

## **Attachment 21: Burden Narrative**

### **Reporting Requirements – Parts 240, 247, 250, 251, 253 and 254 Affected Public: State, Local, and Tribal Governments**

#### **Reporting Requirements--Part 240 Cash In Lieu of Donated Foods**

All reporting requirements under this Part are contained under OMB# #0584-0594 Food Programs Reporting System (FPRS). These include:

240.4 Cash in Lieu of Donated Foods for Nonresidential Child and Adult Care Institutions

240.5 Cash in Lieu of Donated Foods for Community Schools

240.6 Funds for SAs that have Phased Out Facilities

#### **Reporting Requirements - Part 247 Commodity Supplemental Food Program (CSFP)**

247.4(a)(1), Federal/State Agreements (FNS-74). The FNS-74 Federal-State Agreements was originally approved under OMB# 0584-0067 7 CFR Part 235-State Administrative Expense (SAE) Funds, which expired in August 2019. FNS determined as part of the renewal for that collection that the requirement for the Federal/State Agreements could be deleted since these agreements are permanent agreements. Since FNS does not believe that any changes or adjustments will be made to these agreements, the agency decided that the form and its associated reporting burden could be removed from OMB# 0584-00067. Since the same circumstances apply to OMB# 0584-0293, FNS will remove the listing for the FNS-74 from the reporting burden (since this form and its associated reporting burden was approved under OMB# 0584-0067, this collection did not duplicate that burden here. Therefore, the only item that needs to be removed are the references to FNS-74 in the reporting sections). However, any recordkeeping burden for the FNS-74 is still covered under OMB# 0584-0067. The FNS-74 is used for State distributing agencies to enter into an agreement with USDA to administer TEFAP. This is only filled out one time. At this time FNS has a TEFAP agreement with all States.

247.4(a)(2)&(b)&(c), State/Local Agreements. State agencies enter into agreements with recipient agencies approved to participate in the program. These agreements are ongoing. We estimate that these agreements take 2 hours to complete. The duration of agreements between State and recipient agencies are determined by the State agency, and the duration

of agreements between recipient agencies and other agencies is determined by the recipient agency. We estimate that an average of 50 agreements between State and recipient agencies, and between recipient agencies and other agencies, are completed each year. The total burden for completion of State and recipient agency agreements is therefore 100.00 hours. (There is no change in burden.)

247.6(a)-(c), State Plan. The State agency must submit a State Plan to initiate or continue program operations. The State Plan is permanent, with amendments submitted as needed. We estimate that, on average, 1 State agency per year submits a State Plan, which requires 50.00 hours to develop. (There is no change in burden.)

247.6(d), State Plan Amendments. State Plans are permanent, with amendments submitted as needed. Since participating State agencies must submit amendments to request additional caseload for the following year, and to make any other changes in the Plan, we estimate that approximately 40 State agencies per year submit an amendment to the Plan. We estimate each amendment submission takes about 5 hours. Thus, the total burden for the submission of amendments to the State Plan is approximately 200.00 hours. (There is no change in burden.)

247.7(a), Applications of Recipient agencies. Recipient agencies submit a written application to participate in the program. We estimate that 30 recipient agencies will submit a written application to participate in the program each year and that the application will take 2 hours to complete. Therefore, the total reporting burden is 60.00 hours. (There is no change in burden.)

247.19(a), Agreement to Prevent Dual Participation. Recipient agencies sign written agreements to prevent participation of individuals at more than one CSFP distribution site, or in both CSFP and the Special Supplemental Food Program for Women, Infants, and Children (WIC). We estimate that 60 recipient agencies will sign written agreements each year. Each agreement will take about 1 hour to complete, for a total burden of 60.00 hours. (There is no change in burden.)

247.23 (b), State Provision of Administrative Funds. The amount of administrative funds that State agencies may retain is determined by a specific formula and may not exceed \$30,000. States may submit a request to FNS, with justification, to retain additional funds. We estimate that 5 agencies will submit one request per year. Since each request takes 5 hours to complete, the total estimated burden is 25.00 hours. (There is no change in burden.)

247.26, Closeout Procedures. FNS recovers the unused funds at the end of the fiscal year when a CSFP State agency does not use all of the funds allocated to it. State agencies submit preliminary and final closeout reports for each fiscal year. 42 State agencies will submit reports, spending about 8 hours on each report, for a total reporting burden of 336.00 hours. (There is no change in burden.)

247.29(a)&(b)(2)(ii), Receipt, Disposal, and Inventory of Donated Foods. State agencies submit Form FNS-153 on a monthly basis, detailing the receipt, disposal, and inventory of donated foods. The FNS-153 also records participation for each category of persons receiving benefits. The data from FNS-153 plays an integral role in determining prorata shares of caseload ceiling and administrative funding levels for States, as well as serving as a basis for determining current food inventory levels and purchasing needs. It is also used for making budgetary projections. Approximately 42 State agencies will submit a monthly report, totaling 12 reports for each agency per year, for a total of 504 reports. Each report will take about 6 hours to complete. Thus, the total reporting burden is about 3,024.00 hours. (There is no change in burden.)

247.29(a)&(b)(3), Civil Rights Participation Data. Recipient agencies submit racial/ethnic participation data on an annual basis, utilizing Form FNS-191, Racial/Ethnic Group Participation. This information collection is contained in OMB docket # 0584-0594 Food Programs Reporting System (FPRS). (There is no change in burden.)

247.31(c), Audit Responses. FNS may conduct an audit at its discretion or may investigate an allegation that the State or local agency has not complied with federal regulations. If the State is audited, they must submit responses to FNS and outline corrective actions with a timeline. Failure to complete audits would result in a loss of management control. Annually, approximately 42 agencies will submit 4 responses each, for a total of 168 responses. Each response will take about 30 hours to complete. The burden for this requirement will total about 5,040.00 hours. (There is no change in burden.)

247.34, Management Reviews. State agencies are required to conduct on-site reviews of recipient agencies once every 2 years. On average, about 42 State agencies conduct on-site reviews of recipient agencies at least 2 times per year. In total, we estimate 84 reviews are conducted per year. We estimate each management review takes approximately 8 hours to complete. Thus, the total burden for management evaluations is  $84 \times 8 \text{ hrs.} = 672.00 \text{ hours}$ . (There is no change in burden.)

### **Reporting Requirements--Part 250 General Food Distribution Program Regulations**

250.1(c), Notification of Suspected Embezzlement, Misuse, Theft, etc. State agencies report to FNS any suspected violations of anti-fraud provisions of section 12(g) of the National School Lunch Act or Section 4(c) of the Agriculture and Consumer Protection Act of 1973. We estimate that 57 State agencies will notify FNS Regional Offices of suspected violations each year. Each notification will take about 20 minutes (0.33 hours) to complete. The total reporting burden for this burden is therefore 18.81 hours. (There is no change in burden.)

250.4(a), USDA Agreements with Distributing Agencies. The State distributing agency must enter into an agreement with FNS, using FNS-74 Federal-State Agreement, in order to receive, store, and distribute donated foods. The FNS-74 Federal-State Agreements was originally approved under OMB# 0584-0067 7 CFR Part 235-State Administrative Expense (SAE) Funds, which expired in August 2019. FNS determined as part of the renewal for that collection that the requirement for the Federal/State Agreements could be deleted since these agreements are permanent agreements since no changes or adjustments will be made to them. Consequently, FNS-74 and its associated burden was removed from OMB# 0584-00067. Since the same circumstances apply to OMB# 0584-0293 and its use as an USDA agreement with distributing agencies, FNS will remove the listing for the FNS-74 from the reporting burden (since this form and its associated reporting burden was approved under OMB# 0584-0067, this collection did not duplicate that burden here. Therefore, the only item that needs to be removed are the references to FNS-74 in the reporting sections). However, any recordkeeping burden for the FNS-74 is still covered under OMB# 0584-0067. Currently FNS has an agreement with all of the States.

250.4(c), Child Nutrition Program Recipient Agency Agreements. Recipient Agencies must enter into a written agreement with the State distributing agency. These agreements are permanent. The burden calculation for 250.4(b) and 250.4(c) was previously combined. They have now been separated to provide a more accurate estimate. Further, the burden estimate for recipient agencies and school food authorities were previously combined in the PNP worksheet of the burden table. The burden for school food authorities, as government entities, has been separated out and moved to the SLT worksheet. (There is no change in burden.)

*Child Nutrition Program Recipient Agencies:* Approximately 230 recipient agencies in child nutrition programs will sign agreements with State distributing agencies each year. With each agreement taking approximately 2 hours to complete, the estimated annual reporting burden for this activity is 460.00 hours. (There is no change in burden.)

250.10(a) & 250.58(a), Household Recipient Agency Input for Availability of Donated Foods and Child Nutrition Program and Recipient Agency Input for Availability of Donated Foods. Distributing agencies must provide recipient agencies the opportunity to provide input in determining the full list of donated foods available to them for ordering. Both recipient agencies in household programs and school food authorities in child nutrition programs report this information. (There is no change in burden.)

*Child Nutrition Program Recipient Agencies:* Approximately 10,926 recipient agencies in child nutrition programs will provide input annually, with each response taking 15 minutes (.25 hours). Therefore the annual reporting burden is 2,731.50 hours.

250.10(b), Distributing Agency Provision of Donated Food Information to Recipient Agencies. State distributing agencies must provide recipient agencies, at their request,

information that will assist them in ordering or utilizing donated foods. We estimate that the 100 State distributing agencies will respond to their recipient agencies with this information on average 225 times per year, for a total of 22,500 responses. With each response taking 3 minutes (0.05 hours), the total annual burden for this activity is 1,125 hours. (There is no change in burden.)

