(i) Individuals engaged in the research will have no part in determining the viability of a fetus.

§ 46.205 Research involving fetuses after delivery.

(a) After delivery, fetuses may be involved in research if all of the following conditions are met:

(1) Where scientifically appropriate, preclinical and clinical studies have been conducted and provide data for assessing potential risks to fetuses.

(2) The individual(s) providing consent under paragraph (b)(2) or (c)(5) of this section is fully informed regarding the reasonably foreseeable impact of the research on the fetus or resultant child.

(3) No inducements, monetary or otherwise, will be offered to terminate a pregnancy.

(4) Individuals engaged in the research will have no part in any decisions as to the timing, method, or procedures used to terminate a pregnancy.

(5) Individuals engaged in the research will have no part in determining the viability of a fetus.

(6) The requirements of paragraph (b) or (c) of this section have been met as applicable.

(b) Fetuses of uncertain viability. After delivery, and until it has been ascertained whether or not a fetus is viable, a fetus may not be involved in research covered by this subpart unless the following additional conditions are met:

(1) The IRB determines that:

(i) The research holds out the prospect of enhancing the probability of survival of the particular fetus to the point of viability, and any risk is the least possible for achieving the objectives of the research, or

(ii) The purpose of the research is the development of important biomedical knowledge which cannot be obtained by other means and there will be no risk to the fetus resulting from the research; and

(2) The legally effective informed consent of either parent of the fetus or, if neither parent is able to consent because of unavailability, incompetence, or temporary incapacity, the legally effective informed consent of either parent's legally authorized representative is obtained in accord with subpart A of this part, unless altered or waived in accord with § 46.101(i) or § 46.116(c) or (d).

(c) Nonviable fetuses. After delivery, a nonviable fetus may not be involved in research covered by this subpart unless all of the following additional conditions are met:

(1) Vital functions of the fetus will not be artificially maintained;

(2) The research will not terminate the heartbeat or respiration of the fetus;

(3) There will be no risk to the fetus resulting from the research;

(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 fetus 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 fetus will suffice to meet the requirements of this paragraph. The consent of a legally authorized representative of either or both of the parents of a nonviable fetus will not suffice to meet the requirements of this paragraph.

(d) Viable fetuses. A fetus, after delivery, that has been determined to be viable is a child as defined by § 46.402(a) and 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 or fetuses.

The Secretary will conduct or fund research that the IRB does not believe meets the requirements of § 46.204 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 or fetuses; 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 or fetuses;

(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, unless altered or waived in accord with § 46.101(i) or § 46.116(c) or (d).

[FR Doc. 01–1122 Filed 1–16–01; 8:45 am]

BILLING CODE 4140–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 01–43, MM Docket No. 00–179, RM–9947]

Digital Television Broadcast Service; Arkadelphia, AR

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission, at the request of Arkansas Educational Television Commission, licensee of noncommercial educational station KETG(TV), substitutes DTV *13 for DTV channel *46 at Arkadelphia. *See* 65 FR 59389, October 5, 2000. DTV channel *13 can be allotted to Arkadelphia in compliance with the principle community coverage requirements of Section 73.625(a) at reference coordinates (33–54–26 N. and 93–06–46 W.) with a power of 7.3, HAAT of 320.9 meters and with a DTV service population of 277 thousand. With is action, this proceeding is terminated.

DATES: Effective February 26, 2001.

FOR FURTHER INFORMATION CONTACT: Pam Blumenthal, Mass Media Bureau, (202) 418–1600.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report

and Order, MM Docket No. 00–179, adopted January 10, 2001, and released January 11, 2001. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center 445 12th Street, SW, Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Services, Inc., (202) 857–3800, 1231 20th Street, NW, Washington, DC 20036.

List of Subjects in 47 CFR Part 73

Television, Digital television broadcasting.

Part 73 of Title 47 of the Code of Federal Regulations is amended as follows:

PART 73—[AMENDED]

1. The authority citation for Part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303, 334, 336.

§ 73.622 [Amended]

2. Section 73.622(b), the Table of Digital Television Allotments under Arkansas, is amended by removing DTV channel *46 and adding DTV channel *13 at Arkadelphia.

Federal Communications Commission.

Barbara A. Kreisman,

Chief, Video Services Division, Mass Media Bureau.

[FR Doc. 01–1185 Filed 1–16–01; 8:45 am]

BILLING CODE 6712–01–U

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 73 and 74

[MM Docket No. 95–31, FCC 00–120]

Reexamination of Comparative Standards for Noncommercial Educational Applicants

AGENCY: Federal Communications Commission.

