

- Completion of form *Certification and Restrictions on the Use of Confidential ERS Data*. This form is required to be signed by researchers who have been approved to access unpublished ERS data (alternatively, some approved researchers complete on-line training in lieu of completing this form). The form contains excerpts of the various laws that apply to the unpublished data being provided to the researcher. The form explains the restrictions associated with the unpublished data and includes a place for the research to sign the form, thereby acknowledging the restrictions and agreeing to abide by them.

- Completion of *ERS Data Remote Workplace Security Inspection Checklist*. Researchers approved to access unpublished ERS data do so using a secure data enclave environment accessible at their own location. An ERS employee performs a site inspection (either in-person or via a video call) of the researcher's location prior to the researcher being granted access to the unpublished data. During the site inspection, the ERS employee administers the form *ERS Site Inspection Checklist*, which asks questions pertaining to the suitability of the location for restricted data access and some of the policies associated with accessing the restricted data. The form also collects information about the computer the researcher will use to access the ERS data enclave.

- Completion of *ERS Memorandum of Understanding (MOU)*. Researchers approved to access unpublished ERS data need to complete a Memorandum of Understanding Agreement between the Economic Research Service and their university, institution, or agency. The form establishes data access protocols and party responsibilities. If necessary, researchers may request an extension to their MOU using the *Extension of MOU Request Form*.

- If a researcher wishes to add a new researcher to their previously approved project, they can fill out the *Amendment for New Collaborators*. If a researcher wishes to change the scope of a previously approved project, they may fill out the *Request for Amended Project Agreement Form*.

Estimate of Burden: The amount of time to complete the agreements and other paperwork that comprise ERS's security requirements will vary based on the confidential data assets requested and the access modality. To obtain access to ERS confidential data assets, it is estimated that the average time to complete and submit ERS data security agreements and other paperwork is 110 minutes. This estimate does not include

the time needed to complete and submit an application within the SAP Portal. All efforts related to SAP Portal applications occur prior to and separate from ERS effort to collect information related to data security requirements.

The expected number of applications in the SAP Portal that receive a positive determination from ERS in a given year may vary. Overall, per year, ERS estimates it will collect data security information for 120 application submissions that received a positive determination within the SAP Portal. ERS estimates that the total burden for the collection of information for data security requirements over the course of the three-year OMB clearance will be about 1,080 hours and, as a result, an average annual burden of 360 hours.

Spiro Stefanou,

*Administrator, Economic Research Service,
United States Department of Agriculture.*

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DEPARTMENT OF AGRICULTURE

Food Safety and Inspection Service

[Docket No. FSIS-2022-0033]

2023 Rate Changes for the Basetime, Overtime, Holiday, Laboratory Services, and Export Application Fees

AGENCY: Food Safety and Inspection Service (FSIS), Department of Agriculture (USDA).

ACTION: Notice.

SUMMARY: FSIS is announcing the 2023 rates it will charge meat and poultry establishments, egg products plants, and importers and exporters for providing voluntary, overtime, and holiday inspection and identification, certification, and laboratory services. Additionally, FSIS is announcing that there will be no changes to the fee FSIS assesses to exporters that choose to apply for export certificates electronically through the export component of the Agency's Public Health Information System. The 2023 basetime, overtime, holiday, and laboratory services rates will be applied on January 1, 2023.

DATES: FSIS will charge the rates announced in this notice beginning January 1, 2023.

FOR FURTHER INFORMATION CONTACT: For further information contact Michael Toner, Director, Budget Division, Office of the Chief Financial Officer, FSIS, U.S. Department of Agriculture, Room 2159, South Building, 1400 Independence Avenue SW, Washington, DC 20250-

3700; Telephone: (202) 690-8398, Fax: (202) 690-4155.

SUPPLEMENTARY INFORMATION:

Background

On April 12, 2011, FSIS published a final rule amending its regulations to establish formulas for calculating the rates it charges meat and poultry establishments, egg products plants, and importers and exporters for providing voluntary, overtime, and holiday inspection and identification, certification, and laboratory services (76 FR 20220).

In the final rule, FSIS stated that it would use the formulas to calculate the annual rates, publish the rates in **Federal Register** notices prior to the start of each calendar year, and apply the rates on the first FSIS pay period at the beginning of the calendar year. This notice provides the 2023 rates, which will be applied starting on January 1, 2023.

