

SUPPORTING STATEMENT - PART A for
OMB Control Number 0584-0584:
Child and Adult Care Food Program (CACFP) and Summer Food Service Program
(SFSP)
National Disqualified List

Proposed Rule: Serious Deficiency Process in the Child and Adult Care Food Program and
Summer Food Service Program (RIN 0584-AE83)

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7 CFR Parts 225 and 226

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Table of Contents

A1. CIRCUMSTANCES THAT MAKE THE COLLECTION OF INFORMATION NECESSARY.....3
A2. PURPOSE AND USE OF THE INFORMATION.....4
A3. USE OF INFORMATION TECHNOLOGY AND BURDEN REDUCTION.....8
A4. EFFORTS TO IDENTIFY DUPLICATION.....9
A5. IMPACTS ON SMALL BUSINESSES OR OTHER SMALL ENTITIES.....9
A6. CONSEQUENCES OF COLLECTING THE INFORMATION LESS FREQUENTLY.....10
A7. SPECIAL CIRCUMSTANCES RELATING TO THE GUIDELINES OF 5 CFR 1320.5.....10
A8. COMMENTS TO THE FEDERAL REGISTER NOTICE AND EFFORTS FOR CONSULTATION....11
A9. EXPLAIN ANY DECISIONS TO PROVIDE ANY PAYMENT OR GIFT TO RESPONDENTS.....14
A10. ASSURANCES OF CONFIDENTIALITY PROVIDED TO RESPONDENTS.....14
A11. JUSTIFICATION FOR ANY QUESTIONS OF A SENSITIVE NATURE.....16
A12. ESTIMATES OF THE HOUR BURDEN OF THE COLLECTION OF INFORMATION.....17
A13. ESTIMATES OF OTHER TOTAL ANNUAL COST BURDEN.....21
A14. PROVIDE ESTIMATES OF ANNUALIZED COST TO THE FEDERAL GOVERNMENT.....21
A15. EXPLANATION OF PROGRAM CHANGES OR ADJUSTMENTS.....22
A16. PLANS FOR TABULATION, AND PUBLICATION AND PROJECT TIME SCHEDULE.....23
A17. DISPLAYING THE OMB APPROVAL EXPIRATION DATE.....23
A18. EXCEPTIONS TO THE CERTIFICATION STATEMENT IDENTIFIED IN ITEM 19.....23

Attachments

- Attachment A: Richard B. Russell National School Lunch Act
- Attachment B: Healthy, Hunger-Free Kids Act of 2010
- Attachment C: FNS-843: Report of Disqualification from Participation: Institution and Responsible Principals/Individuals
- Attachment D: FNS-844: Report of Disqualification from Participation: Individually Disqualified Responsible Principal/Individual or Day Care Home Provider
- Attachment E: SD Proposed Rule
- Attachment F: 7 CFR part 226 – Child and Adult Care Food Program (CACFP)

A1. Circumstances that make the collection of information necessary.

Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection. Attach a copy of the appropriate section of each statute and regulation mandating or authorizing the collection of information.

This is a revision of an existing information collection in support of the proposed rule, Serious Deficiency Process in the Child and Adult Care Food Program and Summer Food Service Program (RIN 0584-AE83) (Attachment E).

Section 243(c) of Public Law 106-224, the Agricultural Risk Protection Act of 2000, amended section 42 U.S.C. 1766 (d)(5)(E)(i) and (ii) of the Richard B. Russell National School Lunch Act (NSLA) by requiring the Department of Agriculture to maintain a list of institutions, day care home providers, and individuals that have been terminated or otherwise disqualified from Child and Adult Care Food Program (CACFP) participation (Attachment A). The law also requires the Department to make the list available to State agencies for their use in reviewing applications to participate and to sponsoring organizations to ensure that they do not employ as principals any persons who are disqualified from the program. The U.S. Department of Agriculture (USDA), through the Food and Nutrition Service (FNS), has established reporting and recordkeeping requirements in the CACFP regulations (7 CFR part 226) to manage the Program effectively and ensure that the legislative intent of this mandate is responsibly implemented (Attachment F).

