the Interior and Agriculture Relating to the Federal Subsistence Management Program for Public Lands in Alaska; Notice of Availability and Request for Comments

AGENCY: Forest Service, USDA; Fish and Wildlife Service, Interior.

ACTION: Petition for rulemaking.

SUMMARY: The Secretary of the Interior and the Secretary of Agriculture (Secretaries) have received a petition submitted by the Northwest Arctic Regional Council and other Alaska Native groups requesting the Secretaries initiate rulemaking to (1) establish that they have authority to regulate hunting and fishing on non-public lands to protect the subsistence priority afforded on public lands by Title VIII of the Alaska National Interest Lands Conservation Act (ANILCA), and (2) determine that lands selected by, but not yet conveyed to, Native Corporations and the State of Alaska be treated as public lands subject to the ANILCA subsistence priority. Copies of this petition are available for review from the address listed below. To aid the Secretaries in reaching a decision on this petition, the Federal Subsistence Board is soliciting public comments on the issues presented.

DATES: Comments must be submitted on or before April 3, 1995.

ADDRESSES: Comments should be submitted to and copies of the petition may be obtained by contacting Richard S. Pospahala, U.S. Fish and Wildlife Service, 1011 E. Tudor Road, Anchorage, Alaska, 99503.

FOR FURTHER INFORMATION CONTACT: Copies of the petition may be obtained by contacting Richard S. Pospahala, telephone (907) 786–3447. For questions specific to National Forest System lands, contact Norman R. Howse, telephone (907) 586–8890.

SUPPLEMENTARY INFORMATION:

Background

Title VIII of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3111–3126) requires the Secretaries to implement a joint program to grant a preference to subsistence uses of fish and wildlife resources on public lands, unless the State of Alaska enacts and implements laws of general applicability that are consistent with, and provide for, the subsistence definition, preference, and participation specified in Sections 803, 804, and 805 of ANILCA. The State implemented a program that the Department of the Interior found to be consistent with ANILCA. However, in December 1989, the Alaska Supreme Court ruled in *McDowell* v. *State of Alaska,* 785 P.2d 1 (Alaska 1989), that the rural preference in the State subsistence statute violated the Alaska Constitution. The ruling in *McDowell* required the State to delete the rural preference from its subsistence statute, which put the State out of compliance with ANILCA. The Court stayed the effect of the decision until July 1, 1990.

The Department of the Interior and the Department of Agriculture assumed responsibility for implementation of the subsistence preference in Title VIII of ANILCA on public lands on July 1, 1990, pursuant to the Temporary Subsistence Management Regulations for Public Lands in Alaska that were published in the **Federal Register** on June 29, 1990 (55 FR 27114–27170). The Departments published Permanent Subsistence Management Regulations for Public Lands in Alaska on May 29, 1992 (57 FR 22940–22964).

The subsistence preference established in Section 804 of ANILCA accords priority to the taking of fish and wildlife for nonwasteful subsistence uses on ''public lands'' over the taking of fish and wildlife on public lands for other purposes. ''Public lands'' are defined in Section 102 of ANILCA to mean lands, waters, and interests therein that are situated in Alaska and to which the United States holds title, except for:

(1) Land selections of the State of Alaska that have been tentatively approved or validly selected under the Alaska Statehood Act and lands that have been confirmed to, validly selected by, or granted to the Territory of Alaska or the State under any other provision of Federal Law;

(2) Land selections of a Native Corporation made under the Alaska Native Claims Settlement Act that have not been conveyed to a Native Corporation, unless any such selection is determined to be invalid or is relinquished; and

(3) Lands referred to in Section 19(b) of the Alaska Native Claims Settlement Act.

In promulgating the Federal subsistence regulations, the Secretaries took the position that (1) most navigable waters, and (2) lands selected by, but not conveyed to, the State and Native Corporations, are not subject to the Section 804 subsistence preference. This position was based upon a finding that these waters and lands are not covered by the definition of ''public lands.'' See, for example, 55 FR 27115 (June 29, 1990).

The petition submitted to the Secretaries by the Northwest Arctic Regional Council (NARC), Stevens Village Council, Kawerik, Inc., Copper River Native Association, Alaska Federation of Natives, Alaska Inter-tribal Council, RurAL CAP, and the Dinyee Corporation seeks rulemaking to reverse and/or clarify this position. The petition requests that:

(1) An interpretive rule be promulgated that states that the Federal government has the authority to regulate hunting and fishing on non-public lands; and

(2) An interpretive rule be promulgated that places selected but not conveyed lands within the purview of the subsistence priority.

