

Based on this information, the agency concludes that the proposed use of the additive is safe, that the additive will achieve its intended technical effect, and therefore, that the regulation in part 173 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 carefully considered the potential environmental effects of this rule as announced in the notice of filing for FAP 0A4721. 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 July 26, 2001. 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 objections 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 173

Food additives, Incorporation by reference.

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, 21 CFR part 173 is amended as follows:

#### PART 173—SECONDARY DIRECT FOOD ADDITIVES PERMITTED IN FOOD FOR HUMAN CONSUMPTION

1. The authority citation for 21 CFR part 173 continues to read as follows:

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

2. Section 173.368 is added to subpart D to read as follows:

##### § 173.368 Ozone.

Ozone (CAS Reg. No. 10028–15–6) may be safely used in the treatment, storage, and processing of foods, including meat and poultry (unless such use is precluded by standards of identity in 9 CFR part 319), in accordance with the following prescribed conditions:

(a) The additive is an unstable, colorless gas with a pungent, characteristic odor, which occurs freely in nature. It is produced commercially by passing electrical discharges or ionizing radiation through air or oxygen.

(b) The additive is used as an antimicrobial agent as defined in § 170.3(o)(2) of this chapter.

(c) The additive meets the specifications for ozone in the *Food Chemicals Codex*, 4th ed. (1996), p. 277, which is incorporated by reference. The Director of the Office of the Federal Register approves this incorporation by reference in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies are available from the National Academy Press, 2101 Constitution Ave. NW., Washington, DC 20055, or may be examined at the Office of Pre-market Approval (HFS–200), Center for Food Safety and Applied Nutrition, Food and Drug Administration, 200 C St. SW., Washington, DC, and the Office of the Federal Register, 800 North Capitol St. NW., suite 700, Washington, DC.

(d) The additive is used in contact with food, including meat and poultry (unless such use is precluded by standards of identity in 9 CFR part 319), in the gaseous or aqueous phase in accordance with current industry standards of good manufacturing practice.

(e) When used on raw agricultural commodities, the use is consistent with section 201(q)(1)(B)(i) of the Federal Food, Drug, and Cosmetic Act (the act) and not applied for use under section 201(q)(1)(B)(i)(I), (q)(1)(B)(i)(II), or (q)(1)(B)(i)(III) of the act.

Dated: June 15, 2001.

**L. Robert Lake,**

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

[FR Doc. 01–15963 Filed 6–25–01; 8:45 am]

**BILLING CODE 4160–01–S**

## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

#### 26 CFR Parts 1, 31, 35, 36, 40, 301, and 601

[TD 8952]

RIN 1545–AY10

#### Removal of Federal Reserve Banks as Federal Depositories

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

**ACTION:** Final regulations and removal of temporary regulations.

**SUMMARY:** This document contains final regulations which remove the Federal Reserve banks as authorized depositories for Federal tax deposits. The regulations affect taxpayers who make Federal tax deposits using paper Federal Tax Deposit (FTD) coupons (Form 8109) at Federal Reserve banks.

**DATES:** *Effective Date:* These regulations are effective June 26, 2001.

*Applicability Date:* These regulations apply to deposits made after December 31, 2000.

#### FOR FURTHER INFORMATION CONTACT:

Brinton T. Warren, (202) 622–4940 (not a toll-free number).

#### SUPPLEMENTARY INFORMATION:

##### Background

This document contains amendments to 26 CFR parts 1, 31, 35, 36, 40, 301, and 601 relating to Federal tax deposits under section 6302(c) of the Internal Revenue Code (Code). On December 26, 2000, temporary regulations (TD 8918) relating to the removal of Federal Reserve Banks as federal depositories were published in the **Federal Register** (65 FR 81356). A notice of proposed rulemaking that proposed the removal of Federal Reserve Banks as federal depositories was published in the **Federal Register** for the same day (65 FR 81453). No comments were received from the public in response to the notice of proposed rulemaking.

**Explanation of Provisions**

These final regulations, which permanently remove Federal Reserve Banks as authorized depositories for Federal tax deposits, adopt the rules of the proposed regulations and remove the corresponding temporary regulations. The term Federal Reserve Bank includes twelve banks and their approximately two dozen branches that constitute the nation's central banking system. The term does not include the thousands of federally and state chartered banks that are recognized as members of the Federal Reserve System. Accordingly, these final regulations do not affect Federal Tax Deposits (FTDs) made with paper coupons at any of the more than 10,000 financial institutions nationwide that serve as Treasury Tax and Loan (TT&L) depositories. Deposits made through the Electronic Federal Tax Payment System (EFTPS) are also not affected.

