Environmental and Energy Considerations

The Commission certifies that this rule will not affect significantly the quality of the human environment or the conservation of energy resources.

List of Subjects

49 CFR Part 1104

Administrative practice and procedure.

49 CFR Part 1115

Administrative practice and procedure.

Decided: May 27, 1988.

By the Commission, Chairman Gradison, Vice Chairman Andre, Commissioners Sterrett, Simmons, and Lamboley.

Noreta R. McGee,

Secretary.

Title 49 of Parts 1104 and 1115 of the Code of Federal Regulations is amended as follows:

PART 1104—PLEADINGS, GENERALLY

1. The authority citation for 49 CFR Part 1104 continues to read:

Authority: 49 U.S.C. 10321; 5 U.S.C. 559.

2. Part 1104 is amended by revising § 1104.1(a) to read as follows:

§ 1104.1 Address and identification.

(a) Except as provided in § 1115.7, pleadings should be addressed to the "Secretary, Interstate Commerce Commission, Washington, DC 20423," and should designate the docket number and title of the proceeding, if known.

* * * * *

PART 1115—APPELLATE PROCEDURES

1. The authority citation for 49 CFR Part 1115 continues to read:

Authority: 49 U.S.C. 10321, 10322, and 10377; 5 U.S.C. 559.

2. Part 1115 is amended by adding § 1115.7, which shall read as follows:

§ 1115.7 Petitions for judicial review; mailing address.

Petitions for judicial review of final agency orders may be served on the Commission pursuant to 28 U.S.C. 2112(a) and be addressed to "General Counsel, Office of the General Counsel, Interstate Commerce Commission, Washington, DC 20423."

[FR Doc. 88-12755 Filed 6-6-88; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 652

[Docket No. 70617-7239]

Atlantic Surf Clam and Ocean Quahog Fisheries

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Notice of area opening.

SUMMARY: NOAA issues this final notice to open the currently closed surf clam areas located offshore of Atlantic City, New Jersey, and Ocean City, Maryland, for harvesting. This action is taken because the majority of the surf clams located in these areas have attained the current legal minimum size of 5 inches. The intended effect is to allow the harvest of surf clams which have been protected and allowed to grow to produce greater yields.

EFFECTIVE DATE: July 3, 1988.

FOR FURTHER INFORMATION CONTACT: John G. Terrill, Surf Clam/Ocean Quahog Plan Coordinator, 617-281-3600, ext. 252.

SUPPLEMENTARY INFORMATION: The Fishery Management Plan for the Atlantic Surf Clam and Ocean Quahog Fisheries (FMP) is implemented by regulations appearing at 50 CFR Part 652. At meetings held in November 1986 and January 1987, the Mid-Atlantic Fishery Management Council (Council), requested that the Secretary of Commerce reopen the three closed areas designated as Atlantic City, Chincoteague, and Ocean City, with the exception that the Chincoteague, Virginia, closed area would be reopened to allow thinning of the surf clam beds, except for a 9-square-mile research area which would remain closed.

As required by § 652.23, the Secretary published notice of this proposed action (52 FR 4020, February 9, 1987) and requested comments on opening the three currently closed areas. Public hearings were held on February 13 and 14, 1987, at locations in New Jersey and Maryland. Comments favored opening each of the three areas, with consensus that all three areas should be opened at the same time and that the opening should not occur until after November 1987.

Before this action could be taken, a regulatory amendment was needed to make the surf clam size criteria for reopening areas consistent with the prevailing legal minimum surf clam size. Amendment 3 to the FMP specified that areas could be reopened once the average length of the dominant size class in the area to be reopened reached 5½ inches or greater. Amendment 5 to the FMP provided a mechanism for adjusting the legal minimum size within a range of 4¾ to 5½ inches. Under the provisions of Amendment 5, a notice was published (50 FR 46671, November 12, 1985) reducing the legal minimum surf clam size to 5 inches, with opportunity for public comment until December 31, 1985. After considering comments, and with the aim of reducing wasteful discards, the 5-inch minimum legal size limit was confirmed (51 FR 8326, March 11, 1986) and currently prevails.

