16. In § 75.4, paragraph (k)(5) is revised to read as follows:

§75.4 Definitions.

* * * * * * (k) * * *

(5) Any location where the possession of more than one effective kilogram of nuclear material is licensed pursuant to parts 40, 60, or 70 of this chapter, or pursuant to an Agreement State license.

Dated at Rockville, Maryland, this 8th day of August, 1995.

For the Nuclear Regulatory Commission.

Andrew L. Bates,

Acting Secretary of the Commission.
[FR Doc. 95–20035 Filed 8–14–95; 8:45 am]
BILLING CODE 7590–01–P

DEPARTMENT OF AGRICULTURE

Forest Service

36 CFR Part 242

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 100

RIN 1018-AD42

Subsistence Management Regulations for Public Lands in Alaska, Subpart C and Subpart D—1996–1997 Subsistence Taking of Fish and Wildlife Regulations

AGENCY: Forest Service, Agriculture; and Fish and Wildlife Service, Interior. **ACTION:** Proposed rule.

SUMMARY: This proposed rule would revise the customary and traditional use determinations and establish regulations for seasons, harvest limits, methods, and means related to taking of wildlife for subsistence uses during the 1996-1997 regulatory year. This rule making is necessary because Subpart D regulations require annual public review, and the customary and traditional use determinations are being opened to the same annual regulatory revision process. When final, this rule making will replace hunting and trapping regulations in "Subsistence Management Regulations for Public Lands in Alaska, Subpart D—1995–1996 Subsistence Taking of Fish and Wildlife Regulations," which expire on June 30, 1996.

DATES: Written public comments and proposals to change this proposed rule must be received no later than October 27, 1995. Federal Subsistence Regional Advisory Councils (Regional Councils)

will hold public meetings on this proposed rule making from September 11—October 18, 1995, at various locations in Alaska. Notice of specific dates and meeting locations will be published in local and statewide newspapers prior to the meetings. Written proposals to change Subpart D regulations will be compiled and distributed for additional public review during early November 1995. A second 30-day public comment period will follow distribution of the compiled proposal packet. Written public comments on distributed proposals will be accepted during the second public comment period. Comments on proposals to change Subpart D regulations may be presented to the Regional Councils at their meetings. The Federal Subsistence Board (Board) will deliberate and take final action on proposals received that request changes to this proposed rule at a public meeting to be held in Anchorage during April

ADDRESSES: Comments and proposals should be sent to Chair, Federal Subsistence Board, c/o U.S. Fish and Wildlife Service, Attention: Richard S. Pospahala, Office of Subsistence Management, 1011 E. Tudor Road, Anchorage, Alaska 99503.

FOR FURTHER INFORMATION CONTACT: Richard S. Pospahala, Office of Subsistence Management; telephone (907) 786–3447. For questions specific to National Forest System lands, contact Ken Thompson, Regional Subsistence Program Manager, USDA, Forest Service, Alaska Region, P.O. Box 21628, Juneau, Alaska 99802–1628, telephone (907) 586–7921.

SUPPLEMENTARY INFORMATION:

Proposed Changes From 1995–1996 Seasons and Bag Limit Regulations

Subpart D regulations are subject to an annual cycle and require development of an entire new rule each year. Consequently, this proposed rule reflects regulation changes for the 1995–1996 regulatory year that are approved by the Board. The Board has also decided that customary and traditional use determinations will also be subject to the annual review process. Regulations contained in this proposed rule will take effect on July 1, 1996, unless elements are changed by subsequent Board action following the public review process outlined herein.

The text of the 1995–1996 Subpart D final rule served as the foundation for the 1996–1997 Subpart D proposed rule. Only minor administrative changes to the 1995–1996 final rule have been made to correct Federal subsistence

management program regulations for the 1995–1996 regulatory year.

Background

Title VIII of the Alaska National **Interest Lands Conservation Act** (ANILCA) (16 U.S.C. 3111-3126) requires that the Secretary of the Interior and the Secretary of Agriculture (Secretaries) implement a joint program to grant a preference for subsistence uses of fish and wildlife resources on public lands, unless the State of Alaska enacts and implements laws of general applicability which are consistent with ANILCA, and which 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 previously found to be consistent with ANILCA. However, in December 1989, the Alaska Supreme Court ruled in McDowell v. State of Alaska that the rural preference in the State subsistence statute violated the Alaska Constitution. The Court's ruling in McDowell required the State to delete the rural preference from the subsistence statute, and therefore, negated State compliance with ANILCA. The Court stayed the effect of the decision until July 1, 1990.

As a result of the *McDowell* decision, the Department of the Interior and the Department of Agriculture (Departments) assumed, on July 1, 1990, responsibility for implementation of Title VIII of ANILCA on public lands. On June 29, 1990, the Temporary Subsistence Management Regulations for Public Lands in Alaska were published in the Federal Register (55 FR 27114–27170). Consistent with Subparts A, B, and C of these regulations, a Federal Subsistence Board was established to administer the Federal subsistence management program. The Board's composition includes a Chair appointed by the Secretary of the Interior with concurrence of the Secretary of Agriculture; the Alaska Regional Director, U.S. Fish and Wildlife Service; the Alaska Regional Director, U.S. National Park Service; the Alaska State Director, U.S. Bureau of Land Management; the Alaska Area Director, U.S. Bureau of Indian Affairs; and the Alaska Regional Forester, USDA Forest Service. Through the Board, these agencies have participated in development of regulations for Subparts A, B, and C, and the annual Subpart D regulations. All Board members have reviewed this proposed rule and agree with its substance. Because this proposed rule relates to public lands managed by an agency or agencies in