

State/location	Community No.	Effective date of eligibility	Current effective map date	Date certain Federal assistance no longer available in special flood hazard areas
<b>Region IX</b>				
California: Tehama County, unincorporated areas.	065064	April 23, 1971, Emerg; June 1, 1982, Reg; Feb. 5, 1997, Susp.	Do .....	Do.
<b>Region I</b>				
Maine: Lyman, town of, York County .....	230195	July 23, 1975, Emerg; May 15, 1991, Reg; Feb. 19, 1997, Susp.	May 15, 1991	Feb. 19, 1997.
Vermont:				
Londonderry, town of, Windham County ..	500132	July 24, 1975, Emerg; April 1, 1992, Reg; Feb. 19, 1997, Susp.	Jan. 3, 1997 ...	Do.
Rutland, city of, Rutland County .....	500101	Aug. 30, 1973, Emerg; April 17, 1978, Reg; Feb. 19, 1997, Susp.	April 17, 1978	Do.
<b>Region II</b>				
New York: Trenton, town of, Oneida County ...	360556	April 21, 1975, Emerg; May 1, 1985, Reg; Feb. 19, 1997, Susp.	Jan. 3, 1997 ...	Feb. 19, 1997.
<b>Region III</b>				
Pennsylvania:				
Ambler, borough of, Montgomery County	420947	Dec. 6, 1973, Emerg; Nov. 2, 1977, Reg; Feb. 19, 1997, Susp.	Dec. 19, 1996	Do.
Collegeville, borough of, Montgomery County.	421900	Oct. 29, 1974, Emerg; Feb. 15, 1980, Reg; Feb. 19, 1997, Susp.	Do .....	Do.
Schwenksville, borough of, Montgomery County.	421905	July 11, 1975, Emerg; Sept. 30, 1981, Reg; Feb. 19, 1997, Susp.	Do .....	Do.
Springfield, township of, Montgomery County.	425388	March 26, 1971, Emerg; July 7, 1972, Reg; Feb. 19, 1997, Susp.	Do .....	Do.
Towamencin, township of, Montgomery County.	422236	June 21, 1974, Emerg; July 2, 1980, Reg; Feb. 19, 1997, Susp.	Do .....	Do.
Upper Frederick, township of, Montgomery County.	421916	Nov. 15, 1974, Emerg; Aug. 17, 1981, Reg; Feb. 19, 1997, Susp.	Dec. 19, 1996	Do.
Upper Merion, township of, Montgomery County.	420957	Dec. 17, 1973, Emerg; Nov. 16, 1977, Reg; Feb. 19, 1997, Susp.	Do .....	Do.
York Springs, borough of, Adams County	421239	May 30, 1974, Emerg; June 1, 1979, Reg; Feb. 19, 1997, Susp.	Feb. 19, 1997	Do.
West Virginia: Martinsburg, city of, Berkeley County.	540006	Nov. 14, 1974, Emerg; Dec. 18, 1979, Reg; Feb. 19, 1997, Susp.	Jan. 3, 1997 ...	Do.
<b>Region V</b>				
Ohio: Oxford, city of, Butler County .....	390731	June 20, 1975, Emerg; Feb. 16, 1979, Reg; Feb. 19, 1997, Susp.	Jan. 3, 1997 ...	Do.
<b>Region VII</b>				
Missouri:				
Butler County, unincorporated areas .....	290044	April 26, 1984, Emerg; April 3, 1985, Reg; Feb. 19, 1997, Susp.	Feb. 19, 1997	Do.
Poplar Bluff, city of, Butler County .....	290047	July 29, 1975, Emerg; Feb. 4, 1981, Reg; Feb. 19, 1997, Susp.	Do .....	Do.
<b>Region X</b>				
Idaho: Madison County, unincorporated areas	160217	Feb. 2, 1979, Emerg; June 3, 1991, Reg; Feb. 19, 1997, Susp.	Jan. 3, 1997 ...	Do.

Code for reading third column: Emerg.—Emergency; Reg.—Regular; Rein.—Reinstatement; Susp.—Suspension.  
(Catalog of Federal Domestic Assistance No. 83.100, "Flood Insurance.")

Issued: January 28, 1997.

Richard W. Krimm,  
*Executive Associate Director Mitigation Directorate.*

[FR Doc. 97-2566 Filed 1-31-97; 8:45 am]

BILLING CODE 6718-05-P

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 1

[FCC 97-2]

### Forfeiture Proceedings

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: In accordance with the Federal Civil Monetary Penalty Inflation Act of 1990, as amended by the Debt

Collection Improvement Act of 1996, this order amends the Commission's rules regarding forfeiture proceedings to implement inflation adjustments to monetary forfeiture penalties that may be assessed by the Commission.

