

(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.

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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 (SVUAPCD) 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