

Appendix K: Burden Narrative

Note that changes in this revision are highlighted in red text.

Part 240 Cash In Lieu of Donated Foods

All reporting requirements under this Part are contained under ICR #0584-0055 Child and Adult Care Food Program and #0584-0594 Food Programs Reporting System (FPRS).

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 45,668 hours (168 + 45,500). Burdens for each respondent type are outlined below:

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. This burden is recorded in the State, Local, Tribal (SLT) worksheet. (There is no change in burden.) This burden is contained in OMB #0584-0594.

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. This burden is recorded in the Private for Profit (PFP) worksheet. (There is no change in burden.) This burden is contained in OMB #0584-0594.

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. Each report is estimated to take 15 minutes (0.25 hours) to complete, for a total recordkeeping burden of 9.00 hours. This burden is recorded in the SLT worksheet. (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, with each taking 15 minutes (0.25 hours) to maintain. This burden is recorded in the SLT worksheet. (There is no change in burden.)

Part 247
Commodity Supplemental Food Program (CSFP)

247.4(a)(1), Federal/State Agreements (FNS-74). State distributing agencies enter into an agreement with USDA to administer TEFAP. This burden is contained in OMB #0584-0067 and is referenced in the SLT worksheet of the burden table. (There is no change in burden.)

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. This burden is recorded in the SLT Worksheet. (There is no change in burden.)

247.5(b)(16) Requirement for the Public Posting of Availability of USDA Foods through CSFP. The final rule adds a new provision at 247.5(b)(16) requiring CSFP State agencies to make publicly available a list of CSFP local agencies on a publicly available internet web page. The State agency must post the name, address, and a contact telephone number for all CSFP local agencies. State agencies are required to update this information annually.

The Department estimates that 59 State agency respondents will complete 1 response each year, with each response taking 4 hours to complete. (59 State agencies x 4 burden hours x 1 time annually= 236 burden hours). The change will result in an estimated increase of 236 burden hours due to a program change from the rule.

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. This burden is recorded in the SLT Worksheet. (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 45 State agencies per year submit an amendment to the Plan. we estimate each amendment submission takes about 5.25 hours. Thus, the

total burden for the submission of amendments to the State Plan is approximately 236.25 hours. This burden is recorded in the SLT worksheet of the burden table. (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. This burden is recorded in the SLT worksheet of the burden table. (There is no change in burden.)

247.8, Applications & 247.16(a), Certifications/Recertifications (Elderly Respondents). Individuals submit applications to recipient agencies to apply for the program. We estimate that, on average, 702,500 elderly individuals participate in the program, each requiring 15 minutes (0.25 hours) to be certified/recertified twice per year. Thus, the burden is 351,250 hours for elderly respondents. This burden is recorded in the Individuals worksheet of the burden table. (There is no change in burden.)

247.8, Applications & 247.16(a), Certifications/Recertifications (Women, infants, and children Respondents). Individuals submit applications to recipient agencies to apply for the program. The 2014 Farm Bill allowed women, infants, and children who were participating in the program on the date the law was enacted to continue on the program until their eligibility expired under the program rules in effect on that date. no women, infants, and children currently participate in the program, meaning that no applications or recertifications are needed for this group. Thus, the burden is 0 hours for women, infants, and children respondents. This burden is recorded in the Individuals worksheet of the burden table. (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. This burden is recorded in the SLT worksheet of the burden table. (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 FNA, 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. This burden is recorded in the SLT worksheet of the burden table. (There is no change in burden.)

247.26, Closeout Procedures. FNA recovers the unused funds at the end of the fiscal year

when a CSFP State agency does not use all the funds allocated to it. State agencies submit preliminary and final closeout reports for each fiscal year. 45 State agencies will submit reports. We estimate each State agency spends about 8 hours on each report, for a total reporting burden of 360.00 hours. This burden is recorded in the SLT worksheet of the burden table. (There is no change in burden.)

