fewer revenue dollars are available to offset increases in operating expenses. In FY 1993, MGC Branch employees graded or certified 23,445,219,703 pounds of meat at an average of 49,902 pounds per revenue hour. In FY 1997, MGC Branch employees graded or certified 33,029,179,286 pounds of meat at an average of 73,699 pounds per revenue hour. While the average number of pounds graded and certified per hour have increased, the total number of revenue hours generated by Branch employees decreased from 469,819 in FY 1993 to 448,162 in FY 1997. In FY 1997, the program had a net operating loss of $737,000. If revenues remain constant and costs continue to increase, program operating costs are projected to exceed total revenue by $1,519,000 in FY 1998 and $2,124,000 in FY 1999.

Since 1993, in an effort to control overhead costs, the MGC Branch has closed three field offices, reduced mid-level supervisory staff by 43 percent, and reduced the number of support staff by 29 percent. At the same time, the MGC Branch has become more reliant on automated information management systems for data collection and dissemination, account billing, and disbursements of employee entitlements. The reduction of field offices, supervisory staff, and support personnel and the increased reliance on automated systems enabled the MGC Branch to absorb increased operating costs in 1994, 1995, 1996, and 1997.

Despite the cost reduction efforts, the decrease in revenue hours plus the increase in salaries, nonsalary operating costs, and CONUS per diem rates have already resulted in a net operating loss for FY 1997, and will result in a net operating loss for FY 1998. Such operating deficits can only be balanced by adjusting the hourly fee rate charged to users of the service. Any further reduction in personnel, services, or management infrastructure beyond those already implemented would have a detrimental effect on the program's ability to provide meat grading and certification services and support the accurate and uniform application of such services.

In view of these considerations, the Agency proposes to increase the base hourly rate commitment applicants pay for voluntary Federal meat grading and certification services from $36.60 to $39.80. A commitment applicant is a user of the service who agrees, by commitment or agreement memorandum, to use meat grading and certification services for 8 consecutive hours per day, Monday through Friday, between the hours of 6 a.m. and 6 p.m., excluding legal holidays. The base hourly rate noncommitment applicants would pay for voluntary Federal meat grading and certification services would increase from $39.00 to $42.20, and would be charged to applicants who utilize the service for 8 consecutive hours or less per day, Monday through Friday, between the hours of 6 a.m. and 6 p.m., excluding legal holidays. The premium hourly rate for all applicants would increase from $44.60 to $47.80, and would be charged to users of the service for the hours worked in excess of 8 hours per day between the hours of 6 a.m. and 6 p.m.; for hours worked between 6 p.m. and 6 a.m., Monday through Friday; and for any time worked on Saturday and Sunday, except on legal holidays. The holiday rate for all applicants would increase from $73.20 to $79.60, and would be charged to users of the service for all hours worked on legal holidays.

List of Subjects in 7 CFR Part 54

Food grades and standards, Food labeling, Meat and meat products.

For the reasons set forth in the preamble, 7 CFR part 54 is amended as follows:

PART 54—MEATS, PREPARED MEATS, AND MEAT PRODUCTS (GRADING, CERTIFICATION, AND STANDARDS)

1. The authority citation for part 54 continues to read as follows:

Authority: 7 U.S.C. 1621–1627.

§ 54.27 [Amended]

2. In § 54.27, paragraph (a), ''$39.00'' is removed and ''$42.20'' is added in its place, ''$44.60'' is removed and ''$47.80'' is added in its place, ''$73.20'' is removed ''$79.60'' is added in its place, and in paragraph (b), ''$36.60'' is removed and ''$39.80'' is added in its place, ''$44.60'' is removed and ''$47.80'' is added in its place, and ''$73.20'' is removed and ''$79.60'' is added in its place.

Barry L. Carpenter,

Deputy Administrator, Livestock and Seed Program.

[FR Doc. 97–34095 Filed 12–30–97; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF AGRICULTURE

Food and Consumer Service

7 CFR Part 246

RIN 0584–AC59

Special Supplemental Nutrition Program for Women, Infants and Children (WIC): WIC Cereal Sugar Limit and Food Package Review

AGENCY: Food and Consumer Service, USDA.

ACTION: Notice of Intent to propose rulemaking; withdrawal.

