

Proceedings covered	Statutory authority	Applicable regulations
5. Appeals of CMS determinations that an intermediate care facility for the mentally retarded (ICFMR) no longer qualifies as an ICFMR for Medicaid purposes.	42 U.S.C. 1396i	42 CFR Part 498.
6. Proceedings to impose civil monetary penalties, assessments, or exclusions from Medicare and State health care programs.	42 U.S.C. 1395i-3(h)(2)(B)(ii); 1395/(q)(2)(B)(i); 1395m(a)(11)(A), (c)(4)(C); 1395w-2(b)(2)(A); 1395w-4(g)(1), (g)(3)(B), (g)(4)(B)(ii); 1395nn(g)(5); 1395ss(a)(2), (p)(8), (p)(9)(C), (q)(5)(C), (r)(6)(A), (s)(3), (t)(2); 1395bbb(f)(2)(A); 1396r(h)(3)(C)(ii); 1396r-8(b)(3)(B), (C)(ii); 1396t(j)(2)(C); 1396u(h)(2).	42 CFR Part 1003.
7. Appeals of exclusions from Medicare and State health care programs and/or other programs under the Social Security Act.	42 U.S.C. 1395/(q)(2)(B)(ii); 1395m(a)(11)(A), (c)(5)(C); 1395w-4(g)(1), (g)(3)(B), (g)(4)(B)(ii).	42 CFR Part 498; 42 CFR 1001.107.
Food and Drug Administration		
1. Proceedings to withdraw approval of new drug applications.	21 U.S.C. 355(e)	21 CFR Part 12; 21 CFR 314.200.
2. Proceedings to withdraw approval of new animal drug applications and medicated feed applications.	21 U.S.C. 360b(e), (m)	21 CFR Part 12; 21 CFR Part 514, Subpart B.
3. Proceedings to withdraw approval of medical device premarket approval applications.	21 U.S.C. 306e(e), (g)	21 CFR Part 12.
Office for Civil Rights		
1. Proceedings to enforce Title VI of the Civil Rights Act of 1964, which prohibits discrimination on the basis of race, color or national origin by recipients of Federal financial assistance.	42 U.S.C. 2000d-1	45 CFR 80.9.
2. Proceedings to enforce section 504 of the Rehabilitation Act of 1973, which prohibits discrimination on the basis of handicap by recipients of Federal financial assistance.	29 U.S.C. 794a; 42 U.S.C. 2000d-1	45 CFR 84.61.
3. Proceedings to enforce the Age Discrimination Act of 1975, which prohibits discrimination on the basis of age by recipients of Federal financial assistance.	42 U.S.C. 6104(a)	45 CFR 91.47.
4. Proceedings to enforce Title IX of the Education Amendments of 1972, which prohibits discrimination on the basis of sex in certain education programs by recipients of Federal financial assistance.	20 U.S.C. 1682	45 CFR 86.71.

Dated: October 14, 2003.

Tommy G. Thompson,
Secretary.

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FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 15 and 76

[DA 03-3848]

Editorial Modification of the Commission's Rules

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document provides a more efficiently organized presentation of the various materials, *e.g.*, standards, specifications, and similar documents

that are referenced in the regulations for radio frequency devices and multichannel video and cable television services in the rules, certain administrative revisions are necessary to those rules.

DATES: Effective January 21, 2004.

FOR FURTHER INFORMATION CONTACT: Alan Stillwell, Office of Engineering and Technology, (202) 418-2925.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's *Order*, DA 03-3848, adopted December 4, 2003 and released December 5, 2003. The full text of this document is available on the Commission's Internet site at <http://www.fcc.gov>. It is also available for inspection and copying during regular business hours in the FCC Reference Center (Room CY-A257), 445 12th Street, SW., Washington, DC 20554. The full text of this document also may be purchased from the Commission's duplication contractor, Qualex

International, Portals II, 445 12th St., SW., Room CY-B402, Washington, DC 20554; telephone (202) 863-2893; fax (202) 863-2898; e-mail qualexint@aol.com.

Summary of the Order

1. In order to provide a more efficiently organized presentation of the various materials, *e.g.*, standards, specifications, and similar documents that are referenced in the regulations for radio frequency devices in part 15 of the rules and in the regulations for multichannel video and cable television services in part 76 of the rules, certain administrative revisions are necessary to those rules.

2. Authority for adoption of the foregoing revisions is contained in 47 CFR 0.231(b).

3. The amendments adopted pertain to agency organization, procedure, and practice. Consequently, the notice and

comment provisions of the Administrative Procedure Act, contained in 5 U.S.C. 553(b), are inapplicable.

Ordering Clauses

4. Accordingly, *it is ordered* that parts 15 and 76 of the Commission's rules, set forth in Title 47 of the Code of Federal Regulations, *are amended*, effective January 21, 2004.

List of Subjects in 47 CFR Parts 15 and 76

Cable television, Incorporation by reference, Television.

Federal Communications Commission.

Marlene H. Dortch,

Secretary.

