Dated March 25, 1970, to become effective May 1, 1970.

ARTHUR E. BROWNE,
*Acting Director, Fruit and Vegetable Division, Consumer and Marketing Service.*

[F.R. Doc. 70-3880; Filed, Mar. 30, 1970; 8:52 a.m.]

[Milk Order 7]

## PART 1007—MILK IN GEORGIA MARKETING AREA

### Order Suspending Certain Provision

This suspension order is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and of the order regulating the handling of milk in the Georgia marketing area.

It is hereby found and determined that the following provision of the order no longer tends to effectuate the declared policy of the Act: In § 1007.51(a), "For the first 12 months from the effective date of this section,".

*Statement of consideration.* Suspension of this provision will continue in effect the Class I price which otherwise would terminate March 31, 1970.

A public hearing was held in Atlanta, Ga., March 11, 1970, on proposals to review the level of the Class I price in the Georgia marketing area.

Producers and handlers, through counsel, requested this suspension action pending the issuance of an amending order based on the evidence presented at the hearing.

It is hereby found and determined that 30 days' notice of the effective date hereof is impractical, unnecessary and contrary to the public interest in that:

(a) This suspension is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area in that the Class I price, fundamental to effective order administration, would otherwise terminate on March 31, 1970.

(b) This suspension order does not require of persons affected substantial or extensive preparation prior to the effective date; and

(c) The request for this suspension order was made by producers and concurred in by handlers at a public hearing held March 11, 1970, at Atlanta, Ga. No objections were expressed to the request for this suspension. This action is necessary, pending the issuance of an amending order, to continue the Class I price in the order beyond the present termination date of March 31, 1970.

Therefore, good cause exists for making this order effective April 1, 1970.

*It is therefore ordered,* That the aforesaid provision of the order is hereby suspended beginning April 1, 1970.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective date: April 1, 1970.

Signed at Washington, D.C., on March 26, 1970.

RICHARD E. LYNG,
*Assistant Secretary.*

[F.R. Doc. 70-3881; Filed, Mar. 30, 1970; 8:52 a.m.]

[Milk Order 65]

## PART 1065—MILK IN NEBRASKA-WESTERN IOWA MARKETING AREA

### Order Suspending Certain Provisions

This suspension order is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and of the order regulating the handling of milk in the Nebraska-Western Iowa marketing area.

It is hereby found and determined that for the months of April through November 1970 the following provisions of the order no longer tend to effectuate the declared policy of the Act:

1. In § 1065.71(g), "except for the months specified below, shall be"; and

2. Paragraphs (h) through (l) of § 1065.71 in their entirety.

*Statement of consideration.* Suspension of the takeout-payback plan was requested by the Central States Dairy Cooperative which represents a major portion of the producers associated with the market.

This action will suspend, for 1970, the "takeout-payback" plan for paying producers, which provides for withholding from the pool 8 percent of the adjusted value of producer milk in each of the months of April, May, and June, for distribution to producers during September, October, and November according to their deliveries in these latter months. The purpose of the plan is to reduce the seasonality of milk production for the market. The basis for the request of the cooperative is that the relationship of uniform prices to pay prices of nearby manufacturing plants during the next few months that could be disruptive to milk procurement at regulated plants.

It is hereby found and determined that 30 days' notice of the effective date hereof is impractical, unnecessary and contrary to the public interest in that:

(a) This suspension is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area in that the takeout-payback plan may result in uniform prices during the next few months that could be disruptive to milk procurement at regulated plants.

(b) This suspension order does not require of persons affected substantial or extensive preparation prior to the effective date; and

(c) Interested parties were afforded opportunity to file written data, views or arguments concerning this suspension (35 F.R. 4262). None were filed in opposition to the proposed suspension.

Therefore, good cause exists for making this order effective April 1, 1970, for the period through November 30, 1970.

*It is therefore ordered,* That the aforesaid provisions of the order are hereby suspended for the period April 1, 1970, through November 30, 1970.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective date: April 1, 1970.

Signed at Washington, D.C., on March 26, 1970.

RICHARD E. LYNG,
*Assistant Secretary.*

[F.R. Doc. 70-3882; Filed, Mar. 30, 1970; 8:52 a.m.]

