preference may result in a determination by HUD that the IHA is in breach of the ACC or that the IHA lacks administrative capability. Such a finding may constitute grounds for HUD to invoke its remedies under this part or under the ACC, which remedies shall include, but are not limited to, the denial of future projects.

(3) Preference in contracting, subcontracting, employment, and training applies not only on-site, on the reservation, or within the IHA's jurisdiction, but also to contracts with firms that operate outside these areas (e.g., employment in modular or manufactured housing construction facilities).

(4) Each IHA should include in the IFB or RFP any applicable local preference requirements properly imposed by the tribal governing body, or should advise bidders to contact the tribal governing body to determine any applicable preference requirements.

(g) *Review procedures for complaints alleging inadequate or inappropriate provision of preference.* (1) Each complaint (including complaints against an IHA) shall be in writing, signed, and filed with the IHA.

(2) A complaint must be filed with the IHA no later than 20 days from the date of the action (or omission) upon which the complaint is based.

(3) Upon receipt of a complaint, the IHA shall promptly stamp the date and time of receipt upon the complaint, acknowledge its receipt in writing to the complainant within five (5) days, and shall investigate, and within 15 days shall either meet, or communicate by mail or telephone, with the complaining party in an effort to resolve the matter. In all cases, but especially where the complaint indicates that expeditious action is required to preserve the rights of the complaining party, the IHA shall endeavor to resolve the matter as expeditiously as possible. If noncompliance with Indian preference requirements is found to exist, the IHA shall take appropriate steps to remedy the noncompliance and to amend its procedures so as to be in compliance. If the matter is not resolved to the satisfaction of the complaining party, or if the IHA has failed to communicate with the complaining party in an effort to resolve the complaint within 15 days following the IHA's receipt of a complaint, the complaining party may file a written complaint with the appropriate Indian Field Office of HUD. In any event, complaints filed with HUD must be received within six months after the alleged adverse action by the IHA, contractor or subcontractor. The address of the Indian Field Office and the name of the appropriate Indian program officer shall be included in the initial communication from the IHA acknowledging receipt of the complaint.

(4) Upon receipt of a written complaint, the HUD Indian Field Office will request that the IHA provide a written report setting forth all relevant facts, including, but not limited to, the date the complaint was filed with the IHA; the name of the complainant; the nature of the complaint, including the manner in which Indian preference was or was not provided; and actions taken by the IHA in addressing or resolving the complaint. The IHA shall provide copies of its report and all relevant documents concerning the complaint to HUD within ten days after receipt of the HUD request.

(5) Upon receipt of the IHA's report, the HUD Indian Field Office will determine whether the actions taken by the IHA comply with the requirements of section 7(b) of the Indian Self-Determination and Education Assistance Act, and with Indian preference requirements under this part. Notification of the Field Office's determination shall be provided to the IHA and to the complaining party, orally or in writing, no later than 30 days following HUD's receipt of the complaint. If the notice is oral, it shall be promptly confirmed in writing. If the complaining party's alleged injury will occur during this 30-day period, the HUD Indian Field Office will make a good faith effort to make its determination before the occurrence of such injury (e.g., contract award).

(6) Where the HUD Indian Field Office determines on the basis of the facts provided by the IHA and on the basis of other available information that there has been noncompliance with Indian preference requirements, the Field Office shall instruct the IHA to take appropriate steps to remedy the noncompliance and to amend its procedures so as to be in compliance.

(7) The decision of the HUD Indian Field Office may be appealed to the Assistant Secretary for Public and Indian Housing. The decision of the Assistant Secretary for Public and Indian Housing shall constitute final agency action for purposes of the Administrative Procedure Act.

(Approved by the Office of Management and Budget under control number 2577-0076)

Dated: November 20, 1986.

J. Michael Dorsey,

Assistant Secretary for Public and Indian Housing.

[FR Doc. 86-27198 Filed 12-3-86; 8:45 am]

BILLING CODE 4210-33-M

DEPARTMENT OF DEFENSE

Department of the Army

32 CFR Part 553

U.S. Army Military District of Washington; Arlington National Cemetery Visitors Rules

AGENCY: Department of the Army, DOD.

ACTION: Final rule.

SUMMARY: This change amends the Visitors' Rules for Arlington National Cemetery. The change allows the Secretary of the Army to bar violators of the rules from conducting memorial services and ceremonies within the Cemetery for two years.

EFFECTIVE DATE: January 2, 1987.

FOR FURTHER INFORMATION CONTACT: Harriet Antiporowich, Arlington National Cemetery, Arlington, VA 22211-5003, (202) 695-3191.

