

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 AGRICULTURE

Food and Nutrition Service

7 CFR Parts 210, 220, 225 and 226

RIN 0584-AC82

Modification of the "Vegetable Protein Products" Requirements for the National School Lunch Program, School Breakfast Program, Summer Food Service Program and Child and Adult Care Food Program

AGENCY: Food and Nutrition Service, USDA.

ACTION: Proposed rule.

SUMMARY: The Food and Nutrition Service is proposing to update the requirements on using "Vegetable Protein Products" in the National School Lunch Program, School Breakfast Program, Summer Food Service Program, and Child and Adult Care Food Program (the Child Nutrition Programs) given changes in food technology since the current provisions were adopted. The major changes proposed are to: rename "Vegetable Protein Products" as "Alternate Protein Products;" remove the limit on the amount of these products that can be used; eliminate the requirement that alternate protein products be specially fortified; and update the test used to determine protein quality. These proposed changes would give menu planners more flexibility to incorporate these products into their menus along with the traditional protein sources of meat, poultry and seafood.

DATES: To be assured of consideration, comments must be postmarked on or before September 20, 1999.

ADDRESSES: Comments may be mailed to: Mr. Robert M. Eadie, 3101 Park Center Drive, Alexandria, Virginia 22302. All written submissions will be available for public inspection in Room 1007, 3101 Park Center Drive, Alexandria, Virginia during regular business hours (8:30 a.m. to 5:30 p.m.), Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Ms. Marion Hinnners or Ms. Janice Fabina, at the above address or by telephone at (703) 305-2590.

SUPPLEMENTARY INFORMATION:

Background

What Are Alternate Protein Products and How Are They Used?

In the 1960's, protein products processed from vegetable sources, primarily soybeans, became more prevalent. Because of their low cost and their protein quality, vegetable protein products could be used with meat, poultry and seafood in food items. This blending enhanced use of both meat and vegetable protein products. As the use of alternate protein products increased, we felt that we needed to determine how such products would be credited in the Child Nutrition Programs (CN Programs) in order to give menu planners flexibility while maintaining the nutritional quality of our meals.

Originally, our policies concerning alternate protein products were delineated in informal guidance. In 1983, however, we amended our regulations by adding a section entitled "Alternate Foods for Meals—Vegetable Protein Products" which was located in Appendix A, to 7 CFR Part 210, the National School Lunch Program (NSLP); 7 CFR Part 225, the Summer Food Service Program (SFSP); and 7 CFR Part 226, the Child and Adult Care Food Program (CACFP). Appendix A to Part 210 also applied to 7 CFR Part 220, the School Breakfast Program (SBP).

What Are Vegetable Protein Products (VPP)?

Appendix A to the various CFR Parts identified above defines vegetable (plant) protein products as foods which are processed so that some portion of the nonprotein constituents of the vegetable is removed. These vegetable protein products (VPP) are safe and suitable edible products produced from vegetable (plant) sources such as soybeans, peanuts, wheat, and corn. Because they are both nutritious and versatile, VPP may be included in meals offered in the various CN Programs.

Currently, VPP fortified with iron and zinc may constitute up to 30 percent of the meat/meat alternate component of the food-based menu planning approaches used in all of the CN Programs. However, the VPP

fortification and limitation requirements do not apply to menus planned under the nutrient standard approaches of the NSLP and the SBP. The nutrient standard menu planning approaches incorporate nutrient analysis into the process and consequently do not need the assurances provided by the fortification and limitation requirements applied to the food-based approaches.

What are the Current Regulatory Provisions Concerning VPP?

These provisions, all contained in Appendix A to 7 CFR Parts 210, 225, and 226, are:

(1) use of the names and nutritional requirements for VPP developed by the Food and Drug Administration (FDA);

(2) use of VPP in the dry, partially hydrated form, or fully hydrated form;

(3) establishment of appropriate hydration of dry VPP by setting the protein quantity requirements for a product "when hydrated or formulated;"

(4) use of VPP only in combination with meat, poultry or seafood for the meat/meat alternate component;

(5) use of up to 30 percent (by uncooked weight) of fully hydrated VPP as a substitute for meat, poultry, or seafood; and

(6) use of fortified VPP meeting USDA-FNS specifications.