[Milk Orders 121, 126; Docket Nos. AO-364-A2, AO-231-A34]

## PART 1121—MILK IN THE SOUTH TEXAS MARKETING AREA

## PART 1126—MILK IN NORTH TEXAS MARKETING AREA

### Order Amending Orders

*Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of each of the aforesaid orders and of the previously issued amendments thereto; and all of the said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein. The following findings are hereby made with respect to each of the aforesaid orders:

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreements and to the orders regulating the handling of milk in the respective marketing areas.

Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of

industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held;

(b) *Additional findings.* It is necessary in the public interest to make this order amending each of the aforesaid orders effective not later than April 1, 1970. Any delay beyond that date would tend to disrupt the orderly marketing of milk in the marketing area.

The provisions of this order are known to handlers. The recommended decision of the Deputy Administrator, Regulatory Programs, was issued February 18, 1970, and the decision of the Assistant Secretary containing all amendment provisions of this order was issued March 17, 1970. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending each of the aforesaid orders effective April 1, 1970, and that it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the FEDERAL REGISTER. (Sec. 553(d), Administrative Procedure Act, 5 U.S.C. 551–559)

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within each of the respective marketing areas, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending each of the specified orders, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the respective orders as hereby amended; and

(3) The issuance of the order amending each of the specified orders is approved or favored by at least two-thirds of the producers who during the determined representative period were engaged in the production of milk for sale in each of the respective marketing areas.

*Order relative to handling.* It is therefore ordered, that on and after the effective date hereof, the handling of milk in the South Texas and North Texas orders shall be in conformity to and in compliance with the terms and conditions of each of the aforesaid orders, as amended, and as hereby further amended, as follows:

1. In § 1121.51, paragraph (a) is revised to read as follows:

**§ 1121.51 Class prices.**

* * * * *

(a) *Class I price.* The Class I milk price shall be the basic formula price for the preceding month plus $2.48, and plus 20 cents.

* * * * *

2. In § 1121.53, paragraphs (a) and (b) are revised to read as follows:

**§ 1121.53 Location differential to handlers.**

(a) For that milk which is received from producers at a pool plant located (1) in Fayette County, Tex., or (2) north of U.S. Highway 90 and 60 miles or more from the nearer of the city halls in Beaumont and Houston, Tex., by the shortest hard-surfaced highway distance, as determined by the market administrator, and which is transferred to another pool plant in the form of fluid milk products and assigned Class I disposition at the transferee plant pursuant to paragraph (c) of this section, or which is otherwise classified as Class I milk, and for other source milk for which Class I location adjustment credit is applicable, the price specified in § 1121.51(a) shall be reduced at the rate specified below for the applicable distance that such plant is located from the Houston city hall by shortest hard-surfaced highway distance, as determined by the market administrator:

| Miles from city hall in Houston, Tex.: | *Rate per hundredweight (cents)* |
|---|---|
| 60 miles but less than 100 miles | 12 |
| 100 miles but less than 140 miles | 18 |
| 140 miles but less than 180 miles | 22 |
| 180 miles but less than 225 miles | 26 |

For plants located beyond the 225 mile distance from the city hall in Houston, Tex., the rate of adjustment shall be increased 1.5 cents for each 10 miles or fraction thereof that such plant is located more than 225 miles from the city hall in Houston, Tex., by shortest hard-surfaced highway distance, as determined by the market administrator:

(b) For that milk which is received from producers at a pool plant located south of U.S. Highway 90 and (1) outside the Texas counties of Colorado, Fayette, Gonzales, Lavaca, and Wharton, and (2) beyond 60 miles from the nearer of the city halls in Beaumont and Houston, Tex., by the shortest hard-surfaced highway distance, as determined by the market administrator, and which is transferred to another pool plant in the form of fluid milk products and assigned Class I disposition at the transferee plant pursuant to paragraph (c) of this section, or which is otherwise classified as Class I milk and for other source milk for which a Class I location adjustment is applicable, the price specified in § 1121.51(a) shall be increased at the rate specified below for the applicable distance that such plant is located from the Houston city hall by the shortest hard-surfaced highway distance, as determined by the market administrator.

| Miles from city hall in Houston, Tex.: | *Rate per hundredweight (cents)* |
|---|---|
| 60 miles but less than 100 miles | 12 |
| 100 miles but less than 140 miles | 18 |

