

Attachment C. Burden Narrative for 0584-0005
Special Milk Program for Children

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 20, 2018, at volume 83, page 42104.

Section 215.2 defines the following:

“*School Food Authority (SFA)*” is 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.

“*Child care institution*” (CCI) is any nonprofit nursery school, child care center, settlement house, summer camp, service institution participating in the Summer Food Program for Children pursuant to part 225 of this chapter, institution participating in the Child and Adult Care Food Program pursuant to part 226 of this chapter, 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. It does not include any institution falling within the definition of “*School*” of this section.

“*FNSRO*” means Food and Nutrition Services Regional Offices, of the Food and Nutrition Service of the U.S. Department of Agriculture.

AFFECTED PUBLIC: STATE AGENCIES

REPORTING REQUIREMENTS

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 SA 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 54 SAs will each file 24 reports annually for a total of 1,296 responses (54 X 24 = 1,296). The estimated average number of burden hours per response is 0.25 resulting in estimated total burden hours of 324 (1,296 X .25 = 324).

RECORDKEEPING REQUIREMENTS

1. Section 215.7 mandates application/recordkeeping requirements for participation in the Special Milk Program. Each SFA or CCI shall make written application to, and enter into a written agreement with, the SA, or FNSRO where applicable, for any school or CCI in which it desires to operate the Program, if such school or CCI did not participate in the Program in the prior fiscal year.

FNS estimates that 54 SAs will each file 63.80 reports annually for a total of 3,445 responses ($54 \times 63.80 = 3,445$). The estimated average number of burden hours per response is 0.1 resulting in estimated total burden hours of 345 ($3,445 \times 0.1 = 345$).

This burden is reduced by 43 hours, from 388 to 345 hours, as an adjustment due to a decrease in the number of participating SFAs/CCIs.

2. Section 215.11(b) requires SAs to conduct reviews of schools participating in the Program for compliance with the provisions of this part when such schools are being reviewed under the provisions identified under §210.18(i) of this title and to maintain documentation.

FNS estimates that 54 SAs will each file 5 reports annually for a total of 270 responses ($54 \times 5 = 270$). The estimated average number of burden hours per response is .2 resulting in estimated total burden hours of 54 ($270 \times .2 = 54$).

3. Section 215.11(c)(1) requires each SA to maintain Program records as necessary to support the reimbursement payments made to CCIs or SFAs under §215.8 and §215.10 and the reports submitted to FNS under §215.11(c)(2).

For reports submitted to FNS, FNS estimates that 54 SAs will each file 24 reports annually for a total of 1,296 responses ($54 \times 24 = 1,296$). The estimated average number of burden hours per response is 0.1 resulting in estimated total burden hours of 130 ($1,296 \times 0.01 = 130$).

For claims received from SFAs and CCIs, FNS estimates that 54 SAs will each file 766 records annually for a total of 41,364 responses ($54 \times 766 = 41,364$). The estimated average number of burden hours per response is 0.1 resulting in estimated total burden hours of 4,136 ($41,364 \times 0.1 = 4,136$). **This burden is reduced by 519 hours, from 4,655 to 4,136 hours, as an adjustment due to a decrease in the number of participating SFAs/CCIs.**

4. Section 215.12 states that SAs shall disallow any portion of a claim and recover any payment made to a SFA or CCI that was not properly payable. SAs will use their own procedures to disallow claims and recover overpayments already made. Each SA shall maintain all records pertaining to action taken.

FNS estimates that 54 SAs will each file 2 reports annually for total of 108 responses ($54 \times 2 = 108$). The estimated average number of burden hours per response is 0.33 resulting in estimated total burden hours of 36 ($108 \times .33 = 36$).

5. Section 215.13(a) 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 54 SAs will each file 1 report annually for total of 54 responses ($54 \times 1 = 54$). The estimated average number of burden hours per response is 0.26 resulting in estimated total burden hours of 14 ($54 \times 0.26 = 14$).

AFFECTED PUBLIC: SCHOOL FOOD AUTHORITY (SFA) / INSTITUTION

REPORTING REQUIREMENTS

Section 215.7 mandates application/recordkeeping requirements for participation in the Special Milk Program. Each SFA or CCI makes written application to participate in the Program and enter into a written agreement with the SA or FNSRO.

FNS estimates that 3,445 SFAs/CCIs will each file 1 report annually for a total of 3,445 responses ($3,445 \times 1 = 3,445$). The estimated average number of burden hours per response is 0.25 resulting in estimated total burden hours of 861 ($3,445 \times .25 = 861$).

This burden is reduced by 109 hours, from 970 to 861 hours, as an adjustment due to a decrease in the number of participating SFAs/CCIs.

RECORDKEEPING REQUIREMENTS

1. Section 215.7 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 Program records and make them available. It also 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 3,445 SFAs/CCIs that will each file 10 reports annually for a total of 34,450 responses ($3,445 \times 10 = 34,450$). The estimated average number of burden hours per response is 0.2 resulting in estimated total burden hours of 6,890 ($34,450 \times 0.2 = 6,890$). **This burden is reduced by 868 hours, from 7,758 to 6,890 hours, as an adjustment due to a decrease in the number of participating SFAs/CCIs.**

2. Section 215.14a requires SAs and SFAs to comply with the requirements of this part and the Department regulations which implement the applicable Office of Management and Budget regulations concerning the procurement of all goods and

services with nonprofit school food service account funds. The SFA may use its own procurement procedures which reflect applicable State or local laws, provided that procurements made with nonprofit school food service account funds adhere to the standards set forth in Federal regulation. SFA procedures must include a written code of standards of conduct meeting the minimum standards.

FNS estimates that there are 2,679 SFAs that will each file 1 report annually for a total of 2,679 responses ($2,679 \times 1 = 2,679$). The estimated average number of burden hours per response is 0.2 resulting in estimated total burden hours of 536 ($2,679 \times 0.2 = 536$). **This burden is reduced by 50 hours, from 586 to 536 hours, as an adjustment due to a decrease in the number of participating SFAs.**