SUPPLEMENTARY INFORMATION: Proposed rulemaking was published on page 29115 of the **Federal Register** of August 14, 1986. Interested parties were given the opportunity to comment. No comments have been received.

The sanctions placed on individuals or organizations who violate the Arlington National Cemetery Visitors' Rules are changed by this proposed rule.

Presently the Code of Federal Regulations provide that any person who violates the provisions of paragraphs (d), (e), (f), (g), (h), or (i) of 32 CFR 553.22 be subject to the penalties set out in Title 40 United States Code section 318c.

The proposed change would also allow the Secretary of the Army to bar violators from conducting memorial services or ceremonies at Arlington National Cemetery for two years from the date of such violation. Use of this administrative sanction would not require prosecution of the violator as a prerequisite.

Executive Order 12291

This rule does not constitute a "major" rule as defined by Executive Order 12291.

Regulatory Flexibility Act

This rule does not have "significant" economic impact on a substantial number of small "entities" as defined by the Regulatory Flexibility Act, 5 U.S.C. 601 et seq.

Paperwork Reduction Act

There are no collection of information requirements contained in this rule that require approval by the Office of

Management and Budget under 44 U.S.C. 3501 et seq.

List of Subjects in 32 CFR Part 553

Army National Cemeteries.

PART 553—ARMY NATIONAL CEMETERIES

Accordingly Title 32 CFR Part 553 is amended as follows:

1. The authority citation for Part 553 continues to read as follows:

Authority: 24 U.S.C. Chapter 7.

2. Section 553.22(b) is revised to read as follows:

§ 553.22 Visitors' rules for the Arlington National Cemetery.

* * * * *

(b) *Scope.* Pursuant to Title 40 United States Code, sections 318a and 486, and based upon delegations of authority from the Administrator, General Services Administration, the Secretary of Defense, and the Secretary of the Army, this section applies to all Federal property within the charge and control of the Superintendent, Arlington National Cemetery, and to all persons entering in or on such property. At the discretion of the Secretary of the Army, any person or organization that violates any of the provisions of paragraphs (d), (e), (f), (g), and (h); or (i) of this section may be barred from conducting memorial services and ceremonies within the Cemetery for two years from the date of such violation. Any such person shall also be subject to the penalties set out in Title 40, United States Code section 318c.

* * * * *

Dated: November 25, 1986.

John O. Roach, II,

Army Liaison Officer with the Federal Register.

[FR Doc. 86–27014 Filed 12–3–86; 8:45 am]

BILLING CODE 3710–08–M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 162

[CGD 86–053]

Restricted Areas in Vicinity of Maritime Administration Reserve Fleets

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: This final rule revises the regulations governing the navigation and use of waters around the National Defense Reserve Fleets (NDRF) by deleting the reserve fleets near Bay Minette, Alabama and Olympia, Washington and changing reference from Department of Commerce to the Department of Transportation to reflect the transfer of the administration and enforcement of the regulations. This rule is necessary to inform the public and interested parties that reserve fleet vessels no longer occupy the two anchorage areas and the areas are no longer restricted.

EFFECTIVE DATE: January 5, 1987.

FOR FURTHER INFORMATION CONTACT: Mr. Michael J. Powers, Navigation Systems Safety Division, Office of Navigation, (202) 267–0415.

SUPPLEMENTARY INFORMATION: The regulations governing enforcement of restricted areas (33 CFR 162.270) around National Defense Reserve Fleets (NDRF) transferred enforcement of these restricted areas to the Coast Guard from the U.S. Army Corps of Engineers by a Memorandum of Understanding signed on May 5, 1977. Two NDRFs near Bay Minnette, Alabama and Olympia, Washington, are no longer in service. This final rule amends the regulations by deleting reference to these NRDFs. This final rule also changes reference to the "Department of Commerce" to the "Department of Transportation" to reflect the present location of the agency administering NDRFs.

This final rule was not preceded by a notice of proposed rulemaking. Deleting the NDRFs near Bay Minette, Alabama and Olympia, Washington from the listing of restricted reserve fleets merely informs vessel operators that reserve fleet vessels no longer occupy the two anchorage areas and the areas are no longer restricted. Therefore, the Coast Guard has determined that, for the good cause stated above, notice and public procedure are unnecessary under 5 U.S.C. 553(b)(3)(B).

Drafting Information

The principal persons involved in drafting this final rule are Mr. Michael J. Powers, Project Manager, and LT Sandra Sylvester, Project Counsel, Office of Chief Counsel.