For plants located beyond the 140 miles distance from the city hall in Houston, Tex., the rate of adjustment shall be increased at the rate of 1.5 cents for each 10 miles or fraction thereof that such plant is located more than 140 miles from the city hall in Houston, Tex., by the shortest hard-surfaced highway distance, as determined by the market administrator;

* * * * *

**§ 1121.54 [Revoked]**

3. Section 1121.54 is revoked in its entirety.

**§ 1121.80 [Amended]**

4. In § 1121.80(a), the reference "§ 1126.72" is changed to read "§ 1121.72."

**§ 1126.90 [Amended]**

5. In § 1126.90(b), the words "an advance" is deleted and the words "a partial" is substituted therefor.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective date: April 1, 1970.

Signed at Washington, D.C., on March 26, 1970.

RICHARD E. LYNG,
*Assistant Secretary.*

[F.R. Doc. 70-3883; Filed, Mar. 30, 1970; 8:52 a.m.]

# Title 9—ANIMALS AND ANIMAL PRODUCTS

## Chapter I—Agricultural Research Service, Department of Agriculture

### SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

### PART 76—HOG CHOLERA AND OTHER COMMUNICABLE SWINE DISEASES

#### Areas Quarantined

Pursuant to provisions of the Act of May 29, 1884, as amended, the Act of February 2, 1903, as amended, the Act of March 3, 1905, as amended, the Act of September 6, 1961, and the Act of July 2, 1962 (21 U.S.C. 111–113, 114g, 115, 117, 120, 121, 123–126, 134b, 134f), Part 76, Title 9, Code of Federal Regulations, restricting the interstate movement of swine and certain products because of hog cholera and other communicable swine diseases, is hereby amended in the following respects:

In § 76.2, in paragraph (e)(19) relating to the State of Virginia, a new subdivision (xii) relating to Orange County is added to read:

(19) *Virginia.* * * *

(xii) That portion of Orange County bounded by a line beginning at the junction of U.S. Highway 522 and Secondary Highway 663; thence, following Secondary Highway 663 in a generally northeasterly direction to Secondary Highway 622; thence, following Secondary Highway 622 in a generally southeasterly direction to Secondary Highway 602; thence, following Secondary Highway 602 in a generally easterly direction to Secondary Highway 611; thence, following Secondary Highway 611 in a generally southeasterly direction to Secondary Highway 604; thence, following Secondary Highway 604 in a generally south-

westerly direction to Secondary Highway 621; thence, following Secondary Highway 621 in a generally southwesterly direction to Secondary Highway 608; thence, following Secondary Highway 608 in a generally southerly direction to the Orange-Spotsylvania County line; thence, following the Orange-Spotsylvania County line in a southwesterly direction to Secondary Highway 651; thence, following Secondary Highway 651 in a generally southwesterly direction to Secondary Highway 629; thence, following Secondary Highway 629 in a generally northwesterly direction to U.S. Highway 522; thence, following U.S. Highway 522 in a generally northerly direction to its junction with Secondary Highway 663.

(Secs. 4–7, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791–792, as amended, secs. 1–4, 33 Stat. 1264, 1265, as amended, sec. 1, 75 Stat. 481, secs. 3 and 11, 76 Stat. 130, 132; 21 U.S.C. 111, 112, 113, 114g, 115, 117, 120, 121, 123–126, 134b, 134f; 29 F.R. 16210, as amended)

*Effective date.* The foregoing amendment shall become effective upon issuance.

The amendment quarantines a portion of Orange County in Virginia because of the existence of hog cholera. This action is deemed necessary to prevent further spread of the disease. The restrictions pertaining to the interstate movement of swine and swine products from or through quarantined areas as contained in 9 CFR Part 76, as amended, will apply to the quarantined area designated herein.

The amendment imposes certain further restrictions necessary to prevent the interstate spread of hog cholera and must be made effective immediately to accomplish its purpose in the public interest. Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and contrary to the public interest, and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 25th day of March 1970.

R. J. ANDERSON,
*Acting Administrator,*
*Agricultural Research Service.*

[F.R. Doc. 70-3796; Filed, Mar. 30, 1970; 8:46 a.m.]

