

that the rule will not have a significant impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and government entities with jurisdiction over populations of less than 50,000.

This action removes a requirement that the Clean Air Act required the State to address. Therefore, because this action does not impose any new requirements, I certify that it does not have an impact on any small entities.

#### *Unfunded Mandates*

Under section 202 of the Unfunded Mandates Reform Act of 1995 ("Unfunded Mandates Act"), signed into law on March 22, 1995, EPA must prepare a budgetary impact statement to accompany any proposed or final rule that includes a federal mandate that may result in estimated annual costs to State, local, or tribal governments in the aggregate; or to private sector, of \$100 million or more. Under section 205, EPA must select the most cost-effective and least burdensome alternative that achieves the objectives of the rule and is consistent with statutory requirements. Section 203 requires EPA to establish a plan for informing and advising any small governments that may be significantly or uniquely impacted by the rule.

EPA has determined that this action does not include a federal mandate that may result in estimated annual costs of \$100 million or more to either State, local, or tribal governments in the aggregate, or to the private sector. This federal action imposes no new requirements, and accordingly, no additional costs to State, local, or tribal governments, or to the private sector, result from this action.

#### *Submission to Congress and the General Accounting Office*

Under 5 U.S.C. section 801(a)(1)(A) as added by the Small Business Regulatory Enforcement Fairness Act of 1996, EPA submitted a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives and the Comptroller General of the General Accounting Office prior to publication of the rule in today's **Federal Register**. This rule is not a "major rule" as defined by 5 U.S.C. section 804(2).

#### *Petitions for Judicial Review*

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by February 20, 1998. Filing a petition for

reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

#### **List of Subjects in 40 CFR Part 52**

Environmental protection, Air pollution control, Nitrogen oxides, Ozone, Volatile organic compounds, Intergovernmental relations, Reporting and recordkeeping requirements.

Dated: December 4, 1997.

**William J. Muszynski,**  
*Acting Regional Administrator, Region 2.*

Part 52, chapter I, title 40 of the Code of Federal Regulations is amended as follows:

#### **PART 52—[AMENDED]**

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

**Authority:** 42 U.S.C. 7401-7671q.

#### **Subpart HH—New York**

2. Section 52.1683 is amended by adding new paragraph (f) to read as follows:

##### **52.1683 Control strategy: Ozone.**

\* \* \* \* \*

(f) Attainment Determination—EPA has determined that, as of February 5, 1998, the Poughkeepsie ozone nonattainment area (consisting of Dutchess and Putnam Counties and northern Orange County) has air monitoring data that attains the one-hour ozone standard and that the requirements of section 182(b)(1) (reasonable further progress and attainment demonstration) and related requirements of section 172(c)(9) (contingency measures) of the Clean Air Act do not apply to the area.

[FR Doc. 97-33080 Filed 12-19-97; 8:45 am]

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#### **NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES**

##### **45 CFR Part 1110**

##### **Nondiscrimination in Federally Assisted Programs; Technical Amendment**

**AGENCY:** National Foundation on the Arts and the Humanities.

**ACTION:** Final rule; technical amendment.

**SUMMARY:** This final rule incorporates the new name of the Institute of Museum and Library Services (the "Institute"), established by the Museum and Library Services Act of 1996, into the regulations promulgated by the National Foundation on the Arts and the Humanities regulations regarding nondiscrimination in federally assisted programs. These regulations implement Title VI of the Civil Rights Act of 1964, thereby prohibiting discrimination on the grounds of race, color, or national origin, in federally funded programs.

**DATES:** This final rule is effective December 22, 1997.

**FOR FURTHER INFORMATION CONTACT:** Mary Ann Bittner, Director of Legislative and Public Affairs, Institute of Museum and Library Services, 1100 Pennsylvania Avenue, N.W., Washington, D.C. 20405. Telephone: (202) 606-8536.

**SUPPLEMENTARY INFORMATION:** The Museum and Library Services Act of 1996, set forth as 20 U.S.C. 961 *et seq.*, expanded the functions of the Institute of Museum Services to create a new agency, The Institute of Museum and Library Services. The Institute, like its sister agencies The National Foundation on the Arts and the Humanities, is a subdivision of the National Foundation on the Arts and the Humanities.

The National Foundation on the Arts and the Humanities regulations governing nondiscrimination in federally assisted programs and implementing Title VI of the Civil Rights Act of 1964, are set forth in 45 CFR Part 1110. This rule conforms these regulations to the Museum and Library Services Act of 1996, by incorporating the new name of the agency into the regulations' provisions.

The National Foundation on the Arts and the Humanities considers this rule to be a technical amendment which is exempt from notice-and-comment under 5 U.S.C. 553(b)(3)(A). This rule is not a significant rule for purposes of Executive Order 12866 and has not been reviewed by the Office of Management and Budget. As required by the Regulatory Flexibility Act, The Foundation certifies that these regulatory amendments will not have a significant impact on small business entities.

##### **List of Subjects in 45 CFR Part 1110**

Civil rights.

For the reasons stated in the summary and pursuant to 20 U.S.C. 961 *et seq.*, 45 CFR, Chapter XI, Part 1110 is amended as follows:

**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]

BILLING CODE 6712-01-P

**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