

**SPECIAL MILK PROGRAM FOR CHILDREN**

**OMB CLEARANCE NUMBER 0584-0005 – REVISION OF A CURRENTLY**

**APPROVED COLLECTION**

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**A. JUSTIFICATION**

- 1. Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection. Attach a copy of the appropriate section of each statute and regulation mandating or authorizing the collection of information.**

This information collection is a revision of a currently approved collection for the Special Milk Program for Children (SMP). This program is administered by the Food and Nutrition Service. Section 3 of the Child Nutrition Act (CNA) of 1966 (P.L. 89-642, as amended; 42 U.S.C. 1772) authorizes the Special Milk Program for Children. It provides for appropriation of such sums as may be necessary to enable the Secretary of Agriculture, under such rules and regulations as the Secretary may deem in the public interest, to encourage consumption of fluid milk by children in the United States in (1) nonprofit schools of high school grade and under, and (2) nonprofit nursery schools, child care centers, settlement houses, summer camps, and similar nonprofit institutions devoted to the care and training of children, which do not participate in a food service program authorized under the CNA or the National School Lunch Act. Section 10 of the CNA requires the Secretary of Agriculture to “prescribe such regulations as the Secretary may deem necessary to carry out this Act and the Richard B. Russell National School Lunch Act...” Pursuant to that provision, the Secretary has issued 7 CFR Part 215, which sets forth policies and procedures for the administration and operation of the SMP. The vast majority of reporting relates to information regarding eligibility determinations of the children, the number of milk servings, and revenues received from milk sales. State and local operators are also required to maintain records regarding eligibility to operate the program, review results and accounts of revenues and expenditures.

- 2. Indicate how, by whom, and for what purpose the information is to be used. Except for a new collection, indicate the actual use the agency has made of the information received from the current collection.**

This information is required to administer and operate this program in accordance with the NSLA. The Special Milk Program (SMP) is administered at the State and school food authority (SFA) levels and the operations include the submission and approval of applications, execution of agreements, submission of claims, payment of claims, providing monitoring and technical assistance. The FNS- 66B is used to collect this data for participating in Special Milk programs for new organizations. These forms are currently in use by Regional Office Administered Programs (ROAP). The program is administered at the state and school food authority levels, and the operations include the submission and approval of applications, execution of agreements, submission of claims, payment of claims, monitoring and providing technical assistance. This data is collected using FNS-10 approved under Report of School Program Operations (OMB No. 0584-0002, Expiration Date: 8/31/2012)

- 3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses, and the basis for the decision for adopting this means of collection. Also, describe any consideration of using information technology to reduce burden.**

FNS is committed to complying with the E-Government Act, 2002 to promote the use of

the Internet and other information technologies to provide increased opportunities for citizen access to Government information and services, and for other purposes. All 54 State agencies and United States territories that administer these programs, one hundred percent (100%), submit data electronically on the FNS-10 through the Food Program Reporting System (FPRS) <https://fprs.fns.usda.gov/> to FNS. Once the FNS - 66 B is approved by OMB, ROAP will submit data through the FPRS to FNS.

- 4. Describe efforts to identify duplication. Show specifically why any similar information already available cannot be used or modified for use for the purpose described in item 2 above.**

There is no similar information collection. Every effort has been made to avoid duplication. FNS has reviewed USDA reporting requirements, state administrative agency requirements. FNS solely administers and monitors the SMP.

- 5. If the collection of information impacts small businesses or other small entities, describe any methods used to minimize burden.**

Information being requested or required has been held to the minimum required for the intended use. Although smaller SFA record fewer financial transactions involving the SMP, they delivered the same program benefits and perform the same function as any other SFA. Thus, they maintain the same kinds of information on file. FNS estimates that 1-3% of respondents are small entities.

- 6. Describe the consequence to Federal program or policy activities if the collection is**

**not conducted or is conducted less frequently, as well as any technical or legal obstacles to reducing burden.**

The information is collected for the purpose of administering an ongoing program.

Applications can be accepted and agreements executed at any time, although SFAs generally execute agreements at or shortly before the beginning of each school year. SFAs submit claims for reimbursement for every month they operate the SMP because funds for SMP are budgeted on a fiscal year basis. If the data is collected less frequently, FNS would not be able to properly monitor program funding and program trends.

**7. Circumstances that would cause an information collection to be conducted in a manner that is inconsistent with 5 CFR 1320.5:**

- **requiring respondents to report information to the agency more often than quarterly;**

SFAs submit claims for reimbursement for every month they operate the SMP because funds for SMP are budgeted on a fiscal year basis.