# Title 10—ATOMIC ENERGY

## Chapter I—Atomic Energy Commission

## BACKFITTING OF PRODUCTION AND UTILIZATION FACILITIES; CONSTRUCTION PERMITS AND OPERATING LICENSES

On April 16, 1969, the Atomic Energy Commission published for comment in the FEDERAL REGISTER proposed amendments to its Rules of Practice, 10 CFR Part 2, and to its regulation, Licensing of Production and Utilization Facilities, 10 CFR Part 50, which would (1) define more precisely the significance of the issuance of a construction permit for a facility, (2) simplify and expedite the Commission's facility licensing process by eliminating the "provisional" operating license, and (3) clarify the Commission's position with respect to requirements for additional safety features after the issuance of a construction permit (34 F.R. 6540).

All interested persons were invited to submit written comments and suggestions for consideration in connection with the proposed amendments within 60 days after publication of the notice of proposed rule making in the FEDERAL REGISTER. Upon consideration of the comments received and other factors involved, the Commission has adopted the amendments set out below. The amendments are the same as the proposed amendments published April 16, 1969, except for (1) the elimination of the proposed amendments to § 50.35, other than those deleting the term "provisional" construction permit and a related note, and the proposed definition in § 50.2 of the "principal architectural and engineering criteria" of the proposed design of a facility; (2) the addition of conforming amendments to Part 170; and (3) the addition of minor corrective amendments to §§ 50.35, 50.57 and proposed § 50.109.

The rapid changes in technology in the field of atomic energy result in the continual development of new or improved features designed to improve the safety of production and utilization facilities. Section 50.109 which follows defines the circumstances under which the Commission may require backfitting of facilities—that is, the addition or modification of structures, systems or components affecting the safety of the facility after the construction permit has been issued. It provides that the Commission may require backfitting if it finds that such action will provide substantial, additional protection which is required for the public health and safety or the common defense and security.

Section 50.109 is not, however, intended to affect the responsibility of applicants for, or holders of, facility licenses to evaluate significant new information developed as a result of experience in the design, construction, testing and operation of facilities and the results of research and development programs bearing on the safety of facilities, and to recommend any additions to, or modification of facilities needed to protect the health and safety of the public.

In the past the Commission has issued "provisional" construction permits when an applicant has not supplied initially all of the technical information required to complete the application and support the issuance of a construction permit which approves all proposed design features. In practice, almost all construction permits have never been converted into "final" construction permits, but have merged directly into the operating license. The amendments of § 50.35 and conforming amendments to Parts 2 and 170 which follow eliminate the term "provisional" construction permit, thus conforming the terminology with Commission practice. The findings required for issuance of a construction permit would be the same as those which have been required for a "provisional" construction permit.

The proposed amendment to § 50.35 would have provided that the Commission, in issuing a construction permit, would be approving the construction of the facility in accordance with the application, including the principal architectural and engineering criteria. "Principal architectural and engineering criteria" would have been defined, by amendment of § 50.2, to include (1) the principal design criteria, (2) the essential elements of the proposed design for certain structures, systems and components, (3) the design bases for protection against natural phenomena, and (4) the essential elements of the applicant's quality assurance program. On further consideration, it appears that the "essential elements of the proposed design" of the structures, systems and components of water-cooled nuclear power units referred to in the proposed rule require further definition involving additional study. Accordingly, the proposed amendments of § 50.35 other than those eliminating the term "provisional" construction permit and a related note and the proposed definition of "principal architectural and engineering criteria" in § 50.2 have not been adopted at this time.

By amendments to § 50.57, the "provisional" operating license, which is issued for an 18-month period, is eliminated. Temporary limitations on operation considered necessary for public health and safety will be incorporated in the full-term operating license as conditions. The elimination of the provisional operating license does not preclude the Commission from imposing all the limitations in the full-term operating license which may have been required in the provisional operating license. The findings required for issuance of an operating license are largely the same as those which have been required for a provisional operating license. The elimination of the provisional operating license removes one step in AEC's facility licensing process and is expected to reduce the time consumed in the facility licensing process without reducing the degree of protection of the public health and safety provided. Provisional operating licenses already issued will continue in effect in accordance with their terms. Conforming amendments with respect to the operating license have also been made to Parts 2 and 170.

Pursuant to the Atomic Energy Act of 1954 as amended, and sections 552 and 553 of Title 5 of the United States Code, the following amendments to Title 10, Chapter 1, Code of Federal Regulations, Parts 2, 50 and 170, are published as a document subject to codification to be effective 30 days after publication in the FEDERAL REGISTER.

