

Dated: March 19, 2012.

**Jeffrey J. Tribiano,**

*Acting Administrator, Food and Nutrition Service.*

[FR Doc. 2012-7033 Filed 3-22-12; 8:45 am]

**BILLING CODE 3410-30-P**

## DEPARTMENT OF AGRICULTURE

### Food and Nutrition Service

#### **Agency Information Collection Activities: Proposed Collection; Comment Request—Supplemental Nutrition Assistance Program, Administrative Review Requirements—Food Retailers and Wholesalers**

**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 proposed information collections. The proposed collection is a revision of a currently approved collection.

**DATES:** Written comments must be received on or before May 22, 2012 to be assured of consideration.

**ADDRESSES:** 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 has 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 the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Comments may be sent to Karen Walker, Chief, Administrative Review Branch, Benefit Redemption Division, U.S. Department of Agriculture, Food and Nutrition Service, 3101 Park Center Drive, Room 438, Alexandria, Virginia 22302. Comments may also be submitted via fax to the attention of Karen Walker at (703) 305-2822, or via email to [brdhq-web@fns.usda.gov](mailto:brdhq-web@fns.usda.gov).

All written comments will be open for public inspection at the office of the Food and Nutrition Service during regular business hours (8:30 a.m. to 5 p.m., Monday through Friday) at 3101

Park Center Drive, Alexandria, Virginia 22302, Room 438.

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

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information should be directed to Karen Walker, (703) 305-2822.

#### **SUPPLEMENTARY INFORMATION:**

*Title:* Request for Administrative Review.

*OMB Number:* 0584-0520.

*Expiration Date:* August 31, 2012.

*Type of Request:* Revision of a currently approved collection of information.

*Abstract:* The Food and Nutrition Service (FNS) of the U.S. Department of Agriculture is the Federal agency responsible for the Supplemental Nutrition Assistance Program (SNAP). The Food and Nutrition Act of 2008, (7 U.S.C. 2011-2036) requires that the FNS determine the eligibility of retail food stores and certain food service organizations in order to participate in SNAP. If a food retailer or wholesale food concern is aggrieved by certain administrative action by FNS, that store has the right to file a written request for review of the administrative action with FNS.

*Respondents:* Business-for-profit: Retail food stores and wholesale food concerns.

*Estimated Number of Respondents:* 897.

*Number of Responses per Respondent:* 1.2.

*Estimated Total Annual Response per Respondent:* 1,076.4

*Estimated Time per Response:* Public reporting burden for this collection of information is estimated to average 0.17 of an hour per response.

*Estimated Total Annual Burden on Respondents:* 183.00 hours.

Dated: March 19, 2012.

**Jeffrey J. Tribiano,**

*Acting Administrator, Food and Nutrition Service.*

[FR Doc. 2012-7034 Filed 3-22-12; 8:45 am]

**BILLING CODE 3410-30-P**

## DEPARTMENT OF AGRICULTURE

### Food and Nutrition Service

#### **Child Nutrition Programs—Income Eligibility Guidelines**

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

**ACTION:** Notice.

**SUMMARY:** This Notice announces the Department's annual adjustments to the Income Eligibility Guidelines to be used in determining eligibility for free and reduced price meals and free milk for the period from July 1, 2012 through June 30, 2013. These guidelines are used by schools, institutions, and facilities participating in the National School Lunch Program (and Commodity School Program), School Breakfast Program, Special Milk Program for Children, Child and Adult Care Food Program and Summer Food Service Program. The annual adjustments are required by section 9 of the Richard B. Russell National School Lunch Act. The guidelines are intended to direct benefits to those children most in need and are revised annually to account for changes in the Consumer Price Index.

**DATES:** *Effective Date:* July 1, 2012.

**FOR FURTHER INFORMATION CONTACT:** William Wagoner, Supervisory Program Analyst, School Programs Section, Child Nutrition Division, Food and Nutrition Service (FNS), USDA, Alexandria, Virginia 22302, or by phone at (703) 305-2590.

#### **SUPPLEMENTARY INFORMATION:**

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.

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3507), no recordkeeping or reporting requirements have been included that are subject to approval from the Office of Management and Budget.

This notice has been determined to be not significant and was reviewed by the Office of Management and Budget in conformance with Executive Order 12866.

The affected programs are listed in the Catalog of Federal Domestic Assistance under No. 10.553, No. 10.555, No. 10.556, No. 10.558 and No. 10.559 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 the final rule related notice published at 48 FR 29114, June 24, 1983.)