Why is the Amount of VPP Limited?

When the VPP requirements were originally incorporated into the regulations, nutritionists felt that VPP should be limited to no more than a 30 percent substitution level for raw or cooked meat, poultry, or seafood. This limit was established because data from studies available at that time indicated that the bioavailability of iron and zinc decreased when foods were formulated with more than 30 percent VPP. Given these findings, we adopted the 30 percent limitation on VPP use as our policy.

Why Does FNS Require VPP to be Fortified?

Even with the limited use of VPP, we were still concerned that children would not receive adequate levels of certain nutrients. Therefore, as an added precaution, we required that VPP used in the CN Programs be fortified with iron and zinc. We did this so that the fully hydrated VPP was similar to meat

in both nutrients and the bioavailability of minerals.

Why is FNS Proposing to Change the Provisions on VPP?

A lot of progress has been made in the areas of nutrition science, food technology and analysis in the 25 years that have elapsed since the initial formulation of our policies on use of VPP. We need to update our requirements on VPP in conjunction with the continued use of animal sources of protein.

We are also looking for ways to enhance flexibility for menu planners and to assist them in meeting the 1995 *Dietary Guidelines for Americans*. Additional ways are especially needed to help menu planners reduce fat and saturated fat in meals while still maintaining calorie levels and cost-effectiveness.

We also received requests from schools, sponsors and the food industry to allow food items with as much as 100 percent VPP. Unrestricted use of VPP would increase the variety of food items and products that could be offered and would assist schools and sponsors in accommodating the vegetarian and ethnic preferences of the participants in our programs.

Is Crediting of VPP Consistent Among the Menu Planning Approaches?

As a result of recent efforts to improve the meals offered to children, schools now have a variety of menu planning approaches from which to choose. However, the policies for crediting VPP are not consistent among the various menu planning approaches. Two such approaches allow food based menu planning and two others employ nutrient standard menu planning which are based on nutrient analysis of menus. Another option, proposed in a May 15, 1998 rulemaking (63 FR 27162), would permit schools to develop their own "reasonable approach" to menu planning and will be available after publication of a final rule in 1999. However, the limitations and crediting policies for VPP *only* apply to the food-based menu planning approaches. Schools using one of the nutrient standard menu planning approaches do not have to apply the VPP provisions in the Alternate Foods for Meals provisions. This proposal will alleviate these inconsistencies among the various menu planning approaches.

Which Programs Would be Affected by the Proposed Changes?

The current VPP provisions and the proposed changes apply to all CN Programs. However, their greatest

impact is on the school meals programs which have the most participants. The SFSP and the CACFP would also benefit from the greater selection of menu items that would result from these proposed changes. However, we understand that these changes may present some new challenges to operators of these programs. Comments related specifically to how these two programs will adopt these proposed modifications are requested.

What are the Proposed Changes to Appendix A?

We are proposing to:

- (1) change the name from vegetable protein products (VPP) to alternate protein products (APP) and remove the requirement that APP only be of plant origin;
- (2) remove the limitation of 30 percent (by weight) maximum substitution for meat, seafood, or poultry;
- (3) remove the fortification requirement; and
- (4) update the protein quality test to the Protein Digestibility Corrected Amino Acid Score (PDCAAS) from the currently required Protein Efficiency Ratio (PER) test.

Why Change the Name From VPP to APP?

We are proposing to remove the requirement that protein products used in our programs be derived only from plant protein sources. Instead of the term "Vegetable Protein Products," we are proposing the term "Alternate Protein Products" to indicate that alternate protein products are no longer only vegetable-based. Under our proposal, APP may be derived from animal sources such as whey-based protein products. (Therefore, VPP will be referred to as APP for the remainder of the preamble.)

Why is FNS Proposing to Eliminate the Limit on the Amount of APP That may be Used?

We are proposing to remove the requirement that APP be used only in combination with meat, poultry and seafood by eliminating the requirement that APP be no more than 30 percent (by weight) of the food item. The 30 percent limitation was based on the best data available at the time. That data indicated that alternate protein products appeared to inhibit the absorption of iron and other nutrients.

