down to 10 dB below the peak value of the parameter and at 4 dB intervals between 10 dB and 20 dB below the peak values. If the contours change as a function of transponder frequency or polarization, separate contours or a description of any significant changes should be provided. (One or more of these parameters may be plotted on the same figure if the shape of the parameter contours are identical and the numerical value of the parameter associated with each contour is clearly identified.)

F. Physical Characteristics of Space Station.

1. Accuracy with which orbital parameters will be maintained:

(a) Orbital inclination.

(b) Antenna axis attitude.

(c) Longitudinal drift.

2. Accuracy of spacecraft antenna pointing toward the earth.

3. Estimated lifetime of satellite in-orbit and the basis for that determination.

4. Description of spacecraft attitude stabilization and station-keeping systems.

5. Electrical energy system description, including provision, if any, for operation during eclipse conditions.

G. Emission limitations. The degree to which spurious emissions are attenuated below the mean power output of the transponder under actual electrical condition of proposed operation.

1. On any frequency removed from the assigned frequency by more than 50 percent up to and including 100 percent of the authorized bandwidth.

2. On any frequency removed from the assigned frequency by more than 100 including 250 percent of the authorized bandwidth.

3. On any frequency removed from the assigned frequency by more than 250 percent of the authorized bandwidth.

H. Dates by which construction will be commenced and completed, launch date, and estimated date of placement into service.

IV. Earth Stations

Concrete applications need not be filed initially for communications or TT&C earth stations unless specific sites have been already selected or existing facilities are being modified. If such applications are being filed, the frequency coordination between earth stations and terrestrial radio relay stations specified in Part 25 of the Rules and Regulations must be completed. For other application requirements, *See Processing Procedures for Domestic Satellite Earth Station Applications,* FCC 75-932, Public Notice released August 8, 1975.

[FR Doc. 83-23986 Filed 9-2-83; 8:45 am]
BILLING CODE 6712-01-M

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 571

[Docket No. 81-21; Notice 2]

Federal Motor Vehicle Safety Standards, Rearview Mirrors

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation.

ACTION: Final rule.

SUMMARY: This rule amends Federal Motor Vehicle Safety Standard (FMVSS) 111 to permit the use of non-uniform radius of curvature school bus mirrors to view the area immediately in front of the bus. Previously, only uniform radius mirrors could be used for this purpose. This action is taken in response to a petition from the North Carolina State Board of Education, and is intended to permit the use as original equipment of mirrors which provide a wider field of view of the area in front and along the side of the bus. The improved view will aid in detecting the presence of children in those areas.

EFFECTIVE DATE: September 6, 1983.

FOR FURTHER INFORMATION CONTACT: Mr. Kevin Cavey, Office of Vehicle Safety Standards, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, D.C. 20590 (202-426-2153).

SUPPLEMENTARY INFORMATION: FMVSS 111 establishes requirements for mirror systems used on a variety of motor vehicles, including school buses. One requirement of that standard with regard to school buses is that those vehicles must have a crossview mirror permitting the bus driver to view the area in front of the bus. These mirrors are intended to aid bus drivers in determining, prior to moving from a stopped position (typically after loading or unloading children at a bus stop), whether any children are located in the area immediately in front of the bus. Being able to check those areas is important since, on average, approximately 40 pedestrians each year are involved in school bus related accidents.

Prior to the amendments made by this notice, the standard provided that crossview mirrors must be convex and have at least 40 square inches of reflective surface. Such mirrors must have a single radius of curvature which is at least 12 inches but no more than 25 inches. These specifications were intended to assure not only that the image viewed in the mirror would not be unduly distorted and would be large enough to be clearly seen, but also that the field of view of the mirror would be great enough to permit a view of the entire area in front of the bus.

North Carolina Board of Education petitioned the agency to permit the use of one specific type of mirror manufactured by Mirror-Lite Co. The radius of curvature of this mirror varies from 3.5 inches near the outer edge of the mirror to approximately 4.5 inches in the central area. These small radii of curvature provide a much wider field of view than the crossview mirrors previously specified in FMVSS 111, permitting a view of not just the area in front of the bus but also along the side of the bus. Although this wider field of view is gained at the expense of a smaller image size and greater optical distortion, the agency considers the quality of the image to be adequate for its intended purpose. Further, the wider field of view could improve safety by enabling school bus drivers to see children that they could not see with current mirrors.