Until the enactment of the Healthy, Hunger-Free Kids Act of 2010, there was no authority to give State agencies to implement a serious deficiency process for SFSP (Attachment B). In the proposed rule, *Child Nutrition Program Integrity* (81 FR 17564), published on March 29th, 2016, FNS proposed adding the serious deficiency process to the SFSP. Comments received under that rulemaking suggested that FNS pursue a separate rulemaking to extend the

serious deficiency process to the SFSP.

The *Serious Deficiency Process in the Child and Adult Care Food Program and Summer Food Service Program* proposed rule will extend the Serious Deficiency process to the SFSP, which will protect program integrity by providing new procedures designed to help administering agencies document the case to terminate and remove any SFSP program operator that is unwilling to or is incapable of resolving serious deficiencies that place program integrity at risk.

The proposed rule will also extend the National Disqualified List (NDL) to the SFSP. On the date when the time for requesting an appeal expires or the administrative review official upholds the proposed termination and disqualification, the administering agency immediately terminates the program operator's agreement, disqualifies the program operator and its responsible principals and individuals, and adds their names to the NDL. Once on the NDL, program operators and responsible principals and individuals are ineligible to participate in SFSP as a sponsor or site, protecting SFSP operations to threats to its integrity. The changes to the NDL are incorporated into §225.18(e)(2)(i).

A2. Purpose and Use of the Information.

Indicate how, by whom, and for what purpose the information is to be used. Except for a new collection, indicate how the agency has actually used the information received from the current collection.

The SFSP is a Federal program, authorized under Section 13 of the Act, that provides reimbursements for nutritious meals and snacks to eligible children who are enrolled for care at participating sites. FNS administers the SFSP at the national level. The Program is administered within most States by the State's educational agency or another agency designated by the State.

In current regulation, the SFSP has provisions that cover corrective action, termination, and appeals made by sponsors. However, they do not include provisions that provide explicit authority to disqualify sponsors or responsible principals or individuals who are responsible for findings that seriously weaken program management and integrity. The proposed rule will extend the serious deficiency process, which is used in the CACFP, to the SFSP.

The NDL is a tool used by the CACFP State agency to collect information on disqualified institutions and individuals. This information is used to prevent disqualified institutions and individuals from participating in the Program under another institution or in another State. With the extension of the serious deficiency process to the SFSP, the proposed changes to the NDL will require the collection of information about the disqualified institutions and individuals to prevent disqualified institutions and individuals from participating in the SFSP.

What information will be collected?

Reporting: State agencies are required to report information on disqualified institutions and individuals on FNS Form-843 and Form-844 (Attachments C & D). Both forms collect the name, address, contact information, and the reason for the disqualification of all individuals and institutions that have been disqualified from SFSP participation. These records are used to populate the NDL to ensure that institutions and individuals who have been disqualified from participation in one State cannot participate in another State.

Recordkeeping: State agencies are required to maintain records of information collected via the FNS Form-843 and Form-844. Recordkeeping burden associated with the NDL is located in the currently approved collection OMB Control Number 0584-0055 *Child and Adult Care Food Program (CACFP)*, expiration date 10/31/2027. The proposed rule has not introduced new requirements that would increase recordkeeping burden associated with the NDL in the CACFP.

Breakdowns of the recordkeeping burden can be found in the revised CACFP collection associated with this rulemaking.

With the extension of the NDL to the SFSP, recordkeeping burden has been added to the revision to OMB Control Number 0584-0280, *7 CFR part 225, Summer Food Service Program*, expiration date 10/31/2027, which is associated with this rulemaking. The added burden accounts for the new FNS Form-843 and Form-844 submissions that will need to be maintained for the SFSP. The recordkeeping burden associated with adding the NDL to the SFSP is housed in the revised collection to ensure consistency across both programs. Breakdowns of the recordkeeping burden can be found in the revised SFSP collection associated with this rulemaking.

Is the information collected via a report, public disclosure, or is it a record that must be maintained?

The proposed rule is impacting the reporting and recordkeeping burden for this collection through information that is being collected via reports and by records that must be maintained by the State agency in accordance to the proposed requirements.

