

## ATTACHMENT E: SFSP ICR BURDEN NARRATIVE

### Estimate of the Information Collection Burden (Narrative) for the 7 CFR Part 225 Summer Food Service Program (OMB Control Number 0584-0280)

This document explains the calculation of the revised information collection burden for the Summer Food Service Program (SFSP) under OMB Control Number 0584-0280 due to the proposed rule: *Serious Deficiency Process in the Child and Adult Care Food Program and Summer Food Service Program* (RIN 0584-AE83). Requirements in **bold font** identify new requirements or increases or decreases in existing burden due to the proposed rule. All of the changes in this submission are due to program changes.

### REPORTING REQUIREMENTS

#### AFFECTED PUBLIC: STATE, LOCAL, AND TRIBAL GOVERNMENT

1. Section 225.3(b) requires that each State agency must notify the Department by November 1 of each fiscal year regarding its intention to administer the Summer Food Service Program. The agreement shall contain an assurance that the State agency will comply with policy, instructions, guidance, and handbooks issued by FNS.

FNS estimates that each of the 53 State agencies will file 1 report annually for a total of 53 responses ( $53 \times 1=53$ ). The estimated average number of burden hours per response is 36 hours (3 hours per month) resulting in an estimated total burden hours of 1,908 ( $53 \times 36=1,908$ ). There is no change in burden.

2. Section 225.4(a) requires that no later than February 15 of each year, each State agency shall submit to the FNS Regional Office (FNSRO) a Program Management and Administration Plan for that fiscal year.

FNS estimates that each of the 53 State agencies will file 1 Management and Administration Plan annually for a total of 53 responses ( $53 \times 1=53$ ). The estimated average number of burden hours per response is 1 resulting in an estimated total burden hours of 53 ( $53 \times 1=53$ ). There is no change in burden.

3. **Section 225.6(c)(5) requires that the SA must determine if a sponsoring organization operates in more than one State.**

**FNS estimates that each of the 53 State agencies must make 3 determinations annually, for a total of 159 responses ( $53 * 3 = 159$ ). The estimated average number of burden hours per response is 15 minutes (0.25 hours), resulting in a total estimated burden of 40 hours ( $159 * 0.25 = 39.75$ ). FNS estimates that this requirement adds 159 responses and 40 hours to the collection.**

4. Sections 225.6(c)(1), 225.6(c)(4), 225.14(a), and 225.14(c) require that sponsors submit written applications to State agencies for participation in the SFSP. The sponsor must demonstrate financial and administrative capability for Program operations and accept final financial and administrative responsibility for total Program operations at all sites at which it proposes to conduct a food service. In order to do so, sponsors must comply with policy, instructions, guidance, and handbooks issued by FNS.

FNS estimates that there are 3,314 Local and Tribal Government sponsors that will each file 1 report annually for a total of 3,314 responses ( $3,314 \times 1 = 3,314$ ). The estimated average number of burden hours per response is 39 hours and 30 minutes (39.5 hours) resulting in an estimated total burden hours of 130,903 ( $3,314 \times 39.5 = 130,903$ ). There is no change in burden.

5. Section 225.6(c)(2) requires that new sponsors, new sites, and, as determined by the State agency, sponsors and sites which have experienced significant operational problems, must submit site information for each site where a food service operation is proposed.

FNS estimates that of the 5,524 sponsors, 19.31% are new. Therefore, there are 1,066 ( $5,524 \times .1931 = 1,066$ ) new sponsors, new sites, and sites which have experienced significant operational problems. FNS estimates that this includes 640 Local and Tribal Government sponsors, which will each file 1 report annually for a total of 640 responses ( $640 \times 1 = 640$ ). The estimated average number of burden hours per response is 1 hour resulting in estimated total burden hours of 640 ( $640 \times 1 = 640$ ). There is no change in burden.

6. Section 225.6(c)(3) requires that experienced sponsors and sites must submit site information for each site where a food service operation is proposed.

FNS estimates that there are 4,458 experienced sponsors of which FNS estimates that 2,675 will be Local and Tribal Government sponsors. FNS estimates that 2,675 sites will each file 1 report annually for a total of 2,675 responses ( $2,675 \times 1 = 2,675$ ). The estimated average number of burden hours per response is 1 hour resulting in an estimated total burden hours of 2,675 ( $2,675 \times 1 = 2,675$ ). There is no change in burden.

7. Sections 225.6(e) and 225.14(c)(7) require that sponsors approved for participation in SFSP enter into written agreements with State agencies to operate the program in accordance with regulatory requirements.

FNS estimates that there are 332 Local and Tribal Government sponsors that will each file 1 report annually for a total of 332 responses ( $332 \times 1 = 332$ ). The estimated average number of burden hours per response is 7 minutes (.12 hours) resulting in estimated total burden hours of 41 ( $332 \times .123=40.84$ ). There is no change in burden.

8. Section 225.6(h)(2)(iii) requires that sponsors provide food service management companies (FSMC) with a list of approved sites, along with the approved level for the number of meals which may be claimed for reimbursement for each site.

FNS estimates that approximately 1,929 sponsors (34.93% of 5,524 sponsors) contract with FSMCs. Of these, FNS estimates 1,157 are Local and Tribal Government sponsors that will each file 1 report annually for a total of 1,157 responses ( $1,157 \times 1=1,157$ ). The estimated average number of burden hours per response is 30 minutes (.5 hours) resulting in estimated total burden hours of 579 ( $1,157 \times .5=578.50$ ). There is no change in burden.