Therefore, the agency proposed to amend FMVSS 111 to permit the use of mirrors of this type. See 46 FR 60481, December 10, 1981. This proposal would have deleted minimum and maximum radius of curvature requirements and would have permitted the use of any non-uniform mirror surface.

The agency received approximately fifty comments on its proposal, mainly from State boards of education and school bus operators. Most of these commenters supported the use of nonuniform radius mirrors like the Mirror-Lite design, pointing out that the wider field of view provided by such mirrors should promote safety. Several other commenters suggested modifications to the agency's proposal. Based on these comments and the agency's further consideration of the relevant issues, the agency is amending FMVSS 111 to permit the use of mirrors like the Mirror-Lite design, although it is not limited to that design.

The agency received a number of comments regarding radius of curvature requirements. As noted above, FMVSS 111 has provided that cross-view mirrors must have a single radius of curvature which must be at least 12 inches but not more than 25 inches. The maximum radius requirement was imposed to

assure that the mirror provides an adequate field of view. An overly large radius would provide an inadequate view since field of view decreases as radius of curvature increases. The minimum radius requirement was imposed to assure adequate image size and quality; as radius of curvature decreases, image size also decreases, and image distortion increases. Thus, the radius of curvature specifications reflect a trade-off between field of view on one hand and image size and accuracy on the other hand. The agency's proposal, in seeking to permit the use of mirrors with radii in the 3.5 inches to 4.5 inches range, deleted all radius of curvature requirements.

Donnelly Mirrors, Inc., pointed out that permitting unlimited variation in a mirror's radius of curvature would permit unacceptable levels of optical distortion. It was not the agency's intention to completely remove restrictions on radius of curvature for crossview mirrors. Rather, it was the agency's desire to permit the use of an additional type of mirror which had been shown to be highly effective. Therefore, this final rule retains the current maximum radius of curvature requirement and establishes a minimum radius requirement consistent with the Mirror-Lite design. Requirements were also established in response to this comment to assure that the mirror surface does not have major, abrupt changes in radius of curvature or other surface discontinuities which could cause excessive optical distortion.

The Grote Manufacturing Company (a mirror producer) and the Truck Safety Equipment Institute argued that the image produced by a mirror with a radius of curvature below 12 inches is too small to be readily identifiable. The agency disagrees. Based on NHTSA's own evaluation of the Mirror Lite design in actual school bus service, the image provided by the mirror is adequate to tell the bus driver whether a child is in front of the bus or along the side of the bus. The agency was also impressed by the numerous comments received from bus operators who had experience with after-market non-uniform radius mirrors, and found them to be superior in actual service to the uniform radius mirror. While it is true that the image provided by the Mirror Lite mirror is smaller and more distorted than that of a uniform 12 inch radius mirror, the agency believes that the image size and quality for these mirrors is adequate for its intended purpose and that these disadvantages are fully offset by the wider field of view provided by the former. It should be pointed out that this mirror is to be used for a very limited purpose, i.e., to determine whether a child is in close proximity to the front of the school bus or along the side, especially where the child exits from the bus. While a small radius mirror might be inadequate to judge distance and velocity as would be required in an automotive rearview mirror, the agency finds them adequate for their intended purpose, and even superior in terms of providing an additional view of the side of the bus, another potentially dangerous area.

Several commenters suggested imposing performance requirements for the field of view of the crossview mirror, rather than specifying the radius of curvature. While the agency believes this to be a desirable goal, it is beyond the scope of this rulemaking. Specifying the field of view is a complicated task, which the agency is still evaluating in the context of its major rulemaking on rearview mirrors. See 43 FR 51657, November 6, 1978.

Grote also recommended clarifying the requirement that crossview mirrors must have 40 square inches of reflective surface. They suggested that this area requirement should be expressed in terms of the effective projected area of the reflective surface measured on a plane at right angles to the axis of the mirror. Without such clarification, the requirement could be interpreted to refer to surface area, which would vary for a mirror of given diameter, depending on the radius of curvature. The agency agrees and is adopting Grote's suggestion for the newly authorized mirrors.

