

# 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.

## DEPARTMENT OF AGRICULTURE

### Submission for OMB Review; Comment Request

August 24, 2020.

The Department of Agriculture has submitted the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Comments are requested regarding; whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; ways to enhance the quality, utility and clarity of the information to be collected; and ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Comments regarding this information collection received by September 28, 2020 will be considered. Written comments and recommendations for the proposed information collection should be submitted within 30 days of the publication of this notice on the following website [www.reginfo.gov/public/do/PRAMain](http://www.reginfo.gov/public/do/PRAMain). Find this particular information collection by selecting "Currently under 30-day Review—Open for Public Comments" or by using the search function.

An agency may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it

displays a currently valid OMB control number.

### Food and Nutrition Service

*Title:* Special Supplemental Nutrition Program for Women, Infants, and Children (WIC) Program Regulations—Reporting and Recordkeeping Burden.

*OMB Control Number:* 0584–0043.

*Summary of Collection:* The Special Supplemental Nutrition Program for Women, Infants, and Children (WIC) provides supplemental foods, nutrition education, including breastfeeding promotion and support, and health care referrals to low income, nutritionally at-risk pregnant, breastfeeding and postpartum women, infants, and children up to age five. Currently, WIC operates through State health departments in 50 States, 33 Indian Tribal Organizations, American Samoa, District of Columbia, Guam, Commonwealth of the Northern Mariana Islands, Puerto Rico, and the Virgin Islands. The Federal regulations governing the WIC Program (7 CFR part 246) require that certain program-related information be collected and that full and complete records concerning WIC operations are maintained. The WIC Program is authorized by the Child Nutrition Act of 1966, as amended.

*Need and Use of the Information:* The Food and Nutrition Service (FNS) collects information from state and local agencies, applicants, and retail vendors to determine eligibility in the WIC Program. This ongoing information collection is mandatory for state agencies and required to obtain or retain benefits for the WIC participants. This information includes participant certification information (e.g., income and nutrition risk); nutrition education documentation; local agency and vendor application and agreement information; vendor sales and shelf price data; data related to vendor monitoring and training; financial and food delivery system records, and Electronic Benefits Transfer (EBT) delivery. State Plans are the principal source of information about how each State agency operates its WIC Program. The information is needed for the general operation of the Program, including regulatory compliance, and for ongoing program integrity and cost-saving efforts. The information is also used by FNS to manage, plan, evaluate, make decisions, and report on WIC Program operations. If the information were not collected,

the efficiency and effectiveness of the Program would be jeopardized, improper use of Federal funds would increase, and FNS' ability to detect violations would diminish greatly.

*Description of Respondents:* Individuals or Households; Businesses or Other for Profit; Not-for profit institutions; and State, Local, or Tribal Government.

*Number of Respondents:* 6,913,189.

*Frequency of Responses:* Recordkeeping; Reporting: Quarterly; Semi-annually; Monthly; Annually; and as Needed.

*Total Burden Hours:* 3,347,011.

**Ruth Brown,**

*Departmental Information Collection Clearance Officer.*

[FR Doc. 2020–18884 Filed 8–26–20; 8:45 am]

**BILLING CODE 3410–30–P**

## DEPARTMENT OF AGRICULTURE

### Food and Nutrition Service

#### Agency Information Collection Activities: FNS Information Collection Needs due to COVID–19

**AGENCY:** Food and Nutrition Service (FNS), Agriculture (USDA).

**ACTION:** Notice.

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995, this notice invites the general public and other public agencies to comment on this proposed information collection. This collection is an Extension of a Currently Approved Collection.

**DATES:** Written comments must be received on or before October 26, 2020.

**ADDRESSES:** Comments will be accepted through the Federal eRulemaking Portal. Go to <http://www.regulations.gov>, and follow the online instructions for submitting comments electronically.

All responses to this notice will be summarized and included in the request for Office of Management and Budget approval. All comments will be a matter of public record.

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information or copies of this information collection should be directed to Melissa Abelev at [melissa.abelev@usda.gov](mailto:melissa.abelev@usda.gov), or 703–305–2134.

