of their buying power, there is little reason to believe that the favored stores generally would receive lower prices from the suppliers of the thousands of products sold in the typical grocery store. It follows that it is unlikely that the ability of the disfavored grocery stores to compete with favored stores would be harmed—the underlying rationale for use of the Morton Salt inference.

The Analysis to Aid Public Comment emphasizes that the Commission is not relying on the Morton Salt inference by itself to support bringing a case. Analysis of Proposed Consent Order to Aid Public Comment at 4. The Analysis explains that the use of the Morton Salt inference in this case is particularly appropriate because McCormick is the largest supplier of spices in the United States and because the company typically demanded that grocery stores allocate to McCormick a large majority of the shelf space they devoted to spices. Id; see Complaint ¶¶ 6, 10, 18. Although we share the majority's apparent view that the public interest generally would be better served if the Commission did not bring Robinson-Patman cases based only on the Morton Salt inference, the majority has not identified additional facts that warranted bringing this case.

McCormick's alleged market power as a supplier and its alleged discriminatory prices may have harmed the ability of Burns Philp and other suppliers to compete with McCormick. But this does not make it any more plausible that McCormick's alleged discriminatory prices harmed the ability of the disfavored grocery stores to compete with the favored grocery stores. In the long run, if McCormick's pricing has harmed the ability of Burns Philp or other suppliers to compete, the loss of alternative suppliers would harm both the disfavored grocery stores and the favored grocery stores (once their present contracts with McCormick expire). A loss of alternative suppliers is a classic consequence of primary-line injury, but such a loss does not necessarily have a differential impact on buyers that will cause secondary-line injury—the relevant level of commerce in this case.[7]

We recognize that there has been much controversy over the years concerning the use of the Morton Salt inference and that the inference has not been uniformly applied.[8] Overall, the concern has been that the inference makes violations too easy to prove.[9] It is laudable that the majority has tried to limit the use of the Morton Salt inference. We do not believe, however, that evidence of supplier market power justifies bringing cases in which the Morton Salt inference is used as the basis to prove competitive harm among buyers.[10] Because the majority has no other basis on which to show secondary-line competitive injury in this case, we dissent.[11]

[FR Doc. 00–6231 Filed 3–13–00; 8:45 am]

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[7] We do not suggest that market power of the supplier is irrelevant in a Robinson-Patman Act case—in fact, it is likely to be present in all cases of economic price discrimination. However, supplier market power is not dispositive of whether secondary-line injury is likely to have occurred. Our agreement with the majority that McCormick is the dominant spice seller does not overcome the lack of proof of secondary-line injury in this case.

[8] See ABA Section of Antitrust Law, Antitrust Law Developments 450–51 (4th ed. 1997).

[9] See, *e.g.,* LaRue, Robinson-Patman Act in the Twenty-First Century: Will the Morton Salt Rule Be Retired?, 48 S.M.U.L. Rev. 1917 (1995).

[10] As noted above, McCormick's alleged discriminatory prices were offered during a price war with its main competitor. We assume without deciding that a ''meeting competition'' defense under the Robinson-Patman Act would not have insulated McCormick from liability.

[11] We do recognize that the proposed narrowly circumscribed order would be appropriate in a proper secondary-line case.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 00C–0929]

Kraft Foods, Inc.; Filing of Color Additive Petition

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that Kraft Foods, Inc., has filed a petition proposing that the color additive regulations be amended to provide for the safe use of sodium copper chlorophyllin to color citrus base dry beverage mixes.

FOR FURTHER INFORMATION CONTACT: Aydin Orstan, Center for Food Safety and Applied Nutrition (HFS–215), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–418–3076.

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (sec. 721(d)(1) (21 U.S.C. 379e(d)(1))), notice is given that a color additive petition (CAP 0C0270) has been filed by Kraft Foods, Inc., c/o Flamm Associates, 622 Beachland Blvd., Vero Beach, FL 32963. The petition proposes to amend the color additive regulations to provide for the safe use of sodium copper chlorophyllin to color citrus base dry beverage mixes.

The agency has determined under 21 CFR 25.32(k) that this action is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

Dated: February 29, 2000.

Alan M. Rulis,

Director, Office of Premarket Approval, Center for Food Safety and Applied Nutrition.

[FR Doc. 00–6121 Filed 3–13–00; 8:45 am]

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DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 93F–0331]

Hoechst Aktiengesellschaft; Withdrawal of Food Additive Petition

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) in announcing the withdrawal, without prejudice to a future filing, of a food additive petition (FAP 3B4397) proposing that the food additive regulations be amended to provide for the safe use of dioctadecyldisulfide as an antioxidant and/or stabilizer in propylene polymers and copolymers.