SUMMARY: The Department published a **Federal Register** Notice of Intent on March 18, 1996 soliciting public comments on whether the existing Federal 6-gram sugar limit for WIC-eligible adult cereals should be changed. The 90-day comment period ended on June 17, 1996. USDA received 731 letters from a total of 878 commenters, representing a wide range of interested parties. The majority—809 commenters—expressed support for the continuation of the 6-gram sugar limit unchanged. In addition, several commenters suggested that USDA conduct a comprehensive review of the WIC food packages rather than focus on the single issue of the sugar content of WIC-eligible adult cereals.

The purpose of this Notice of Intent is to summarize the public comments received in response to the earlier Notice of intent and to announce the Department's intent to review the WIC food packages and recommend refinements that would best serve WIC Program objectives. USDA's Center for Nutrition Policy and Promotion will be spearheading this effort in conjunction with the Food and Consumer Service. Until this review is completed, the Department will not make any decisions about whether to propose a regulatory change in the Federal sugar cap for WIC-eligible adult cereals. Therefore, the current requirement that WIC-eligible adult cereals made available to women and child participants must contain no more than 21.2 grams of sucrose and other sugars per 100 grams of dry cereal (i.e., 6 grams of sugar per dry ounce of cereal) remains in effect.

FOR FURTHER INFORMATION CONTACT: Barbara Hallman, Branch Chief, Policy and Program Development Branch, Supplemental Food Programs Division, Food and Consumer Service, USDA, 3101 Park Center Drive, Room 542, Alexandria, Virginia 22302, (703) 305–2730.

SUPPLEMENTARY INFORMATION:

Executive Order 12866

This Notice of Intent has been determined to be significant for purposes of Executive Order 12866 and therefore has been reviewed by the Office of Management and Budget.

Regulatory Flexibility Act

This action is not a rule as defined by the Regulatory Flexibility Act (5 U.S.C 601–612) and thus is exempt from the provisions of this Act.

Paperwork Reduction Act

This Notice of Intent does not contain reporting or recordkeeping requirements subject to approval by the Office of Management and Budget in accordance with the Paperwork Reduction Act of 1995 (44 USC 3507).

Executive Order 12372

This program is listed in the Catalog of Federal Domestic Assistance Programs under No. 10.557 and 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 of Intent published June 24, 1983 (48 FR 29114)].

Background

The Department's March 18, 1996 **Federal Register** Notice of Intent provided an overview of the different WIC food packages for women and child participants. These packages make available adult cereals that contain at least 28 milligrams of iron and no more than 21.2 grams of sucrose and other sugars (i.e., 6 grams of sugar per dry ounce of cereal) per 100 grams of dry cereal. The Notice of Intent summarized how this 6-gram sugar limit for WIC-eligible adult cereals (hereinafter called ''WIC cereals'') was established as a Federal requirement in 1980 through the rulemaking process. A complete recap of the sequence of events leading up to the development of the 6-gram sugar limit can be found in the March 18, 1996 Notice of Intent at 61 FR 10903.

In the Notice of Intent, as part of its continuing obligation to assure that Federal policies governing WIC nutritional standards are scientifically sound, the Department asked the public to comment on whether the 6-gram sugar limit should be retained as a Federal requirement for WIC cereals. The Department indicated in the Notice of Intent that, with the exception of dental caries, recent scientific studies fail to clearly document an association between sugar consumption and an increased risk of developing chronic diseases. Therefore, the Notice of Intent solicited public comments to assist the Department in making a decision about whether to embark on a proposed change to the Federal regulations governing the sugar limit for WIC cereals.

The Department encouraged commenters to respond on how the current WIC cereal sugar limit should be revised, if a change in regulations was deemed appropriate. The Notice of Intent at 61 FR 10907 cited the following different positions that commenters were anticipated to take on this issue:

- Retain the current 6-gram sugar limit unchanged, counting all sugar, both naturally occurring and added, as part of the total sugar content of the cereal.
- Set a new sugar limit, either higher or lower than the current 6-gram level.
- Revise the 6-gram sugar limit to represent only the amount of sugar added during the manufacturing of a cereal, representing either a separate ingredient (e.g., table sugar, corn syrup, brown sugar, honey, and maltodextrin) or a separate component of a processed or man-made ingredient (e.g., marshmallow and caramel), and exclude the naturally occurring, inherent sugar in the cereal (e.g., sugars in grains, dried fruits, and nonfat dry milk).
- Eliminate the Federal sugar limit for WIC cereals.

