

Final Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	# Depth in feet above ground. *Elevation in feet (NGVD)
Washington	Bonney Lake (Town), Pierce County (FI-5123).	Fennel Creek	State Route 410 at centerline	*469
		Debra Jane Creek	Lakeway Drive 90 feet downstream from centerline	*489
			Lakeway Drive 10 feet upstream from centerline	*494
			Bonney Lake Boulevard 60 feet downstream from centerline	*556
		Bonney Lake Outflow	Bonney Lake Boulevard 10 feet upstream from centerline	*561
			Lakeway Drive 10 feet upstream from centerline	*494
			190th Avenue East 30 feet downstream from centerline	*584
			190th Avenue East 10 feet upstream from centerline	*590
		Bonney Lake	185th Avenue East 10 feet upstream from centerline	*609
		Debra Jane Lake	185th Avenue 10 feet downstream from centerline	*609
			193rd Avenue East 20 feet downstream from centerline	*566

Maps are available at: Town Hall, 19306 Bonney Lake Boulevard, Bonney Lake, Washington.

Send comments to: Honorable Steven Flaherty, Mayor, Town of Bonney Lake, Town Hall, 19306 Bonney Lake Boulevard, Bonney Lake, Washington 98390.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator 44 FR 20963)

Issued: November 20, 1979.

Gloria M. Jimenez,
Federal Insurance Administrator.

[FR Doc. 79-37534 Filed 12-6-79; 8:45 am]

BILLING CODE 6718-03-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 0

Editorial Amendments Reflecting Name Changes for the Public Information and Consumer Assistance Divisions

AGENCY: Federal Communications Commission.

ACTION: Order.

SUMMARY: Part 0 of the Commission's rules and regulations amended to rename the divisions of the Office of Public Affairs. The Public Information Division will become the Press and News Media Division and the Consumer Assistance Division becomes the Consumer Assistance and Information Division. The change in names will more accurately reflect the functions of each division and improve service to members of the public seeking information about FCC proceedings.

EFFECTIVE DATE: November 16, 1979.

ADDRESSES: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Mr. Richard D. Goodfriend, Management Systems Division, 632-7513.

SUPPLEMENTARY INFORMATION:

Order

Adopted: November 16, 1979.

Released: December 5, 1979.

In the matter of editorial amendment of Part 0 of the Commission's rules to reflect Name changes for the Public Information and Consumer Assistance Divisions.

1. Changes in the names for the Public Information and Consumer Assistance Divisions were adopted by the Executive Director November 16, 1979.

The Public Information Division is renamed the Press and News Media Division while the Consumer Assistance Division is renamed the Consumer Assistance and Information Division. These changes were necessary to direct public inquiries to the proper division and to provide prompt service to members of the public seeking information about FCC proceedings. Part 0 of the rules and regulations, which describes the organization of the Commission, is being amended to reflect these changes.

2. The amendments adopted herein pertain to agency organization. The prior notice, procedure and effective date provisions of Section 4 of the Administrative Procedure Act are therefore inapplicable. Authority for the amendments adopted herein is contained in Sections 4(i) and 5(b) of the Communications Act of 1934, as amended, and in § 0.231(d) of the Commission's rules.

3. In view of the foregoing, it is ordered, effective November 16, 1979, that Part 0 of the rules and regulations is amended as set forth in the Appendix.

Federal Communications Commission.

R. D. Lichtwardt,

Executive Director.

(Secs. 4, 303, 48 stat., as amended, 1066, 1082; (47 U.S.C. 154, 303).)

Appendix

Part 0 of Chapter I of Title 47 of the Code of Federal Regulations is hereby amended as indicated below.

§ 0.5 [Amended]

1. Section 0.5(b)(7) is amended to read as follows:

* * * * *

(b) * * *

(7) Office of Public Affairs. The Office of Public Affairs has primary responsibility for the Commission's Press and News Media, Consumer Assistance and Information, Industry Equal Employment Opportunity (EEO) and Minority Enterprise programs. The major purpose of these programs is to inform the public of the Commission's regulatory requirements, to facilitate public participation in the Commission's decision-making processes, and to apprise the public of Commission policies promoting equal employment opportunity and minority participation in the telecommunications industry.

2. Section 0.15(i) amended to read as follows:

Office of Public Affairs

§ 0.15 Functions of the Office.

(i) Maintain liaison with the Field Operations Bureau regarding the press and news media, and consumer assistance and information activities of the Commission's field offices.