FOR FURTHER INFORMATION CONTACT: Ellen M. Waldron, Center for Food Safety and Applied Nutrition (HFS–215), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–418–3089.

SUPPLEMENTARY INFORMATION: In a notice published in the **Federal Register** of October 15, 1993 (58 FR 53517), FDA announced that a food additive petition (FAP 3B4397) had been filed by Hoechst Aktiengesellschaft, c/o Keller and Heckman, 1001 G St. NW., suite 500 West, Washington, DC 20001. The petition proposed to amend the food additive regulations in § 178.2010 *Antioxidants and/or stabilizers for polymers* (21 CFR 178.2010) to provide for the safe use of dioctadecyldisulfide as an antioxidant and/or stabilizer in propylene polymers and copolymers. Hoechst Aktiengesellschaft has now withdrawn the petition without prejudice to a future filing (21 CFR 171.7).

Dated: February 29, 2000.

Alan M. Rulis,

Director, Office of Premarket Approval, Center for Food Safety and Applied Nutrition.

[FR Doc. 00–6118 Filed 3–13–00; 8:45 am]

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DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 96G–0035]

Sankyo Co., Ltd.; Withdrawal of GRAS Affirmation Petition

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the withdrawal, without prejudice to a future filing, of a petition (GRASP 6G0420) proposing to affirm that the use of dextranase enzyme preparation derived from *Chaetomium gracile* is generally recognized as safe (GRAS) in cane and beet sugar processing.

FOR FURTHER INFORMATION CONTACT: Martha D. Peiperl, Center for Food Safety and Applied Nutrition (HFS–215), Food and Drug Administration, 200 C St. SW.,Washington, DC 20204, 202–418–3077.

SUPPLEMENTARY INFORMATION: In a notice published in the **Federal Register** of February 14, 1996 (61 FR 5787), FDA announced that a petition (GRASP 6G0420) had been filed by Solvay Enzymes, Inc., c/o 1001 G St. NW., suite 500 West, Washington, DC 20001 (now, Sankyo Co., Ltd., No. 7–12, Ginza 2-chome, Chuo-ku, Tokyo 104–8113, Japan). This petition proposed that the use of dextranase enzyme preparation derived from *Chaetomium gracile* in cane and beet sugar processing be affirmed as GRAS. Sankyo has now withdrawn the petition without prejudice to a future filing (21 CFR 171.7).

Dated: March 1, 2000.

Alan M. Rulis,

Director, Office of Premarket Approval, Center for Food Safety and Applied Nutrition.

[FR Doc. 00–6120 Filed 3–13–00; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 98N–0046]

Quarterly List of Guidance Documents at the Food and Drug Administration

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is publishing an update of all guidance documents issued and withdrawn since we compiled the annual comprehensive list of guidance documents that published on June 10, 1999. FDA committed to publishing quarterly updates in its February 1997 ''Good Guidance Practices'' (GGP's) final rule, which set forth the agency's policies and procedures for developing, issuing, and using guidance documents. This list is intended to inform the public of the existence and availability of guidance documents issued since the annual comprehensive list was compiled.

DATES: General comments on this list and on agency guidance documents are welcome at any time.

ADDRESSES: Submit written comments to the Dockets Management Branch (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852. For information on where to obtain single copies of guidance documents listed here, see the specific center's list of guidance documents.

FOR FURTHER INFORMATION CONTACT: LaJuana D. Caldwell, Office of Policy (HF–27), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–827–7010.

SUPPLEMENTARY INFORMATION:

I. Background

In the **Federal Register** of February 27, 1997 (62 FR 8961), FDA published a notice announcing its ''Good Guidance Practices'' (GGP's), which set forth our policies and procedures for developing, issuing, and using guidance documents. The agency adopted the GGP's to ensure public involvement in the development of guidance documents and to enhance public understanding of the availability, nature, and legal effect of our guidance documents.

As part of FDA's effort to ensure meaningful interaction with the public regarding guidance documents, we committed to publishing an annual comprehensive list of guidance documents and quarterly **Federal Register** notices that list all guidance documents that were issued and withdrawn during that quarter, including ''Level 2'' guidance documents. The following list of guidance documents represents all guidances that we issued or withdrew since we published the annual comprehensive list on June 10,1999 (64 FR 31228). The guidance documents are organized by the issuing center or office within FDA, and are further grouped by the intended users or relevant regulatory activities. Dates provided in the following list refer to the date of the guidance was issued or, where applicable, the last date the document was revised. We provided document numbers where available.