**SUPPLEMENTARY INFORMATION:** Comments are invited on: (a) Whether the proposed

collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions that were used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on those who are to respond, including use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

*Title:* FNS Information Collection Needs due to COVID-19.

*Form Number:*

*OMB Number:* 0584-0654.

*Expiration Date:* November 31, 2020.

*Type of Request:* Extension of a currently approved collection.

*Abstract:* As the Food and Nutrition Service (FNS) is responding to the COVID-19 Coronavirus pandemic, it is implementing a number of waivers and program adjustments to ensure Americans in need can access nutrition assistance during the crisis while maintaining recommended social distancing practices. Two pieces of legislation have detailed many of the program adjustments available to FNS. The Families First Coronavirus Response Act of 2020 (PL 116-127) and the Coronavirus Aid, Relief, and Economic Security (CARES) Act (PL 116-136) provided a number of program adjustments and additional funding, respectively. The programs' authorizing legislation also allows for some waivers and flexibilities. The statutes describing these waivers and flexibilities also have reporting requirements. The Department obtained approval through an emergency clearance to collect the information as described in this Notice (OMB-0854-0654; expiration 11/30/2020). USDA anticipates the need to collect the data beyond the expiration date and is seeking approval of this Information Collection Request in order to meet the continuing information collection and reporting requirements detailed in the Families First Coronavirus Response Act of 2020, as well as program administration needs to implement the CARES Act of 2020.

Section 2302(a)(2) of the Families First Coronavirus Response Act of 2020 (FFCRA), enacted March 18, 2020, allows the Department of Agriculture to adjust, at the request of State agencies or by guidance in consultation with one or more State agencies, issuance

methods and application and reporting requirements under the Food and Nutrition Act of 2008, as amended, (FNA) to be consistent with what is practicable under actual conditions in affected areas. Section 2302(c) of FFCRA requires the Secretary of Agriculture to submit a report to Congress following the end of the public health emergency, including a description of the measures taken to address the food security needs of affected populations during the emergency, including any information or data supporting State agency requests, among other information not included in this information collection (IC).

Further, Section 2203(a)(1) allows State agencies administering the Special Supplemental Nutrition Program for Women, Infants and Children (WIC) to request a waiver of 17(d)(3)(C)(i) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(d)(3)(C)(i)), which requires applicants be physically present in the clinic. Local agencies are required to submit a report detailing the use and benefits of this waiver within one year of use of such waiver, and State agencies are required to submit a summary report of local agency usage of waivers under this Section within 18 months. Section 2204(a)(1) gives State agencies administering WIC and the WIC Farmers Market Nutrition Program (FMNP) the opportunity to request a waiver or modification of qualified regulatory requirements from USDA if such requirements cannot be met due to COVID-19, and such waivers are necessary to provide assistance to WIC and WIC FMNP participants. State agencies are also required under this Section to provide a report to USDA no later than one year after such waivers were granted, detailing their use of the waiver and how it improved services to women, infants and children.

In addition, Title II of the FFRCA allows a number of adjustments to the Child Nutrition Programs and with those adjustments requires the States to report to the Secretary of Agriculture how they used the waivers and whether they improved services to children. In order to comply with the requirements of the FFRCA, FNS will ask the States to report the required data points on existing FNS forms. These data will be collected electronically using the existing remarks fields in the FNS Food Program Reporting System (FPRS).

In all the instances described above, the information collection includes burden on State agencies for requesting waivers due to COVID-19 and reporting to FNS evaluation data on how the waiver has impacted State operations,

which is a requirement on States in FFRCA.