Several commenters suggested that FMVSS 111 should require the use of two convex crossview mirrors, one mounted on each side of the bus. The current requirement is for only one mirror mounted on either side of the bus, but many school buses employ additional crossview mirrors. The agency believes that the use of additional crossview mirrors on each side of the bus would provide both a better view of the front of the bus and a view of each side of the bus. The side area can be a major concern particularly on the passenger exit side, since children standing in that area can be hit as the bus pulls away from a stop and makes a turn. However, requiring additional mirrors is a matter beyond the scope of the proposal issued in this rulemaking. The agency will consider requiring more additional mirrors in subsequent rulemaking. In the meantime, school districts are strongly encouraged to use additional mirrors as necessary to permit the driver to view the areas along the front and both sides of the bus.

The agency has considered the economic and other effects of this action and has determined that the rule is not a major rule within the meaning of Executive Order No. 12291. The agency has further determined that the action is not significant within the meaning of the Department of Transportation's regulatory procedures. The basis for these determinations is that the rule relaxes a design restriction in the current standard. It does not require school buses to be equipped with new mirrors; it merely gives manufacturers the flexibility to use a differnet type of mirror, whose performance is at least as effective as current mirrors. Accordingly, the agency has not prepared a full regulatory evaluation.

The agency has also considered the effect of this action in relation to the Regulatory Flexibility Act and I certify that it would not have a significant economic effect on a substantial number of small entities. The effect of the amendment on small businesses is to give manufacturers the option of using new types of mirrors. It does not require any manufacturer to change its current practice.

The action will not have a significant effect on a substantial number of small government jurisdictions and small organizations. Those entities are affected because they are purchasers of school buses. It is unknown how many of them will exercise the voluntary choice of using new types of mirrors, but the cost impact, if any, should be minimal. Accordingly, no regulatory flexibility analysis has been prepared.

Finally, the agency has analyzed this action for the purposes of the National Environmental Policy Act. The agency has determined that implementation of this action would not have any significant effect on the human environment.

This action is being made effective on publication, to permit the immediate use of crossview mirrors which are at least equivalent to current mirrors in safety performance, and may be superior to current mirrors. Since this action "relieves a restriction," the immediate effective date is authorized under 5 U.S.C. 553(d). Since the immediate effective date may well promote safety and the amendment is merely an alternative method of compliance which does not necessarily impose additional costs or other burdens, the immediate effective date is in "the public interest" within the meaning of section 103(e) of the National Traffic and Motor Vehicle Safety Act, 15 U.S.C. 1392(e).

List of Subjects in 49 CFR Part 571

Imports, motor vehicle safety, motor vehicles, rubber and rubber products, tires.

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

In consideration of the foregoing, section 9.2 of 49 CFR 571.111 is revised to read as follows:

§ 571.111 Standard No. 111; Rearview mirrors.

S9.2 *Outside cross view mirror.* Each school bus, except one which is a forward control vehicle, shall have a convex mirror which complies with the requirements in paragraphs (a) and (b) of this section.

(a) The convex mirror shall have a radius of curvature not less than 3.5 inches and not more than 25 inches. A convex mirror whose radius of curvature at its periphery is not less than 12 inches and not more than 25 inches shall have a surface area which is not less than 40 square inches. A convex mirror whose radius of curvature at any point on the mirror is less than 12 inches shall have a projected area of not less than 40 square inches, measured on a plane at a right angle to the mirror's axis. A convex mirror with a non-uniform radius shall comply with the following criteria:

(1) The radius at the periphery of the mirror shall be not less than 75 percent of the radius at the center of the mirror.

(2) Along the intersection of any plane containing the axis of symmetry of the mirror and the surface of the mirror, the length of the radius, as measured by a spherometer, shall be monotonically non-increasing when moving from the axis of symmetry to the periphery along the intersection.

(3) Along the intersection described in paragraph (a)(2) of this section there shall be no discontinuities in the slope of the surface of the mirror.

(b) The mirror shall be installed with a stable support, and mounted so as to provide the driver a view of the front bumper and the area in front of the bus.

