

(4) The purpose of the research is the development of important biomedical knowledge that cannot be obtained by other means; and

(5) The legally effective informed consent of both parents of the neonate is obtained in accord with subpart A of this part, except that the waiver and alteration provisions of § 46.116(c) and (d) do not apply. However, if either parent is unable to consent because of unavailability, incompetence, or temporary incapacity, the informed consent of one parent of a nonviable neonate will suffice to meet the requirements of this paragraph (c)(5), except that the consent of the father need not be obtained if the pregnancy resulted from rape or incest. The consent of a legally authorized representative of either or both of the parents of a nonviable neonate will not suffice to meet the requirements of this paragraph (c)(5).

(d) Viable neonates. A neonate, after delivery, that has been determined to be viable may be included in research only to the extent permitted by and in accord with the requirements of subparts A and D of this part.

**§ 46.206 Research involving, after delivery, the placenta, the dead fetus or fetal material.**

(a) Research involving, after delivery, the placenta; the dead fetus; macerated fetal material; or cells, tissue, or organs excised from a dead fetus, shall be conducted only in accord with any applicable Federal, State, or local laws and regulations regarding such activities.

(b) If information associated with material described in paragraph (a) of this section is recorded for research purposes in a manner that living individuals can be identified, directly or through identifiers linked to those individuals, those individuals are research subjects and all pertinent subparts of this part are applicable.

**§ 46.207 Research not otherwise approvable which presents an opportunity to understand, prevent, or alleviate a serious problem affecting the health or welfare of pregnant women, fetuses, or neonates.**

The Secretary will conduct or fund research that the IRB does not believe meets the requirements of § 46.204 or § 46.205 only if:

(a) The IRB finds that the research presents a reasonable opportunity to further the understanding, prevention, or alleviation of a serious problem affecting the health or welfare of pregnant women, fetuses or neonates; and

(b) The Secretary, after consultation with a panel of experts in pertinent disciplines (for example: science, medicine, ethics, law) and following opportunity for public review and comment, including a public meeting announced in the **Federal Register**, has determined either:

(1) That the research in fact satisfies the conditions of § 46.204, as applicable; or

(2) The following:

(i) The research presents a reasonable opportunity to further the understanding, prevention, or alleviation of a serious problem affecting the health or welfare of pregnant women, fetuses or neonates;

(ii) The research will be conducted in accord with sound ethical principles; and

(iii) Informed consent will be obtained in accord with the informed consent provisions of subpart A and other applicable subparts of this part.

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**DEPARTMENT OF THE INTERIOR**

**Fish and Wildlife Service**

**50 CFR Part 20**

**RIN 1018-AH79**

**Migratory Bird Hunting; Late Seasons and Bag and Possession Limits for Certain Migratory Game Birds; Correction**

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Final rule; correction.

**SUMMARY:** The U.S. Fish and Wildlife Service (hereinafter Service or we) published a document in the September 28, 2001, **Federal Register** prescribing the hunting seasons, hours, areas, and daily bag and possession limits for general waterfowl seasons and those early seasons for which States previously deferred selection. This document corrects errors in the season dates and other pertinent information for the States of Illinois, North Carolina, South Carolina, Texas, and Vermont.

**DATES:** This rule was effective on September 28, 2001.

**FOR FURTHER INFORMATION CONTACT:** Jon Andrew, Chief, Division of Migratory Bird Management, U.S. Fish and Wildlife Service, Department of the Interior, (703) 358-1714.

**SUPPLEMENTARY INFORMATION:** In the September 28, 2001, **Federal Register** (66 FR 49748), we published a final rule

prescribing hunting seasons, hours, areas, and daily bag and possession limits for general waterfowl seasons, certain other migratory bird seasons, and those early seasons for which States previously deferred selection. The rule contained errors in the entries for Illinois, North Carolina, South Carolina, Texas, and Vermont, which are discussed briefly below and corrected by this notice.

