SUPPORTING STATEMENT – PART A for

OMB CONTROL NUMBER 0584-0280:

7 CFR Part 225 Summer Food Service Program

Final Rule: Child Nutrition Programs: Meal Patterns Consistent With the 2020-2025 Dietary Guidelines for Americans (RIN 0584-AE88)

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Attachments

A. Burden Chart for OMB Control Number 0584-0280, Final Rule, *Child Nutrition Programs: Meal Patterns Consistent with the 2020-2025 Dietary Guidelines for Americans*

B. Estimate of the Information Collection Burden (Narrative) for the final rule, *Child Nutrition Programs: Meal Patterns Consistent with the 2020-2025 Dietary Guidelines for Americans*

C. The Final Rule, *Child Nutrition Programs: Meal Patterns Consistent with the 2020-2025 Dietary Guidelines for Americans*

C.1 The Proposed Rule, *Child Nutrition Programs: Revisions to Meal Patterns Consistent*

with the 2020 Dietary Guidelines for Americans

D. Richard B. Russell National School Lunch Act

E. The Child Nutrition Act of 1966

F. Title 7 CFR Part 225 – Summer Food Service Program Regulations

G. ID FNS-2022-0043-73724 – Public Comment Example 1

H. ID FNS-2022-0043-93129 – Public Comment Example 2

A. JUSTIFICATION

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 to a currently approved information collection, OMB Control Number 0584-0280 7 CFR Part 225, Summer Food Service Program (expiration date 9/30/2025), in support of a final rule, *Child Nutrition Programs: Meal Patterns Consistent with the 2020-2025 Dietary Guidelines for Americans* (RIN 0584-AE88) (Attachment C). The final rule amends Program regulations and introduces new requirements associated with the National School Lunch Program (NSLP), the School Breakfast Program (SBP), the Child and Adult Care Food Program (CACFP), and the Summer Food Service Program (SFSP) that require collections of information that are not currently accounted for in the currently approved FNS information collections.

A proposed rule, *Child Nutrition Programs: Revisions to Meal Patterns Consistent with the 2020 Dietary Guidelines for Americans*, was published in the Federal Register on February 7, 2023 (89 FR 31962) (Attachment C.1). In the proposed rule, FNS introduced new information collection requirements that the agency intended to include in existing information collections that were already approved and included in OMB's information collection inventory. However, one of the collections involved with the rule, OMB Control Number 0584-0006, was set to expire between the publication of the proposed and final rule. Due to the uncertain timing of the rules in conjunction with the renewal of OMB Control Number 0584-0006, FNS requested a new OMB control number for the collections associated with this rule. For the final rule, FNS decided to switch to revisions

of the existing collections related to this rule, rather than request a new information collection, because OMB Control Number 0584-0006 was renewed and updated with a new expiration date of September 30, 2026. In the meantime, OMB reviewed the proposed rule submission, "filed with comment" on that submission on March 21, 2023, and assigned a preliminary OMB Control Number of 0584-0679 to the collection (which is not officially included in OMB's information collection inventory since it was assigned to a proposed rule). Since FNS decided to submit revisions to the existing information collections for the final rule, OMB Control Number 0584-0679 was not used for the final rule. Once the final rule submission is reviewed and approved by OMB, the agency will publish another notice in the Federal Register announcing OMB's approval.

Under the SFSP, USDA is required to develop nutrition requirements that are consistent with the goals of the most recent *Dietary Guidelines for Americans* (NSLA, 42 U.S.C. 1761(g)). SFSP sponsors are required by regulation to comply with the meal requirements. This rulemaking finalizes long-term school, institution, and facility nutrition requirements based on the most recent *Dietary Guidelines for Americans* and feedback from Child Nutrition Program stakeholders. The rule allows SFSP sponsors, including non-profit institutions and camps, that serve primarily American Indian or Alaska Native children to serve vegetables to meet the grains requirement. More information on the changes that would require collections of information is provided below.