On September 6, 2017, FSIS published a **Federal Register** notice, "Public Health Information System (PHIS) Export Component Country Implementation" (FR 82 42056). The notice announced the delayed implementation of the export component to ensure sufficient testing and outreach to stakeholders and that the application fee would be recalculated based on available costs and number of applications but would not be assessed prior to January 1, 2019. In addition, FSIS announced that it would implement the PHIS Export Component with a limited number of countries and gradually expand implementation to additional countries.

On April 29, 2019, FSIS published a **Federal Register** notice, "Public Health Information System Export Component Fee" (84 FR 17999). The notice announced that starting June 1, 2019, FSIS would assess a fee of \$4.01 to exporters that chose to apply for export certificates electronically through the export component of PHIS. As noted below, that fee remains unchanged since 2019.

On July 15, 2021, FSIS published a **Federal Register** notice, "Overtime and Holiday Inspection Fee Reductions for Small and Very Small Establishments" (86 FR 37276). The notice explained that the American Rescue Plan Act provided FSIS with \$100 million in budget authority to reduce the costs of overtime inspection for small and very small official meat and poultry establishments and egg products plants. The notice also announced that FSIS implemented this provision by reducing overtime and holiday inspection fees for small establishments by 30 percent and

very small establishments by 75 percent. More information on how to apply for the fee reduction is available at: <https://www.fsis.usda.gov/policy/federal-register-rulemaking/federal-register-notices/overtime-and-holiday-inspection-fee>.

2023 Rates and Calculations

The following table lists the 2023 Rates per hour, per employee, by type of service:

Service	2023 Rate (estimates rounded to reflect billable quarter hour)
Basetime	\$67.12
Overtime	82.80
Holiday	98.44
Laboratory	87.36
Export Application	* 4.01

* Per application.

The regulations that cover these fees (other than the export application fee) state that FSIS will calculate the rates using formulas that include the Office of Field Operations (OFO) inspection program personnel's previous fiscal year's regular direct pay and regular hours (9 CFR 391.2, 391.3, 391.4, 590.126, 590.128, 592.510, 592.520, and 592.530). The final rates have been rounded to make the amount divisible by the quarter hour (15 minutes). Fifteen minutes is the minimum charge for the services covered by these rates.

FSIS determined the 2023 rates using the following calculations:

Basetime Rate = The quotient of dividing the Office of Field Operations (OFO) inspection program personnel's previous fiscal year's regular direct pay by the previous fiscal year's regular hours, plus the quotient multiplied by the calendar year's percentage of cost-of-living increase, plus the benefits rate, plus the travel and operating rate, plus the overhead rate, plus the allowance for bad debt rate.

The calculation for the 2023 basetime rate per hour per program employee is:

[FY 2022 OFO Regular Direct Pay divided by the previous fiscal year's Regular Hours (\$462,882,117/15,449,262)] = \$29.96+ (\$29.96 * 4.6% (calendar year 2023 Cost of Living Increase)) = \$31.34 + \$11.59 (benefits rate) + \$2.48 (travel and operating rate) + \$21.71(overhead rate) + \$0.00 (bad debt allowance rate) = \$67.12, which is divisible by 4.

Overtime Rate = The quotient of dividing the Office of Field Operations (OFO) inspection program personnel's previous fiscal year's regular direct pay

by the previous fiscal year's regular hours, plus that quotient multiplied by the calendar year's percentage of cost-of-living increase, multiplied by 1.5 (for overtime), plus the benefits rate, plus the travel and operating rate, plus the overhead rate, plus the allowance for bad debt rate.

The calculation for the 2023 overtime rate per hour per program employee is:

[FY 2022 OFO Regular Direct Pay divided by previous fiscal year's Regular Hours (\$462,882,117/15,449,262)] = \$29.96 + (\$29.96 * 4.6% (calendar year 2022 Cost of Living Increase)) = \$31.34 * 1.5 = \$47.01 + \$11.59 (benefits rate) + \$2.48 (travel and operating rate) + \$21.71(overhead rate) + \$0.00(bad debt allowance rate) = \$82.80, which is divisible by 4.