We received public comment on the proposed rules for the seasons and limits established by the September 28 final rule. We addressed these comments in final rules published in the August 21, 2001, (66 FR 44010) and September 27, 2001, (66 FR 49478) **Federal Registers**. The corrections are typographical in nature and involve no substantial changes to the substance in the contents of the prior proposed and final rules.

In rule FR Doc. 01-24292 published September 28, 2001 (66 FR 49748), make the following corrections:

**§ 20.105 [Corrected]**

1. On page 49756 under the heading Vermont, subheading Canada Geese, the subheadings "Lake Champlain and Interior Zones" and "Connecticut River Zone" are inserted; across from the subheading Lake Champlain and Interior Zones, the season dates of "Oct. 27-Nov. 25" are inserted; across from the subheading Connecticut River Zone, the season dates of "Oct. 2-Nov. 4 & Nov. 21-Dec. 1" are inserted.

2. On page 49756 under the heading Vermont, subheading Light Geese, the subheadings "Lake Champlain and Interior Zones" and "Connecticut River Zone" are inserted; across from the subheading Lake Champlain and Interior Zones, the season dates of "Oct. 10-Dec. 28 & Mar. 1-Mar. 10" are inserted; across from the subheading Connecticut River Zone, the season dates of "Oct. 2-Dec. 16" are inserted.

3. On page 49756 under the heading West Virginia, subheading Canada Geese, subheading Zone 2, the season dates of "Dec. 21 Jan. 31" are corrected to read "Dec. 21-Jan.31."

4. On page 49757 under the heading Illinois, subheading Brant, the bag and possession limits are corrected to read "1 and 2." Remove the "2" from under the subheading Brant.

5. On page 49762 under the heading Texas, subheading Geese, subheading East Tier, subheading Light Geese, the season dates "Oct.28-Jan.21" are corrected to read "Oct. 27-Jan. 20."

6. On page 49766 under the heading North Carolina, the season dates for the youth waterfowl hunting day are

corrected to read "Jan. 26 & 27."  
Remove "Jan. 26" from under the subheading Ducks and geese.

7. On page 49766 under the heading South Carolina, the season dates for the youth waterfowl hunting day are corrected to read "Jan. 26 & 27."  
Remove "Jan. 26 & 27" from under the subheading Ducks and geese.

Dated: October 24, 2001.

**Joseph E. Doddridge,**

*Acting Assistant Secretary for Fish and Wildlife and Parks.*

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 648

[Docket No. 010413094-1094-01; I.D. 060701A]

RIN 0648-AP10

#### Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Atlantic Deep-Sea Red Crab Fishery

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

**ACTION:** Extension of the expiration date of an emergency interim rule.

**SUMMARY:** NMFS informs the public that the emergency interim rule published on May 8, 2001, as amended on July 23, 2001, to govern fishing in the Atlantic deep-sea red crab (*Chaceon quinque-dens*) (red crab) fishery from May 18, 2001, through November 14, 2001, is extended for an additional 180 days to continue protection of red crab while permanent measures are being developed by the New England Fishery Management Council (Council). The extension adjusts the total allowable catch (TAC) for its 180-day duration to 2.16 million lb (979.8 mt); maintains a possession limit of 65,000 lb (29.5 mt) of whole red crab or its equivalent, a trap/pot limit of 600 pots, and an incidental catch of 100 lb (45.4 kg) of whole red crab per fishing trip. The extension also continues the requirements for a letter of authorization, for vessel reporting via an interactive voice response system, and for submission of vessel trip reports for the red crab fishery. The intended effect of extending this rule is to continue to prevent or eliminate overfishing and provide immediate protection of the red

crab stock in the previously unregulated Atlantic deep-sea red crab fishery in the Northeast region while a Federal fishery management plan (FMP) is being developed.