§ 0.422 [Amended]

4. In § 0.422, the phrase "Public Information Division" is replaced by "Press and News Media Division."

§ 0.423 [Amended]

5. In § 0.423, the words "Chief, Public Information Division" are replaced by "Chief, Press and News Media Division."

§ 0.433 [Amended]

6. In § 0.443, the words "Public Information Division" are replaced by "Press and News Media Division."

§ 0.605 [Amended]

7. In § 0.605, paragraphs (b), (c)(1), (d)(1), and (d)(3) are amended as follows: The words "Public Information Division" in § 0.605(b) are replaced by "Press and News Media Division". The words "Chief, Public Information Division" in §§ 0.605(c)(1), 0.605(d)(1) and 0.605(d)(3) are replaced by the words "Chief, Press and News Media Division."

§ 0.465 [Amended]

In § 0.465(d)(1) the words "Consumer Assistance Division" are changed to read "Consumer Assistance and Information Division" and the words "Public Information Division" are changed to read "Press and News Media Division."

[FR Doc. 79-37662 Filed 12-6-79; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 18

[Docket No. 20718; FCC 79-755]

Industrial, Scientific, and Medical Equipment; Overall Revision of Part 18 of the Rules; Regulations for Induction Cooking Ranges

AGENCY: Federal Communications Commission.

ACTION: Memorandum Opinion and Order re Regulations for Induction Cooking Ranges.

SUMMARY: Order responding to the petition filed by the Roper Corporation requesting the Commission to reconsider the effective date of the new rules for induction cooking ranges adopted by the Commission on August 1, 1979. The Order adopted a new rule which permits the marketing of induction ranges manufactured prior to February 1, 1980 (the effective date of the new rules) subject to certain conditions.

EFFECTIVE DATE: December 10, 1979.

ADDRESS: Federal Communications Commission, 1919 M St. NW., Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Art Wall, Office of Science and Technology (202-632-7095).

Adopted: November 20, 1979.

Released: December 3, 1979.

In the matter of overall revision of Part 18 governing Industrial, Scientific and Medical equipment. (Docket 20718). Memorandum Opinion and Order Re Regulations for Induction Cooking Ranges. [44 FR 56699].

By the Commission:

1. A First Report and order in this proceeding was adopted by the

Commission on August 1, 1979 establishing new regulations, effective February 1, 1980, for induction cooking ranges.¹ On September 14, 1979, the Roper Corporation, 1905 West Court St., Kankakee, Illinois 60901 petitioned the Commission to reconsider only the effective date to permit immediate marketing of their range. For the reasons given herein, we have decided to retain the original effective date, but will permit the immediate marketing of all ranges presently in stock, subject to the conditions in paragraphs 16 and 17 below. Induction ranges manufactured after February 1, 1980 must comply with the new technical standards in Subpart I of part 18 of FCC Rules.

2. The induction cooking range is the result of new technology, which reportedly allows the consumer to cook food placed in a ferrous pot more economically than conventional stove top cooking. It also has the added feature of not heating the cooking surface. Over the last several years, we have received a number of inquiries from manufacturers proposing to market induction ranges. Since the range uses radio frequency (RF) energy to produce heat for cooking and not for telecommunications, it is classified as a piece of miscellaneous Industrial, Scientific, and Medical (ISM) equipment and is regulated pursuant to part 18 of our Rules, specifically by §§ 18.261 and 18.141-18.142. These rules were adopted in 1947, to regulate nonconsumer equipment and require a user certification renewable every three years if the equipment does not operate on an ISM frequency. The recertification requirement in § 18.142 was to be met by the user of the equipment and was never intended for consumer products. It is impractical for the induction range.²

3. We first heard of the induction range in 1974 when Westinghouse Electric Corp. requested and was granted a limited waiver of § 18.142. In 1977, other manufacturers inquired about the regulations for the induction range and were told about the waiver that had been granted Westinghouse. In 1978-1979 several manufacturer's requested waiver of the user recertification requirement. In lieu of granting a waiver for each of these ranges, the Commission adopted interim regulations in the First Report and Order in Docket No. 20718 specifically intended to control the interference potential of the induction cooking range.

¹ Released August 9, 1979; published in the Federal Register at 44 FR 48178 on August 17, 1979.

² See paragraphs 3-6 of the First Report and Order in Docket 20718 for a more complete discussion of the range and the present rules governing the range.

