

**PART 1110—NONDISCRIMINATION IN
FEDERALLY ASSISTED PROGRAMS**

1. The authorities citation continues to read as follows:

Authority: Sec. 602, 78 Stat. 252 and sec. 10(a)(1), 79 Stat. 852.

2. Revise § 1110.1 to read as follows:

§ 1110.1 Purpose.

The purpose of this part is to effectuate the provisions of title VI of the Civil Rights Act of 1964 (hereafter referred to as the "Act"), 42 U.S.C. 2000d *et seq.*, to the end that no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving Federal financial assistance from the National Endowment for the Arts, the National Endowment for the Humanities, or the Institute of Museum and Library Services.

3. Revise the first sentence of § 1110.2 to read as follows:

§ 1110.2 Application of part.

This part applies to any program for which Federal financial assistance is authorized under a law administered by the National Endowment for the Arts, the National Endowment for the Humanities, or the Institute of Museum and Library Services, including the federally assisted programs and activities listed in appendix A of this part. * * *

4. Amend § 1110.13 by revising paragraphs (a), (b), and (c) to read as follows:

§ 1110.13 Definitions.

* * * * *

(a) The term *Foundation* means the National Foundations for the Arts and the Humanities, and includes the National Endowment for the Arts, the National Endowment for the Humanities, the Institute of Museum and Library Services, and each of their organizational units.

(b) The term *Endowment* means the National Endowment for the Arts, the National Endowment for the Humanities, or the Institute of Museum and Library Services.

(c) The term *Chairman* means the Chairman of the National Endowment for the Arts, the Chairman of the National Endowment for the Humanities, or the Director of the Institute of Museum and Library Services.

* * * * *

Dated: December 16, 1997.

Michael S. Shapiro,

General Counsel, National Endowment for the Humanities.

Karen Christensen,

General Counsel, National Endowment for the Arts.

[FR Doc. 97-33303 Filed 12-19-97; 8:45 am]

BILLING CODE 7036-01-M

**FEDERAL COMMUNICATIONS
COMMISSION****47 CFR Part 73**

[MM Docket No. 97-145; RM-9091]

**Radio Broadcasting Services; Glen
Rose and Stamford, TX**

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission, at the request of Cleburne Radio, Inc., substitutes Channel 221C1 for Channel 221C2 at Glen Rose and modifies the license of Station KCLE-FM to specify operation on the higher powered channel. To accommodate the upgrade at Glen Rose, the Commission also substitutes Channel 295A for Channel 221C2 at Stamford, Texas, and modifies the construction permit of M & M Broadcasting Company to specify the Class A channel. See 62 FR 36250, July 7, 1997. Channel 221C1 and Channel 295A can be allotted to Glen Rose and Stamford, respectively, in compliance with the Commission's minimum distance separation requirements. The coordinates for Channel 221C1 at Glen Rose are 32-16-30 and 98-08-30. The coordinates for Channel 295A at Stamford are 32-58-21 and 99-48-32. With this action, this proceeding is terminated.

EFFECTIVE DATE: January 26, 1998.

FOR FURTHER INFORMATION CONTACT: Pam Blumenthal, Mass Media Bureau, (202) 418-2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 97-145, adopted November 26, 1997, and released December 12, 1997. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 1919 M Street, NW, Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, ITS, Inc., (202) 857-3800, 1231 20th Street, NW, Washington, DC 20036.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Part 73 of title 47 of the Code of Federal Regulations is amended as follows:

PART 73—[AMENDED]

1. The authority citation for Part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303, 334, 336.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Texas, is amended by removing Channel 221C2 and adding Channel 221C1 at Glen Rose; by removing Channel 221A and adding Channel 295A at Stamford.

Federal Communications Commission.

John A. Karousos,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 97-33185 Filed 12-19-97; 8:45 am]

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DEPARTMENT OF DEFENSE**Department of the Navy****48 CFR Part 5231****Department of the Navy Acquisition
Regulations; Shipbuilding Capability
Preservation Agreements**

AGENCY: Department of the Navy, DoD

ACTION: Interim rule with request for comments.

