

Dated: March 11, 2003.

Debra Edwards,

Acting Director, Registration Division, Office of Pesticide Programs.

Therefore, 40 CFR chapter I is amended as follows:

PART 180—[AMENDED]

1. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 321(q), 346(a) and 374.

2. Section 180.447 is amended by removing the entries for “Alfalfa forage” and “Alfalfa hay” from the table in paragraph (a)(2), and by alphabetically adding new entries to the tables in paragraphs (a)(1) and (a)(2) to read as follows:

§ 180.447 Imazethapyr; tolerances for residues.

(a) * * *

(1) * * *

Commodity	Parts per million
Canola, seed ¹	0.10
* * *	

1 There are no U.S. registrations for canola as of March 21, 2003.

(2) * * *

Commodity	Parts per million
Alfalfa, seed	0.15
Alfalfa, seed screening	0.15
Animal feed, nongrass, group, forage	3.0
Animal feed, nongrass, group, hay	5.5
* * *	

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FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 0 and 68

[FCC 02-104]

Amendment of the Commission's Rules To Reflect the Commission's Recent Reorganization

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: In this document, the Commission amends its rules pertaining

to agency organization, procedure, and practice to reflect the Commission's *Report and Order* that privatized and streamlined the standards development and approval processes for terminal equipment regulated under part 68, and the Commission's *Order* that transferred enforcement of part 68 rules to the Enforcement Bureau.

DATES: Effective March 21, 2003.

FOR FURTHER INFORMATION CONTACT:

Gayle Radley Teicher, Industry Analysis and Technology Division, Wireline Competition Bureau, voice 202-418-0940, fax 202-418-0520.

SUPPLEMENTARY INFORMATION: By this Order, the Federal Communications Commission (Commission) amends parts 0 and 68 of its rules to reflect the Commission's *Report and Order*, 66 FR 7579, January 24, 2001 that privatized and streamlined the standards development and approval processes for terminal equipment regulated under part 68, and the Commission's *Order*, 67 FR 13216, March 21, 2002 that transferred enforcement of part 68 rules to the Enforcement Bureau. Specifically, the Commission eliminates § 0.303 to reflect the transfer of authority for part 68 terminal equipment certification to private industry. In addition, the Commission amends § 0.91 to acknowledge the changed role of the Commission in the equipment certification process. Finally, the Commission amends certain additional rules to reflect the Commission's recent transfer of responsibility for enforcement regarding terminal equipment to the Enforcement Bureau.

In the part 68 *Report and Order*, the Commission eliminated significant portions of the rules governing the connection of customer premises equipment (or terminal equipment) to the public switched telephone network (PSTN). The part 68 *Report and Order* privatized the certification of terminal equipment and the development of technical criteria with which terminal equipment must comply to be connected with the PSTN. By these actions, the Commission minimized or eliminated the role of the federal government in these processes. Therefore, it is no longer necessary to delegate authority to the Wireline Competition Bureau to act upon applications for certification of terminal equipment, and the Commission eliminates § 0.303 accordingly. The Commission modifies § 0.91, however, to reflect that the Wireline Competition Bureau retains authority to consider appeals resulting from any failure of private industry to resolve issues

pertaining to technical criteria for part 68 terminal equipment.

In light of recent transfer of part 68 enforcement responsibility to the Enforcement Bureau, the Commission also eliminates the specific part 68 complaint rules. Formal complaints against carriers for violations of part 68 will now be handled pursuant to the general rules regarding formal complaints against common carriers. This action will bring adjudication of such complaints into conformity with the Commission's other rules regarding complaints against common carriers. These rules will also apply to formal complaints against common carriers regarding hearing aid compatibility and volume control requirements. The Commission also amends § 68.211 of the rules to reflect that revocation of part 68 certification will now be handled by the Enforcement Bureau.

Procedural Matters

The modifications to parts 0 and 68 undertaken by this Order are rules that pertain to agency organization, procedure and practice. Consequently, the notice and comment provisions of the Administrative Procedure Act are inapplicable.

Ordering Clauses

Accordingly, *it is ordered* that, pursuant to section 5 of the Communications Act of 1934, as amended, 47 U.S.C. 155, parts 0 and 68 of the Commission's rules *are amended* effective March 21, 2003.

List of Subjects

47 CFR Part 0

Organization and functions, Reporting and recordkeeping requirements.

47 CFR Part 68

Administrative practice and procedures, Communications common carriers, Telecommunications, Enforcement.

Federal Communications Commission.

Marlene H. Dortch,
Secretary.

Rules Changes

For the reasons discussed in the preamble, the Federal Communications Commission amends 47 CFR parts 0 and 68 as follows:

PART 0—COMMISSION ORGANIZATION

1. The authority citation for part 0 continues to read as follows:

Authority: Secs. 5, 48 Stat. 1068, as amended; 47 U.S.C. 155.

2. Section 0.91 is amended by redesignating paragraphs (j) through (l) as paragraphs (k) through (m) and by adding new paragraph (j) to read as follows:

§ 0.91 Wireline Competition Bureau.

* * * * *

(j) Act on petitions for *de novo* review of decisions of the Administrative Council for Terminal Attachments regarding technical criteria pursuant to § 68.614.