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 to maintain. Thus, the total recordkeeping burden is 25.20 hours. This burden is recorded in the SLT worksheet of the burden table. (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 annual recordkeeping burden for this requirement is 131.40 hours (25.20 + 106.20). Burdens for each respondent type are outlined below:

State Agencies: we estimate that 42 State agencies will maintain records monthly (12 per year). Each record is expected to take 3 minutes (0.05 hours) to maintain. The total annual estimated burden is 25.20 hours. This burden is recorded in the SLT worksheet of the burden table. (There is no change in burden.)

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. This burden is recorded in the PNP worksheet of the burden table. (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. This burden is recorded in the SLT worksheet of the burden table. (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 45 State agencies will submit

reports. Each State agency will submit a monthly report, totaling 12 reports for each agency per year. Each report will take about 6 hours to complete. Thus, the total reporting burden is about 3,240.00 hours. This burden is recorded in the SLT worksheet of the burden table. (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). This burden is referenced in the SLT worksheet of the burden table. (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. This burden is recorded in the PNP worksheet of the burden table. (There is no change in burden.)

247.31(c), Audit Responses. State agencies submit to FNA responses to audits, including corrective action plans. Annually, approximately 42 agencies will submit 4 responses each. Each response will take about 30 hours to complete. The burden for this requirement will total about 5,040.00 hours. This burden is recorded in the SLT worksheet of the burden table. (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 $84 \times 8 \text{ hrs.} = 672.00 \text{ hours}$. This burden is recorded in the SLT worksheet of the burden table. (There is no change in burden.)

Part 250

General Food Distribution Program Regulations

250.1(c), Notification of Suspected Embezzlement, Misuse, Theft, etc. State agencies report to FNA 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 FNA 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. This burden is recorded in the SLT worksheet of the burden table. (There is no change in burden.)

250.4(a), USDA Agreements with Distributing Agencies. The State distributing agency must enter into an agreement with FNA (the Federal-State Agreement, form FNS-74) in order to receive, store, and distribute donated foods. This burden is accounted for in OMB #0584-0067. This burden is referenced in the SLT worksheet of the burden table. (There is no change in burden.)

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. This burden is recorded in the PNP worksheet of the burden table. (There is no change in burden.)

250.4(c), 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. This burden is recorded in the PNP worksheet of the burden table. (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. This burden is recorded in the SLT worksheet of the burden table. (There is no change in burden.)

250.10(a) & 250.58(a), 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.)

Household Recipient Agencies: Approximately 285 recipient agencies in household programs will provide input annually, with each response taking 15 minutes (.25 hours). Therefore, the annual reporting burden is 71.25 hours. This burden is recorded in the PNP worksheet of the burden table.

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. This burden is recorded in the SLT worksheet of the burden table.

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. With each response taking 3 minutes (0.05 hours), the total annual burden for this activity is 1,125 hours. This burden is recorded in the SLT worksheet of the burden table. (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 3 minutes (0.05 hours) to complete, for a total reporting burden of 25 hours. This burden is recorded in the SLT worksheet of the burden table. (There is no change in burden.)

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 FNA 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 are estimated to be 18252.72 hours per year and are delineated below.

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. This burden is recorded in the PFP worksheet of the burden table. (There is no change in burden.)

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. This burden is recorded in the SLT worksheet of the burden table. (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. This burden is recorded in the SLT worksheet of the burden table. (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. This burden is recorded in the SLT worksheet of the burden table. (There is no change in burden.)

250.12(b), Distributing Agency Reporting of Donated Food Losses to FNA. State distributing agencies must report donated food losses to FNA, in accordance with applicable FNA instructions and guidance. We estimate that each year 35 State distributing agencies will report donated food losses to FNA once per year. Each reporting activity is estimated to take 15 minutes (0.25 hours), for a total reporting burden of 8.75 hours. This burden is recorded in the SLT worksheet of the burden table. (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. Each record takes 5 minutes (0.08 hours) to maintain, for a total estimated burden of 42.08 hours per year. This burden is recorded in the SLT worksheet of the burden table. (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. This burden is recorded in the SLT worksheet of the burden table. (There is no change in burden.)