Regulatory Evaluation

These regulatory changes are considered to be non-major under Executive Order 12291 and nonsignificant under the DOT regulatory policies and procedures (44 FR 11034; Feb. 26, 1979). The economic impact of this amendment has been found to be so minimal that further evaluation is unnecessary. No information is available regarding savings associated with deleting these two NDRFs from the regulations because no commercial vessels transit the fleeting areas. Both areas are in locations outside of buoyed channels used by waterborne commerce. The areas have not been dredged to a depth that would support safe vessel movements or marked with navigation aids. It is expected waterborne commerce will continue to use the buoyed channels for navigation. Since the economic impact is expected to be minimal, the Coast Guard certifies this rule will not have a significant economic impact on a substantial number of small entities.

List of Subjects in 33 CFR Part 162

Navigation (water), Vessels.

PART 162—INLAND WATERWAYS NAVIGATION REGULATIONS

In consideration of the foregoing, Part 162 of Title 33 of the Code of Federal Regulations is amended as follows:

1. The authority citation for Part 162 is revised to read as follows:

Authority: 33 U.S.C. 1231; 49 CFR 1.46.

2. Section 162.270 paragraph (a) is revised to read as follows:

§ 162.270 Restricted areas in vicinity of Maritime Administration Reserve Fleets.

(a) The regulations in this section shall govern the use and navigation of waters in the vicinity of the following National Defense Reserve Fleets of the Maritime Administration, Department of Transportation:

(1) James River Reserve Fleet, Fort Eustis, Virginia.

(2) Beaumont Reserve Fleet, Neches River near Beaumont, Texas.

(3) Suisun Bay Reserve Fleet near Benicia, California.

* * * * *

Dated: November 18, 1986.

A. B. Smith,

Captain, U.S. Coast Guard, Acting Chief, Office of Navigation.

[FR Doc. 86–27298 Filed 12–3–86; 8:45 am]

BILLING CODE 4910–14–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-4-FRL-3120-9; KY-015]

Approval and Promulgation of Implementation Plans, Kentucky; Removal of Conditions on Approval of Part D TSP SIP

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: EPA today removes seven of the nine conditions attached to its December 24, 1980 (45 FR 84999), approval of the State Implementation Plan (SIP) revisions which Kentucky developed for total suspended particulate (TSP) nonattainment areas pursuant to Part D of Title I of the Clean Air Act. Two of the conditions still need to be satisfied in order for Kentucky to have a fully approved Part D TSP SIP. This action was proposed on October 16, 1985 (50 FR 41912). EPA is not at this time approving the definition of "volatile organic compounds" described on page 41916 of the proposal notice; this has no relation to the Part D TSP SIP.

EFFECTIVE DATE: January 5, 1987.

ADDRESSES: Copies of the materials submitted by Kentucky may be examined during normal business hours at the following locations:

Public Information Reference Unit, Library Systems Branch, Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460

Environmental Protection Agency, Region IV, Air Programs Branch, 345 Courtland Street, NE., Atlanta, Georgia 30365

Library, Office of the Federal Register, 1100 L Street NW., Room 8301, Washington, DC

Division of Air Pollution Control, Kentucky Department for Environmental Protection, 18 Reilly Road, Bldg. 2, Fort Boone Plaza, Frankfort, Kentucky 40601

FOR FURTHER INFORMATION CONTACT: Melvin Russell, EPA Region IV, Air Programs Branch, at the address listed above, telephone 404/881-3286 (FTS 257-3286).

SUPPLEMENTARY INFORMATION:

Background

On June 15, 1979, the Kentucky Department for Natural Resources and Environmental Protection adopted SIP revisions designed to comply with Part D of Title I of the Clean Air Act (CAA) as amended in 1977. The State submitted its Part D SIP revisions to EPA on the same date. EPA proposed conditional approval of the TSP portion of Kentucky's Part D revisions on November 15, 1979 (44 FR 65781). Extensive comments were received in response to the November 15, 1979 notice. After reviewing the comments along with the material submitted by Kentucky, EPA presented its position in a second proposal, published on September 18, 1980 (45 FR 62163). On December 24, 1980 (45 FR 84999), EPA gave conditional approval to Kentucky's Part D TSP SIP. The conditions to be met were clearly stated in that notice and in a proposal notice published on October 16, 1985 (50 FR 41912). In the latter notice, EPA proposed to remove seven of the nine conditions on the basis of submittals made by the State and to defer action on the remaining two conditions. No comments were received in response to the proposal. Accordingly, EPA today removes the seven conditions as proposed. For a full discussion of these seven conditions, the reader may consult the notices just mentioned and a technical support document available at the EPA addresses listed above. It should be noted that in adopting regulations for By-Product Coke Manufacturing in order to satisfy Condition viii, the emission limitation adopted in Regulation 401 KAR 61:140 section 3(3) for coke oven doors limits the percentage of leaking coke oven doors to no more than ten (10) percent of the total oven doors on operating ovens in a battery. While 401 KAR 61:140 section 3(3) does not specifically specify that the number of leaking doors allowed is based on a percentage of the doors on operating ovens, that is clearly specified in Appendix C to 401 KAR 61:140 section 5(5)(b) which contains the applicable test methods and procedures for 401 KAR 61:140 section 3(3). A brief discussion of the two remaining conditions is given below.