Rule Changes

■ For the reasons discussed in the preamble, the Federal Communications Commission amends 47 CFR parts 15 and 76 to read as follows:

PART 15—RADIO FREQUENCY DEVICES

■ 1. The authority for part 15 is revised to read as follows:

Authority: 47 U.S.C. 154, 302a, 303, 304, 307, 336, and 544a.

■ 2. Section 15.109 is amended by revising the introductory text of paragraph (g) to read as follows:

§ 15.109 Radiated emission limits.

* * * * *

(g) As an alternative to the radiated emission limits shown in paragraphs (a) and (b) of this section, digital devices may be shown to comply with the standards contained in Third Edition of the International Special Committee on Radio Interference (CISPR), Pub. 22, "Information Technology Equipment—Radio Disturbance Characteristics—Limits and Methods of Measurement" (incorporated by reference, *see* § 15.38). In addition:

* * * * *

■ 3. Section 15.118 is amended by revising paragraph (b) to read as follows:

§ 15.118 Cable ready consumer electronics equipment.

* * * * *

(b) Cable ready consumer electronics equipment shall be capable of receiving all NTSC or similar video channels on channels 1 through 125 of the channel allocation plan set forth in EIA IS-132: "Cable Television Channel Identification Plan" (incorporated by reference, *see* § 15.38).

* * * * *

■ 4. Section 15.120 is amended by revising paragraph (d)(1) to read as follows:

§ 15.120 Program blocking technology requirements for television receivers.

* * * * *

(d) * * *

(1) Analog television receivers will receive program ratings transmitted pursuant to EIA-744: "Transport of Content Advisory Information Using Extended Data Service (XDS)" (incorporated by reference, *see* § 15.38) and EIA-608: "Recommended Practice for Line 21 Data Service" (incorporated by reference, *see* § 15.38). Blocking of programs shall occur when a program rating is received that meets the pre-determined user requirements.

* * * * *

■ 5. Section 15.122 is amended by revising paragraph (b) to read as follows:

§ 15.122 Closed caption decoder requirements for digital television receivers and converter boxes.

* * * * *

(b) Digital television receivers and tuners must be capable of decoding closed captioning information that is delivered pursuant to EIA-708-B: "Digital Television (DTV) Closed Captioning" (incorporated by reference, *see* § 15.38).

* * * * *

PART 76—MULTICHANNEL VIDEO AND CABLE TELEVISION SERVICE

■ 6. The authority for part 76 is revised to read as follows:

Authority: 47 U.S.C. 151, 152, 153, 154, 301, 302a, 303, 303a, 307, 308, 309, 312, 317, 325, 338, 339, 503, 521, 522, 531, 532, 533, 534, 535, 536, 537, 543, 544, 544a, 545, 548, 549, 552, 554, 556, 558, 560, 561, 571, 572, and 573.

■ 7. Section 76.605 is amended by revising paragraph (a)(1)(ii) to read as follows:

§ 76.605 Technical Standards.

* * * * *

(a) * * *

(1) * * *

(ii) Cable television systems shall transmit signals to subscriber premises equipment on frequencies in accordance with the channel allocation plan set forth in EIA IS-132: "Cable Television Channel Identification Plan" (incorporated by reference, *see* § 76.602). This requirement is applicable on May 31, 1995, for new

and re-built cable systems, and on June 30, 1997, for all cable systems.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 031126295-3295-01; I.D. 011304B]

Fisheries of the Exclusive Economic Zone Off Alaska; Atka Mackerel Lottery in Areas 542 and 543

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notification of fishery assignments.

SUMMARY: NMFS is notifying the owners and operators of registered vessels of their assignments for the A season Atka mackerel fishery in harvest limit area (HLA) 542 and/or 543 of the Aleutian Islands subarea of the Bering Sea and Aleutian Islands management area (BSAI). This action is necessary to allow the harvest of the A season HLA limits established for area 542 and area 543 pursuant to the interim 2004 harvest specifications for groundfish.

DATES: Effective 1200 hrs, Alaska local time (A.l.t.), January 20, 2004, until 1200 hrs, A.l.t., April 15, 2004.

FOR FURTHER INFORMATION CONTACT: Andrew Smoker, 907-586-7228.

SUPPLEMENTARY INFORMATION: NMFS manages the groundfish fishery in the BSAI exclusive economic zone according to the Fishery Management Plan for the Groundfish Fishery of the Bering Sea and Aleutian Islands Area (FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson-Stevens Fishery Conservation and Management Act. Regulations governing fishing by U.S. vessels in accordance with the FMP appear at subpart H of 50 CFR part 600 and 50 CFR part 679.

In accordance with § 679.20(a)(8)(iii)(A), owners and operators of vessels using trawl gear for directed fishing for Atka mackerel in the HLA are required to register with NMFS. In accordance with § 679.20(a)(8)(iii)(A)(1), owners and operators that wish to participate in the A season HLA fishery must register their vessels with NMFS by 4:30 pm., A.l.t.