250.12(e), Distributing Agency Request for FNA Approval to Transfer Donated Foods from One Program to Another. Distributing agencies must request FNA 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. This burden is recorded in the SLT worksheet of the burden table. (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. This burden is recorded in the SLT worksheet of the burden table. (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 63 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 131.00 hours. This burden is recorded in the PFP worksheet of the burden table. (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 in this previously unaccounted for burden, 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. This burden is recorded in the SLT worksheet of the burden table. (There is no change in burden.)

250.13(c) & 250.18(d), Distributing Agency Storage and Distribution Charge. State distributing agencies must request FNA 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. This burden is recorded in the SLT worksheet of the burden table. (There is no change in burden.)

250.13(d), Distributing Agency Justification of Cost of Storage and Distribution Systems. FNA 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. This burden is recorded in the SLT worksheet of the burden table. (There is no change in burden.)

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 0.08 hours to maintain the total recordkeeping burden for this activity is 24.80 hours per year. This burden is recorded in the PNP worksheet of the burden table. (There is no change in burden.)

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. This burden is recorded in the PNP worksheet of the burden table. (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 recipients 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. This burden is recorded in the SLT worksheet of the burden table.

(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. Specific requirements are provided below.

State Agencies: Distributing Agency Request for FNA Approval for Recipient Agencies' Transfers of Donated Foods. State distributing agencies must request FNA 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. This burden is recorded in the SLT worksheet of the burden table. (There is no change in burden.)

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 211 recipient agencies will request this type of transfer once per year, resulting in 211 transfers each year. With each request taking 15 minutes (0.25 hours), the total annual reporting burden for this activity is 52.75 hours. This burden is recorded in the PNP worksheet of the burden table. (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, as delineated below.

State Agencies: Distributing Agency Recall Response Reporting. As instructed by the WBSCM Training Manual, in the event a food recall affects products provided by FNA 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. 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. This burden is recorded in the SLT worksheet of the burden table. (There is no change in burden.)

Recipient agencies in Household Programs: Recipient Agency Recall Response Reporting. In the event a food recall affects products provided by FNA 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. This burden is recorded in the PNP worksheet of the burden table. (There is no change in burden.)

Recipient agencies in Child Nutrition Programs: Recipient Agency Recall Response Reporting. In the event a food recall affects products provided by FNA 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. This burden is recorded in the SLT worksheet of the burden table. (There is no change in burden.)

250.15(d), Distributing Agency Reporting of Complaints to FNA. State distributing agencies must provide information regarding complaints that cannot be resolved at the State level to FNA, in accordance with guidance and procedures provided by FNA. 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. This burden is recorded in the SLT worksheet of the burden table. (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. This burden is recorded in the SLT worksheet of the burden table. (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. This burden is recorded in the SLT worksheet of the burden table. (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. This burden is recorded in the SLT worksheet of the burden table. (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. This burden is recorded in the SLT worksheet of the burden table. (There is no change in burden.)

250.17(c), Donated Food Account Deposits and Expenditures. State distributing agencies must obtain FNA 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. This burden is recorded in the SLT worksheet of the burden table. (There is no change in burden.)

250.18(a), Commodity Inventory Reporting. State distributing agencies must submit to FNA 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). These burdens are recorded in the SLT worksheet of the burden table. Reporting requirements for FDPIR and TEFAP and Child Nutrition Programs are delineated below:

Food Distribution Program on Indian Reservations (FDPIR). We estimate that 117 FDPIR Indian Tribal Organizations (State distributing agencies) will report this information 12 times per year, with reporting taking 2.5 hours per month. Accordingly, the estimated annual reporting burden for this activity is 3,510.00 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, 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.)

250.18(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. Each performance report is expected to take 1 hour to complete, for a total annual burden of 6000.00 hours. This burden is recorded in the PFP worksheet of the burden table. (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:

State, Local, and Tribal: These burden hours are recorded in the SLT worksheet of the burden table.

