



# Food Distribution National Policy Memorandum

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United States  
Department of  
Agriculture

**DATE:** July 27, 2010  
**POLICY NO.:** FD-108: State Processing  
**SUBJECT:** Waiver of Requirements for State Distributing Agency  
Submission of Information from Monthly Performance Reports

Food and  
Nutrition  
Service

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In accordance with 7 CFR 250.30(t), this policy memorandum waives current requirements, in 7 CFR 250.30(n)(4) and 7 CFR 250.30(o)(1), for the State distributing agency to submit to the Food and Nutrition Service (FNS) the annual reconciliation report (i.e., the last monthly performance report submitted by processors for the contract year) and the inventory summary portion of processors' monthly performance reports for the last month of each quarter of the fiscal year. We proposed to remove these requirements in the proposed rule, "Revisions and Clarifications in Requirements for the Processing of Donated Foods", which was published in the Federal Register on August 24, 2006. This waiver removes such requirements in advance of the publication of a final rule.

However, this waiver does not affect the requirement for the State distributing agency to review monthly performance reports to ensure that processor performance is in accordance with requirements under Part 250, and with the provisions of State processing agreements (7 CFR 250.30(m)(3)). FNS will continue to review compliance with such requirements at the State level through the management evaluation process, as necessary. The waiver also does not affect the requirement for multi-State processors to submit summary performance reports on a monthly basis to FNS, in accordance with the current demonstration project.

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