effortlessly carry out the requirements of the Orders, and their use is necessary to fulfill the intent of the Act as expressed in the Orders and in the rules and regulations issued under the Orders.

The information collected is used only by authorized employees of the market administrator and authorized representatives of the USDA, including AMS Dairy Programs’ headquarters staff.

**Estimate of Burden:** Public reporting burden for this collection of information is estimated to average 1.10 hours per response.

**Respondents:** Milk handlers and milk marketing cooperatives.

**Estimated Number of Respondents:** 690.

**Estimated Number of Responses:** 18,774.

**Estimated Number of Responses per Respondent:** 27.

**Estimated Total Annual Burden on Respondents:** 20,691 hours.

Comments are invited on: (1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) the accuracy of the agency’s estimate of the burden of the proposed collection of information including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) 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.

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

**DEPARTMENT OF AGRICULTURE**

**Food and Nutrition Service**

**Request for Information: Supplemental Nutrition Assistance Program (SNAP) Enhancing Retail Food Store Eligibility**

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

**ACTION:** Notice.

**SUMMARY:** Sections 3(k), (p) and (r), Section 7, and Section 9 of the Food and Nutrition Act of 2009 (“the Act”), and Title 7 Parts 271, 274, and 278 of the Code of Federal Regulations (“the regulations”) provide factors for determining the eligibility of retail food stores to participate in the Supplemental Nutrition Assistance Program ("SNAP"). This request notice information from any and all interested parties on opportunities to enhance retailer definitions and requirements in a manner that improves access to healthy food choices for SNAP participants as well as program integrity, and ensures that only those retailers that effectuate the purpose of SNAP are authorized to accept benefits. The Food and Nutrition Service (FNS) considers access to a variety of healthy foods at SNAP retailers to be fundamental to the effectiveness of this critical nutrition assistance program. FNS is requesting information to understand what policy changes and, as needed, statutory changes, should be considered for retailer authorizations. FNS will use this information in determining how to make positive progress in the available healthy choices for program participants at authorized SNAP retail stores.

**DATES:** To be assured of consideration, written comments must be submitted on or before October 21, 2013.

**ADDRESSES:** Comments may be submitted through the Federal eRulemaking Portal at www.regulations.gov. Follow the online instructions for submitting comments electronically. Comments can also be mailed or delivered to: Shanta Swezy, Chief, Retailer Management and Issuance Branch, Retailer Policy and Management Division, Supplemental Nutrition Assistance Program, Food and Nutrition Service, U.S. Department of Agriculture, 3101 Park Center Drive, Room 426, Alexandria, Virginia, 22302.

All comments submitted in response to this notice will be included in the record and will be made available to the public at www.regulations.gov. Please be advised that the substance of the comments and the identity of the individuals or entities commenting will be subject to public disclosure.

FNS will conduct public listening sessions to receive input on this subject. These listening sessions will provide an opportunity for affected parties, key stakeholders, and the general public to provide input directly to FNS policy officials.

**Timeline:** Public listening sessions: 45 day period following RFI publication.

**FOR FURTHER INFORMATION CONTACT:** Shanta Swezy, Chief, Retailer Management and Issuance Branch, Food and Nutrition Service, (703) 305–2238.

**SUPPLEMENTARY INFORMATION:** At the end of fiscal year (FY) 2012, over 246,000 retailers were authorized to redeem SNAP benefits. This is an increase of almost 100,000 authorized stores since 2005. According to the most recent data available (2012), 82 percent of all benefits redeemed were redeemed at supermarkets, large grocers and supermarkets. Approximately 18 percent of benefits were redeemed at smaller stores, including convenience stores, small grocers and farmers’ markets. Less than one percent were redeemed by authorized treatment programs, group homes, homeless meal providers, communal dining facilities and shelters as provided for in statute. A 2009 FNS study on benefit use indicates that 96.3 percent of all SNAP beneficiaries shopped at supermarkets or superstores at least once each month.

According to Sections 3(k), (p) and (r), and Section 9 of the Act, and Title 7 Parts 271, and 278 of the regulations, to be eligible to participate in SNAP, stores must sell food for home preparation and consumption and meet one of the criteria below:

- (A) Offer for sale, on a continuous basis (any given day of operation), at least three varieties of qualifying foods in each of the following four staple food groups, with permissible foods in at least two of the categories: Meat, poultry or fish, Bread or cereal, Vegetables or fruits, Dairy products

- (B) More than one-half (50 percent) of the total dollar amount of all things (food, nonfood, gas and services) sold in the store must be from the sale of eligible staple foods.