## PART 2—RULES OF PRACTICE

§ 2.104 [Amended]

1. Section 2.104(b)(2) and sections I (c) and (d), III(g)(1) and IV (c) and (d) of Appendix A of 10 CFR Part 2 are amended by substituting the words "construction permit" for "provisional construction permit" where they appear.

§ 2.761 [Amended]

2. Paragraph (d) of § 2.761 of 10 CFR Part 2 is amended by substituting the words "operating license or provisional operating authorization" for "provisional operating license or authorization".

## PART 50—LICENSING OF PRODUCTION AND UTILIZATION FACILITIES

3. Paragraphs (a) and (b) of § 50.35 of 10 CFR Part 50 are amended to read as follows:

**§ 50.35 Issuance of construction permits.**

(a) When an applicant has not supplied initially all of the technical information required to complete the application and support the issuance of a construction permit which approves all proposed design features, the Commission may issue a construction permit if the Commission finds that (1) the applicant has described the proposed design of the facility, including, but not limited to, the principal architectural and engineering criteria for the design, and has identified the major features or components incorporated therein for the protection of the health and safety of the public; (2) such further technical or design information as may be required to complete the safety analysis, and which can reasonably be left for later consideration, will be supplied in the final safety analysis report; (3) safety features or components, if any, which require research and development have been described by the applicant and the applicant has identified, and there will be conducted, a research and development program reasonably designed to resolve any safety questions associated with such features or components; and that (4) on the basis of the foregoing, there is reasonable assurance that, (i) such safety questions will be satisfactorily resolved at or before the latest date stated in the application for completion of construction of the proposed facility, and (ii) taking into consideration the site criteria contained in Part 100 of this chapter, the proposed facility can be constructed and operated at the proposed location without undue risk to the health and safety of the public.

NOTE: When an applicant has supplied initially all of the technical information required to complete the application, including the final design of the facility, the findings required above will be appropriately modified to reflect that fact.

(b) A construction permit will constitute an authorization to the applicant to proceed with construction but will not constitute Commission approval of the safety of any design feature or specification unless the applicant specifically requests such approval and such approval is incorporated in the permit. The applicant, at his option, may request such approvals in the construction permit or, from time to time, by amendment of his construction permit. The Commission may, in its discretion, incorporate in any construction permit provisions requiring the applicant to furnish periodic reports of the progress and results of research and development programs designed to resolve safety questions.

4. Section 50.57 of 10 CFR Part 50 is revised to read as follows:

**§ 50.57 Issuance of operating license.**

(a) Pursuant to § 50.56, an operating license may be issued by the Commission, up to the full term authorized by § 50.51, upon finding that:

(1) Construction of the facility has been substantially completed, in conformity with the construction permit and the application as amended, the provisions of the Act, and the rules and regulations of the Commission; and

(2) The facility will operate in conformity with the application as amended, the provisions of the Act, and the rules and regulations of the Commission; and

(3) There is reasonable assurance (i) that the activities authorized by the operating license can be conducted without endangering the health and safety of the public, and (ii) that such activities will be conducted in compliance with the regulations in this chapter; and

(4) The applicant is technically and financially qualified to engage in the activities authorized by the operating license in accordance with the regulations in this chapter; and

(5) The applicable provisions of Part 140 of this chapter have been satisfied; and

(6) The issuance of the license will not be inimical to the common defense and security or to the health and safety of the public.

(b) Each operating license will include appropriate provisions with respect to any uncompleted items of construction and such limitations or conditions as are required to assure that operation during the period of the completion of such items will not endanger public health and safety.

(c) In a case where a hearing has been held in connection with a proceeding under this section the presiding officer may, upon written motion and upon good cause shown, provide that any initial decision issued pursuant to this section shall become effective ten (10) days after issuance subject to (1) the review thereof and further decision by the Commission or the Atomic Safety and Licensing Appeal Board, as appropriate, upon exceptions filed by any party, and (2) such order as the Commission or the Atomic Safety and Licensing Appeal Board may enter upon such exceptions or upon its own motion within forty-five (45) days after the issuance of such initial decision. In the absence of a Commission or an Appeal Board order pursuant to the foregoing, and in the absence of exceptions to the initial decision, the initial decision shall become the final decision of the Commission at the end of such forty-five (45) day period. If any party opposes the motion for expedited effectiveness of the initial decision, the presiding officer may stay its effectiveness pending filing within five (5) days after its issuance of an exception to the provision for expedited effectiveness, and thereafter until decision by the Commission or the Atomic Safety and Licensing Appeal Board on the exception.