9. Section 225.6(h)(3) requires that all meals prepared by a food service management company be unitized unless the sponsors submit requests to State agencies for exceptions to the unitizing requirements for certain components of a meal.

FNS estimates that 1% of sponsors that have contracts with FSMCS will submit 1 of these requests. FNS estimates that 1,157 Local and Tribal Government sponsors hire food service management companies and of these, FNS estimates, 1% of that would file 1 report annually for a total of 12 responses ( $11.57 \times 1=11.57$ ). The estimated average number of burden hours per response is 30 minutes (.5 hours) resulting in estimated total burden hours of 6 ( $11.57 \times .5=5.79$ ). There is no change in burden.

10. Sections 225.5(h)(5) and 225.6(h)(2) require that sponsors submit to State agencies copies of the contracts with food service management companies, the bids received, and the reasons why the food service management company was chosen.

FNS estimates that there are approximately 1,157 FSMC contracted with Local and Tribal Governments for SFSP and that sponsors submit 1 report annually for a total of 1,157 annual responses ( $1,157 \times 1 = 1,157$ ). The estimated average number of burden hours per response is 20 hours resulting in estimated total burden hours of 23,140 ( $1,176 \times 20 = 23,140$ ). There is no change in burden.

11. **Section 225.6(n) requires that the SA must determine if a sponsoring organization is an MSSO, as described in paragraphs (b)(1)(xv) and (b)(2)(iii) (L). SAs must assume the role of the CSA, if the MSSOs center of operations is**

located within the State. Each SA that approves an MSSO must follow the requirements described in paragraph (i).

FNS estimates that 53 State agencies will each determine whether 3 MSSOs center of operations are located within the State annually, for a total of 159 responses ( $53 * 3 = 159$ ). The estimated average number of burden hours per response is 15 minutes (0.25 hours), resulting in an estimated total burden of 40 hours ( $159 * 0.25 = 39.75$ ). FNS estimates that this requirement adds 159 responses and 40 hours to the collection.

12. Section 225.6(n)(1)(i) requires that SAs must enter into a permanent written agreement with the MSSO, as described in paragraph (b)(4).

FNS estimates that 53 State agencies will enter into 3 permanent written agreements annually, for a total of 159 responses ( $53 * 3 = 159$ ). The estimated average number of burden hours per response is 15 minutes (0.25 hours), resulting in an estimated total burden of 40 hours ( $159 * 0.25 = 39.75$ ). FNS estimates that this requirement adds 159 responses and 40 hours to the collection.

13. Section 225.6(n)(1)(ii) requires that State agencies must approve the MSSOs administrative budget.

FNS estimates that 53 State agencies will approve 3 administrative budgets annually, for a total of 159 responses ( $53 * 3 = 159$ ). The estimated average number of burden hours per response is 15 minutes (0.25 hours), resulting in an estimated total burden of 40 hours ( $159 * 0.25 = 39.75$ ). FNS estimates that this requirement adds 159 responses and 40 hours to the collection.

14. Section 225.6(n)(1)(iii) requires that State agencies must conduct monitoring of MSSO Program operations within the State, as described in paragraph (k)(4) and should coordinate monitoring with the CSA to streamline reviews and minimize duplication of the review content. The SA may base the review cycle on the number of facilities operating within the State.

FNS estimates that 53 State agencies will coordinate monitoring with an MSSO for 3 reviews annually, for a total of 159 responses ( $53 * 3 = 159$ ). The estimated average number of burden hours per response is 15 minutes (0.25 hours), resulting in an estimated total burden of 40 hours ( $159 * 0.25 = 39.75$ ). FNS estimates that this requirement adds 159 responses and 40 hours to the collection.

15. Section 225.6(n)(1)(iii)(C) requires that State agencies must provide summaries of the MSSO reviews that are conducted to the CSA. If the SA chooses to

conduct a full review, the SA should request the necessary records from the CSA.

FNS estimates that 53 State agencies will provide 3 review summaries to the CSA annually, for a total of 159 responses ( $53 * 3 = 159$ ). The estimated average number of burden hours per response is 15 minutes (0.25 hours), resulting in an estimated total burden of 40 hours ( $159 * 0.25 = 39.75$ ). FNS estimates that this requirement adds 159 responses and 40 hours to the collection.

16. Section 225.6(n)(1)(iv) requires State agencies must conduct audit resolution activities. The SA must review audit reports, address audit findings, and implement corrective actions, as required under 2 CFR part 200, subpart D, and USDA implementing regulations 2 CFR 400 and 415.

FNS estimates that 53 State agencies will conduct 3 audit resolution activities annually, for a total of 159 responses ( $53 * 3 = 159$ ). The estimated average number of burden hours per response is 15 minutes (0.25 hours), resulting in an estimated total burden of 40 hours ( $159 * 0.25 = 39.75$ ). FNS estimates that this requirement adds 159 response and 40 hours to the collection.

17. Section 225.6(n)(1)(v) requires that State agencies must notify all other State agencies that have an agreement with an MSSO that their agreement has been terminated and that they have taken disqualification actions against that MSSO, as described in paragraph (c)(2)(i).

FNS estimates that 53 State agencies will notify State agencies 3 times for termination and disqualification actions annually, for a total of 159 responses ( $53 * 3 = 159$ ). The estimated average number of burden hours per response is 15 minutes (0.25 hours), resulting in an estimated total burden of 40 hours ( $159 * 0.25 = 39.75$ ). FNS estimates that this requirement adds 159 responses and 40 hours to the collection.