Current expert opinion (Messina, Bothwell, Cook, et al.) is that moderate intakes of APP will not have a negative affect on the levels of iron and other nutrients in the body. We also believe

that removing the limit on use of APP will not adversely affect a child's diet if menu planners follow the recommendations of the Dietary Guidelines on moderation and on offering a variety of foods. If menus with APP, like any foods offered in our programs, are planned with the key elements of moderation and variety in mind, any risk to dietary status should be eliminated.

Why is FNS Proposing to Remove the Requirement for Fortification?

We established the requirement that only fortified VPP be used as an additional safeguard to further assure that children received adequate nutrients. We now can remove this requirement as the additional fortification is unnecessary. In fact, scientific evidence indicates that unrestricted use of *fortified* APP could actually result in excessive intakes of iron and zinc.

Eliminating the requirement on fortification would allow the food industry to directly market their existing products to schools and sponsors as they would no longer need to develop and maintain a special product exclusively for the CN Programs. This would reduce the burden on the food manufacturing industry. Schools and institutions would have a greater selection of products to incorporate into their menus to assist them with meeting our nutrition goals as well with cost effectiveness.

Why is FNS Proposing a Different Test for Protein Quality?

Currently, a Protein Efficiency Ratio (PER) is the only method for protein quality evaluation specified in our regulations. We permitted use of other tests on an exception basis only if the test provided similar information and results as the PER method. The PER method was, at the time of publication of current regulations, in agreement with FDA's prescribed method of determining protein quality. However, in 1993, FDA revised its regulations to require use of the Protein Digestibility Corrected Amino Acid Score (PDCAAS) for all ages except for infants. For children under one, PER remains the best method.

In addition to being more accurate, efficient, and less costly, PDCAAS has generally been recognized as the most appropriate for evaluating protein quality. In order to achieve consistency with FDA regulations and to reflect the latest scientific advances, we are proposing that PDCAAS be our standard method of determining protein quality for APP. Should FDA accept or require

another test in the future, we will update our regulations to reflect that change.

As we noted, the PER test is still the preferred method for determining protein quality of APP for infants. We are not, however, requiring that the PER test be conducted as our infant meal pattern is based on specific foods, not the more general food components. Consequently, menu planners are unlikely to offer APP to infants.

Will Protein Quality be Compromised?

In considering possible changes to current requirements, we were concerned about protein quality given the unrestricted levels of APP in food items. There is general scientific agreement that protein quality need not be a major concern, provided that fluid milk continues to be a part of the CN Programs. A study conducted by Reeds and Stuff in 1993 compared meals with several combinations of meat and plant-based proteins. That study found both the protein and specific amino acid contribution of meatless lunches that included milk was adequate. Since fluid milk continues to be a requirement for all menu planning approaches, we do not believe that protein quality poses any significant problems.

There is, however, a current proliferation of protein isolates being developed by the food industry, some of which may be very low in protein quality. Consequently, we intend to maintain a requirement that protein quality of an APP be determined through testing. Further, in order to maintain protein quality, we are not proposing to change the requirement for APP that the biological quality of the protein in the APP be at least 80 percent that of casein (milk protein). This is the established benchmark for a high quality protein product.

In the interests of further maintaining protein quality, we are also retaining the requirement that the protein content of the fully hydrated APP be a minimum of 18 percent by weight. We also retained the requirement that the equivalent of 18 percent protein be provided for dry or partially hydrated forms. The 18 percent protein requirement, use of a more accurate test to determine the protein quality, and requiring a 80 percent PDCAAS score as compared to casein for an acceptable APP all combine to assure the quality of the food items offered to participating children.

How Will Schools and Institutions Know if the APP Meet the Requirements?

We currently require that VPP be labeled in accordance with regulations

published by the Food and Drug Administration (FDA). These regulations have since been withdrawn, so we are removing any provisions related to the FDA regulations.

In order to assure that APP used in our programs meet the protein quality standards, we are proposing that manufacturers document that their products meet the following requirements:

1. the APP is processed so that some portion of the non-protein constituents of the food is removed;
2. the biological quality of the protein in the alternate protein product must be at least 80 percent that of casein, determined by performing a Protein Digestibility Corrected Amino Acid Score (PDCAAS); and
3. the APP contains at least 18 percent protein by weight when fully hydrated or formulated.