EFFECTIVE DATE: March 5, 1997.

FOR FURTHER INFORMATION CONTACT: Douglas Cooper, Compliance and Information Bureau, (202) 418-1160.

### SUPPLEMENTARY INFORMATION:

Adopted: January 3, 1997  
Released: January 15, 1997

1. The Debt Collection Improvement Act of 1996 (Public Law 104-134, Sec. 31001, 110 Stat. 1321, 1321-358), enacted on April 26, 1996, amended the Federal Civil Penalties Inflation Adjustment Act of 1990 (Public Law 101-410, 104 Stat. 890, 28 U.S.C. 2461 note), to require all federal departments and agencies to adjust civil monetary penalties,<sup>1</sup> or forfeitures, for inflation no later than 180 days after the date of the amendment of the Debt Collection Improvement Act, and at least once every four years thereafter. This Order implements this requirement by increasing the statutory maximum amounts for monetary forfeiture penalties.

2. Specifically, this Order amends section 1.80 of the Commission's rules, 47 CFR § 1.80, by adding a new paragraph (b)(5) to incorporate the inflation adjustments prescribed in the Debt Collection Improvement Act. Pursuant to the statutory change, this first adjustment is determined by dividing the June 1995 Consumer Price Index (CPI) by the CPI for June of the year the particular forfeiture was set or last adjusted.<sup>2</sup> The result is the cost of living adjustment, also referred to as the inflation factor. The Debt Collection Improvement Act provisions then prescribe that the inflation factor be multiplied by the statutory maximum amount for a monetary forfeiture penalty and the product be rounded according to specified rounding rules.<sup>3</sup>

<sup>1</sup> The Federal Civil Penalties Inflation Adjustment Act of 1990 defines a civil monetary penalty as any such penalty, fine or other such sanction that, inter alia, has a maximum amount provided for by Federal Law; and is assessed or enforced by an agency pursuant to federal law and is assessed or enforced pursuant to an administrative proceeding (Pub. L. 101-410, 104 Stat. 890, 28 U.S.C. 2461 note). This definition includes forfeitures that may be assessed or enforced by the Commission.

<sup>2</sup> The CPI index can be found through the Department of Labor.

Call the Bureau of Labor Statistics, faxdat service: (404) 347-3702 (automated menu for CPI years no earlier than 1976)

(404) 347-4416 (for assistance, and for CPI all years) Or, to find the CPI through the Internet:

(1) Go to the Consumer Price Index Home Page at: <http://stats.bls.gov/cpihome.htm>

(2) Select *Most Requested Series*.

(3) Select *Consumer Price Index—All Urban Consumers*.

(4) Select "US ALL ITEMS-1967=100-CUUR0000AA0."

(5) Scroll down and select the year that you are looking for.

(6) Scroll down and select "Retrieve Data."

<sup>3</sup> The rounding rules are as follows:

(1) Round increase to the nearest multiple of \$10 if the penalty is from \$0 to \$100.

(2) Round increase to the nearest multiple of \$100 if the penalty is from \$101 to \$1,000.

(3) Round increase to the nearest multiple of \$1,000 if the penalty is from \$1,001 to \$10,000.

The resulting amount is then added to the statutory maximum amount. The Debt Collection Improvement Act prescribes, however, that the adjustments due to inflation apply only to the violations that occur after the effective date of the Act (October 23, 1996), and that the inflation adjustment cannot exceed 10 percent of the statutory maximum amount.

3. The new section 1.80 (b)(5) applies the inflation adjustment to the statutory maximum amounts that may be assessed by the Commission under the forfeiture authority provisions in the Communications Act, as follows: sections 202(c), 203(e), 205(b), 214(d), 219(b), 220(d), 223(b), 362(a), 362(b), 386(a), 386(b), 503(b), 506, and 634; 47 U.S.C. §§ 202(c), 203(e), 205(b), 214(d), 219(b), 220(d), 223(b), 362(a), 362(b), 386(a), 386(b), 503(b), 506, and 554.<sup>4</sup> In addition, this Order adjusts for inflation the monetary forfeiture penalties set forth in section 1.80 (b)(1), (b)(2), and (b)(3) of the Commission's Rules, which implement the monetary forfeiture penalties in section 503(b) of the Act.