The Notice of Intent further stated that commenters need not restrict their views to one of these options, but could also pose other alternatives. In addition, the Department urged commenters to discuss both the pros and cons of their recommendations as they specifically apply to the low-income, nutritionally at-risk WIC population. The Department also sought public views on how a change would impact WIC Program operations, such as the provision of nutrition education. Further, the Notice of Intent solicited feedback from the public on whether they believed that the 6-gram limit provided an adequate range of choices for both WIC agencies and participants, consistent with the nutritional purposes of the WIC Program.

Comment Analysis

The March 18, 1996 Notice of Intent had a 90-day comment period, which closed on June 17, 1996. USDA received 731 letters with a postmark of June 17 or earlier from a total of 878 commenters. Commenters represented a wide range of interested parties: the WIC community; professional nutrition/health care providers and associations; members of Congress and State/local government officials; industry and related private support groups; public interest groups; and the general public. There was strong consensus among the overwhelming majority of commenters that the current cereal sugar limit continues to be appropriate for the low-income, nutritionally at-risk WIC population.

Of the 878 commenters, 809 supported retaining the current 6-gram sugar limit for WIC cereals. Supporters included, but were not limited to: the 33 WIC State agency directors who responded; 28 of the other 30 WIC State agency staff who responded; the National Association of WIC Directors; the 8 State/local WIC associations or coalitions that responded; 281 of the 308 WIC local agency directors and their staff who responded; 26 of 29 professional health/nutrition-related groups that responded, such as the American Dental Association and affiliated State dental societies/associations in California, Illinois, Iowa, Oregon, South Dakota, Texas, and Washington, the American Association of Public Health Dentistry, the American Dietetic Association and its affiliated State chapter in Maine, the Association of State and Territorial Public Health Nutrition Directors, the Society for Nutrition Education, the Association of Maternal and Child Health Programs, the American Public Health Association, and the American Academy of Pediatrics and its affiliated State chapter in Montana; 325 of the 341 individual nutrition/health professionals (mostly dentists, physicians and nutritionists) who responded; 21 of 24 members of Congress who responded before the due date; 2 of the 3 national cereal manufacturers that responded; and the 17 public interest groups that responded, such as the Food Research and Action Center, the Center on Budget and Policy Priorities, the Center for Science in the Public Interest, Public Voice for Food and Health Policy, Bread for the World, and the Migrant Legal Action Program, Inc.

Seven commenters suggested that USDA establish a lower sugar limit for WIC cereals. In most cases, their recommendations reflected general acceptance of the 6-gram sugar limit, but expressed a preference for an even lower sugar level. Three commenters wanted a modest 1–2 gram increase in the current sugar limit, or up to a maximum of 8 grams per dry ounce of cereal.

Twenty-seven commenters recommended that the current 6-gram limit be redefined to count only the

added sugars and to discount naturally occurring sugars found in cereal grains and ingredients, such as dried fruits. This group of commenters included: 1 WIC State agency staff person; 21 WIC local agency directors or their staff; 1 professional nutrition/health-related group, the American Heart Association; 1 non-WIC health/research facility; and 3 individual nutrition/health professionals or educators.

Twenty-six commenters favored a complete elimination of a sugar limit, of whom: 1 was a WIC local agency staff person; 2 represented the professional nutrition/health-related group known as the American Council on Science and Health; 7 were individual nutrition/health professionals or educators; 3 represented a non-WIC health/research facility; 12 represented the cereal, raisin or sugar industries and related private support groups; and 1 was a State official.

The Department classified 11 of the commenters, including 3 members of Congress, as expressing ''other'' points of view for one of the following reasons: they did not clearly state a preference for one of the options concerning the WIC cereal sugar limit cited in the Notice of Intent; they expressed an opinion not related to any option; or they wrote simply to provide information or make an inquiry, rather than to express an opinion about the sugar limit.