Holiday Rate = The quotient of dividing the Office of Field Operations (OFO) inspection program personnel's previous fiscal year's regular direct pay by the previous fiscal year's regular hours, plus that quotient multiplied by the calendar year's percentage of cost-of-living increase, multiplied by 2 (for holiday pay), plus the benefits rate, plus the travel and operating rate, plus the overhead rate, plus the allowance for bad debt rate.

The calculation for the 2023 holiday rate per hour per program employee calculation is:

[FY 2022 OFO Regular Direct Pay divided by Regular Hours (\$462,882,117/15,449,262)] = \$29.96 + (\$29.96 * 4.6% (calendar year 2022 Cost of Living Increase)) = \$31.34 * 2 = \$62.68+ \$11.59(benefits rate) + \$2.48 (travel and operating rate) + \$21.71 (overhead rate) + \$0.00 (bad debt allowance rate) = \$98.46, rounded down to 98.44, so that it is divisible by 4.

Laboratory Services Rate = The quotient of dividing the Office of Public Health Science (OPHS) previous fiscal year's regular direct pay by the OPHS previous fiscal year's regular hours, plus the quotient multiplied by the calendar year's percentage cost of living increase, plus the benefits rate, plus the travel and operating rate, plus the overhead rate, plus the allowance for bad debt rate.

The calculation for the 2023 laboratory services rate per hour per program employee is:

[FY 2022 OPHS Regular Direct Pay/ OPHS Regular hours (\$27,499,214/557,759)] = \$49.30 + (\$49.30 * 4.6% (calendar year 2022 Cost of Living Increase)) = \$51.57+ \$11.59 (benefits rate) + \$2.48 (travel and operating rate) + \$21.71 (overhead rate) + \$0.00 (bad debt allowance rate) = \$87.35, rounded up to 85.36, so that it is divisible by 4.

Calculations for the Benefits, Travel and Operating, Overhead, and Allowance for Bad Debt Rates

These rates are components of the basetime, overtime, holiday, and laboratory services rates formulas.

Benefits Rate: The quotient of dividing the previous fiscal year's direct benefits costs by the previous fiscal year's total hours (regular, overtime, and holiday), plus that quotient multiplied by the calendar year's percentage cost of living increase. Some examples of direct benefits are health insurance, retirement, life insurance, and Thrift Savings Plan basic and matching contributions.

The calculation for the 2023 benefits rate per hour per program employee is:

[FY 2022 Direct Benefits/(Total Regular hours + Total Overtime hours + Total Holiday hours) (\$212,068,102/19,142,899)] = \$11.08 + (\$11.08* 4.6% (calendar year 2022 Cost of Living Increase)) = \$11.59.

Travel and Operating Rate: The quotient of dividing the previous fiscal year's total direct travel and operating costs by the previous fiscal year's total hours (regular, overtime, and holiday), plus that quotient multiplied by the calendar year's percentage of inflation.

The calculation for the 2023 travel and operating rate per hour per program employee is:

[FY 2022 Total Direct Travel and Operating Costs/(Total Regular hours + Total Overtime hours + Total Holiday hours) (\$46,365,745/19,142,899)] = \$2.48 + (\$2.48 * 2.3% (2023 Inflation)) = \$2.48.

Overhead Rate: The quotient of dividing the previous fiscal year's indirect costs plus the previous fiscal year's information technology (IT) costs in the Public Health Data Communication Infrastructure System Fund plus the provision for the operating balance less any Greenbook costs (*i.e.*, costs of USDA support services prorated to the service component for which fees are charged) that are not related to food inspection by the previous fiscal year's total hours (regular, overtime, and holiday) worked across all funds, plus the quotient multiplied by the calendar year's percentage of inflation.

The calculation for the 2023 overhead rate per hour per program employee is:

[FY 2022 Total Overhead/(Total Regular hours + Total Overtime hours + Total Holiday hours) (\$ 406,272,208/19,142,899)] = \$21.22 + (\$21.22 * 2.3% (2021 Inflation)) = \$21.71.

Allowance for Bad Debt Rate = Previous fiscal year's total allowance for bad debt (for example, debt owed for

overtime and holiday inspection services that is not paid in full by plants and establishments that declare bankruptcy) divided by previous fiscal year's total hours (regular, overtime, and holiday) worked.