Substituting Vegetables for Grains in Tribal Communities

This final rule allows SFSP sponsors that serve primarily American Indian or Alaska Native children to serve vegetables to meet the grains requirement. The final rule clarifies that this provision allows the substitution of any creditable vegetable, including traditional vegetables

such as breadfruit and prairie turnips. Additionally, this rule allows all sponsors in Guam and Hawaii to serve vegetables to meet the grains or breads requirement. The menu planning option aims to improve the child nutrition programs for American Indian and Alaska Native children and build on USDA's commitment to support traditional food ways. As detailed in the proposed rule, SFSP sponsors that serve primarily American Indian or Alaska Native children, must maintain documentation to demonstrate that they qualify if they choose to use this option. The sponsors would maintain documentation for program reviews.

Annualized Costs

Public comments received in response to the proposed rule indicated that respondents would incur additional costs when implementing some of the provisions in this rule. Respondents and other stakeholders indicated that some of the rule provisions would incur costs for extra supplies, funding to implement updated meal patterns, and costs related to updating websites, materials, menus, and recipes. Respondents indicated that the rule provisions could result in potential costs for the SFSP sponsors to update meal planning databases. In light of these comments, FNS has accounted for start-up and/or maintenance costs that this final rule will add to this collection. Additional details concerning these costs are provided in the response to A.13.

A proposed rule, Child Nutrition Programs: Revisions to Meal Patterns Consistent With the 2020 Dietary Guidelines for Americans, was published in the Federal Register on February 7, 2023. USDA received comments from the public concerning the recordkeeping requirements and their associated burden. Consequently, USDA has revised certain provisions in the rule, and therefore has updated the recordkeeping information requirement burden estimates from the

estimates reported in the proposed rule. The estimated numbers of respondents, responses, and burden hours for the information collection requirements that were included in the February 7, 2023, proposed rule are being revised via this final rule. These revisions are based on updating existing information collections rather than creating a new collection as was requested in the proposed rule. Between the publication of the proposed rule and the final rule, the approval of OMB Control Number 0584-0006 was scheduled to expire. Because this NSLP related collection has since been renewed and updated with a new expiration date of September 30, 2026, the decision was made to switch to revisions of previous collections for all applicable collections (including OMB Control Number 0584-0280 for the SFSP), rather than a new information collection. The number of respondents now align with those in the four previous information collections. As a result, the number of responses and burden hours for this rule have increased over those estimated for the proposed rule.

USDA now estimates that this rule will have an estimated 19,705 respondents, 763,892 responses, and 635,196 burden hours. This is the same number of respondents, an increase of 549,934 responses, and an increase of 204,897 burden hours in comparison to the estimations included in the proposed rule.

The National School Lunch Act (NSLA) (42 U.S.C. 1751 et seq.) (Attachment D) authorizes the NSLP, CACFP, and SFSP, and the Child Nutrition Act of 1966 (CNA) (P.L. 111-296) authorizes the SBP (42 U.S.C. 1779) (Attachment E). Section 10 of the CNA requires the Secretary of Agriculture to prescribe such regulations as deemed necessary to carry out Child Nutrition Programs authorized under the NSLA and CNA, as amended. As required, the Secretary of

Agriculture issued 7 CFR Part 225 (Attachment F), which sets forth policies and procedures for the administration and operation of the SFSP. The Summer Food Service Program (SFSP) is a federally funded, state-administered program. USDA reimburses program operators who serve no-cost, healthy meals and snacks to children and teens at summer sites in low-income communities.

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 final rule, *Child Nutrition Programs: Meal Patterns Consistent With the 2020-2025 Dietary Guidelines for Americans* (RIN 0584-AE88) (Attachment C) is adding new information requirements and their associated burden into the currently approved collection for OMB Control Number 0584-0280. These new information requirements are required in order to administer and operate the Child Nutrition Programs according to the changes in the final rule and the corresponding revisions to program regulations at 7 CFR Part 225. The final rule will require sponsors, including non-profit institutions and camps, to collect information to ensure program integrity and enable USDA and local administering agencies to determine whether programs are in compliance with requirements, mainly the menu planning option. The information collection occur at the sponsor level in the form of recordkeeping requirements. USDA does not collect or share the required information at the Federal level.

