

Federal programs involved in transport of materials that are reasonably believed to contain infectious substances, such as the HHS/CDC Import Permit Program; the HHS/CDC Clinical Laboratories Improvement Program; the HHS/CDC Select Agent Program; and various research programs of HHS/NIH and HHS/FDA and other Agencies. Agencies will need to review and update references in their guidance and regulating documents.

#### *Paperwork Reduction Act*

This notice of proposed rulemaking does not impose any new information-collection requirements, and does not invoke any issues that make it subject to the Paperwork Reduction Act.

The only impact of removal of 42 CFR 72 is to reduce burden. It eliminates specification for a second label to be attached to the outer shipping container. This label is no longer needed since it duplicates the label recommended by the UN Model Regulations, and adopted by DOT and other organizations (such as ICAO, IATA, and the U.S. Postal Service) that govern shipments of infectious substances.

Impact of paperwork previously involved with sections that dealt with notice of delivery or failure to receive (72.4) is insignificant because HHS has rarely received such paperwork.

#### *Executive Order 12866 and Regulatory Flexibility Act*

##### Executive Order 12866

Executive Order 12866 directs agencies to assess all costs and benefits of available regulatory alternatives and, when regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety, and other advantages; distributive impacts; and equity). The Executive Order classifies a "significant regulatory action," requiring review by the Office of Management and Budget unless OMB waives such review, as any regulatory action that is likely to result in a rule that may: (1) Have an annual effect on the economy of \$100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities; (2) Create a serious inconsistency or interfere with an action taken or planned by another agency; (3) Materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or (4) Raise novel legal or policy

issues arising out of legal mandates, the President's priorities, or the principles set forth in the Executive Order.

The economic, interagency, budgetary, legal, and policy implications of this proposed rule have been examined, and the regulatory action has been deemed to be "not a significant regulatory action" under the Executive Order because removal of this regulation is not likely to result in a rule that may raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in the Executive Order.

#### *Regulatory Flexibility Act*

HHS does not anticipate that this notice of proposed rule making will have any economic impact on small businesses and other small entities.

#### *Unfunded Mandates*

This notice of proposed rulemaking imposes no mandates, and will not result in any expenditure burden, on State, local, or tribal governments.

#### *Executive Order 12988*

This notice of proposed rulemaking includes no provisions that would lead to burden on the court system.

#### *Executive Order 13132*

This notice of proposed rulemaking does not propose any regulation that would preempt State, local and Indian tribe requirements, or that would have any substantial direct effects on the States, relationship between the national government and the States, or the distribution of power and responsibilities among the various levels of government.

#### *Environmental Assessment*

This notice of proposed rule making is not a major regulatory action, and will not result in any impact on the environment; transport of infectious substances across State lines is comprehensively covered by existing regulations of other Agencies.

#### **List of Subjects in 42 CFR Part 72**

Biologics, Hazardous materials transportation, Packaging and containers, Penalties, Transportation.

For the reasons set forth in the preamble under the authority of 42 U.S.C. 264, 271; 31 U.S.C. 9701; 18 U.S.C. 3559, 3571, and 42 U.S.C. 262 note, the Department of Health and Human Services proposes to amend title 42 (Public Health) of the Code of Federal Regulations by removing part 72 (Interstate Shipment of Etiologic Agents).

#### **PART 72—[REMOVED AND RESERVED]**

Dated: July 21, 2006.

**Julie Louise Gerberding**,  
*Director, Centers for Disease Control and Prevention.*

Dated: August 21, 2006.

**Michael O. Leavitt**,  
*Secretary.*

**Editorial Note:** This document was received at the Office of the Federal Register on December 15, 2006.

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#### **DEPARTMENT OF COMMERCE**

#### **National Oceanic and Atmospheric Administration**

#### **50 CFR Part 635**

**[I.D. 110206A]**

**RIN 0648-AU86**

#### **Atlantic Highly Migratory Species (HMS); U.S. Atlantic Swordfish Fishery Management Measures**

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

**ACTION:** Notification of public hearings.

**SUMMARY:** NMFS published a proposed rule on November 28, 2006, to amend regulations governing the U.S. Atlantic swordfish fishery that would provide a reasonable opportunity for U.S. vessels to more fully harvest the domestic U.S. North Atlantic swordfish quota. This notice announces the dates, locations, and times of seven public hearings to obtain public comment on the proposed rule. Comments received at these hearings will assist NMFS in selecting management measures to more fully utilize the International Commission on the Conservation of Atlantic Tunas (ICCAT)-recommended U.S. North Atlantic swordfish quota in recognition of the improved stock status of North Atlantic swordfish. These public hearings will be combined with scoping meetings on potential shark management measures that require an amendment to the Consolidated Atlantic Highly Migratory Species Fishery Management Plan (HMS FMP). Notice of the shark scoping meetings is published today in a separate **Federal Register** document.

**DATES:** Public hearings will be held in January 2007. For specific dates and times, see **SUPPLEMENTARY INFORMATION**.

As published on November 28, 2006 (71 FR 68784), written comments on the proposed rule must be received no later than 5 p.m. January 31, 2007.