ACTION: Final rule; announcement of effective date.

SUMMARY: The Commission adopted new rules for selecting among mutually exclusive applicants for noncommercial educational broadcast stations. Certain rules contained new and modified information collection requirements and were published in the **Federal Register** on June 8, 2000. This document announces the effective date of these published rules.

DATES: Effective August 1, 2000 with respect to the amendments to §§ 73.202, 73.3527, and 77.3572 published at 65 FR 36375 (June 8, 2000).

FOR FURTHER INFORMATION CONTACT: Irene Bleiweiss, Mass Media Bureau, Audio Services Division, (202) 418–2700.

SUPPLEMENTARY INFORMATION: On August 1, 2000, the Office of Management and Budget (OMB) approved the information collection requirements contained in Sections 73.202; 73.3527; and 73.3572 pursuant to OMB Control Nos. 3060–0948. Accordingly, the information collection requirements contained in these rules became effective on August 1, 2000.

Federal Communications Commission.

William F. Caton,

Deputy Secretary.

[FR Doc. 01–1308 Filed 1–16–01; 8:45 am]

BILLING CODE 6712–01–U

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

49 CFR Part 40

[Docket OST–99–6578]

RIN 2105–AAC49

Procedures for Transportation Workplace Drug and Alcohol Testing Programs; Correction

AGENCY: Office of the Secretary, DOT.

ACTION: Final rule; correction.

SUMMARY: In its final drug and alcohol testing rule published on December 19, 2000, the Department made an editorial error in the numbering of a section in the complete new version regulation. This document corrects this error by inserting the proper numbering. In addition, the Department inadvertently omitted one item from its amendments to the existing regulation. This document adds this item, which concerns the responsibilities of the medical review officer in reviewing chain of custody documentation.

EFFECTIVE DATES: The correction to the amendments to the current 49 CFR Part 40 (i.e., the addition of § 40.227) is effective January 18, 2001. The correction to the revised 49 CFR Part 40 (i.e., corrected designation of § 40.33(f)) is effective August 1, 2001.

FOR FURTHER INFORMATION CONTACT: Robert C. Ashby, Deputy Assistant General Counsel for Regulation and Enforcement, Department of Transportation, 400 7th Street, SW., Room 10424, Washington, DC 20590, at (202) 366–9306 (voice), (202) 366–9313 (fax), (202) 755–7687 (TDD), or bob.ashby@ost.dot.gov (e-mail).

SUPPLEMENTARY INFORMATION: In the December 19, 2000, **Federal Register** (65 FR 79462), the Department published a comprehensive revision to its drug and alcohol procedures testing regulation (49 CFR Part 40). This complete revision becomes effective August 1, 2001. In this revision, the Department made an error in numbering § 40.33(f). Following the introductory text of paragraph (f), the Department numbered three paragraphs (i), (ii), and (iii), respectively. They should have been numbered (1), (2), and (3). We are correcting this error.

In the same **Federal Register** document, we also published amendments to the existing 49 CFR Part 40, effective January 18, 2001. We inadvertently omitted from these amendments one provision we intended to make effective on this date. This provision concerns the responsibility of the medical review officer (MRO) to review the chain of custody documentation for a drug test. In § 40.123(b)(1) and § 40.129(a)(2) of the complete revision of Part 40, the Department specifies that MROs are not required to review the laboratory internal chain of custody documentation as part of this process, and that no one is authorized to cancel a test because the MRO does not review the internal laboratory chain of custody documentation.

These provisions of the complete revision of Part 40 are fully consistent with the Department's intent in, and interpretation of, the existing regulation. However, we learned last year that some parties have been confused about this point, and one state court decision—mistakenly, in our view—determined that MROs were required to review internal laboratory chain of custody documentation. We added the cited provisions to the complete revision of Part 40 to emphasize that MRO review of this documentation is not needed.

We intended to add the substance of these provisions to the amendments to the existing Part 40 that become effective January 18, 2001, lest there be any misunderstanding of this point in the interim before August 1, 2001. However, through editorial oversight, we failed to do so. We are correcting this omission by adding a new § 40.227 to Subpart E of the existing Part 40.

The Department finds that there is good cause to issue this correction without a prior notice and opportunity for comment. The underlying regulatory provisions were part of a rulemaking that was promulgated through the