Is the collection voluntary, mandatory, or necessary to obtain benefits?

All the proposed NDL requirements are mandatory. The serious deficiency process is a means to protect program integrity. Information is gathered from State agencies on disqualified institutions and individuals who have been found seriously deficient. This information is used by State agencies to match against sponsor applications and review documentation that has been entered into the NDL. Matching data against the NDL allows the State agency to catch and prevent disqualified institutions and individuals from participating in the Program under a different sponsor or a different State.

From whom will the information be collected?

The information will be collected from 53 State agencies that administer the SFSP.

How will the information be used?

The proposed rule introduces the NDL to the SFSP to protect program integrity by preventing institutions or individuals terminated for cause from participating in the Program in other States. The NDL is a computer matching program that allows State agencies to detect whether a disqualified institution or individual is participating in the Program against regulations and prevent disqualified institutions or individuals from participating in the Program under a different sponsor or State.

How will the information be collected? Does the respondent have multiple options for providing the information? If so, what are they?

If a sponsor or individual are disqualified from Program participation, their information must be reported on the FNS Form-843 and Form-844, which will be used to populate the NDL (Attachments C & D). The NDL uses the Form-843 and Form-844 submissions from other State agencies to reference the disqualification status of sponsors and individuals terminated from Program participation.

How frequently will the information be collected?

State agencies will be required to collect reporting information from FNS-843 and FNS-844 at different times, based on whether the information is being collected about institutions and their responsible principals/individuals or it is being collected about individuals who are being disqualified from the program. The frequency for FNS-843 is 2 responses annually and 7 responses annually for FNS-844 in order to meet Program requirements.

Will the information be shared with any other organization inside or outside USDA or the government?

FNS receives data collected on the FNS Form-843 and Form-844 from State agencies. Information from the forms is used to populate the NDL with information on sponsors and individuals that have been disqualified from Program participation (Attachments C & D). State agencies use the NDL to prevent disqualified sponsors and individuals from participating in their State or under another organization operating in their State. Unless otherwise noted, no other data is shared outside of FNS.

If this is an ongoing collection, how have the collection requirements changed over time?

With this revision, FNS estimates that the burden for this collection will increase due to the addition of new reporting requirements to extend the serious deficiency process to the SFSP. The increase in the burden accounts for the estimated number of disqualified institutions and individuals in the SFSP and is expected to increase the total respondents, responses, and burden hours for the collection. Details of these changes and the revised burden estimates are included in sections A.12 and A.15 of this supporting statement. In addition, the title of this collection has been changed from *Child and Adult Care Food Program (CACFP) National Disqualified List* to *Child and Adult Care Food Program (CACFP) and Summer Food Service Program (SFSP) National Disqualified List* to reflect the addition of SFSP submissions to the NDL.

A3. Use of information technology and burden reduction.

Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses, and the basis for the decision for adopting this means of collection. Also describe any consideration of using information technology to reduce burden.

FNS is complying with the E-Government Act of 2002. The NDL is a web-based system which allows the 53 State agencies administering the SFSP to enter the disqualification information

into the system which notifies the FNS Regional Office staff that will approve or deny the submission. Sponsoring organizations/sponsors are able to search the system to ensure that new applicants have not been disqualified from the Program. FNS estimates that 100% of the 477 disqualification reports for the SFSP will be filed electronically.

Burden Reduction Efforts

FNS does not expect that this proposed rule will reduce the burden for this collection. The proposed rule is extending the serious deficiency process to the SFSP, which adds new requirements and burden to this collection.

A4. Efforts to identify duplication.

Describe efforts to identify duplication. Show specifically why any similar information already available cannot be used or modified for use for the purposes described in Question 2.

There is no similar information collection. Every effort has been made to avoid duplication. FNS has reviewed USDA reporting requirements and state administrative agency requirements. There is no other system that captures and maintains a nationwide list of people and institutions disqualified from participating in the SFSP.

A5. Impacts on small businesses or other small entities.

If the collection of information impacts small businesses or other small entities (Item 5 of OMB Form 83-I), describe any methods used to minimize burden.