The last major changes to the store eligibility requirements took place in the early 1990’s as a result of congressional action. Today, a store that consistently stocks as few as 12 total food items from the required staple foods categories could technically be licensed to participate in SNAP. Store authorization data collected from retailers by USDA indicates that over 90,000 currently authorized SNAP retailers have substantial (over 50 percent) sales that stem from ineligible items.

In addition to providing minimal access to healthy food, retailers that do...
not provide sufficient healthful offerings often tend to be those stores that present
the greatest integrity challenges for USDA. The sale or exchange of SNAP
benefits for cash is referred to as “trafficking”, an illegal activity
punishable by law. According to the
latest FNS trafficking study covering the
period 2009–2011, 99.5 percent of all
trafficking stores involve retailers other
than supermarkets, superstores and
large grocers. Further, 84.5 percent of all
benefit dollars trafficked involve
retailers other than supermarkets,
superstores and large grocers. The large
number of smaller stores—roughly
222,000 authorized store locations
nationwide—redeemed 15 percent of
SNAP recipient’s benefits and present
the greatest integrity challenge for FNS;
the trafficking rate in these store types
was 7.6 percent. The store violation rate
was 12.45 percent. A 2006 report by the
Government Accountability Office
(GAO) suggested that the minimal
stocking requirements in SNAP
contribute to corrupt retailers entering the
program, and noted that FNS
regulations lacked clarity as to what
constitutes sufficient stocking
requirements.

FNS is concerned that there are a
large and growing number of authorized
retailers that do not provide healthful
food offerings to SNAP recipients and
that engage in fraud. These retailers
represent a management challenge for
the program that must be balanced
against the need to ensure effective
access to healthful, nutritious food for
SNAP households. FNS has an interest
in assuring that all authorized retailers
will play by the rules and further the
purpose of SNAP.

FNS’ objectives are to improve the
availability of more healthful foods
without compromising access to
nutritious food for SNAP participants,
or unnecessarily burdening the retailers
that redeem SNAP benefits, and to
improve the integrity of the program.
The Agency is seeking public input
regarding the following questions, with
particular attention to impacts of each
on program integrity, healthy food
choices, access to food and retailer
operations:

1. Is ensuring that SNAP retailers
provide SNAP clients access to healthy
food choices a reasonable priority for
establishing SNAP store eligibility
criteria?

2. Are there store types that clearly
meet all of the Program goals and,
consequently, should always be eligible
for SNAP participation?

3. Conversely, are there store types
that do not effectively improve access to
food choices (e.g. stores that sell low
amounts of food when compared to the
amounts of distilled liquor, tobacco
and/or lottery tickets sold) and,
therefore, should always be ineligible
for SNAP participation?

4. Would a different definition of the
“staple foods” required in SNAP
authorized stores help to ensure that
these stores offer more healthy food
choices? If so, what kinds of changes
would be most effective? Specifically,
almost all foods can be counted towards
meeting staple food requirements,
including those high in added sugar,
sodium or solid fats. Should foods high
in these components be counted as
staple foods when determining store
authorization requirements?

5. How should prepared foods with
multiple ingredients, such as chicken
pot pie or other frozen dinners, or single
serving meat jerky packages, be treated
with regards to “staple foods”
categories?

6. Do twelve items (the minimum
amount necessary to meet SNAP
authorization criterion A, by virtue of
needing three varieties in the four
different staple food categories) provide
adequate variety for a retailer to further the Program’s purpose? If not, what
would be a more appropriate
requirement?

7. Currently, retailers who are
authorized under criterion A are
required to stock perishable items (e.g.,
fresh, frozen or refrigerated fruits and
vegetables; dairy; meats, poultry and
fish; bread or cereal) in two categories.
Should perishable items be required in
more than two categories?

8. Are 50 percent of sales in staple
foods, as currently required for criterion
B, sufficient to ensure that a SNAP
authorized store furthers the program’s
purpose, given the current definition of
“staple foods”? Would this percentage
be sufficient if the definition of “staple
foods” is changed to exclude items high
in added sugar, sodium or solid fats?

9. Should stores whose primary
business (as evidenced by marketing,
inventory or sales) is not the sale of
food, be eligible to participate in SNAP?