A regulatory amendment (53 FR 4630, February 17, 1988) modified the closed area criteria by specifying that instead of 5½ inches, an area could be reopened if the average length of the dominant size class in that area was equal to or greater than the prevailing legal minimum size. A 1986 stock survey the (most recent survey) performed under contract by Rutgers University determined that the mean length for surf clams in the Ocean City area was 4.9 inches with a 0.32-inch standard deviation and the mean length in the Atlantic City area was 5.3 inches with a 0.48-inch standard deviation.

At the April 1988 Council meeting, the Council reconsidered the motion recommending that the Chincoteague area be reopened. The sentiment was that while there is justification for opening the area, there is a potential for a high discard of small clams with a resultant high mortality. An opinion was expressed that under the current method of effort control, vessel operators could not be selective on which beds to work and harvesting would be done with the intent to achieve the maximum yield in the least amount of time. The Council voted to wait to open the Chincoteague area until implementation of Amendment 8 to the FMP, at which time harvesters would be allowed to be more selective.

Areas

The areas reopened by this notice are defined as follows:

Atlantic City Closed Area—located between 3 and 9½ nautical miles offshore of Atlantic City, New Jersey. Part of the area was reopened in 1982.

Area currently closed:

Latitude	*Longitude*
39°15.5' N.	74°30.0' W.
39°28.5' N.	74°14.15' W.
39°27.2' N.	74°05.7' W.
39°17.62' N.	74°14.3' W.
39°11.6' N.	74°23.5' W.

Area reopened in 1982:

Latitude	*Longitude*
39°12.4' N.	74°22.3' W.
39°29.33' N.	74°22.37' W.
39°18.35' N.	74°13.6' W.
39°17.6' N.	74°14.3' W.

Ocean City Closed Area—located between 6 and 10 nautical miles offshore of Ocean City, Maryland.

Area currently closed:

Latitude	*Longitude*
38°17.0' N.	74°57.0' W.
38°20.5' N.	74°51.0' W.
38°19.0' N.	74°48.5' W.
38°12.5' N.	74°51.0' W.

Opening Date

In order to allow for sufficient notification and equitable access to the areas to be reopened, the opening date will be July 3, 1988, which is the first day of the third quarter.

Effort Control/Monitoring

Under § 652.23(b)(3), "the Secretary will control the harvest of surf clams from reopened areas separate from the management of the general fishery until the catch per unit of effort in the reopened area is comparable to the average catch per unit of effort in the general fishery." To achieve this goal, vessels operating in the two reopened areas will be limited to one trip of six hours' duration per quarter for each of the areas. These trips will be included among the regularly scheduled trips allotted for the third quarter.

Trips to be taken in the reopened areas must be indicated on the Letter of Authorization by writing either "Atlantic City" or "Ocean City" immediately following the scheduled trip day.

Written notification to NMFS must include this designation when scheduling trips for the third and subsequent quarters. Additionally, vessels working the reopened areas will be required to indicate in the "Area Fished" column of the vessel Fishing Trip Record (Shellfish) (NOAA Form 88-140) the name of the reopened area as well as the loran bearings of latitude/longitude coordinates.

Other Matters

This action is taken under the authority of 50 CFR Part 652 and is taken in compliance with Executive Order 12291.

(16 U.S.C. 1801 *et seq.*)

List of Subjects in 50 CFR Part 652

Fisheries.

Dated: June 2, 1988.

Richard H. Schaefer,

Director, Fisheries Conservation and Management, National Marine Fisheries Service.

[FR Doc. 88-12802 Filed 6-6-88; 8:45 am]

BILLING CODE 3510-22-M

Proposed Rules

Federal Register
Vol. 53, No. 109
Tuesday, June 7, 1988

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

NUCLEAR REGULATORY COMMISSION

10 CFR Part 50

Public Workshop for NRC Rulemaking on Maintenance of Nuclear Power Plants

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of workshop.

SUMMARY: On March 23, 1988, the Commission published a final Policy Statement on Maintenance of Nuclear Power Plants. In the Policy Statement, the Commission stated it expected to publish a Notice of Proposed Rulemaking in the near future, and has directed the staff to develop such a Notice of Proposed Rulemaking. In order to solicit information and comment from the public and regulated industry early in the formulation of the proposed rule, NRC plans to conduct a workshop.

DATES: July 11–13, 1988.

ADDRESS: The Mayflower Hotel, 1127 Connecticut Avenue NW, Washington, DC 20036.

FOR FURTHER INFORMATION CONTACT: Moni Dey, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, DC 20555. Telephone (301) 492–3730.