Information being requested has been held to the minimum required for the intended use. State agencies are not considered small entities as state populations exceed the 50,000 threshold for a small government jurisdiction; therefore, they do not meet the definition of “small entity” in the

Regulatory Flexibility Act. None of respondents are small entities.

A6. Consequences of collecting the information less frequently.

Describe the consequence to Federal program or policy activities if the collection is not conducted, or is conducted less frequently, as well as any technical or legal obstacles to reducing burden.

This is an ongoing mandatory information collection that is required by a proposed rulemaking. The information is collected at the national level to ensure State agencies and sponsoring organizations/sponsors have access to a nationwide list of individuals and institutions that have been disqualified and terminated from participation and are no longer permitted to reapply to participate in the SFSP to ensure program integrity. This information is for the purpose of administering an ongoing program and is collected from the state agencies as the disqualifications occur. Information is reported on occasion, at the same time that institutions or individuals are determined to be seriously deficient and disqualified from participation in the SFSP. If the information is not collected or is collected less frequently, State agencies would not be able to prevent individuals and institutions disqualified in other States from reapplying to participate in the Child Nutrition Programs.

A7. Special circumstances relating to the Guidelines of 5 CFR 1320.5.

Explain any special circumstances that would cause an information collection to be conducted in a manner:

- **Requiring respondents to report information to the agency more often than quarterly;**

The NSLA requires that a list of individuals and organizations be made available to State agencies and sponsoring organizations/sponsors to ensure that no institution, individual or day care home provider previously disqualified participates in the Program. Submissions are

made in “real time” when disqualifications occur rather than a required monthly or quarterly report to ensure that the NDL is kept current.

- **Requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it;**
- **Requiring respondents to submit more than an original and two copies of any document;**
- **Requiring respondents to retain records, other than health, medical, government contract, grant-in-aid, or tax records for more than three years;**
- **In connection with a statistical survey, that is not designed to produce valid and reliable results that can be generalized to the universe of study;**
- **Requiring the use of a statistical data classification that has not been reviewed and approved by OMB;**
- **That includes a pledge of confidentiality that is not supported by authority established in statute or regulation, that is not supported by disclosure and data security policies that are consistent with the pledge, or which unnecessarily impedes sharing of data with other agencies for compatible confidential use; or**
- **Requiring respondents to submit proprietary trade secret, or other confidential information unless the agency can demonstrate that it has instituted procedures to protect the information's confidentiality to the extent permitted by law.**

There are no other special circumstances. The collection of information is conducted in a manner consistent with the guidelines in 5 CFR 1320.5.

A8. Comments to the Federal Register Notice and efforts for consultation.

If applicable, provide a copy and identify the date and page number of publication in the Federal Register of the agency's notice, required by 5 CFR 1320.8 (d), soliciting comments on the information collection prior to submission to OMB. Summarize public comments received in response to that notice and describe actions taken by the agency in response to these comments. Specifically address comments received on cost and hour burden.

A 90-day Federal Register Notice is embedded in the proposed rule titled “Serious Deficiency Process in the Child and Adult Care Food Program and Summer Food Service Program” (RIN 0584-AE83), which was published in the Federal Register on February 21st, 2024 (Vol. 89, No. 35, pages 13150 to 13229). The public comment period related to the PRA aspects of the proposed rule ended on May 21st, 2024. Comments will be received and evaluated

on the information collection requirements during the comment period after publication of the proposed rule. During this time, interested members of the public will have the opportunity to provide FNS with comments concerning the necessity, practical utility, accuracy, and merit of the information collection activities proposed. Comments will be addressed during the final stage of rulemaking with the final rule information collection request.

Describe efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, the clarity of instructions and recordkeeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported.

Consultation with representatives of those from whom information is to be obtained or those who must compile records should occur at least once every 3 years even if the collection of information activity is the same as in prior years. There may be circumstances that may preclude consultation in a specific situation. These circumstances should be explained.