Five of the 878 commenters expressed two different positions in their letters (i.e., 4 commenters favored retaining or lowering the sugar limit and 1 commenter favored retaining or slightly raising the sugar limit). The dual positions of these 5 commenters were captured accordingly in the counts reported above.

As of April 4, 1997, USDA had received 166 more letters, representing 183 commenters, that were postmarked after the June 17, 1996 closing date. Late letters were read and considered by the Department, but were not included among the official counts cited above comprising the comment analysis. The majority of the late commenters expressed support for retaining the current sugar limit.

Discussion of Commenters' Opinions and Rationales

Eight hundred and fifty seven of the total 878 commenters who submitted letters during the 90-day comment expressed a preference to either retain, revise or eliminate the sugar limit. Presented below is a brief annotated list of commenters' major rationales related to each of these positions.

Position I: Retain the 6-Gram Sugar Limit Unchanged

Eight hundred and nine commenters expressed support for retaining unchanged the current sugar limit for WIC cereals. The current 6-gram sugar limit represents total grams of sugar contained in a 1-ounce serving of cereal. It includes grams of both naturally occurring and added sugars.

The total number of WIC State and local agency associations, directors and their staff and individual nutrition/health professionals who responded to the Notice of Intent represented about 728 commenters, of which approximately 680 argued against a change in the 6-gram WIC cereal sugar limit. Collectively, the main rationales the 809 commenters gave in defense of their position were:

Rationale 1: The 6-gram sugar limit is consistent with the Dietary Guidelines for Americans and the Food Guide Pyramid that recommend moderation in sugar intake.

Rationale 2: Including both naturally occurring and added sugar in the 6-gram sugar limit is consistent with the information displayed on Nutrition Facts panels of food labels that does not distinguish between naturally occurring or added sugars. Further, counting all sources of sugar in determining the total sugar content of a WIC cereal is appropriate because the human body cannot differentiate between the same types of sugar which are identical chemically whether they are naturally occurring or added.

Rationale 3: Greater amounts of sugar in WIC cereals would offer few if any nutritional benefits to WIC participants.

Rationale 4: The 6-gram sugar limit is consistent with WIC's mission to meet the special nutritional and health needs of a low-income, at-risk population.

Rationale 5: The 6-gram sugar limit represents an important nutrition standard for WIC foods and is relevant to WIC nutrition education goals.

Rationale 6: The 6-gram sugar limit provides an adequate range of cereal choices for WIC participants and State agencies.

Rationale 7: Numerous USDA reviews over several years (see 61 FR 10905) have concluded that the 6-gram sugar limit is an appropriate WIC food requirement.

Position II: Revise the 6-Gram Sugar Limit to Count Only Added Sugars

Twenty-seven commenters recommended that the 6-gram sugar limit be redefined to count only added sugars and exempt naturally occurring sugars in the grains and dried fruit ingredients. Collectively, the main rationales these 27 commenters gave in defense of their position were:

Rationale 1: Redefining the 6-gram sugar limit, to enable more cereals containing dried fruits to become WIC eligible, would be consistent with the Dietary Guidelines recommendation concerning eating more fruits and vegetables.

Rationale 2: Redefining the 6-gram sugar limit would increase the variety of WIC cereals and dried fruit adds beneficial nutrients to cereals, such as dietary fiber, magnesium and zinc.

Position III: Eliminate the 6-Gram Sugar Limit for WIC Cereals

Twenty-six commenters stated that the current sugar limit for WIC cereals should be abolished. Collectively, the main rationales these 26 commenters gave in defense of their position were:

Rationale 1: The 6-gram sugar limit restricts the variety of WIC cereals and is inconsistent with newer research findings indicating that sugar consumption is not clearly associated with an increased risk of chronic diseases, except dental caries.

Rationale 2: The 6-gram sugar limit is arbitrary and capricious and is not based upon scientific evidence.