• What information will be collected?

In accordance with the final rule, the following information will be collected:

- Documentation to demonstrate that SFSP sponsors that implement the menu planning option to serve vegetables to meet the grains requirement serve primarily American Indian or Alaska Native children.

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

  Information is not collected via a report or public disclosure. Some information collections that occur are in accordance with recordkeeping requirements and, therefore, information would be maintained as records. SFSP institutions will be responsible for maintaining documentation to demonstrate that SFSP sponsors serve primarily American Indian or Alaska Native students if they take advantage of the menu planning option. The final rule does not introduce any new or revise any existing reporting or third-party disclosure requirements.

- **Is the collection voluntary, mandatory, or necessary to obtain benefits?**
  - SFSP operators are not required to implement the menu planning option that allows sponsors that serve primarily American Indian or Alaska Native participants to serve vegetables to meet the grains requirement, but if they do choose this option, the operators are responsible for maintaining documentation to demonstrate that the institutions serve primarily American Indian or Alaska Native students. The recordkeeping requirements associated with the menu planning option are required to implement the operational flexibility.

- **From whom will the information be collected and how will the information be used?**
  - In SFSP, operators are responsible for maintaining documentation and records to demonstrate that the institution serves primarily American Indian or Alaska

Native students. Maintaining this documentation is necessary to implement the menu planning option for schools to serve vegetables in place of grains in the SFSP and will be used to demonstrate eligibility for the menu planning option during oversight activities.

The respondent categories include only SFSP sponsors, which include businesses (non-profit institutions and camps).

- **How will the information be collected (e.g., forms, descriptive reports or plans, electronically, face-to- face, over the phone, over the Internet?**

  SFSP sponsors may collect information in accordance with the final recordkeeping requirements as preferred. There are no specific requirements for how information must be collected. Generally, sponsors use computers and software to report, file, and maintain information.

- **How frequently will the information be collected?**

  Information will be collected in accordance with the final rule information collection requirements. The burden for each collection of information requirement included in the information collection request for the final rule is estimated based on a small proportion of operators collecting information as needed.

  These information collection requirements will occur on an as-needed basis. For example, the menu planning option to allow the substitution of vegetables for grains for program meals offered by SFSP sponsors that serve primarily American

Indian and Alaska Native participants would only require Child Nutrition Program operators that choose to implement the menu planning option to maintain documentation.

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

The information collected would only be shared between USDA and SFSP institutions, working together to administer the Child Nutrition Programs.

The rule is expected to increase the burden because it is adding one new recordkeeping requirement to the collection, at the business level. The burden for the collection of information requirements associated with the menu planning option for SFSP sponsors that primarily serve American Indian and Alaska Native children will be updated in the SFSP information collection, OMB Control Number 0584-0280. USDA estimates that adding these sections to the information collection for the SFSP will increase the number of responses and burden hours for the updated information collection, as outlined in A.15. To review the information requirements in further detail, please see the *Estimate of the Information Collection Burden (Narrative)* (Attachment B). The rule is also adding annualized costs as detailed in A.13.

A3. Use of the 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.

USDA is committed to complying with the E-Government Act of 2002 to promote the use of the Internet and other information technologies, which provide increased opportunities for citizen access to Government information and services.

USDA estimates that approximately 98% of respondents will report and/or maintain data electronically. Businesses generally maintain websites, business communication platforms, software systems, and administrative emails, etc., to communicate electronically with one another and USDA, when necessary. At the business (institution) level, for the menu planning option in Tribal Communities, USDA estimates that all 20 annual records would be collected electronically. There is only one provision from the final rule being added to this collection, so for the total estimated 20 annual responses associated with this revision to the collection, USDA estimates essentially all records would be collected electronically and only a negligible amount would be submitted non-electronically. Out of the 391,815 total responses for the collection, FNS estimates that all of the responses will be collected electronically.

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.