**Special Analyses**

It has been determined that this Treasury decision is not a significant regulatory action as defined in Executive Order 12866. Therefore, a regulatory assessment is not required. It also has been determined that section 553(b) of the Administrative Procedure Act (5 U.S.C. chapter 5) does not apply to these regulations, and because the regulations do not impose a collection of information on small entities, the Regulatory Flexibility Act (5 U.S.C. chapter 6) does not apply. Pursuant to section 7805(f) of the Internal Revenue Code, the notice of proposed rulemaking preceding these regulations was submitted to the Chief Counsel for Advocacy of the Small Business Administration for comment on its impact on small business.

**Drafting Information**

The principal author of these regulations is Brinton T. Warren of the Office of Associate Chief Counsel, Procedure and Administration (Administrative Provisions and Judicial

Practice Division). However, other personnel from the IRS and Treasury Department participated in their development.

**List of Subjects**

*26 CFR Part 1*

Income taxes, Reporting and recordkeeping requirements.

*26 CFR Part 31*

Employment taxes, Income taxes, Penalties, Pensions, Railroad retirement, Reporting and recordkeeping requirements, Social security, Unemployment compensation.

*26 CFR Part 35*

Employment taxes, Income taxes, Reporting and recordkeeping requirements.

*26 CFR Part 36*

Employment taxes, Foreign relations, Reporting and recordkeeping requirements, Social security.

*26 CFR Part 40*

Excise taxes, Reporting and recordkeeping requirements.

*26 CFR Part 301*

Administrative practice and procedure, Employment taxes, Estate taxes, Excise taxes, Gift taxes, Income taxes, Penalties, Reporting and recordkeeping requirements.

*26 CFR Part 601*

Administrative practice and procedure, Freedom of information, Reporting and recordkeeping requirements, Taxes.

**Adoption of Amendments to the Regulations**

Accordingly, and under the authority of 26 U.S.C. 7805 and 5 U.S.C. 301, 26 CFR parts 1, 31, 35, 36, 40, 301 and 601 are amended as follows:

**PART 1—INCOME TAXES**

**Paragraph 1.** The authority citation for part 1 continues to read in part as follows:

**Authority:** 26 U.S.C. 7805 \* \* \*

**§ 1.6302-1 [Amended]**

**Par. 2.** Section 1.6302-1 is amended by removing the fifth sentence in paragraph (b)(1).

**§ 1.6302-2 [Amended]**

**Par. 3.** Section 1.6302-2 is amended by removing the third sentence in paragraph (b)(1).

**PART 31—EMPLOYMENT TAXES AND COLLECTION OF INCOME TAX AT SOURCE**

**Par. 4.** The authority citation for part 31 continues to read in part as follows:

**Authority:** 26 U.S.C. 7805 \* \* \*

**§ 31.6302-1 [Amended]**

**Par. 5.** Section 31.6302-1 is amended by removing the fourth sentence in paragraph (i)(3).

**§ 31.6302(c)-3 [Amended]**

**Par. 6.** Section 31.6302(c)-3 is amended by removing the third sentence in paragraph (b)(2).

**PART 301—PROCEDURE AND ADMINISTRATION**

**Par. 7.** The authority for part 301 continues to read in part as follows:

**Authority:** 26 U.S.C. 7805 \* \* \*

**§ 301.6302-1T [Removed]**

**Par. 8.** Section 301.6302-1T is removed.

**PARTS 1, 31, 35, 36, 40, 301, 601 [AMENDED]**

**Par. 9.** In the list below, for each section indicated in the left column, remove the language in the middle column and add, if any, the language in the right column:

Section	Remove	Add
1.1461-1(a)(1), first sentence	a Federal Reserve Bank or	an
1.1502-5(a)(1), fourth sentence	commercial dispository or Federal Reserve Bank.	financial institution
1.6151-1(d)(1)	Federal Reserve Banks or	
1.6302-1(b)(1), fourth sentence	214 or, at the election of the corporation, to a Federal Reserve Bank.	203
1.6302-1(b)(1), fifth sentence	the Federal Reserve Bank or	
1.6302-2(a)(1)(i), first sentence	a Federal Reserve Bank or	an
1.6302-2(a)(1)(ii), first sentence	a Federal Reserve Bank or	an
1.6302-2(a)(1)(iv), first sentence	a Federal Reserve Bank or	an
1.6302-2(b)(1), second sentence	214 or, at the election of the withholding agent, to a Federal Reserve Bank.	203
1.6302-2(b)(1), third sentence	the Federal Reserve Bank or	
1.6302-3(a)	or with a Federal Reserve Bank	