We are not specifying the form of documentation required. For example, the manufacturer could provide specification sheets, a letter attesting the requirements were met, or could put a label on the product. While we want to assure that the APP used in our programs meet our nutritional standards, we do not want to impose a burden on manufacturers to individually label their products unless they choose to do so.

What APP Will Be Used in the CN Programs?

Currently, the most widely used type of APP used in our programs are soy-based. Because this proposed rule will increase the varieties of products that could be used, we are particularly interested in learning what sorts of APP are available and how they could be used in our programs as well as any future trends for APP. This information will assist us in developing any guidance that may be needed for schools and institutions on how APP can be used to meet all or part of the meat/meat alternate component of the food-based menu planning approaches.

What Technical Amendments Are Being Proposed?

The flexibility provided to school food authorities participating in the NSLP under Appendix A, Alternate Foods for Meals, Alternate Protein Products (formerly entitled "Vegetable Protein Products") (7 CFR part 210, Appendix A) has always been extended to the School Breakfast Program. This rule proposes to formalize this flexibility by adding to 7 CFR Part 220, Appendix A, a new section entitled "Alternate Protein Products."

We are also using this opportunity to redraft the section on APP in Appendix A to each part in plain language as directed by the Vice President.

Therefore, the paragraphs in each Appendix A on APP to each section are reorganized for clarity as well as amended to reflect the revisions discussed in this preamble. We would appreciate comments on the format and on other ways in which we can make this information more useful to those who apply these provisions.

Executive Order 12866

This proposed rule has been determined to be non-significant and is not subject to review by the Office of Management and Budget under Executive Order 12866.

Public Law 104-4

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA), Pub. L. 104-4, establishes requirements for Federal agencies to assess the effects of their regulatory actions on State, local, and tribal governments and the private sector. Under section 202 of the UMRA, the Food and Nutrition Service (FNS) generally prepares a written statement, including a cost-benefit analysis, for proposed and final rules with "Federal mandates" that may result in expenditures to State, local, or tribal governments, in the aggregate, or to the private sector, of \$100 million or more in any one year. When such a statement is needed for a rule, section 205 of the UMRA generally requires FNS to identify and consider a reasonable number of regulatory alternatives and adopt the least costly, more cost-effective or least burdensome alternative that achieves the objectives of the rule.

This proposed rule contains no Federal mandates (under regulatory provisions of Title II of the UMRA) for State, local, and tribal governments or the private sector of \$100 million or more in any one year. Thus, this proposed rule is not subject to the requirements of sections 202 and 205 of the UMRA.

Regulatory Flexibility Act

This proposed rule has been reviewed with regard to the requirements of the Regulatory Flexibility Act (5 U.S.C. 601 through 612). The Administrator of FNS has certified that this rule will not have a significant economic impact on a substantial number of small entities. First, there are relatively few companies

that supply alternate protein products to the Child Nutrition Programs. Secondly, removing the fortification requirement eliminates the burden on manufacturers to develop and market a product specially for use in the Child Nutrition Programs. Lastly, menu planners would have greater flexibility to incorporate alternate protein products into their menus along with the traditional protein sources of meat, poultry and seafood.

Executive Order 12372

The National School Lunch Program and the School Breakfast Program are listed in the Catalog of Federal Domestic Assistance under Nos. 10.555 and 10.553, respectively. The Child and Adult Care Food Program and the Summer Food Service Program are listed under Nos. 10.558 and No. 10.559, respectively. Each is subject to the provisions of Executive Order 12372 which requires intergovernmental consultation with State and local officials. (7 CFR Part 3015, Subpart V and final rule related notice at 48 FR 29112, June 24, 1983.)

Executive Order 12988

This proposed rule has been reviewed under Executive Order 12988, Civil Justice Reform. This proposed rule is intended to have preemptive effect with respect to any State or local laws, regulations or policies which conflict with its provisions or which would otherwise impede its full implementation. This proposed rule is not intended to have retroactive effect unless so specified in the **EFFECTIVE DATE** section of this preamble. Prior to any judicial challenge to the provisions of this proposed rule or the application of the provisions, all applicable administrative procedures must be exhausted. This includes any administrative procedures provided by State or local governments and, for disputes involving procurements by State agencies and sponsors, any administrative appeal procedures to the extent required by 7 CFR Part 3016.