4. Sections 202(c), 203(e), 205(b), 214(d), 219(b), 220(d), 223(b), 362(a), 362(b), 386(a), 386(b), and 503(b) of the Act were set or last adjusted in 1989. Therefore, the June 1989 CPI is used for determining the inflation factor for these sections. Section 506 forfeitures were set or last adjusted in 1954. Section 634 forfeitures were set in 1992. Thus, the June CPI index for 1954 and 1992, respectively, is used to calculate the inflation factors for these forfeitures.

5. We are taking this opportunity to update the statutory citations included in section 1.80(a)(4) of the rules by adding a reference to Section 634 of the Communications Act, which prescribes a forfeiture penalty for violating the equal employment opportunity requirements applicable to cable systems and multichannel video programming distributors, and to include section references to citations to the Communications Act in section 1.80(a)(4) of the rules.

6. The addition of section 1.80(b)(5) and amendments to sections 1.80(b)(1),

(4) Round increase to the nearest multiple of \$5,000 if the penalty is from \$10,001 to \$100,000.

(5) Round increase to the nearest multiple of \$10,000 if the penalty is from \$100,001 to \$200,000.

(6) Round increase to the nearest multiple of \$25,000 if the penalty is over \$200,001.

See Federal Civil Penalties Inflation Adjustment Act of 1990, Public Law 101-410, 104 Stat. 890, 28 U.S.C. 2461 note, Sec. 5.

<sup>4</sup> The inflation adjustments prescribed by the Debt Collection Improvement Act will increase a monetary forfeiture penalty to an amount greater than the statutory maximum monetary forfeiture penalty amount. The adjusted forfeiture amounts are reprinted below.

(b)(2), and (b)(3) of our rules adopted herein implement the statutory requirement of the Debt Collection Improvement Act and the amendments to section 1.80(a)(4) simply update the list of statutory forfeiture provisions. Therefore, the Commission for good cause finds that compliance with the notice and comment provisions of the Administrative Procedure Act (APA) is unnecessary. See 5 U.S.C. 553(b)(B).

7. Accordingly, pursuant to sections 4(i) and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 303(r), and the Debt Collection Improvement Act of 1996, Public Law 104-134, Sec. 31001, 110 Stat. 1321, 1321-358, it is ordered that 47 CFR 1.80(a)(4), 1.80(b)(1), 1.80(b)(2), and 1.80(b)(3) are amended and that 47 CFR 1.80(b)(5) is added as set forth below, effective March 5, 1997.

#### List of Subjects in 47 CFR Part 1

Administrative practice and procedure, Claims, Penalties.

Federal Communications Commission.

William F. Caton,

*Acting Secretary.*

#### Rule Changes

Title 47 of the Code of Federal Regulations, Part 1, is amended as follows:

#### PART 1—[AMENDED]

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

Authority: 15 U.S.C. 79 *et seq.*, and 47 U.S.C. 151, 154(i), 154(j), and 303(r).

2. Section 1.80 is amended by revising the introductory text of paragraph (a) and paragraph (a)(4), the concluding text of paragraph (a), and paragraphs (b)(1), (b)(2) and (b)(3), and by adding new paragraph (b)(5) to read as follows:

#### § 1.80 Forfeiture proceedings.

(a) *Persons against whom and violations for which a forfeiture may be assessed.* A forfeiture penalty may be assessed against any person found to have:

\* \* \* \* \*

(4) Violated any provision of section 1304, 1343, or 1464 of Title 18, United States Code.

A forfeiture penalty assessed under this section is in addition to any other penalty provided for by the Communications Act, except that the penalties provided for in paragraphs (b)(1), (b)(2) and (b)(3) of this section shall not apply to conduct which is subject to a forfeiture penalty under sections 202(c), 203(e), 205(b), 214(d), 219(b), 220(d), 223(b), 362(a), 362(b),

386(a), 386(b), 503(b), 506, and 634 of the Communications Act. The remaining provisions of this section are applicable to such conduct.

(b) *Limits on the amount of forfeiture assessed.* (1) If the violator is a broadcast station licensee or permittee, a cable television operator, or an applicant for any broadcast or cable television operator license, permit, certificate, or other instrument of authorization issued by the Commission, except as otherwise noted in this paragraph, the forfeiture penalty under this section shall not exceed \$27,500 for each violation or each day of a continuing violation, except that the amount assessed for any continuing violation shall not exceed a total of \$275,000 for any single act or failure to act described in paragraph (a) of this section. There is no limit on forfeiture assessments for EEO violations by cable operators that occur after notification by the Commission of a potential violation. See section 634(f)(2) of the Communications Act.