* * * * *

(Secs. 103, 119, Pub. L. 89-563, 80 Stat. 718 (15 U.S.C. 1392, 1407); delegation of authority at 49 CFR 1.50)

Issued on August 30, 1983.

Diane K. Steed,

Deputy Administrator.

[FR Doc. 83-24290 Filed 9-2-83; 8:45 am]

BILLING CODE 4910-59-M

Proposed Rules

Federal Register
Vol. 48, No. 173
Tuesday, September 6, 1983

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.

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

7 CFR Parts 278 and 279

[Amdt. No. 258]

Food Stamp Program; Bonding of Authorized Firms

AGENCY: Food and Nutrition Service, USDA.

ACTION: Proposed rule.

SUMMARY: This rule would amend the Food Stamp Program's regulations to implement Section 176 of Pub. L. 97-253, the "Omnibus Budget Reconciliation Act of 1982." It would permit the Secretary to require as a condition of authorization to accept and redeem food coupons that an authorized firm which has been disqualified or subjected to a civil money penalty furnish a performance bond to cover the value of food coupons which the authorized firm may in the future accept and redeem in violation of the Food Stamp Act of 1977, as amended. A performance bond is a financial guarantee which protects against loss due to the inability or refusal of a party to perform under a valid contract or agreement. In this instance, the bond would guarantee that the Department would be able to collect fiscal claims resulting from violations by authorized firms. This regulatory amendment prescribes the conditions under which a performance bond would be required, the method of calculating the value of the bond, the minimum and maximum bond amounts, and the length of time for which a performance bond would be required. Public comment is encouraged.

DATE: Comments on this proposed rule must be received by November 7, 1983.

ADDRESS: Comments should be submitted to Daniel Woodhead, Supervisor, Issuance and Benefit Delivery Section, Program Design and Rulemaking Branch, Program Planning, Development and Support Division, Family Nutrition Programs, Food and Nutrition Service, USDA, Alexandria, Virginia 22302. All written comments will be open for public inspection at the office of the Food and Nutrition Service during regular business hours (8:30 a.m. to 5:00 p.m., Monday through Friday), at 3101 Park Center Drive, Room 706, Alexandria, Virginia 22302.

FOR FURTHER INFORMATION CONTACT: Daniel Woodhead, Supervisor, Issuance and Benefit Delivery Section, Program Design and Rulemaking Branch, Program Planning, Development and Support Division, Family Nutrition Programs, Food and Nutritioni Service, USDA, Alexandria, Virginia 22302, (703) 756-3461.

SUPPLEMENTARY INFORMATION:

Classification

Executive Order 12291. The Department has reviewed this rule under Executive Order 12291 and Secretary's Memorandum No. 1512-1. The rule will affect the economy by less than $100 million a year. The rule will not significantly raise costs or prices for consumers, industries, government agencies or geographic regions. There will not be significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets. Therefore, the department has classified the rule as "not major".

Regulatory Flexibility Act. This rule has been reviewed with regard to the requirements of the Regulatory Flexibility Act, Pub. L. 96-354. Robert E. Leard, Administrator of the Food and Nutrition Service, has certified that this action will not have a significant economic impact on a substantial number of small entities.

Recordkeeping Requirements. This rule does not contain reporting or recordkeeping requirements subject to approval by the Office of Management and Budget (OMB).

Background

Each year the Department of Agriculture investigates approximately 5,000 firms which are authorized to participate in the Food Stamp Program (FSP). In the majority of those investigations in which serious violations are discovered, claims are established against the firms to recoup direct losses of $100 or more to the Federal Government. Such losses may be the result of a firm's sale of ineligible items for food coupons, buying coupons (trafficking), acceptance of food coupons in payment of cash loans, and/or the acceptance and redemption of illegally acquired food coupons.

To ensure that legal proceedings by the Department of Justice and administrative action by USDA are not delayed, fiscal claims for compensatory damages are not activated until these proceedings have been completed. However, in some instances, after a firm has been sanctioned (e.g. disqualified from program participation by USDA for a specified period), there is little incentive for the firm to pay a fiscal claim until the disqualification period has ended and the firm again wants to participate. In the case of permanently disqualified firms, there will be virtually no incentive to pay a claim.

