

# Notices

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This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

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## DEPARTMENT OF AGRICULTURE

### Food and Consumer Service

#### Agency Information Collection Activities: Proposed Collection; Comment Request—Food Distribution Regulations and Forms

**AGENCY:** Food and Consumer Service, USDA.

**ACTION:** Notice.

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995, this notice announces the Food and Consumer Services's (FCS) intention to request an extension and revision of a currently approved information collection, the Food Distribution Regulations and Forms.

**DATES:** Written comments on this notice must be received by September 15, 1997.

**ADDRESS:** Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information has practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information, including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility and clarity of the information now collected; and (d) ways to minimize the burden of the collection of information on those who respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology. Comments may be sent to: Lillie F. Ragan, Assistant Branch Chief, Household Programs Section, Food Distribution Division, Food and Consumer Service, U.S. Department of Agriculture, 3101 Park Center Drive, Alexandria, Virginia 22302-1594.

All responses to this notice will be summarized and included in the request for Office of Management and Budget

(OMB) approval. All comments will also become a matter of public record.

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information or copies of the information collection forms should be directed to Lillie F. Ragan, (703) 305-2673.

**SUPPLEMENTARY INFORMATION:**

*Title:* Food Distribution Regulations and Forms.

*Number:* 0584-0293.

*Expiration Date:* 9-30-97.

*Type of Request:* Revision of a Currently Approved Information Collection.

*Abstract:* Under several legislative authorities, the Food and Consumer Service, Food Distribution Division, assists American farmers, needy people, and all children participating in child nutrition programs by distributing commodities acquired by other agencies within the Department. The commodities help meet the nutritional needs of: (a) Children from preschool age through high school in child nutrition programs and in nonprofit summer camps; (b) needy persons in households on Indian reservations that are participating in the Food Distribution Program on Indian Reservations, and Indian households residing in Oklahoma; (c) needy households in the Pacific Islands; (d) needy persons served by charitable institutions; (e) elderly participants in nutrition programs for the elderly; (f) pregnant and breastfeeding women, infants, and children and elderly persons participating in the Commodity Supplemental Food Program; (g) low-income, unemployed, and homeless persons receiving donated foods or congregate meals through organizations participating in the Emergency Food Assistance Program; (h) preschool and school age children, elderly and functionally impaired adults enrolled in centers participating in the Child and Adult Day Care Food Program; and (i) persons receiving food assistance as a result of presidentially-declared disasters or situations of distress.

The above described programs are administered under the following parts of Title 7 of the Federal Code of Regulations: Part 240, Cash in lieu of Donated Foods; 247, Commodity Supplemental Food Program; 250, Donation of Foods for use in the United States, its Territories and Possessions

and Areas under its Jurisdiction; 251, the Emergency Food Assistance Program; 252, National Commodity Processing Program; 253, Administration of the Food Distribution Program for Households on Indian Reservations; and 254, Administration of the Food Distribution Program for Indian Households in Oklahoma.

For programs administered under these regulations, Distributing agencies and local organizations collect, prepare and submit to FCS and to distributing agencies a wide range of financial and commodity accountability reports and plans of operation. These reports and plans of operation are necessary to FCS for the ordering and distribution of commodities and the provision of Federal administrative funds to agencies administering these programs. Additionally, these organizations are required to maintain accurate and complete records of all their activities under these parts with regard to the receipt, distribution/disposal and inventory of donated foods, and with respect to any funds which arise from the operation of the distribution program. Such records must be maintained for three years from the close of the fiscal year to which they pertain; however, in instances where there is claims action or audit findings which have not been resolved they must be maintained as long as needed.

Comments are requested on the extension of the approval for the following forms contained under OMB No. 0584-0293: FCS-7, Destination Data for Delivery of Donated Foods; FCS-52, Food Requisition—Donated Food and State Distribution; FCS-53, Multi-Commodity Food Requisition; FCS-57, Report of Shipment Received, Over, Short and/or Damaged; FCS-152, Monthly Distribution of Donated Foods to Family Units; FCS-153, Monthly Report of the Commodity Supplemental Food Program and Quarterly Administrative Financial Status Report; FCS-155, Inventory Management Register; FCS-513, National Commodity Processing Agreement; FCS-153A, National Commodity Processing Agreement End Product Data Schedule; FCS-516, National Commodity Processing System Post Card; FCS-519A and B, National Commodity Processing Monthly Performance Report; FCS-586A and B, Report of Meals Served—State and Indian Agencies on Aging;

and FCS-663, Commodity Acceptability Report. Additionally, comments are requested with regard to other program reporting requirements that do not require specific forms. Examples include, but are not limited to the submission of State plans, applications by local agencies, and audit responses.

Comments are also requested regarding the following changes in the reporting and recordkeeping burden requirements:

An adjustment in the reporting and recordkeeping requirements as a result of the publication of the proposed rule "Food Distribution Programs—Reduction of the Paperwork Burden", on March 14, 1997 (62 FR 12108), and a final rule entitled "Food Assistance in Disaster and Distress Situations" (62 FR 8361) which was published on February 25, 1997.

A reduction in the frequency in which State plans must be submitted in the Emergency Food Assistance Program (TEFAP). This change resulted from the Federal Agriculture Improvement and Reform Act of 1966 (P.L. 104-193) which now requires that plans be submitted every four years rather than annually.

