

### Unfunded Mandates

The Unfunded Mandates Reform Act of 1995 requires, at 2 U.S.C. 1532, that agencies prepare an assessment of anticipated costs and benefits before developing any rule that may result in an expenditure by State, local, or tribal governments, in the aggregate, or by the private sector of \$100 million or more in any given year. This final rule would have no measurable monetary effect on State, local, or tribal governments.

### Regulatory Flexibility Act

The Secretary hereby certifies that this final rule will not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act (RFA), 5 U.S.C. 601–612. Any economic impact on service organizations or law firms would be minimal. Therefore, pursuant to 5 U.S.C. 605(b), this final rule is exempt from the initial and final regulatory flexibility analysis requirements of sections 603 and 604.

### Paperwork Reduction Act

The Secretary hereby certifies that this final rule contains no provisions constituting a collection of information under the Paperwork Reduction Act (44 U.S.C. 3501–3520).

### List of Subjects in 38 CFR Part 20

Administrative practice and procedure; Claims; Lawyers; Legal services; Veterans; Authority delegations (government agencies).

Approved: March 12, 2003.

**Anthony J. Principi,**

*Secretary of Veterans Affairs.*

For the reasons set out in the preamble, 38 CFR part 20 is amended as follows:

### PART 20—BOARD OF VETERANS' APPEALS: RULES OF PRACTICE

1. The authority citation for part 20 continues to read as follows:

**Authority:** 38 U.S.C. 501(a) and as noted in specific sections.

2. Section 20.204 is revised to read as follows:

#### § 20.204 Rule 204. Withdrawal of Appeal.

(a) *When and by whom filed.* Only an appellant, or an appellant's authorized representative, may withdraw an appeal. An appeal may be withdrawn as to any or all issues involved in the appeal.

(b) *Filing.* (1) *Form and content.* Except for appeals withdrawn on the record at a hearing, appeal withdrawals must be in writing. They must include

the name of the veteran, the name of the claimant or appellant if other than the veteran (*e.g.*, a veteran's survivor, a guardian, or a fiduciary appointed to receive VA benefits on an individual's behalf), the applicable Department of Veterans Affairs file number, and a statement that the appeal is withdrawn. If the appeal involves multiple issues, the withdrawal must specify that the appeal is withdrawn in its entirety, or list the issue(s) withdrawn from the appeal.

(2) *Where to file.* Appeal withdrawals should be filed with the agency of original jurisdiction until the appellant or representative filing the withdrawal receives notice that the appeal has been transferred to the Board. Thereafter, file the withdrawal at the following address: Director, Management and Administration (014), Board of Veterans' Appeals, 810 Vermont Avenue, NW., Washington, DC 20420.

(3) *When effective.* Until the appeal is transferred to the Board, an appeal withdrawal is effective when received by the agency of original jurisdiction. Thereafter, it is not effective until received by the Board. A withdrawal received by the Board after the Board issues a final decision under Rule 1100(a) (§ 20.1100(a) of this part) will not be effective.

(c) *Effect of filing.* Withdrawal of an appeal will be deemed a withdrawal of the Notice of Disagreement and, if filed, the Substantive Appeal, as to all issues to which the withdrawal applies. Withdrawal does not preclude filing a new Notice of Disagreement and, after a Statement of the Case is issued, a new Substantive Appeal, as to any issue withdrawn, provided such filings would be timely under these rules if the appeal withdrawn had never been filed.

(Authority: 38 U.S.C. 7105(b) and (d))

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### FEDERAL COMMUNICATIONS COMMISSION

#### 47 CFR Part 76

[MM Docket No. 98–35; FCC 03–21]

#### Cable/Broadcast Ownership Rules

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** This document eliminates the cable/broadcast cross ownership rule in response to a court decision vacating the rule and directing the Commission to

repeal the rule. The action is taken in compliance with the court's directive.

**DATES:** This document became effective on January 31, 2003.

**FOR FURTHER INFORMATION CONTACT:** Erin Dozier, Attorney, Media Bureau, 202–418–7040.

**SUPPLEMENTARY INFORMATION:** 1. As part of the 1998 Biennial Regulatory Review mandated by section 202(h) of the Telecommunications Act of 1996 (47 U.S.C. 161), the Commission reexamined the cable/broadcast cross-ownership rule and determined that the rule should be retained. (*In the Matter of 1998 Biennial Regulatory Review—Review of the Commission's Broadcast Ownership Rules and Other Rules Adopted Pursuant to Section 202 of the Telecommunications Act of 1996*, MM Docket No. 98–35, Biennial Review Report, 65 FR 4333, July 13, 2000. In *Fox Television Stations, Inc. v. FCC*, 280 F.3d 1027 (DC Cir. Feb. 19, 2002), the United States Court of Appeals for the District of Columbia Circuit found that the Commission's decision to retain the cable/broadcast cross-ownership rule was arbitrary and capricious and contrary to section 202(h). (*Fox*, 280 F.3d at 1033, 1049) The court vacated the cable/broadcast cross-ownership rule, and directed the Commission to repeal the rule.

2. Accordingly, the Commission hereby repeals section 76.501(a) of our rules. The Commission also repeals as no longer applicable section 76.501(c) of our rules, which established the effective date of the rule.

#### Ordering Clauses

3. Accordingly, paragraphs (a) and (c) of section 76.501 of the Commission's rules, 47 CFR 76.501(a), and 76.501(c) are repealed, effective upon the adoption of this Order.

4. The Commission's rules are further amended as set forth in the rule amendments section of this decision.

5. This action is taken pursuant to sections 4(i), 4(j), and 303 of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 154(j), and 303, and section 202(h) of the Telecommunications Act of 1996, 47 U.S.C. 161. The Commission finds that notice and comment are unnecessary under 5 U.S.C. 553(b) because this is a ministerial order issued at the direction of the United States Court of Appeals for the District of Columbia Circuit.

#### List of Subjects in 47 CFR Part 76

Cable television.

Federal Communications Commission.

**Marlene H. Dortch,**

*Secretary.*

### **Rule Changes**

For the reasons discussed in the preamble, the Federal Communications Commission amends 47 CFR part 76 as follows:

### **PART 76—MULTICHANNEL VIDEO AND CABLE TELEVISION SERVICE**

1. The authority citation for part 76 continues to read as follows:

**Authority:** 47 U.S.C. 151, 152, 153, 154, 301, 302, 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.

### **§ 76.501 [Amended]**

2. Section 76.501 is amended by removing and reserving paragraphs (a) and (c).

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**BILLING CODE 6712-01-P**