250.11(a), Destination Data for Delivery of Donated Foods. Distributing agencies arrange for delivery of donated foods to storage facilities. State distributing agencies complete Form FNS-7, Destination Data for Delivery of Donated Foods, for submission to the Kansas City Commodity Office. The form is used in all commodity programs and contains information on the destination point for commodity shipments, including the optimal day and time for deliveries, and the means of shipment. It is submitted whenever changes in destination data are made. The information provided on the form is necessary to ensure that food deliveries are made efficiently. We estimate that 100 agencies will each provide about 5 responses each year. Thus, approximately 500 responses will be provided annually with each taking about 30 minutes (0.50 hours) to complete, for a total reporting burden of 250 hours. While working on this revision, FNS determined adjusted the time estimate found on the Excel chart (3 minutes) to match that displayed on the form (30 minutes). This increased the burden hours for this collection by 225 hours, from 25 to 250 hours due to an adjustment.

250.11(b), Receipt of Shipments (FNS-57). Distributing or Recipient agencies, or other consignees, must provide notification of the receipt of donated food shipments to FNS through electronic means, and must maintain an electronic record of receipt of all donated food shipments. The disposition of donated foods in a shipment that are out-of condition, or that are not in accordance of ordered amounts must also be reported. Burdens of Distributing or Recipient agencies and consignees for the state, local, and tribal government are estimated to be 1,212 hours per year (for a combined total estimate of 18252.72 hours per year across all of the respondent groups). The hours are delineated below.

*State Agencies:* Distributing Agency Receipt of Shipments. 100 State distributing agencies will receipt for shipments 303 times per year for a total of 30,300 annual responses. With each response taking 1 minute (0.02 hours), the total annual estimated burden for this activity is 606.00 hours. (There is no change in burden.)

*Recipient agencies:* Recipient Agency Receipt of Shipments. 100 Recipient agencies in child nutrition programs will receipt for shipments 303 times per year for a total of 30,300 annual responses. With each response taking 1 minute (0.02 hours), the total annual estimated burden for this activity is 606.00 hours. (There is no change in burden.)

250.12(b), Distributing Agency Reporting of Donated Food Losses to FNS. State

distributing agencies must report donated food losses to FNS, in accordance with applicable FNS instructions and guidance. We estimate that each year 35 State distributing agencies will report donated food losses to FNS once per year. Each reporting activity is estimated to take 15 minutes (0.25 hours), for a total reporting burden of 8.75 hours. (There is no change in burden.)

250.12(c), Distributing Agency Request to Maintain Excess Inventories. State distributing agencies request approval and submit justification in instances when more than a six-month inventory is needed at the State level in TEFAP or NSLP, or more than a three-month inventory is needed in CSFP or FDPIR. We estimate that 100 State distributing agencies will request approval, and submit justification, to maintain excess inventories once per year. With each submission taking one hour, the total annual reporting burden for this activity is 100.00 hours. (There is no change in burden.)

250.12(e), Distributing Agency Request for FNS Approval to Transfer Donated Foods from One Program to Another. Distributing agencies must request FNS approval when transferring donated foods from one program to another. We estimate that each year 15 distributing agencies will request these types of transfers once per year. These 15 requests are estimated to take 15 minutes (0.25 hours) each, for a total annual reporting burden of 3.75 hours. (There is no change in burden.)

250.13(c) & 250.18(d), Distributing Agency Storage and Distribution Charge. State distributing agencies must request FNS approval prior to implementing any change in distribution charges, and may be required to submit documentation to justify the efficiency and cost effectiveness of its storage and distribution system at other times. We estimate that 20 State distributing agencies will make changes which require the submission of this information each year. Submissions will take 15 minutes (0.25 hours) each. Therefore, the total estimated annual reporting burden is 5.00 hours. (There is no change in burden.)

250.13(d), Distributing Agency Justification of Cost of Storage and Distribution Systems. FNS may occasionally require a State distributing agency to submit documentation to justify the efficiency and cost-effectiveness of its storage and distribution system, or may require a re-evaluation of such a system. We estimate that 1 State distributing agency will submit a cost comparison each year. This comparison will take 10 hours to complete. Thus, the reporting total for this requirement is 10.00 hours. (There is no change in burden.)

250.14(c), Child Nutrition Programs and Charitable Institutions Recipient Agency Reporting of Donated Food Losses. Recipient agencies in child nutrition programs and charitable institutions must notify the State distributing agency of donated food losses. Approximately 560 recipient will report losses once per year. With each reporting taking 15 minutes (0.25 hours) each, the total reporting burden for this activity is 140.00 hours per year. (There is no change in burden.)

250.14(d), Requests for Approval to Transfer Donated Foods. Both State distributing agencies and recipient agencies must request approval before transferring donated foods in certain circumstances.

*State Agencies: Distributing Agency Request for FNS Approval for Recipient Agencies' Transfers of Donated Foods.* State distributing agencies must request FNS approval to permit a Recipient agency in a household program to transfer donated foods to a Recipient agency in a different program, even if the same Recipient agency administers both programs. We estimate that 10 State distributing agencies will request this type of transfer once per year, resulting in 10 transfers annually. With each transfer taking approximately 15 minutes (0.25 hours) to request, the total annual reporting burden for this activity is 2.50 hours. (There is no change in burden.)

250.15(c) Recall Response Reporting. State distributing agencies and recipient agencies have reporting responsibilities in the event of a food recall.

*State Agencies: Distributing Agency Recall Response Reporting.* As instructed by the WBSCM Training Manual, in the event a food recall affects products provided by FNS for nutrition assistance programs the State distributing agency, which ordered the product, is responsible for reporting the status of the product and its disposition. The WBSCM application provides basic information about the product and quantity provided to the State. We estimate a total of 4 recalls per year affecting 15 State distributing agencies with a single product affected, for a total of 60 responses. The time required to locate and report on the affected product is 24 hours per recall. Thus, the reporting burden is 1,440.00 hours. (There is no change in burden.)

*Recipient agencies in Child Nutrition Programs: Child Recipient Agency Recall Response Reporting.* In the event a food recall affects products provided by FNS for nutrition assistance programs, recipient agencies in child nutrition programs are responsible for reporting the status of the product and its disposition. We estimate a total 485 recipient agencies will respond to one recall per year, with a single product affected. The time required to locate and report on the affected product is 4 hours per recall. Thus, the reporting burden is 1,940.00 hours. (There is no change in burden.)

250.15(d), Distributing Agency Reporting of Complaints to FNS. State distributing agencies must provide information regarding complaints that cannot be resolved at the State level to FNS, in accordance with guidance and procedures provided by FNS. We estimate that 78 State agencies will file approximately 8 reports each regarding complaints, for a total of 624 reports. Each report will take about 6 minutes (0.10 hours) to complete, for a total reporting burden of 62.40 hours. (There is no change in burden.)

250.17(a), Excess Operating Funds Justification. State distributing agencies in child nutrition programs must provide sufficient justification for maintaining funds in the operating account in amounts exceeding the previous year's highest 3 months' expenditures. We estimate that 5 State distributing agencies will provide justification for maintaining excess funds each year. This justification will take about 20 minutes (0.33 hours) to complete, for a total burden of 1.65 hours. (There is no change in burden.)

250.17(c), Donated Food Account Deposits and Expenditures. State distributing agencies must obtain FNS approval for any single deposit into, or expenditure from, the donated food account in excess of \$25,000. We estimate that the 10 Distributing agencies will request such approval each year. Each of the 10 requests per year will take 15 minutes (0.25 hours) to make. As a result, the total reporting burden for this activity is 2.50 hours. (There is no change in burden.)

250.18(a), Commodity Inventory Reporting. State distributing agencies must submit to FNS reports relating to the inventory and distribution of donated foods. The estimated annual reporting burden for this activity is 3,980.00 hours (3,450 hours for FDPIR and 530 hours for TEFAP and Child Nutrition Programs). Reporting requirements for FDPIR and TEFAP and Child Nutrition Programs are delineated below:

Food Distribution Program on Indian Reservations (FDPIR). We estimate that 115 FDPIR Indian Tribal Organizations (State distributing agencies) will report this information 12 times per year, for a total of 1,380 responses, with reporting taking 2.5 hours per month. Accordingly, the estimated annual reporting burden for this activity is 3,450.00 hours. (There is no change in burden.)

The Emergency Food Assistance Program (TEFAP) and Child Nutrition Programs. Approximately 106 TEFAP and Child Nutrition Program State distributing agencies will report this information twice a year, for a total of 212 response, with reporting taking 2.5 hours each time. As a result, the estimated annual reporting burden for this activity is 530.00 hours. (There is no change in burden.)

250.21, Distributing Agency's Management Evaluation System. State distributing agencies establish evaluation and review procedures for their distribution programs. State distributing agencies submit a report of review findings to each entity reviewed. State distributing agencies also submit a copy of the processor's review report in instances when the distributing agency has delegated the responsibility of sales verification to the processor. 97 agencies will submit reports each year detailing findings of evaluation and review of distribution programs and processors. Each report will take about 20 minutes (0.33 hours) to complete, for a total reporting burden of 32.01 hours. (There is no change in burden.)