When FNS finalizes an information collection package and it is submitted to the Office of Management and Budget for review, the package will be available through www.reginfo.gov for review and comment by stakeholders such as State agencies, community groups, and the public regarding any proposed changes as the result of legislative, regulatory, or administrative changes. FNS consults with FNS Regional offices (FNSRO) regarding any proposed changes as the result of legislative, regulatory, or administrative changes. FNSRO are in daily contact with State agencies, which provide feedback on FNS processes and procedures for this information collection. Feedback from the State agencies is then used by FNS to help shape the burden estimates for this collection.

In the proposed rule, *Child Nutrition Program Integrity*, 81 FR 17563, March 29th, 2016, FNS applied existing serious deficiency requirements to establish a serious deficiency process for service institutions and individuals and proposed amendments that would extend the serious

deficiency process to unaffiliated centers in CACFP. During the public comment period for the proposed rule, FNS received 127 comments regarding the topic of reciprocal disqualification and the NDL. Seven comments were supportive of the proposed changes, stating that they would promote integrity across all Child Nutrition Programs. The 105 comments that were opposed to the proposed changes were concerned about the impact that the provision could have on CACFP participation, with many SFAs commenting that they would be reluctant to sponsor the CACFP if they put their NSLP participation at risk. These comments suggested limiting the reciprocal disqualification provision to entities terminated for cause and placed on the NDL.

In response, FNS published a notice, *Request for Information: The Serious Deficiency Process in the Child and Adult Care Food Program*, 84 FR 22431, May 17th, 2019, to gather information to help FNS understand firsthand the experiences of State agencies and Program operators. Comment analysis on the proposed rule and the request for information convinced FNS that important modifications were needed to make the application of the serious deficiency process consistent, effective, and in line with current statutory requirements. FNS decided to pursue a separate rulemaking process to propose improvements to the serious deficiency process that would also address the legal requirements for records maintained on individuals on the NDL. New requirements regarding reciprocal disqualification and the NDL have been incorporated in this proposed rule.

The final rule, *Child Nutrition Program Integrity*, 88 FR 57792, codified amendments related to the serious deficiency process in CACFP, but it did not extend the process to the SFSP. After publication, FNS still received comments expressing concern about using the CACFP as a model for establishing procedures in other Child Nutrition Programs and suggested that the agency attempt to address potential inconsistencies in implementation of the serious deficiency

process among States.

The proposed rule extends the serious deficiency process to the SFSP. Proposed requirements were informed by comments from previous rulemaking for the CACFP. As such, the NDL was modified to include the SFSP to make the proposed serious deficiency process consistent with the CACFP.

A9. Explain any decisions to provide any payment or gift to respondents.

Explain any decision to provide any payment or gift to respondents, other than remuneration of contractors or grantees.

No payment or gift will be provided to respondents.

A10. Assurances of confidentiality provided to respondents.

Describe any assurance of confidentiality provided to respondents and the basis for the assurance in statute, regulation, or agency policy.

The Department complies with the Privacy Act of 1974, 5 U.S.C. Section 552a, which requires the safeguarding of individuals against invasion of privacy. There are some provisions of the proposed rule that require the collection of personally identifiable information (PII) to meet certain program requirements. This information collection request has been reviewed and cleared by FNS Privacy Officer, Deea Coleman, on March 26, 2024, providing no additional comments.

The serious deficiency process requires the submission of PII of responsible principals and responsible individuals by a sponsor if serious management problems have been identified. Regulations at 7 CFR 225.18(a)(6)(i)(H) require the State agency to inform sponsors to provide the date of birth for any responsible principal or individual as a condition for corrective action while the regulation at 225.18(b) requires that the State agency provide the mailing address and date of birth for each responsible principal and individual to the appropriate FNSRO to be placed on the NDL.

The collected PII of responsible principals and individuals is reported on the FNS-843 and FNS-844 forms (Attachments C & D). These electronic forms are used to populate the NDL, which maintains records on disqualified principals and individuals from program participation. Both forms include a Privacy Act Statement which states that collected information will be kept private to the extent provided by law under the Privacy Act of 1974.