- Agreements with FNA. Distributing agencies must maintain a copy of their signed agreement (FNS-74) with FNA. This burden is addressed in the ICR Docket #0584-0067. (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 two records per year. 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 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. 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 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. **Therefore, FNA estimates that 20,866 recipient agencies will maintain 15 records per year, for a total of 312,990 records maintained annually. With each record taking 6 minutes (0.1 hours) to maintain, the total estimated recordkeeping burden for this activity will be 31,299.00 hours per year. (This burden was changed from 5 minutes per record to 6 minutes per record, an increase of 6,259.80 burden hours annually) This increase to the reporting burden is in response to comments on the proposed information collection to better represent the time spent on this recordkeeping requirement.**

Recipient agencies: These burden hours are recorded in the PNP worksheet of the burden table

- 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 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.)

Commercial Entities: These burden hours are recorded in the PFP worksheet of the burden table

- 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. 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 FNA, 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.)

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. Each response will likely take 4 hours, for a total reporting burden of 400.00 hours. This burden is recorded in the PFP worksheet of the burden table. (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. This burden is recorded in the SLT worksheet of the burden table. (There is no change in burden.)

250.22(b), Corrective Action Plans. State distributing agencies must submit a corrective action plan to FNA 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. This burden is recorded in the SLT worksheet of the burden table. (There is no change in burden.)

250.30(c)-(f) Processing Agreements. Processing companies must enter into a processing agreement with FNA, State distributing agencies, or recipient agencies. This burden is recorded in the PFP worksheet of the burden table unless noted otherwise.

250.30(c), National Processing Agreement. (Previously under 250.30(c)—PFP table.) Processing companies that operate in multiple States must enter into an agreement with FNA. These agreements must include a provision that FNA 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. (Previously under 250.30(c)—PFP table.) 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. (Previously under 250.30(c)—PFP table.) 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 or 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. The burden for each respondent type is below:

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. This burden is recorded in the SLT worksheet of the burden table. (There is no change in burden.)

Commercial Entities: We expect 1 processor to renew 1 Recipient Agency Processing Agreement each year. Each agreement renewal takes 0.5 hours to complete. The estimated respondents have remained at 1 respondent, while the estimated annual responses per respondent have decreased from 5 to 1, and the response time has decreased from 2 hours to 0.5 hours. The burden has decreased from 10 hours to 0.5 hours of burden for 250.30(f); this is contained in the existing burden. This burden is recorded in the PFP worksheet of the burden table. (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, with 2.0 hours per response. This results in an average of 78.33 respondents each year and estimated annual reporting

burden for this activity is 156.66 hours. This burden is recorded in the PFP worksheet of the burden table. (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. This burden is recorded in the SLT worksheet of the burden table. Approximately 4,700 respondents will submit 3 responses per year 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.)

250.33 (a), End Product Data Schedules. Processors must submit end product data schedules, in a standard electronic form dictated by FNA for approval by FNA (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 FNA or the State distributing agency 12 times a year. The estimated time for each response is 30 minutes (0.5 hours), for a total of 786 burden hours. This burden is recorded on the PFP worksheet. (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 FNA 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.)

250.37(c), Summary Performance Report. Multi-State processors also submit a summary performance report to FNA. 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. Each performance report is expected to take 1 hour to complete, for a total annual burden of 1320.00 hours. This burden is recorded on the PFP worksheet of the burden table. (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. This burden is recorded in the SLT worksheet of the burden table. (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.)

250.53 & 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. This burden is recorded in the SLT worksheet of the burden table. (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. These burdens are recorded in the SLT worksheet of the burden table. The burden hours delineated between direct shipment and processing diversion orders versus multi-food orders is delineated 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.)

250.67(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. With each record taking 5 minutes (0.08 hrs.) to maintain, the total annual estimated burden for this activity is 24.96 hours. This burden is recorded in the SLT worksheet of the burden table. (There is no change in burden.)