SUMMARY: The Deputy for Acquisition and Business Management, Office of the Assistant Secretary of the Navy (Research, Development and Acquisition), has issued an interim rule amending the Navy Acquisition Regulations to permit the Department of the Navy (DoN) to enter into a shipbuilding capability preservation agreement with a shipbuilder where it would facilitate the achievement of the policy objectives set forth in section 2501(b) of title 10, United States Code.

DATES: *Effective Date:* December 22, 1997.

Comment date: Comments on the interim rule should be submitted in writing to the address shown below on or before February 20, 1998, in order to be considered in formulation of the final rule.

ADDRESSES: Interested parties should submit written comments to Department of the Navy, Office of the Assistant Secretary of the Navy, Acquisition and Business Management, Attn: Mr. Clarence Belton, ABM-P&R, 2211 South

Clark Place, Arlington, VA 22244-5104. Telefax number (703) 602-2117. Please cite "Shipbuilding Capability Preservation Agreements" in all correspondence related to this issue.

FOR FURTHER INFORMATION CONTACT: Mr. Clarence Belton, (703) 602-2807.

SUPPLEMENTARY INFORMATION:

A. Background

This interim rule adds part 5231 to the Department of the Navy Acquisition Regulations (48 CFR Chapter 52), to implement section 1027 of the National Defense Authorization Act for Fiscal Year 1998 (Pub. L. 105-85). Section 1027 permits the DoN to enter into a shipbuilding capability preservation agreement with a shipbuilder where it would facilitate the achievement of the policy objectives set forth in 10 U.S.C. 2501(b). Such an agreement would permit the contractor to claim certain indirect costs, attributable to its private sector work, on its Navy shipbuilding contracts.

B. Determination To Issue an Interim Rule

A determination has been made under the authority of the Secretary of the Navy that urgent and compelling reasons exist to promulgate this interim rule without prior opportunity for public comment. This rule implements section 1027 of the National Defense Authorization Act for Fiscal Year 1998 (Pub. L. 105-85), which became effective upon enactment on November 18, 1997. Congress specifically directed DoN to establish application procedures and procedures for expeditious consideration of shipbuilding capability preservation agreements within 30 days of enactment and to submit a report on applications for such agreements to Congress not later than February 15, 1998. Given these statutory-imposed deadlines, opportunity for public comment prior to promulgation of this rule is not possible. However, comments received in response to the publication of this interim rule will be considered in formulating the final rule.

C. Regulatory Flexibility Act

The interim rule is not expected to have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.*, because most contracts awarded to small entities are awarded on a competitive fixed-price basis and do not require application of the cost principle contained in this rule. An initial regulatory flexibility analysis has therefore not been performed.

Comments are invited from small businesses and other interested parties. Comments from small entities concerning the affected Navy Acquisition Regulations subpart will also be considered in accordance with 5 U.S.C. 610. Such comments must be submitted separately and should cite 5 U.S.C. 601, *et seq.* (Shipbuilding Capability Preservation Agreement), in correspondence.

D. Paperwork Reduction Act

It is anticipated that collection of information requirements will not be imposed on ten or more persons within any 12-month period. Therefore, this rule contains no information collection requirements that require the approval of the Office of Management and Budget under 44 U.S.C. 3501, *et seq.*, and 5 CFR part 1320.

List of Subjects in 48 CFR Part 5231

Government procurement.

For the reasons set forth in the preamble, add 48 CFR part 5231 to read as follows:

PART 5231—CONTRACT COST PRINCIPLES AND PROCEDURES

Subpart 5231.2—Contracts with Commercial Organizations

Sec.

5231.205 Selected costs.
5231.205-90 Shipbuilding capability preservation agreements.

Authority: 5 U.S.C. 301, 10 U.S.C. 2501, 10 U.S.C. 7315, DoD Directive 5000.35.

Subpart 5231.2—Contracts With Commercial Organizations

§ 5231.205 Selected costs.

§ 5231.205-90 Shipbuilding capability preservation agreements.