The 2023 calculation for bad debt rate per hour per program employee is:
[FY 2022 Total Bad Debt/(Total Regular hours + Total Overtime hours + Total Holiday hours) = (\$69,944/19,142,899)] = \$0.00.

2023 Electronic Export Application Fee

The 2023 Electronic Export Application Fee:

Labor Cost (\$560,901.60+ (\$337,369))+ IT Cost (\$1,414,285.60+\$0)

576,192

= \$4.01

As published in FSIS' final rule, *Electronic Export Application and Certification Charge; Flexibility in the*

Requirements for Export Inspection Marks, Devices, and Certificates; Egg Products Export Certification (81 FR

42225), the Electronic Export Application Fee Formula is:

Labor Cost (Technical Support + Export Library Maintenance) + IT Cost (Ongoing Operations and Maintenance + eAuthentication)

Number of Export Applications

FSIS stated in the 2016 final rule (81 FR 42225) and the 2017 **Federal Register** notice (FR 82 42056) that it would update and recalculate the fee based on the best available estimates for costs and number of applications; however, the number of export applications (the denominator in the formula) cannot be accurately assessed until a majority of countries are included in the export component. Therefore, because a majority of countries are not yet included in the PHIS Export component, the cost estimates and projected export applications in the final rule remain the best estimate for 2023, leaving the electronic export application fee unchanged.

Additional Public Notification

Public awareness of all segments of rulemaking and policy development is important. Consequently, FSIS will announce this **Federal Register** publication online through the FSIS web page located at: <https://www.fsis.usda.gov/federal-register>.

FSIS also will make copies of this publication available through the FSIS *Constituent Update*, which is used to provide information regarding FSIS policies, procedures, regulations, **Federal Register** notices, FSIS public meetings, and other types of information that could affect or would be of interest to our constituents and stakeholders. The *Constituent Update* is available on

the FSIS web page. Through the web page, FSIS can provide information to a much broader, more diverse audience. In addition, FSIS offers an email subscription service which provides automatic and customized access to selected food safety news and information. This service is available at: <https://www.fsis.usda.gov/subscribe>. Options range from recalls to export information, regulations, directives, and notices. Customers can add or delete subscriptions themselves and have the option to password protect their accounts.

USDA Non-Discrimination Statement

In accordance with Federal civil rights law and USDA civil rights regulations and policies, USDA, its Mission Areas, agencies, staff offices, employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, religion, sex, gender identity (including gender expression), sexual orientation, disability, age, marital status, family/parental status, income derived from a public assistance program, political beliefs, or reprisal or retaliation for prior civil rights activity, in any program or activity conducted or funded by USDA (not all bases apply to all programs). Remedies and complaint filing deadlines vary by program or incident.

Program information may be made available in languages other than English. Persons with disabilities who require alternative means of communication to obtain program information (e.g., Braille, large print, audiotape, American Sign Language) should contact the responsible Mission Area, agency, or staff office; the USDA TARGET Center at (202) 720-2600 (voice and TTY); or the Federal Relay Service at (800) 877-8339.

To file a program discrimination complaint, a complainant should complete a Form AD-3027, *USDA Program Discrimination Complaint Form*, which can be obtained online at <https://www.ocio.usda.gov/document/ad-3027>, from any USDA office, by calling (866) 632-9992, or by writing a letter addressed to USDA. The letter must contain the complainant's name, address, telephone number, and a written description of the alleged discriminatory action in sufficient detail to inform the Assistant Secretary for Civil Rights (ASCR) about the nature and date of an alleged civil rights violation. The completed AD-3027 form or letter must be submitted to USDA by:

- (1) *Mail*: U.S. Department of Agriculture, Office of the Assistant Secretary for Civil Rights, 1400 Independence Avenue SW, Washington, DC 20250-9410; or
- (2) *Fax*: (833) 256-1665 or (202) 690-7442; or
- (3) *Email*: program.intake@usda.gov.

USDA is an equal opportunity provider, employer, and lender.

Done at Washington, DC.

Paul Kiecker,
Administrator.