Other aspects of this proceeding, which is an overall revision of Part 18-ISM equipment, were left for further consideration and action.

4. In the petition, Roper did not ask for reconsideration of any of the new technical standards and in fact understands that their range complies with the new technical standards. However, the petitioner takes strong exception and objects to the February 1, 1980 effective date of these new regulations as being arbitrary and unreasonable. Roper argues that establishing the effective date six months after adoption for the reason given at the Commission meeting " * * * to give other manufacturers an opportunity to conform * * * " is clearly outside the scope of the Commission's authority to make reasonable regulations governing the interference potential of devices. The effect of the delay, they say, is to wrongfully deprive an innovator of its competitive advantage of lead time once its device meets the technical and administration specifications established by the Commission. Roper said that they began development on their ranges in 1972 and have spent over 2 million dollars before they were ready to be marketed. Roper is ready to begin marketing and requests that the date be moved forward so that they can begin selling immediately.

5. Copies of Roper's petition were served upon and comments were requested from each of the manufacturers who have indicated an interest in marketing an induction cooking range. Comments were received from the following four manufacturers:

—Fasar Systems, Inc., 2801 Burton Ave., Burbank, California 91505

—Tappan Appliances, Tappan Park, Mansfield, Ohio 44901

—Panasonic Company, Division of Matsushita Electric Corporation of America, One Panasonic Way, Secaucus, New Jersey 07094

—Rangaire Corporation, P.O. Box 177, Cleburne, Texas 76031

6. Comments from Tappan are noncommittal. In a letter dated October 3, 1979, Tappan stated that they presently do not * * *

* * * manufacture induction equipment and because there are good arguments for and against the Roper proposal, we [Tappan] will not comment either for or against the proposal.

7. Fasar and Panasonic both objected to the Commission granting the relief requested by Roper and fully supported the February 1, 1980 effective date. Panasonic claims that there was a substantial inconsistency in the interim technical standards made available to

Panasonic in a letter dated July 7, 1977 from those made available to Roper in a similar letter dated March 12, 1979.³ Panasonic argued that because of not having the latest information, it was not able to produce a range to comply with the new technical standards and, therefore, need the additional time to bring their range into compliance.

8. Fasar, on the other hand, claims that it is the only company currently marketing an induction range.⁴ Fasar asserts that granting Roper's petition would eliminate competition, but provides no basis for this conclusion. Fasar also appeals to the Commission for relief on grounds of hardship. It points out that Fasar is a small manufacturer employing 34 people and will go bankrupt if it is unable to continue marketing its induction range until certification under the new rules can be obtained.⁵

9. Rangaire comments take a slightly different approach. It's support for relaxation of the February 1, 1980 effective date is conditioned on the Commission and Roper answering a number of questions. In particular, Rangaire asked:

A. Whether the FCC Laboratory tested the Roper range with regard to the development of wattage claimed by Roper, and of proposed production line units.

B. Whether the Roper unit tested by the FCC met Underwriter's Laboratory (UL) requirements for leakage currents and was a marketable unit.

C. Whether the wattage, efficiency and the leakage current of the four ranges tested by the Laboratory were considered in the new regulations.

D. Whether claims of efficiency of the range were substantiated by test data in accordance with accepted test procedures, such as the one developed by the National Bureau of Standards.

E. Whether the adopted regulations are arbitrary and unreasonable and whether basing the conducted emission

levels in this country on the VDE specification levels is justifiable.

We will not attempt to answer all the questions raised by Rangaire, since some of them are outside the scope of the Commission's jurisdiction. Moreover, consideration of all aspects of Rangaire's questions would only serve to delay a finding on the original petition.

10. In view of some of the comments received, it may be useful to review the background and reasons for our regulation of induction cooking ranges.

11. As stated in the First Report and Order, our primary concern with the introduction of the induction cooking range into the marketplace is its potential for causing interference to radio reception. Considering that the induction range operates on a frequency between 19 to 40 kHz with conducted and radiated emissions extending well into the HF portion of the radio spectrum, we are particularly concerned about the interference these ranges can cause to AM Broadcast reception (540-1600 kHz), as well as to other radio services below 30 MHz. Unless such emanations are suppressed, AM receivers in the same and adjacent households can be expected to receive interference from the range. As suggested by Rangaire, there is no question that a complete study of the interference potential of the range is desirable and may be useful in more accurately balancing economic and technical trade-offs. However, such a study is time consuming—too time consuming when it is a stated fact that these ranges have been developed and are waiting to be marketed.