(a) *Scope and authority.* Where it would facilitate the achievement of the policy objectives set forth in 10 U.S.C. 2501(b), the Navy may enter into a shipbuilding capability preservation agreement with a contractor. As authorized by section 1027 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105-85), such an agreement permits the contractor to claim certain indirect costs attributable to its private sector work as allowable costs on Navy shipbuilding contracts.

(b) *Definition. Incremental indirect cost*, as used in this subsection, means an additional indirect cost that results from performing private sector work described in a shipbuilding capability preservation agreement.

(c) *Purpose and guidelines.* The purpose of a shipbuilding capability

preservation agreement is to broaden and strengthen the shipbuilding industrial base by providing an incentive for a shipbuilder to obtain new private sector work, thereby reducing the Navy's cost of doing business. The Navy will use the following guidelines to evaluate requests for shipbuilding capability preservation agreements:

(1) The Assistant Secretary of the Navy for Research, Development and Acquisition must make a determination that an agreement would facilitate the achievement of the policy objectives set forth in 10 U.S.C. 2501(b). The primary consideration in making this determination is whether an agreement would promote future growth in the amount of private sector work that a shipbuilder is able to obtain.

(2) An agreement generally will be considered only for a shipbuilder with little or no private sector work.

(3) The agreement shall apply to prospective private sector work only, and shall not extend beyond 5 years.

(4) The agreement must project an overall benefit to the Navy, including net savings. This would be achieved by demonstrating that private sector work will absorb costs that otherwise would be absorbed by the Navy.

(d) *Cost-reimbursement rules.* If the Navy enters into a shipbuilding capability preservation agreement with a contractor, the following cost-reimbursement rules apply:

(1) The agreement shall require the contractor to allocate the following costs to private sector work:

(i) The direct costs attributable to the private sector work;

(ii) The incremental indirect costs attributable to the private sector work; and

(iii) The non-incremental indirect costs to the extent that the revenue attributable to the private sector work exceeds the sum of the costs specified in paragraphs (d)(1)(i) and (d)(1)(ii) of this subsection.

(2) The agreement shall require that the sum of the costs specified in paragraphs (d)(1)(ii) and (d)(1)(iii) of this subsection not exceed the amount of indirect costs that would have been allocated to the private sector work in accordance with the contractor's established accounting practices.

(3) The Navy may agree to modify the amount calculated in accordance with paragraph (d)(1) of this subsection if it determines that a modification is appropriate to the particular situation. In so doing, the Navy may agree to the allocation of a smaller or larger portion of the amount calculated in accordance

with paragraph (d)(1) of this subsection, to private sector work.

(i) Any smaller amount shall not be less than the sum of the costs specified in paragraphs (d)(1)(i) and (d)(1)(ii) of this subsection.

(ii) Any larger amount shall not exceed the sum of the costs specified in paragraph (d)(1)(i) of this subsection and the amount of indirect costs that would have been allocated to the private sector work in accordance with the contractor's established accounting practices.

(iii) In determining whether such a modification is appropriate, the Navy will consider factors such as the impact of pre-existing firm-fixed-price Navy contracts on the amount of costs that would be reimbursed by the Navy, the impact of pre-existing private sector work on the cost benefit that would be received by the contractor, and the extent to which allocating a smaller or larger portion of costs to private sector work would provide a sufficient incentive for the contractor to obtain additional private sector work.

(e) *Procedure.* A contractor may submit a request for a shipbuilding capability preservation agreement, together with appropriate justification, through the Deputy Assistant Secretary of the Navy for Ships, to the Assistant Secretary of the Navy for Research, Development and Acquisition, who has approval or disapproval authority. The contractor should also provide an informational copy of any such request to the cognizant administrative contracting officer.

Dated: December 16, 1997.

Michael I. Quinn,

Lieutenant Commander, Judge Advocate General's Corps, U.S. Navy, Alternate Federal Register Officer.

[FR Doc. 97-33221 Filed 12-19-97; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 285

[I.D. 121597C]

Atlantic Tuna Fisheries; Atlantic Bluefin Tuna

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Closure; catch limit adjustment.