250.22(b), Corrective Action Plans. State distributing agencies must submit a corrective action plan to FNS whenever they are found to be substantially out of compliance with the performance standards in 250.22(a), or with other regulatory requirements. The plan must identify the corrective actions to be taken, and timeframe for completion of such actions. We estimate that 15 State distributing agencies will be required to submit a corrective action plan each year. With each corrective action plan taking 4 hours to submit, the annual reporting burden for this activity is estimated to be 60 hours. (There is no change in burden.)

250.36(b), Processing Refund Requests. When end products are sold to recipient agencies, these agencies submit refund requests to the processor. The processor must remit the refund to the distributing or recipient agency within 30 days of receiving the refund request. Approximately 4,700 respondents will submit 3 responses per year, for a total of 1,410 responses, which take 30 minutes (0.50 hours) to complete. The estimated total burden for this activity is 7,050.00 hours. (There is no change in burden.)

250.30(f), Recipient Agency Processing Agreement. The distributing agency may allow a recipient agency to enter into an agreement with an in-State processor to process donated foods. The agreement must include a provision that the processor provide the performance bond of letter of credit to the recipient agency. These agreements can be up to five years in duration. These agreements must be reviewed and approved by the State distributing agency.

*State Agencies:* We expect 1 State distributing agency to review 1 Recipient Agency Processing Agreement each year. Each review takes 2 hours to complete. The estimated annual reporting burden for this activity is 2 hours. (There is no change in burden.)

250.39(b), Processing Manual. State distributing agencies develop and provide a processing manual or similar procedural material for guidance to processors, recipient agencies, and contracting agencies at the time of approval of the initial agreement by the State distributing agency, when regulatory or policy changes have been made, or upon request. 57 State distributing agencies are expected to develop one processing manual, or update the manual, each year. It is expected to take approximately 20 minutes (0.33 hours) for each manual for a total annual burden of 18.81 hours. (There is no change in burden.)

250.53 Contract Provisions Between RAs and Food Service Management Companies. In some school districts, recipient agencies enter into a written agreement with food service management companies to conduct food service operations. Food service management companies are required to credit recipient agencies for all donated foods not less frequently than annually. We estimate that 6,783 have contracts with food service management companies. We estimate the burden needed to meet the contract requirements to be 1 hour. We estimate that each food service management company

will submit one response per year, so that the total annual reporting burden for food service management company contracts is 6,783 hours x 1 response per year, to equal 6,783 burden hours annually. (There is no change in burden.)

250.58 Ordering Donated Food. Through the Web Based Supply Chain Management System (WBSCM) State distributing agencies use standard Internet ordering features (catalogs, shopping cart) to submit orders for donated foods electronically. This includes all ordering done using the FNS-52 or FNS-53 forms and requires an estimated annual reporting burden of 9034.60 hours. The burden hours delineated between direct shipment and processing diversion orders versus multi-food orders is shown below:

Direct Delivery of Donated Food. We estimate that 158 State distributing agencies each submit 542 direct shipment or processing diversion orders (FNS-52 equivalent) per year (one for each food ordered) for a total of 85,636 orders. Each submission takes an estimated 6 minutes (0.10 hours) to complete. Thus the reporting burden for this provision is 8,563.60 hours. (There is no change in burden.)

Multi-Food Requisition. We estimate that 157 State distributing agencies each submit 30 multi-food orders (FNS-53 equivalent) per year for a total of 4,710 orders. Each submission takes an estimated 6 minutes (.10 hours) to complete. Thus, the reporting burden for this provision is 471.00 hours. (There is no change in burden.)

250.69(a) & 250.70(a), Congregate Meals in a Disaster or Situation of Distress. In a disaster, the State distributing agency must notify FNS if congregate meals are being provided, and the period of time that such assistance is expected to be needed. In a situation of distress, the State distributing agency must request FNS approval to provide congregate meals for any period of time. We estimate that annually 5 State distributing agencies will need to report or request approval for congregate meals in either a disaster or situation of distress, with each report or request taking 15 minutes (0.25 hours). As a result the total estimated annual burden for this requirement is 1.25 hours. (There is no change in burden.)

250.69(b) & 250.70(b), Household Distribution in a Disaster or Situation of Distress. In a disaster or situation of distress, the State distributing agency must request FNS approval to provide household distributions of donated foods for any period of time. We estimate that annually 5 State distributing agencies will need to request approval for household distributions in either a disaster or situation of distress, with each report or request taking 15 minutes (0.25 hours). As a result the total estimated annual burden for this requirement is 1.25 hours. (There is no change in burden.)

250.69(c) & 250.70(c), Submission of Emergency Feeding Organization Applications During Disasters and Situations of Distress. During disasters or situations of distress,

Emergency Feeding Organizations must submit Applications to the State distributing agency, which in turn must submit the application to FNS for review and approval.

State Agencies: Distributing Agency Submission of Emergency Feeding Organization Application to FNS for Disasters and Situations of Distress. These sections require State distributing agencies to submit Emergency Feeding Organization applications to FNS for review and approval as Disaster organizations during a disaster or situation of distress. We estimate that 5 distributing agencies will submit 5 emergency feeding organization applications each, for a total of 25 responses. With each application taking 30 minutes (.5 hours) for submission, the total annual burden for this requirement is 12.50 hours. (There is no change in burden.)

250.69(f)-(g) & 250.70(f)-(g), Distributing Agency Report of Donated Foods Distributed for Disaster Relief and Request for Replacement Foods. These sections require State distributing agencies to submit a summary report to the FNS Regional Office and request replacement of donated foods within 30 days following termination of a disaster or situation of distress on Form FNS-292 “Report of Commodity Distribution for Disaster Relief.” The ICR burden hours associated with Form FNS-292 are reported in a separate collection under OMB# 0584-0594 Food Program Reporting System (FPRS). (There is no change in burden.)

### **Reporting Requirements--Part 251 The Emergency Food Assistance Program (TEFAP)**

251.2(c)(1) TEFAP Federal-State Agreements (FNS-74). The FNS-74 Federal-State Agreements was originally approved under OMB# 0584-0067 7 CFR Part 235-State Administrative Expense (SAE) Funds, which expired in August 2019. FNS determined as part of the renewal for that collection that the requirement for the Federal/State Agreements could be deleted since these agreements are permanent agreements. Since FNS does not believe that any changes or adjustments will be made to these agreements, the agency decided that the form and its associated reporting burden could be removed from OMB# 0584-00067. Since the same circumstances apply to OMB# 0584-0293, FNS will remove the listing for the FNS-74 from the reporting burden (since this form and its associated reporting burden was approved under OMB# 0584-0067, this collection did not duplicate that burden here. Therefore, the only item that needs to be removed are the references to FNS-74 in the reporting sections). However, any recordkeeping burden for the FNS-74 is still covered under OMB# 0584-0067. The FNS-74 is used for State distributing agencies to enter into an agreement with USDA to administer TEFAP. This is only filled out one time. At this time, FNS has a TEFAP agreement with all States.

251.4(g), Availability and Control of Donated Commodities. State distributing agencies must document transfers of donated commodities from one ERA to another. We estimate

that 54 agencies transfer donated commodities from one ERA to another per year. Documentation for each transfer will take approximately 2 hours, for a total reporting burden of 108.00 hours. (There is no change in burden.)

251.4(j), Inter-Agency Agreements. State distributing agencies must enter into interagency cooperative agreements to jointly provide commodities to an ERA, or to transfer commodities to an ERA when such organization serves needy persons in a contiguous area that crosses State borders. We estimate that an average of 2 agencies will enter Inter-Agency agreements each year. Each agreement will take about 30 minutes (0.5 hours) to complete, for a total burden of 1.00 hour. (There is no change in burden.)

251.4(l), Commodity Losses and Claim Determinations. State distributing agencies must initiate claims action for lost, damaged, or improperly distributed commodities and reimburse the FNS Regional Office if they are the responsible party. We estimate that about 54 State distributing agencies will initiate 2 claims each year, for a total of 108 claims. Each claim will take about 8 hours to complete, for a total reporting burden of 864.00 hours. (There is no change in burden.)

251.6(b) State Agency Distribution Plan. State distributing agencies must submit a plan to the FNS Regional Office that designates the State agency responsible for distributing the commodities; identifies the administrative funding provided; describes the plan of operation; describes the standards of eligibility for recipient agencies; and, describes the criteria to be used by recipient agencies for determining household eligibility. State plans are permanent, but States must submit a revised plan when there is a change to their operation or programmatic activities. On average, 14 agencies will submit revisions to plans each year. State plan revisions will take about 8 hours to complete. Thus, the total reporting burden is 112.00 hours for this activity. (There is no change in burden.)

251.9(e) & 251.10(d)(1), State Agency Matching Contribution and Use of Program Funds. On a quarterly basis, State distributing agencies must identify funds obligated and disbursed to cover administrative costs associated with the program at the State and local level. State distributing agencies also submit a final report. State distributing agencies identify their matching administrative contribution on Form FNS-667 "Report of TEFAP Administrative Costs." The Form FNS-667 is used in TEFAP in place of the Standard Form 269. On average, 54 agencies will complete this activity 5 times each year, for a total of 270 responses. Each response will take about 3.5 hours to complete. The total burden for this activity is 945.00 hours. (There is no change in burden.)

251.10(e), Monitoring of Eligible Recipient Agencies (ERAs) and Distribution Sites. Each State distributing agency must perform an annual review of at least 25% of all recipient agencies they have signed an agreement with. The frequency of reviews of ERAs that have signed agreements with other ERAs is one-tenth or 20, whichever is fewer. A report to the ERA of review findings is only required if deficiencies are noted.

