

Estimate of the Information Collection Burden for the
Special Milk Program (OMB #0584-0005)

This document explains the calculation of the information collection burden for the Special Milk Program under OMB #0584-0005) as submitted for the renewal of the existing regulation. A notice was published in the Federal Register on August 25, 2008, at page 49983. No comments were received in response to the agency's notice.

Section 215.2 defines "School Food Authority (SFA)" as the governing body which is responsible for the administration of one or more schools and which has the legal authority to operate a milk program therein. The term "School Food Authority" also includes a nonprofit agency to which such governing body has delegated authority for the operation of a milk program in a school.

Sponsors referred to in this document mean child care institutions (CCIs) which are defined in Section 215.2 as any nonprofit nursery school, child care center, settlement house, summer camp, service institution participating in the Summer Food Program for Children, institution participating in the Child and Adult Care Food Program, or similar nonprofit institution devoted to the care and training of children. The term "child care institution" also includes a nonprofit agency to which such institution has delegated authority for the operation of a milk program in the institution.

AFFECTED PUBIC: STATE AGENCIES

REPORTING REQUIREMENTS

1. Section 215.5(a) requires that funds to be paid to any State shall be made available by means of Letters of Credit issued by FNS in favor of the State agency (SA). The State agency shall: (1) Obtain funds needed to reimburse School Food Authorities and child-care institutions through presentation by designated State officials of a Payment Voucher on Letter of Credit (Treasury Form GFO 7578) in accordance with procedures prescribed by FNS and approved by the U.S. Treasury Department; (2) submit requests for funds only at such times and in such amounts as will permit prompt payment of claims; (3) use the funds received from such requests without delay for the purpose for which drawn.

FNS estimates that there are 57 SAs that will each file 24 reports annually for a total of 1,368 responses ($57 \times 24 = 1,368$). The estimated average number of burden hours per response is 0.33 resulting in estimated total burden hours of 451.440 ($1,368 \times .033 = 451.440$).

2. Section 215.11(c)(2) requires that each SA shall also submit to FNS a quarterly Financial Status Report (SF-269) on the use of Program funds. Such reports shall be postmarked and/or submitted no later than 30 days after the end of each fiscal year quarter.

FNS estimates that there are 57 SAs that will each file 4 FNS-10 reports annually for a total of 228 responses ($57 \times 4 = 228$). The estimated average number of burden hours per response is 3 resulting in estimated total burden hours of 684 ($228 \times 3 = 684$).

3. Section 215.11(c)(2) requires that each SA shall also submit to FNS a quarterly Financial Status Report (SF-269) on the use of Program funds. Such reports shall be postmarked and/or submitted no later than 30 days after the end of each fiscal year quarter.

FNS estimates that there are 57 SAs that will each file 4 reports annually for a total of 228 responses ($57 \times 4 = 228$). The estimated average number of burden hours per response is 1.44 resulting in estimated total burden hours of 328.32 ($228 \times 1.44 = 328.32$).

4. Section 215.13(a) requires that, unless otherwise exempt, audits at the State and school food authority/child care institution levels shall be conducted in accordance with Office of Management and Budget Circular A-133 and the Department's implementing regulations.

FNS estimates that there are 35 SAs that will each file 1 report annually for a total of 35 responses ($35 \times 1 = 35$). The estimated average number of burden hours per response is 2 resulting in estimated total burden hours of 70 ($35 \times 2 = 70$).

5. Section 215.13(b) requires that each SA provide FNS with full opportunity to conduct management evaluations (including visits to schools and child-care institutions) of any operations of the State agency under the Program and shall provide OIG with full opportunity to conduct audits (including visits to schools and child-care institutions) of all operations of the SA under the Program. Each State agency is required to respond to USDA/ OIG audits of the SA and of school food authorities/sponsors under the SA's jurisdiction.

FNS estimates that there will be audits of 4 SAs that will each file 1 report annually for a total of 4 responses ($4 \times 1 = 4$). The estimated average number of burden hours per response is 3 resulting in estimated total burden hours of 12 ($4 \times 3 = 12$).

6. Section 215.16 that, whenever it is determined that a State agency has materially failed to comply with the provisions of this part, or with FNS guidelines and instructions, FNS may suspend or terminate the Program in whole, or in part, or take any other action as may be available and appropriate. A State agency may also terminate the Program by mutual agreement with FNS. FNS and the State agency shall

comply with the provisions of 7 CFR part 3016, concerning grant suspension, termination and closeout procedures.

FNS estimates that there will be 57 SAs that will each file 2 reports annually for a total of 114 responses ($2 \times 57 = 114$). The estimated average number of burden hours per response is 1.44 resulting in estimated total burden hours of 164.16 ($114 \times 1.44 = 164.12$).