- **requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it;**
- **requiring respondents to submit more than an original and two copies of any document;**
- **requiring respondents to retain records, other than health, medical, government contract, grant-in-aid, or tax records for more than three years;**
- **in connection with a statistical survey, that is not designed to produce valid and reliable results that can be generalized to the universe of study;**

- **requiring the use of a statistical data classification that has not been reviewed and approved by OMB;**
- **that includes a pledge of confidentiality that is not supported by authority established in statute or regulation, that is not supported by disclosure and data security policies that are consistent with the pledge, or which unnecessarily impedes sharing of data with other agencies for compatible confidential use; or**
- **requiring respondents to submit proprietary trade secret, or other confidential information unless the agency can demonstrate that it has instituted procedures to protect the information's confidentiality to the extent permitted by law.**

There are no other special circumstances. The collection of information is conducted in a manner consistent with the guidelines in 5 CFR 1320.5.

- 8. If applicable, provide a copy and identify the date and page number of publication in the Federal Register of the agency's notice, soliciting comments on the information collection prior to submission to OMB. Summarize public comments received in response to that notice and describe actions taken by the agency in response to these comments.**

A 60- day notice was published in the Federal Register March 21, 2012, Vol. 77, No. 55, page 16516. No comments were received.

- **Describe efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, the clarity of instructions and recordkeeping, disclosure, or reporting form, and on the data elements to be**

**recorded, disclosed, or reported.**

FNS consults with Regional Offices regarding any proposed changes as the result of legislative, regulatory or administrative changes. Regional offices are in constant contact with State agencies which provides feedback on FNS processes and procedures for the information collection.

9. **Explain any decision to provide any payment or gift to respondents, other than remuneration of contractors or grantees.**

No payment or gift was provided to respondents.

10. **Describe any assurance of confidentiality provided to respondents and the basis for the assurance in statute, regulation, or agency policy.**

The Department complies with the Privacy Act of 1974. No confidential information is associated with this information.

11. **Provide additional justification for any questions of a sensitive nature, such as sexual behavior or attitudes, religious beliefs, and other matters that are commonly considered private. This justification should include the reasons why the agency considers the questions necessary, the specific uses to be made of the information, the explanation to be given to persons from whom the information is requested, and any steps to be taken to obtain their consent.**

There are no questions of a sensitive nature included in this information collection.

12. **Provide estimates of the hour burden of the collection of information. The statement should include:**

- **Indicate the number of respondents, frequency of response, annual hour burden, and an explanation of how the burden was estimated. If this request for approval covers more than one form, provide separate hour burden estimates for each form and aggregate the hour burdens in Item 13 of OMB Form 83-I.**

The estimated average number of respondents for this rule is 5,623 (State agencies and school food authorities). The following table reflects burden associated with the information collection requirements. FNS estimated the burden hours for reporting and recordkeeping for the decrease in burden time resulting from the decrease in State agencies administering the Program, removal of duplicative burden, and program adjustments. The reporting tasks for State agencies include: review submitted claims for reimbursements, Federal funds obligations and expenditures, responses to USDA audits and grant closeout reports. The reporting tasks for SFAs include: submission of applications and agreement to operate the Program and responses to USDA audit findings. The recordkeeping tasks for SAs include: maintaining documentation to support performance-based reimbursement, maintaining applications and agreements executed with SFAs, maintaining documentation related to Program assistance, records of civil rights site visits and corrective actions taken on improper claims. The recordkeeping tasks for SFAs include: compliance with procurement requirements.



**ESTIMATED ANNUAL BURDEN FOR 0584-0005, SPECIAL MILK PROGRAM**

<b>Reporting</b>						
	Section	Estimated Number of Respondent	Frequency of Response	Average Annual Responses	Average Burden per response	Annual Burden Hours
SA requests cash to pay SMP claims.	215.5(a)	54	24	1,296	.33	427.68
Federal funds obligated and expended for the SMP to date.	215.11(c)(2)	54	4	216	1.44	311.04
Grant Closeout Reports	215.16	54	2	108	1.44	155.52
<b>Total SA Reporting</b>		<b>54</b>	<b>-----</b>	<b>1,620</b>	<b>-----</b>	<b>894</b>
SFAs must submit to SA an application and agreement to operate the SMP.	215.7 (d)	10	1	10	1.5	15
SFA response to USDA audit findings, copy of A-1133 Audit Report and responses to A-133 findings	215.13(a)	5,569	1	5,569	1	5,569
<b>Total SFA Reporting</b>		<b>5,569</b>	<b>-----</b>	<b>5,579</b>	<b>-----</b>	<b>5,584</b>
<b>Total Reporting for 0584-0005</b>		<b>5,623</b>	<b>-----</b>	<b>7,199</b>	<b>-----</b>	<b>6,478</b>

