

# 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 HEALTH AND HUMAN SERVICES

### Food and Drug Administration

#### 21 CFR Parts 192 and 592

[Docket No. 00N-1396]

RIN 0910-AC15

#### Premarket Notice Concerning Bioengineered Foods; Extension of Comment Period

**AGENCY:** Food and Drug Administration, HHS.

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

**SUMMARY:** The Food and Drug Administration (FDA) is extending to May 3, 2001, the comment period for a proposed rule published in the **Federal Register** of January 18, 2001. The proposed rule would require the submission to the agency of data and information regarding plant-derived bioengineered foods that would be consumed by humans or animals. This action is being taken in response to a request for more time to submit comments to FDA.

**DATES:** Submit written comments on the proposed rule by May 3, 2001.

**ADDRESSES:** Submit written comments to the Dockets Management Branch (HFA-305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852, or via e-mail to [FDADockets@oc.fda.gov](mailto:FDADockets@oc.fda.gov). Comments are to be identified with the docket number found in brackets in the heading of this document.

**FOR FURTHER INFORMATION CONTACT:** *Regarding human food issues:* Linda S. Kahl, Center for Food Safety and Applied Nutrition (HFS-206), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-418-3101.

*Regarding animal feed issues:* William D. Price, Center for Veterinary Medicine (HFV-200), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 301-827-6652.

## SUPPLEMENTARY INFORMATION:

### I. Extension of Comment Period

In the **Federal Register** of January 18, 2001 (66 FR 4706), FDA published a proposed rule that, if finalized, would require the submission to the agency of data and information regarding plant-derived bioengineered foods that would be consumed by humans or animals. FDA proposed that this submission be made at least 120 days prior to the commercial distribution of such foods. FDA took this action to ensure that it would have the appropriate amount of information about bioengineered foods to help to ensure that all market entry decisions by the industry are made consistently and in full compliance with the law. The proposed action would permit the agency to assess on an ongoing basis whether plant-derived bioengineered foods comply with the standards of the Federal Food, Drug, and Cosmetic Act.

In the January 18, 2001, proposed rule, FDA announced that the timeframe for public comments would be 75 days from the date of publication in the **Federal Register**. On March 15, 2001, FDA received a request to allow an additional 60 days for interested persons to comment. In the requester's view, the time period of 75 days was insufficient to prepare thoughtful and responsive comments in light of the variety of difficult legal, procedural, and scientific issues raised by the proposed rule.

FDA believes that an extension of the comment period is appropriate given the variety of legal, procedural, and scientific issues raised by the proposed rule. However, FDA does not agree that an additional 60 days is warranted, because FDA announced its intent to conduct this rulemaking more than 8 months prior to publication of the proposed rule (Ref. 1). Therefore, FDA is extending the comment period for an additional 30 days, until May 3, 2001. This extension will provide the public with a total of 105 days to submit comments.

### II. How to Submit Comments

You may submit to the Dockets Management Branch (address above) written comments regarding the proposed rule by May 3, 2001. You must submit two copies of any comments, except that if you are an individual you may submit one copy. You must

identify comments with the docket number found in brackets in the heading of this document. You may view received comments in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

You may also send comments to the Dockets Management Branch via e-mail to [FDADockets@oc.fda.gov](mailto:FDADockets@oc.fda.gov). You should annotate and organize your comments to identify the specific issues to which they refer.

### III. Reference

The following reference has been placed on display in the Dockets Management Branch (address above) and may be seen by interested persons between 9 a.m. and 4 p.m., Monday through Friday.

1. Press Release, U.S. Department of Health and Human Services, "FDA to Strengthen Pre-market Review of Bioengineered Foods," May 3, 2000, available at <http://vm.cfsan.fda.gov>.

Dated: March 27, 2001.

**Ann M. Witt,**

*Acting Associate Commissioner for Policy.*

[FR Doc. 01-7996 Filed 3-30-01; 8:45 am]

**BILLING CODE 4160-01-S**

## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

#### 26 CFR Part 1

[REG-105801-00]

RIN 1545-AX92

#### Capitalization of Interest and Carrying Charges Properly Allocated to Straddles; Correction

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

**ACTION:** Correction to notice of proposed rulemaking.

**SUMMARY:** This document contains corrections to proposed regulations that were published in the **Federal Register** on January 18, 2001 (66 FR 4746). The regulations clarify the application of the straddle rules to a variety of financial instruments.

**FOR FURTHER INFORMATION CONTACT:** Kenneth Christman (202) 622-3950 (not a toll-free number).

**SUPPLEMENTARY INFORMATION:****Background**

These proposed regulations that are the subject of this correction are under sections 1092 and 263(g) of the Internal Revenue Code.

**Need for Correction**

As published, these proposed regulations (REG-105801-00) contain errors that may prove to be misleading and are in need of clarification.

**Correction of Publication**

Accordingly, the publication of the proposed regulations (REG-105801-00), which were the subject of FR Doc. 01-1240, is corrected as follows:

**§ 1.263(g)-4 [Corrected]**

1. On page 4750, column 3, § 1.263(g)-4, paragraph (c), paragraph (ii) of *Example 2*, line 3, the language “of z ounces of silver. Consequently, A’s” is corrected to read “of y ounces of silver. Consequently, A’s”.