Conclusion

The Department would like to express its appreciation to all of the commenters who responded to the March 18, 1996 Notice of Intent to share their insights and views about this issue. Several commenters expressing various positions on the sugar limit suggested that rather than focusing on only one requirement of the WIC foods, i.e., the sugar restriction for WIC cereals, USDA should consider whether all of the nutritional aspects of the WIC food packages are still appropriate for the WIC population. Therefore, USDA has decided to conduct a review of the overall WIC food packages. This review will examine the WIC food packages and recommend refinements that would best serve WIC Program objectives. The review will assure that the WIC food packages are consist with the fourth edition of the Dietary Guidelines for Americans jointly published by USDA and the U.S. Department of Health and Human Services in 1995, which was issued subsequent to the last review of the WIC food packages completed in 1992. Choosing a diet moderate in sugar content represents just one of the seven primary recommendations of the Dietary Guidelines. The Department believes that a more comprehensive assessment of the WIC food packages would be prudent at this time.

The USDA Center for Nutrition Policy and Promotion will be spearheading this effort in conjunction with the Food and Consumer Service. The Department expects to complete the WIC food package review by the summer of 1998. Until this review is completed, the Department will not make any decisions about whether to propose a regulatory change in the Federal sugar limit for WIC cereals. Consequently, the current Federal requirement that WIC cereals (hot or cold) made available to women and child participants must contain no more than 21.2 grams of sucrose and other sugars per 100 grams of dry cereal (i.e., 6 grams of sugar per dry ounce of cereal) remains in effect for an indefinite period of time.

Dated: December 17, 1997.

Shirley R. Watkins,

Under Secretary, Food, Nutrition and Consumer Services.

[FR Doc. 97–33844 Filed 12–30–97; 8:45 am]

BILLING CODE 3410–30–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 97–NM–191–AD]

RIN 2120–AA64

Airworthiness Directives; British Aerospace Model ATP 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 all British Aerospace Model ATP airplanes. This proposal would require revising the Airplane Flight Manual (AFM) to modify the limitation that prohibits positioning the power levers below the flight idle stop during flight, and to provide a statement of the consequences of positioning the power levers below the flight idle stop during flight. This proposal is prompted by incidents and accidents involving airplanes equipped with turboprop engines in which the ground propeller beta range was used improperly during flight. The actions specified by the proposed AD are intended to prevent loss of airplane controllability, or engine overspeed and consequent loss of engine power caused by the power levers being positioned below the flight idle stop while the airplane is in flight.

DATES: Comments must be received by January 30, 1998.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–103, Attention: Rules Docket No. 97–NM–191–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056. Comments may be inspected at this location between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Mark Quam, Aerospace Engineer, Standardization Branch, ANM–113, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (425) 227–2145; fax (425) 227–1149.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket Number 97–NM–191–AD.'' The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM–103, Attention: Rules Docket No. 97–NM–191–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

In recent years, the FAA has received reports of 14 incidents and/or accidents involving intentional or inadvertent operation of the propellers in the ground beta range during flight on airplanes equipped with turboprop engines. (For the purposes of this proposal, beta is defined as the range of propeller operation intended for use during taxi, ground idle, or reverse operations as controlled by the power lever settings aft of the flight idle stop.)

Five of the fourteen in-flight beta occurrences were classified as accidents. In each of these five cases, operation of the propellers in the beta range occurred during flight. Operation of the propellers in the beta range during flight, if not prevented, could result in loss of airplane controllability, or engine overspeed with consequent loss of engine power.

Communication between the FAA and the public during a meeting held on June 11–12, 1996, in Seattle, Washington, revealed a lack of consistency of the information on in-flight beta operation contained in the FAA-approved airplane flight manual (AFM) for airplanes that are not certificated for in-flight operation with the power levers below the flight idle stop. (Airplanes that are certificated for this type of operation are not affected by the above-referenced conditions.)

U.S. Type Certification of the Airplane

This airplane model is manufactured in the United Kingdom and is type certificated for operation in the United States under the provisions of Section 21.29 of the Federal Aviation Regulations and the applicable bilateral airworthiness agreement. The FAA has reviewed all available information, and determined that AD action is necessary for products of these type designs that are certificated for operation in the United States.

FAA's Determinations

The FAA has examined the circumstances and reviewed all available information related to the incidents and accidents described previously. The FAA finds that the Limitations Section of the AFM's for certain airplanes must be revised to prohibit positioning the power levers below the flight idle stop while the airplane is in flight, and to provide a statement of the consequences of positioning the power levers below the flight idle stop. The FAA has determined that the affected airplanes include those that are equipped with turboprop engines and that are not