**ADDRESSES:** Public hearings will be held in Madeira Beach, FL; Fort Pierce, FL; Destin, FL; Manteo, NC; Houma, LA; Gloucester, MA; and Manahawkin, NJ. See **SUPPLEMENTARY INFORMATION** for details.

As published on November 28, 2006 (71 FR 68784), written comments on the proposed rule should be mailed to Sari Kiraly, Highly Migratory Species Management Division by any of the following methods:

- E-mail: [SF1.110206A@noaa.gov](mailto:SF1.110206A@noaa.gov).

Include in the subject line the following identifier: "I.D. 110206A."

- Written: 1315 East-West Highway, Silver Spring, MD 20910. Please mark the outside of the envelope "Comments on Swordfish Revitalization Proposed Rule."

- Fax: (301) 713-1917.

- Federal e-Rulemaking Portal: <http://www.regulations.gov>.

Copies of the Draft Environmental Assessment, proposed rule, the 2006 Consolidated HMS FMP and other relevant documents are available from the Highly Migratory Species Management Division website at <http://www.nmfs.noaa.gov/sfa/hms> or by contacting Sari Kiraly (see **FOR FURTHER INFORMATION CONTACT**).

**FOR FURTHER INFORMATION CONTACT:** Sari Kiraly at (301) 713-2347, Michael Clark at (301) 713-2347, or Richard Pearson (727) 824-5399.

**SUPPLEMENTARY INFORMATION:** The Atlantic swordfish fishery is managed under the authority of the Magnuson-Stevens Fishery Conservation and Management Act and the Atlantic Tunas Convention Act. The Consolidated HMS FMP is implemented by regulations at 50 CFR part 635.

On November 28, 2006 (71 FR 68784), NMFS published a proposed rule that summarized options that may increase opportunities for U.S. vessels to fully harvest the ICCAT-recommended U.S. North Atlantic swordfish quota. That proposed rule would increase swordfish retention limits for incidental swordfish

permit holders, and modify recreational swordfish retention limits for HMS Charter/Headboat and Angling category permit holders. The proposed rule would also modify HMS limited access vessel upgrading restrictions for pelagic longline (PLL) vessels. These actions would address persistent underharvests of the domestic swordfish quota, while continuing to minimize bycatch to the extent practicable, so that swordfish are harvested in a sustainable, yet economically viable manner. The comment period on the proposed rule ends on January 31, 2007.

#### Request for Comments

Seven public hearings will be held in January 2007 to provide the public an opportunity to comment on proposed swordfish management measures (November 28, 2006; 71 FR 68784) to be included in the upcoming final rule. These public hearings will be held in conjunction with scoping meetings for an amendment to the HMS FMP to gather comments on implementing future shark management measures. Information regarding the scoping meetings for potential shark management measures is published today in a separate **Federal Register** notice. The time allotted to swordfish and shark management measures will be distributed accordingly to provide ample opportunity for the public to comment on both topics. Time may be split equally or additional time may be allotted to either shark or swordfish measures, as necessary, depending on the attendees' primary interests.

#### Hearing Dates, Times, and Locations

Public hearings for the November 28, 2006 (71 FR 68784) proposed rule are scheduled as follows:

1. Wednesday, January 17, 2007, 6-9 p.m. Northeast Regional Office, One Blackburn Drive, Gloucester, MA 01930.
2. Thursday, January 18, 2007, 6-9 p.m. City of Madeira Beach, 300 Municipal Drive, Madeira Beach, FL 33708.
3. Thursday, January 18, 2007, 6-9 p.m. Manahawkin Public Library, 129

North Main Street, Manahawkin, NJ 08050.

4. Tuesday, January 23, 2007, 6-9 p.m. Destin Community Center, 101 Stahlman Avenue, Destin, FL 32541.

5. Thursday, January 25, 2007, 6-9 p.m. Bayou Black Recreational Center, 3688 Southdown Mandalay Road, Houma, LA 70360.

6. Tuesday, January 30, 2007, 6-9 p.m. Fort Pierce Library, 101 Melody Lane, Fort Pierce, FL 34950.

7. Wednesday, January 31, 2007, 6-9 p.m. Manteo Town Hall, 407 Budleigh Street, Manteo, NC 27954.

#### Public Hearings Code of Conduct

The public is reminded that NMFS expects participants at the public hearings to conduct themselves appropriately. At the beginning of each hearing, a representative of NMFS will explain the ground rules (e.g., alcohol is prohibited from the hearing room; attendees will be called to give their comments in the order in which they registered to speak; each attendee will have an equal amount of time to speak; and attendees should not interrupt one another). The NMFS representative will attempt to structure the hearing so that all attending members of the public will be able to comment, if they so choose, regardless of the controversial nature of the subject(s). Attendees are expected to respect the ground rules, and, if they do not, they will be asked to leave the hearing.

#### Special Accommodations

The hearings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Michael Clark (see **FOR FURTHER INFORMATION CONTACT**) at least 7 days prior to the hearing.

**Authority:** 16 U.S.C *et seq.*; 16 U.S.C. 1801 *et seq.*

Dated: December 26, 2006.

**Karyl K. Brewster-Geisz,**

*Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.*

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