250.69(a)(1) & 250.70(a)(1), Congregate Meals in a Disaster or Situation of Distress. In a disaster, the State distributing agency must notify FNA 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 FNA 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. This burden is recorded in the SLT worksheet of the burden table. (There is no change in burden.)

250.69(b)(1) & 250.70(b)(1), Household Distribution in a Disaster or Situation of Distress. In a disaster or situation of distress, the State distributing agency must request FNA 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. This burden is recorded in the SLT worksheet of the burden table. (There is no change in burden.)

250.69(a)(2), 250.69(b)(2), 250.70(a)(2), & 250.70(b), 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 FNA for review and approval. Burdens associated with these activities are delineated

below:

State Agencies: Distributing Agency Submission of Emergency Feeding Organization Application to FNA for Disasters and Situations of Distress. These sections require State distributing agencies to submit Emergency Feeding Organization applications to FNA 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. With each application taking 30 minutes (.5 hours) for submission, the total annual burden for this requirement is 12.50 hours. This burden is recorded in the SLT worksheet of the burden table. (There is no change in burden.)

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. This burden is recorded in the PNP worksheet of the burden table. (There is no change in burden.)

250.69(d) & 250.70(d), Disaster Agency Reporting of Household Information. The final rule removes the prohibition on the simultaneous provision of USDA Foods and D-SNAP during disasters and situations of distress, and so also reporting requirements related to household information required in disasters and situations of distress if the issuance of D-SNAP benefits has been approved. The burden is reduced as delineated below:

Recipient agencies: Disaster Organization Reporting of Household Information. This reporting requirement has been removed and so prior estimate of 50 total hours is removed. This burden had been recorded in the PNP worksheet of the burden table. **(This is a reduction in burden of 50 hours).**

Individuals: Household Information Reporting for Disasters and Situations of Distress. This reporting requirement has been removed and so prior estimate of 50 total hours is removed. This burden had been recorded in the Individuals worksheet of the burden table. **(This is a reduction in burden of 50 hours).**

250.69(d)(3) & 250.70(d)(3) Reporting and recordkeeping requirements. The final rule adds a new requirement that State distributing agencies operating a Disaster Household Distribution (DHD) must submit a biweekly report on the number of individuals served and on the amount of USDA Foods issued for the duration of the DHD. Originally, we estimated that 5 State or Tribal government respondents would complete 23 responses in a year, with each response taking 1 hour to complete. During the 60-day comment period

after the final rule was published, FNA received eight comments that requiring a weekly report would cause an increase in administrative burden. As such, the Department has revised the requirement from a weekly report to a biweekly report. With this, the Department is decreasing the estimates. We now estimate that 7 States and Tribal government respondents will complete 15 responses in a year, with each response taking 1 hour to complete. As a result, the estimated annual burden associated with this provision has decreased by 10 burden hours through this final rulemaking.

Therefore, the Department estimates that the rule would result in an overall increase of 105 burden hours (7 State agencies x 15 responses per State agency x 1 hour = 105 burden hours) This increase to the SLT reporting burden is due to a program change from the rule.

250.69(d)-(f) & 250.70(d)-(f), 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 FNA 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 ICR package under OMB # 0584-0067. This burden is referenced in the SLT worksheet of the burden table. (There is no change in burden.)

250.69(d) & 250.70(d) 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. Burden hours for these activities are recorded in the SLT worksheet of the burden table and are delineated below:

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. 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 in a separate ICR package under OMB # 0584-0067 7 CFR Part 235-State Administrative Expense (SAE) Funds. (There is no change in burden.)

Part 251
The Emergency Food Assistance Program (TEFAP)

251.2(c)(1) TEFAP Federal-State Agreements. State distributing agencies enter into an agreement with USDA to administer TEFAP. This burden is contained in OMB #0584-0067 7 CFR Part 235-State Administrative Expense (SAE) Funds and is referenced in the SLT worksheet of the burden table. (There is no change in burden.)

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 50 ERAs will amend their agreements one time. With each amendment taking 1 hour, the estimated annual reporting burden for this activity is 50.00 hours. This burden is recorded in the PNP worksheet of the burden table. (There is no change in burden.)