In the National School Lunch Program and School Breakfast Program, the administrative procedures are set forth under the following regulations: (1) school food authority appeals of State agency findings as a result of an administrative review must follow State agency hearing procedures as established pursuant to 7 CFR § 210.18(q); (2) school food authority appeals of FNS findings as a result of an administrative review must follow FNS hearing procedures as established pursuant to 7 CFR § 210.30(d)(3); and (3) State agency appeals of State Administrative Expense fund sanctions

(7 CFR § 235.11(b)) must follow FNS Administrative Review Process as established pursuant to 7 CFR § 235.11(f).

In the Summer Food Service Program, the administrative procedures are set forth under the following regulations: (1) program sponsors and food service management companies must follow State agency hearing procedures issued pursuant to 7 CFR § 225.13; and (2) disputes involving procurement by State agencies and sponsors must follow administrative appeal procedures to the extent required by 7 CFR § 225.17 and 7 CFR Part 3015.

In the Child and Adult Care Food Program, the administrative procedures are set forth under the following regulations: (1) institution appeal procedures in 7 CFR § 226.6(k); and (2) disputes involving procurement by State agencies and institutions must follow administrative appeal procedures to the extent required by 7 CFR § 226.22 and 7 CFR 3015.

Paperwork Reduction Act

This proposed rule contains no new paperwork burdens or information collection requirements which are subject to review by the Office of Management and Budget under the Paperwork Reduction Act of 1995 (44 U.S.C. 3507).

References/Sources

1. Vernon R. Young; "Soy Protein in Relation to Human Protein and Amino Acid Nutrition"; *Journal of the American Dietetic Association*; 1991.
2. Peter Reeds, Janice Stuff; "Protein Quality and Amino Acid Requirements of Children"; USDA/ARS Children's Nutrition Research Center; 1993.
3. Joanne Slavin; "Nutritional Benefits of Soy Protein and Soy Fiber"; *Journal of the American Dietetic Association*; 1991.
4. Mark Messina, Virginia Messina; *SoyFacts, Soy Foods and Iron*; Number 6.
5. T. H. Bothwell, F. M. Clydesdale, J. D. Cook et al; *Report of the International Nutritional Anemia Consultative Group (INACG)*; Nutrition Foundation, Washington, DC.
6. J. D. Cook; "Adaptation in Iron Metabolism"; *American Journal of Clinical Nutrition*; 1990.

1. *The Soy Connection. Health and Nutrition News about Soy*; Volume 1, Number 3; United Soybean Board, Chesterfield, MO, 63017.

List of Subjects

7 CFR Part 210

Children, Commodity School Program, Food assistance programs, Grants programs-social programs, National School Lunch Program, Nutrition, Reporting and recordkeeping

requirements, Surplus agricultural commodities.

7 CFR Part 220

Children, Food assistance programs, Grant programs-social programs, Nutrition, Reporting and recordkeeping requirements, School Breakfast Program.

7 CFR Part 225

Food and Nutrition, Food assistance programs, Grant programs-health, Infants and children, Labeling, Reporting and recordkeeping requirements.

7 CFR Part 226

Accounting, Aged, Day care, Food and Nutrition Service, Food assistance programs, Grant programs, Grant programs—health, Indians, Individuals with disabilities, Infants and children, Intergovernmental relations, Loan programs, Reporting and recordkeeping requirements, Surplus agricultural commodities.

Accordingly, 7 CFR Parts 210, 220, 225 and 226 are proposed to be amended as follows:

PART 210—NATIONAL SCHOOL LUNCH PROGRAM

1. The authority citation for 7 CFR part 210 continues to read as follows:

Authority: 42 U.S.C. 1751–1760, 1779.

2. In § 210.10, amend the first sentence of paragraph (k)(3)(i) by removing the words "Vegetable protein products" and adding the words "Alternate protein products" in their place.

3. In § 210.10a, amend the first sentence of paragraph (d)(2)(i) by removing the words "Vegetable protein products" and adding the words "Alternate protein products" in their place.

4. In Appendix A to part 210, entitled Alternate Foods for Meals, revise the undesignated centerheading "Enriched Macaroni Products with Fortified Protein" to read "I. Enriched Macaroni Products with Fortified Protein."