The petitioners rely for their first assertion upon law established in the contiguous 48 states that establishes Federal authority to regulate activities on non-Federal lands to protect activities on Federal lands. The petitioners cite case law that finds two sources for this authority: The Property Clause of the Constitution and Federal law preemption of state law. Petitioners find support for their second point in the legislative history of and management provisions in ANILCA, and place particular reliance on section 906(o)(2) of ANILCA. The petitioners also examine the definitions of ''public lands'' and ''federal lands'' in light of the land management provisions.

The Federal Subsistence Board requests public review and comment in order to enable the Secretaries better to assess the impacts and concerns of the petition and to assist them in reaching a decision on its disposition.

Drafting Information

This notice was drafted under the guidance of Richard S. Pospahala, U.S. Fish and Wildlife Service, Alaska Regional Office, Office of Subsistence Management, Anchorage, Alaska. The primary author was William Knauer of the same office.

Dated: January 20, 1995.

David B. Allen,

Acting Chair, Federal Subsistence Board.

[FR Doc. 95–2518 Filed 2–1–95; 8:45 am]

BILLING CODE 3410–11–P; 4310–55–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[CA 95–8–6858a; FRL–5148–5]

Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision, Bay Area Air Quality Management District, Placer County Air Pollution Control District, San Diego County Air Pollution Control District, and San Joaquin Valley Unified Air Pollution Control District

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: EPA is proposing to approve revisions to the California State Implementation Plan (SIP) which concern the control of volatile organic compound (VOC) emissions from marine vessel coating; graphic arts operations; paper, fabric and film coating; and storage of organic liquids.

The intended effect of proposing approval of these rules is to regulate emissions of VOCs in accordance with the requirements of the Clean Air Act, as amended in 1990 (CAA or the Act). EPA's final action on this notice of proposed rulemaking (NPRM) will incorporate these rules into the federally approved SIP. EPA has evaluated each of these rules and is proposing to approve them under provisions of the CAA regarding EPA action on SIP submittals, SIPs for national primary and secondary ambient air quality standards and plan requirements for nonattainment areas.

DATES: Comments must be received on or before March 6, 1995.

ADDRESSES: Comments may be mailed to: Daniel A. Meer, Rulemaking Section [A–5–3], Air and Toxics Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105–3901.

Copies of the rule revisions and EPA's evaluation report of each rule are available for public inspection at EPA's Region 9 office during normal business hours. Copies of the submitted rule revisions are also available for inspection at the following locations:

California Air Resources Board, Stationary Source Division, Rule Evaluation Section, 2020 ''L'' Street, Sacramento, CA 92123–1095.

Bay Area Air Quality Management District, 939 Ellis Street, San Francisco, CA 94109.

Placer County Air Pollution Control District, 11464 B. Avenue, Auburn, CA 95603.

San Diego County Air Pollution Control District, 9150 Chesapeake Drive, San Diego, CA 92123–1096.

San Joaquin Valley Unified Air Pollution Control District, 1999 Tuolumne Street, Suite 200, Fresno, CA 93721.

FOR FURTHER INFORMATION CONTACT: Erik H. Beck, Rulemaking Section [A–5–3], Air and Toxics Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105–3901. Internet Email: beck.erik@epamail.epa.gov. Telephone: (415) 744–1190.

SUPPLEMENTARY INFORMATION:

Applicability

The rules being proposed for approval into the California SIP include: Bay Area Air Quality Management District (BAAQMD) Rule 8–43, ''Surface Coating of Marine Vessels''; Placer County Air Pollution Control District (PCAPCD) Rule 212, ''Storage of Organic Liquids''; San Diego County Air Pollution Control District (SDCAPCD) Rule 67.16, ''Graphic Arts Operations''; SDCAPCD Rule 67.18, ''Marine Coating Operations''; and San Joaquin Valley Unified Air Pollution Control District (SJVUAPCD) Rule 4607, ''Graphic Arts''. These rules were submitted by the California Air Resource Board to EPA on September 28, 1994, December 19, 1994, October 19, 1994, December 22, 1994, and July 13, 1994 respectively.

Background

On March 3, 1978, EPA promulgated a list of ozone nonattainment areas under the provisions of the Clean Air Act, as amended in 1977 (1977 CAA or pre-amended act), that included the San Francisco Bay Area, Sacramento Metro Area, San Diego Area, and the San Joaquin Valley Air Basin. The San Joaquin Valley Air Basin is comprised of the following eight air pollution control districts (APCD): Fresno County APCD, Kern County APCD,[1] Kings County

[1] At that time, Kern County included portions of two air basins: the San Joaquin Valley Air Basin and

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