

(iv) Be acceptable to the Board.

(d) *Limitations during period of noncompliance.* Until the Board determines that a company has corrected the conditions described in a notice under paragraph (a) of this section:

(1) The Board may impose any limitations or conditions on the conduct or the U.S. activities of the foreign bank or company or any of its affiliates as the Board finds to be appropriate and consistent with the purposes of the Bank Holding Company Act; and

(2) The company and its affiliates may not engage in any new activity in the United States or acquire control or shares of any company under section 4(k) of the Bank Holding Company Act (12 U.S.C. 1843(k)) without prior approval from the Board.

(e) *Consequences of failure to correct conditions within 180 days—(1) Termination of offices and divestiture.* If a foreign bank or company does not correct the conditions described in a notice under paragraph (a) of this section within 180 days of receipt of the notice or such additional time as the Board may permit, the Board may order the foreign bank or company to terminate the foreign bank's U.S. branches and agencies and divest any commercial lending companies owned or controlled by the foreign bank or company. Such divestiture must be done in accordance with the terms and conditions established by the Board.

(2) *Alternative method of complying with a divestiture order.* A foreign bank or company may comply with an order issued under paragraph (e)(1) of this section by ceasing to engage (both directly and through any subsidiary) in all activities that are not permissible for a foreign bank to conduct under sections 2(h) and 4(c) of the Bank Holding Company Act (12 U.S.C. 1841(h) and 1843(c)). The termination of activities must be done within the time period referred to in paragraph (e)(1) of this section and subject to terms and conditions acceptable to the Board.

(f) *Consultation with other Agencies.* In taking any action under this section, the Board will consult with the relevant Federal and state regulatory authorities.

**§ 225.94 What are the consequences of an insured branch or depository institution failing to maintain a satisfactory or better rating under the Community Reinvestment Act?**

(a) *Insured branch as an "insured depository institution."* A U.S. branch of a foreign bank that is insured by the Federal Deposit Insurance Corporation shall be treated as an "insured

depository institution" for purposes of § 225.84.

(b) *Applicability.* The provisions of § 225.84, with the modifications contained in this section, shall apply to a foreign bank that operates an insured branch referred to in paragraph (a) of this section or an insured depository institution in the United States, and any company that owns or controls such a foreign bank, that has made an effective election under § 225.92 in the same manner and to the same extent as they apply to a financial holding company.

By order of the Board of Governors of the Federal Reserve System, March 15, 2000.

**Jennifer J. Johnson,**

*Secretary of the Board.*

[FR Doc. 00-6849 Filed 3-20-00; 8:45 am]

**BILLING CODE 6210-01-P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Food and Drug Administration

#### 21 CFR Part 177

[Docket No. 99F-0461]

#### Indirect Food Additives: Polymers

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

**ACTION:** Final rule.

**SUMMARY:** The Food and Drug Administration (FDA) is amending the food additive regulations to provide for the safe use of polyphenylene sulfone resins as articles or components of articles intended for repeated use in contact with food. This action is in response to a petition filed by Ticona.

**DATES:** This rule is effective March 21, 2000; submit written objections and requests for a hearing by April 20, 2000.

**ADDRESSES:** Submit written objections to the Dockets Management Branch (HFA-305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852.

**FOR FURTHER INFORMATION CONTACT:** Vir D. Anand, Center for Food Safety and Applied Nutrition (HFS-215), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-418-3081.

**SUPPLEMENTARY INFORMATION:** In a notice published in the *Federal Register* of March 19, 1999 (64 FR 13586), FDA announced that a food additive petition (FAP 9B4644) had been filed by Ticona, c/o Keller and Heckman LLP, 1001 G St. NW., suite 500 West, Washington, DC 20001. The petition proposed to amend the food additive regulations in part 177 *Indirect Food Additives: Polymers* (21

CFR part 177) to provide for the safe use of polyphenylene sulfone resins as articles or components of articles intended for repeated use in contact with food.

FDA has evaluated the data in the petition and other relevant material. Based on this information, the agency concludes that: (1) The proposed use of the additive is safe, (2) the additive will achieve its intended technical effect, and therefore, (3) that the regulations in part 177 should be amended as set forth below.

In accordance with § 171.1(h) (21 CFR 171.1(h)), the petition and the documents that FDA considered and relied upon in reaching its decision to approve the petition are available for inspection at the Center for Food Safety and Applied Nutrition by appointment with the information contact person listed above. As provided in § 171.1(h), the agency will delete from the documents any materials that are not available for public disclosure before making the documents available for inspection.

The agency has previously considered the environmental effects of this rule as announced in the notice of filing for FAP 9B4644 (64 FR 13586, March 19, 1999). No new information or comments have been received that would affect the agency's previous determination that there is no significant impact on the human environment and that an environmental impact statement is not required.

This final rule contains no collection of information. Therefore, clearance by the Office of Management and Budget under the Paperwork Reduction Act of 1995 is not required.

Any person who will be adversely affected by this regulation may at any time file with the Dockets Management Branch (address above) written objections by April 20, 2000. Each objection shall be separately numbered, and each numbered objection shall specify with particularity the provisions of the regulation to which objection is made and the grounds for the objection. Each numbered objection on which a hearing is requested shall specifically so state. Failure to request a hearing for any particular objection shall constitute a waiver of the right to a hearing on that objection. Each numbered objection for which a hearing is requested shall include a detailed description and analysis of the specific factual information intended to be presented in support of the objection in the event that a hearing is held. Failure to include such a description and analysis for any particular objection shall constitute a waiver of the right to a hearing on the

objection. Three copies of all documents are to be submitted and are to be identified with the docket number found in brackets in the heading of this document. Any objection received in response to the regulation may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

#### List of Subjects in 21 CFR Part 177

Food additives, Food packaging.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, and redelegated to the Director, Center for Food Safety and Applied Nutrition part 177 is amended as follows:

#### PART 177—INDIRECT FOOD ADDITIVES: POLYMERS

1. The authority citation for 21 CFR part 177 continues to read as follows:

**Authority:** 21 U.S.C. 321, 342, 348, 379e.

2. Section 177.2500 is added to subpart C to read as follows:

#### § 177.2500 Polyphenylene sulfone resins.

The polyphenylene sulfone resins (CAS Reg. No. 31833-61-1) identified in paragraph (a) of this section may be safely used as articles or components of articles intended for repeated use in contact with food, subject to the provisions of this section.