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. This burden is recorded in the SLT worksheet of the burden table. (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. This burden is recorded in the SLT worksheet of the burden table. (There is no change in burden.)

251.4(g), Commodity Losses and Claim Determinations. State distributing agencies must initiate claims action for lost, damaged, or improperly distributed commodities and reimburse the FNA Regional Office if they are the responsible party. We estimate that about 54 State distributing agencies will initiate 2 claims each year. Each claim will take about 8 hours to complete, for a total reporting burden of 864.00 hours. This burden is recorded in the SLT worksheet of the burden table. This burden was initially incorrectly listed at “251.4(l), Commodity Losses and Claim Determinations, but the citation to the Code of Federal Regulations has been updated. (There is no change in burden.)

251.4(g), 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. This burden is recorded in the SLT worksheet of the burden table. (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. This burden is recorded in the SLT worksheet of the burden table. (There is no change in burden.)

251.4(l) Requirement for the Public Posting of Availability of USDA Foods Through TEFAP. The final rule adds a new requirement for TEFAP State agencies to post the name, address, and a contact telephone number for all eligible recipient agencies that hold an agreement with the TEFAP State agency as well as the State's uniform Statewide eligibility criteria to receive USDA Foods for household consumption. The information must be posted on a publicly available internet web page and be updated on an annual basis or whenever changes to eligibility criteria are made. State agencies are required to update this information annually. Originally, the Department estimated that 54 State agency respondents would complete 1 response each year, with each response taking 8 hours to complete, for a total burden of 432 hours. During the 60-day comment period after the final rule was published, FNA received 10 comments that an annual requirement to post the name, address, and a contact telephone number for all eligible recipient agencies in each State would cause increased administrative burden. As such, FNA has revised this provision to only require eligible recipient agencies that have an agreement with the State agency to be publicly posted by the State. With this, the Department is decreasing the estimates from the prior submission from 8 hours to complete to 4 hours to complete.

Therefore, the Department estimates that 54 State agency respondents will complete 1 response each year, with each response taking 4 hours to complete. (54 State agencies x 4 burden hours x 1 time annually= 216 burden hours). The change will result in an estimated overall increase of 216 burden hours to the SLT burden due to a program change from the rule.

251.6(a) State Agency Distribution Plan. State distributing agencies must submit a plan to the FNA Regional Office that includes a plan to provide emergency feeding organizations or eligible recipient agencies within the State an opportunity to provide input on the commodity preferences and needs of the emergency feeding organization or eligible recipient agency. State plans are permanent, all States must submit a revised plan to incorporate this change. FNA has found that on average, 25 agencies will submit revisions to plans each year. State plan revisions will take about 4 hours to complete. Thus, the total reporting burden is 100.00 hours for this activity. This burden is recorded in the SLT worksheet of the burden table. (There is no change in burden.)

251.6(b) State Agency Distribution Plan. State distributing agencies must submit a plan

to the FNA 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. This burden is recorded in the SLT worksheet of the burden table. (There is no change in burden.)

251.9(e) & 251.10(b)(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. This burden is recorded in the SLT worksheet of the burden table. (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. These responsibilities are delineated below for each type of respondent:

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

Recipient agencies: Subdistributing Agencies and ERAs. 133 subdistributing agencies and ERAs will maintain 15 record annually, taking 5 minutes (0.08 hours) per record. Thus, the estimated annual recordkeeping burden for this activity is expected to be 159.60 hours. This burden is recorded in the PNP worksheet of the burden table. (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. The recordkeeping burdens for these responsibilities are delineated below for each type of respondent:

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

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

251.10(a)(3) Eligible Recipient Agency List. The final rule adds a new requirement that TEFAP State agencies must maintain on file a list of eligible recipient agencies which distribute USDA Foods to other eligible recipient agencies, to eligible households for home consumption, or in prepared meals. FNA estimates that 54 State agency respondents will maintain 1 record annually, taking 1 hour per record.