5. An undesignated center head and a new § 50.109 are added to 10 CFR Part 50 to read as follows:

BACKFITTING

**§ 50.109 Backfitting.**

(a) The Commission may, in accordance with the procedures specified in this chapter, require the backfitting of a facility if it finds that such action will provide substantial, additional protection which is required for the public health and safety or the common defense and security. As used in this section, "backfitting" of a production or utilization facility means the addition, elimination or modification of structures, systems or components of the facility after the construction permit has been issued.

(b) Nothing in this section shall be deemed to relieve a holder of a construction permit or a license from compliance with the rules, regulations, or orders of the Commission.

(c) The Commission may at any time require a holder of a construction permit or a license to submit such information concerning the addition or proposed addition, the elimination or proposed elimination, or the modification or proposed modification of structures, systems or components of a facility as it deems appropriate.

## PART 170—FEES FOR FACILITIES AND MATERIALS LICENSES UNDER THE ATOMIC ENERGY ACT OF 1954 AS AMENDED

§ 170.12 [Amended]

6. Section 170.12(b) and (c) of 10 CFR Part 170 are amended by substituting the words "construction permit" for "provisional construction permit," and "operating license" for "provisional operating license" where they appear.

(Sec. 161, 68 Stat. 948; 42 U.S.C. 2201)

Dated at Washington, D.C., this 20th day of March 1970.

For the Atomic Energy Commission.

F. T. HOBBS,
*Acting Secretary.*

[F.R. Doc. 70-3799; Filed, Mar. 30, 1970; 8:46 a.m.]

# Title 13—BUSINESS CREDIT AND ASSISTANCE

## Chapter I—Small Business Administration

[Rev. 9, Amdt. 3]

## PART 121—SMALL BUSINESS SIZE STANDARDS

### Definition of Small Business Coal and Lignite Mining Concerns

On February 5, 1970, there was published in the FEDERAL REGISTER (35 F.R. 2597) a notice that the Small Business Administration proposed to amend Part 121 of Chapter I of Title 13 of the Code of Federal Regulations by establishing definitions of small business in certain mining industries for the purpose of SBA loans or loan guarantees.

Interested parties were given 15 days in which to submit written statements of facts, opinions, or arguments concerning the proposed definitions. After consideration of all relevant matter in connection with the proposal, it has been determined to adopt the size standards as proposed. Accordingly, the amendment set forth below is hereby adopted:

Part 121 of Chapter I of Title 13 of the Code of Federal Regulations is hereby amended by:

1. Adding new § 121.3–10(h) to read as follows:

**§ 121.3–10 Definition of small business for SBA loans.**

* * * * *

(h) *Mining and mining services.* Any mining or mining services concern primarily engaged in an industry set forth in Schedule F of this part is classified as small if its number of employees does not exceed the size standard established therein for that industry.

2. Adding new Schedule F to Part 121 to read as follows:

SCHEDULE F—EMPLOYMENT SIZE STANDARDS FOR CONCERNS PRIMARILY ENGAGED IN MINING AND MINING SERVICES

(The following size standards are to be used when determining the size status of mining and mining services concerns for the purpose of SBA business loans (or loan guarantees), displaced business loans, economic opportunity loans, and as alternate standards for sections 501 and 502 loans and Small Business Investment Company assistance.)

| Census classification code | Industry | Employment size standard (number of employees) |
|---|---|---|
| 1111 | Anthracite | 250 |
| 1112 | Anthracite Mining Services | 250 |
| 1211 | Bituminous Coal | 500 |
| 1212 | Lignite | 500 |
| 1213 | Bituminous Coal and Lignite Mining Services. | 250 |

*Effective date.* This amendment shall become effective on publication in the FEDERAL REGISTER.

Dated: March 17, 1970.

HILARY SANDOVAL, Jr.,
*Administrator.*

[F.R. Doc. 70–3831; Filed, Mar. 30, 1970; 8:48 a.m.]