The information requirements resulting from the final rule are new, and there is no similar information collection available. FNS has reviewed FNS recordkeeping requirements, including local program operator requirements to avoid duplication.

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.

Businesses that primarily serve Alaska Native and Native American participants generally meet the definition of a ‘‘small governmental jurisdiction,’’ which meets the definition of ‘‘small entity’’ in the Regulatory Flexibility Act. Therefore, the business level collections of information addressed in the final rule, *Child Nutrition Programs: Meal Patterns Consistent With the 2020-2025 Dietary Guidelines for Americans* (RIN 0584-AE88) (Attachment C), would impact small entities. FNS estimates that all of the 20 business respondents included in this menu planning element of the information collection that would be impacted by collection of information requirements are considered small entities. Out of the estimated respondents for the menu planning options in Tribal Communities, 100% will be small entities. As a result of this rule, out of the estimated 63,942 respondents for the final rule related pieces added to this data collection, FNS estimates that at a minimum 20 will be small entities affected by the menu planning option in Tribal Communities Once the final rule provisions are incorporated into the collection, FNS estimates that out of the 63,942 total respondents, 2,782 (approximately 4.4%) will be 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 a revision to a currently approved collection that contains required recordkeeping requirements that program operators are required to obtain or retain according to the final rule.

Information collection requirements addressed in the rule are required to implement operational or administrative exceptions and, therefore, occur irregularly or when a program operator uses the exception. Only qualifying SFSP sponsors would implement the menu planning option to serve vegetables to meet the grains requirement. If these operators choose to implement the menu planning option, they must maintain documentation demonstrating that the business serves primarily American Indian or Alaska Native students. The information collections associated with this provision will occur irregularly.

The information collection will enable SFSP operators and FNS to ensure that only eligible institutions implement the menu planning option for American Indian and Alaska Native students. If the collections were not conducted on an as-needed basis, businesses and USDA would not be able to monitor compliance with the finalized option, and program administrators may be noncompliant with the federal requirements.

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;**
- **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 special circumstances for the information requirements in the rule. 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.

The final rule was published in the Federal Register on April 25, 2024 (89 FR 31962). A 60-day Federal Register Notice was embedded in the proposed rule, *Child Nutrition Programs: Meal Patterns Consistent with the 2020-2025 Dietary Guidelines for Americans*" (RIN 0584-AE88) (Attachment C), which was published in the Federal Register on February 7, 2023 (Vol. 88, No. 25, page 8050). The comment period for the proposed changes in the information collection burden was originally scheduled to end on April 10, 2023 but was extended to May 10, 2023. Over 400 public comments mentioned the word 'burden' with regards to the proposed rule. However, the vast majority pointed to the rule overall or certain provisions increasing burden or inconveniencing program operators. These comments did not provide any specific hour burden information or cost shifts as a result.

Public Comments: For the substituting vegetables for grains in Tribal Communities provision, 13 public comments were submitted that discussed the need for reducing the administrative burden for implementing this change (nine of which were from a sponsor form letter). One of these comments was from a professional association that stated the 1 hour per site annual estimate for collecting and maintaining documentation for the new provision is underestimated for enrolled SFSP and CACFP sites, and also asked that USDA consider allowing this flexibility for all providers to be inclusive to other cultures and eliminate the qualification administrative burden.[1]

[1] Attachment G: https://www.regulations.gov/comment/FNS-2022-0043-73724

USDA Response: Regarding the substituting vegetables for grains in Tribal communities provision and the comment that 1 hour per site annual estimate is underestimated for SFSP and CACFP sites, in response USDA has added 15 minutes to this amount of time for a total of 1 hour and 15 minutes. In response to the comment that the flexibility be inclusive to other cultures and eliminating the qualification administrative burden, USDA would like to provide additional detail behind the intent of this provision. USDA acknowledges that additional schools, sponsors, institutions, and facilities may benefit from this substitution provision and appreciates this feedback. However, as proposed, this provision was intended for certain schools, sponsors, institutions, and facilities. This final rule is intended to support American Indian or Alaska Native children participating in child nutrition programs and to uphold USDA's commitment to advancing equity, as detailed in the Department's Equity Action Plan.[2] In this plan, USDA outlines its commitment to advancing equity, including a focus on increasing Tribal trust. The Equity Action Plan highlights the importance of considering policy design and implementation to ensure Tribal communities have equitable access to Federal programs and services, including incorporating Indigenous values and perspectives in program design and delivery. While this final rule does not have as broad of a reach as some respondents requested, USDA remains committed to promoting equitable access to the child nutrition programs.