SUPPLEMENTARY INFORMATION: The following is the agenda for the workshop.

Day 1: General Session (9 am–5 pm).

1. Introduction and opening remarks by the Workshop Chairman.
2. Remarks by NRC Commissioner.
3. NRC Approach, Schedule and Options for Maintenance Rulemaking.
4. Presentations by the Public and Industry.

Statements and comments by the public and industry on items pertaining to the rulemaking are requested. These may be of a general or specific nature.

The following are specific questions and topics which are of interest and which the NRC desires to have input on:

—What approach should NRC take in developing a rulemaking on maintenance:

- Prescriptive?
- General Goals?
- Standardize Maintenance Practices?
- Performance Indicators?

–How should the rule address the various maintenance activities listed in the Policy Statement?

—What defines a good maintenance program?

- What industry standards are available for defining an effective maintenance program,
- How should the effectiveness of a maintenance program be measured/monitored?

Presentors are also welcome to address other areas related to the maintenance rulemaking.

5. Question/Answer Period.

Day 2: Working Group Sessions (9 am–5 pm).

The activities listed in the Commission Policy Statement on Maintenance of Nuclear Power Plants have been grouped into four major areas. There will be parallel sessions of four Working Groups in each of these areas to discuss how they could be addressed in a rule, regulatory guide and/or industry standard.

Working Group A: *Maintenance Technology*
(1) Corrective maintenance
(2) Preventive maintenance
(3) Predictive maintenance
(4) Surveillance
(5) Post-maintenance testing
(6) Others

Working Group B: *Maintenance Management, Planning, and Organization*
(1) Procedures
(2) Planning
(3) Scheduling
(4) Staffing
(5) Shift coverage
(6) Allocation of resources
(7) Personnel qualification and training
(8) Record keeping
(9) Management of contract maintenance services
(10) Management of spare parts, tools, facilities, and equipment qualifications
(11) QA/QC
(12) ALARA considerations (occupational exposures)
(13) Reporting requirements
(14) Others

Working Group C: Maintenance Monitoring, Assessment, and Effectiveness
(1) Equipment history and trending
(2) Surveillance
(3) Predictive maintenance
(4) Information feed-back loop
(5) Measures of overall maintenance program effectiveness
(6) Effective communications structure
(7) Industry/NRC data base
(8) Others

Working Group D: Effective Organizational Communications
(1) Communications between maintenance and: (a) Operations; (b) Corporate; (c) Corporate engineering and design.
(2) Incorporation of vendor maintenance recommendations
(3) Engineering support and modifications (e.g., cooperation, coordination, and support between maintenance group and the engineering/design group)
(4) Interface and communications with contract maintenance services

Note:

All four working groups would be asked to focus on the following objectives:

(1) Discuss the important issues for an effective maintenance program and the approach for addressing these issues in rulemaking,

(2) Provide information regarding acceptable ways to adequately address these issues and acceptance criteria that could be included in a rule, regulatory guide or industry standard,

(3) Provide information regarding industry's initiatives as they relate to each one of these issues and areas,

(4) Prepare a brief report summarizing highlights of their discussion (to be prepared by the working group chairman).

Each working group will be asked to address a specific set of questions related to its topic area.

Day 3: Final Session (9 am–12 noon).

1. Highlights of Working Group A: Working Group A Chairman.
2. Highlights of Working Group B: Working Group B Chairman.
3. Highlights of Working Group C: Working Group C Chairman.
4. Highlights of Working Group D: Working Group D Chairman.

5. General Comment Period.

6. Concluding remarks by Workshop Chairman.

Those members of the public who wish to attend the workshop should notify the contact listed above. In addition, those members of the public who wish to make a presentation on Day 1, or who wish to be a member of any of the Working Groups on Day 2 of the Workshop should indicate their preference to the contact listed above so that they can be added to the agenda. Early notification is recommended since requests will be processed as they are received.

Dated in Rockville, Maryland, this 1st day of June, 1988.

For the Nuclear Regulatory Commission.

Moni Dey,

Task Manager, Advanced Reactors & Generic Issues Branch, Division of Regulatory Applications, Office of Nuclear Regulatory Research.

[FR Doc. 88-12784 Filed 6-6-88; 8:45 am]

BILLING CODE 7590-01-M

SMALL BUSINESS ADMINISTRATION

13 CFR Part 121

Size Standard for Export Trading Companies and Export Management Companies

AGENCY: Small Business Administration (SBA).