An average of 54 State distributing agencies will perform this activity each year, taking 2 hours per review. The total estimated annual burden for monitoring is 108.00 hours per year. (There is no change in burden.)

### **Reporting Requirements**

#### **Part 253--Food Distribution Program on Indian Reservations (FDPIR) and Part 254-- Food Distribution Program for Indian Households in Oklahoma (FDPIHO)**

Part 253 contains a general provision under Section 253.5(h) requiring that the State agencies keep records and submit reports and other information related to the Food Distribution Program on Indian Reservations as required by FNS. All of the ICR reporting requirements in Part 253 also apply to Part 254 (Indian Households in Oklahoma). The reporting requirements follow:

253.5(a) & 254.3(a), Plan of Operation. The Indian Tribal Organization (ITO) or State agency submits a plan of operation to the FNS Regional Office for approval. The plan describes: the means by which the ITO or State agency will provide for the storage and distribution of commodities; the method of determining household eligibility; a description of survey instruments to determine commodity preferences of households; and, other steps taken to assure that the program will be administered in an efficient manner. Plans of operation are ongoing and amended as necessary. 24 ITOs and State agencies will submit or amend their plan of operations at least once each year. Each plan or amendment will take about 3 hours to complete, for a total burden of 72.72 hours. (There is no change in burden.)

253.5(i) & 254.3(a), Monitoring and Reviews of Program Operations. The ITO or State agency must review program operations annually, document deficiencies, and implement corrective action. 115 agencies will conduct an annual review of program operation taking approximately 2 hours to complete. Thus, the total burden for this activity is expected to be 230.00 hours. (There is no change in burden.)

253.7 & 254.3(a), Certification of Households to Participate. Households complete an application to participate in the program and recertify at intervals determined by the State agency or ITO, but which generally may not exceed 12 months. The State agency or ITO reviews the certification or recertification application to determine household eligibility.

*State Agencies:* State agencies or ITOs. 115 State agencies or ITOs will each certify or recertify approximately 180 households each year, for a total of 20,700 households. Each certification or recertification will take about 30 minutes (0.5 hours) to complete. Therefore, the total reporting burden for this activity is expected to be 10,350.00 hours. (There is no change in burden.)

253.8(f) & 254.3(a), Damaged or Out-of-Condition Commodities. 115 ITOs and State

agencies report damaged and out-of-condition donated foods to the FNS Regional Office utilizing Form FNS-57. These donated foods may be replaced after the conditions set forth in Section 250.11(c) are met. Approximately 115 State agencies or ITOs will report damaged or out-of-condition donated foods twice per year, for a total of 230 reports. Each report will require about 15 minutes (0.25 hours) to complete, for a total estimated annual reporting burden of 57.50 hours. (There is no change in burden.)

**Recordkeeping Requirements – Parts 240, 247, 250, 251, 253, and 254**  
**Affected Public: State, Local, and Tribal Governments**

**Recordkeeping Requirements--Part 240**  
**Cash In Lieu of Donated Foods**

240.4, Cash in Lieu of Donated Foods – Nonresidential Child and Adult Care Institutions. State agencies and Child and Adult Care Institutions must keep records of the amount of cash received in lieu of commodities. The total annual recordkeeping burden for the State agencies is 168 hours (with the combined total across all of the respondent groups is 45,668 hours).

*State Agencies:* we estimate that 56 State agencies will maintain 12 responses per year, for a total of 672 records. At 15 minutes (0.25 hours) per record, the total annual recordkeeping burden for this requirement is estimated to be 168.00 hours. (There is no change in burden.)

240.5, Cash in Lieu of Donated Foods – Commodity Schools. State agencies and the school food authorities of commodity schools must keep records of the amount of cash received in lieu of commodities. 3 agencies receive cash in lieu of commodities. Each agency will submit 12 monthly reports per year, for a total of 36 records. Each report is estimated to take 15 minutes (0.25 hours) to complete, for a total recordkeeping burden of 9.00 hours. (There is no change in burden.)

240.6, Funds for States that Have Phased Out Food Distribution Facilities. State agencies that have phased out receipt of commodities and receive cash instead, along with the school food authorities in those States, keep records of the amount of cash received. The total recordkeeping burden for this section is 1,316.00 hours, which equals approximately 94 reports by 56 agencies, for a total of 5,265 records. Each report takes 15 minutes (0.25 hours) to maintain. (There is no change in burden.)

**Recordkeeping Requirements--Part 247**  
**Commodity Supplemental Food Program (CSFP)**

247.27(b)(4), Record of Use of Funds. State agencies maintain records to account for expenditures of program funds. 42 agencies will maintain a monthly record, for a total of 504 records annually. Each record will take about 3 minutes (.05 hours) to maintain. Thus, the total recordkeeping burden is 25.20 hours. (There is no change in burden.)

247.28(b), Records of Receipt, Disposal, and Inventory of Donated Foods. State and recipient agencies maintain records attesting to the receipt, disposal, and inventory of donated foods, including determination of liability for improper use of, or loss of donated foods, and information regarding applicant eligibility. The total burden for the State agencies to maintain these records is estimated at 25.20 hours per year (the total annual recordkeeping burden for this requirement across all of the respondent types is estimated at 131.40 hours per year.

*State Agencies:* we estimate that 42 State agencies will maintain records monthly (12 per year), for a total of 504 records. Each record is expected to take 3 minutes (0.05 hours) to maintain. The total annual estimated burden is 25.20 hours. (There is no change in burden.)

247.29(a), Records of Fair Hearing Proceedings. State agencies keep records of fair hearing proceedings. Approximately 42 agencies will each hold about 36 fair hearing proceedings each year, for an annual total of 1,512 responses each year. The recordkeeping burden is estimated at 3 minutes (0.05 hrs.) for each proceeding. The total recordkeeping burden for fair hearing proceedings is thus 75.60 hours. (There is no change in burden.)

### **Recordkeeping Requirements--Part 250 General Food Distribution Regulations**

250.11(b), Receipt of Shipments. State distributing agencies, recipient agencies, or other consignees must maintain an electronic record of receipt of all donated food shipments.

*State Agencies:* Distributing Agency Records of Receipt of Shipments. 100 State distributing agencies will maintain records for 303 shipments per year for a total of 30,300 annual records. With each activity taking 1 minute (0.02 hours), the total annual estimated burden for this activity is 606 hours. (There is no change in burden.)

*Recipient agencies:* Recipient Agency Records of Receipt of Shipments (Child Nutrition Programs). 100 recipient agencies in child nutrition programs will maintain records for 303 shipments per year for a total of 30,300 annual records.

With each activity taking 1 minute (0.02 hours), the total annual estimated burden for this activity is 606.00 hours. (There is no change in burden.)

250.12(b), Distributing Agency Maintenance of Inventory Record of Donated Foods.

State distributing agencies must maintain a separate inventory record of donated foods to ensure that donated foods are distributed timely and used while still in optimal condition. We estimate that each of the 263 State distributing agencies will maintain one inventory record. With each record taking 5 minutes (0.08 hours) to maintain the total estimated recordkeeping burden for this activity is 21.04 hours per year. (There is no change in burden.)

250.12(b) & 250.21(b)(2), Storage Facility Reviews. The State distributing agency must conduct on-site reviews and physical inventories of all storage facilities (including commercial facilities under contract with the distributing or subdistributing agency) on an annual basis, and maintain related records. 263 distributing agencies maintain two records per year, for a total of 526 records. Each record takes 5 minutes (0.08 hours) to maintain, for a total estimated burden of 42.08 hours per year. (There is no change in burden.)

250.12(e), Distributing Agency Maintenance of Records of Transfers and Related Inspections.

Distributing agencies must maintain a record of all transfers from its inventories, and any related inspections. 25 State distributing agencies will request these types of transfers once per year, resulting in 25 records per year. Each record is estimated to take 5 minutes (0.08 hours) to maintain, for a total annual recordkeeping burden of 2.00 hours. (There is no change in burden.)

250.13(b), Distributing Agency Maintenance of Records Related to Costs Incurred in Storing and Distributing Donated Foods, Related Administrative Costs, and Funds Used.

The Distributing agency must maintain a record of costs incurred in storing and distributing donated foods and related administrative costs, and the source of funds used to pay such costs. We estimate that 100 distributing agencies will maintain one record each for a total of 100 records annually. With each record taking 1 minute (0.02 hours) to maintain, the total recordkeeping burden for this activity is 2.00 hours. (There is no change in burden.)

250.15(d), Distributing Agency Complaint Records. State distributing agencies must maintain evidence of investigations and actions on serious irregularities involving commodities. We estimate that 263 agencies will maintain complaint records, requiring 20 minutes (0.33 hours) per agency, for a total estimated annual recordkeeping burden of 86.79 hours. (There is no change in burden.)

250.17(a), Distributing Agency Operating Funds. Distributing agencies in child nutrition programs must maintain an operating account for funds obtained from the distribution charge imposed on Recipient agencies in child nutrition programs. We estimate that 52



State distributing agencies will maintain one account per year. Each account requires a recordkeeping burden of 5 minutes (0.08 hours) for a total estimated annual recordkeeping burden of 4.16 hours. (There is no change in burden.)

250.17(c), Distributing Agency Donated Food Account, State distributing agencies must maintain funds obtained from sources incidental to donated foods distribution in a donated food account to be used to pay costs incurred in the storage and distribution of donated foods, and related administrative costs. We estimate that 263 State distributing agencies will maintain one account per year. Each account requires a recordkeeping burden of 5 minutes (0.08 hours) for a total annual recordkeeping burden of 21.04 hours. (There is no change in burden.)