Within the overall burden comments, four comments were submitted that reference the Child Nutrition Reporting Burden Analysis Study.[3] One of these was a letter submitted three times from a non-profit organization[4] (Attachment O for example) and another is a unique letter from

[2] U.S. Department of Agriculture, USDA Equity Action Plan in Support of Executive Order (EO) 13985 Advancing Racial Equity and Support for Underserved Communities through the Federal Government, February 10, 2022. Available at: https://www.usda.gov/equity/action-plan.
[3] https://www.USDA.usda.gov/child-nutrition-reporting-burden-analysis-study
[4] Attachment H: https://www.regulations.gov/comment/FNS-2022-0043-93129

an advocacy group. This study was published in 2019 in response to a legislative requirement and was written as a report to Congress. Multiple key principles were considered from this report when determining documentation requirements for this final rule, including consolidating and minimizing duplication across recordkeeping requirements and streamlining documentation.

A 30-day Notice was published in the Federal Register on August 27, 2024 (Vol. 89, No. 166, pp. 68577-578). The public comment period ended on August 26, 2024. FNS received two comments in response to the notice, however, they are not germane to the necessity of the information collection, the usefulness of achieving the stated objectives, or the elements impacting the burden.

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.

FNS held listening sessions and consulted with key stakeholders, including Tribal leaders and food manufacturers to gain insights and perspectives to inform the development of this rulemaking. However, those efforts were not focused on the collections of information that would occur in conjunction with the rule.

Because FNS provided notice and comment through the notice of a proposed rulemaking for the proposed rule, which specifically included the solicitation of comments on the proposed collections of information, FNS did not consult with members of the public and affected agencies outside of the official comment period (including the extension of the comment period) to obtain views on the collections of information proposed, including the availability of data, frequency of collections, or recordkeeping requirements. Interested members of the public can provide FNS with comments concerning the necessity, practical utility, accuracy, and merit of the information collection activities discussed in the notice embedded in the final rule.

When FNS finalizes an information collection package, the package will be available through www.regulations.gov for review and comment by stakeholders such as program operators, community groups, and the public regarding any legislative, regulatory, or administrative changes.

A9. Explain any decision 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. § 552a, which requires the safeguarding of individuals against invasion of privacy. No confidential information is associated with any rule-related requirements in this information collection. The recordkeeping requirements for the menu planning option involves no collection of confidential information, nor would any information collected be shared publicly. This information collection request does not request any personally identifiable information, nor does it include any forms that require a Privacy Act Statement. A review of this information collection was finalized by USDA's Privacy Office on April 16, 2024. The Privacy Office did not indicate the collection warrants any privacy statement, privacy impact analysis, or privacy threshold analysis, as no personal identifiable information is collected and maintained by the agency.

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.

There are no questions of a sensitive nature included in this information collection.

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 to cover the new recordkeeping information requirements included in the final rule. FNS estimates that the burden for the new recordkeeping information requirements resulting from this final rule will have 20 respondents, 20 responses, and 25 burden hours. The final rule does not create or revise any reporting or third-party disclosure information requirements for this information collection. To estimate the recordkeeping burdens for this submission, Program Analysts analyzed each provision involving information collection to identify tasks necessary for compliance, as well as the frequency with which a sponsor may complete each requirement. Program Analysts also considered the hour burden of similar of information collection requirements that are covered in currently approved information collection requests. The results of the analysis are used to estimate the amount of time needed to perform the task or meet the requirement. Once the information collection request related to this rule is approved by OMB, FNS expects that the total information collection burden for this collection will be 63,942 respondents, 391,815 responses, and 462,724 burden hours.