18. Section 225.6(n)(2) requires that, if it determines that an MSSOs center of operations is located within the State, the State agency must assume the role of the CSA.

FNS estimates that 53 State agencies will assume the role of CSA for 3 MSSOs annually, for a total of 159 responses ( $53 * 3 = 159$ ). The estimated average number of burden hours per response is 15 minutes (0.25 hours), resulting in an estimated total burden of 40 hours ( $159 * 0.25 = 39.75$ ). FNS estimates that this requirement adds 159 responses and 40 hours to the collection.

19. Section 225.6(n)(2)(iii) requires that the CSA must conduct a full review at the MSSO headquarters and financial records center. The CSA must coordinate the

**timing of the reviews and make copies of monitoring reports and findings available to all other State agencies that have agreements with the MSSO.**

**FNS estimates that 53 State agencies will conduct 3 full reviews of a MSSO headquarters and financial records center annually, for a total of 159 responses ( $53 * 3 = 159$ ). The estimated average number of burden hours per response is 20 hours, resulting in an estimated total burden of 3,180 hours ( $159 * 20 = 3,180$ ). FNS estimates that this requirement adds 159 responses and 3,180 hours to the collection.**

20. **Section 225.6(n)(2)(iv) requires that, if an MSSO has for-profit status, the cognizant agency must establish audit thresholds and requirements.**

**FNS estimates that 53 State agencies will establish audit thresholds and requirements for 1 for-profit MSSO annually, for a total of 53 responses ( $53 * 1 = 53$ ). The estimated average number of burden hours per response is 1 hour, resulting in an estimated total burden of 53 hours ( $53 * 1 = 53$ ). FNS estimates that this requirement adds 53 responses and hours to the collection.**

21. Section 225.7(d)(2) requires that the State agency review sponsors and sites to ensure compliance with program regulations. Per policy guidance, State agencies must validate 100% of claims for sponsors under review.

FNS estimates that 53 State agencies will each validate 467.24 claims per year, resulting in a total of 24,764 annual records. The estimated average number of burden hours per response is 5 minutes (.08 hours) resulting in an estimated total burden hours of 2,055 ( $24,764 * .08 = 2,055.39$ ). There is no change in burden.

22. Section 225.8(d)(1) requires that by May 1 of each year, State agencies must submit to the FNSRO a list of potential private nonprofit organization sponsors for each site, the first day of operation, and the estimated daily attendance.

FNS estimates that there will be audits of 53 State agencies and each will file 1 (average number of potential private nonprofit sponsors/State agency) report annually for a total of 53 responses ( $53 * 1 = 53$ ). The estimated average number of burden hours per response is 1 hour resulting in estimated total burden hours of 53 ( $53 * 1 = 53$ ). There is no change in burden.

23. Section 225.8(d)(2) requires that State agencies within 5 days of approval of sponsors, must notify FNSROs of sponsors, approved sites, locations, and days of operation and estimated daily attendance.

FNS estimates that each of the 53 State agencies will file 104 ( $5,524 \text{ sponsors} \div 53 \text{ State agency} = 104$  reports) reports annually for a total of 5,512 responses

( $53 \times 104=5,512$ ). The estimated average number of burden hours per response is 1 hour resulting in an estimated total burden hours of 5,512 ( $5,512 \times 1=5,512$ ). There is no change in burden.

24. Section 225.9(b)(2) requires that the State agency prepare and submit a list of sponsors eligible to receive commodities and the daily number of eligible meals to be served by each sponsor not later than June 1 of each year.

FNS estimates that the 53 State agencies will each file 1 report annually for a total of 53 responses ( $53 \times 1=53$ ). The estimated average number of burden hours per response is 1 hour resulting in estimated total burden hours of 53 ( $53 \times 1=53$ ). There is no change in burden.

25. Section 225.9(d)(4) requires that the State agency shall forward reimbursements for valid claims.

FNS estimates that of the 53 State agencies, 312 reports will be filed annually for a total of 16,536 ( $53 \times 312 = 16,536$ ) responses. The estimated average number of burden hours per response is 30 minutes (0.5 hours) resulting in estimated total burden hours of 8,268 ( $16,536 \times 0.5 = 8,268$ ). There is no change in burden.

26. Section 225.12(a) requires that the State agency shall disallow any portion of a claim for reimbursement and recover any payment to a sponsor not properly payable.

FNS estimates that 53 State agencies will each file 10 (10% of the average number of sponsors ÷ State agency) reports annually for a total of 530 ( $53 \times 10=530$ ). The estimated average number of burden hours per response is 4 hours resulting in an estimated total burden hours of 2,120 ( $530 \times 4=2,120$ ). There is no change in burden.

27. **Section 225.13(a) requires that State agencies must establish a procedure to be followed by an applicant appealing for a fair hearing.**

**FNS estimates that approximately 53 State agencies will establish a procedure to be followed by an applicant for appealing a fair hearing annually, for a total of 53 responses ( $53 * 1 = 53$ ). The estimated average burden hours per response is 1 hour, resulting in an estimated total burden of 53 hours ( $53 * 1 = 53$ ). FNS estimates that the requirement adds 53 responses and hours to the collection.**

28. Section 225.15(d)(2) requires sponsors to visit each of their sites at least once during the first week of operation under the Program.

FNS estimates that approximately 3,314 Local Tribal Government sponsors complete, on average, 9 first week site visit reports annually, for a total of 29,826 ( $3,114 \times 9 = 29,826$ ). The estimated average burden hours per response is 30 minutes (0.5 burden hours) resulting in an estimated total burden hours of 14,913 ( $29,826 * 0.5 = 14,913$ ). There is no change in burden.