12. This places the Commission in a dilemma. If we withhold standards and approval of the range until such a study is completed, we would deprive the public of the benefit of this new technology for at least a year or more. It would also be unfair and detrimental to some of the above mentioned manufacturers. On the other hand, if we allowed such equipment to be marketed without any interference control, interference to AM Broadcast reception can be expected. Because of their expected proliferation and the findings of our tests of some four ranges, regulations are considered necessary to protect radio reception. We were, therefore, forced to adopt interference standards for induction ranges with what information was available. We tried to balance RFI protection with its cost so that the range did not become economically prohibitive.

13. In arriving at standards for the ranges, we reviewed both present and proposed technical specifications

intended for controlling the interference to radio communications from similar ISM equipment operating in the same frequency range. Similar international standards were also reviewed. The adopted standards, in our option, provide a reasonable compromise. A discussion of the standards reviewed is presented in the First Report and Order, supra at paragraphs 10-15.

14. In lieu of the present user certification, renewable every three years, the Commission adopted a bilateral certification requirement for ranges as a prerequisite for marketing. Under this program, which places responsibility on the manufacturer to assure compliance, approval is granted by the Commission on the basis of measurements made by the manufacturer demonstrating compliance of a representative unit. Subsequently produced units, which are essentially identical to the unit tested and certified by the Commission may be marketed without any retesting. The manufacturer is expected to make enough tests on the units during and after production to insure that they are essentially identical with the unit originally tested.

15. A delay in the effective date of six months from the date of adoption of the regulations until they become effective was to give each of the manufacturers an equal opportunity in bringing their ranges into compliance. The delay was not expected to be a burden to any one manufacturer. In retrospect, however, it now seems reasonable that Roper would want to market their range immediately, since it already complies with the new technical specifications. It is also reasonable that each of the other manufacturers also expended efforts to bring their range into compliance with standards that were not clearly defined until August 1, 1979. Several manufacturers received letters from the Commission advising them of the conditions imposed on the Westinghouse range and of some possible conditions for a similar waiver to permit them to market their range. It is unfortunate that Panasonic did not realize that the Notice of Proposed Rule Making in this proceeding issued September 1978 changed what they had been told in our 1977 letter. In any case, the net result is that several manufacturers have ranges ready to be marketed. For these manufacturers not to be allowed to market their ranges would be to subject them to a severe economic burden.

16. The Commission finds these arguments persuasive enough to warrant changes in our original action. We are accordingly adopting rules that would

³ Panasonic was advised in 1977 that a waiver similar to the one granted to Westinghouse in 1974, would be recommended to the Commission for granting, subject to, among other things, the range meeting a conducted limit of 1,000 μ V on any frequency above 100 kHz. The 250 μ V limit adopted represents a relaxation of what was proposed in this proceeding (43 FR 46326) in 1978, but a tightening of the limit granted to Westinghouse.

⁴ Fasar is currently being investigated for apparent violation of the Commission's present Part 18 Rules. Appropriate sanctions will be administered if warranted.

⁵ In addition to its comments on the Roper petition, Fasar, on October 29, 1979, filed a separate petition for waiver of the present FCC Part 18 Rules, to the extent necessary to permit Fasar to continue marketing its induction cooking range. The merits of Fasar are also considered here.

permit the immediate marketing of an induction range, without recertification under either of two conditions. Immediate marketing of an induction range is permitted if the range has been certificated by the Commission to show compliance with the new §§ 18.273 and 18.274. The Commission undertakes to expedite any such application for certification that may be filed prior to February 1, 1980.

17. If the induction range is manufactured prior to February 1, 1980, the manufacturer may certificate it pursuant to the existing provisions of §§ 18.261 and 18.142(b) based on measurements of a prototype subject to the conditions listed below. Immediate marketing is permitted of an induction range which has been so certificated. Recertification of such a range is not required. A label must be attached to each range containing the following information:

—The manufacturer certifies that this range complies with the provisions of FCC Rules § 18.261.

—Operation of this device may cause interference to AM Broadcast reception. Interference to radios in the same household unit must be accepted by its residents. If the range causes interference outside the household, contact the manufacturer for instructions on how to correct the problem.

—This range was manufactured on ———.

A manufacturer marketing an induction range under these conditions assumes the responsibility of assisting the owner to correct any interference problem that may arise.