Section	Remove	Add
31.6071(a)-1(a)(1), last sentence	or by a Federal Reserve Bank	
31.6071(a)-1(c), last sentence	a Federal Reserve Bank or by	
31.6151-1(b), first sentence	Federal Reserve Banks and	
31.6302-1(c)(1), first sentence	a Federal Reserve Bank or	an
31.6302-1(c)(2)(i) introductory text	a Federal Reserve Bank or	an
31.6302-1(c)(3) introductory text, first sentence	a Federal Reserve Bank or	an
31.6302-1(i)(3), third sentence	214 or, at the election of the employer, to a Federal Reserve Bank.	203
31.6302-1(i)(5)	the Federal Reserve Bank or	
31.6302(c)-2A(b)(1)(i)	with a Federal Reserve Bank or	
31.6302(c)-2A(b)(3)	with a Federal Reserve Bank or	
31.6302(c)-3(a)(1)(i)	with a Federal Reserve Bank or	
31.6302(c)-3(a)(1)(ii)	with a Federal Reserve Bank or	
31.6302(c)-3(a)(3)	with a Federal Reserve Bank or	
31.6302(c)-3(b)(2), second sentence	214 or, at the election of the employer, to a Federal Reserve Bank.	203
31.6302(c)-3(b)(2), third sentence	the Federal Reserve Bank or	
35.3405-1T,e-10A., first sentence	a Federal Reserve Bank or	
36.3121(l)(10)-4	a Federal Reserve Bank or	an
40.6302(c)-1(d)(1)	214 or to a Federal Reserve Bank	203
301.6302-1(a)	Federal Reserve Banks and authorized commercial banks.	authorized financial institutions
301.6302-1(b)(1)	Federal Reserve Banks or authorized commercial banks.	authorized financial institutions
301.6302-1(b)(2)	Federal Reserve Banks or authorized commercial banks.	authorized financial institutions
301.9100-5T(c) concluding text	Federal Reserve Banks and	
601.401(a)(5) heading	Federal Reserve Banks and	
601.401(a)(5)(iii), first sentence	a Federal Reserve Bank or	an
601.401(a)(5)(iii), second sentence	a Federal Reserve Bank or	an
601.401(a)(5)(iv), first sentence	a Federal Reserve Bank or a financial institution authorized in accordance with Treasury Department Circular No. 1079, revised, to accept remittances of these taxes for transmission to a Federal Reserve Bank.	an authorized financial institution

**Robert E. Wenzel,**  
Deputy Commissioner of Internal Revenue.

Approved: June 15, 2001.

**Mark A. Weinberger,**  
Assistant Secretary of the Treasury (Tax Policy).

[FR Doc. 01-15747 Filed 6-25-01; 8:45 am]

BILLING CODE 4830-01-P

**DEPARTMENT OF THE TREASURY**

**Fiscal Service**

**31 CFR Part 357**

[Department of the Treasury Circular, Public Debt Series, No. 2-86]

**Determination Regarding State Statutes Adopting Revised Article 9 of the Uniform Commercial Code; Determination Regarding Rhode Island**

**AGENCY:** Bureau of the Public Debt, Fiscal Service, Treasury.

**ACTION:** Determination of substantially identical state statute.

**SUMMARY:** A number of states have recently enacted laws adopting Revised Article 9 of the Uniform Commercial Code—Secured Transactions (“Revised

Article 9”), which contains amendments to Revised Article 8 of the Uniform Commercial Code—Investment Securities (“Revised Article 8”). Treasury is confirming that for states for which it has previously published a determination that their statutes were “substantially identical” to the uniform version of Revised Article 8 for purposes of interpreting the rules in 31 CFR Part 357, Subpart B (the “TRADES regulations”), such determination is not affected by a State’s adoption of amendments in Revised Article 9. Treasury has also reviewed Rhode Island’s enactment of Revised Article 8 and has determined that it is “substantially identical” to the uniform version of Revised Article 8 for purposes of the TRADES regulations.

**EFFECTIVE DATE:** June 26, 2001.

**ADDRESSES:** See Supplementary Information section for electronic access.

**FOR FURTHER INFORMATION CONTACT:** Geraldine J. Porco-Hubenko, Attorney-Advisor; Sandy Dyson, Attorney-Advisor; or Cynthia E. Reese, Deputy Chief Counsel; at (202) 691-3520.

**SUPPLEMENTARY INFORMATION:**

**Electronic Access**

Copies of this notice are available for downloading from the Bureau of the Public Debt home page at: <http://www.publicdebt.treas.gov>.

**Background**

On August 23, 1996, the Department of the Treasury (“we”) published a final rule to govern securities held in the commercial book-entry system, also referred to as the Treasury/Reserve Automated Debt Entry System (“TRADES”), 61 FR 43626. The regulations specify the jurisdiction whose law governs certain matters related to Treasury securities in the commercial book-entry system. Sections 357.10(c) and 357.11(d) of the regulations provide that if the jurisdiction is a state that has not adopted Revised Article 8, then the applicable law is the law of that state as though Revised Article 8 had been adopted by that state. “Revised Article 8” is defined in the regulations as the Official Text adopted by the National Conference of Commissioners on Uniform State Laws and the American Law Institute.

In the commentary to the final regulations, we stated that for the 28