29. Section 225.15(d)(3) requires sponsors to review food service operations for all sites at least once during the first four weeks of Program operations, and thereafter maintain a reasonable level of monitoring.

FNS estimates that approximately 3,314 Local Tribal Government sponsors complete, on average, 9 food service reviews annually for a total of 29,826 ( $3,114 \times 9 = 29,826$ ). The estimated average number of burden hours per response is 2 hours (2.0 hours) resulting in estimated burden of 59,652 hours ( $29,826 \times 2 = 59,652$ ). There is no change in burden.

30. Section 225.16(a) requires sponsors to submit to the State agency a copy of their letter advising the appropriate health department of their intention to provide a food service during a specific period at specific sites within two weeks of receiving notification of their approval.

FNS estimates that approximately 3,314 Local and Tribal Government sponsors will submit a copy of their letter to the health department and will each file one report annually for a total of 3,314 ( $3,314 \times 1 = 3,314$ ). The estimated average number of burden hours per response is 15 minutes (.25 hours), resulting in estimated total burden of 829 ( $3,314 \times .25 = 828.50$ ). There is no change in burden.

31. **Sections 225.18(a)(2)(i) and 225.18(a)(3) requires that the State agency identify serious management problems and define a set of standards to help measure the severity of the problem to determine what rises to the level of a serious management problem and how it affects the institution or facility's ability to meet Program requirements.**

**FNS estimates that 53 SAs will be required to develop a set of standards to identify and measure the severity of serious management problems annually, for a total of 53 responses ( $53 * 1 = 53$ ). The estimated average number of burden hours per response is 1 hour, resulting in a total estimated burden of 53 hours ( $53 * 1 = 53$ ). FNS estimates that this requirement adds 53 responses and hours to the collection.**



32. Sections 225.18(a)(2)(ii) and 225.18(a)(6)(i) require that the State agency notify an institution's executive director and chairman of the board of directors, and the RPIs, that serious management problems have been identified, must be addressed, and corrected. The notice must include all of the necessary information and the SA must identify all aspects of the serious management problem; reference specific regulatory citations; instructions, or policies; name all of the RPIs; describe the action needed to correct the serious management problem; and set a deadline for completing the correction action. The SA must add the sponsor and the RPIs to the SA list and provide a copy of the notice to the appropriate FNSRO.

FNS estimates that 53 SAs will each submit 3 notices, for a total of 159 responses ( $53 * 3 = 159$ ). The estimated average number of burden hours per response is 15 minutes (0.25 hours), resulting in a total estimated burden of 40 hours ( $159 * 0.25 = 39.75$ ). FNS estimates that this requirement adds 159 responses and 40 hours to the collection.

33. Sections 225.18(a)(2)(iii) and 225.18(c)(2)(ii) requires that the State agency must receive and approve the corrective action plan within 15 days from the date the sponsor received the notice and monitor the full implementation of the corrective action.

FNS estimates that 53 SAs will receive and approve 3 corrective action plans annually, for a total of 159 responses ( $53 * 3 = 159$ ). The estimated average number of burden hours per response is 15 minutes (0.25 hours), resulting in a total estimated burden of 40 hours ( $159 * 0.25 = 39.75$ ). FNS estimates that this requirement adds 159 responses and 40 hours to the collection.

34. Sections 225.18(a)(2)(iv) and 225.18(a)(6)(ii) requires that, if corrective action has been taken to fully correct each serious management problem, State agencies must notify a sponsor's executive director and chairman of the board of directors, and RPIs, that the serious management problem has been vacated. If corrective action has not been taken or fully implemented, the State agency must notify the sponsor of its proposed termination and disqualification. The notice must inform the sponsor, responsible principals, and responsible individuals of the right and procedures for seeking a fair hearing.

FNS estimates that 53 SAs will send out 3 notices annually, for a total of 159 responses ( $53 * 3 = 159$ ). The estimated number of burden hours per response is 15 minutes (0.25 hours), resulting in a total estimated burden of 40 hours ( $159 * 0.25 = 39.75$ ).

0.25 = 39.75). FNS estimates that this requirement adds 159 responses and 40 hours to the collection.

35. Sections 225.18(a)(2)(v) and 225.18(f)(1)(iii)(E) requires that the State agency must submit written documentation to the hearing official prior to the beginning of the hearing, within 30 days after receiving the notice of the action.

FNS estimates that 53 State agencies will submit documentation 3 times to the hearing official annually, for a total of 159 responses ( $53 \times 3 = 159$ ). The estimated number of burden hours per response is 2 hours, resulting in a total estimated burden of 318 hours ( $159 \times 2 = 318$ ). FNS estimates that this requirement adds 159 responses and 318 hours to the collection.

36. Sections 225.18(a)(2)(v) and 225.18(f)(2) requires that the hearing official must hold a hearing, in addition to a review of written information upon written request for a fair hearing by the sponsor, responsible principals, or responsible individuals, to determine that the State agency or sponsor followed Program requirements in taking action under appeal. State agencies must be allowed to attend, respond to testimony, and answer questions posed by the hearing official.

FNS estimates that 53 State agencies will participate in 3 hearings annually, for a total of 159 responses ( $53 \times 3 = 159$ ). The estimated number of burden hours per response is 4 hours, resulting in a total estimated burden of 636 hours ( $159 \times 4 = 636$ ). FNS estimates that this requirement adds 159 responses and 636 hours to the collection.