The hour burden and response estimations for each collection of information requirement are reflected in the attached Burden Chart (Attachment A) and in the Burden Narrative (Attachment B), as well as summarized below.

Burden Summary of Recordkeeping Requirements

Respondents (Affected Public): SFSP operators (non-profit institutions and camps, which are considered businesses).

Estimated Number of Respondents: 20

Estimated Number of Responses per Respondent: 1

Estimated Total Annual Responses: 20

Estimated Time per Response: Approximately 75 minutes (1.25 hours)

Estimate Total Annual Burden on Respondents: 25

Recordkeeping for OMB Control Number 0584-0280								
Description of Activities	**Regulation Citation**	**Estimated # of Respondents**	**Frequency of Response**	**Total Annual Responses**	**Average Burden Hours per Response**	**Estimated Total Annual Burden Hours Due to Final Rulemaking**	**Hours Currently Approved**	**Estimated Total Difference**
Summer Food Service Program sponsors maintain documentation demonstrating that service sites qualify for the menu planning option to serve vegetables to meet the grains requirement by serving primarily American Indian and	225.16(f)(3)	20	1	20	1.25	25	0	25

Alaska Native students								
Total Summer Food Service Program Operators (business level) Recordkeeping		20	1	20	1.25	25	0	25
Total Recordkeeping OMB Control Number 0584-0280		20	1	20	1.25	25	0	25

Burden Summary for Total Collection for OMB Control Number 0584-0280

TOTAL NO. RESPONDENTS	63,942
AVERAGE NO. RESPONSES PER RESPONDENT	6.13
TOTAL ANNUAL RESPONSES	391,815
AVERAGE HOURS PER RESPONSE	1.181
TOTAL BURDEN HOURS	462,724
CURRENT OMB INVENTORY	462,699
DIFFERENCE DUE TO FINAL RULE	25

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

FNS estimates that the total cost to respondents for this collection will be $1,013.67. The estimate of respondent cost is based on the burden estimates and utilizes the U.S. Department of Labor, Bureau of Labor Statistics, May 2022 National Occupational and Wage Statistics, Occupational Group 25-0000 (http://www.bls.gov/oes/current/oes_nat.htm). The hourly mean wage for education-related occupations for functions performed by State agency and local program staff

are estimated at $30.41 per staff hour.

TOTAL COST TO PUBLIC = 25 hours x $30.41 per hour = $760.25.

To account for fully-loaded wages, an additional $253.42 (33% of $760.25) has been added to $760.25 for a total respondent cost of $1,013.67. Once the final rule provisions are incorporated into the collection, FNS estimates that the total respondent costs will be 18,388,865.75.

A13. Estimate of Other Total Annual Cost Burden.

Provide estimates of the total annual cost burden to respondents or record keepers resulting from the collection of information (do not include the cost of any hour burden shown in items 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.

As a result of the implementation of the provisions in this rule, there will be some start-up and maintenance costs for this collection. In public comments, these include costs for such items as extra supplies or funding to implement the updated meal patterns, as well as costs for updating websites, materials, menus, and recipes. In regards to the SFSP collection, FNS estimates that $10,000 will be added to the collection to account for the start-up costs associated with menu changes for SFSP operators. These totals result from an additional $500 per operators affected by the potential menu changes (20 operators).

A14. Provide Estimates of Annualized Cost to the Federal Government.

Provide estimates of annualized cost to the Federal government. Also, 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.

FNS National Office employees spend time drafting the sections of the rule and regulations that pertain to the proposed and final collections of information, as well as spend time developing the information collection request to ensure compliance with the Paperwork Reduction Act. While the information collection requirements included in the final rule would not occur at the federal level, FNS National Office staff will be responsible for providing technical assistance webinars and policy guidance that would cover best practices for how respondents can meet the final collection of information requirements. FNS Regional Offices will also provide technical assistance in the form of answering questions submitted on behalf of program administrators at all levels about the collections of information. These tasks increase federal costs that would not otherwise be incurred without the collections of information.