#### **Background**

Pursuant to sections 9(b)(1) and 17(c)(4) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1758(b)(1) and 42 U.S.C. 1766(c)(4)), and sections 3(a)(6) and 4(e)(1)(A) of the Child Nutrition Act of 1966 (42 U.S.C. 1772(a)(6) and 1773(e)(1)(A)), the Department annually issues the Income Eligibility Guidelines for free and reduced price meals for the National

School Lunch Program (7 CFR part 210), the Commodity School Program (7 CFR part 210), School Breakfast Program (7 CFR part 220), Summer Food Service Program (7 CFR part 225) and Child and Adult Care Food Program (7 CFR part 226) and the guidelines for free milk in the Special Milk Program for Children (7 CFR part 215). These eligibility guidelines are based on the Federal income poverty guidelines and are stated by household size. The guidelines are used to determine eligibility for free and reduced price meals and free milk in accordance with applicable program rules.

#### Definition of Income

In accordance with the Department's policy as provided in the Food and Nutrition Service publication *Eligibility Manual for School Meals*, "income," as the term is used in this Notice, means income before any deductions such as income taxes, Social Security taxes, insurance premiums, charitable contributions and bonds. It includes the following: (1) Monetary compensation for services, including wages, salary, commissions or fees; (2) net income from nonfarm self-employment; (3) net income from farm self-employment; (4) Social Security; (5) dividends or interest on savings or bonds or income from estates or trusts; (6) net rental income; (7) public assistance or welfare

payments; (8) unemployment compensation; (9) government civilian employee or military retirement, or pensions or veterans payments; (10) private pensions or annuities; (11) alimony or child support payments; (12) regular contributions from persons not living in the household; (13) net royalties; and (14) other cash income. Other cash income would include cash amounts received or withdrawn from any source including savings, investments, trust accounts and other resources that would be available to pay the price of a child's meal.

"Income," as the term is used in this Notice, does *not* include any income or benefits received under any Federal programs that are excluded from consideration as income by any statutory prohibition. Furthermore, the value of meals or milk to children shall not be considered as income to their households for other benefit programs in accordance with the prohibitions in section 12(e) of the Richard B. Russell National School Lunch Act and section 11(b) of the Child Nutrition Act of 1966 (42 U.S.C. 1760(e) and 1780(b)).

#### The Income Eligibility Guidelines

The following are the Income Eligibility Guidelines to be effective from July 1, 2012 through June 30, 2013. The Department's guidelines for free meals and milk and reduced price meals

were obtained by multiplying the year 2012 Federal income poverty guidelines by 1.30 and 1.85, respectively, and by rounding the result upward to the next whole dollar. This Notice displays only the annual Federal poverty guidelines issued by the Department of Health and Human Services because the monthly and weekly Federal poverty guidelines are not used to determine the Income Eligibility Guidelines. The chart details the free and reduced price eligibility criteria for monthly income, income received twice monthly (24 payments per year), income received every two weeks (26 payments per year) and weekly income.

Income calculations are made based on the following formulas: Monthly income is calculated by dividing the annual income by 12; twice monthly income is computed by dividing annual income by 24; income received every two weeks is calculated by dividing annual income by 26; and weekly income is computed by dividing annual income by 52. All numbers are rounded upward to the next whole dollar. The numbers reflected in this notice for a family of four in the 48 contiguous states, the District of Columbia, Guam and the territories represent an increase of 3.1% over last year's level for a family of the same size.