RECORDKEEPING REQUIREMENTS

1. Section 215.7 mandates application/recordkeeping requirements for SFAs and child care institutions participating in the Special Milk Program. Each SFA or CCI shall make written application to the State agency, or FNSRO where applicable, for any school or child-care institution in which it desires to operate the Program, if such school or child-care institution did not participate in the Program in the prior fiscal year.

FNS estimates that there will be 57 SAs that will each file 142 reports annually for a total of 8,094.00 responses ($142 \times 57 = 8,094$). The estimated average number of burden hours per response is 0.575 resulting in estimated total burden hours of 4,654.00 ($8,094 \times 0.575 = 4,654.00$).

2. Section 215.11(b)(2) requires SAs to conduct visits to participating SFAs and CCIs to ensure compliance with Program regulations and with the Department's nondiscrimination regulations (part 15 of this title), issued under title VI of the Civil Rights Act of 1964.

FNS estimates that there will be 57 SAs that will each file 34 reports annually for a total of 1,938.00 responses ($34 \times 57 = 1,938$). The estimated average number of burden hours per response is 1.1012 resulting in estimated total burden hours of 2,134.126 ($1,938 \times 1.1012 = 2,134.126$).

3. Section 215.11(b)(3) states that SAs shall conduct reviews of SFAs/CCIs participating in the Program for compliance with the provisions of the Program. Compliance reviews of participants shall focus on the reviewed entity's compliance with the required certification, counting and milk service procedures.

FNS estimates that there will be 57 SAs that will each file 39 reports annually for a total of 2,223.00 responses ($39 \times 57 = 2,223$). The estimated average number of burden hours per response is 0.360 resulting in estimated total burden hours of 800.280 ($2,223 \times 0.360 = 800.280$).

4. Section 215.11(c) requires each SA to maintain Program records as necessary to support the reimbursement payments made to child care institutions or School Food Authorities under § 215.8 and § 215.10 and the reports submitted to FNS under § 215.11(c)(2).

For revenue, FNS estimates that there will be 57 SAs that will each file 24.4 reports annually for a total of 1,390.80.00 responses ($24.4 \times 57 = 1,390$). The estimated average number of burden hours per response is 0.09521 resulting in estimated total burden hours of 132.418 ($1,390 \times 0.09521 = 132.418$).

For expenditures, FNS estimates that there will be 57 SAs that will each file 1319 reports annually for a total of 75,183.00 responses ($1319 \times 57 = 75,183$). The estimated average number of burden hours per response is 0.16699 resulting in estimated total burden hours of 12,554.809 ($75,183 \times 0.16699 = 12,554.809$).

5. Section 215.12 states that SAs shall disallow any portion of a claim and recover any payment made to a School Food Authority or child-care institution that was not properly payable. SAs will use their own procedures to disallow claims and recover overpayments already made. Each State agency shall maintain all records pertaining to action taken.

FNS estimates that there will be 57 SAs that will each file 66 reports annually for a total of 3,762.00 responses ($66 \times 57 = 3,762$). The estimated average number of burden hours per response is 0.3333 resulting in estimated total burden hours of 1,253.875 ($3,762 \times 0.333 = 1,253.875$).

6. Section 215.13 requires that audits at the State and SFA/CCI levels shall be conducted in accordance with Office of Management and Budget Circular A-133 and the Department's implementing regulations at 7 CFR Part 3052.

FNS estimates that there will be 35 SAs that will each file 1 report annually for a total of 35.00 responses ($35 \times 1 = 35$). The estimated average number of burden hours per response is 1 resulting in estimated total burden hours of 35 ($35 \times 1 = 35$).

For follow-up activity, FNS estimates that there will be 57 SAs that will each file 36 reports annually for a total of 2,052.00 responses ($36 \times 57 = 2,052$). The estimated average number of burden hours per response is 1.19042 resulting in estimated total burden hours of 2,442.742 ($2,052 \times 1.19042 = 2,442.742$).

AFFECTED PUBLIC: SCHOOL FOOD AUTHORITY (SFA)/SPONSORS

REPORTING REQUIREMENTS

1. Section 215.10(a) states that, to be entitled to reimbursement under this part, each SFA/sponsor shall submit to the State agency or FNSRO where applicable, a monthly Claim for Reimbursement. Section 215.10(b) further states that Claims for Reimbursement shall include data in sufficient detail to justify the reimbursement claimed and to enable the State agency to provide the Reports of School Program Operations.

FNS estimates that there are 4150 SFAs that will each file 11 reports annually for a total of 45,650 responses ($4150 \times 11 = 45,650$). The estimated average number of burden hours per response is 0.75 resulting in estimated total burden hours of 34,237.50 ($45,650 \times 0.75 = 34,237.50$).