250.19(a), Recordkeeping of Agreements, Reports, and Other Records. Distributing agencies, recipient agencies, and other entities must maintain records of agreements and contracts, reports, audits, and claim actions, funds obtained as an incident of donated food distribution, and other records. In addition, distributing agencies must maintain a record of the value of donated foods each of its school food authorities receives and processors must maintain records documenting the sale of end products to recipient agencies. Specific recordkeeping requirements are provided below:

- Agreements with FNS. Distributing agencies must maintain a copy of their signed agreement (FNS-74) with FNS. This burden is addressed in OMB #0584-0067 7 CFR Part 235 – State Administrative Expense (SAE) Funds. (There is no change in burden.)
- Commercial Entity Agreements (Storage Facilities, Carriers, Etc.). Distributing agencies must maintain a copy of their signed agreement with commercial entities, including storage facilities and carriers. We estimate that Distributing agencies will have an agreement with 127 commercial entities in total. With each agreement taking 5 minutes (0.08 hours) to maintain, the total annual recordkeeping burden for this activity is 10.16 hours. (There is no change in burden.)
- Commodity Offer Value Method. State distributing agencies must document and maintain on file the method used to determine the values of the commodities offered to schools and nonresidential child and adult care institutions. Each of 52 State distributing agencies maintains 2 records per year, for a total of 104 responses. Since each record takes 5 minutes (0.08 hours) to maintain, the burden to maintain this documentation is 8.32 hours per year. (There is no change in burden.)
- Management Evaluation and Review Records. State distributing agencies must maintain a copy of each report of review findings for all programs receiving commodities, including recipient agencies,

processors, warehouses, and food service management companies. Approximately 263 State distributing agencies will maintain copies of the report findings at 20 minutes (0.33 hours) per agency, for a total burden of 86.79 hours. (There is no change in burden.)

- Multi-State and In-State Processor Audits. State distributing agencies must maintain a copy of audits and accompanying corrective action plans submitted by multi-State and in-State processors. We estimate that 52 distributing agencies will receive 2 audits per year, for a total of 104 audits. With each audit taking 5 minutes (0.08 hours) to maintain, the total recordkeeping burden for this activity is 8.32 hours. (There is no change in burden.)

Recipient/Subdistributing Agency Agreements – Child Nutrition Programs Recipient Agencies. Recipient agencies in child nutrition programs must maintain a copy of their signed agreement with State distributing agencies. With an estimated total of 20,866 recipient agencies nationally, we estimate that each agency will maintain one agreement for a total of 20,866 records each year. With each record taking 3 minutes (0.05 hours) to maintain, the total recordkeeping burden for this activity is 1,043.30 hours per year. (There is no change in burden.)

- Recipient/Subdistributing Agency Agreements – Distributing Agencies. State distributing agencies must maintain a copy of their signed agreement with their recipient and subdistributing agencies. With an estimated total of 21,151 recipient and subdistributing agencies nationally, we estimate that each of the 263 distributing agencies will maintain on average 80.42 agreements annually, for a total of 21,150.46 records each year. With each record taking 0.05 hours to maintain, the total burden for this activity is 1,057.52 hours. (There is no change in burden.)

- Records Related to the Receipt, Distribution, and Inventory of Donated Foods – Distributing Agency maintenance. State distributing agencies must maintain records relating to the receipt, distribution, and inventory of donated foods. These records must address end products processed from donated foods as described in 250.37(e), and determinations of liability for improper use of, or damage to, foods resulting from the pursuit of claims. With 263 distributing agencies maintaining 15 records per year, we estimate that 3,945 records will be maintained annually. With each record taking 5 minutes (0.08 hours) to maintain, the total recordkeeping burden for this activity will be 315.60 hours per year. (There is no change in burden.)

- Records Related to the Receipt, Distribution, and Inventory of Donated Foods – Child Nutrition Programs Recipient Agencies. Recipient and agencies in child nutrition programs must maintain records relating to the receipt, distribution, and inventory of donated foods. These records must address end products processed from donated foods as per 250.37(f), and determinations of liability for improper use of, or damage to, foods resulting from the pursuit of claims. With 20,866 recipient agencies maintaining 15 records per year, we estimate that 312,990 records will be maintained annually. With each record taking 5 minutes (0.08 hours) to maintain, the total recordkeeping burden for this activity will be 25,039.20 hours per year. (There is no change in burden.)

250.53 & 250.54 Recipient Agency Recordkeeping and Reviews of Food Service Management Companies. Recipient agencies in child nutrition programs must maintain a copy of contracts with food service management companies. Recipient agencies must document how the donated food used by food service management companies was credited, as well as the value that was credited. We estimate that 6,783 recipient agencies have contracts with food service management companies, and the recordkeeping burden for each is 15 minutes (0.25 hours). The recordkeeping burden for recipient agencies is 1695.75 hours. (There is no change in burden.)

250.67(a) Agreements with Correctional Institutions. This section requires State distributing agencies to maintain agreements with correctional institutions, including a written statement certifying that correctional institutions receiving commodities conduct a rehabilitation program for the majority of inmates. We estimate that 52 State distributing agencies will maintain 6 records each, for a total of 312 records. With each record taking 5 minutes (0.08 hrs.) to maintain, the total annual estimated burden for this activity is 24.96 hours. (There is no change in burden.)

250.69(f)-(g) & 250.70(f)-(g), Records for Disasters and Situations of Distress. These sections require Distributing agencies to maintain records and other information relating to disasters and situations of distress.

Applications to Become Disaster Organizations and Related Records. State distributing agencies are required to maintain records, including applications for the receipt and distribution of donated foods for victims of disasters and situations of distress. We estimate that each of 5 State distributing agencies will maintain 400 records, for a total of 2,000 records. With each record taking 0.02 minutes to maintain, the estimated total annual recordkeeping burden for this activity is 40.00 hours. (There is no change in burden.)

Distributing Agency Report of Donated Foods Distributed for Disaster Relief and

Request for Replacement Foods. State distributing agencies must maintain records of the Form FNS-292, "Report of Commodity Distribution for Disaster Relief." The ICR burden hours associated with Form FNS-292 are reported under OMB# 0584-0594 Food Program Reporting System (FPRS). (There is no change in burden.)

**Recordkeeping Requirements--Part 251  
The Emergency Food Assistance Program (TEFAP)**

251.2(c)(1) Federal-State Agreements. The State distributing agency must keep a copy of the agreement it has made with the Department to administer TEFAP. 54 State distributing agencies will keep agreements. With each record taking 5 minutes (0.08 hours) to maintain, the estimated annual recordkeeping burden for this activity is 4.32 hours. (There is no change in burden.)

251.2(c)(2), TEFAP Eligible Recipient Agency (ERA) Agreements. The State distributing agency must keep a copy of its agreement with eligible recipient agencies to administer TEFAP at the local level. 54 State distributing agencies will maintain agreements for 30 ERAs each, for a total of 1,620 agreements, with each agreement taking approximately 5 minutes (0.08 hours) to maintain. The estimated annual recordkeeping burden for this activity is 129.60 hours. (There is no change in burden.)

251.4(g), Documentation of Transfer of Section 32 Commodities. State distributing agencies document transfers of Section 32 commodities by ERAs or recipient agencies to other ERAs or recipient agencies. Records will be maintained by 54 agencies with each record taking 20 minutes (0.33 hours) to maintain, for a total burden of 17.82 hours. (There is no change in burden.)

251.4(j), Inter-Agency Agreements. State distributing agencies keep a copy of all agreements addressing the joint provision or transfer of commodities to ERAs that serve persons in contiguous areas crossing State borders. On average, 2 agencies will enter into inter-agency agreements per year. The recordkeeping burden for this activity is expected to take 5 minutes (0.08 hours) for each of 2 agencies, for total burden of 0.16 hours. (There is no change in burden.)

251.4(l)(5), Claims and Adjustments. State distributing agencies maintain records and substantiating documents on all claims actions and adjustments including documentation of those cases in which no claim was asserted because of the minimal amount involved. 54 agencies will maintain records on claims actions and adjustments. This will take 2 hours per agency, for a total of 108.00 hours. (There is no change in burden.)

251.10(a)(1), Receipt, Disposal, and Inventory of Commodities. State distributing

agencies, subdistributing agencies, and ERAs maintain records to document the receipt, disposal, and inventory of commodities received under Part 251. This requirement includes the maintenance of Forms FNS-155, FNS-52, FNS-7 and FNS-57.

*State Agencies: Distributing agencies.* 54 State distributing agencies will maintain 15 records annually, for a total of 810 records, taking 5 minutes (0.08 hours) per record. Thus, the estimated annual recordkeeping burden for this activity is expected to be 64.80 hours. (There is no change in burden.)

251.10(a)(2), Funds Paid to ERAs for Storage and Distribution. State distributing agencies maintain records to document the amount of funds paid to ERAs for the actual storage and distribution costs incurred by them. State distributing agencies must also ensure that ERAs maintain the required records.

*State Agencies: Distributing agencies.* 54 State distributing agencies will maintain 12 records annually, for a total of 648 records, taking 5 minutes (0.08 hours) per record. Thus, the estimated annual recordkeeping burden for this activity is expected to be 51.84 hours. (There is no change in burden.)