Section 176 of the Omnibus Budget Reconciliation Act of 1982 (Pub. L. 97-253) amended Section 12 of the Food Stamp Act and allows the Department to require a firm which has been disqualified or subjected to a civil money penalty to furnish a bond to cover the value of coupons the firm may in the future accept and redeem in violation of the Act. It directs the Department to prescribe by regulations the amount (or the method of computation thereof), terms, and conditions of the bond, and states that the firm shall forfeit a part of the bond equal to the value of any coupons the Department finds the firm has accepted and redeemed in violation of the Act.

On October 29, 1982, the Food and Nutrition Service (FNS) published in the **Federal Register**, at 47 FR 49027, a Notice of Intent to Publish a Rule concerning the bonding of retail food firms. FNS wanted to gain as much information as possible before publishing a proposed rule. FNS received four comments on the Notice of Intent. One commenter was concerned that the costs of required bonds would be passed through to the food stamp recipient. Another suggested that FNS stipulate a period of time within which the firm that has received a civil money penalty must produce the required bond or be subject to involuntary withdrawal from program participation. The remaining two respondents stated that in addition to the partial or complete

forfeiture of a bond, any firm which has accepted food coupons during a disqualification, or which has violated program regulations after being re-authorized, should be required to furnish a bond of twice the required amount as a condition for any subsequent re-authorization. We received no comments from commercial bonding companies.

This proposed rule would require firms which have received a sanction (disqualification, or involuntary withdrawal of authorization as a result of violations) to furnish a bond as a condition of reauthorization to accept and redeem food coupons. A performance bond is a financial guarantee which protects against loss due to the inability or refusal of a party to perform under a valid contract or agreement. In this instance, the bond would guarantee that the Department would be able to collect fiscal claims resulting from violations by authorized firms. If the firm has been given a civil money penalty, the firm would be required to funish a bond in order to retain its authorization. The bond would specifically cover the value of food coupons which the firm may in the future accept and redeem in violation of the Act. The bond would have to be a performance bond issued by a reputable bonding agent recognized under the law of the State in which the applicant is conducting business. If FNS determines that an authorized firm which has been required to furnish a bond has in fact accepted and redeemed food coupons in violation of the Act after posting the bond, the authorized firm will be disqualified or assessed a civil money penalty, and in addition would forfeit to FNS an amount, up to the face value, of the performance bond which is equal to the total value of the coupons accepted and redeemed in violation of the Act. As a condition for approval of future participation in the Food Stamp Program, the firm would be required to furnish a bond which has been restored to the original amount.

FNS proposes that the required bond must be maintained for as long as the firm is participating in the program. In addition, FNS proposes that the face value of the required bond would be $1,000, which is the standard minimum bond issued by commercial bonding firms, or an amount equal to ten percent of the average monthly food coupon redemption volume of the firm prior to the disqualification or imposition of the civil money penalty, whichever is greater. The face value would not exceed the largest claim collected by FNS at that time.

If a firm at any time after its posting of a bond is investigated and found to be violating the FSP regulations, the firm would forfeit that portion of its bond equal to the dollar amount of the Government's loss detailed in a compensatory fiscal claim. Whenever the face value of a furnished bond is reduced by the settlement of a fiscal claim, the firm would be required to present another bond in the original amount to FNS within fifteen (15) calendar days, if the firm has been issued a civil money penalty sanction and is currently authorized. If the firm is disqualified it would be required to present a bond before reauthorization will be considered. The replacement bond would have to be furnished as a condition for reauthorization, regardless of whether or not a sanction was levied against the firm. The imposition or payment of a civil money penalty neither cancels nor reduces the requirement for a bond.

The forfeiture of all or part of a bond would be subject to administrative and judicial review pursuant to Section 14 of the Food Stamp Act and 7 CFR 278.8. Pending the resolution of an administrative review, a firm which seeks reauthorization and which fails to post a bond would not be eligible to participate, and a firm whose bond was forfeited in whole or in part, would not receive reimbursement.

That part of Section 279.7(a) which proposes that only denials of claims brought by firms against FNS are subject to administrative review is contained in another amendment which will be published shortly.

