

*wild horses and burros* is deemed to include the term *free-roaming*.

Dated: May 17, 1994.

**Bob Armstrong,**

*Assistant Secretary of the Interior.*

[FR Doc. 94-13207 Filed 5-31-94; 45 am]

BILLING CODE 4310-84-P

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### 45 CFR Part 46

RIN 0905-AC52

#### Health and Human Services Policy for Protection of Human Subjects Research

**AGENCY:** Department of Health and Human Services (HHS).

**ACTION:** Final rule.

**SUMMARY:** The Department of Health and Human Services (HHS) is amending its Human Subjects Protection regulations to rescind the provision requiring prior review and advice from an Ethical Advisory Board for research applications and proposals involving in vitro fertilization (IVF) of human ova as a prerequisite to funding by HHS and its components. The provision was nullified by the National Institutes of Health Revitalization Act of 1993. The regulations are being amended to reflect this statutory nullification. Institutional Review Board (IRB) review and approval of applications and proposals involving in vitro fertilization (IVF) of human ova continues to be required in accordance with other provisions of the Human Subjects Protection regulations. Furthermore, the Secretary may still exercise the option of seeking advice from an Ethical Advisory Board on ethical issues, including IVF, raised by research applications and proposals.

**EFFECTIVE DATE:** This amendment is effective on June 1, 1994.

**FOR FURTHER INFORMATION CONTACT:** F. William Dommel, Jr., J.D., Office of Protection from Research Risks (OPRR), National Institutes of Health, Building 31, room 5B63, 9000 Rockville Pike, Bethesda, Maryland 20892-001, telephone (301) 496-7005 (this is not a toll-free number).

**SUPPLEMENTARY INFORMATION:** HHS is amending its Human Subjects Protection regulations at 45 CFR part 46, subpart B, by rescinding paragraph (d) of section 204 of the regulations. This provision of the regulations was nullified by section 121(c) of the NIH Revitalization Act of 1993, Public Law 103-43, enacted on June 10, 1993, and therefore no longer has any legal effect.

HHS is rescinding paragraph (d) of section 204 now so that the regulations will accurately reflect the statutory nullification of the requirement for Ethical Advisory Board review of research involving the in vitro fertilization of human ova, as a prerequisite for funding by HHS and its components.

Notice, public comment, and delayed effective date have been waived for this amendment based on a finding of good cause. These procedures for ensuring public participation in the rulemaking process and time for compliance are unnecessary because the substantive change has already been made by Public Law 103-43. Furthermore, it is a change that relieves a restriction on the funding of research by HHS and its components.

#### Regulatory Impact Statement

The Secretary has examined this final rule in accordance with the requirements in Executive Order 12866, Regulatory Planning and Review, and has determined that it will not: (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 otherwise 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 raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in Executive Order No. 12866. Therefore, it does not require: (1) An assessment of benefits anticipated from the action; (2) an assessment of costs anticipated from the action; or (3) an assessment of costs and benefits of potentially effective and reasonably feasible alternatives to the proposed regulations.

#### Regulatory Flexibility Act

The Secretary certifies that the final rule will not have a significant economic impact on a substantial number of small entities. Therefore a regulatory flexibility analysis, as defined under the Regulatory Flexibility Act of 1980 (5 U.S.C. chapter 6), is not required.

#### Paperwork Reduction Act of 1980

This final rule does not contain any information collection requirements subject to Office of Management and Budget (OMB) review and approval

under the Paperwork Reduction Act of 1980 (44 U.S.C. chapter 35).

#### Catalogue of Federal Domestic Assistance

The Catalogue of Federal Domestic Assistance (CFDA) numbered program affected by this final rule is: 93.891

#### List of Subjects in 45 CFR Part 46

Health, Human research subjects.

Dated: January 31, 1994.

**Philip R. Lee,**

*Assistant Secretary for Health.*

Approved: April 7, 1994.

**Donna E. Shalala,**

*Secretary.*

For the reasons set out in the preamble, subpart B of part 46, title 45 of the Code of Federal Regulations is amended as set forth below.

#### PART 46—PROTECTION OF HUMAN SUBJECTS

1. The authority citation for part 46 is revised to read as follows:

**Authority:** 5 U.S.C. 301; 42 U.S.C. 289.

##### § 46.204 [Amended]

2. Paragraph (d) of § 46.204 is removed.

[FR Doc. 94-13273 Filed 5-31-94; 45 am]

BILLING CODE 4140-01-M

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 671

[Docket No. 940253-4151; I.D. 021494C]

RIN 0648-AG20

#### King and Tanner Crab Fisheries of the Bering Sea and Aleutian Islands

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

**ACTION:** Final rule.

**SUMMARY:** NMFS announces the approval of Amendment 2 to the Fishery Management Plan (FMP) for the Commercial King and Tanner Crab Fisheries of the Bering Sea and Aleutian Islands (BSAI). NMFS issues final regulations removing existing regulations that superseded State of Alaska (State) regulations that established Norton Sound as a superexclusive registration area in the exclusive economic zone (EEZ) of the BSAI. This action is necessary for