<b>Recordkeeping</b>						
	Section	Estimated Number of Respondents	Frequency of Response	Average Annual Responses	Average Burden per Response	Annual Burden Hours
SA maintains applications submitted by, and agreements executed with , SFAs and Sponsors	215.7(d) (1)	54	103.13	5,569	.575	3,202
SA maintains records of civil rights site visits	215.11(b) (2)	54	22.50	1,215	.25	304
Documentation of Program Assistance	215.11(b) (3)	54	22.50	1,215	.36	437
Maintenance of Program records to support reimbursement payments	215.11(c) (1)	54	24.40	1,318	.10	125
		54	1,176	63,504	.08	5,080
		54	2	108	.33	36
Records of corrective actions taken on improper claims	215.12	54	1	54	.25	14
A-133 Audit, Audit Plan, and Management Evaluations and expenditure of Program funds	215.13(a)					
<b>Total SA Recordkeeping</b>		<b>54</b>	<b>-----</b>	<b>72,983</b>	<b>-----</b>	<b>9,198</b>
SFA compliance with procurement requirements	215.14(a)	5,569	1	5,569	1	5,569
<b>Total SFA</b>		<b>5,569</b>	<b>-----</b>	<b>5,569</b>	<b>-----</b>	<b>5,569</b>

<b>Recordkeeping</b>						
<b>Total Recordkeeping for 0584-0005</b>		<b>5,623</b>	<b>-----</b>	<b>78,552</b>	<b>-----</b>	<b>14,768</b>

<b>SUMMARY OF BURDEN (OMB #0584-0005)</b>	
TOTAL NO. RESPONDENTS	5,623
AVERAGE NO. RESPONSES PER RESPONDENT	15.25
TOTAL ANNUAL RESPONSES	85,751
AVERAGE HOURS PER RESPONSE	.2478
BURDEN REQUESTED	21,246

- **Provide estimates of annualized cost to respondents for the hour burdens for collections of information, identifying and using appropriate wage rate categories.**

The estimate of respondent cost is based on the burden estimates and utilizes the U.S. Department of Labor, Bureau of Labor Statistics, May 2010 National Occupational and Wage Statistics, Occupational Group (25-0000) (<http://www.bls.gov/bls/wages.htm>). The hourly mean wage (for education-related occupations) for functions performed by State agency and local education agency staff are estimated at \$24.25 per staff hour.

$$\text{TOTAL COST TO THE PUBLIC} = 21,246 \text{ hours} \times \$24.25 = \$515,215.50 \quad \$$$

- 13. Provide estimates of the total annual cost burden to respondents or record keepers resulting from the collection of information, (do not include the cost of any hour burden shown in items 12 and 14). The cost estimates should be split into two components: (a) a total capital and start-up cost component annualized over its**

**expected useful life; and (b) a total operation and maintenance and purchase of services component.**

There is no start-up, operating, or annual maintenance costs associated with this information collection.

- 14. Provide estimates of annualized cost to the Federal government. Also, provide a description of the method used to estimate cost and any other expense that would not have been incurred without this collection of information.**

It is estimated that federal employees receiving an average General Schedule (GS) grade 12 step 6 wage based on the Washington DC-Northern Virginia locality area take approximately 81.40 hours to analyze data received from State agencies:  
 $\$41.85 \times 81.40 \text{ hrs} = \$ 3,406.59$  (estimated annualized cost to the Federal government).

- 15. Explain the reasons for any program changes or adjustments reported in Items 13 or 14 of the OMB 83-I.**

This is a revision of a currently approved data collection. The recordkeeping hours in this submission will decrease by 342,123 burden hours due to the decrease in Program participation, program adjustment and the removal of duplicate burden of schools to school food authorities. The number of state agencies participating in the Program decreased from 57 to 54 state agencies. The reporting hours in this submission will decrease by 150,692 burden hours due to decrease in program participation and transferring these burden hours

to the FNS-10 for that information collection request. In addition the total annual responses decreased from 506,386 to 7,199 for reporting total annual responses and decreased 2,447,088 to 78,552 for recordkeeping annual responses.

**16. For collections of information whose results are planned to be published, outline plans for tabulation and publication.**

There are no plans to tabulate or publish any information in connection with this information collection.

**17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons that display would be inappropriate.**

We are not seeking approval concerning the display of the expiration date.

**18. Explain each exception to the certification statement identified in Item 19 "Certification for Paperwork Reduction Act."**

There are no exceptions to the certification statement.