

NATIONAL SCHOOL LUNCH PROGRAM

OMB CLEARANCE NUMBER 0584-0006

Revisions for Proposed Rule:

Administrative Reviews in the School Nutrition Programs

7 CFR PARTS 210

RIN 0584-AE30

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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).

The Richard B. Russell National School Lunch Act (NSLA), as amended, authorizes the National School Lunch Program (NSLP) to safeguard the health and well-being of the nation's children and provide low cost or free school lunch meals to qualified students through subsidies to schools. The United States Department of Agriculture (USDA) provides States with general and special cash assistance and donations of foods to assist schools in serving nutritious lunches to children each school day. Participating schools must serve lunches that are nutritionally adequate, and maintain menu and production records to demonstrate compliance with the meal requirements. To the extent practicable, schools ensure that participating children gain a full understanding of the relationship between proper eating and good health. Section 10 of the Child Nutrition Act of 1966 (42 U.S.C. 1779) requires the Secretary of Agriculture to prescribe such regulations as deemed necessary to carry out this Act and the NSLA (42 U.S.C. 1751 et seq.). Pursuant to that provision, the Secretary has issued 7 CFR Part 210, which sets forth policies and procedures for the administration and operation of the NSLP. This information collection is required to administer and operate this program in accordance with the NSLA. The Program 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. All of the reporting and recordkeeping requirements associated with the NSLP are currently approved by the Office of Management and Budget and are in force.

This is a revision of an existing collection, “National School Lunch Program,” OMB Control Number #0584-0006, expiration date February 29, 2016. The revision is due to rulemaking for a proposed rule titled: “Administrative Reviews in the School Nutrition Programs” (RIN 0584-AE30). The proposed rule would revise the NSLP administrative review requirements to establish a unified accountability system designed to ensure that participating school food authorities (SFA) comply with the NSLP and School Breakfast Program requirements, as required by the Healthy, Hunger-Free Kids Act of 2010. In addition to the new administrative review process, this rule proposes to require State agencies (SA) to report and publicly post SFAs administrative review results. The proposed rule would eliminate the existing requirement for SAs to report the names of those large SFAs subject to follow-up reviews and hence reduces the associated reporting burden. These proposed changes are expected to give SAs more flexibility to conduct reviews, allow for the efficient use of limited time and staff, and result in a more robust and effective monitoring of the School Nutrition Programs.

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 Program 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 purpose of this revision associated with rulemaking is to comply with the requirements of

(HHFKA) which made significant changes to the National School Lunch Act (NSLA), Public Law 111-296 for State agencies.

The rulemaking proposes three revisions to the existing information collection. First, the rule proposes to require State agencies (SA) to establish a state agency requirement to publicly post a summary of the most recent administrative review results of each SFA. Second, the SA must maintain a copy of the final administrative review report. Last, the proposed rule would eliminate the existing requirement for SAs to report the names of those large SFAs subject to a follow-up reviews and hence reduces the associated reporting burden. For details on how, by whom, and for what purpose the information is to be used, see the attached Burden Narrative.

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 of 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 State agencies participating in the National School Lunch Program maintain a website to communicate electronically and report electronically to FNS using the Food Programs Reporting System (FPRS) at

<https://fprs.fns.usda.gov/Home/Reminder.aspx>. We anticipate 100% of these responses will be reported electronically.

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.

Every effort has been made to avoid duplication. FNS has reviewed USDA reporting and recordkeeping requirements, state administrative agency reporting and recordkeeping requirements, and special studies by other government and private agencies. FNS solely monitors and administers the Child Nutrition Programs.

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. No small entities are impacted by this collection of information.

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 to ensure program integrity and compliance with program regulations by State agencies. If this information is not collected or is collected less frequently, FNS would not be able to properly monitor program compliance and obtain data used for statistical

studies and research regarding program trends to determine appropriate management of the program.

7. Explain any special 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;**
- **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 circumstances that will cause the information collection to be inconsistent with the guidelines of 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 Federal Register Notice is embedded in the proposed rule titled “Administrative Reviews in the School Nutrition Programs.” Comments will be addressed during the final stage of rulemaking.

- **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.**

When FNS revises an information collection package, the information is posted on the Agency Web page for review and comment by Regional Offices, State agencies, community groups, and the public. FNS also consults with Regional Offices regarding any proposed changes as the result of legislative, regulatory or administrative changes. Regional offices are in contact with

State agencies which provide feedback on 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 will be 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 collection.

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 clearance package.

12. Provide estimates of the hour burden of the information collection. 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.**

FNS is requesting an increase of approximately 1,739 hours for reporting (-11), public disclosure (1,736) and recordkeeping (14). Respondents, frequency of response, and annual burden hour estimates are detailed in the attached Burden Table and Burden Narrative. A summary appears below:

TOTAL NO. RESPONDENTS	56
AVERAGE NO. RESPONSES PER RESPONDENT	124
TOTAL ANNUAL RESPONSES	6,944
AVERAGE HOURS PER RESPONSE	0.25
TOTAL BURDEN HOURS FOR PART 210 WITH PROPOSED RULE	10,381,213
CURRENT OMB INVENTORY FOR PART 210	10,379,474
DIFFERENCE (NEW BURDEN REQUESTED WITH PROPOSED RULE)	1,739

- **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 2014 National Occupational and Wage Estimates Statistics, Occupational Group 25-0000 (http://www.bls.gov/oes/current/oes_nat.htm). The hourly mean wage (for education-related occupations) for functions performed by State agency staff is estimated at \$25.10 per staff hour.

TOTAL COST TO THE PUBLIC = 1,739 hours X \$25.10 per hour = \$43,648.90

13. Provide estimates of the total annual cost burden to respondents or recordkeepers 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 or annual maintenance costs for this collection of information.

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 will spend approximately 40 hours in communication with State agencies (SA) regarding the standards at a cost of $\$42.00 \times 40 = \$1,680$ (estimated annualized cost to federal government).

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

This is a revision to an existing collection. As a result of program changes associated with rulemaking for proposed rule 0584-AE30, Administrative Reviews in the School Nutrition Programs. Although a burden requirement will be removed due to rulemaking, this information collection will increase the OMB inventory by 1,739 burden hours and 6,944 responses for reporting, public disclosure and recordkeeping to comply with the statutory requirements in Public Law 111-296.

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

This collection does not entail planned statistical use and there are no plans to publish the results of this collection for statistical analyses.

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.