In regards to the NDL, the Computer Matching Act, 5 U.S.C. 552a(o), applies when a Federal agency conducts a computer match of two or more personally identifiable information records for establishing or verifying eligibility under a Federal benefit program. Current regulations do not stipulate the use of the NDL in the SFSP. The NDL is being extended to the SFSP, as part of the proposed rule, to protect program integrity.

With the extension, the proposed rule introduces new provisions that make the NDL compliant with the Computer Matching Act. New provisions are added at 225.18(e)(3) to make the NDL compliant with the Computer Matching Act. The new provisions require each State agency to enter into a written matching agreement with FNS to address procedures and protections for disclosure and privacy of personally identifiable information records on the NDL. Additional proposed requirements advise State agencies on the use of matching agreements, independent verification of matching information, appropriate use of disqualification data, and safeguards to protect individuals who may be incorrectly placed on the NDL through human error or technical lapses in the system. State agencies must also provide an opportunity for individuals placed on the NDL to ensure that the record is accurate.

A11. Justification for any questions of a sensitive nature.

Provide additional justification for any questions of a sensitive nature, such as sexual behavior or attitudes, religious beliefs, and other matters that are commonly considered private. This justification should include the reasons why the agency considers the questions necessary, the specific uses to be made of the information, the explanation to be given to persons from whom the information is requested, and any steps to be taken to obtain their consent.

Provisions introduced by the proposed rule will ask for information regarding debts of the responsible principles or individuals that they owe to the program. When the State agency issues a notice of termination, disqualification, and serious deficiency, it must submit a copy of the notice to FNS, along with information on the full amount of any determined debt associated with the sponsor or the responsible principals or individuals, for inclusion on the NDL.

The proposed rule will introduce new regulations at 7 CFR 225.18(e)(3) to make the NDL fully compliant with the Computer Matching Act, 5 U.S.C. 522a(o). The new provisions

require each State agency to enter into a written matching agreement with FNS to address procedures and protections for disclosure and privacy of personally identifiable information records on the NDL. Additional proposed requirements advise State agencies on the use of matching agreements, independent verification of matching information, appropriate use of disqualification data, and safeguards to protect individuals who may be incorrectly placed on the NDL through human error or technical lapses in the system. State agencies must also provide an opportunity for individuals placed on the NDL to ensure that the record is accurate. These provisions apply to all information submitted to the NDL, including the debts owed to the Program by responsible principals or individuals.

Information on the debts owed to the Program are important to ensure that the integrity of the Program is protected. Fiscal claims made in error are assessed against Program operators to ensure the financial viability of the Program. This is in line with other Child Nutrition Programs.

In the proposed rule, sponsors with identified serious management problems are required to fully implement all corrective actions and pay any debts owed to the Program to return to "good standing" and exit the serious deficiency process. Should a sponsor fail to comply with these requirements, the responsible principals or individuals would be disqualified and placed on the NDL, along with information on debts owed to the Program. After a period of 7 years, disqualified principals and individuals would have to repay debts owed to participate in the Program again. These requirements ensure that disqualified principals and individuals are prohibited from Program participation to protect the integrity of the Program.

A12. Estimates of the hour burden of the collection of information.

Provide estimates of the hour burden of the collection of information. Indicate the number of respondents, frequency of response, annual hour burden, and an explanation of how the

burden was estimated.

A. Indicate the number of respondents, frequency of response, annual hour burden, and an explanation of how the burden was estimated. If this request for approval covers more than one form, provide separate hour burden estimates for each form and aggregate the hour burdens in Item 13 of OMB Form 83-I.

This is a revision of a currently approved collection. The proposal to extend the National Disqualified List to the SFSP is expected to result in 53 respondents, 477 responses, and 239 burden hours. To generate an estimate for the SFSP, FNS created a multiplying factor by dividing the calculated average for CACFP (as determined in the recent renewal of this collection) by the FY2022 Total Sponsoring Organizations and multiplying the factor by the FY2022 Total Sponsors in SFSP. The resulting number is being used as the estimate for SFSP Total Institutions added to the NDL. Assuming that the SFSP will add institutions and individuals at the same rate as CACFP, the estimated SFSP Total Institutions was cross-multiplied with the CACFP NDL estimated institutions and individuals to develop an estimate for SFSP Total Individuals added to the NDL.