### **Recordkeeping Requirements Part 253--Food Distribution Program on Indian Reservations (FDPIR) and Part 254-- Food Distribution Program for Indian Households in Oklahoma (FDPIHO)**

253.5(h) & 254.3(a), Recordkeeping of Reports. Records of required information collections are maintained for a period of 3 years including certifications, applications, and documentation of the granting or denial of household eligibility. Below is a breakout of the burden for these miscellaneous recordkeeping items:

Plans of Operations. 115 ITOs and State agencies will maintain 1 document each, for a total estimated annual recordkeeping burden of 9.20 hours (5 minutes (0.08 hours) per Plan of Operation). (There is no change in burden.)

Household Applications. 115 ITOs and State agencies will maintain records of an estimated 180 household applications per agency, for a total of 20,700 household applications. The total estimated annual recordkeeping burden for household applications is 1,656.00 hours (5 minutes (0.08 hours) per application). (There is no change in burden.)

Reporting Changes. 115 ITOs and State agencies will need to keep documentation of changes in certification status. Approximately 5,750 changes will occur each year (50 per agency). Thus, the total estimated annual

recordkeeping burden for this item is 460.00 hours (5 minutes (0.08 hours) per change). (There is no change in burden.)

Disposal of Out of Condition Commodities. Approximately 25 ITOs and State agencies will dispose of out of condition commodities and will keep records of those commodities disposed. The total burden estimated annual recordkeeping burden for this activity is 2 hours, or 5 minutes (0.08 hours) per record. (There is no change to burden.)

ITO Applications. 115 ITOs and State agencies must maintain copies of their applications. The total burden for this activity is 9.20 hours (5 minutes (0.08 hours) per record). (There is no change in burden.)

Commodity Inventories. 115 ITOs and State agencies must maintain records of monthly inventories (12 for each ITO and State agency), for a total of 1,380 responses per year. The total recordkeeping burden for inventories is 110.40 hours (5 minutes (0.08 hours) per inventory record). (There is no change in burden.)

Damaged or Out of Condition Commodities. 115 ITOs and State agencies will submit 2 reports per year of damaged or out of condition commodities, for a total of 230 records per year. Therefore, the total estimated annual recordkeeping burden for this activity is 18.40 hours (5 minutes (0.08 hours) per report). (There is no change in burden.)

253.5(j) & 254.3(a), Investigations and Complaints. The ITO or State agency must keep a record of investigations and actions taken in response to complaints received relating to the handling, distribution, receipt, or use of commodities. 115 ITOs and State agencies will keep records of complaints. Each agency will spend about 3 hours maintaining records related to investigations and complaints, for a total burden of 345.00 hours. (There is no change in burden.)

253.7(h) & 254.3(a), Fair Hearings. Records of fair hearings affecting household eligibility for commodities must be maintained by ITOs and State agencies. 115 ITOs and State agencies will maintain records of fair hearings. Each ITO or State agency will spend approximately 15 minutes (0.25 hours) maintaining these records, for a total burden of 28.75 hours. (There is no change in burden.)

253.11(b) & 254.3(a), Management of Administrative Funds. ITOs and State agencies must maintain records accounting for all administrative funds received from the Department. 115 ITOs or State agencies will keep records on administrative funds. Each agency will spend about 30 minutes (0.5 hours) keeping these records, for a total recordkeeping burden of 57.50 hours. (There is no change in burden.)

**Reporting Requirements – Part 250**  
**Affected Public: Private – For-Profit**

**Reporting Requirements--Part 250**  
**General Food Distribution Program Regulations**

250.11(b), Receipt of Shipments (FNS-57). Distributing or Recipient agencies, or other consignees, must provide notification of the receipt of donated food shipments to FNS through electronic means, and must maintain an electronic record of receipt of all donated food shipments. The disposition of donated foods in a shipment that are out-of condition, or that are not in accordance of ordered amounts must also be reported. The burden for the commercial entities are estimated to be 17,040.72 hours per year (the total burden for the Distributing or Recipient agencies and consignees is estimated to be 18252.72 hours per year).

*Commercial Entities: Commercial Consignee Receipt of Shipments*. 2,812 commercial entities (storage facilities) will receipt for shipments 303 times per year for a total of 852,036 annual responses. With each response taking 1 minute (0.02 hours), the total annual estimated burden for this activity is 17,040.72 hours. (There is no change in burden.)

250.12(f), Commercial Entity Agreements (Storage Facilities, Carriers, Etc.). State distributing agencies may obtain the services of commercial enterprises, such as storage facilities to store and distribute donated foods, or a carrier to transport donated foods. The State distributing agency must enter into a written contract with these entities, which may not exceed five years in duration, including any extensions or renewals. We estimate that 131 storage facilities and carriers will either sign new agreements or renew agreements with distributing agencies each year. With each response taking 2 hours, the estimated total burden for this activity is 262.00 hours. For this renewal, the number of respondents was adjusted to ensure that the total number of unique respondents was accurately calculated. The number of respondents was adjusted from 63 to 131. This increased the total burden hours for this requirement by 136 hours, from 126 to 262 hours due to an adjustment.

250.18(b) and 250.37(a), Performance Reports. When commercial food processors enter into agreements with State distributing or recipient agencies to convert donated foods into other end products or repackage the foods, processors submit a monthly performance report for each agreement. The monthly performance report lists the type and quantity of end products purchased by and delivered to recipient agencies; complete donated-food inventory at the beginning and end of the reporting month; quantities of donated food

loss; information regarding the utilization of the donated foods; and grading certificates and other documentation required to support the information included in the performance reports. The reports are received by the administering party of the agreement to ascertain if performance complies with the regulations and the terms of the agreement.

Approximately 500 respondents are expected to submit 12 performance reports per year, for a total of 6,000 responses. Each performance report is expected to take 1 hour to complete, for a total annual burden of 6000.00 hours. (There is no change in burden.)

250.37(c), Summary Performance Report. Multi-State processors also submit a summary performance report to FNS. The summary performance report lists the complete donated food inventory at the beginning and end of the reporting month and the total donated food inventory by State and the national total. Approximately 110 respondents are expected to submit 12 summary performance reports per year, for a total of 1,320 responses. Each performance report is expected to take 1 hour to complete, for a total annual burden of 1320.00 hours. (There is no change in burden.)

250.20(c), Multi-State and In-State Processors' Responses to CPA Audit Deficiencies. Multi-State and in-State processors must submit a copy of the CPA audit to the State distributing agency and develop a written response addressing deficiencies which have been identified through CPA audit findings. We estimate that 50 multi-State and in-State processors will respond 2 times per year, for a total of 100 responses. Each response will likely take 4 hours, for a total reporting burden of 400.00 hours. (There is no change in burden.)

250.33 (a), End Product Data Schedules. Processors must submit end product data schedules, in a standard electronic form dictated by FNS for approval by FNS (for National Processing Agreements) or by the State distributing agency (for In-State Processing Agreements) for each new product that a processor wishes to provide or for a previously approved end product in which the ingredients have been altered. All products containing donated red meat and poultry must have their end product data schedules approved by USDA. The end product data schedule must include a description of the end product, the donated foods and other ingredients included in the end product, the quantity of the end product produced, and the processing yield of the donated food. We expect 131 processors to provide end product data schedules to FNS or the State distributing agency 12 times a year, for a total of 1,572 responses. The estimated time for each response is 30 minutes (0.5 hours), for a total of 786 burden hours. (There is no change in burden.)

250.34, Substitution of Donated Foods. Substitution of commercially purchased beef, pork, or poultry for USDA donated beef, pork, or poultry must be approved by USDA before the substitution takes place. These plans are considered permanent, with amendments made as necessary. We expect 1 processor to submit a substitution plan or amendment to the substitution plan to FNS each year for an annual total of 1 instance. The estimated time for each response is 1 hours, for a total of 1 burden hours. (There is



no change in burden.)

250.35(d), Limitation on Donated Food Inventories. If processors need to maintain a higher inventory than the regulatory limit of six months, they must submit written justification for approval by the State distributing agency in the State they are operating in. We expect one processor to submit one written justification to their respective State distributing agency each year. The estimated time for each response is 1 hour, for a total of 1 burden hour. (There is no change in burden.)

250.30(c)-(f) Processing Agreements. Processing companies must enter into a processing agreement with FNS, State distributing agencies, or recipient agencies. .

250.30(c), National Processing Agreement. Processing companies that operate in multiple States must enter into an agreement with FNS. These agreements must include a provision that FNS will hold and manage multi-State processors' performance bond or letter of credit. These agreements are permanent, with amendments made as needed. We expect approximately 5 processors to make one amendment or sign one new National Processing Agreement each year. The estimated annual responses per respondent is 1. With each agreement or amendment taking 2 hours to complete, the annual estimated reporting burden for this activity is estimated to be 10 hours. (There is no change in burden.)

250.30(d), State Participation Agreement. Multi-State processors must enter into agreements with the distributing agency in each State that they operate in. These agreements may be up to five years in duration. We expect 500 processors to renew State Participation Agreements each year. Each agreement renewal takes 30 minutes (0.5 hours) to complete. With the annual responses per respondent estimated to be 1 and the response time estimated to be 0.5 hours, the annual estimated reporting burden for this activity is estimated to be 250 hours. (There is no change in burden.)

