

monocytogenes, but considers it reasonable that insanitary establishments producing higher volumes of RTE meat and poultry products would be more likely to adulterate more product and thus pose more risk to the public health. As a result, FSIS has proposed a progressive series of testing frequencies intended to protect consumers from adulterated product. These testing frequencies also should minimize the costs of testing accrued by small business.

FSIS requests any data that could bear on adjustments to the proposed frequencies, suggest other testing frequencies, correlate contamination risk with volume of production, or indicate what types and frequencies of testing for *L. monocytogenes* are most effective in detecting insanitation and possible adulteration of RTE meat and poultry products. Also, FSIS requests data regarding the relationship between *Listeria spp.* and *L. monocytogenes* and how that relationship should affect any requirements. For example, does a food contact surface positive for *Listeria spp.* scientifically necessitate product testing and what would negative product test results mean?

FSIS also requests data regarding the costs and benefits of the proposed testing provisions, as well as other testing protocols. FSIS seeks any data correlating testing, reductions in establishment contamination, and consequent reductions in listeriosis that could be used to improve the Agency's cost/benefit analysis.

Lethality Performance Standards

FSIS is proposing lethality performance standards for the pathogen *Salmonella* derived from the Nationwide Microbiological Baseline Data Collection Program. Using the positive samples in the baseline data, FSIS derived hypothetical worst case raw products and then determined the levels of pathogen reduction (lethality performance standards) that, if met, would render these worst case raw products ready-to-eat and unadulterated with a specific margin of safety. FSIS also translated the results of the application of the lethality performance standards into probabilities of remaining pathogens in finished RTE product. Consequently, an establishment that demonstrates that its incoming raw product is consistently less contaminated than the worst case could apply a lower lethality than proposed, as long as it achieves the corresponding probability of remaining pathogens in finished RTE product.

It is possible that better data are available for deriving hypothetical worst

case products and corresponding performance standards. For the lethality requirements concerning *Salmonella*, FSIS is unaware of any human health risk assessments that could be used to correlate changes in the performance standards with changes in public health benefits. Higher or lower lethality performance standards may be necessary in all or specific processing contexts. FSIS specifically requests any data that would support requiring different lethality performance standards to achieve certain public health benefits.

The lethality performance standards for *Salmonella* already apply to numerous RTE meat and poultry products and FSIS believes that many establishments that produce RTE products not now subject to the proposed standards already meet them. It is likely, however, that some establishments will have to alter their processing methods to meet the proposed standards, i.e., to achieve higher levels of lethality in their RTE products. Further, manufacturers of RTE meat patties now only are required to comply with time/temperature regulations that yield a lesser level of lethality than what FSIS is proposing for all RTE meat products. FSIS requests information on the costs meat patty manufacturers and other establishments may accrue if required to meet the proposed lethality performance standards for RTE meat and poultry products.

FSIS also requests scientific information relative to the proposed lethality performance standards for *E. coli* O157:H7 in fermented RTE products that contain beef, especially information that indicates a different worst case and lethality performance standard for this pathogen may be warranted.

Stabilization Performance Standards

Also under the proposal, all RTE meat and poultry products, other than thermally processed, commercially sterile products, and all partially heat-treated products, must be processed so as to prevent multiplication of toxigenic microorganisms such as *C. botulinum* and to allow no more than 1-log₁₀ multiplication of *C. perfringens* within the product. Stabilization is commonly achieved by rapidly cooling product after cooking. It also can be achieved by the addition of a curing agent. These regulatory stabilization standards already apply to numerous RTE and partially-heat treated meat and poultry products.

Researchers have suggested to FSIS that there may be some inevitable

growth of *C. botulinum* during a 1-log₁₀ relative growth of *C. perfringens* and, therefore, compliance with the proposed zero growth standard for *C. botulinum* could in fact effectively require establishments to meet a more restrictive standard than that for *C. perfringens*. FSIS requests comment and scientific data relative to whether the Agency should revise the existing and proposed stabilization performance standard for controlling these two pathogens, as well as data on corresponding public health benefits.

Other Topics

As mentioned above, FSIS welcomes the submission of papers and presentations on scientific and technical topics relevant to the proposed regulations, but not specifically mentioned above or in the proposal.

Done in Washington, DC on April 10, 2001.

Thomas J. Billy,

Administrator.

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DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[REG-119352-00]

RIN 1545-AY58

Guidance on Filing an Application for a Tentative Carryback Adjustment in a Consolidated Return Context; Hearing Cancellation

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Cancellation of notice of public hearing on proposed rulemaking.

SUMMARY: This document provides notice of cancellation of a public hearing on proposed regulations relating to the filing of application for a tentative carryback adjustment in a consolidated return context.

DATES: The public hearing originally scheduled for Thursday, April 26, 2001, at 10 a.m., is canceled.

FOR FURTHER INFORMATION CONTACT: Guy R. Traynor, Regulations Unit, Office of Special Counsel, (202) 622-7180 (not a toll-free number).

SUPPLEMENTARY INFORMATION: A notice of proposed rulemaking and notice of public hearing that appeared in the **Federal Register** on January 4, 2001 (66 FR 747), announced that a public hearing was scheduled for April 26, 2001, at 10 a.m., in room 4718 of the

Internal Revenue Service Building, 1111 Constitution Avenue NW., Washington, DC 20408. The subject of the public hearing is proposed regulations under section 1502 of the Internal Revenue Code. The public comment period for these proposed regulations expired on April 4, 2001.