10. Restaurants are generally
prohibited from being SNAP retailers,
and hot foods cannot be purchased with
SNAP benefits. However, there are
authorized retailers who primarily sell
food for immediate consumption, often
on premises, but also sell their products
cold and heat them for SNAP recipients
immediately after purchase for a
nominal fee. These stores qualify today
based on the array of raw ingredients,
such as unbaked pizza or raw fish.
Should such stores be eligible for
participation in SNAP?

11. Should all retailers who meet
SNAP eligibility criteria be authorized,
even when sufficient store access for
recipients is not a concern?

12. If store access were a concern in
an area where no store meets basic
eligibility criteria for SNAP
authorization, how should FNS select
the stores to authorize that best serve
the needs of the client population?
Should FNS employ an evaluation and
scoring system? If so, what criteria
should make up such a system?

13. How should integrity and
management priorities be balanced
gainst healthy food choice criteria in
the SNAP authorization process? What
elements could be used to assess
integrity risks, and how should they be
applied?

14. Are there any other ways in which
the criteria for retailer eligibility should
be changed? If so, how?


Jeffrey J. Tribiano,
Acting Administrator, Food and Nutrition Service.

1Statutory, Regulatory and Policy
Definitions of “Food”, “Staple Food” and “Accessory Food”:
Food and Nutrition Act of 2008 7
U.S.C. 2012 Section 3 Definitions:
(k) “Food” means (1) Any food or
food product for home consumption
except alcoholic beverages, tobacco, and
hot foods or hot food products ready for
immediate consumption other than
those authorized pursuant to clauses (3),
(4), (5), (7), (8), and (9) of this
subsection, (2) seeds and plants for use
in gardens to produce food for the
personal consumption of the eligible
household, (3) in the case of those
persons who are sixty years of age or
over who receive supplemental
security income benefits or disability
or blindness payments under title I, II, X,
XIV, or XVI of the Social Security Act
[(42 U.S.C. 1381 et seq.)], and their
spouses, meals prepared by and served
in senior citizens’ centers, apartment
buildings occupied primarily by such
persons, public or private nonprofit
estabishments (eating or otherwise) that
feed such persons, private
estabishments that contract with the
appropriate agency of the State to offer
meals for such persons at concessional
prices, and meals prepared for and
served to residents of federally
subsidized housing for the elderly, (4) in
the case of persons sixty years of age or
over and persons who are physically or
mentally handicapped or otherwise so
disabled that they are unable adequately
to prepare all of their meals, meals
prepared for and delivered to them (and
their spouses) at their home by a public
or private nonprofit organization or by a private establishment that contracts with the appropriate State agency to perform such services at concessional prices, (5) in the case of narcotics addicts or alcoholics, and their children, served by drug addiction or alcoholic treatment and rehabilitation programs, meals prepared and served under such programs, (6) in the case of certain eligible households living in Alaska, equipment for procuring food by hunting and fishing, such as nets, hooks, rods, harpoons, and knives (but not equipment for purposes of transportation, clothing, or shelter, and not firearms, ammunition, and explosives) if the Secretary determines that such households are located in an area of the State where it is extremely difficult to reach stores selling food and that such households depend to a substantial extent upon hunting and fishing for subsistence, (7) in the case of disabled or blind recipients of benefits under title I, II, X, XIV, or XVI of the Social Security Act, or are 3–2 individuals described in paragraphs (2) through (7) of subsection (b), who are residents in a public or private nonprofit group living arrangement that serves no more than sixteen residents and is certified by the appropriate State agency or agencies under regulations issued under section 1616(e) of the Social Security Act or under standards determined by the Secretary to be comparable to standards implemented by appropriate State agencies under such section (42 U.S.C. 1382e(e))), meals prepared and served under such arrangement, (8) in the case of women and children temporarily residing in public or private nonprofit shelters for battered women and children, meals prepared and served, by such shelters, and (9) in the case of households that do not reside in permanent dwellings and households that have no fixed mailing addresses, meals prepared for and served by a public or private nonprofit establishment (approved by an appropriate State or local agency) that feeds such individuals and by private establishments that contract with the appropriate agency of the State to offer meals for such individuals at concessional prices. (r)(1) Except as provided in paragraph (2), “staple foods” means foods in the following categories:

(A) Meat, poultry, or fish.

(B) Bread or cereals.

(C) Vegetables or fruits.

(D) Dairy products.

(2) “Staple foods” do not include accessory food items, such as coffee, tea, cocoa, carbonated and un-carbonated drinks, candy, condiments, and spices.