(2) If the violator is a common carrier subject to the provisions of the Communications Act or an applicant for any common carrier license, permit, certificate, or other instrument of authorization issued by the Commission, the amount of any forfeiture penalty determined under this section shall not exceed \$110,000 for

each violation or each day of a continuing violation, except that the amount assessed for any continuing violation shall not exceed a total of \$1,100,000 for any single act or failure to act described in paragraph (a) of this section.

(3) In any case not covered in paragraphs (b)(1) or (b)(2) of this section, the amount of any forfeiture penalty determined under this section shall not exceed \$11,000 for each violation or each day of a continuing violation, except that the amount assessed for any continuing violation shall not exceed a total of \$82,500 for any single act or failure to act described in paragraph (a) of this section.

\* \* \* \* \*

(5) *Inflation adjustments to the maximum forfeiture amount.* (i) Pursuant to the Debt Collection Improvement Act of 1996, Public Law 104-134 (110 Stat. 1321-358), which amends the Federal Civil Monetary Penalty Inflation Adjustment Act of 1990, Public Law 101-410 (104 Stat. 890; 28 U.S.C. 2461 note), the statutory maximum amount of a forfeiture penalty assessed under this section shall be adjusted for inflation at least once every four years using the following formula. First, obtain the inflation factor by dividing the CPI for June of the preceding year by the CPI for June of the

year the forfeiture was last set or adjusted. Then, multiply the inflation factor by the statutory maximum amount. Round off this result using the rules in paragraph (b)(5)(ii) of this section. Add the rounded result to the statutory maximum forfeiture penalty amount. The sum is the statutory maximum amount, adjusted for inflation.

(ii) The rounding rules are as follows:

(A) Round increase to the nearest multiple of \$10 if the penalty is from \$0 to \$100;

(B) Round increase to the nearest multiple of \$100 if the penalty is from \$101 to \$1,000;

(C) Round increase to the nearest multiple of \$1,000 if the penalty is from \$1,001 to \$10,000;

(D) Round increase to the nearest multiple of \$5,000 if the penalty is from \$10,001 to \$100,000;

(E) Round increase to the nearest multiple of \$10,000 if the penalty is from \$100,001 to \$200,000; or

(F) Round increase to the nearest multiple of \$25,000 if the penalty is over \$200,001.

(iii) The first application of the inflation adjustments required by Public Law 104-134 results in the following adjustments to the statutory forfeitures currently authorized by the Communications Act:

U.S. Code citation	Current statutory maximum penalty	Maximum penalty after Public Law 104-134 adjustment
47 USC 202(c) .....	\$6,000	\$6,600
	300	330
47 USC 203(e) .....	6,000	6,600
	300	330
47 USC 205(b) .....	12,000	13,200
47 USC 214(d) .....	1,200	1,200
47 USC 219(b) .....	1,200	1,200
47 USC 220(d) .....	6,000	6,600
47 USC 223(b) .....	50,000	55,000
47 USC 362(a) .....	5,000	5,500
47 USC 362(b) .....	1,000	1,100
47 USC 386(a) .....	5,000	5,500
47 USC 386(b) .....	1,000	1,100
47 USC 503(b)(2)(A) .....	25,000	27,500
	250,000	275,000
47 USC 503(b)(2)(B) .....	100,000	110,000
	1,000,000	1,100,000
47 USC 503(b)(2)(C) .....	10,000	11,000
	75,000	82,500
47 USC 506(a) .....	500	550
47 USC 506(b) .....	100	110
47 USC 554 .....	500	500

Note: Pursuant to Public Law 104-134, the first inflation adjustment cannot exceed 10 percent of the statutory maximum amount.

\* \* \* \* \*

[FR Doc. 97-2080 Filed 1-31-97; 8:45 am]

BILLING CODE 6712-01-P

#### 47 CFR Parts 74, 78, and 101

[ET Docket No. 96-35; FCC 97-1]

#### Flexible Standards for Directional Microwave Antennas

**ACTION:** Final rule.

**SUMMARY:** This action amends the performance standards for directional microwave antennas of the Commission's Rules in order to permit the use of new antenna technology. Specifically, the rule amendments will allow licensees to show compliance with the Commission's Rules for antenna standards using either minimum antenna gain or maximum radiation beamwidth. This action removes an implicit prohibition in the Commission's Rules against new types of antennas which have narrow beamwidths, but insufficient gains. This action also will encourage innovation in antenna technology and will give licensees more options in the types of antennas they may employ, without decreasing spectrum efficiency or increasing interference.

**EFFECTIVE DATE:** March 5, 1997.

**FOR FURTHER INFORMATION CONTACT:** Michael J. Marcus, 418-2470 or Tom Mooring, 418-2450, Office of Engineering and Technology.

