VII. Paperwork Reduction Act of 1995

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

VIII. Objections

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 September 7, 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 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. FDA will publish notice of the objections that the agency has received or lack thereof in the **Federal Register**.

IX. References

The following references have 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. Murayama, Y., ''Luminous Paints,'' in S. Shionoya, and W. M. Yen, editors, *Phosphor Handbook*, pp. 651, 655–656, CRC Press, Boca Raton, FL, 1999.

2. Yourick, J. J., memorandum entitled ''Review of Toxicology Studies Contained in CAP7C0251, Use of Zinc Sulfide as a Color Additive in Cosmetics'' from the Cosmetics Toxicology Branch (HFS–128) to Aydin O–AE4rstan, Direct Additives Branch (HFS–215), Center for Food Safety and Applied Nutrition, FDA, March 14, 2000.

List of Subjects in 21 CFR Part 73

Color additives, Cosmetics, Drugs, Foods, Medical devices.

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 73 is amended as follows:

PART 73—LISTING OF COLOR ADDITIVES EXEMPT FROM CERTIFICATION

1. The authority citation for 21 CFR part 73 continues to read as follows:

Authority: 21 U.S.C. 321, 341, 342, 343, 348, 351, 352, 355, 361, 362, 371, 379e.

2. Section 73.2995 is added to subpart C to read as follows:

§ 73.2995 Luminescent zinc sulfide.

(a) *Identity*. The color additive luminescent zinc sulfide is zinc sulfide containing a copper activator. Following excitation by daylight or a suitable artificial light, luminescent zinc sulfide produces a yellow-green phosphorescence with a maximum at 530 nanometers.

(b) *Specifications*. Luminescent zinc sulfide shall conform to the following specifications and shall be free from impurities other than those named to the extent that such impurities may be avoided by good manufacturing practice:

Zinc sulfide, not less than 99.8 percent.
Copper, $100_{\pm}5$ parts per million.
Lead, not more than 20 parts per million.
Arsenic, not more than 3 parts per million.
Mercury, not more than 1 part per million.
Cadmium, not more than 15 parts per million.

(c) *Uses and restrictions*. The color additive luminescent zinc sulfide may be safely used for coloring externally applied facial makeup preparations (included under § 720.4(c)(7)(ix) and (c)(8)(v) of this chapter) subject to the following restrictions:

(1) The amount of luminescent zinc sulfide in facial makeup preparations shall not exceed 10 percent by weight of the final product.

(2) Facial makeup preparations containing luminescent zinc sulfide are intended for use only on limited, infrequent occasions, e.g., Halloween, and not for regular or daily use.

(d) *Labeling requirements*. (1) The label of the color additive and any mixtures prepared therefrom shall bear expiration dates for the sealed and open container (established through generally accepted stability testing methods), other information required by § 70.25 of this chapter, and adequate directions to prepare a final product complying with the limitations prescribed in paragraph (c) of this section.

(2) The label of a facial makeup preparation containing the color additive shall bear, in addition to other information required by the law, the following statement conspicuously displayed:

Do not use in the area of the eye.

(e) *Exemption from certification*. Certification of this color additive is not necessary for the protection of the public health, and therefore batches thereof are exempt from the certification requirements of section 721(c) of the act.

Dated: August 1, 2000.

Janice F. Oliver,

Deputy Director, Center for Food Safety and Applied Nutrition.

[FR Doc. 00–19952 Filed 8–7–00; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 172

[Docket No. 00F–0119]

Food Additives Permitted for Direct Addition to Food for Human Consumption; Calcium Disodium EDTA and Disodium EDTA

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 calcium disodium EDTA (ethylenediaminetetraacetate) or disodium EDTA to promote color retention for all edible types of cooked, canned legumes. This action is in response to a petition filed by the National Food Processors Association.

DATES: This rule is effective August 8, 2000. Submit written objections and requests for a hearing by September 7, 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: Mary E. LaVecchia, Center for Food Safety and Applied Nutrition (HFS–215), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–418–3042.

SUPPLEMENTARY INFORMATION:

I. Introduction

In a notice published in the **Federal Register** of January 20, 2000 (65 FR

3242), FDA announced that a food additive petition (FAP 0A4709) had been filed by the National Food Processors Association, 1350 I St. NW., suite 300, Washington, DC 20005. The petition proposed to amend the food additive regulations in §§ 172.120 *Calcium Disodium EDTA* (21 CFR 172.120) and 172.135 *Disodium EDTA* (21 CFR 172.135) to provide for the safe use of calcium disodium EDTA or disodium EDTA to promote color retention for all edible types of cooked, canned legumes.