2. On page 4751, column 1, § 1.263(g)-4, paragraph (c), paragraph (i) of *Example 5*, line 9, the language “the holder would receive an annual payment” is corrected to read “the holders would receive an annual payment”.

**Cynthia E. Grigsby,**

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

[FR Doc. 01-8047 Filed 3-30-01; 8:45 am]

**BILLING CODE 4830-01-P**

**DEPARTMENT OF THE TREASURY****Internal Revenue Service****26 CFR Parts 1, 301, and 602**

[REG-106542-98]

RIN 1545-AW24

**Election To Treat Trust as Part of an Estate; Hearing Cancellation**

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

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

**SUMMARY:** This document cancels the public hearing on proposed regulations that relate to an election to have certain revocable trusts treated and taxed as part of an estate.

**DATES:** The public hearing scheduled for Wednesday, April 11, 2001, at 10 a.m., is cancelled.

**FOR FURTHER INFORMATION CONTACT:** LaNita Van Dyke of the Regulations

Unit, Office of Special Counsel (Modernization & Strategic Planning), (202) 622-7190 (not a toll-free number).

**SUPPLEMENTARY INFORMATION:** A notice of proposed rulemaking and notice of public hearing that appeared in the **Federal Register** on Monday, December 18, 2000 (65 FR 79015), announced that a public hearing was scheduled for Wednesday, February 21, 2001, at 10 a.m., in the Auditorium, Internal Revenue Building, 1111 Constitution Avenue, NW., Washington, DC. On Thursday, February 8, 2001, a document was published at 66 FR 9535 changing the date of the hearing to April 11, 2001, and extending the date the outlines of oral comments were due to March 21, 2001. The subject of the public hearing is proposed regulations under section 645 of the Internal Revenue Code. The public comment period and the date the outlines of oral comments were due for these proposed regulations expired on Wednesday, March 21, 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 Wednesday, March 28, 2001, no one has requested to speak. Therefore, the public hearing scheduled for Wednesday, April 11, 2001, is cancelled.

**Cynthia Grigsby,**

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

[FR Doc. 01-8046 Filed 3-30-01; 8:45 am]

**BILLING CODE 4830-01-P**

**PENSION BENEFIT GUARANTY CORPORATION****29 CFR Part 4902****Disclosure and Amendment of Records Pertaining to Individuals Under the Privacy Act**

**AGENCY:** Pension Benefit Guaranty Corporation.

**ACTION:** Proposed rule.

**SUMMARY:** The Pension Benefit Guaranty Corporation is proposing to amend its regulations implementing the Privacy Act of 1974, *as amended*, to exempt certain records that will be maintained in a system of records entitled “PBGC-12, Personnel Security Investigation Records—PBGC,” from the access, contest, and certain other provisions of the Privacy Act. The amendment would protect the identity of a source who furnishes information in confidence to the PBGC for a background investigation

on an individual who works, or who is being considered for work, for the PBGC as a contractor or as an employee of a contractor.

**DATES:** Comments must be received by May 2, 2001.

**ADDRESSES:** Comments may be mailed to the Office of the General Counsel, Suite 340, Pension Benefit Guaranty Corporation, 1200 K Street, NW., Washington, DC 20005-4026, or delivered to that address between 9 a.m. and 4 p.m. on business days. Comments also may be sent by Internet e-mail to [reg.comments@pbgc.gov](mailto:reg.comments@pbgc.gov). Comments will be available for public inspection at the PBGC’s Communications and Public Affairs Department, Suite 240 at the same address, between 9 a.m. and 4 p.m. on business days.

**FOR FURTHER INFORMATION CONTACT:** D. Bruce Campbell, Attorney, Office of the General Counsel, Suite 340, Pension Benefit Guaranty Corporation, 1200 K Street, NW., Washington, DC 20005-4026; 202-326-4020 (extension 3672). (For TTY/TDD users, call the federal relay service toll-free at 1-800-877-8339 and ask to be connected to 202-326-4020 (extension 3672).)

**SUPPLEMENTARY INFORMATION:** The PBGC conducts background investigations and reinvestigations to establish that applicants for employment and employees are reliable, trustworthy, of good conduct and character, and loyal to the United States. The PBGC maintains records about these investigations in a system of records subject to the Privacy Act of 1974, as amended (5 U.S.C. 552a) (“Privacy Act”), entitled “PBGC-12, Personnel Security Investigation Records—PBGC”. The PBGC’s regulations implementing the Privacy Act exempt under 5 U.S.C. 552a(k)(5) certain records maintained in PBGC-12 from the access, contest, and certain other provisions of the Privacy Act (29 CFR 4902.9).

The PBGC is expanding its use of background investigations and reinvestigations to cover individuals who work, or who are being considered for work, for the PBGC as contractors or as employees of contractors. To reflect the change, the PBGC is proposing to alter PBGC-12 by revising it to include records pertaining to individuals who work, or who are being considered for work, for the PBGC as contractors or as employees of contractors. (The PBGC’s notice of an altered system of records appears elsewhere in today’s **Federal Register**.) The PBGC is proposing to amend § 4902.9 to exempt certain records pertaining to individuals who work, or who are being considered for work, for the PBGC as contractors or as