In addition, FNS estimates that there are 593 child care institutions (CCIs) that will each file 13 reports annually for a total of 7,709 responses ($593 \times 13 = 7,709$). The estimated average number of burden hours per response is 0.75 resulting in estimated total burden hours of 5,781.750 ($7,709 \times 0.75 = 5,781.750$).

Finally, FNS estimates that there are 963 camp sponsors that will each file 3 reports annually for a total of 2,889 responses ($963 \times 3 = 2,889$). The estimated average number of burden hours per response is 0.75 resulting in estimated total burden hours of 2,166.750 ($2,889 \times 0.75 = 2,166.750$).

2. Section 215.13(a) requires that, unless otherwise exempt, audits at the State and school food authority/child care institution levels shall be conducted in accordance with Office of Management and Budget Circular A-133 and the Department's implementing regulations.

FNS estimates that there are 1586 SFAs that will each file 1 report annually for a total of 1586 responses ($1586 \times 1 = 1586$). The estimated average number of burden hours per response is 3 resulting in estimated total burden hours of 4,758 ($1586 \times 3 = 4758$).

In addition, FNS estimates that there are 97 child care institutions (CCIs) that will each file 1 report annually for a total of 97 responses ($97 \times 1 = 97$). The estimated average number of burden hours per response is 3 resulting in estimated total burden hours of 291.00 ($97 \times 3 = 291.00$).

Finally, FNS estimates that there are 389 camp sponsors that will each file 1 report annually for a total of 389 responses ($389 \times 1 = 389$). The estimated average number of burden hours per response is 3 resulting in estimated total burden hours of 1,167.00 ($389 \times 3 = 1,167.00$).

3. Section 215.13(b) requires that each SA provide FNS with full opportunity to conduct management evaluations (including visits to schools and child-care institutions) of any operations of the State agency under the Program and shall provide OIG with full opportunity to conduct audits (including visits to schools and child-care institutions) of all operations of the SA under the Program. Each SFA/sponsors is required to respond to USDA/OIG management evaluations/audits.

FNS estimates that there are 25 SFAs that will each file 1 report annually for a total of 25 responses ($25 \times 1 = 25$). The estimated average number of burden hours per response is 3 resulting in estimated total burden hours of 75 ($25 \times 3 = 75$).

In addition, FNS estimates that there are 5 child care institutions (CCIs) that will each file 1 report annually for a total of 5 responses ($5 \times 1 = 5$). The estimated average number of burden hours per response is 3 resulting in estimated total burden hours of 15.00 ($5 \times 3 = 15.00$).

Finally, FNS estimates that there are 5 camp sponsors that will each file 1 report annually for a total of 5 responses ($5 \times 1 = 5$). The estimated average number of burden hours per response is 3 resulting in estimated total burden hours of 15.00 ($5 \times 3 = 15.00$).

RECORDKEEPING

1. Section 215.7(d)(1) requires each SFA or CCI approved to participate in the program to enter into a written agreement with the SA or FNSRO. Such agreement shall provide that the SFA or CCI shall, with respect to SFAs and CCIs under its jurisdiction, operate a nonprofit milk service.

FNS estimates that there are 4150 SFAs that will each file 1 report annually for a total of 4,150 responses ($4,150 \times 1 = 4,150$). The estimated average number of burden hours per response is 0.5 resulting in estimated total burden hours of 2,075 ($4,150 \times 0.5 = 2,075$).

2. Section 215.7(d)(8) requires each SFA or CCI approved to participate in the program to enter into a written agreement with the SA or FNSRO. Such agreement shall provide that the SFA or CCI shall retain the individual applications for free milk submitted by families for a period of three years after the end of the fiscal year to which they pertain, except that, if audit findings have not been resolved, the records shall be retained beyond the three-year period as long as required for the resolution of the issues raised by the audit.

FNS estimates that there are 4150 SFAs that will each file 1 report annually for a total of 4,150 responses ($4,150 \times 1 = 4,150$). The estimated average number of burden hours per response is 0.5 resulting in estimated total burden hours of 2,075 ($4,150 \times 0.5 = 2,075$).

3. Sections 215.7(d)(7) and 215.19(d) requires that, in submitting a Claim for Reimbursement, each SFA or CCI certify that the claim is true and correct; that records are available to support the claim; that the claim is in accordance with the existing agreement; and that payment therefore has not been received.

FNS estimates that there are 4150 SFAs that will each file 10 reports annually for a total of 41,500 responses ($4,150 \times 10 = 41,500$). The estimated average number of burden hours per response is 0.5 resulting in estimated total burden hours of 20,750 ($41,500 \times 0.5 = 20,750$).