In revising regulation 401 KAR 50:010, Definitions and Abbreviations, to meet the conditions of approval, Kentucky added a definition of "volatile organic compounds" which EPA proposed to approve in the notice of October 16, 1985. The agency has decided that this definition is not adequate for purposes of new source review and the prevention of significant deterioration of air quality, purposes which it must by default serve in the Kentucky regulations. Accordingly, EPA is deferring action on this definition, pending resolution of this issue.

Today's action also approves the State's definition of "secondary emissions" as found in 401 KAR 50:010. The definition specifies that certain vessel emissions are not secondary emissions. The Kentucky regulations do not exempt any vessel emissions from new source review applicability determinations. EPA interprets these provisions to mean that all dockside vessel emissions, including tailpipe/smokestack emissions, will be considered primary emissions for marine terminal applicability determinations. This is consistent with *NRDC vs. EPA, 725 F. 2d 761 (CA DC 1984)*. This interpretation should ensure that in the near term, no changes will be necessary to make the State regulations comply with evolving EPA policies and rulemaking with respect to vessel emissions.

Remaining Conditions

The first of these, found at 40 CFR 52.935(a)(1)(i), was that Kentucky submit a revision to regulation 401 KAR 50:055, section 2(3), specifying a method other than Method 9 of Appendix A to 40 CFR Part 60 for determining opacity for sources with intermittent emissions. Kentucky did not correct this deficiency by revising the regulation specified, but revised a number of regulations for the iron and steel industry to incorporate test procedures for intermittent emission sources. EPA is approving these revisions today. The State attempted to correct the deficiency for other types of sources, but this attempt was not adequate, as explained in the latest proposal notice. EPA is now working with Kentucky to correct this deficiency for the remaining source types.

The second condition, 40 CFR 52.935(a)(1)(v), involved a revision to regulation 401 KAR 61:020, section 3, Standard for Particulate Matter, to provide a specific requirement of reasonable available control technology (RACT) applicable to sources of process fugitive emissions. As indicated in the proposal notice of October 16, 1985 (50 FR 41914), the State revised the regulation in question, but the revision was not adequate to correct the deficiency. As with the first condition, EPA is working with the State to develop a revision to remedy the existing deficiency.

Kentucky has asked EPA to defer action on these two conditions to allow time for proper regulation development. EPA finds this request reasonable since disapproval would not produce any environmental benefits between this time and the time when the corrections are submitted.

Final Action

EPA is deferring action on the submittals which Kentucky has made to remedy the two above conditions on the approval of the Part D TSP SIP, except for the changes made in connection with the first regarding regulations for the iron and steel industry. EPA is removing the other seven conditions. EPA is also approving additional regulation changes described in the proposal notice of October 16, 1985 (50 FR 41912) which Kentucky has made except for the definition of "volatile organic compounds" added to regulation 401 KAR 50:010.

In summary, today's approval affects the following Kentucky regulations:

(1) 401 KAR 50:010, Definitions and Abbreviations;

(2) 401 KAR 50:055, General Compliance Requirements;

(3) 401 KAR 61:005, General Provisions;

(4) 401 KAR 61:015, Existing Indirect Heat Exchangers;

(5) 401 KAR 61:075, Steel Plants and Foundries Using Existing Electric Arc Furnaces;

(6) 401 KAR 61:080, Steel Plants Using Existing Basic Oxygen Process Furnaces;

(7) 401 KAR 61:140, Existing By-Product Coke Manufacturing Plants; and

(8) 401 KAR 61:170, Existing Blast Furnace Casthouses.

This approval action is effective on January 5, 1987.