250.30(e), In-State Processing Agreement. In-State processors, or processors that operate in only one State, must enter into agreements with the State distributing agency in order to operate in the State. Under these agreements, the distributing agency may either purchase finished end products for distribution to recipient agencies, or they may select processors and permit recipient agencies to purchase finished products directly from them. These agreements are called 'master agreements'. The agreement must include a provision that the processor provide the performance bond or letter of credit to the State distributing agency. These agreements may be up to five years in duration. We expect 4 processors to renew In-State Processing Agreements each year. Each agreement renewal takes 30 minutes (0.5 hours) to complete. The estimated number of respondents for this agreement is 4 respondents, the estimated annual responses per respondent is 1, and the estimated response time is 0.5 hours. Accordingly, the annual estimated

reporting burden for this activity is 2.0 hours. (There is no change in burden.)

250.30(f), Recipient Agency Processing Agreement. The distributing agency may allow a recipient agency to enter into an agreement with an in-State processor to process donated foods. The agreement must include a provision that the processor provide the performance bond of letter of credit to the recipient agency. These agreements can be up to five years in duration. These agreements must be reviewed and approved by the State distributing agency.

*Commercial Entities:* We expect 1 processor to renew 1 Recipient Agency Processing Agreement each year. Each agreement renewal takes 30 minutes (0.5 hours) to complete, for a total reporting burden of 0.5 hours. (There is no change in burden.)

250.30(i), Agreements between Processors and Distributors. A processor providing end products containing donated foods to a distributor must enter into a written agreement with the distributor. The agreement must include the financial liability for the replacement value of donated foods, monthly end product sales reporting frequency, requirements under 250.11, and the applicable value pass through system. These agreements can be considered permanent, with amendments made as necessary. We estimate that 225 respondents will enter into an agreement in the first year and 5 will amend their agreements each year for the next 2 years, for an average of 78.33 respondents each year. With each agreement taking 2 hours to complete, the estimated annual reporting burden for this activity is 156.66 hours. (There is no change in burden.)

### **Recordkeeping Requirements – Parts 240 and 250 Affected Public: Private – For-Profit**

#### **Recordkeeping Requirements--Part 240 Cash In Lieu of Donated Foods**

240.4, Cash in Lieu of Donated Foods – Nonresidential Child and Adult Care Institutions. State agencies and Child and Adult Care Institutions must keep records of the amount of cash received in lieu of commodities. The total annual recordkeeping burden for this requirement is 45,500 hours (the total annual burden hours across all of the respondent groups is 45,668 hours).

*Private Institutions:* an estimated 500 private institutions will each keep 364 records, for a total of 182,000 records. Thus, at 15 minutes (0.25 hours) per record, the total annual recordkeeping burden for this requirement is 45,500.00 hours. (There is no change in burden.)

## **Recordkeeping Requirements--Part 250 General Food Distribution Regulations**

250.11(b), Receipt of Shipments. State distributing agencies, recipient agencies, or other consignees must maintain an electronic record of receipt of all donated food shipments.

*Commercial Entities:* Commercial Consignee Records of Receipt of Shipments. 2812 commercial entities (storage facilities) will maintain records for 303 shipments per year for a total of 852,036 annual records. With each activity taking 1 minute (0.02 hours), the total annual estimated burden for this activity is 17,040.72 hours. (There is no change in burden.)

250.19(a), Recordkeeping of Agreements, Reports, and Other Records. Distributing agencies, recipient agencies, and other entities must maintain records of agreements and contracts, reports, audits, and claim actions, funds obtained as an incident of donated food distribution, and other records. In addition, distributing agencies must maintain a record of the value of donated foods each of its school food authorities receives and processors must maintain records documenting the sale of end products to recipient agencies.

*Commercial Entities:*

- Multi-State and In-State Processor CPA Audits. Multi-State and in-State processors must maintain records pertaining to donated food acquisition, storage, distribution as well as financial information for required periodic CPA audits. Approximately 131 multi-State and in-State processors are expected to maintain records of audits 2 times per year, for a total of 262 records. Record maintenance is expected to take 15 minutes (0.25 hours) for a total annual burden of 65.50 hours. (There is no change in burden.)

250.37(d), Records Related to Processors' Receipt, Distribution, and Inventory of Donated Foods. All processors with agreements with FNS, a State distributing agency, or a recipient agency to process commodities must maintain accurate and complete records for review pertaining to the receipt, distribution, use, and inventory of donated foods, as well as all agreements with distributors, documentation of Federal or State inspection of processing facilities, and documentation of substitution of commercial foods for donated foods. Approximately 131 processors will maintain records, at about 30 minutes (0.5 hours) per processor, for a total estimated annual burden of 65.5 hours. (There is no change in burden.)

## **Reporting Requirements – Parts 250 and 251**

**Affected Public: Private – Not-For-Profit**

**Reporting Requirements--Part 250  
General Food Distribution Program Regulations**

250.4(b), Subdistributing Agency Agreements with Distributing Agencies.

Subdistributing agencies must enter into a written agreement with the State Distributing agency. These agreements are permanent. We estimate that four new subdistributing agencies will sign agreements with State distributing agencies each year, for a total of 4 annual responses. With each agreement taking approximately 2 hours, the estimated annual reporting burden for this activity is 8.00 hours. (There is no change in burden.)

250.4(c), Child Nutrition Program Recipient Agency Agreements. Recipient Agencies must enter into a written agreement with the State distributing agency. These agreements are permanent. The burden calculation for 250.4(b) and 250.4(c) was previously combined. They have now been separated to provide a more accurate estimate. Further, the burden estimate for recipient agencies and school food authorities were previously combined in the PNP worksheet of the burden table. The burden for school food authorities, as government entities, has been separated out and moved to the SLT worksheet. (There is no change in burden.)

*Household Recipient Agencies:* Approximately 20 recipient agencies in household programs will sign agreements with State distributing agencies each year. With each agreement taking approximately 2 hours to complete, the estimated annual reporting burden for this activity is 40.00 hours. (There is no change in burden.)

250.10(a) & 250.58(a), Household Recipient Agency Input for Availability of Donated Foods and Child Nutrition Program and Recipient Agency Input for Availability of Donated Foods. Distributing agencies must provide recipient agencies the opportunity to provide input in determining the full list of donated foods available to them for ordering. Both recipient agencies in household programs and school food authorities in child nutrition programs report this information.

*Household Recipient Agencies:* Approximately 1,600 recipient agencies in household programs will provide input annually, with each response taking 15 minutes (.25 hours). Therefore the annual reporting burden is 400 hours. For this renewal, the number of respondents was adjusted to ensure that the total number of unique respondents was accurately calculated. The number of respondents was adjusted from 285 to 1,600. This increased the total burden hours for this requirement by 328.75 hours, from 71.25 to 400 hours due to an adjustment.

250.14(b) & 250.15(b), Recipient Agency in Household Programs Reporting of Donated

Food Losses. Recipient agencies in household programs must notify the State distributing agency of donated food losses. 70 recipient agencies in household programs will report donated food losses once per year. With each reporting taking 15 minutes (0.25 hours) each, the total estimated annual reporting burden for this activity is 17.50 hours per year. (There is no change in burden.)

250.14(d), Requests for Approval to Transfer Donated Foods. Both State distributing agencies and recipient agencies must request approval before transferring donated foods in certain circumstances.

*Recipient agencies:* Recipient Agency Requests for Distributing Agency Approval of Donated Foods Transfers to Another Recipient Agency. A Recipient agency operating a household program must request approval from the State distributing agency to transfer donated foods at its storage facilities to another Recipient agency. We estimate that 310 recipient agencies will request this type of transfer once per year, resulting in 310 transfers each year. With each request taking 15 minutes (0.25 hours), the total annual reporting burden for this activity is 78 hours. For this renewal, the number of respondents was adjusted to ensure that the total number of unique respondents was accurately calculated. The number of respondents was adjusted from 211 to 310. This increased the total burden hours for this requirement by 25.25 hours, from 52.75 to 78 hours due to an adjustment.

250.15(c) Recall Response Reporting. State distributing agencies and recipient agencies have reporting responsibilities in the event of a food recall, as delineated below.

*Recipient agencies in Household Programs:* Household Recipient Agency Recall Response Reporting. In the event a food recall affects products provided by FNS for nutrition assistance programs, recipient agencies in household programs are responsible for reporting the status of the product and its disposition. We estimate a total of 75 recipient agencies will respond to one recall per year, with a single product affected. The time required to locate and report on the affected product is 4 hours per recall. Thus, the reporting burden is 300.00 hours. (There is no change in burden.)

250.69(c) & 250.70(c), Submission of Emergency Feeding Organization Applications During Disasters and Situations of Distress. During disasters or situations of distress, Emergency Feeding Organizations must submit Applications to the State distributing agency, which in turn must submit the application to FNS for review and approval. Burdens associated with these activities are delineated below:

*Recipient agencies:* Emergency Feeding Organization Applications During Disasters and Situations of Distress. In a disaster or situation of distress, these sections require Emergency Feeding Organizations feeding disaster victims to

submit applications to the State Distributing agency. We estimate that 25 organizations will submit applications to State agencies each year. Each application will take an estimated 1 hours to complete. The total burden for this requirement is 25.00 hours. (There is no change in burden.)

250.69(d) & 250.70(d), Disaster Agency Reporting of Household Information. There are certain reporting requirements regarding household information required in disasters and situations of distress if the issuance of D-SNAP benefits has been approved, as delineated below:

*Recipient agencies:* Disaster Agency Reporting of Household Information. The State distributing agency must ensure that the disaster organization obtains household information and reports it to the distributing agency. We estimate that 100 disaster agencies will report information for 25 households annually, for a total of 2,500 responses. With each reporting taking 0.02 hours, the estimated total annual activity for this burden is 50.00 hours. (There is no change in burden.)

