

Attachment F. Burden Narrative for
OMB# 0584-0005 7 CFR Part 215
Special Milk Program for Children

Estimate of the Information Collection Burden for the
Special Milk Program (OMB #0584-0005)

This document explains the calculation of the information collection burden for the Special Milk Program under OMB #0584-0005 as submitted for the renewal of the existing regulation. A notice was published in the Federal Register on May 6, 2022, at volume 87, page 27087.

Section 215.2 defines the following:

“*School Food Authority (SFA)*” is the governing body which is responsible for the administration of one or more schools and which has the legal authority to operate a milk program therein. The term “*School Food Authority*” also includes a nonprofit agency to which such governing body has delegated authority for the operation of a milk program in a school.

“*Child care institution*” (CCI) is any nonprofit nursery school, child care center, settlement house, summer camp, service institution participating in the Summer Food Program for Children pursuant to part 225 of this chapter, institution participating in the Child and Adult Care Food Program pursuant to part 226 of this chapter, or similar nonprofit institution devoted to the care and training of children. The term “*child care institution*” also includes a nonprofit agency to which such institution has delegated authority for the operation of a milk program in the institution. It does not include any institution falling within the definition of “*School*” of this section.

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

AFFECTED PUBLIC: STATE AGENCIES

REPORTING REQUIREMENTS

1. Section 215.5(a) requires that funds to be paid to any State shall be made available by means of Letters of Credit issued by FNS in favor of the State agency (SA). The SA shall: (1) Obtain funds needed to reimburse School Food Authorities and child-care institutions through presentation by designated State officials of a Payment Voucher on Letter of Credit (Treasury Form GFO 7578) in accordance with procedures prescribed by FNS and approved by the U.S. Treasury Department; (2) submit requests for funds only at such times and in such amounts as will permit prompt payment of claims; and (3) use the funds received from such requests without delay for the purpose for which drawn.

FNS estimates that 54 SAs will each file 24 reports annually for a total of 1,296 responses (54 X 24 = 1,296). The estimated average number of burden hours per

response is 15 minutes (0.25 hours) resulting in estimated total burden hours of 324 ($1,296 \times .25 = 324$). There is no change in burden.

RECORDKEEPING REQUIREMENTS

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

FNS estimates that 54 SAs will each file 63.80 reports annually for a total of 3,445 responses ($54 \times 63.80 = 3,445$). The estimated average number of burden hours per response is six minutes (0.1 hours) resulting in estimated total burden hours of 345 ($3,445 \times 0.1 = 345$). There is no change in burden.

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

FNS estimates that 54 SAs will each file 5 reports annually for a total of 270 responses ($54 \times 5 = 270$). The estimated average number of burden hours per response is 12 minutes (.2 hours) resulting in estimated total burden hours of 54 ($270 \times .2 = 54$). There is no change in burden.

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

For reports submitted to FNS, FNS estimates that 54 SAs will each file 24 reports annually for a total of 1,296 responses ($54 \times 24 = 1,296$). The estimated average number of burden hours per response is six minutes (0.1 hours) resulting in estimated total burden hours of 130 ($1,296 \times 0.01 = 130$). There is no change in burden.

For claims received from SFAs and CCIs, FNS estimates that 54 SAs will each file 766 records annually for a total of 41,364 responses ($54 \times 766 = 41,364$). The estimated average number of burden hours per response is six minutes (0.1 hours) resulting in estimated total burden hours of 4,136 ($41,364 \times 0.1 = 4,136$). There is no change in burden.

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

FNS estimates that 54 SAs will each file 2 reports annually for total of 108 responses (54 X 2 = 108). The estimated average number of burden hours per response is 20 minutes (0.33 hours) resulting in estimated total burden hours of 36 (108 X .33 = 36). There is no change in burden.

5. Section 215.13(a) requires that audits at the State and SFA/CCI levels shall be conducted in accordance with Office of Management and Budget Circular A-133 and the Department's implementing regulations at 7 CFR Part 3052.

FNS estimates that 54 SAs will each file 1 report annually for total of 54 responses (54 X 1 = 54). The estimated average number of burden hours per response is 16 minutes (0.26 hours) resulting in estimated total burden hours of 14 (54 X 0.26 = 14). There is no change in burden.