Implementation

FNS proposes to implement the provisions of this proposed amendment 30 days after final publication. All authorized firms which are disqualified, or which are assessed a civil money penalty after the effective date, are subject to these provisions.

List of Subjects

7 CFR Part 278

Administrative practice and procedure, Banks, banking, Claims, Food stamps, Groceries-retail, Groceries, General line-wholesaler, Penalties.

7 CFR Part 279

Administrative practice and procedure, Food stamps, Groceries—retail, Groceries, General line-wholesaler.

7 CFR Parts 278 and 279 are proposed to be amended as follows:

PART 278—PARTICIPATION OF RETAIL FOOD STORES, WHOLESALE FOOD CONCERNS AND FINANCIAL INSTITUTIONS

1. In § 278.1, paragraph (b)(4) is redesignated as (b)(5) and a new paragraph (b)(4) is added to read as follows:

§ 278.1 Approval of retail food stores and wholesale food concerns

* * * * *

(b) * * *

(4) *Bonding for firms with previous sanctions.* (i) If the applicant firm has been sanctioned for the first time for violations of this part, by withdrawal or disqualification from program participation, or by a civil money penalty, the FNS officer in charge shall as a condition of further participation require the applicant to present a performance bond which:

(A) Is issued by a reputable bonding agent recognized under the law of the State in which the applicant is conducting business;

(B) Has a face value of $1,000 or an amount equal to ten perecent of the average monthly coupon redemption volume of the applicant for the immediate twelve months prior to the effective date of the most recent sanction which necessitated the bond, whichever amount is greater. The face value will not exceed the largest claim collected by FNS at that time; and

(C) Is valid at all times during which the firm shall participate in the program.

(ii) An applicant which has previously been sanctioned and has been required to post a bond, or has been found to have been violating this part during the effective period of a previous sanction, or has forfeited to FNS any portion of a bond previously required by FNS, shall as a condition of further participation again be required to furnish a bond as described in paragraph (b)(4)(i) above.

(iii) The requirement that a firm furnish a bond as a condition of program participation is to ensure payment of any fiscal claim asserted by FNS against the firm after the bond is furnished. Furnishing a bond shall not eliminate or reduce a firm's obligation to pay infull any civil money penalty or any fiscal claim which may have been asserted against the firm by FNS prior to the time the bond was furnished by the firm. A firm which has been assessed a civil money penalty shall pay to FNS as required, any fiscal claim asserted by FNS. If a firm which is assessed a civil money penalty fails to pay a claim asserted against the firm by FNS, FNS shall collect the claim by offset as specified in § 278.7(a). In such cases a

bond may be furnished to FNS prior to complete payment of the fiscal claim.

* * * * *

2. In § 278.6, introductory paragraph (h), and paragraphs (h)(1) and (h)(2) are revised and a new (h)(3) is added. The changes read as follows:

§ 278.6 Disqualification of retail food stores and wholesale food concerns, and imposition of civil money penalties in lieu of disqualification.

* * * * *

(h) *Notifying the firm of civil money penalty.* A firm has 15 days from the date the FNS regional office notifies the firm in writing in which to pay the civil money penalty, or to notify the regional office in writing of its intent to pay in installments as specified by the regional office. The firm must present to FNS a performance bond as specified in § 278.1(b)(4), within the same 15-day period. The civil money penalty must be paid in full by the end of the period for which the firm would have been disqualified. FNS shall disqualify the firm for:

(1) The period determined to be appropriate under paragraph (e) of this section if the firm refuses to pay any portion of the civil money penalty;

(2) A period corresponding to the unpaid part of the civil money penalty if the firm does not pay the civil penalty in full or in installments as specified by the FNS regional office; or

(3) A period corresponding to the unpaid part of the civil money penalty if the firm does not present to FNS a bond within the required 15 days.

* * * * *

3. Part 278 is amended by adding a new § 278.9 to read as follows:

§ 278.9 Implementation of amendments relating to the participation of retail food stores, wholesale food concerns and insured financial institutions.