37. Sections 225.18(a)(2)(vi) and 225.18(a)(6)(iii) requires that the State agencies must notify a sponsor's executive director and chairman of the board that serious management problems have been vacated and advise the institution that procedures and policies must be fully implemented to correct the serious management problem if the sponsor's appeal is upheld. If the sponsor's appeal is denied, the sponsor must be notified that the program agreement is terminated and declared seriously deficient.

FNS estimates that 53 State agencies will notify 3 sponsors annually, for a total of 159 responses ( $53 \times 3 = 159$ ). The estimated number of burden hours per response is 15 minutes (0.25 hours), resulting in a total estimated burden of 40 hours ( $159 \times 0.25 = 39.75$ ). FNS estimates that this requirement adds 159 responses and 40 hours to the collection.

38. **Section 225.18(c)(3) requires that State agencies must conduct and prioritize follow-up reviews and more frequent full reviews of sponsors with serious management problems, including one full review occurring at least once every year.**

**FNS estimates that 53 State agencies will each review 3 sponsoring institutions and facilities annually, for a total of 159 responses ( $53 * 3 = 159$ ). The estimated average number of burden hours per response is 20 hours, resulting in a total estimated burden of 3,180 hours ( $159 * 20 = 3,180$ ). FNS estimates that this requirement adds 159 responses and 3,180 hours to the collection.**

39. **Section 225.18(d)(2) requires that the State agencies must develop a contingency plan to ensure that eligible participants continue to have access to meal service.**

**FNS estimates that 53 State agencies will develop 3 contingency plans annually, for a total of 159 responses ( $53 * 3 = 159$ ). The estimated average number of burden hours per response is 2 hours, resulting in a total estimated burden of 318 hours ( $159 * 2 = 318$ ). FNS estimates that this requirement adds 159 responses and 318 hours to the collection.**

40. **Section 225.18(e)(2)(iii) requires that, if all serious management problems have been corrected and all debts have been repaid, State agencies may elect to remove a sponsor and RPIs from the National Disqualified List and must submit all requests for early removals to the appropriate FNSRO.**

**FNS estimates that 53 State agencies may remove 3 sponsors from the NDL annually, for a total of 159 responses. The estimated average number of burden hours per response is 15 minutes (0.25 hours), resulting in a total estimated burden of 40 hours ( $159 * 0.25 = 39.75$ ). FNS estimates that this requirement adds 159 responses and 40 hours to the collection.**

41. **Section 225.18(e)(3)(ii) requires that State agencies enter into written agreements with FNS, consistent with 5 U.S.C. 552a(o) of the CMA, in order to participate in a matching program involving a FNS Federal system of records.**

**FNS estimates that 53 State agencies will enter into a written agreement annually, for a total of 53 responses ( $53 * 1 = 53$ ). The estimated average number of burden hours per response is 1 hour, resulting in a total estimated burden of 53 hours ( $53 * 1 = 53$ ). FNS estimates that this requirement adds 53 responses and hours to the collection.**

42. **Section 225.18(e)(3)(iii)(B) requires that State agencies may request FNS to waive the two-step independent verification and notice requirement of the CMA.**

**FNS estimates that 53 State agencies may submit 1 waiver annually, for a total of 53 responses ( $53 * 1 = 53$ ). The estimated average number of burden hours per response is 1 hour, resulting in a total estimated burden of 53 hours ( $53 * 1 = 53$ ). FNS estimates that this requirement adds 53 responses and hours to the collection.**

43. **Section 225.18(g)(2) requires that State agencies must send a necessary demand letter for the collection of unearned payments, including any assessment of interest, as described in 225.12(b), and refer the claim to the appropriate State authority for pursuit of the debt payments. State agencies must assess interest on sponsors' debts established on or after July 29, 2022, based on the Current Value of Funds Rate, which is published annually by the Treasury in the Federal Reserve and is available from the FNSRO, and notify the sponsor that interest will be charged on debts not paid in full within 30 days of the initial demand for remittance up to the date of the payment.**

**FNS estimates that 53 State agencies will send 3 necessary demand letters annually, for a total of 159 responses ( $53 * 3 = 159$ ). The estimated average number of burden hours per response is 15 minutes (0.25 hours), resulting in a total estimated burden of 40 hours ( $159 * 0.25 = 39.75$ ). FNS estimates that this requirement adds 159 responses and 40 hours to the collection.**

44. **Section 225.18(h)(2)(i) requires that State agencies must terminate for cause the Program agreement no later than 45 days after the date of the sponsor's disqualification by FNS.**

**FNS estimates that 53 State agencies will terminate for cause 5 sponsors annually, for a total of 265 responses ( $53 * 5 = 265$ ). The estimated average number of burden hours per response is 1 hour, resulting in a total estimated burden of 265 hours ( $265 * 1 = 265$ ). The proposed rule is changing the regulatory citation for this requirement (which is currently 7 CFR 225.18(b)(2)), but otherwise has no further impact on the requirement or its burden, so there is no change in burden of 265 responses and burden hours.**

45. **Section 225.18(c)(1) requires that sponsors must describe and document the action taken to correct each serious management problem in a corrective action plan and submit to the State agency.**

**FNS estimates that 933.3 Local and Tribal Government sponsors must submit a corrective action plan to the State agency annually, for a total of 933 responses ( $933.3 * 1 = 933.3$ ). The estimated average number of burden hours per response is 15 minutes (0.25 hours), resulting in a total estimated burden of 233 hours ( $933.3 * 0.25 = 233.33$ ). FNS estimates that this requirement adds 933 responses and 233 hours to the collection.**

AFFECTED PUBLIC: BUSINESSES (NON-PROFIT INSTITUTIONS AND CAMPS)

1. Sections 225.6(c)(1), 225.6(c)(4), 225.14(a), and 225.14(c) require that sponsors submit written applications to State agencies for participation in the SFSP. The sponsor must demonstrate financial and administrative capability for Program operations and accept final financial and administrative responsibility for total Program operations at all sites at which it proposes to conduct a food service. In order to do so, sponsors must comply with policy, instructions, guidance, and handbooks issued by FNS.