Additionally, FNS is asking State agencies to report the USDA commodities used during a disaster on a more frequent basis. This information is currently collected in an OMB approved form, the FNS-292A, Report of Commodity Distribution for Disaster Relief (OMB Control Number 0584-0594 Food Programs Reporting System, expiration July 31, 2023). State distributing agencies may release commodity or donated foods procured by the Department of Agriculture (USDA) to disaster organizations to provide nutritional assistance to disaster victims. Under the Code of Federal Regulations (CFR) at 7 CFR 250.69(f), State distributing agencies shall provide a summary report to FNS within 45 days following termination of the disaster assistance, and maintain records of these reports and other information relating to disasters. OMB approved in an emergency collection (OMB 0584-0654, expiration 11/30/2020) for FNS to change the frequency of the collection of the commodity reports from 45 days after the completion of the disaster, to a weekly basis. This change was requested due to the number of requests and the burden of the FNS regional offices. Additionally, this request is being requested in order for FNS Food Distribution (FD) staff to monitor levels of USDA commodities more frequently to ensure States have access to USDA commodities in the coming weeks.

*Affected Public:* State, Local and Tribal Government; Respondent groups identified include: (1) State agencies and Indian Tribal Organizations that operate USDA Nutrition Assistance Programs; (2) Local WIC Agencies.

*Estimated Number of Respondents:* The total estimated number of respondents is 2,068. This includes: 53 SNAP State Agencies who will submit Waiver information, evaluation information, and weekly operational updates; 89 WIC State program staff who will submit waiver information; 89 WIC State program staff who will submit evaluation information; 49 Farmers Market Nutrition Program Staff who will submit waiver information; 49 Farmers Market Nutrition Program Staff who will submit evaluation information; 56 Child Nutrition Program staff who will submit information on form FNS10; 57 Child Nutrition Program staff who will submit information on FNS44; 53 Child Nutrition Program staff who will submit information on FNS418; 60 Food Distribution State program staff who will submit information on FNS292A; and 1808 WIC Local Agency Program

staff who will submit information on an evaluation survey.

As shown in the respondent burden table below (Table 1), FNS anticipates two types of respondents: State Government workers and Local Government workers at WIC agencies. Together, their reporting burden is 26,386 burden hours. Note that the estimates below assume data collection over twelve months, though they will be revised should the Public Health Crisis timeline differ.

SNAP State Program Staff will have two types of burden:

- **Waivers:** FNS anticipates up to 3 waivers requests per month per State agency. SNAP Program Staff in 53 State Agencies will submit approximately 3 waiver requests per month. Each waiver will take about 10 hours to complete for a total of 19,080 burden hours. (53 State Agency Staff \* 3 waivers per months \* 12 months (36 waiver request) = 1,908 responses \* 10 hours = 19,080 burden hours)

- **Data Reports:** SNAP Program Staff in 53 State Agencies will submit 3 data reports, reporting on the evaluation data required by FFRCA. It will take them about 3 hours to report the data in the data reports for a total of 159 burden hours. (53 State Agency Staff \* 3 data reports = 159 responses \* 3 hours = 477 burden hours).

- **Weekly Operational Update:** SNAP program staff in 53 State Agencies will submit 1 weekly update to their FNS Regional Offices. Each update will take approximately 1 hour to complete. (53 State agencies \* 52 weekly reports = 2,756 annual responses \* 1 hour per response = 2,756 burden hours).

WIC State Program Staff will have two types of burden:

- **Waivers:** FNS anticipates up to 40 waiver opportunities under the Public Health Emergency. Each state will request about 14 waivers. Each waiver request will take about 15 minutes to

complete for a total of 311.5 burden hours. (89 State Agency Staff \* 14 waivers = 1,246 responses \* .25 hours = 311.5 burden hours)

- **Evaluation Information:** WIC Program Staff in 89 State Agencies will submit 1 survey, reporting on the evaluation data required by the FFRCA. It will take them about 2 hours to complete the survey, for a total of 178 burden hours. (89 State Agency Staff \* 1 survey = 89 Responses \* 2 hours = 178 burden hours)

- **MIS Data Pull:** FNS will request states submit a data pull from their MIS systems to help facilitate the evaluation data reporting on the number of WIC participants affected by different waivers. (89 WIC State Agencies \* 1 data pull = 89 Responses \* 1.5 hours per response = 133.5 burden hours)

FMNP State Program Staff will have two types of burden:

- **Waivers:** FNS anticipates up to 8 waiver opportunities under the Public Health Emergency and each state will request 4 waivers. FMNP Program Staff in 49 State Agencies will submit approximately 4 waiver requests. Each waiver request will take about 15 minutes to complete for a total of 49 burden hours. (49 State Agency Staff \* 4 waivers = 196 responses \* .25 hours = 49 burden hours)

- **Evaluation Information:** FMNP Program Staff in 49 State Agencies will submit 1 State Plan, reporting on the evaluation data required by the FFRCA. It will take them about 3 hours to complete the report, for a total of 147 burden hours. (49 State Agency Staff \* 1 State Plan = 49 Responses \* 3 hours = 147 burden hours)

CN State Program Staff will submit data on three types of existing FNS Forms:

- **FNS10:** CN Program staff in 56 States will submit information on an existing FNS form in the remarks section. They will enter the data

monthly for the 30-day report and for the 90-day report for two submissions per month. It will take about 15 minutes to complete for a total of 336 burden hours. (56 State Agency Staff \* 24 submissions = 1,344 responses \* .25 hours = 336 burden hours)

- **FNS44:** CN Program staff in 57 States will submit information on an existing FNS form in the remarks section. They will enter the data monthly. It will take about 15 minutes to complete for a total of 171 burden hours. (57 State Agency Staff \* 12 submissions = 684 responses \* .25 hours = 171 burden hours).

- **FNS418:** CN Program staff in 53 States will submit information on an existing FNS form in the remarks section. They will enter the data monthly. It will take about 15 minutes to complete for a total of 159 burden hours. (53 State Agency Staff \* 12 submissions = 636 responses \* .25 hours = 159 burden hours).

Food Distribution State program Staff will have one type of burden:

- **FNS292A:** Food Distribution Program Staff in 60 State Agencies will submit form FNS292A 52 times (weekly over twelve months) This is an increase in burden for an existing, approved form. It will take them approximately 15 minutes to complete the form each time for a total of 780 burden hours. (60 State Agency Staff \* 52 submissions = 3,120 responses \* .25 hours = 780 burden hours).

**WIC Local Government Agency Staff:** Local Agency staff in 1,808 Local WIC agencies will submit 1 survey to FNS. It will take 1 hour to complete and submit the report for a total of 1,808 burden hours (1,808 Local Agency staff \* 1 submission = 1,808 responses \* 1 hours = 1,808 burden hours)

**Pamilyn Miller,**

*Administrator, Food and Nutrition Service.*

TABLE 1—RESPONDENT BURDEN TABLE

Respondent category	Type of respondents	Instruments	Number of respondents	Frequency of response	Total annual responses	Hours per response	Annual burden (hours)	
State Gov. ....	SNAP State Program ....	Waiver .....	53	36	1,908	10	19,080	
	SNAP State Program ....	Data Reports .....	53	3	159	3	477	
	SNAP State Agency .....	Weekly Operational Update.	53	52	2,756	1	2,756	
	WIC State Program Staff.	Waiver .....	89	14	1,246	0.25	311.5	
	WIC State Program Staff.	Evaluation Survey .....	89	1	89	2	178	
	WIC State Program Staff.	MIS Data Pull .....	89	1	89	1.5	133.5	
	FMNP State Program Staff.	Waiver .....	49	4	196	0.25	49	
	FMNP State Program Staff.	Evaluation Info .....	49	1	49	3	147	
	CN State Program Staff	Form: FNS10 .....		56	24	1,344	0.25	336
		Form: FNS44 .....		57	12	684	0.25	171
		Form: FNS418 .....		53	12	636	0.25	159

TABLE 1—RESPONDENT BURDEN TABLE—Continued

Respondent category	Type of respondents	Instruments	Number of respondents	Frequency of response	Total annual responses	Hours per response	Annual burden (hours)
Local Government .....	Food Dist. State Program.	Form: FNS292A .....	60	52	3,120	0.25	780
	WIC Local Agency Program Staff.	Report to State .....	1,808	1	1,808	1	1,808
Respondent Total ...	.....	.....	2,066	6.817	14,084	1.873	26,386