Therefore, FNA estimates that this rule would result in an additional 54 annual burden hours for this provision. (54 State agencies x 1 burden hour = 54 burden hours) This addition to the SLT recordkeeping is due to a program change from the rule.

251.10(a)(4), 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 number of persons in the household; and, the basis for determining that the household is eligible for USDA Foods. The final rule removes the requirement that distribution sites collect and maintain on record a household address. FNA previously estimated that 1,600 sites would maintain records of households receiving USDA Foods. These records would take 419.9 hours to maintain per agency, for a total recordkeeping burden of 671,840.00 hours. The reduced burden associated with the removal of the address collection requirement is estimated to reduce the total amount of time for records to be maintained by 50%.

Therefore, FNA estimates that 1,600 sites will maintain records that will take 210.5 hours to maintain per agency, for a total recordkeeping burden of 336,800 hours. This burden is recorded in the PNP worksheet of the burden table. This is a reduction in burden of 335,040 hours due to a program change from the rule.

251.10(b)(3) Report of Eligible Recipient Agency List to FNA. The final rule adds a new requirement that TEFAP State agencies must report the list of all eligible recipient agencies which distribute USDA Foods to other eligible recipient agencies, to eligible households for home consumption, or in prepared meals, as well as statewide eligibility

criteria, to FNA on an annual basis. FNA estimates that 54 State agency respondents will complete 1 response each year, with each response taking 1 hour to complete.

Therefore, FNA estimates that this rule would result in an additional 54 annual burden hours for this provision. (54 State agencies x 1 burden hour = 54 burden hours) This addition to the SLT reporting is due to a program change from the rule.

251.10(b)(4) Recipients of USDA Foods for Home Consumption. TEFAP State agencies must report the total number of persons served by all TEFAP distribution sites providing USDA Foods for home consumption per month. State agencies are required to report this information to FNA on a quarterly basis.

We estimate that 54 State agencies will complete 4 responses annually, with each response taking 2 hours to complete (54 State agencies x 4 responses annually x 2 hours = 432 burden hours). This addition to the SLT burden is due to a program change from the rule.

251.11, 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. This burden is recorded in the SLT worksheet of the burden table. (There is no change in burden.)

251.13(g), Reporting Requirements. On a semiannual basis, State distributing agencies must submit a report describing their use of Farm to Food Bank Project funds. State distributing agencies also submit a final report. State distributing agencies report their use of the funds on Form SF-425“Federal Financial Report.” =On average, 14 agencies will complete this activity 2 times each year, for a total of 28 responses. Each response will take about 1.5 hours to complete. The total burden for this activity is 42.00 hours. This burden is recorded in the SLT worksheet of the burden table. (There is no change in burden.)

251.13(h), Cooperative Agreements. State distributing agencies may enter into interagency cooperative agreements with other State agencies to carry out a Farm to Food Bank Project in order to maximize the use of commodities donated under the project. We estimate that an average of 2 agencies will enter into a cooperative agreement each year. Each agreement will take about 1.00 hour to complete, for a total burden of 2.00 hours. This burden is recorded in the SLT worksheet of the burden table. (There is no

change in burden.)

**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 FNA. 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 FNA 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. This burden is recorded in the SLT worksheet of the burden table. (There is no change in burden.)

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, which are recorded in the SLT worksheet of the burden table:

Plans of Operations. 117 ITOs and State agencies will maintain 1 document each, for a total estimated annual recordkeeping burden of 9.36 hours (5 minutes (0.08 hours) per Plan of Operation). (There is no change in burden.)

Household Applications. 117 ITOs and State agencies will maintain records of an estimated 180 household applications per agency, for a total of 21,060 household applications. The total estimated annual recordkeeping burden for household applications is 1,684.80hours (5 minutes (0.08 hours) per application). (There is no change in burden.)

Reporting Changes. 117 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 0.08 hours per record. (There is no change to burden.)