INCOME ELIGIBILITY GUIDELINES													
			Effective from				July 1, 2012	to	June 30, 2013				
HOUSEHOLD SIZE	FEDERAL POVERTY GUIDELINES		REDUCED PRICE MEALS - 185 %						FREE MEALS - 130 %				
	ANNUAL		ANNUAL	MONTHLY	TWICE PER MONTH	EVERY TWO WEEKS	WEEKLY		ANNUAL	MONTHLY	TWICE PER MONTH	EVERY TWO WEEKS	WEEKLY
48 CONTIGUOUS STATES, DISTRICT OF COLUMBIA, GUAM, AND TERRITORIES													
1 .....	11,170		20,665	1,723	862	795	398		14,521	1,211	606	559	280
2 .....	15,130		27,991	2,333	1,167	1,077	539		19,669	1,640	820	757	379
3 .....	19,090		35,317	2,944	1,472	1,359	680		24,817	2,069	1,035	955	478
4 .....	23,050		42,643	3,554	1,777	1,641	821		29,965	2,498	1,249	1,153	577
5 .....	27,010		49,969	4,165	2,083	1,922	961		35,113	2,927	1,464	1,351	676
6 .....	30,970		57,295	4,775	2,388	2,204	1,102		40,261	3,356	1,678	1,549	775
7 .....	34,930		64,621	5,386	2,693	2,486	1,243		45,409	3,785	1,893	1,747	874
8 .....	38,890		71,947	5,996	2,998	2,768	1,384		50,557	4,214	2,107	1,945	973
For each add'l family member, add	3,960		7,326	611	306	282	141		5,148	429	215	198	99
ALASKA													
1 .....	13,970		25,845	2,154	1,077	995	498		18,161	1,514	757	699	350
2 .....	18,920		35,002	2,917	1,459	1,347	674		24,596	2,050	1,025	946	473
3 .....	23,870		44,160	3,680	1,840	1,699	850		31,031	2,586	1,293	1,194	597
4 .....	28,820		53,317	4,444	2,222	2,051	1,026		37,466	3,123	1,562	1,441	721
5 .....	33,770		62,475	5,207	2,604	2,403	1,202		43,901	3,659	1,830	1,689	845
6 .....	38,720		71,632	5,970	2,985	2,756	1,378		50,336	4,195	2,098	1,936	968
7 .....	43,670		80,790	6,733	3,367	3,108	1,554		56,771	4,731	2,366	2,184	1,092
8 .....	48,620		89,947	7,496	3,748	3,460	1,730		63,206	5,268	2,634	2,431	1,216
For each add'l family member, add	4,950		9,158	764	382	353	177		6,435	537	269	248	124
HAWAII													
1 .....	12,860		23,791	1,983	992	916	458		16,718	1,394	697	643	322
2 .....	17,410		32,209	2,685	1,343	1,239	620		22,633	1,887	944	871	436
3 .....	21,960		40,626	3,386	1,693	1,563	782		28,548	2,379	1,190	1,098	549
4 .....	26,510		49,044	4,087	2,044	1,887	944		34,463	2,872	1,436	1,326	663
5 .....	31,060		57,461	4,789	2,395	2,211	1,106		40,378	3,365	1,683	1,553	777
6 .....	35,610		65,879	5,490	2,745	2,534	1,267		46,293	3,858	1,929	1,781	891
7 .....	40,160		74,296	6,192	3,096	2,858	1,429		52,208	4,351	2,176	2,008	1,004
8 .....	44,710		82,714	6,893	3,447	3,182	1,591		58,123	4,844	2,422	2,236	1,118
For each add'l family member, add	4,550		8,418	702	351	324	162		5,915	493	247	228	114

Authority: 42 U.S.C. 1758(b)(1).

Dated: March 19, 2012.

Jeffrey J. Tribiano,  
Acting Administrator.

[FR Doc. 2012-7036 Filed 3-22-12; 8:45 am]

BILLING CODE 3410-30-P

## DEPARTMENT OF AGRICULTURE

### Food and Nutrition Service

#### Special Supplemental Nutrition Program for Women, Infants and Children (WIC): Income Eligibility Guidelines

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

**ACTION:** Notice.

**SUMMARY:** The Department announces adjusted income eligibility guidelines to be used by State agencies in determining the income eligibility of persons applying to participate in the Special Supplemental Nutrition Program for Women, Infants and Children Program (WIC). These income eligibility guidelines are to be used in conjunction with the WIC Regulations. **DATES:** *Effective Date:* July 1, 2012.

#### FOR FURTHER INFORMATION CONTACT:

Donna Hines, Branch Chief, Policy Branch, Supplemental Food Programs Division, FNS, USDA, 3101 Park Center Drive, Alexandria, Virginia 22302, (703) 305-2746.

#### SUPPLEMENTARY INFORMATION:

##### Executive Order 12866

This notice is exempt from review by the Office of Management and Budget under Executive Order 12866.

##### Regulatory Flexibility Act

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 this Act.

##### Paperwork Reduction Act of 1995

This notice does not contain reporting or recordkeeping requirements subject to approval by the Office of Management and Budget in accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3507).

##### Executive Order 12372

This program is listed in the Catalog of Federal Domestic Assistance Programs under No. 10.557, and is subject to the provisions of Executive

Order 12372, which requires intergovernmental consultation with State and local officials (7 CFR part 3015, subpart V, 48 FR 29114, June 24, 1983, and 49 FR 22676, May 31, 1984).

#### Description

Section 17(d)(2)(A) of the Child Nutrition Act of 1966, as amended (42 U.S.C. 1786(d)(2)(A)), requires the Secretary of Agriculture to establish income criteria to be used with nutritional risk criteria in determining a person's eligibility for participation in the WIC Program. The law provides that persons will be income eligible for the WIC Program only if they are members of families that satisfy the income standard prescribed for reduced-price school meals under section 9(b) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1758(b)). Under section 9(b), the income limit for reduced-price school meals is 185 percent of the Federal poverty guidelines, as adjusted. Section 9(b) also requires that these guidelines be revised annually to reflect changes in the Consumer Price Index. The annual revision for 2012/2013 was published by the Department of Health and Human