

# Proposed Rules

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This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

## DEPARTMENT OF AGRICULTURE

### Food Safety and Inspection Service

**9 CFR Parts 301, 303, 317, 318, 319, 320, 325, 331, 381, 417, and 430**

[Docket No. 97-013N2]

#### Performance Standards for the Production of Processed Meat and Poultry Products; Reopening of Comment Period

**AGENCY:** Food Safety and Inspection Service, USDA.

**ACTION:** Proposed rule; reopening and extension of comment period.

**SUMMARY:** The Food Safety and Inspection Service (FSIS) is reopening and extending until September 10, 2001, the comment period for the proposed regulations concerning ready-to-eat and partially heat-treated meat and poultry products that closed on June 28, 2001. As of June 28, 2001, FSIS is reopening and extending the comment period in response to a request from a consortium of trade associations.

**DATES:** Comments on the proposed regulations must be received on or before September 10, 2001.

**ADDRESSES:** Send all written comments on the proposed regulations to: FSIS Docket No. 97-013P, Department of Agriculture, Food Safety and Inspection Service, Room 102, 300 12th Street, SW., Washington, DC 20250-3700. All comments received will be considered part of the public record and will be available for viewing in the Docket Room between 8:30 a.m. and 4:30 p.m. Monday through Friday.

**FOR FURTHER INFORMATION CONTACT:** Daniel Engeljohn, Ph.D., Director, Regulations Development and Analysis Division, Office of Policy, Program Development, and Evaluation, Food Safety and Inspection Service, Room 112 Cotton Annex, 300 12th Street, SW, Washington, DC 20250. Telephone number (202) 720-5627, fax number (202) 690-0486.

**SUPPLEMENTARY INFORMATION:** On February 27, 2001, FSIS published a proposed rule "Performance Standards for the Production of Processed Meat and Poultry Products" (66 FR 12590). In that document, the Agency proposed food safety performance standards applicable to all ready-to-eat and all partially heat-treated meat and poultry products, as well as environmental testing requirements intended to reduce the incidence of *Listeria monocytogenes* in RTE meat and poultry products. FSIS also proposed to convert to performance standards the existing regulatory requirements for thermally-processed, commercially sterile (most often canned) meat and poultry products and to rescind certain requirements requiring the elimination of trichina from products that contain pork.

FSIS originally provided for a 90-day comment period on the proposed regulations ending on May 29, 2001. On April 13, 2001 (66 FR 19102), FSIS extended the comment period an additional 30 days, through June 28, 2001, to provide opportunity for the public to comment on issues raised at the technical conference and public meetings concerning the proposed regulations, which were held May 8 through 10, 2001. As of June 28, 2001, FSIS is reopening and again extending the comment period on the proposed regulations, this time until September 10, 2001.

On May 22, 2001, a consortium of trade associations representing the meat and poultry industries requested that FSIS extend the comment period for 120 days, until October 28, 2001. The consortium noted that FSIS has solicited a great deal of scientific and economic data regarding the proposed regulations and stated that it needed additional time to provide this data. The consortium also requested additional time to review the draft compliance guidance for the regulations, distributed by FSIS at the May 9 and 10 public meetings, as well as the draft risk assessment on the relationship between foodborne *L. monocytogenes* and human health developed by the Food and Drug Administration in cooperation with FSIS and the Centers for Disease Control and Prevention.

FSIS agrees that additional time is necessary for regulated industries, consumers, and other interested parties to submit comments, collect and submit

the solicited data, and review the related draft compliance guidance and risk assessment documents. FSIS is reopening and extending the comment period until September 10, 2001, which will provide additional time for comments to be made, while ensuring that the rulemaking proceeds in a timely manner. As a result of this reopening and extension, the comment period for the proposed regulations will total 195 days.

Thomas J. Billy,  
Administrator.

[FR Doc. 01-16618 Filed 6-27-01; 4:09 pm]

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## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

#### 26 CFR Part 1

[REG-113910-98]

RIN 1545-AW54

#### Special Rules Regarding the Simplified Production and Simplified Resale Methods With Historic Absorption Ratio Election

**AGENCY:** Internal Revenue Service (IRS), Treasury.

**ACTION:** Withdrawal of notice of proposed rulemaking.

**SUMMARY:** This document withdraws the notice of proposed rulemaking requiring that a historic absorption ratio used with either the simplified production or simplified resale methods be recalculated when the ratio becomes materially inaccurate that was published in the **Federal Register** on May 24, 1999. The withdrawal is in response to written comments received, oral comments presented at a public hearing and an internal IRS survey.