SUMMARY: NMFS closes the fishery for large medium and giant Atlantic bluefin

tuna (ABT) conducted by Angling category fishermen in the southern area (the waters off Delaware and states south). Closure of this fishery is necessary because the 4 metric tons (mt) of large medium and giant ABT allocated for this subcategory is projected to be attained by December 17, 1997. The intent of this action is to prevent overharvest of this subcategory. In addition, effective January 1, 1998, the daily catch limit for ABT is adjusted to one fish per vessel, which may be from the school, large school, or small medium size class. This action is being taken to lengthen the fishing season and ensure reasonable fishing opportunities in all geographic areas without risking overharvest of the Angling category.

DATES: The closure is effective 11:30 p.m., local time, December 17, 1997, through December 31, 1997. The daily catch limit adjustment is effective 12:30 a.m., local time, January 1, 1998, until the end of the 1998 winter fishery. NMFS will publish a subsequent document specifying a closure or any additional adjustment.

FOR FURTHER INFORMATION CONTACT: Sarah McLaughlin, 301-713-2347, or Pat Scida, 978-281-9208.

SUPPLEMENTARY INFORMATION: Regulations implemented under the authority of the Atlantic Tunas Convention Act (16 U.S.C. 971 *et seq.*) governing the harvest of ABT by persons and vessels subject to U.S. jurisdiction are found at 50 CFR part 285.

Closure

Implementing regulations for the Atlantic tuna fisheries at 50 CFR 285.22 provide for a total annual quota of 4 mt of large medium and giant ABT (measuring greater than 73 inches (185 cm)) to be harvested in the southern area (south of 38°47' N. lat.) by vessels permitted in the Angling category or the Charter/Headboat category. NMFS is required, under § 285.20(b)(1), to monitor the catch and landing statistics and, on the basis of these statistics, to project a date when the catch of ABT will equal the quota applicable to any period.

As of December 15, 1997, reported recreational fishery landings of large medium and giant ABT in the southern area totaled approximately 3.8 mt. Information on fishing effort and catch rates available to NMFS indicates that the remaining quota is likely to be taken by the closure date. Therefore, fishing for, retaining, possessing, or landing large medium or giant ABT in the southern area by vessels in the Angling category or Charter/Headboat category must cease at 11:30 p.m., local time,

December 17, 1997. This action is to prevent overharvest of the quota established for this subcategory. Recreational anglers may continue to fish for large medium and giant ABT under the NMFS tag and release program (50 CFR 285.27). The Angling category trophy fishery for large medium and giant ABT remains open in the northern area until further notice.

Catch Limit Adjustment

Implementing regulations for the Atlantic tuna fisheries at § 285.24 allow for adjustments to the daily catch limits in order to lengthen the fishing season and ensure reasonable fishing opportunities for all geographic areas. The Assistant Administrator for Fisheries, NOAA, may increase or reduce the per angler catch limit for any size class bluefin tuna or may change the per angler limit to a per boat limit or a per boat limit to a per angler limit.

The 1997 Angling category fishery closed effective October 19, 1997 (62 FR 53247, October 14, 1997). The 1998 Angling category fishery for ABT measuring 27 inches and greater will open January 1, 1998. NMFS adjusts the daily catch limit, effective January 1, 1998 as follows: No more than one bluefin tuna may be retained each day per Angling category vessel, which may be from the school, large school, or small medium size class. Based on the high catch rates and large average size of ABT landed during the first few months of 1997, this action is being taken to lengthen the fishing season and ensure reasonable fishing opportunities in all geographic areas without risking overharvest.

Charter/Headboat vessels, when engaged in recreational fishing for school, large school, and small medium ABT, are subject to the same rules as Angling category vessels. The trophy fish catch limit of one-per-vessel-per-year will remain in effect for 1998.

Subsequent adjustments to the daily catch limit, if any, shall be announced through publication in the **Federal Register**. In addition, anglers may call the Atlantic Tunas Information Line at 301-713-1279 or 978-281-9305 for updates on quota monitoring and catch limit adjustments.

Classification

This action is taken under 50 CFR 285.20(b)(1) and 285.24(d)(3) and is exempt from review under E.O. 12866.

Authority: 16 U.S.C. 971 *et seq.*