18. The special provisions outlined in paragraph 17 apply only to induction ranges manufactured prior to February 1, 1980 regardless of when sold. Ranges manufactured after February 1, 1980 must be certificated by the Commission to show compliance with the new §§ 18.273 and 18.274 as a prerequisite for marketing.

19. In view of the above, we conclude that it is in the public interest to add a new regulation § 18.277 to Part 18. The text of this regulation is appended to this Order. This regulation is adopted under the authority in §§ 4 (i), 302, and 303(r) of the Communications Act of 1934, as amended. Moreover, since this new regulation grants an exemption to an existing regulation and serves to relieve a restriction that imposes a severe economic hardship on small manufacturers, this new regulation may be made effective immediately under the provisions of 5 U.S.C. 553(d)(1). Further, a delay would only serve to nullify the effect of this Order.

20. Therefore, It Is Ordered that effective on December 10, 1979, § 18.277 is added to Part 18.

21. It Is Further Ordered that the petitions for relief filed by Fasar and Roper are granted only to the extent herein indicated.

23. For further information about this Order, contact Art Wall, Office of Science and Technology, Federal Communications Commission, Washington, D.C. 20554, phone 202-632-7095.

(Sec. 4, 303, 48 Stat., as amended, 1066, 1082, Sec. 302, 82 Stat. 290, 47 U.S.C. 154, 302, 303.)
Federal Communications Commission,
William J. Tricarico,
Secretary.

Appendix

Part 18 is amended by adding § 18.277.

§ 18.277 Induction range manufactured prior to February 1, 1980.

(a) Such a range may be certificated by the manufacturer pursuant to the provisions of § 18.142(b) to show compliance with the technical specifications of § 18.261. Recertification of such a range is not required during the lifetime of the range.

(b) The manufacturer warrants the purchaser that the range can be expected to comply with the technical provisions in § 18.261 of FCC Rules. In addition, the manufacturer shall advise the purchaser that the manufacturer will assume responsibility for correcting any interference that the range may cause outside the household.

(c) The range bears a label containing the following statement:

—The manufacturer certifies that this range complies with the provisions of FCC Rules § 18.261.

—Operation of this device may cause interference to AM Broadcast reception. Interference to radios in the same household unit must be accepted by its residents. If the range causes interference outside the household, contact the manufacturer for instructions on how to correct the problem.

—This range was manufactured on ———.

[FR Doc. 79-37579 Filed 12-6-79; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[BC Docket No. 79-177; RM-3370]

Radio Broadcast Services; FM Broadcast Station in Thomaston, Georgia; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Report and Order.

SUMMARY: Action taken herein assigns a Class A FM channel to Thomaston, Georgia, as a first FM assignment, in

response to a petition filed by Sunbelt Communications, Inc. The proposed channel could be used to provide a first full-time local aural broadcast service to Thomaston.

EFFECTIVE DATE: January 17, 1980.

ADDRESSES: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Mildred B. Nesterak, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

Report and Order—Proceeding Terminated

Adopted: November 28, 1979.

Released: December 4, 1979.

In the matter of amendment of § 73.202(b), *Table of Assignments*, FM Broadcast Stations. (Thomaston, Georgia), BC Docket No. 79-177, RM-3370.

1. The Commission has under consideration a *Notice of Proposed Rule Making*, adopted July 18, 1979, 44 FR 44193, proposing the assignment of Channel 237A as a first FM assignment to Thomaston, Georgia, at the request of Sunbelt Communications, Inc. ("petitioner"). Supporting comments were filed by petitioner in which it stated its readiness to apply for the channel, if assigned. No oppositions to the proposal were received.

2. Thomaston (pop. 10,024), seat of Upson County (pop. 23,505),¹ is located approximately 97 kilometers (60 miles) east of the Georgia-Alabama border, and 109 kilometers (68 miles) south of Atlanta, Georgia. Thomaston is served locally by two daytime-only AM stations (WSFT and WKNG).

3. Petitioner notes that Thomaston serves as the major trading center for this rural section of Georgia. It claims that the population of Thomaston is growing and adds that Channel 237A could provide the community with its first FM facility and its first nighttime aural service.

4. It has been shown that there is a need and demand for an FM assignment in Thomaston, Georgia. A station on the channel could provide a first full-time local aural broadcast service. Therefore, we conclude that the public interest would be served by making this assignment.

5. Authority for the action taken herein is contained in Sections 4(i), 5(d)(1), 303 (g) and (r) and 307(b) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's rules.

¹ Population figures are taken from the 1970 U.S. Census.