FNS estimates that this information collection will have 109 respondents, 1,568 responses, and 1,023 burden hours when the proposals outlined in this rule are incorporated into the collection. The recordkeeping burden associated with maintaining documentation related to institutions and providers terminated for cause at the State agency level is captured under OMB Control Number 0584-0280, *7 CFR part 225, Summer Food Service Program*, expiration date 10/31/2027. Therefore, the recordkeeping burden is not included in this collection to avoid double counting that burden.

Reporting

Respondents (Affected Public): State, Local, and Tribal Government. This respondent group includes the State agencies which handle the SFSP.

Estimated Number of Respondents: 53

Estimated Number of Responses per Respondent: 9

Estimated Total Annual Responses: 477

Estimated Time per Response: 0.50

Estimate Total Annual Burden on Respondents: 239

**ESTIMATED ANNUAL BURDEN FOR CACFP and SFSP NATIONAL DISQUALIFIED LIST FORMS
FNS-843, FNS-844 (OMB #0584-0584)**

| National Disqualified List (NDL) ICR (OMB Control Number 0584-0584) | | | | | | | | | | | |
|--|---|-----------------|----------|---------------------------------|-----------------------|--------------------------|-----------------------------|---------------------|-----------------------------------|-----------------|----------------------------|
| Respondent Type | Burden Activities | Section | Forms | Estimated Number of Respondents | Frequency of Response | Average Annual Responses | Average Burden per Response | Annual Burden Hours | Current OMB Approved Burden Hours | Program Changes | Total Difference in Burden |
| State Agency | The State agency creates, updates, and maintains a list of sponsoring organizations who have been terminated or otherwise disqualified from SFSP participation. | 225.18(e)(2)(i) | FNS-843* | 53 | 2 | 106 | 0.50 | 53 | 0 | 53 | 53 |
| | | | FNS-844* | 53 | 7 | 371 | 0.50 | 185.5 | 0 | 185.5 | 185.5 |
| State agency Level Reporting Totals | | | | 53 | 9 | 477 | 0.50 | 238.5 | 0 | 238.5 | 238.5 |

| SUMMARY OF BURDEN (OMB Control Number 0584-0584) | |
|---|-------|
| TOTAL NO. RESPONDENTS | 109 |
| AVERAGE NO. RESPONSES PER RESPONDENT | 18.76 |
| TOTAL ANNUAL RESPONSES | 2,045 |
| AVERAGE HOURS PER RESPONSE | 0.50 |
| TOTAL BURDEN HOURS | 1,023 |
| CURRENT OMB APPROVED BURDEN HOURS | 784 |

| | |
|----------------------------|-----|
| ADJUSTMENTS | 0 |
| PROGRAM CHANGES | 239 |
| TOTAL DIFFERENCE IN BURDEN | 239 |

The chart below shows the estimated total burden for this collection once the burden impacts from the proposed rule are incorporated into the collection.

**ESTIMATED ANNUAL BURDEN FOR CACFP and SFSP National Disqualified List Forms
FNS-843, FNS-844 (OMB #0584-0584)**

| Respondent Type | Burden Activities | Section | Forms | Estimated Number of Respondents | Frequency of Response | Average Annual Responses | Average Burden per Response | Annual Burden Hours |
|-----------------|--|-----------------|---------|---------------------------------|-----------------------|--------------------------|-----------------------------|---------------------|
| State Agency | The State agency creates, updates, and maintains a list of institutions, family day care home providers and individuals who have been terminated or otherwise disqualified from CACFP participation. | 226.6(c)(8) | FNS-843 | 56 | 6 | 336 | 0.50 | 168 |
| | | | FNS-844 | 56 | 22 | 1,232 | 0.50 | 616 |
| State Agency | The State agency creates, updates, and maintains a list of sponsoring organizations who have been terminated or otherwise disqualified from SFSP participation. | 225.18(e)(2)(i) | FNS-843 | 53 | 2 | 106 | 0.50 | 53 |
| | | | | 53 | 7 | 371 | 0.50 | 185.5 |

| | | | | | | | | |
|--|--|--|---------|------------|--------------|--------------|-------------|--------------|
| | | | FNS-844 | | | | | |
| State agency Level Reporting Totals | | | | 109 | 18.76 | 2,045 | 0.50 | 1,023 |

B. Provide estimates of annualized cost to respondents for the hour burdens for collections of information, identifying and using appropriate wage rate categories.