Amendment No. 258. The revisions to Part 278 required by Amendment 258 shall be effective 30 days after publication of the amendment as a final rule in the **Federal Register.**

PART 279—ADMINISTRATION AND JUDICIAL REVIEW—FOOD RETAILERS AND FOOD WHOLESALERS

1. In § 279.3, paragraphs (a)(2) and (a)(3) are revised and a new (a)(4) is added. The changes read as follows:

§ 279.3 Authority and jurisdiction.

(a) * * *

(2) Disqualification from participation in the program or imposition of a civil money penalty under § 278.6;

(3) Denial of all or any part of any claim under § 278.7; or

(4) Forfeiture of part or all of a performance bond under § 278.1.

* * * * *

2. In § 279.7, the fourth sentence in paragraph (a) is revised to read as follows:

§ 279.7 Action upon receipt of a request for review.

(a) *Holding action.* * * * If the administrative action in question involves a denial of approval of an application to participate in the program, a denial of a claim brought by a firm against FNS, or the forfeiture of a performance bond, the review officer shall direct that the firm not be approved for participation, not be paid any part of the disputed claim, or not be reimbursed for any bond forfeiture, until the review officer has made a determination. * * *

* * * * *

3. Part 279 is amended by adding a new Subpart D consisting of § 279.11 to read as follows:

Subpart D—Implementation

§ 279.11 Implementation of amendments relating to administrative and judicial review.

Amendment No. 258. The revisions to Part 279 required by Amendment 258 shall be effective 30 days following publication of the amendment as a final rule in the **Federal Register.**

(91 Stat. 958 (7 U.S.C. 2011–2029)

(Catalog of Federal Domestic Assistance Programs, No. 10.551, Food Stamps)

Dated: August 29, 1983.

Robert E. Leard,

Administrator, Food and Nutrition Service.

[FR Doc. 83-24276 Filed 9-2-83; 8:45 am]

BILLING CODE 3410-30-M

DEPARTMENT OF ENERGY

10 CFR Part 1017

Identification and Protection of Unclassified Controlled Nuclear Information

AGENCY: Department of Energy.

ACTION: Notice of additional hearing date and extension of the comment period on proposed rule entitled "Identification and Protection of Unclassified Controlled Nuclear Information."

SUMMARY: The Department of Energy (DOE), in response to requirements set forth in Section 148 of the Atomic Energy Act of 1954, as amended, (42 U.S.C. § 2168), issued proposed regulations to prohibit the unauthorized dissemination of certain unclassified but sensitive information—Unclassified Controlled Nuclear Information (UCNI)—with respect to atomic energy defense programs. The proposed rulemaking was published on April 1, 1983 (48 FR 13988), and the public comment period was extended for an additional thirty days beginning May 4, 1983 (48 FR 20091). In response to a number of requests for public hearings and to ensure that a broad range of public viewpoints is provided, the DOE issued a Notice of Hearing (48 FR 32834) announcing its intention to hold public hearings on the proposed rulemaking. Since that time, the DOE has had additional requests to add yet a third hearing. In response to this request, the DOE has scheduled another hearing and has extended the comment period until October 7, 1983. Comments in connection with the proposed rule must be received on or before this date. Listed below are the date, location, and points of contact for the hearing.

DATES: The date for the hearing: September 26, 1983, 9:00 a.m.-12:00 noon.

The comment date is extended until October 7, 1983.

ADDRESSES: Location of the hearing: Conrad Hilton, Beverly Room, 720 South Michigan Avenue, Chicago, Illinois 60605.

Addresses for sending comments:

Mr. George Pierman, Office of Communications, Chicago Operations Office, U.S. Department of Energy, 9800 South Cass Avenue, Argonne, Illinois 60439

Mr. Marshall Combs, Office of Policy Planning and Coordination, Office of the Assistant Secretary for Defense Programs, Room 4B-014, U.S. Department of Energy, Washington, D.C. 20585

FOR FURTHER INFORMATION CONTACT: Mr. George Pierman (312) 972-2420, Mr. Marshall Combs (202) 252-1870.

SUPPLEMENTARY INFORMATION:

Procedures for Participation

Any person or representative of a group may make a written or oral request for an opportunity to make an oral presentation at the public hearing. Such requests must be received no later than September 16, 1983. Requests should be directed to Mr. George Pierman at the address given above and should be in accordance with the procedures set forth below. Written