

conduct pretests of the questionnaire before it is administered in the study. We expect that 1,000 invitations, each taking 2 minutes (0.033 hours), will need to be sent to adult members of an online consumer panel to have 150 of them complete a 15-minute (0.25 hours)

pretest. The total for the pretest activities is 71 hours (33 hours + 38 hours). For the survey, we estimate that 40,000 invitations, each taking 2 minutes (0.033 hours), will need to be sent to adult members of an online consumer panel to have 10,000 of them

complete a 15-minute (0.25 hours) questionnaire. The total for the survey activities is 3,820 hours (1,320 hours + 2,500 hours). Thus, the total estimated burden is 3,906 hours.

FDA estimates the burden of this collection of information as follows:

TABLE 1—ESTIMATED ANNUAL REPORTING BURDEN ¹

Activity	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours
Cognitive interview screener	72	1	72	0.083 (5 min.)	6
Cognitive interview	9	1	9	1	9
Pretest invitation	1,000	1	1,000	0.033 (2 min.)	33
Pretest	150	1	150	0.25 (15 min.)	38
Survey invitation	40,000	1	40,000	0.033 (2 min.)	1,320
Survey	10,000	1	10,000	0.25 (15 min.)	2,500
Total					3,906

¹ There are no capital costs or operating and maintenance costs associated with this collection of information.

II. References

The following references have been placed on display in the Division of Dockets Management (see ADDRESSES) and may be seen by interested persons between 9 a.m. and 4 p.m., Monday through Friday. (FDA has verified the Web site addresses, but we are not responsible for any subsequent changes to the Web sites after this document publishes in the **Federal Register**.)

- Levy, A.S., S.B. Fein, and R.E. Schucker, "Nutrition Labeling Formats: Performance and Preference," *Food Technology*, vol. 45, pp. 116–121, 1991.
- Levy, A.S., S.B. Fein, and R.E. Schucker, "More Effective Nutrition Label Formats Are Not Necessarily Preferred," *Journal of the American Dietetic Association*, vol. 92, pp. 1230–1234, 1992.
- Levy, A.S., S.B. Fein, and R.E. Schucker, "Performance Characteristics of Seven Nutrition Label Formats," *Journal of Public Policy and Marketing*, vol. 15, pp. 1–15, 1996.
- Lando, A.M. and J. Labiner-Wolfe, "Helping Consumers to Make More Healthful Food Choices: Consumer Views on Modifying Food Labels and Providing Point-of-Purchase Nutrition Information at Quick-Service Restaurants," *Journal of Nutrition Education and Behavior*, vol. 39, pp. 157–163, 2007.
- U.S. Food and Drug Administration, *Calories Count: Report of the Working Group on Obesity*, 2004, available at <http://www.fda.gov/Food/LabelingNutrition/ReportsResearch/ucm081696.htm>.
- U.S. Food and Drug Administration, "2008 Health and Diet Survey—Preliminary Topline Frequencies (Weighted)," 2010, available at <http://www.fda.gov/Food/ScienceResearch/ResearchAreas/ConsumerResearch/ucm193895.htm>.
- Li, F., P.W. Miniard, and M.J. Barone, "The Facilitating Influence of Consumer

Knowledge on the Effectiveness of Daily Value Reference Information," *Journal of the Academy of Marketing Science*, vol. 28, pp. 425–436, 2000.

- Levy, L., R.E. Patterson, A.R. Kristal, and S.S. Li, "How Well Do Consumers Understand Percentage Daily Value on Food Labels?" *American Journal of Health Promotion*, vol. 14, pp. 157–160, 2000.
- Institute of Medicine. *Dietary Reference Intakes: Guiding Principles for Nutrition Labeling and Fortification*, 2003, available at http://www.nap.edu/catalog.php?record_id=10872.
- Block, L.G. and L.A. Peracchio, "The Calcium Quandary: How Consumers Use Nutrition Labels," *Journal of Public Policy and Marketing*, vol. 25, pp. 188–196, 2006.

Dated: May 23, 2012.

Leslie Kux,
Assistant Commissioner for Policy.
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BILLING CODE 4160–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2011–N–0345]

Agency Information Collection Activities; Submission for Office of Management and Budget Review; Comment Request; Experimental Study on Consumer Responses to Nutrition Facts Labels With Various Footnote Formats and Declaration of Amount of Added Sugars; Withdrawal

AGENCY: Food and Drug Administration, HHS.

ACTION: Withdrawal of notice.

SUMMARY: This document withdraws a Food and Drug Administration (FDA) notice that published in the **Federal Register** of December 29, 2011 (76 FR 81948).

DATES: This notice is withdrawn on May 31, 2012.

FOR FURTHER INFORMATION CONTACT: Domini Bean, Office of Information Management, Food and Drug Administration, 1350 Piccard Dr., PI50–400T, Rockville, MD 20850, domini.bean@fda.hhs.gov.

SUPPLEMENTARY INFORMATION: FDA published a notice in the **Federal Register** of December 29, 2011, informing interested parties that the proposed collection of information entitled "Experimental Study on Consumer Responses to Nutrition Facts Labels With Various Footnote Formats and Declaration of Amount of Added Sugars" had been submitted to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995 and inviting the public to submit comments on the proposed study to OMB. The notice also announced FDA's plans to change the study by examining consumer reactions to the declaration of added sugars instead of the declaration of vitamins and minerals by weight. OMB received requests for an extension of time to comment on this change to the study. In response to these requests, FDA is providing an opportunity for comment on the current design of the study, including the added sugars component, by publishing a new 60-day notice, elsewhere in this issue of the **Federal Register**, describing the study as currently envisioned and inviting the public to submit comments to the

Agency's docket. After considering any comments received, the Agency will resubmit the proposed collection of information to OMB. Thus, FDA is withdrawing the proposed collection of information published on December 29, 2011, at this time.