FNS estimates that there are 2,210 non-profit institution/ camp sponsors that will each file 1 report annually for a total of 2,210 responses ( $2,210 \times 1 = 2,210$ ). The estimated average number of burden hours per response is 39 hours and 30 minutes (39.5 hours) resulting in an estimated total burden hours of 87,295 ( $2,210 \times 39.5 = 87,295$ ). There is no change in burden.

2. Section 225.6(c)(2) requires that new sponsors and sites, and, as determined by the State agency, sponsors and sites which have experienced significant operational problems, submit site information for each site where a food service operation is proposed.

FNS estimates that of the 5,524 sponsors, 19.31% are new. Therefore, there are 1,066 ( $5,524 \times .1931 = 1,066$ ) new sponsors and sites, and sites which have experienced significant operational problems. FNS estimates this includes 426 non-profit institution/ camp sponsors, which will each file 1 report annually for a total of 426 responses ( $426 \times 1 = 426$ ). The estimated average number of burden hours per response is 1 hour resulting in estimated total burden hours of 426 ( $426 \times 1 = 426$ ). There is no change in burden.

3. Section 225.6(c)(3) requires that experienced sponsors and sites submit site information for each site where a food service operation is proposed.

FNS estimates that there are 1,783 non-profit institution/camp sponsors that will each file 1 report annually for a total of 1,783 responses ( $1,783 \times 1 = 1,783$ ). The estimated average number of burden hours per response is 1 hour resulting in an estimated total burden hours of 1,783 ( $1,783 \times 1 = 1,783$ ). There is no change in burden.

4. **Section 225.6(c)(5) requires that sponsoring organizations that are approved to operate the Program in more than one State must provide all of the required information to the State/local government agencies. This includes the number of affiliated sites it operates, by State; the number of unaffiliated sites it operates; the names, addresses, and phone numbers of the organization's headquarters and the officials who have administrative responsibility; and the names, addresses, and phone numbers of the financial records center and the officials who have financial responsibility.**

**FNS estimates that there are 133 sponsoring organizations that operate in more than one state that will provide required information to the State agency annually, for a total of 133 responses ( $133 * 1 = 133$ ). The estimated average number of burden hours per response is 1 hour and 15 minutes (1.25 hours), resulting in an estimated total burden of 166 hours ( $133 * 1.25 = 166.25$ ). FNS estimates that this requirement adds 133 responses and 166 hours to the collection.**

5. Section 225.6(c)(5) requires that camps submit copies of hearing procedures.

FNS estimates that 333 camps participate in the SFSP. Each camp will file 1 report annually for a total of 333 responses ( $333 \times 1 = 333$ ). The estimated average number of burden hours per response is 15 minutes (.25 hours) resulting in an estimated total burden hours of 83 ( $333 \times .25 = 83.25$ ). There is no change in burden.

6. Sections 225.6(e) and 225.14(c)(7) require that sponsors approved for participation in SFSP enter into written agreements with State agencies to operate the program in accordance with regulatory requirements.

FNS estimates that there are 221 sponsors (10% of the 2,210 non-profit institution/camp sponsors) that will each file 1 report annually for a total of 221 responses ( $221 \times 1 = 221$ ). The estimated average number of burden hours per response is 7 minutes (.12 hours) resulting in estimated total burden hours of 27 ( $221 \times .12 = 27$ ). There is no change in burden.

7. Section 225.6(h)(2)(iii) requires that sponsors provide food service management

companies (FSMC) with a list of approved sites, along with the approved level for the number of meals which may be claimed for reimbursement for each site.

FNS estimates that approximately 1,929 (34.93% of 5,524) sponsors contract with FSMCs. Of these, FNS estimates that 772 FSMCs will each file 1 report annually for a total of 772 ( $772 \times 1 = 772$ ). The estimated average number of burden hours per response is 30 minutes (.5 hours) resulting in estimated total burden hours of 386 ( $772 \times .5 = 386$ ). There is no change in burden.

8. Section 225.6(h)(3) requires that all meals prepared by a food service management company be unitized unless the sponsors submit requests to State agencies for exceptions to the unitizing requirements for certain components of a meal.

FNS estimates that 1% of sponsors that have contracts with FSMCS will submit 1 of these requests. FNS estimates that 772 non-profit institution/camp sponsors hire food service management companies, 1% of that would be 7.72 would file 1 report annually for a total of 8 responses ( $7.72 \times 1 = 7.72$ ). The estimated average number of burden hours per response is 30 minutes (.5 hours) resulting in estimated total burden hours of 4 ( $7.72 \times .5 = 3.86$ ). There is no change in burden.

9. Sections 225.6(h)(5) and 225.6(h)(2) require that sponsors submit to State agencies copies of the contracts with food service management companies, the bids received, and the reasons why the food service management company was chosen.

FNS estimates that there are approximately 772 food service management companies doing business with non-profit institution/camp sponsors in the SFSP and that sponsors submit 1 report annually for a total of 772 annual responses ( $772 \times 1 = 772$ ). The estimated average number of burden hours per response is 20 hours resulting in estimated total burden hours of 15,440 ( $772 \times 20 = 15,440$ ). There is no change in burden.