The 2024 Federal Wage Salary Tables (2024 General Schedule (GS)) for Washington, DC-Northern Virginia areas were used to estimate the hourly wages for FNS staff (https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/2024/general-schedule). FNS estimates the hourly wage rate is $58.60 (GS 13, Step 2) for FNS National Office staff responsible for drafting rules and regulations. The estimated hourly wage rate for FNS National Office staff who work on technical assistance resources is $58.60 (GS 13, Step 2). The estimated average hourly rate for FNS Regional Office staff who provide technical assistance by responding to inquiries received from program administrators at all levels is $51.73 (GS 11, Step 10). It is estimated GS 13, Step 2 employees

spend approximately 640 hours drafting, reviewing, and revising the proposed and final rule's language and its regulations on sections that pertain to the collections of information. It is estimated GS 13, Step 2 employees spend approximately 80 hours developing and presenting technical assistance webinars, and 160 hours drafting, reviewing, revising policy guidance to provide information about the collection of information requirements and how they may be met. It is estimated GS 11, Step 10 employees would spend an estimated 160 hours developing responses and responding to incoming inquiries from program administrators at all levels. It is estimated that GS 14, Step 2 employees (including branch chief and senior technical advisor) would spend an estimated 60 hours reviewing each element of the rule completed. These estimates are based on FNS employees who work to complete these tasks. The table below shows estimations of the annualized sums of federal salary wages for each function FNS employees perform and the estimated total annual costs to the federal government. To account for fully loaded wages, an additional 33 percent of the totaled salary wages is added to estimate the total annualized costs to the federal government. The cost to the federal government related to these final rule provisions is approximately $85,333.33. Once the final rule provisions are incorporated into the collection, FNS estimates that the costs to the federal government will be $1,217,222.49.

FEDERAL COSTS OF CNP PERSONNEL					
FUNCTION	FNS NO/FNS RO	PAY SCALE	HOURLY PAY	ANNUAL STAFF HOURS	TOTAL COST
Developing the Rule and Regulations	FNS NO	GS 13, Step 2	$58.60	640 Hours	$37,504.00
Developing and Presenting TA Webinars	FNS NO	GS 13, Step 2	$58.60	80 Hours	$4,688.00
Developing Policy Guidance	FNS NO	GS 13, Step 2	$58.60	160 Hours	$9,376.00
TA – Responding to Program administrators	FNS RO	GS 11, Step 10	$51.73	160 Hours	$8,277.00
Branch Chief Review of	FNS NO	GS 14, Step 2	$69.25	20 Hours	$1,385.00

Rule, TA Webinars, and Policy Guidance					
Senior Technical Advisor Review of Rule, TA Webinars, and Policy Guidance	FNS NO	GS 14, Step 2	$69.25	40 Hours	$2,770.00
TOTAL SALARY WAGES					$64,000.00
FULLY LOADED WAGES (33%)					$21,333.33
TOTAL ANNUALIZED COST					$85,333.33

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 83-1.

This is a revision of the currently approved information collection to add a new recordkeeping requirement outlined in the final rule into the collection. This information collection is currently approved with 63,942 respondents, 391,795 responses, 462,699 burden hours, and no annualized costs. The final rule adds a new recordkeeping requirement for the menu planning option in Tribal communities into the collection. The burden for this rule-related requirement is 20 respondents, 20 responses, 25 burden hours, and $10,000 in start-up costs. With the exception of the total number of respondents, which is not impacted by the final rule, FNS estimates that the burden for this collection will be increased by 20 responses, 25 burden hours and $10,000 in costs due to a program change. Once the information request for the final rule has been approved, OMB Control Number 0584-0280 will have 63,942 respondents, 391,815 responses, 462,724 burden hours, and $10,000 in annual costs.

The burden associated with this rule-related request may be found in Question A12 above, as well as the Burden Narrative (Attachment B).

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. There are also no plans to release summarized results of the activities in this information collection.

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 related 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.