**FOR FURTHER INFORMATION CONTACT:** Cheryl Oseekey, (202) 622-4970 (not a toll-free number).

#### SUPPLEMENTARY INFORMATION:

##### Background

On May 24, 1999, the IRS issued proposed regulations (REG-113910-98) in the **Federal Register** (64 FR 27936) under section 263A, that required that the historic absorption ratio used with either the simplified production or simplified resale methods be reviewed

for accuracy. If the historic absorption ratio is found to be materially inaccurate, the ratio could no longer be used. The proposed regulations defined an historic absorption ratio as being materially inaccurate when (1) the taxpayer's actual absorption ratio deviates by more than 50 percent from the taxpayer's historic absorption ratio, (2) the taxpayer's actual absorption ratio deviates by more than one-half of one percentage point from the taxpayer's historic absorption ratio, and (3) the amount of additional section 263A costs capitalizable to items on hand at year-end using the actual absorption ratio deviates by more than \$100,000 from the amount of additional section 263A costs capitalizable to items on hand at year-end using the historic absorption ratio. In response to the written comments received and the oral comments presented at a public hearing held on September 1, 1999, and based on an internal IRS survey, it has been determined that the potential for abuse using the current regulations' rule of reviewing a historic absorption ratio every six years is small. Further, this potential for abuse is outweighed by the burden that would be placed on taxpayers by requiring an annual review of the accuracy of their ratios. Accordingly, these proposed regulations are being withdrawn.

#### List of Subjects in 26 CFR Part 1

Income taxes, Reporting and recordkeeping requirements.

#### Withdrawal of Notice of Proposed Rulemaking

Accordingly, under the authority of 26 U.S.C. 7805, the notice of proposed rulemaking (REG-113910-98) that was published in the **Federal Register** on May 24, 1999 (64 FR 27936) is withdrawn.

**Robert E. Wenzel,**

*Deputy Commissioner of Internal Revenue Service.*

[FR Doc. 01-16717 Filed 7-2-01; 8:45 am]

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## DEPARTMENT OF LABOR

### Occupational Safety and Health Administration

#### 29 CFR Part 1904

[Docket No. R-02A]

RIN 1218-AC00

### Occupational Injury and Illness Recording and Reporting Requirements

**AGENCY:** Occupational Safety and Health Administration (OSHA), U.S. Department of Labor.

**ACTION:** Proposed delay of effective date; request for comments.

**SUMMARY:** The Occupational Safety and Health Administration (OSHA) issued a final rule on Occupational Injury and Illness Recording and Reporting Requirements (66 FR 5916, January 19, 2001), which is scheduled to become effective on January 1, 2002. Following a careful review conducted pursuant to White House Chief of Staff Andrew Card's memorandum (66 FR 7702), the Agency has determined that all but a few of the provisions of the final rule should take effect as scheduled.

OSHA has also determined that it will reconsider the provisions in the final rule for: recording occupational hearing loss based on the occurrence of a Standard Threshold Shift (STS) in hearing acuity (Section 1904.10); and defining "musculoskeletal disorder" (MSD) and checking the column on the OSHA 300 Log identifying a recordable MSD (Section 1904.12). Accordingly, OSHA proposes to delay the effective date of Sections 1904.10 and 1904.12 until January 1, 2003. Employers should read carefully Section II. of this document, Effect of Proposal Delay on Employer Recordkeeping Obligations in Calendar Year 2002, to understand what their recordkeeping obligations would be during the period January 1, 2002 through January 1, 2003 if the proposed delay takes effect. OSHA is also asking for comment on the appropriate criteria for recording hearing loss cases. See Section III.

**DATES:** Written comments must be postmarked by September 4, 2001.

**ADDRESSES:** Comments are to be submitted in writing in triplicate. All comments shall be submitted to: Docket Officer, Docket No. R-02A, Occupational Safety and Health Administration, Room N-2625, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210, telephone (202) 693-2350 (OSHA's TTY number is (877) 889-5627). Comments

of 10 pages or less may be faxed to (202) 693-1648. You may also submit your comments electronically through OSHA's home page at [www.osha.gov](http://www.osha.gov). Please note that you may not attach materials such as studies or journal articles to your electronic statement. If you wish to include such materials, you must submit three copies to the OSHA Docket Office at the address listed above. When submitting such materials to the OSHA Docket Office, you must clearly identify your electronic statement by name, date, and subject, so that we can attach the materials to your electronically submitted statement.

**FOR FURTHER INFORMATION CONTACT:** Jim Maddux, Occupational Safety and Health Administration, U.S. Department of Labor, Directorate of Safety Standards Programs, Room N-3609, 200 Constitution Avenue, NW., Washington, DC 20210. Telephone (202) 693-2222.

**SUPPLEMENTARY INFORMATION:** Because OSHA's final recordkeeping rule was published on January 19, 2001, with an effective date of January 1, 2002, it was subject to the regulatory review required by the Andrew Card memorandum. The Agency has carefully considered the rulemaking record and the submissions of interested parties, and has had several meetings with business and labor representatives. As a result of this process, the Secretary has determined that the final recordkeeping rule should be implemented in large part, on January 1, 2002, as scheduled. The final rule is the result of an effort begun in the 1980s, involving businesses, labor organizations, health professionals and others, to improve the quality of the injury and illness records maintained under the Occupational Safety and Health Act. The new rule simplifies the recordkeeping process by making the record requirements more logical and coherent, by explaining the requirements in plain language, by consolidating the interpretations and guidance previously found in a host of secondary sources, and by providing new recordkeeping forms that are easier to understand and complete. However, the Agency's review has identified grounds for reconsidering two elements of the final rule, and for delaying the effective date of the requirements related to these elements, as explained below.

#### I. Why OSHA Is Proposing To Delay the Effective Date of the Final Rule Requirements on Hearing Loss and the MSD Definition and Column

*A. Recording occupational hearing loss cases:* Section 1904.10 of the final rule requires employers to record, by