ACTION: Proposed rule.

SUMMARY: SBA is proposing to establish a size standard of $10 million for "Export Trading Companies and Export Management Companies (ETCs/EMCs/)." Currently, SBA has no small business definition for such firms. Because of the increased interest in exporting and the uniqueness of these types of firms, SBA wishes to establish a size standard to clarify the size status of ETCs/EMCs. The intent of this rule is to determine which firms would be eligible for SBA's financial assistance and other programs.

DATE: Comments must be submitted on or before August 8, 1988.

ADDRESS: SEND ALL COMMENTS TO: Gary M. Jackson, Director, Size Standards Staff, U.S. Small Business Administration, 1441 L Street, NW., Room 601, Washington, DC 20416.

FOR FURTHER INFORMATION CONTACT:

Robert N. Ray, Economist, Size Standards Staff, (202) 653-6373;

Sheryl J. Swed, Director, Office of International Trade, (202) 653-7794.

SUPPLEMENTARY INFORMATION: Since the enactment of the "Export Trading Company Act" in 1982, Pub. L. 97-270, there has been interest in the formation of such companies. SBA has attempted to encourage exporting by small businesses, including but not limited to, ETCs/EMCs, through a variety of programs, such as:

- Export Revolving Lines of Credit to guarantee loans made by private lenders of up to $500,000, and in conjunction with the Export-Import Bank, of loans up to $1,000,000.
- Other regular business loans of up to $500,000 through the SBA's 7(a) Loan Guarantee Program.
- Business Development assistance tailored to meet the needs of exporters through counseling by volunteers (SCORE/ACE), Small Business Institutes, or Small Business Development Centers.
- Legal consultation including free initial consultations provided through an agreement between the Federal Bar Association's International Law Council and SBA.
- Export training, international trade missions, publications, and other services provided by SBA.

This assistance is not limited to firms formally organized or certified as ETCs under the "Export Trading Company Act" of 1982. It applies to any small firm which exports or intends to export. For purposes of this rule, the terms "EMC and ETC" are used interchangeably.

ETCs usually purchase goods from a manufacturer, take title, and sell abroad. Some, however, do not take title, but work on a commission and/or fee basis. ETCs act as the export arm for small and medium sized manufacturers. Such manufacturers are generally too small to set up their own export activities and look to ETCs to market their products abroad. Thus, ETCs can also act as intermediaries to facilitate the exports of small business. It is for this reason that SBA is interested in fostering ETCs and in developing a size standard for these types of businesses.

While export trading incorporates elements of both wholesaling and certain business services, like market research, product design, insurance, freight forwarding, etc. SBA believes it is sufficiently unique, and other possible size standards so inappropriate, that the ETC/EMC activity warrants its own size standard. Compared to conventional domestic wholesalers, ETCs perform many functions beyond wholesaling, yet typically do not handle the volumes of most wholesalers. They also provide more than export-related business services in that they often take title to goods and provide storage facilities. Thus the uniqueness of this activity and the special attention accorded it under the "Export Trading Company Act" lead SBA to propose a size standard for this activity.

When researching an industry for size standards purposes, SBA relies on generally accepted published statistical sources such the Census Bureau, Internal Revenue Service, SBA's Small Business Data Base, and similar sources for a description of the economic structure of the industry. Because ETCs do not comprise an industry in the sense of being recognized in the "Standard Industrial Classification Manual," the typical statistical sources do not collect data on the structure of this activity. Normally, data on the number of firms, average firm size by sales and employees, distribution and range of firm sizes, and primary line of business are essential in formulating a size standard (see 13 CFR 121.1).

As a substitute for these data, SBA has obtained information from secondary sources. These include: A 1980 survey by the National Association of Export Companies (NEXCO), a trade group; a survey conducted in 1983 by Coopers and Lybrand, an accounting firm; and "The Export Company Guidebook" on ETCs prepared in 1984 by Price Waterhouse and the Council for Export Trading Companies for the Commerce Department's International Trade Administration.

First, the NEXCO survey obtained results from 92 firms out of 134 NEXCO members. NEXCO found that the average volume of export sales ranged from $8 million to $17 million per firm with the $5-10 million size category, containing 19 firms, as the mode.