The respondent cost estimate is based on burden estimates utilizing the U.S. Department of Labor, Bureau of Labor Statistics May 2023 Occupational Employment and Wages (Occupational Group 11-9031) (https://www.bls.gov/oes/current/naics4_999200.htm). The hourly mean wage (education-related occupation) for functions performed by State agency staff are estimated at \$50.16 per staff hour. The estimated base annual cost to respondents is \$11,988.24 (239 hours X \$50.16/hr. = \$11,988.24). To account for fully loaded wages, an additional 33% of the estimated base cost is added ($\$11,988.24 \times .33 = \$3,956.12$) or \$3,956.12. Therefore, the total cost of the proposed rule is \$15,944.36 ($\$11,988.24 + \$3,956.12 = \$15,944.36$). Adding the currently approved costs for the collection, the estimated annualized total cost to respondents is \$47,653.36 ($\$15,944.36 + \$31,709.00 = \$47,653.36$).

A13. Estimates of other total annual cost burden.

Provide estimates of the total annual cost burden to respondents or recordkeepers resulting from the collection of information, (do not include the cost of any hour burden shown in questions 12 and 14). The cost estimates should be split into two components: (a) a total capital and start-up cost component annualized over its expected useful life; and (b) a total operation and maintenance and purchase of services component.

There are no capital/start-up or annual operation/maintenance costs for this collection of information.

A14. Provide estimates of annualized cost to the Federal government.

Provide estimates of annualized cost to the Federal government. Provide a description of the method used to estimate cost and any other expense that would not have been incurred without this collection of information.

To estimate the annualized cost of this information collection to the Federal government, we

identified functions performed by FNS National Office staff related to the NDL. We then obtained estimates of the number of staff hours spent performing these functions.

Using the 2024 Federal Wage Salary Tables (2024 General Schedule (GS)), available at <https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/2024/general-schedule>, were used to estimate the total Federal cost. We estimate that GS 12, Step 6 Federal employees receiving an hourly wage of \$55.45, based on the 2024 Washington-Baltimore-Arlington locality, require 160 hours annually to administer the NDL, resulting in a cost of \$8,872.00 ($\55.45×160). Adding in \$2,927.76 to account for fully loaded wages ($\$8,872.00 \times 0.33$), we estimate that the total annualized cost of this collection is approximately \$11,799.76. With a total annualized cost of \$11,206 for the baseline collection, the complete total annualized cost to the Federal government will be \$23,005.76.

A15. Explanation of program changes or adjustments.

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

This collection is a revision of a currently approved information collection. The currently approved burden for this collection is 56 respondents, 1,568 responses, and 784 burden hours.

The proposed rule is expected to increase the reporting burden for this information collection as a result of an increase in respondents, responses, and burden hours due to extending the NDL to the SFSP. These revisions are the result of program changes.

FNS estimates that the burden related to these proposals will have 53 respondents, 477 responses, and 239 burden hours. FNS expects that these proposals will increase the burden for this collection and that once they are incorporated into the collection, the new total burden for

this collection will be 109 respondents, 2,045 responses, and 1,023 hours.

A16. Plans for tabulation, and publication and project time schedule.

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

This collection does not employ statistical methods and there are no plans to publish the results of this collection for statistical use.

A17. Displaying the OMB Approval Expiration Date.

If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons that display would be inappropriate.

The agency plans to display the expiration date for OMB approval of the information collection on all instruments.

A18. Exceptions to the certification statement identified in Item 19.

Explain each exception to the certification statement identified in Item 19 of the OMB 83-I" Certification for Paperwork Reduction Act."

There are no exceptions to the certification statement.