10. Section 225.15(d)(2) requires sponsors to visit each of their sites at least once during the first week of operation under the Program.

FNS estimates that approximately 2,210 nonprofit institution/camp sponsors, complete on average, 9 first week site visit reports annually, for a total of 19,890 ( $2,210 \times 9 = 19,890$ ). The estimated average number of burden hours per response is 30 minutes (.50 hours) resulting in estimated burden hours of 9,945 hours ( $19,890 \times .50 = 9,945$ ). There is no change in burden.

11. Section 225.15(d)(3) requires sponsors to review food service operations for all sites at least once during the first four weeks of Program operations, and thereafter maintain a reasonable level of monitoring.

FNS estimates that approximately 2,210 nonprofit institutions/camp sponsors, complete on average approximately 9 food service reviews annually for a total of 19,890 responses ( $2,210 \times 9 = 19,890$ ). The estimated average number of burden hours per response is 2 (2.0 hours) resulting in estimated burden hours of 39,780 ( $19,890 \times 2.0 = 39,780$ ). There is no change in burden.

12. Section 225.16(a) requires sponsors to submit to the State agency a copy of their letter advising the appropriate health department of their intention to provide a food service during a specific period at specific sites within two weeks of receiving notification of their approval.

FNS estimates that approximately 2,210 non-profit institution/camp sponsors will submit a copy of their letter to the health department and will each file one report annually for a total of 2,210 ( $2,210 \times 1 = 2,210$ ). The estimated average number of burden hours per response is 15 minutes (.25 hours) resulting in estimated total burden hours of 553 ( $2,210 \times .25 = 553$ ). There is no change in burden.

13. **Section 225.18(c)(1) requires sponsors must describe and document the actions taken to correct each serious management problem in a corrective action plan and submit it to the State agency.**

**FNS estimates that 477 non-profit institutions or camps will send a corrective action plan annually to FNS, for a total of 477 responses ( $477 * 1 = 477$ ). The estimated average number of burden hours per response is 15 minutes (0.25 hours), resulting in a total estimated burden of 119 hours ( $477 * 0.25 = 119.25$ ). FNS estimates that this requirement adds 477 responses and 119 hours to the collection.**

#### AFFECTED PUBLIC: HOUSEHOLDS

1. Section 225.15(f) requires households enrolled in camps or closed enrolled sites to read instructions, complete free meal applications, and return to camps and sites.

FNS estimates that 58,365 households participate in SFSP camps or other sites where applications are used to determine the eligibility of individual children. Each



household will file 1 report annually for a total of 58,365 responses ( $58,365 \times 1 = 58,365$ ). The estimated average number of burden hours per response is 30 minutes (.5 hours) resulting in estimated total burden hours of 29,183 ( $58,365 \times .5 = 29,182.50$ ). There is no change in burden.

2. Section 225.15(j) requires households to provide written consent for sponsors to use or disclose information.

FNS estimates that 58,365 households participate in SFSP sites where written consent from children's parents or guardian are required. Each household will file 1 report annually for a total of 58,365 responses ( $58,365 \times 1 = 58,365$ ). The estimated average number of burden hours per response is 15 minutes (.25 hours) resulting in estimated total burden hours of 14,591 ( $58,365 \times .25 = 14,591.25$ ). There is no change in burden.

## RECORDKEEPING REQUIREMENTS

### AFFECTED PUBLIC: STATE, LOCAL, AND TRIBAL GOVERNMENTS

1. Section 225.8(a), 225.7(d)(5) and 225.13(d) require state agencies to maintain accurate accounting records for reviews, appeals, and accounting for three years.

FNS estimates that 53 state agencies will maintain 39 records for reviews resulting in 2,067 total records ( $53 \times 39=2,067$ ). The estimated average number of burden hours per each record is 5 minutes (0.08 hours) resulting in 165 hours ( $2067 \times .08=165.36$ ). Similarly, FNS estimates that 53 state agencies will each maintain 2 appeal records resulting in 106 records ( $53 \times 2=106$ ) and estimated average number of burden hours per each record is 5 minutes (0.08 hours) resulting in 8 hours ( $106 \times 0.08=8.48$ ). For accounting records 53 state agencies will each maintain 104 records resulting in 5,512 ( $53 \times 104$ ) and estimated average time per each record is 5 minutes (0.08 hours) resulting in estimated total burden hours of 441 ( $5,512 \times 0.08=440.96$ ). There is no change in burden.

2. Sections 225.15(a), 225.15(c), and 225.15(g) require sponsors to maintain records that justify all costs and meals claimed.

FNS estimates that 3,314 Local/Tribal Government sponsors will each maintain 1 record for a total of 3,314 records. The estimated average burden for each record is 5 minutes (0.08 hours) resulting in a total of 265 burden hours ( $3,314 \times 0.08 = 265.12$ ). There is no change in burden.