### **Reporting Requirements--Part 251 The Emergency Food Assistance Program (TEFAP)**

251.2(c)(2), TEFAP Eligible Recipient Agency Agreements. Recipient agencies enter into an agreement with Distributing agencies to administer TEFAP. We estimate that annually 177 ERAs will amend their agreements one time. With each amendment taking 1 hour, the estimated annual reporting burden for this activity is 177 hours. As part of this renewal, FNS adjusted the number of respondents to ensure that they were being captured accurately. FNS originally estimated that there were 50 respondents but for this revision, the number was adjusted to 177. This increased the burden hours for this requirement by 127 hours, from 50 to 177 hours due to an adjustment.

### **Recordkeeping Requirements – Parts 247, 250, and 251 Affected Public: Private – Not-For-Profit**

#### **Recordkeeping Requirements--Part 247 Commodity Supplemental Food Program (CSFP)**

247.28(b), Records of Receipt, Disposal, and Inventory of Donated Foods. State and recipient agencies maintain records attesting to the receipt, disposal, and inventory of donated foods, including determination of liability for improper use of, or loss of donated

foods, and information regarding applicant eligibility. The total annual recordkeeping burden for the recipient agencies is 106.20 hours (the total annual recordkeeping burden across all of the respondent groups is 131.40 hours).

*Recipient agencies:* we also estimate that 177 recipient agencies will maintain records monthly (12 per year), to total 2,124 records per year. With each record taking 3 minutes (0.05 hours) to maintain, the total estimated annual burden for recipient agencies is 106.20 hours. (There is no change in burden.)

247.30(d)(3), Records of Participant Claims. The recipient agency must pursue a claim against a participant to recover the value of benefits improperly received or used if it determines that the participant, or the parent or caretaker of the participant, received or used the commodities through fraud. The recipient agency must maintain all records regarding claims actions taken against participants. We estimate that 56 recipient agencies will initiate 8 claims per year, for a total of 448 claims actions against participants each year. The recordkeeping burden is estimated at 5 minutes (0.08 hrs.) for each claims action. The total recordkeeping burden for claims is thus 35.84 hours. (There is no change in burden.)

### **Recordkeeping Requirements--Part 250 General Food Distribution Regulations**

250.14(b), Household Program Subdistributing or Recipient Agency Maintenance of Inventory Record of Donated Foods. Subdistributing and recipient agencies in household programs must maintain a separate inventory record of donated foods to ensure that donated foods are distributed timely and used while still in optimal condition. We estimate that each of the 310 subdistributing and recipient agencies of household programs will maintain one inventory record. With each record taking 5 minutes (0.08 hours) to maintain the total recordkeeping burden for this activity is 24.80 hours per year. (There is no change in burden.)

250.19(a), Recordkeeping of Agreements, Reports, and Other Records. Distributing agencies, recipient agencies, and other entities must maintain records of agreements and contracts, reports, audits, and claim actions, funds obtained as an incident of donated food distribution, and other records. In addition, distributing agencies must maintain a record of the value of donated foods each of its school food authorities receives and processors must maintain records documenting the sale of end products to recipient agencies.

- Commercial Entity Agreements. Recipient and subdistributing agencies must maintain a copy of their signed agreement with commercial entities, such as storage facilities or carriers. We estimate that 125

recipient and subdistributing agencies will maintain such agreements each year. With each agreement taking 5 minutes (0.08 hours) to maintain, the total reporting burden for this activity is 10.00 hours. (There is no change in burden.)

- Recipient/Subdistributing Agency Agreements – Household Programs. Recipient and subdistributing agencies in household programs must maintain a copy of their signed agreement with State distributing agencies. With an estimated total of 285 recipient and subdistributing agencies nationally, we estimate that each agency will maintain one agreement for a total of 285 records each year. With each record taking 3 minutes (0.05 hours) to maintain, the total recordkeeping burden for this activity is 14.25 hours per year. (There is no change in burden.)

Records Related to the Receipt, Distribution, and Inventory of Donated Foods – Household Programs. Recipient and Subdistributing agencies in household programs must maintain records relating to the receipt, distribution, and inventory of donated foods. These records must address determinations of liability for improper use of, or damage to, foods resulting from the pursuit of claims. With 285 subdistributing and recipient agencies maintaining 15 records per year, we estimate that 4,275 records will be maintained annually. With each record taking 5 minutes (0.08 hours) to maintain, the total recordkeeping burden for this activity will be 342.00 hours per year. (There is no change in burden.)

### **Recordkeeping Requirements--Part 251 The Emergency Food Assistance Program (TEFAP)**

251.10(a)(1), Receipt, Disposal, and Inventory of Commodities. State distributing agencies, subdistributing agencies, and ERAs maintain records to document the receipt, disposal, and inventory of commodities received under Part 251. This requirement includes the maintenance of Forms FNS-155, FNS-52, FNS-7 and FNS-57.

*Recipient agencies: Subdistributing Agencies and ERAs.* 133 subdistributing agencies and ERAs will maintain 15 record annually, for a total of 1,995 records, taking 5 minutes (0.08 hours) per record. Thus, the estimated annual recordkeeping burden for this activity is expected to be 159.60 hours. (There is no change in burden.)

251.10(a)(2), Funds Paid to ERAs for Storage and Distribution. State distributing agencies maintain records to document the amount of funds paid to ERAs for the actual storage and distribution costs incurred by them. State distributing agencies must also



ensure that ERAs maintain the required records.

*Recipient agencies: ERAs.* 108 ERAs will maintain 15 records annually, for a total of 1,620 records, taking 5 minutes (0.08 hours) per record. Thus, the estimated annual recordkeeping burden for this activity is expected to be 129.60 hours. (There is no change in burden.)

251.10(a)(3), Eligibility Determination and Collection of Participating Household Information. Each distribution site must collect and maintain records of each household receiving commodities for home consumption. The records must contain: the name of the household member receiving the commodities; the address of the household; the number of persons in the household; and, the basis for determining that the household is eligible for commodities. 1,600 sites will maintain records of households receiving commodities. These records will take 419.9 hours to maintain per agency, for a total recordkeeping burden of 671,840.00 hours. (There is no change in burden.)

**Reporting Requirements – Parts 247, 250, and 253  
Affected Public: Individuals**

**Reporting Requirements--Part 247  
Commodity Supplemental Food Program (CSFP)**

247.8, Applications & 247.16(a), Certifications/Recertifications. Individuals submit applications to recipient agencies to apply for the program. We estimate that, on average, 573,000 elderly individuals participate in the program, each requiring 15 minutes (0.25 hours) to be certified/recertified for a 6-month period. Thus, the burden hours for the twice-annual recertification of elderly individuals are  $573,000 \times 2 = 1,146,000 \times .25$  hrs. = 286,500.00 hours. (There is no change in burden.)

We also estimate that, on average, 15,000 women, infants, and children participate in the program, and each individual requires 15 minutes (0.25 hours) to be recertified for a 6-month period. Thus, the burden hours for the twice-annual recertification of WIC participants are  $15,000 \times 2 = 30,000 \times .25$  hrs. = 7,500 hours. (There is no change in burden.)

The total certification/recertification burden for all participants (elderly, women, infants, and children) is therefore  $286,500$  hrs. +  $7,500$  hrs. =  $294,000.00$  hours. These burdens are recorded in the Individuals worksheet of the burden table.

## **Reporting Requirements--Part 250 General Food Distribution Program Regulations**

250.69(d) & 250.70(d), Disaster Agency Reporting of Household Information. There are certain reporting requirements regarding household information required in disasters and situations of distress if the issuance of D-SNAP benefits has been approved, as delineated below:

*Individuals:* Household Information Reporting for Disasters and Situations of Distress. Households must report certain information and make a certification of need. We estimate that 2,500 households will report this information once annually. Taking 1 minute (0.02 hours) per response, the total annual reporting burden for this information is 50.00 hours. (There is no change in burden.)

### **Reporting Requirements Part 253--Food Distribution Program on Indian Reservations (FDPIR) and Part 254-- Food Distribution Program for Indian Households in Oklahoma (FDPIHO)**

Part 253 contains a general provision under Section 253.5(h) requiring that the State agencies keep records and submit reports and other information related to the Food Distribution Program on Indian Reservations as required by FNS. All of the ICR reporting requirements in Part 253 also apply to Part 254 (Indian Households in Oklahoma). The reporting requirements follow:

253.7 & 254.3(a), Certification of Households to Participate. Households complete an application to participate in the program and recertify at intervals determined by the State agency or ITO, but which generally may not exceed 12 months. The State agency or ITO reviews the certification or recertification application to determine household eligibility. Reporting responsibilities for State agencies and ITOs, as well as individuals are delineated below:

*State Agencies:* State agencies or ITOs. 115 State agencies or ITOs will each certify or recertify approximately 180 households each year, for a total of 20,700 households per year. Each certification or recertification will take about 30 minutes (0.5 hours) to complete. Therefore, the total reporting burden for this activity is expected to be 10,350.00 hours. This burden is recorded in the SLT worksheet of the burden table. (There is no change in burden.)

*Individuals:* Households. 20,700 households will certify or recertify each year. With each certification or recertification taking 30 minutes (0.5 hours) to complete, the total annual reporting burden for this activity is expected to be 10,350.00 hours. This burden is recorded in the Individuals worksheet of the burden table. (There is no change in burden.)