5. In Appendix A to part 210, entitled Alternate Foods for Meals, revise the section entitled "Vegetable Protein Products" to read as follows:

Appendix A to Part 210—Alternate Foods for Meals

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II. Alternate Protein Products

A. *What are the Criteria for Alternate Protein Products (APP) Used in the National School Lunch Program?*

1. An alternate protein product used in meals planned under the food-based menu

planning approaches in § 210.10(k) or § 210.10a, whichever is applicable, must meet all of the criteria in this section.

2. An alternate protein product whether used alone or in combination with meat, poultry or seafood must meet the following criteria:

a. The alternate protein product must be processed so that some portion of the non-protein constituents of the food is removed. These alternate protein products must be safe and suitable edible products produced from plant or animal sources.

b. The biological quality of the protein in the alternate protein product must be at least 80 percent that of casein, determined by performing a Protein Digestibility Corrected Amino Acid Score (PDCAAS).

c. The alternate protein product must contain at least 18 percent protein by weight when fully hydrated or formulated. ("When hydrated or formulated" refers to a dry alternate protein product and the amount of water, fat, oil, colors, flavors or any other substances which have been added).

d. Manufacturers supplying an alternate protein product to participating schools or institutions must provide documentation that the product meets the criteria in paragraphs a. through c above.

e. Manufacturers should provide information on the percent protein contained in the dry alternate protein product and on an as prepared basis.

f. For an alternate protein product mix, manufacturers provide information on:

- (1) the amount by weight of dry alternate protein product in the package;
- (2) hydration instructions; and
- (3) instructions on how to combine the mix with meat, poultry or seafood.

B. How are Alternate Protein Products Used in the National School Lunch Program?

1. Schools, institutions, and service institutions may use alternate protein products to fulfill all or part of the meat/meat alternate component discussed in § 210.10 or § 210.10a, whichever is applicable.

2. The following terms and conditions apply:

a. The alternate protein product may be used alone or in combination with other food ingredients. Examples of combination items are beef patties, beef crumbles, pizza topping, meat loaf, meat sauce, taco filling, burritos, and tuna salad.

b. Alternate protein products may be used in the dry form (nonhydrated), partially hydrated or fully hydrated form. The moisture content of the fully hydrated alternate protein product (if prepared from a dry concentrated form) must be such that the mixture will have a minimum of 18 percent protein by weight or equivalent amount for the dry or partially hydrated form (based on the level that would be provided if the product were fully hydrated).

C. How are Commercially Prepared Products Used in the National School Lunch Program?

Schools, institutions, and service institutions may use a commercially prepared meat, poultry or seafood product combined with alternate protein products or use a commercially prepared product that contains only alternate protein products.

PART 220—SCHOOL BREAKFAST PROGRAM

1. The authority citation for 7 CFR part 220 continues to read as follows:

Authority: 42 U.S.C. 1773, 1779, unless otherwise noted.

2. In Appendix A to part 220, entitled Alternate Foods for Meals, revise the undesignated centerheading "Formulated Grain-Fruit Products" to read "I. Formulated Grain-Fruit Products".

3. Add a new section to Appendix A of part 220 entitled, "II. Alternate Protein Products" following the table at the end of the Appendix to read as follows:

Appendix A to Part 220—Alternate Foods for Meals

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II. Alternate Protein Products

A. What are the Criteria for Alternate Protein Products (APP) Used in the National School Breakfast Program?

1. An alternate protein product used in meals planned under the food-based menu planning approaches in § 220.8(g) or § 220.8a, whichever is applicable, must meet all of the criteria in this section.

2. An alternate protein product whether used alone or in combination with meat, poultry or seafood must meet the following criteria:

a. The alternate protein product must be processed so that some portion of the non-protein constituents of the food is removed. These alternate protein products must be safe and suitable edible products produced from plant or animal sources.

b. The biological quality of the protein in the alternate protein product must be at least 80 percent that of casein, determined by performing a Protein Digestibility Corrected Amino Acid Score (PDCAAS).

c. The alternate protein product must contain at least 18 percent protein by weight when fully hydrated or formulated. ("When hydrated or formulated" refers to a dry alternate protein product and the amount of water, fat, oil, colors, flavors or any other substances which have been added).

d. Manufacturers supplying an alternate protein product to participating schools or institutions must provide documentation that the product meets the criteria in paragraphs a through c above.

e. Manufacturers should provide information on the percent protein contained in the dry alternate protein product and on an as prepared basis.

f. For an alternate protein product mix, manufacturers provide information on:

- (1) the amount by weight of dry alternate protein product in the package;
- (2) hydration instructions; and
- (3) instructions on how to combine the mix with meat, poultry or seafood.