* * * * *

§ 0.303 [Removed and Reserved]

3. Section 0.303 is removed and reserved.

**PART 68—CONNECTION OF
TERMINAL EQUIPMENT TO THE
TELEPHONE NETWORK**

4. The authority citation for part 68 continues to read as follows:

Authority: 47 U.S.C. 154, 155 and 303.

5. Section 68.211 is amended by revising paragraph (b) to read as follows:

§ 68.211 Terminal equipment approval revocation procedures.

* * * * *

(b) *Notice of intent to Revoke Interconnection Authority.* Before revoking interconnection authority under the provisions of this section, the Commission, or the Enforcement Bureau under delegated authority, will issue a written Notice of Intent to Revoke Part 68 Interconnection Authority, or a Joint Notice of Apparent Liability for Forfeiture and Notice of Intent to Revoke Part 68 Interconnection Authority pursuant to §§ 1.80 and 1.89 of this chapter.

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§§ 68.400 through 68.412 [Removed and Reserved]

6. Sections 68.400 through 68.412 are removed and reserved.

[FR Doc. 03–6781 Filed 3–20–03; 8:45 am]

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**FEDERAL COMMUNICATIONS
COMMISSION**

47 CFR Part 76

[CS Docket No. 95–184, MM 92–260; FCC 03–9]

RIN 4105

**Telecommunications Services Inside
Wiring Customer Premises Equipment**

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document revises rules which the Commission adopted relating to cable home run wiring. This document also resolves issues raised by the Commission regarding exclusive and perpetual contracts and related matters.

DATES: Effective May 20, 2003 except for §§ 76.620, 76.802, and 76.804 which contain information collection requirements that have not been approved by OMB. The Federal Communications Commission will publish a document in the **Federal Register** announcing the effective date for the modifications to these sections. Written comments by the public on the new and/or modified information collection(s) are due May 20, 2003.

FOR FURTHER INFORMATION CONTACT: Cheryl Kornegay, Media Bureau at (202) 418–7200 or via Internet at ckornega@fcc.gov; or Wanda Hardy, Media Bureau, (202) 418–2129. For additional information concerning the information collections contained in this document, contact Les Smith at (202) 418–0217, or via the Internet at lesmith@fcc.gov. In addition to filing comments with the Office of the Secretary, a copy of any comments on the information collection(s) contained herein should be submitted to Les Smith, Federal Communications Commission, Room 1–A804, 445 12th Street, Washington, DC 20554 or via the Internet to lesmith@fcc.gov.

SUPPLEMENTARY INFORMATION: This document is a summary of the Commission's First Order on Reconsideration and Second Report and Order (“*Order*” and “*2nd R&O*”); CS 95–184, MM 92–260, FCC 03–9, adopted January 21, 2003 and released January 29, 2003. This document revises rules which the Commission adopted in the Report and Order and Second Further Notice of Proposed Rulemaking; 62 FR 61016, November 14, 1997, (“*R&O*” and “*2nd FNPRM*”); concerning cable home run wiring. The rules adopted by the Commission established specific procedural mechanisms requiring the sale, removal or abandonment of home run wiring in multiple dwelling unit buildings. This document addresses the eight petitions for reconsideration and ten oppositions or responses to the petitions for reconsideration received by the Commission in response to the Report and Order. This document also resolves issues raised by the Commission in the *2nd FNPRM* relating to (1) exclusive and perpetual contracts; (2) the application of cable home wiring and subscriber termination rights to non-cable and cable MVPDs; (3) the

exemption of small MVPDs from the annual signal leakage requirements; and (4) a proposal to establish a virtual demarcation point from which alternative providers could share cable wiring. The full text of this decision is available for inspection and copying during normal business hours in the FCC Reference Information Center, Portals II, 445 12th Street, SW., Room CY–A257, Washington, DC 20554, and may be purchased from the Commission's copy contractor, Qualex International, Portals II, 445 12th Street, SW., Room CY–B402, Washington, DC 20554, telephone (202) 863–2893, facsimile (202) 863–2898, or via e-mail qualexint@aol.com or may be viewed via Internet at <http://www.fcc.gov/mb/>.

Paperwork Reduction Act: This Order contains new or modified information collection(s). The Commission, as part of its continuing effort to reduce paperwork burdens, invites the general public to comment on the information collection(s) contained in this Order and required by the Paperwork Reduction Act of 1995, Pub. L. 104–13. Public and agency comments are due May 20, 2003.

**Synopsis of First Order on
Reconsideration**

Legal Authority of the Commission

1. Several petitioners questioned the Commission's authority to regulate the disposition of cable home run wiring in the first instance. We considered these arguments at length previously in the *R&O* and concluded that the Commission has authority under section 4(i) and 303(r) of the Communications Act of 1934 (“*Communications Act*”), in conjunction with the pervasive regulatory authority committed to the Commission under Title VI, and particularly section 623, to establish procedures for the disposition of MDU home run wiring upon termination of service.

*Application of Building-by-Building
Disposition Procedures*

2. The *R&O* adopted procedures for two categories of home run wiring disposition: building-by-building and unit-by-unit. A multiple dwelling unit (“MDU”) owner may invoke the building-by-building disposition procedures when the incumbent multichannel video programming distributors (“MVPD”) owns the home run wiring, but no longer has a legally enforceable right to remain in the building and the MDU owner wants to use that wiring for service from another provider. A MDU owner may invoke the unit-by-unit disposition procedures when the incumbent MVPD owns the