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 BILLING CODE 3410–30–P

**DEPARTMENT OF AGRICULTURE**

**Food and Nutrition Service**

**Agency Information Collection Activities: Supplemental Nutrition Assistance Program Emergency Allotments (COVID–19)**

**AGENCY:** Food and Nutrition Service (FNS), Agriculture (USDA).

**ACTION:** Notice.

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995, this notice invites the general public and other public agencies to comment on this proposed information collection. The Families First Coronavirus Response Act of 2020, enacted March 18, 2020, includes a general provision that allows the Department of Agriculture to issue emergency allotments (EA) based on a public health emergency declaration by the Secretary of Health and Human Services under section 319 of the Public Health Service Act related to an outbreak of COVID–19 when a State has also issued an emergency or disaster declaration. This is a new collection for activities associated with administering emergency allotments.

**DATES:** Written comments must be received on or before October 26, 2020.

**ADDRESSES:** Comments may be sent to: Kelly Stewart, Food and Nutrition Service, U.S. Department of Agriculture, via email to [Kelly.stewart@usda.gov](mailto:Kelly.stewart@usda.gov). Comments will also be accepted through the Federal eRulemaking Portal. Go to <http://www.regulations.gov>, and follow the online instructions for submitting comments electronically.

All responses to this notice will be summarized and included in the request for Office of Management and Budget approval. All comments will be a matter of public record.

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information or copies of this information collection should be directed to Kelly Stewart at

703–305–2435 or [Kelly.stewart@usda.gov](mailto:Kelly.stewart@usda.gov).

**SUPPLEMENTARY INFORMATION:** Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency’s estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions that were used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on those who are to respond, including use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

**Abstract**

The Families First Coronavirus Response Act of 2020 (Pub. L. 116–127), enacted March 18, 2020, includes a general provision that allows the Department of Agriculture to issue emergency allotments (EA) based on a public health emergency declaration by the Secretary of Health and Human Services under section 319 of the Public Health Service Act related to an outbreak of COVID–19 when a State has also issued an emergency or disaster declaration. The Department obtained approval through an emergency clearance to collect the information as described in this Notice (OMB Control Number 0854–0652; expiration 9/30/2020). USDA anticipates the need to collect the data beyond the expiration date and is seeking approval of this Information Collection Request in order to meet the continuing information collection and reporting requirements detailed in the Families First Coronavirus Response Act of 2020.

As authorized by Families First Coronavirus Response Act of 2020, State agencies impacted by COVID–19 may submit a waiver request to their FNS Regional Office for approval to provide a EA to households to bring all

households up to the maximum benefit due to pandemic related economic conditions. State agency waivers will generally be approved under one or more the following conditions as it relates to COVID–19:

- Residents of the State are confirmed to have contracted COVID–19.
- Some or all areas of the State are containment or quarantine zones.
- Businesses have closed or significantly reduced their hours.
- The State’s residents have experienced economic impacts due to job suspensions or losses.
- The State’s residents have been directed to practice social distancing.

Once the State’s waiver has been approved by FNS, the State may provide the EA without contacting the household. Following waiver approval, FNS will require State Agencies to attest to FNS on a monthly basis the EA waiver is still needed. Both the initial waiver and the monthly attestation are conducted via email. FNS expects 53 State agencies will submit one initial EA waiver to FNS. Currently 51 State agencies are operating under an EA waiver. It is possible that States may have more than one declared public health emergency over the next year as COVID–19 rates ebb and flow, therefore we are including hours for these initial waiver requests in this IC as a precautionary measure. Each initial EA waiver submission should take approximately one hour to complete. Each monthly email attesting to the continued need for the EA waiver is expected to take 15 minutes to complete.

Section 18(b) of the Food and Nutrition Act of 2008, as amended, requires that, “In any fiscal year, the Secretary shall limit the value of those allotments issued to an amount not in excess of the appropriation for such fiscal year.” Because the EA waiver increases the monthly benefit of participants above the amount originally anticipated for this fiscal year, the amount of benefits issued and redeemed must be carefully tracked to ensure FNS does not exceed its appropriation. As such, it is necessary for FNS to collect information from State agencies