B. How are Alternate Protein Products Used in the National School Breakfast Program?

1. Schools, institutions, and service institutions may use alternate protein products to fulfill all or part of the meat/meat alternate component discussed in § 220.8 or § 220.8a, whichever is applicable. The following terms and conditions apply:

a. The alternate protein product may be used alone or in combination with other food ingredients. Examples of combination items are beef patties, beef crumbles, pizza topping, meat loaf, meat sauce, taco filling, burritos, and tuna salad.

b. Alternate protein products may be used in the dry form (nonhydrated), partially hydrated or fully hydrated form. The moisture content of the fully hydrated alternate protein product (if prepared from a dry concentrated form) must be such that the mixture will have a minimum of 18 percent protein by weight or equivalent amount for the dry or partially hydrated form (based on the level that would be provided if the product were fully hydrated).

C. How are Commercially Prepared Products used in the National School Breakfast Program?

Schools, institutions, and service institutions may use a commercially prepared meat, poultry or seafood product combined with alternate protein products or use a commercially prepared product that contains only alternate protein products.

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PART 225-SUMMER FOOD SERVICE PROGRAM

1. The authority citation for 7 CFR Part 225 continues to read as follows:

Authority: Secs. 9, 13 and 14, National School Lunch Act, as amended (42 U.S.C. 1758, 1761 and 1762a).

2. In 225.16, amend the first sentence of paragraph (f)(3) by removing the words "Textured vegetable" and adding the word "alternate" in their place.

3. Revise Appendix A to Part 225, entitled Alternate Foods for Meals, to read as follows:

Appendix A to Part 225—Alternate Foods for Meals

Alternate Protein Products

A. What are the Criteria for Alternate Protein Products (APP) Used in the Summer Food Service Program?

1. An alternate protein product used in meals planned under the provisions in § 225.16 must meet all of the criteria in this section.

2. An alternate protein product whether used alone or in combination with meat, poultry or seafood must meet the following criteria:

a. The alternate protein product must be processed so that some portion of the non-protein constituents of the food is removed. These alternate protein products must be safe and suitable edible products produced from plant or animal sources.

b. The biological quality of the protein in the alternate protein product must be at least 80 percent that of casein, determined by performing a Protein Digestibility Corrected Amino Acid Score (PDCAAS).

c. The alternate protein product must contain at least 18 percent protein by weight when fully hydrated or formulated. ("When hydrated or formulated" refers to a dry alternate protein product and the amount of water, fat, oil, colors, flavors or any other substances which have been added).

d. Manufacturers supplying an alternate protein product to participating schools or institutions must provide documentation that the product meets the criteria in paragraphs a through c above.

e. Manufacturers should provide information on the percent protein contained in the dry alternate protein product and on an as prepared basis.

f. For an alternate protein product mix, manufacturers provide information on:

- (1) the amount by weight of dry alternate protein product in the package;
- (2) hydration instructions; and
- (3) instructions on how to combine the mix with meat, poultry or seafood.

B. How are Alternate Protein Products Used in the Summer Food Service Program?

1. Schools, institutions, and service institutions may use alternate protein products to fulfill all or part of the meat/meat alternate component discussed in § 225.20.

2. The following terms and conditions apply:

a. The alternate protein product may be used alone or in combination with other food ingredients. Examples of combination items are beef patties, beef crumbles, pizza topping, meat loaf, meat sauce, taco filling, burritos, and tuna salad.

b. Alternate protein products may be used in the dry form (nonhydrated), partially hydrated or fully hydrated form. The moisture content of the fully hydrated alternate protein product (if prepared from a dry concentrated form) must be such that the mixture will have a minimum of 18 percent protein by weight or equivalent amount for the dry or partially hydrated form (based on the level that would be provided if the product were fully hydrated).