3. **Section 225.18(b) requires SAs maintain a SA list and must include the required information requested on Forms FNS-843 and FNS-844. The required information includes the following: 1.) Names and mailing addresses of each institution and facility that is determined to have a serious management problem; 2.) Names, mailing addresses, and dates of birth of each RPI; and 3.) The status of the institution and facility as it progresses through the stages of corrective action, termination, suspension, and disqualification, as applicable.**

**FNS estimates that 53 state agencies will add at least 145 sponsoring organizations and facilities to the SA list, for a total of 7,685 responses ( $53 * 145 = 7,685$ ). The estimated average number of burden hours per response is 5 minutes (0.08 hours), resulting in a total estimated burden of 642 hours ( $7,685 * 0.08 = 641.70$ ). FNS estimates that this requirement adds 7,685 responses and 642 hours to the collection.**

AFFECTED PUBLIC: BUSINESSES (NON-PROFIT INSTITUTIONS AND CAMPS)

1. Section 225.6(c)(5)(xii) requires that camps maintain records of hearings for three years.

FNS estimates that 333 camps participate in the SFSP. Each camp will maintain 1 record of hearing annually for a total of 333 responses ( $333 \times 1=333$ ). The estimated average number of burden hours per response is 18 minutes (.3 hours) resulting in estimated total burden hours of 100 hours ( $333 \times .3=99.9$ ). There is no change in burden.

2. Sections 225.15(a), 225.15(c), and 225.15(g) require sponsors to maintain records that justify all costs and meals claimed.

FNS estimates that 2,210 sponsors will each maintain 1 record for a total of 2,210 records. The estimated average burden for each record is 5 minutes (0.08 hours) resulting in a total of 177 hours ( $1,590 \times 0.08 = 176.80$ ). There is no change in burden.

3. Section 225.16(b)(1) requires camps and sponsors to maintain copies of the documentation establishing the eligibility of children receiving meals and all other meal service requirement information.

Of the 2,210 non-profit institutions/camp sponsors in SFSP, FNS estimates that 38% are closed enrolled sites or camps and therefore collect income eligibility documents. FNS estimates that 840 non-profit institution/camp sponsors will each maintain 104 records resulting in 87,360 ( $840 * 104 = 87,360$ ) records. The estimated average burden hours for each record are 5 minutes (0.08 hours) resulting in a total of 6,989

hours ( $87,360 \times 0.08 = 6,988.80$ ). Sponsors who collect eligibility forms are required to maintain copies of the documentation. There is no change in burden.

4. Section 225.16(f)(3) requires sponsors participating in the Summer Food Service Program to maintain documentation demonstrating that the service sites qualify for the menu planning options to serve vegetables to meet the grains requirements in certain territories: American Samoa, Puerto Rico, Guam, the Virgin Islands, the Trust Territory of the Pacific Islands, and the Northern Mariana Islands. Documentation is required to show if sponsors serve primarily American Indian and Alaska Native children.

FNS estimates that 20 sponsors will serve American Indian and Alaska Native children primarily, through SFSP. Each sponsor will maintain 1 record annually for a total of 20 responses ( $20 \times 1 = 20$ ). The estimated average number of burden hours per response is 75 minutes (1.25 hours) resulting in estimated total burden of 25 hours ( $20 \times 1.25 = 25$ ). There is no change in burden.

#### AFFECTED PUBLIC: HOUSEHOLDS

There are no burden hours associated with recordkeeping requirements for the households.

#### PUBLIC DISCLOSURE REQUIREMENTS

#### AFFECTED PUBLIC: STATE, LOCAL, AND TRIBAL GOVERNMENTS

1. **Section 225.6(n)(2)(iii) requires that the Cognizant State agency (CSA) must conduct a full review at the MSSO headquarters and financial records center. The CSA must coordinate the timing of reviews and make copies of monitoring reports and findings available to all other State agencies that have agreements with the MSSO.**

**FNS estimates that 53 State agencies must make 3 public disclosures to other State agencies that have agreements with the MSSO, for a total of 159 responses ( $53 * 3 = 159$ ). The estimated average burden hours per public disclosure is 15 minutes (0.25 hours), resulting in an estimated total burden of 40 hours ( $159 * 0.25 = 39.75$ ). FNS estimates that this requirement adds 159 responses and 40 hours to the collection.**

2. Section 225.15(e) requires sponsors to annually announce in the media serving the area from which it draws its attendance the availability of free meals. Per FNS policy guidance SFSP 07-2014, *Expanding Awareness and Access to Summer*

*Meals*, November 12, 2013, FNS encourages State agencies to complete this requirement for all sponsors in their State through an all-inclusive statewide media release.

FNS estimates that approximately 53 State agencies will make an announcement in the media once a year for a total of 53 ( $53 \times 1=53$ ) responses. The estimated average number of burden hours per response is 15 minutes (0.25 hours) resulting in estimated total burden hours of 13 ( $53 \times 0.25=13$ ). There is no change in burden.

3. Section 225.15(e) requires sponsors to annually announce in the media serving the area from which it draws its attendance the availability of free meals.

FNS estimates that approximately 3,314 Local/Tribal Government sponsors will make an announcement in the media once a year for a total of 3,314 ( $3,314 \times 1=3,314$ ) responses. The estimated average number of burden hours per response is 15 minutes (.25 hours) resulting in estimated total burden hours of 828 ( $3,314 \times .25=828$ ). There is no change in burden.

#### AFFECTED PUBLIC: BUSINESSES (NON-PROFIT INSTITUTIONS AND CAMPS)

1. Section 225.15(e) requires sponsors to annually announce in the media serving the area from which it draws its attendance the availability of free meals.

FNS estimates that approximately 2,210 non-profit institution/camp sponsors will make an announcement in the media once a year for a total of 2,210 ( $2,210 \times 1=2,210$ ) responses. The estimated average number of burden hours per response is 15 minutes (.25 hours) resulting in estimated total burden hours of 553 ( $2,210 \times .25=553$ ). There is no change in burden.

#### AFFECTED PUBLIC: HOUSEHOLDS

There are no burden hours associated with public disclosure requirements for the households.