A reduction in burden hours resulting from the discontinuance of processing bonus commodities under the National Commodity Processing (NCP) system. Although NCP was reauthorized through Fiscal Year 2002 by Section 405 of the Federal Agriculture Improvement and Reform Act of 1996, P.L. 104-127, the availability of bonus commodities is greatly reduced and not expected to be available for processing under NCP in the near future.

*Estimate of Burden:* Public reporting burden for this collection of information is estimated to average 10 minutes or less to 150 hours per response, including the time to review instructions, search existing data sources, gather the data needed, and complete and review the information collection.

*Respondents:* Distributing agencies, subdistributing agencies, and recipient agencies; warehouses, food storage facilities, and transportation companies; commodity food processors and food service management companies.

*Estimated Number of Respondents:* 396,893 respondents.

*Estimated Number of Responses per Respondent:* 2.3.

*Estimated Number of Annual Responses:* 918,862.

*Estimated Total Annual Burden on Respondents:* 1,157,508 hours.

Dated: July 3, 1997.

**William E. Ludwig,**

*Administrator, Food and Consumer Service.*

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BILLING CODE 3410-30-P

## DEPARTMENT OF AGRICULTURE

### Food and Consumer Service

#### Food Distribution Program: Value of Donated Foods From July 1, 1997 to June 30, 1998

**AGENCY:** Food and Consumer Service, USDA.

**ACTION:** Notice.

**SUMMARY:** This notice announces the value of donated foods or, where applicable, cash in lieu thereof to be provided in the 1998 school year for each lunch served by schools participating in the National School Lunch Program (NSLP) or by commodity only schools and for each lunch and supper served by institutions participating in the Child and Adult Care Food Program.

**EFFECTIVE DATE:** July 1, 1997.

**FOR FURTHER INFORMATION CONTACT:**

Ellen Henigan, Chief, Schools and Institutions Branch, Food Distribution Division, Food and Consumer Service, U.S. Department of Agriculture, 3101 Park Center Drive, Alexandria, Virginia 22302 or telephone (703) 305-2644.

**SUPPLEMENTARY INFORMATION:** These programs are listed in the Catalog of Federal Domestic Assistance under Nos. 10.550, 10.555, and 10.558 and are subject to the provisions of Executive Order 12372, which requires intergovernmental consultation with State and local officials. (See 7 CFR part 3015, subpart V, and final rule related notice published at 48 FR 29114, June 24, 1983.)

This notice imposes no new reporting or recordkeeping provisions that are subject to Office of Management and Budget review in accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3507). This action is not a rule as defined by the Regulatory Flexibility Act (5 U.S.C. 601-612) and thus is exempt from the provisions of that Act. This notice has been determined to be exempt under Executive Order 12866.

#### National Average Minimum Value of Donated Foods for the Period July 1, 1997 Through June 30, 1998

This notice implements mandatory provisions of sections 6(e), 14(f) and 17(h)(1) (B) of the National School Lunch Act (the Act) (42 U.S.C. 1755(e),

1762a(f), and 1766(h)(1)(B)). Section 6(e)(1)(A) of the Act establishes the national average value of donated food assistance to be given to States for each lunch served in NSLP at 11.00 cents per meal. Pursuant to section 6(e)(1)(B), this amount is subject to annual adjustments as of July 1 of each year to reflect changes in a three-month average value of the Price Index for Food Used in Schools and Institutions for March, April, and May each year. Section 17(h)(1) of the Act provides that the same value of donated foods (or cash in lieu of donated foods) for school lunches shall also be established for lunches and suppers served in the Child and Adult Care Food Program. Notice is hereby given that the national average minimum value of donated foods, or cash in lieu thereof, per lunch under NSLP (7 CFR Part 210) and per lunch and supper under the Child and Adult Care Food Program (7 CFR Part 226) shall be 15.00 cents for the period July 1, 1997 through June 30, 1998.

The Price Index for Food Used in Schools and Institutions (Price Index) is computed using five major food components in the Bureau of Labor Statistics' Producer Price Index (cereal and bakery products; meats, poultry and fish; dairy products; processed fruits and vegetables; and fats and oils). Each component is weighed using the same relative weight as determined by the Bureau of Labor Statistics. The value of food assistance is adjusted each July 1 by the annual percentage change in a three-month average value of the Price Index for March, April and May each year. The three-month average of the Price Index increased by 2.25 percent from 127.40 for March, April and May of 1996 to 130.18 for the same three months in 1997. When computed on the basis of unrounded data and rounded to the nearest one-quarter cent, the resulting national average for the period July 1, 1997 through June 30, 1998 will be 15.00 cents per meal. This is an increase of 0.50 cents from the school year 1997 rate.

Section 14(f) of the Act provides that commodity only schools shall be eligible to receive donated foods equal in value to the sum of the national average value of donated foods established under section 6(e) of the Act and the national average payment established under section 4 of the Act (42 U.S.C. 1753). Such schools are eligible to receive up to 5 cents per meal of this value in cash for processing and handling expenses related to the use of such commodities.

Commodity only schools are defined in section 12(d)(2) of the Act (42 U.S.C. 1760(d)(2)) as "schools that do not