A review of the petition establishes that the petition proposes the use of 365 parts per million (ppm) of calcium disodium EDTA or 165 ppm disodium EDTA in all cooked, canned legumes, other than those cooked, canned legumes currently listed in § 172.120 or § 172.135. FDA has determined that consumer exposure to calcium disodium EDTA and disodium EDTA will not increase from the proposed use (Ref. 1). The agency notes that consumption of cooked, canned legumes is substitutional, *i.e.,* the consumer will generally eat one type of cooked, canned legume or another at any given time and not increase the overall consumption of cooked, canned legumes. Additionally, the agency expects that no more of the additive will be used than necessary, up to a maximum of 365 ppm for calcium disodium EDTA and up to a maximum of 165 ppm disodium EDTA, to achieve the intended technical effect of promoting color retention in cooked, canned legumes.

II. Conclusions

FDA has evaluated the data in the petition and other relevant material. Based on this information, the agency concludes that the proposed use of the additives is safe, that the additives will achieve their intended technical effect, and therefore, that the regulations in §§ 172.120 and 172.135 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.

III. Environmental Impact

The agency has carefully considered the potential environmental effects of this rule as announced in the notice of filing for FAP 0A4709. 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.

IV. Paperwork Reduction Act of 1995

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.

V. Objections

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 September 7, 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 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.

VI. 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. Memorandum from M. DiNovi, Division of Product Manufacture and Use, FDA, to M. LaVecchia, Division of Petition Control, FDA, February 8, 2000.

List of Subjects in 21 CFR Part 172

Food additives, Reporting and recordkeeping requirements.

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 172 is amended as follows:

PART 172—FOOD ADDITIVES PERMITTED FOR DIRECT ADDITION TO FOOD FOR HUMAN CONSUMPTION

1. The authority citation for 21 CFR part 172 continues to read as follows:

Authority: 21 U.S.C. 321, 341, 342, 348, 371, 379e.

2. Section 172.120 is amended in the table in paragraph (b)(1) by removing the entry for ''Fava beans (cooked canned)'', and by alphabetically adding an entry for ''Legumes (all cooked canned, other than dried lima beans, pink beans, and red beans)'' to read as follows:

§ 172.120 Calcium disodium EDTA.

* * * * *

(b) * * *

(1) * * *

Food	Limitation (parts per million)	Use
* * * * * * *		
Legumes (all cooked canned, other than dried lima beans, pink beans, and red beans).	365	Promote color retention.
* * * * * * *		

* * * * *

3. Section 172.135 is amended in the table in paragraph (b)(1) by removing the entry for ''Canned cooked chickpeas'' and by alphabetically adding an entry for ''Legumes (all cooked canned, other than black-eyed peas)'' to read as follows:

§ 172.135 Disodium EDTA.

* * * * *

(b) * * *

(1) * * *

Food	Limitation (parts per million)	Use
* * * * * * *		
Legumes (all cooked canned, other than black-eyed peas).	165	Promote color retention.
* * * * * * *		

* * * * *

Dated: July 19, 2000.

L. Robert Lake,

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

[FR Doc. 00–19990 Filed 8–7–00; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[TD 8884]

RIN 1545–AV88

Consolidated Returns-Limitations on the Use of Certain Credits; Correction

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Correction to final regulations.

SUMMARY: This document contains a correction to final regulations that were published in the **Federal Register** on Thursday, May 25, 2000 (65 FR 33753) relating to consolidated returns-limitations on the use of certain credits.

DATES: This correction is effective May 25, 2000.

FOR FURTHER INFORMATION CONTACT: Marie C. Milnes-Vasquez (202) 622–7770 (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Background

The final regulations that are the subject of this correction are under section 1502 of the Internal Revenue Code.

Need for Correction

As published, the final regulations contain an error that may prove to be misleading and are in need of clarification.

Correction of Publication

Accordingly, the publication of the final regulations (TD 8884), that were the subject of FR Doc. 00–11901, is corrected as follows:

§ 1.1502–3 [Corrected]

On page 33758, column 1, § 1.1502–3(d)(5), paragraph (iv) of the *Example*, line 6 from the bottom of the paragraph, the language ''contributions to the consolidated section'' is corrected to read ''contribution to the consolidated section''.

LaNita Van Dyke,

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

[FR Doc. 00–19944 Filed 8–7–00; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF JUSTICE

Office of the Pardon Attorney

28 CFR Part 1

[AG ORDER No. 2317–2000]

Rules Governing Petitions for Executive Clemency: Capital Cases

AGENCY: Department of Justice.

ACTION: Final rule.

SUMMARY: This rule supplements the existing regulations on executive clemency to provide specific procedures to be used in seeking clemency by persons sentenced to death by a United States District Court for an offense against the United States. This rule sets forth a deadline for filing a clemency request in a capital case and the general procedures the Department will follow in processing the request. These procedures also provide an opportunity