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission's *Report and Order*, ET Docket 96-35, FCC 97-1, adopted January 2, 1997, and released January 17, 1997. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 1919 M Street, N.W., Washington, D.C., and also may be purchased from the Commission's duplication contractor, International Transcription Service, (202) 857-3800, 2100 M Street, N.W., Suite 140, Washington, D.C. 20037.

#### Summary of the Report and Order

1. By this action, the Commission amends its fixed service microwave rules to make them more compatible with certain emerging technologies for directional antennas. Specifically, we will permit alternative showings that antennas comply with maximum beamwidth requirements rather than requirements for minimum antenna gains. The Commission believes that

this action will preserve the intent of the rules to maximize spectrum efficiency and minimize interference. At the same time, such changes will provide Commission licensees with additional flexibility to use directional antennas employing emerging technologies for which, in contrast to conventional antennas, maximum antenna beamwidth is not correlated directly with minimum antenna gain. Finally, the Commission believes that these amendments promote the national policy goals set forth in Section 257 of the Communications Act by enabling entrepreneurs and other small businesses to market new and innovative antenna technology to providers of telecommunications services and information services.

2. On February 29, 1996, we adopted a *Notice of Proposed Rule Making* ("NPRM") in this proceeding, 61 FR 11798, March 22, 1996. In the NPRM, we proposed to permit licensees to make a showing that the antennas employed under Parts 74, 78, and 101 meet minimum antenna performance standards through the use of maximum beamwidth requirements as an alternative to minimum antenna gain requirements. In addition, we proposed to treat all antennas as if they had the mainlobe shape and gain of a conventional parabolic dish antenna.

3. The parties generally support the basic proposal in the NPRM, that is, to allow users to show compliance with the minimum antenna performance standards using either maximum beamwidth or minimum gain. For example, Comsearch states that spectrum efficiency depends upon antenna radiation pattern performance (beamwidth, sidelobe suppression, and front-to-back ratio), not upon antenna gain, and that thus, there is no need for a minimum antenna gain requirement as long as the maximum beamwidth and minimum radiation suppression requirements are met. Endgate Corporation ("Endgate") agrees that the adoption of this proposal would remove a regulatory impediment to the use of new antenna technology and further states that such action would provide manufacturers with the flexibility to develop antennas with specific performance properties that are appropriate for the application, rather than performance limited by pre-existing regulations.

4. We agree with Comsearch that spectrum efficiency is dependent upon antenna radiation pattern performance, that is, the beamwidth, sidelobe suppression, and the front-to-back ratio, and not upon antenna gain per se. Thus, we find that a showing of maximum

beamwidth as an alternative to a minimum antenna gain showing can be permitted with no impact on spectrum efficiency. Moreover, we believe that such a change serves the public interest because it allows a greater choice of technologies for licensees. Accordingly, we amend Sections 74.536, 74.641, 78.105, and 101.115 of the Commission's Rules to permit licensees to demonstrate compliance using either minimum gain or maximum beamwidth. The table below summarizes these amendments:

Minimum gain	Maximum beamwidth (degrees)	Rule section	Band (GHz)
34 dBi ...	3.5	101.115 (c)	10.55-10.68
36 dBi ...	2.7	101.115 (c)	3.7-4.2
38 dBi ...	2.2	101.115 (c)	5.925-6.425
.....	.....	.....	6.525-6.875
.....	.....	.....	10.55-10.68
.....	.....	.....	10.63-10.68
.....	.....	.....	10.7-11.7
.....	.....	.....	17.70-18.82
.....	.....	74.536(c)	17.7-19.7
.....	.....	74.641(a)(1)	17.7-19.7
.....	.....	78.105(a)(1)	17.7-19.7
.....	.....	101.115 (c)	18.92-19.70
.....	.....	.....	21.2-23.6
.....	.....	.....	Above 31.3
.....	.....	78.105(a)(1)	38.6-40.0

5. In the NPRM, we observed that even with the sidelobe suppression required by the existing rules, new types of antennas, such as planar array antennas, may differ somewhat from conventional dish and horn antennas in the exact shape of the mainlobe. We stated that we do not believe that these differences in the shape of the mainlobe would have a significant impact on spectrum efficiency and, therefore, we proposed to treat all antennas as if they had the mainlobe shape and total gain of a conventional parabolic dish antenna.

6. We agree with Alcatel Network Systems, Inc. ("Alcatel"), Comsearch, and National Spectrum Managers Association ("NSMA") that the present requirement that fixed microwave applicants under Part 101 provide antenna measurement data for coordination should be retained without modification because the use of actual