ITO Applications. 117 ITOs and State agencies must maintain copies of their applications. The total burden for this activity is 9.36 hours (5 minutes (0.08 hours) per record). (There is no change in burden.)

Commodity Inventories. 117 ITOs and State agencies must maintain records of monthly inventories, for a total of 1,404 Responses per year. The total recordkeeping burden for inventories is 112.32 hours (5 minutes (0.08 hours) per inventory record). (There is no change in burden.)

Damaged or Out of Condition Commodities. 117 ITOs and State agencies will submit 2 reports per year of damaged or out of condition commodities. Therefore, the total estimated annual recordkeeping burden for this activity is 18.72 hours (5 minutes (0.08 hours) per report). (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. 117 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 351.00 hours. This burden is recorded in the SLT worksheet of the burden table. (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. 117 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 351.00 hours. This burden is recorded in the SLT worksheet of the burden table. (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. Reporting responsibilities for State agencies and ITOs, as well as individuals are delineated below:

State Agencies: State agencies or ITOs. 117 State agencies or ITOs will each certify or recertify approximately 180 households each 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 10,530.00 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.)

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. 117 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 29.25 hours. This burden is recorded in the SLT worksheet of the burden table. (There is no change in burden.)

253.8(f) & 254.3(a), Damaged or Out-of-Condition Commodities. 117 ITOs and State agencies report damaged and out-of-condition donated foods to the FNA 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 117 State agencies or ITOs will report damaged or out-of-condition donated foods twice per year. Each report will require about 15 minutes (0.25 hours) to complete, for a total estimated annual reporting burden of 58.50 hours. This burden is reported in the SLT worksheet of the burden table. (There is no change in burden.)

253.11(b) & 254.3(a), Management of Administrative Funds. ITOs and State agencies must maintain records account for all administrative funds received from the Department. 117 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 58.50 hours. This burden is recorded in the SLT worksheet of the burden table. (There is no change in burden.)

253.12, Administrative Waivers. The final rule adds a new provision that allows ITOs and State agencies to submit a request for a waiver or modification of a specific regulatory provision contained in Part 253. FNA estimates that approximately 10% of ITOs and State agencies (for a total of 11 entities) will submit a waiver request in a given year. FNA estimates that each waiver request will take approximately 8 hours to complete and submit.

We estimate that 11 ITOs/State agencies will complete 1 response annually, with each response taking 8 hours to complete (11 ITOs/State agencies x 1 responses annually x 8 hours = 88 burden hours). This addition to the SLT burden is due to a program change from the rule.

Standard Forms Used in USDA's Commodity Programs:

In addition to the Agency-developed forms above, FNA also uses OMB Standard Forms SF-424, SF-425, and SF-1034 in the commodity programs. The burden hours associated with the activities reported on these forms are cleared in other OMB packets and are not included in the total burden hours listed in this statement. However, at OMB's request, a description of the forms is listed below:

247.29(a)(1), Reports and recordkeeping. State agencies in CSFP submit Form SF-425, Financial Status Report, to report the financial status of the program at the close of the fiscal year.

250.69(h) & 250.70(h), Distributing Agency Request for Reimbursement of Transportation Costs. These sections require State distributing agencies to submit a public voucher (SF-1034) in order to request reimbursement for any costs incurred in transporting donated foods within the State, or from one State to another, for use in disasters or situation of distress.

253.4(d), Application by an Indian Tribal Organization (ITO) or State agency. An ITO or State agency wishing to administer FDPIR on one or more Indian reservations completes an application, utilizing Form SF-424, "Application for Federal Assistance," and submits it to the FNA Regional Office, along with pertinent information. The application includes projected administrative costs for the program, of which a minimum of 80 percent are met by Federal grant. Applications are completed annually using Form SF-424.

253.11(j)(2), Accounting for Funds Received and Financial Status Reports. ITOs and State agencies receiving funds for FDPIR through a Letter of Credit must submit to the FNA Regional Office quarterly financial reports and an annual financial report regarding their use of administrative funds utilizing Standard Form SF-425 "Financial Status Report".