C. How are Commercially Prepared Products Used in the Summer Food Service Program?

Schools, institutions, and service institutions may use a commercially prepared meat, poultry or seafood product combined with alternate protein products or use a commercially prepared product that contains only alternate protein products.

PART 226—CHILD AND ADULT CARE FOOD PROGRAM

1. The authority citation for 7 CFR 225 continues to read:

Authority: Secs. 9, 11, 14, 16, and 17, National School Lunch Act, as amended (42 U.S.C. 1758, 1759a, 1762a, 1765, and 1766).

2. Revise Appendix A to Part 226, entitled Alternate Foods for Meals, to read as follows:

Appendix A to Part 226—Alternate Foods for Meals

Alternate Foods for Meals

A. What are the Criteria for Alternate Protein Products (APP) Used in the Child and Adult Care Food Program?

1. An alternate protein product used in meals planned under the provisions in § 226.20 must meet all of the criteria in this section.

2. An alternate protein product whether used alone or in combination with meat, poultry or seafood must meet the following criteria:

a. The alternate protein product must be processed so that some portion of the non-protein constituents of the food is removed. These alternate protein products must be safe and suitable edible products produced from plant or animal sources.

b. The biological quality of the protein in the alternate protein product must be at least 80 percent that of casein, determined by performing a Protein Digestibility Corrected Amino Acid Score (PDCAAS).

c. The alternate protein product must contain at least 18 percent protein by weight when fully hydrated or formulated. ("When hydrated or formulated" refers to a dry alternate protein product and the amount of water, fat, oil, colors, flavors or any other substances which have been added).

d. Manufacturers supplying an alternate protein product to participating schools or institutions must provide documentation that the product meets the criteria in paragraphs a through c above.

e. Manufacturers should provide information on the percent protein contained in the dry alternate protein product and on an as prepared basis.

f. For an alternate protein product mix, manufacturers provide information on:

- (1) the amount by weight of dry alternate protein product in the package;
- (2) hydration instructions; and
- (3) instructions on how to combine the mix with meat, poultry or seafood.

B. How are Alternate Protein Products Used in the Child and Adult Care Food Program?

1. Schools, institutions, and service institutions may use alternate protein products to fulfill all or part of the meat/meat alternate component discussed in § 226.20.

2. The following terms and conditions apply:

a. The alternate protein product may be used alone or in combination with other food ingredients. Examples of combination items are beef patties, beef crumbles, pizza topping, meat loaf, meat sauce, taco filling, burritos, and tuna salad.

b. Alternate protein products may be used in the dry form (nonhydrated), partially hydrated or fully hydrated form. The moisture content of the fully hydrated alternate protein product (if prepared from a dry concentrated form) must be such that the mixture will have a minimum of 18 percent protein by weight or equivalent amount for the dry or partially hydrated form (based on the level that would be provided if the product were fully hydrated).

C. How are Commercially Prepared Products Used in the Child and Adult Care Food Program?

Schools, institutions, and service institutions may use a commercially prepared meat, poultry or seafood product combined with alternate protein products or use a commercially prepared product that contains only alternate protein products.

Dated: July 14, 1999.

Samuel Chambers, Jr.,

Administrator, Food and Nutrition Service.

[FR Doc. 99-18433 Filed 7-19-99; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 99-NM-92-AD]

RIN 2120-AA64

Airworthiness Directives; Bombardier Model CL-600-2B19 (Regional Jet Series 100) Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the adoption of a new airworthiness directive (AD) that is applicable to certain Bombardier Model CL-600-2B19 (Regional Jet Series 100) series airplanes. This proposal would require removal of the insulation blankets surrounding the emergency overwing exit hatches. This proposal is prompted by issuance of mandatory continuing airworthiness information by a foreign civil airworthiness authority. The actions specified by the proposed AD are intended to prevent the freezing of moisture entrapped in the fiberglass/foam insulation installed on the fuselage structure between the overwing exit door and the fuselage door frame and intercostal, which could interfere with the opening of the overwing emergency exit hatches during an emergency evacuation of the airplane.

DATES: Comments must be received by August 19, 1999.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM-114, Attention: Rules Docket No. 99-NM-92-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056. Comments may be inspected at this location between 9 a.m. and 3 p.m., Monday through Friday, except Federal holidays. The service information referenced in the proposed rule may be