In addition, FNS estimates that there are 593 child care institutions (CCIs) that will each file 12 reports annually for a total of 7,116 responses ($593 \times 12 = 7,116$). The estimated average number of burden hours per response is 0.5 resulting in estimated total burden hours of 3,558.00 ($7,116 \times 0.5 = 3,558.00$).

Finally, FNS estimates that there are 963 camp sponsors that will each file 3 reports annually for a total of 2,889 responses ($963 \times 3 = 2,889$). The estimated average number of burden hours per response is 0.5 resulting in estimated total burden hours of 1,444.50 ($2,889 \times 0.5 = 1,444.50$).

4. Section 215.14 require SAs and SFAs to comply with the requirements of this part and parts 3015, 3016 and 3019 of this title, as applicable, which implement the applicable Office of Management and Budget Circulars, concerning the procurement of all goods and services with nonprofit school food service account funds. The SFA or CCI may use its own procurement procedures which reflect applicable State or local laws and regulations, provided that procurements made with nonprofit school food service account funds adhere to the standards set forth in this part and §§3016.36(b) through 3016.36(i), 3016.60 and §§ 3019.40 through 3019.48 of this title, as applicable, and in the applicable Office of Management and Budget Circulars. SFA procedures must include a written code of standards of conduct meeting the minimum standards of § 3016.36(b)(3) or § 3019.42.

FNS estimates that there are 4150 SFAs that will each file 1 report annually for a total of 4,150 responses ($4,150 \times 1 = 4,150$). The estimated average number of burden hours per response is 3 resulting in estimated total burden hours of 12,450 ($4,150 \times 3 = 12,450$).

In addition, FNS estimates that there are 593 child care institutions (CCIs) that will each file 1 report annually for a total of 593 responses ($593 \times 1 = 593$). The estimated average number of burden hours per response is 3 resulting in estimated total burden hours of 1,779.00 ($593 \times 3 = 1,779.00$).

Finally, FNS estimates that there are 963 camp sponsors that will each file 1 report annually for a total of 963 responses ($963 \times 1 = 963$). The estimated average number of burden hours per response is 3 resulting in estimated total burden hours of 2,889 ($963 \times 3 = 2,889.00$).

AFFECTED PUBLIC: SCHOOL FOOD AUTHORITY (SFA)/
SPONSORS SITES

REPORTING REQUIREMENTS

1. Section 215.7 states that a SFA or CCI shall operate a nonprofit milk service.

FNS estimates that 1958 school sites will each file 31 reports annually for a total of 60,698 responses ($1958 \times 31 = 60,698$). The estimated average number of burden hours per response is 0.083 resulting in estimated total burden hours of 5,037.934 ($60,698 \times 0.083 = 5,037.034$).

2. Section 215.10 states that Claims for Reimbursement shall include data in sufficient detail to justify the reimbursement claimed and to enable the State agency to provide the Reports of School Program Operations FNS-10 .

FNS estimates that 5667 school sites will each file 68 reports annually for a total of 385,356 responses ($5667 \times 68 = 385,356$). The estimated average number of burden hours per response is 0.25 resulting in estimated total burden hours of 96,339 ($385,356 \times 0.25 = 96,339$).

RECORDKEEPING REQUIREMENTS

1. Section 215.7 states that a SFA or CCI shall operate a nonprofit milk service.

FNS estimates that 5667 school sites will each file 180 reports annually for a total of 1,020,060 responses ($5667 \times 180 = 1,020,060$). The estimated average number of burden hours per response is 0.125 resulting in estimated total burden hours of 127,507.50 ($1,020,060 \times 0.125 = 127,507.50$).

2. Section 215.10 states that Claims for Reimbursement shall include data in sufficient detail to justify the reimbursement claimed and to enable the State agency to provide the Reports of School Program Operations FNS-10.

FNS estimates that 5667 school sites will each file 180 reports annually for a total of 1,020,060 responses ($5667 \times 180 = 1,020,060$). The estimated average number of burden hours per response is 0.125 resulting in estimated total burden hours of 127,507.50 ($1,020,060 \times 0.125 = 127,507.50$).

In addition, FNS estimates that there are 593 child care institutions (CCIs) that will each file 270 reports annually for a total of 160,110 responses ($593 \times 270 = 160,110$).

The estimated average number of burden hours per response is 0.125 resulting in estimated total burden hours of 20,013.750 ($160,110 \times 0.125 = 20,013.750$).

Finally, FNS estimates that there are 963 camp sponsors that will each file 90 reports annually for a total of 86,670 responses ($963 \times 90 = 86,670$). The estimated average number of burden hours per response is 0.125 resulting in estimated total burden hours of 10,833.750 ($86,670 \times 0.125 = 10,833.750$).