

Estimate of the Information Collection Burden for the
Revision of National School Lunch Program (OMB #0584-0006) due to the FNS Final Rule:
Nutrition Standards In the National School Lunch and School Breakfast Programs

This document explains the calculation of revisions to the information collection burden for the National School Lunch Program, OMB #0584-0006. The information collection is being revised to include the reporting and recordkeeping requirements contained in the final rule “Nutrition Standards in the National School Lunch and School Breakfast Programs.” On January 26, 2012, USDA published a final rule in the Federal Register (77 FR 4088) which amends the NSLP regulations (7 CFR Part210) to incorporate these provisions, with an effective date of July1, 2012.

While the proposed rule (76 FR 2494, January 13, 2011) received a total of 133,268 public comments, few comments expressed concern regarding the added burden the regulation may impart due to increased information collection and reporting requirements. Following is a summary of the significant comments:

- A State Department of Education commented that the paperwork burden for increasing the number of weeks of lunch and breakfast menu analysis is underestimated.
- Several comments requested that USDA keep the current administrative review cycle (every 5 years) and maintain the requirement to analyze menus for one week only. In response to the comments received, the requirement to conduct nutrient analysis for school meal menus for two weeks was reduced to one week. Burden calculations reflect this change.

As a result of public comments related to added burden in the proposed rule, there is a slight reduction in the final rule’s Reporting and Record keeping burden. Revisions to burden from the proposed rule to the final rule are noted below. Note that the revisions between the proposed and final rule are not equivalent to revisions to the approved Information Collection burden under OMB #0584-0006. The net revisions to the Information Collection are highlighted in bold.

AFFECTED PUBLIC: STATE AGENCIES (SA)

REPORTING REQUIREMENTS

1. **Section 210.18(g) and 210.18(h) states that State agencies shall verify compliance with critical and general areas of review as a part of Coordinated Review process. FNS estimates that there are 57 SAs that will each file 1 report annually for a total of 57 responses (57 X 1 = 57). The estimated average number of burden hours per response is 33 hours resulting in an increase to the Information Collection burden by 1,881 hours (57x33 = 1881).**

Revisions from proposed rule to final rule: As a result of comments on the administrative review cycle, weighted nutrient analysis of school meals, USDA reduced the proposed nutrient analysis time frame from two weeks to one week. The information collection burden hours for review were reduced from 40 hours (proposed rule) to 33 hours (final rule) per response. Hence, from the proposed rule to the final rule, the total burden hours for this provision was reduced from 2280 ($57 \times 40 = 2280$) to 1881 ($57 \times 33 = 1881$). The total annual burden estimated for this provision is now 1881 hours.

AFFECTED PUBLIC: SCHOOL FOOD AUTHORITIES (SFA)

2. **Section 210.18 (k)(2) states that each School Food Authority shall submit to the State Agency documented corrective action, no later than 30 days from the deadline for completion, for violations of critical or general areas identified on administrative follow up review. FNS estimates that there are 6,983 SFAs that will each file 1 report annually for a total of 6,983 responses ($6983 \times 1 = 6983$). The estimated average number of burden hours per response is 6 hours resulting in an increase to the Information Collection burden by 41,898 hours ($6,983 \times 6 = 41,898$).**

RECORDKEEPING REQUIREMENTS

AFFECTED PUBLIC: STATE AGENCIES (SA)

1. Section 210.10(i) states that the SA establishes guidelines and approves SFA menu planning alternatives. In the proposed rule this provision was removed and a single food based menu planning approach was recommended. This burden was not previously accounted for. As a result of this provision, 57 hours of record keeping burden would be removed, however, as it was not previously captured in an approved information collection, there is no impact to the information collection burden.
2. Section 210.10(i) also states that the SA modifies menu planning alternatives or develops menu planning alternatives. The proposed rule also removed this provision and hence 100 hours of recordkeeping burden was removed. This burden was previously removed from OMB#: 0584-0006, thus there is no impact to the information collection burden.
2. **Section 210.18(k) (p) and 210.20(b) (6) states that the SA records document the details of all reviews and the degree of compliance with the critical and general areas of review. FNS estimates that there are 57 SAs that will each file 93.23 records**

annually for a total of 5,314 responses ($57 \times 93.23 = 5,314$). The estimated average number of burden hours per response is 2 hours resulting in an increase to the Information Collection burden by 10,628 hours. ($5,314 \times 2.0 = 10,628$).

Revisions from proposed rule to final rule: As a result of reducing the menu analysis time frame from the proposed two weeks to one week, the average number of burden hours estimated for record keeping were reduced from 2.3 hours (proposed rule) to 2.0 hours (final rule) per response and hence total burden hours for this provision were reduced from 12,222 in the proposed rule to 10,628 ($5,314 \times 2.0 = 10,628$) in the final rule. The total annual burden estimated for this provision is now 10,628 hours.

- 3. Section 210.19(c) and 210.18(p) state that the SA needs to document fiscal action taken to disallow improper claims submitted by SFAs, as determined through claims processing, CRE reviews and USDA audits and contracts awarded by SFAs to FSMCs. FNS estimates that there are 57 SAs that will each file 139 records annually for a total of 7,923 records ($57 \times 139 = 7,923$). The estimated average number of burden hours per record is 0.50 hours resulting in an increase to the Information Collection burden by 3,962 hours ($7,923 \times 0.50 = 3,962$).**

AFFECTED PUBLIC: SCHOOL FOOD AUTHORITIES (SFA)

1. Section 210.10(i) states that SFAs adopt menu planning alternatives, modify menu planning alternatives or develop menu planning alternatives and submit them to the State agency for approval at SFA level. In the proposed rule this provision was removed. As a result of this provision, 26,261 hours of record keeping burden would be removed, however, this burden was not previously captured in an approved information collection thus, there is no impact to the information collection burden.
2. **Section 210.10(k) (2) states that SFAs need to document corrective action taken on program disclosed by review or audit. FNS estimates that there are 6,983 SFAs that will each file 1 record annually for a total of 6,983 records ($6,983 \times 1 = 6,983$). The estimated average number of burden hours per record is 6 hours resulting in an increase to the Information Collection burden by 41,898 hours ($6,983 \times 6 = 41,898$).**