**DATES:** The expiration date of the emergency interim rule, published May 8, 2001 (66 FR 23182), as amended on July 23, 2001 (66 FR 38165), is extended effective November 15, 2001, through May 14, 2002.

**FOR FURTHER INFORMATION CONTACT:** E. Martin Jaffe, Fishery Policy Analyst, 978-281-9272, fax 978-281-9135, e-mail [martin.jaffe@noaa.gov](mailto:martin.jaffe@noaa.gov).

#### SUPPLEMENTARY INFORMATION:

##### Background

At its January 23, 2001, meeting, the Council requested that the Secretary of Commerce (Secretary) use his authority under section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act to promulgate emergency regulations to address the potential for a rapid increase in the harvesting of red crab and to halt or prevent overfishing, while providing immediate protection to the red crab resource as the Council develops an FMP for red crab. An emergency interim rule to implement management measures for the red crab fishery was published on May 8, 2001 (66 FR 23182), effective May 18, 2001, through November 14, 2001. A full discussion of the status of the red crab stock and the need for emergency interim action is found in the preamble to the emergency interim rule and is not repeated here.

On July 23, 2001, NMFS amended the emergency interim rule (66 FR 38165) by revising the conversion factor for determining live weight landings where red crab are landed in a butchered state. Based on comments subsequently received, additions/modifications to those conversions may again be needed in the long term and will be fully addressed in the FMP under development.

On August 2, 2001, 83.9 percent of the red crab total allowable catch (TAC) was landed and, based on projections that the TAC would be reached as of August 17, 2001, NMFS closed the directed fishery effective on August 17, 2001.

After promulgating the initial emergency interim rule, NMFS was sued in the Federal District Court of Virginia by the owners of two large crab processor vessels on grounds that emergency rulemaking was not justified and that the rule was not supported by the record. On a motion to change venue by the intervenor New England Red Crab Harvesters Association, the lawsuit was recently transferred to Massachusetts. In promulgating this

extension to the emergency interim rule, NMFS has taken into account all issues covered in this lawsuit and concluded that the measures included in this rule are necessary for a risk-averse approach to protecting the red crab resource.

This action extends the emergency interim measures for 180 days, effective November 15, 2001. Emergency interim measures extended by this action include a TAC of 2.16 million lb (979.8 mt). This TAC is based on one-half of an annual TAC of 5.0 million lb (2,268 mt) reduced by the overage caught during the initial emergency period (which was approximately 340,000 lb (154.22 mt)). NMFS reduced the TAC for the extension period by the amount of the overage (340,000 lb (154.22 mt)) from the initial period in order to ensure that the annual TAC of 5.0 million lb is not exceeded. Other measures, which remain the same as in the initial emergency interim rule, include: a possession/landing limit of 65,000 lb (29.5 mt) of whole red crab, or its whole weight equivalent, per vessel per fishing trip; a trap/pot limit of 600 pots per vessel; and an incidental catch limit of 100 lb (45.4 kg) of red crab per fishing trip. This extension also continues the requirements for a letter of authorization, vessel reporting via an interactive voice response system, and submission of vessel trip reports for the red crab fishery.

#### Comments and Responses

*Comment 1:* By allowing the continuation of fishing by vessels that entered the fishery after the March 1, 2000, control date, the emergency rule does not protect the viability of the existing fishery nor is it consistent with national and international fishery policy.

*Response:* The emergency rule contains measures that NMFS believes will prevent or eliminate overfishing of the red crab stock in the short term from Cape Hatteras Light, NC, northward to the U.S.-Canada border. A moratorium on vessels that entered the red crab fishery after the control date is a controversial and time-consuming action to implement and would be better addressed in the Red Crab FMP currently under development.

*Comment 2:* The emergency rule does not prevent substantial damage to the historical participants in the Atlantic red crab fishery.

*Response:* The emergency rule establishes a 65,000-lb (29.5-mt) possession limit, which has been estimated to be the average hold capacity of the red crab vessels that had