7 CFR Part 271 General Information and Definitions: Staple food means those food items intended for home preparation and consumption in each of the following food categories: meat, poultry, or fish; bread or cereals; vegetables or fruits; and dairy products. Commercially processed foods and prepared mixtures with multiple ingredients shall only be counted in one staple food category. For example, foods such as cold pizza, macaroni and cheese, multi-ingredient soup, or frozen dinners, shall only be counted as one staple food item and will normally be included in the staple food category of the main ingredient as determined by FNS. Hot foods are not eligible for purchase with food stamps and, therefore, do not qualify as staple foods for the purpose of determining eligibility under §278.1(b)(1) of this chapter. Accessory food items including, but not limited to, coffee, tea, cocoa, carbonated and un-carbonated drinks, candy, condiments, and spices shall not be considered staple foods for the purpose of determining eligibility of any firm. However, accessory foods that are offered for sale in authorized retail food stores are eligible food items which may be purchased with food stamp benefits.

USDA FNS Policy: “Accessory food items include coffee, tea, cocoa, carbonated and un-carbonated drinks, candy, condiments and spices. All foods not identified as accessory in the Act and regulations must be considered staple foods”.

For further information contact: Eric J. Jabs, 816–659–8408 or Eric.J.Jabs@usda.gov.

Supplementary information: In the July 22, 2013 Federal Register (78 FR 43854), GIPSA announced the designation of East Indiana to provide official services under the USGSA, effective July 1, 2013 to June 30, 2016. Subsequently, East Indiana asked GIPSA to amend their designation to include official weighing services. Section 79a of the USGSA authorizes the Secretary to designate authority to perform official weighing to an agency providing official inspection services within a specified geographic area, if such agency is qualified under section 79 of the USGSA. GIPSA evaluated information regarding the designation criteria in section 79 of the USGSA and determined that East Indiana is qualified to provide official weighing services in their currently assigned geographic area.

East Indiana’s present designation is amended to include Class X or Class Y weighing within their assigned geographic area, effective July 29, 2013 to June 30, 2016.

Interested persons may obtain official services by contacting East Indiana at 765–744–6425.


Marianne Plaus, Acting Administrator, Grain Inspection, Packers and Stockyards Administration.

[FR Doc. 2013–20326 Filed 8–19–13; 8:45 am] BILLS CODE 3410–KD–P

DEPARTMENT OF AGRICULTURE

Grain Inspection, Packers and Stockyards Administration

Designation of Muncie (IN) To Provide Class X or Class Y Weighing Services

AGENCY: Grain Inspection, Packers and Stockyards Administration, USDA.

ACTION: Notice.

SUMMARY: GIPSA is announcing the designation of East Indiana Grain Inspection, Inc. (East Indiana) to provide Class X or Class Y weighing services under the United States Grain Standards Act (USGSA), as amended.

DATES: Effective Date: July 29, 2013.

ADDRESSES: Eric J. Jabs, Chief, USDA, GIPSA, FGIS, QACDJ, QADB, 10383 North Ambassador Drive, Kansas City, MO 64153.

FOR FURTHER INFORMATION CONTACT: Eric J. Jabs, 816–659–8408 or Eric.J.Jabs@usda.gov.

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East Indiana’s present designation is amended to include Class X or Class Y weighing within their assigned geographic area, effective July 29, 2013 to June 30, 2016.

Interested persons may obtain official services by contacting East Indiana at 765–744–6425.


Marianne Plaus, Acting Administrator, Grain Inspection, Packers and Stockyards Administration.

[FR Doc. 2013–20326 Filed 8–19–13; 8:45 am] BILLS CODE 3410–KD–P

DEPARTMENT OF AGRICULTURE

Grain Inspection, Packers and Stockyards Administration

Partial Cancellation of Fremont Grain Inspection Department Inc. Designation; Selection of Interim Provider; Opportunity for Designation in the Fremont, NE Area

AGENCY: Grain Inspection, Packers and Stockyards Administration, USDA.

ACTION: Notice.

SUMMARY: Fremont Grain Inspection Department, Inc. (Fremont) is designated to provide official inspection service through June 30, 2016, under the United States Grain Standards Act (USGSA), as amended. Fremont informed the Grain Inspection, Packers and Stockyards Administration (GIPSA) that it wanted to cancel its designation for part of their geographic area to include: Clay county (west of U.S. Route 71), Dickinson county (west of U.S.