AFFECTED PUBLIC: SCHOOL FOOD AUTHORITY (SFA) (LOCAL SITES)

REPORTING REQUIREMENTS

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

FNS estimates that 3,155 SFAs will each file 1 report annually for a total of 3,155 responses (3,155 X 1 = 3,155). The estimated average number of burden hours per response is 15 minutes (0.25 hours) resulting in estimated total burden hours of 789 (3,155 X .25 = 789). Since the previous renewal, it was determined that some local SFAs/institutions were non-profit organizations that should be reported as business respondents. FNS estimates that 290 of the original 3,445 SFAs/CCIs are non-profit business organizations. The frequency and the burden hours per response are the same for the business respondents. As such, 290 responses out of the original 3,445 responses and 72 hours out of the original 861 hours are now designated as burden for the business respondents. Other than this reclassification, there are no other changes in burden.

RECORDKEEPING REQUIREMENTS

1. Section 215.7 requires each SFA approved to participate in the program to enter into a written agreement with the SA or FNSRO. Such agreement shall provide that the SFA shall retain Program records and make them available. It also requires that, in submitting a Claim for Reimbursement, each SFA certify that the claim is true and correct; that records are available to support the claim; that the claim is in accordance with the existing agreement; and that payment therefore has not been received.

FNS estimates that there are 3,155 SFAs that will each file 10 reports annually for a total of 31,550 responses (3,155 X 10 = 31,550). The estimated average number of

burden hours per response is 12 minutes (0.2 hours) resulting in estimated total burden hours of 6,310 (31,550 X 0.2 = 6,310). Since the previous renewal, it was determined that some local SFAs/institutions were non-profit organizations that should be reported as business respondents. FNS estimates that 290 of the original 3,445 SFAs/CCIs are non-profit business organizations. The frequency and the burden hours per response are the same for the business respondents. As such, 2,900 responses out of the original 34,450 responses and 580 hours out of the original 6,890 hours are now designated as burden for the business respondents. Other than this reclassification, there is no other change in burden.

2. Section 215.14a requires SAs and SFAs to comply with the requirements of this part and the Department regulations which implement the applicable Office of Management and Budget regulations concerning the procurement of all goods and services with nonprofit school food service account funds. The SFA may use its own procurement procedures which reflect applicable State or local laws, provided that procurements made with nonprofit school food service account funds adhere to the standards set forth in Federal regulation. SFA procedures must include a written code of standards of conduct meeting the minimum standards.

FNS estimates that there are 2,679 SFAs that will each file 1 report annually for a total of 2,679 responses (2,679 X 1 = 2,679). The estimated average number of burden hours per response is 12 minutes (0.2 hours) resulting in estimated total burden hours of 536 (2,679 X 0.2 = 536). There is no change in burden.

AFFECTED PUBLIC: NON-PROFIT CHILD CARE INSTITUTIONS (LOCAL SITES)

REPORTING REQUIREMENTS

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

FNS estimates that 290 CCIs will each file 1 report annually for a total of 290 responses (290 X 1 = 290). The estimated average number of burden hours per response is 15 minutes (0.25 hours) resulting in estimated total burden hours of 72 (290 X .25 = 72). In the previous renewal, these CCIs and their associated burden were reported as State, Local, or Tribal respondents. The CCIs are local sites that are typically non-profit institutions. For-profit and non-profit organizations/businesses are classified as business respondents, so the CCIs were reclassified as such for this renewal. Other than moving the 290 CCIs and their associated burden out of the State, Local, or Tribal respondent category and into the business respondent category, there are no other changes in burden.

RECORDKEEPING REQUIREMENTS

1. Section 215.7 requires each CCI approved to participate in the program to enter into a written agreement with the SA or FNSRO. Such agreement shall provide that the CCI shall retain Program records and make them available. It also requires that, in submitting a Claim for Reimbursement, each CCI certify that the claim is true and correct; that records are available to support the claim; that the claim is in accordance with the existing agreement; and that payment therefore has not been received.

FNS estimates that there are 290 CCIs that will each file 10 reports annually for a total of 2,900 responses ($290 \times 10 = 2,900$). The estimated average number of burden hours per response is 12 minutes (0.2 hours) resulting in estimated total burden hours of 580 ($2,900 \times 0.2 = 580$). In the previous renewal, these CCIs and their associated burden were reported as State, Local, or Tribal respondents. The CCIs are local sites that are typically non-profit institutions. For-profit and non-profit organizations /businesses are classified as business respondents, so the CCIs were reclassified as such for this renewal. Other than moving the 290 CCIs and their associated burden out of the State, Local, or Tribal respondent category and into the business respondent category, there are no other changes in burden.