Under section 307(b)(1) of the Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by February 2, 1987. This action may not be challenged later in proceedings to enforce its requirements. (See 307(b)(2).) Under Executive Order 12291, today's action is not "Major". It has been submitted to the Office of Management and Budget (OMB) for review.

The Director of the Federal Register approved the incorporation by reference of the State Implementation Plan for the Commonwealth of Kentucky on July 1, 1982.

List of Subjects in 40 CFR Part 52

Air pollution control, Intergovernmental relations, Particulate matter, Hydrocarbons, Incorporation by reference.

Dated: November 7, 1986.

Lee M. Thomas,
Administrator.

PART 52—[AMENDED]

Part 52 of Chapter I, Title 40, Code of Federal Regulations, is amended as follows:

1. The authority citation for Part 52 continues to read as follows:

Authority: 42 U.S.C. 7401–7642.

Subpart S—Kentucky

2. Section 52.920 is amended by adding paragraph (c)(45) to read as follows:

§ 52.920 Identification of plan.

* * * * *

(c) * * *

(45) Corrections in the Part D TSP SIP and other revisions submitted on December 9, 1982, and May 1, 1984, by the Kentucky Department for Environmental Protection.

(i) Incorporation by reference.

(A) Revisions in regulations 401 KAR—

50:010, Definitions and Abbreviations;

50:055, General Compliance Requirements;

61:005, General Provisions;

61:015, Existing Indirect Heat Exchangers;

61:075, Steel Plants and Foundries Using Existing Electric Arc Furnaces;

61:080, Steel Plants Using Existing Basic Oxygen Process Furnaces;

61:140, Existing By-Product Coke Manufacturing Plants; and

61:170, Existing Blast Furnace Casthouses.

The changes in these regulations were effective September 22, 1982 (50:055), December 1, 1982 (50:010, 61:005, 61:015, 61:075, and 61:140), and April 1, 1984 (61:080 and 61:170). No action is taken on the definition of "volatile organic compounds" in 401 KAR 50:010.

(ii) Other material—none.

§ 52.935 [Amended]

3. Section 52.935, Control strategy: Particulate matter, is amended by removing paragraphs (a)(1)(ii), (a)(1)(iii), (a)(1)(iv), (a)(1)(vi), (a)(1)(vii), (a)(1)(viii), and (a)(1)(ix) and by redesignating paragraph (a)(1)(v) as (a)(1)(ii).

[FR Doc. 86-27025 Filed 12-03-86; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 18

[General Docket 85-303; FCC 86-493]

Technical Standards for Medical Ultrasonic Diagnostic and Monitoring Equipment

AGENCY: Federal Communications Commission (FCC).

ACTION: Final rule.

SUMMARY: The Commission exempts non-consumer medical ultrasonic diagnostic and monitoring equipment from certain administrative and technical requirements of Part 18 of the Rules. This action is intended to have a beneficial economic impact on manufacturers by relieving them from having to comply with the technical standards and most administrative regulations of Part 18 of the Rules without increasing the interference potential to authorized telecommunication services.

EFFECTIVE DATE: December 22, 1986.

ADDRESS: Federal Communications Commission, 1919 M Street, NW., Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Liliane Volcy, Technical Standards Branch, Office of Engineering & Technology, tel: (202) 653-7316.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's *Report and Order*, General Docket 85-303, adopted October 28, 1986, released November 12, 1986.

The full text of Commission decisions is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, (202) 857-3800, 2100 M Street NW., Washington, DC 20037.

Summary of Report and Order

1. By this *Report and Order*, the Commission exempts non-consumer medical ultrasonic diagnostic and monitoring equipment from certain administrative and technical requirements of Part 18 of the Rules. This action is taken in response to a public meeting held by the Commission on August 21, 1984, during which manufacturers of medical ultrasonic diagnostic and monitoring devices requested that such equipment be exempted from the technical and administrative requirements of Part 18 of the Rules. The Commission believes that the use of medical ultrasonic diagnostic and monitoring equipment will not cause harmful interference to authorized telecommunication services under normal operating conditions when limited to areas such as hospitals, clinics, etc.

2. Non-consumer medical ultrasonic diagnostic and monitoring equipment is to be subject only to the general provisions of Part 18 governing good engineering practices, non-interference requirements, prohibited operating frequencies, etc. This exemption for non-consumer devices will be revisited, however, if their use is extended to residential locations.

Final Regulatory Flexibility Analysis

3. Pursuant to the Regulatory Flexibility Act of 1980, 5 U.S.C. 605, this proceeding will have a beneficial economic impact on small entities because it relieves manufacturers of medical ultrasonic diagnostic and monitoring equipment from having to