# Title 14—AERONAUTICS AND SPACE

## Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 9846; Amdt. Nos. 21–30; 37–20; 121–59; 127–16; 135–16; 145–10]

## PART 21—CERTIFICATION PROCEDURES FOR PRODUCTS AND PARTS

## PART 37—TECHNICAL STANDARD ORDER AUTHORIZATIONS

## PART 121—CERTIFICATION AND OPERATIONS: DOMESTIC, FLAG, AND SUPPLEMENTAL AIR CARRIERS AND COMMERCIAL OPERATORS OF LARGE AIRCRAFT

## PART 127—CERTIFICATION AND OPERATIONS OF SCHEDULED AIR CARRIERS WITH HELICOPTERS

## PART 135—AIR TAXI OPERATORS AND COMMERCIAL OPERATORS OF SMALL AIRCRAFT

## PART 145—REPAIR STATIONS

### Reporting Requirements for Manufacturers; Failures, Malfunctions, and Defects; Extension of Effective Date

The purpose of this amendment is to extend to July 2, 1970, the effective date of the recently adopted regulation requiring manufacturers to report certain failures, malfunctions, or defects in the products or articles which they manufacture.

On February 11, 1970, the FAA adopted Amendments 21–29; 37–19; 121–58; 127–15; 135–15; and 145–9 and these amendments were published in the FEDERAL REGISTER on February 19, 1970, to become effective April 2, 1970. However, by letter dated March 4, 1970, the General Aviation Manufacturers Association, Inc. (GAMA), has requested a postponement of the effective date for at least 90 days. GAMA states that while the effect of the rule is still being studied and plans to meet the reporting requirements are being processed, such cannot be completed within the 28 working days allotted. The FAA agrees that some manufacturers may not be able to establish the necessary procedures and to assemble the necessary staff by April 2, 1970, and that justification exists for extending the effective date to July 2, 1970.

Since this amendment is an extension of the effective date of a new requirement and imposes no additional burden on any person, I find that notice and public procedure thereon are unnecessary and that good cause exists for making this amendment effective on less than 30 days notice.

In consideration of the foregoing, the effective date of Amendments 21–29; 37–19; 121–58; 127–15; 135–15; and 145–9 published in the FEDERAL REGISTER (35 F.R. 3154) on February 19, 1970, is extended to July 2, 1970.

(Secs. 313(a), 603, 604, and 607, Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421, 1423, 1424, and 1425; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on March 24, 1970.

J. H. SHAFFER,
*Administrator.*

[F.R. Doc. 70–3785; Filed, Mar. 30, 1970; 8:45 a.m.]

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[Docket No. 10062; Amdt. 39–958]

## PART 39—AIRWORTHINESS DIRECTIVES

### Avions Marcel Dassault/Sud-Aviation Fan Jet Falcon Airplanes

*Correction*

In F.R. Doc. 70–3312 appearing at page 4747 in the issue for Thursday, March 19, 1970, the word "contractor", appearing in the fifth line of the first paragraph and in the first line of column 1, page 4748, should read "contactor".

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[Docket No. 70–SW–3; Amdt. 39–962]

## PART 39—AIRWORTHINESS DIRECTIVES

### Bell Model 206A Series Helicopters

A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive requiring replacement of Planetary Gear Support Spider, P/N 206–040–041–1, on the Bell Model 206A series helicopters was published in 35 F.R. 1294.

Interested persons have been afforded an opportunity to participate in the making of the amendment. No objections were received.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 F.R. 13697), § 39.13 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive.

BELL. Applies to Model 206A Helicopters with transmissions incorporating Planetary Gear Support Spider, P/N 206–040–041–1.

Compliance required as indicated:

a. Planetary Gear Support Spiders P/N 206–040–041–1, with less than 450 hours time in service on the effective date of this airworthiness directive must be removed from service prior to accumulating 500 hours time in service.

b. Planetary Gear Support Spiders, P/N 206–040–041–1, with more than 450 hours time in service on the effective date of this airworthiness directive must be removed from service within 50 hours time in service after the effective date of this directive.

c. Retired Planetary Gear Support Spiders may be replaced with either the redesigned, heavy duty, Planetary Gear Support Spider P/N 206–040–080–3, using redesigned Shafts,