The notice of proposed rulemaking and notice of public hearing, instructed those interested in testifying at the public hearing to submit a request to speak and an outline of the topics to be addressed. As of April 9, 2001, no one has requested to speak. Therefore, the public hearing scheduled for April 26, 2001, is canceled.

Cynthia E. Grigsby,

Chief, Regulations Unit, Office of Special Counsel (Modernization & Strategic Planning).

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DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CGD05-01-001]

RIN 2115-AE47

Drawbridge Operation Regulation; Beaufort Channel, Beaufort, NC

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard is proposing to change the regulations that govern the operation of the Greydon Paul Drawbridge on US 70 across Beaufort Channel, also known as Gallant's Channel, mile 0.1, located in Beaufort, North Carolina. The proposed rule would reduce the number of bridge openings during times of peak highway traffic. This change would reduce traffic delays while still providing for the reasonable needs of navigation.

DATES: Comments and related material must reach the Coast Guard on or before June 12, 2001.

ADDRESSES: You may mail comments and related material to Commander (Aowb), Fifth Coast Guard District, Federal Building, 4th Floor, 431 Crawford Street, Portsmouth, Virginia 23704-5004, or they may be hand delivered to the same address between 8 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays. Commander (Aowb), Fifth Coast Guard District maintains the public docket for this rulemaking. Comments and material received from the public, as

well as documents indicated in this preamble as being available in the docket, will be available for inspection and copying at the above address between the hours of 8 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Ann Deaton, Bridge Administrator, Fifth Coast Guard District, at (757) 398-6222.

SUPPLEMENTARY INFORMATION:

Request for Comments

We encourage you to participate in this rulemaking by submitting comments and related material. If you do so, please include your name and address, identify the docket number for this rulemaking (CGD05-01-001), indicate the specific section of this document to which each comment applies, and give the reason for each comment. Please submit all comments and related materials in an unbound format, no larger than 8½ by 11 inches, suitable for copying. If you would like to know this reached us, please enclose a stamped self-addressed postcard or envelope. We will consider all comments and material received during the comment period. We may change this proposed rule in view of them.

Public Meeting

We do not plan to hold a public meeting. But you may submit a request for a meeting by writing to the Commander (Aowb) at the address under **ADDRESSES** explaining why one would be beneficial. If we determine that one would aid this rulemaking, we would hold one at a time and place announced by a later notice in the **Federal Register**.

Background and Purpose

The Greydon Paul Drawbridge is owned and operated by the North Carolina Department of Transportation (NCDOT). The regulation at 33 CFR 117.822 requires the bridge to open on signal except that from 6 a.m. to 10 p.m., the draw shall open on signal for all vessels waiting to pass every hour on the hour, twenty minutes past the hour and forty minutes past the hour; except that on weekdays the bridge need not open at 7:40 a.m., 8:40 a.m., 4:40 p.m. and 5:40 p.m. From 10 p.m. to 6 a.m., the bridge shall open on signal.

The Graydon Paul Bridge is the connecting bridge between Beaufort and Morehead City, North Carolina on US 70. This is the only corridor into Beaufort without making a 3 hour commute around Carteret County. Eleven to twelve thousand vehicles pass over the bridge every day. One mile

south of the Greydon Paul Bridge on US 70 is the Morehead City US 70 Bridge, which is a fixed 65 ft vertical clearance bridge over the Atlantic Intracoastal Waterway (AICWW). It is a short waterway commute for boaters to go around through the AICWW by Morehead City back to Beaufort. Motorists do not have an alternate route traveling to and from Beaufort to Morehead City. When bridge lifts occur, traffic backs up periodically for six to seven miles. The current schedule of openings every twenty minutes does not allow the traffic congestion to clear the bridge before the next opening. During rush hour periods the situation is even further impacted due to peak traffic numbers of vehicles trying to cross the bridge. NCDOT proposes that by restricting openings to twice an hour and lengthening rush hour restrictions for peak traffic times on the bridge, vehicular traffic congestion on US Highway 70 will be reduced and highway safety will be increased. NCDOT provided statistical data which supports the extreme traffic counts for a two lane bridge along with the number of openings and vessels requiring openings. This data revealed that traffic counts are staying at a constant 11-12 thousand cars a day with peak traffic time being from 6:30 a.m. to 8 a.m. and 4:30 p.m. to 6 p.m. Monday through Friday. The waterway users (which are comprised of commercial and recreational users with a mast height of less than 65 feet; there are no vessels requiring more than 65 feet in vertical clearance) for this area were contacted by the Coast Guard and the majority agreed to bridge openings twice an hour and extended rush hour restrictions. There is an alternate waterway route around the Beaufort Bridge through the Route 70 Morehead City Bridge (which provides a fixed 65 ft vertical clearance to mariners). It adds 35-40 minutes in transit time to vessels to go around. Overall, the Coast Guard believes that this proposed rule will reduce motor vehicle traffic delays on the hour and half hour and congestion related to rush hour traffic entering and exiting the town of Beaufort, North Carolina, while still providing for the reasonable needs of navigation.

Regulatory Evaluation

This proposed rule is not a "significant regulatory action" under section 3(f) of Executive Order 12866 and does not require an assessment of potential costs and benefits under section 6(a)(3) of that Order. The Office of Management and Budget has not reviewed it under that Order. It is not significant under the regulatory policies