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BILLING CODE 3410-DM-P

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

Agency Information Collection Activities: Healthy Meals Incentives Recognition Awards Application for School Food Authorities

AGENCY: Food and Nutrition Service (FNS), 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 is a new collection for the Healthy Meals Incentives Recognition Awards Application. The Recognition Awards will recognize School Food Authorities (SFAs) that have made significant improvements to the nutritional quality of their school meals by exceeding the transitional school meal pattern requirements, engaging students, and implementing innovative practices. SFAs can apply to one or more Recognition Awards included in the Application form.

DATES: Written comments must be received on or before March 10, 2023.

ADDRESSES: Comments may be sent to: Kaylyn Padovani, Food and Nutrition Service, U.S. Department of Agriculture, 4th Floor, Food and Nutrition Service, 1320 Braddock Place, Alexandria, VA 22314; telephone: 703-305-2078. Comments may also be submitted via email to TeamNutrition@fns.usda.gov with "Comments to HMI Recognition Awards Application for SFAs" in the subject line. 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 Kaylyn Padovani via email to TeamNutrition@fns.usda.gov, or 703-305-2078.

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: Healthy Meals Incentives Recognition Awards Application for School Food Authorities.

Form Number: Not yet assigned.

OMB Number: Not yet assigned.

Expiration Date: Not yet determined.

Type of Request: New collection.

Abstract: The National School Lunch Program (NSLP) and School Breakfast Program (SBP) are Federally assisted meal programs operating in public and non-profit private schools and residential child care institutions. The Food and Nutrition Service (FNS) of the United States Department of Agriculture (USDA) administers the NSLP and SBP at the Federal level. These programs provide nutritionally balanced, low-cost, or no-cost meals to children each school day. School lunches and breakfasts provided through these programs (*i.e.*, school meals) must meet Federal nutrition requirements, which are based upon the Dietary Guidelines for Americans.

On December 29, 2020, USDA and the United States Department of Health and Human Services (HHS) released the *Dietary Guidelines for Americans, 2020–2025* (2020–2025 DGA). During this same time period, the Coronavirus (COVID-19) public health emergency caused major disruptions to the NSLP and SBP and the food supply chain.

In February 2022, USDA FNS published the Child Nutrition Programs: Transitional Standards for Milk, Whole Grains, and Sodium Final Rule (hereafter referred to as "Transitional Standards"). This rule establishes transitional standards to support the continued provision of nutritious school meals as schools respond to and recover from the pandemic and while USDA engages in notice-and-comment rulemaking to update the meal pattern standards to more comprehensively reflect the 2020–2025 DGA.

At the State level, the NSLP and SBP are administered by State agencies, which operate these programs through agreements with School Food Authorities (SFAs). While USDA FNS establishes meal pattern requirements and weekly dietary specifications for school meals, decisions about the specific foods to serve and how the foods are prepared are made by SFAs.

USDA FNS recently announced the Healthy Meals Incentives Initiative Recognition Awards to support improvements in the nutritional quality of school meals through the generation and sharing of innovative ideas and tested practices being implemented at the local level. These efforts will also highlight the remarkable achievements SFAs are making in the offering of nutritious school meals that students enjoy. The recognition awards will spotlight innovative practices, student and community engagement strategies, and strategies schools have used to provide meals that are consistent with the 2020–2025 DGA. USDA FNS will highlight and share these diverse best practices nationwide through training and technical assistance resources and Healthy Meals Summits. SFAs meeting Healthy Meals Incentives Recognition Award criteria will receive nonmonetary recognition and stipends to attend and participate in the Healthy Meals Summits.

FNS is developing the Recognition Awards Application and is seeking OMB approval. From August through October 2022, FNS met with State agencies and key school nutrition stakeholders to discuss potential Recognition Award categories, criteria, and documentation.

The collected feedback has informed the development of the Healthy Meals Incentives Recognition Awards. FNS anticipates providing up to 10 types of recognition awards. SFAs may receive awards in more than one category, but SFAs shall receive each award only once.

The application for the Healthy Meals Incentives Recognition Awards is planned to be available for SFAs to apply between School Year 2023–2024 through School Year 2024–2025 (a two-year period). The application form will be available in both English and Spanish, and in other languages and alternative formats upon request. It will include instructions, the awards' criteria and required documentation, and sections to populate and/or upload the required documentation. The form will be designed to reduce burden for SFA applicants by being accessible online and including fillable sections to enter text. The type of information that will