Dated: May 22, 2012.

Leslie Kux,

Assistant Commissioner for Policy.

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BILLING CODE 4160-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA-2012-N-0145]

Agency Information Collection Activities; Submission for Office of Management and Budget Review; Comment Request; Improving Food Safety and Defense Capacity of the State and Local Level: Review of State and Local Capacities

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that a proposed collection of information has been submitted to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995.

DATES: Fax written comments on the collection of information by July 2, 2012.

ADDRESSES: To ensure that comments on the information collection are received, OMB recommends that written comments be faxed to the Office of Information and Regulatory Affairs, OMB, Attn: FDA Desk Officer, FAX: 202-395-7285, or emailed to oir_submission@omb.eop.gov. All comments should be identified with the OMB control number 0910-NEW and title "Improving Food Safety and Defense Capacity of the State and Local Level: Review of State and Local Capacities." Also include the FDA docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: Ila S. Mizrahi, Office of Information Management, Food and Drug Administration, 1350 Piccard Dr., PI50-400B, Rockville, MD 20850, 301-796-7726, Ila.Mizrahi@fda.hhs.gov.

SUPPLEMENTARY INFORMATION: In compliance with 44 U.S.C. 3507, FDA has submitted the following proposed

collection of information to OMB for review and clearance.

Improving Food Safety and Defense Capacity of the State and Local Level: Review of State and Local Capacities—(OMB Control Number 0910-NEW)

The Food Safety Modernization Act (FSMA) (Pub. L. 111-353) states in section 205(c)2 that a review must be conducted to assess the State and local government capacities to show needs for enhancement in the areas of staffing levels, laboratory capacities, and information technology systems. This mandate is referenced again in FSMA section 110, stating that a review of current food safety and food defense capabilities must be presented to Congress no later than 2 years after the date of enactment (enactment date January 4, 2011). In order to facilitate this review, a survey will be distributed to State and local health and agriculture agencies. Results of the survey will be used to analyze the gaps and trends in capacity that occurs at the State and local government levels. Results of the analyses will enable FSMA partners to develop strategies to enhance food safety and food defense capacity. In developing these strategies, FDA will be able to work with other Federal, State and local Agencies to improve and expand food safety and defense to ultimately reach a state of an integrated food safety system.

The survey will be conducted electronically, which allows FDA to conduct streamlined analysis while creating a low-burden, user-friendly environment for respondents to complete the survey. Once the results have been tabulated, a report will be generated and given to the FSMA section 110 work group to present to Congress as well as the FSMA section 205(c)1 work group to develop strategies to leverage and enhance current State and local capacities.

In the **Federal Register** of February 24, 2012 (77 FR 11132), FDA published a 60-day notice requesting public comment on the proposed collection of information. The Agency received six comments. The comments, and the Agency's responses, are discussed in the following paragraphs.

(Comment 1) FDA conducted a review of existing surveys.

(Response) Although helpful, these surveys did not fully address factors such as laboratory capacity and information technology in State and local agencies. Therefore, this survey will be used to fill the gaps of various other surveys so that FDA can meet its objective as congressionally mandated in FSMA.

(Comment 2) The proposed information collection is necessary for the proper performance of FDA's functions.

(Response) FDA believes that this comment does not address the proposed information collection.

(Comment 3) The National Association of County and City Health Officials (NACCHO) recommends FDA builds upon information gathered from existing food safety and defense assessments and surveys.

(Response) Prior to developing this survey, FDA conducted a systematic review of current and past surveys conducted by Federal, State, and local Agencies, academia, industry, and associations such as the Association of Food and Drug Officials (AFDO), the Association of State and Territorial Health Officials, and NACCHO's 2008 survey regarding budget cuts and reductions of State and local agencies. This review revealed that the current and past surveys did not contain sufficient information for FDA to establish and analyze possible gaps in the areas of food safety, food defense, laboratories, and information technology. The results of the review of current and past surveys were conveyed to an FDA working group focused on drafting a report to Congress that is specified by FSMA section 110. Under section 110, FDA has a congressionally mandated deadline to conduct a more extensive review by January 4, 2013, which will require the support of section 205(c)2. FDA was aware that NACCHO was conducting a survey but due to time restrictions, FDA could not wait for NACCHO's survey to be made public prior to developing the current survey. Also, FDA did not know the content of NACCHO's survey and how it would address the needs of obtaining information to support FSMA section 205(c)2.

(Comment 4) FDA should survey 1,400 State and local agencies at minimum instead of focusing on 1,400 State and local employees.

(Response) FDA is proposing to survey 1,400 State and local agencies. The involvement of single or multiple individuals from a single agency will be left to the discretion of the responding entity.

(Comment 5) NACCHO recommends that the assessment be designed to allow multiple employees within an agency access to the survey on multiple occasions to fully and accurately complete the survey.

(Response) FDA has an arrangement with AFDO, through a cooperative agreement, to deliver the survey, but at this time, the exact mechanism for