(a) *Identity.* For the purpose of this section, polyphenylene sulfone resins consist of basic resin produced by reacting polyphenylene sulfide with peracetic acid such that the finished resins meet the specifications set forth in paragraph (c) of this section. The polyphenylene sulfide used to manufacture polyphenylene sulfone is prepared by the reaction of sodium sulfide and *p*-dichlorobenzene, and has a minimum weight average molecular weight of 5,000 Daltons.

(b) *Optional adjuvant substances.* The basic polyphenylene sulfone resins identified in paragraph (a) of this section may contain optional adjuvant substances required in the production of such basic resins. These optional adjuvant substances may include substances permitted for such use by regulations in parts 170 through 189 of this chapter, substances generally recognized as safe in food, or substances used in accordance with a prior sanction or approval.

(c) *Specifications.* The glass transition temperature of the polymer is 360±5 °C as determined by the use of differential scanning calorimetry.

Dated: February 29, 2000.

**L. Robert Lake,**

*Director, Office of Regulations Policy, Center for Food Safety and Applied Nutrition.*

[FR Doc. 00-6875 Filed 3-20-00; 8:45 am]

BILLING CODE 4160-01-F

#### DEPARTMENT OF THE TREASURY

##### Bureau of Alcohol, Tobacco and Firearms

#### 27 CFR Part 275

[T.D. ATF-420a]

RIN 1512-AB88

#### Increase in Tax on Tobacco Products and Cigarette Papers and Tubes [99R-88P]

**AGENCY:** Bureau of Alcohol, Tobacco and Firearms (ATF), Treasury.

**ACTION:** Final rule; correction.

**SUMMARY:** This document corrects the revision of a section of regulations that was erroneously changed in a final rule published in the **Federal Register** of December 22, 1999, regarding the increase in tax on tobacco products and cigarette papers and tubes.

**EFFECTIVE DATE:** January 1, 2000.

#### FOR FURTHER INFORMATION CONTACT:

Marjorie D. Ruhf, Regulations Division, Bureau of Alcohol, Tobacco and Firearms, 650 Massachusetts Avenue, NW, Washington, DC 20226, (202) 927-8202, mdruh@atfhq.atf.treas.gov.

#### SUPPLEMENTARY INFORMATION:

##### Background

The Bureau of Alcohol, Tobacco and Firearms (ATF) published a document in the **Federal Register** of December 22, 1999 (64 FR 71937). ATF erroneously revised § 275.117(b) and (c). This document corrects this error.

In rule FR Doc. 99-32605 published on December 22, 1999, on page 71944, in the second column, the instruction in paragraph 34 is removed.

Dated: March 15, 2000.

**Bradley A. Buckles,**

*Director, Bureau of Alcohol, Tobacco and Firearms.*

[FR Doc. 00-6994 Filed 3-20-00; 8:45 am]

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#### DEPARTMENT OF THE TREASURY

##### Bureau of Alcohol, Tobacco and Firearms

#### 27 CFR Part 275

[T.D. ATF-422a]

RIN 1512-AC07

#### Implementation of Public Law 105-33, Section 9302, Requiring the Qualification of Tobacco Product Importers (98R-316P) and Miscellaneous Technical Amendments

**AGENCY:** Bureau of Alcohol, Tobacco and Firearms, Treasury.

**ACTION:** Temporary rule; correction.

**SUMMARY:** This document corrects the authority citation and removes three changes of a temporary rule published in the **Federal Register** of December 22, 1999, regarding qualification of tobacco product importers and miscellaneous technical amendments contained in part 275, title 27 Code of Federal Regulations (CFR).

**DATES:** This rule is effective March 21, 2000.

#### FOR FURTHER INFORMATION CONTACT:

Robert Ruhf, Regulations Division, Bureau of Alcohol, Tobacco and Firearms, 650 Massachusetts Avenue NW, Washington, DC 20226 (202-927-8210).

#### SUPPLEMENTARY INFORMATION:

##### Background

The Bureau of Alcohol, Tobacco and Firearms (ATF) published a document in the **Federal Register** of December 22, 1999 (64 FR 71947). The authority citation for 27 CFR part 275 was incorrect in this document. Also, we erroneously removed and reserved §§ 275.39 and 275.117 and erroneously revised paragraph (a) of § 275.81. This document corrects these errors.

In rule FR Doc. 99-32600 published on December 22, 1999, make the following corrections:

On page 71948, in the second column, revise the authority citation for Part 275 to read as follows:

**Authority:** 18 U.S.C. 2342; 26 U.S.C. 5701, 5703, 5704, 5705, 5708, 5712, 5713, 5721, 5722, 5723, 5741, 5754, 5761, 5762, 5763, 6301, 6302, 6313, 6404, 7101, 7212, 7342, 7606, 7652, 7805; 31 U.S.C. 9301, 9303, 9304, 9306.

On page 71948, in the third column, instruction paragraph 5 is removed.

On page 71949, in the first column, the instruction in paragraph 10 is corrected to read as follows: