

Supplemental Nutrition Assistance Program
Food Retailers and Wholesalers – Request for Administrative Review

OMB No. 0584-0520

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Justification

1. Explain the circumstances that make the collection of information necessary.

This is a revision of a currently approved information collection. 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), as codified under 7 CFR Parts 278 and 279, requires that the FNS determine the eligibility of retail food stores and certain food service organizations to participate in the SNAP. If a retail or wholesale firm is found to be ineligible by FNS, or is otherwise aggrieved by certain FNS action(s), that firm has the right to file a written request for review of the administrative action with FNS.

2. Indicate how, by whom, and for what purpose the information is to be used.

The Branch Chief of Administrative Review in FNS receives the letter requesting an administrative review and maintains it as part of the official review record. Once the request is received, the designated reviewer will adjudicate the appeals process and make a final determination regarding the aggrieved action. If the request for administrative review includes additional information, the reviewer will also consider that information along with the official FNS file.

3. Use of information technology and burden reduction.

FNS makes every effort to comply with the E-Government Act of 2002 by providing electronic submission in lieu of paper where feasible. This collection of information does not involve the

use of automated electronics. The request for administrative review is a formal memorandum, provided by the requestor, with an original signature.

4. Describe efforts to identify duplication.

There is no duplication involved with this data collection.

5. Impacts small businesses or other entities, describe any methods used to minimize burden.

There is no significant economic impact on small businesses or other small entities. A small business is treated like other firms in that only a written request for an administrative review is needed to obtain an administrative review.

6. Consequences if collection is not conducted or is conducted less frequently.

If this collection is not conducted, business would not get an opportunity to become eligible to participate in SNAP or appeal decisions made by FNS. Should a firm disagree with the decision by FNS, they would initiate a formal request only once. This request is a means for the respondents to initiate a formal review of the agency's decision on its determination of ineligibility to participate in the Supplemental Nutrition Assistance Program, or other certain aggrieved actions taken against the subject firm.

When a firm agrees with the decision by FNS, there would not be a request for an administrative review. The decision by FNS would stand in accordance with program policy.

7. Special Circumstances relating to the Guideline of 5 CFR 1320.5.

There are no special circumstances. The collection of information is conducted in a manner consistent with the guidelines in 5 CFR 1320.5.

8. Comments in Response to the Federal Register Notice and Efforts to Consult Outside Agency.

A 60-day public comment notice was published in the Federal Register on March 6, 2009, at 74 FR 9780, and no public comments were received in response to this notice.

There is no form associated with this information collection. Due to the nature of the information collected, persons outside the agency were not consulted to obtain their views on the reporting format, and on the data elements to be recorded, disclosed, or reported.

9. Explain any decision to provide any payment or gift to respondents.

We do not provide any payment or gifts to the respondents.

10. Describe any assurance of confidentiality provided to respondents.

The request for administrative review is considered to be a confidential part of the firm's FNS record which is protected by the SNAP regulations and Privacy Act. This information will not be disclosed to anyone but the analysts conducting this investigation, except as otherwise required by law.

The applications for authorization and the information contained on the application which contains the personal identifying information on retail and wholesale store owners and officers,

and/or owners and officers associated with other entities, and the request for an administrative review are located in FNS field and administrative offices throughout the United States and in a host computer database. The host computer server which contains the application and administrative review request information stored in the STARS database is located at the Benefit Redemption Systems Branch in Minneapolis, Minnesota.

The system of records USDA/FNS-9 Food Stamp Program Retailer Information contains personal information from owners and officers of firms and other entities currently participating in the Supplemental Nutrition Assistance Program, and those who have previously participated in the program. The following personal information regarding owners and officers is contained in the system: Name, home address, Social Security Number (SSN), and date of birth (DOB). The SSNs are collected only from owners of sole proprietorships, partnerships, principal shareholders of private corporations, and officers of cooperatives. Financial data (i.e., food sales, gross sales, and Supplemental Nutrition Assistance Program data) relative to each business entity currently authorized or previously authorized is also included in the STARS database.

This Notice was published in the Federal Register on April 12, 1999, Volume 64, Number 69 and is located on pages 17604-17606.

Section 9 of the Act, U.S.C. 2018, authorizes collection of the information on the application. Section 278.1(b) of the SNAP regulations provides for the collection of the owners' SSN, EIN and tax information.

11. Provide additional justification for any questions of a sensitive nature.

There are no questions of a sensitive nature required to be included in a request for an administrative review.

12. Provide estimates of the hour burden of the collection of information.

The estimated number of respondents is 589. There are 1.2 responses per respondent, and it is estimated that a response will take an average of 0.17 hours. The total annual reporting burden is estimated at 120 hours.

A. Table A.12.1 – Reporting Estimates of Hour Burden.

No. of Respondents	No. of Responses per Respondent	Total Annual Responses	Hours per Response	Total Annual Burden
589	1.2	707	0.17	120

B. Table A.12.2 – Annualized Cost to Respondents.

There are no forms involved. The respondent simply writes a letter requesting an administrative review. Their cost should be approximately \$49.89 per hour with a total annual cost to retailers estimated to be \$5,987. (General and Operations Managers @ \$49.89 x 120 = \$5,987).

For hourly cost estimation, we went to the Bureau of Labor Statistics (BLS) website at <http://www.bls.gov/oes/2007/May/oes111021.htm> and used the May, 2007 data which is the most recent data available from the National Compensation Survey: Occupational Wages in the

United States, May 2007, Industry-Specific Occupational Employment and Wage Estimates for Retail Trade. Within this group, we further used the Standard Occupational Classification code number 11-1021 – General and Operations Manager (<http://www.bls.gov/oes/current/oes111021.htm#nat>). Based on this data, the mean hourly wage estimate was \$49.89. This wage amount was used as our basis for computing total annual cost burden to the respondents, as it is the most current data provided by the BLS.

13. Estimates of Other Total Annual Cost Burden to Respondents or Record Keepers.

There are no capital/start-up or ongoing operation/maintenance costs associated with this information collection.

14. Provide estimates of annualized cost to the Federal government.

The cost to the Federal Government to read and respond to requests for administrative reviews is approximately 0.30 hours per response. Approximately 589 responses are made annually requiring approximately 177 hours at an estimated cost of \$10,180 to the Federal Government (589 respondent x 0.30 = 176.70 x \$57.61 [GS 14/6] = \$10,179.68). No other Federal costs are anticipated.

15. Explain the reasons for any program changes or adjustments.

This is a revision of a currently approved information collection. The previous burden reported was based on data from FY 2005. This submission utilized FY 2008 data to establish a more accurate account for this collection. As a result, there is a decrease in the number of

respondents from 652 to 589 which caused a reduction of 13 burden hours that is attributed to this adjustment.

16. Plans for tabulation and publication.

There are no plans for publication of this collection of information.

17. Approval to display or not display the OMB expiration date for the information collection.

The request for an administrative review does not involve any forms or other collection instruments.

18. Explain each exception to the certification statement identified in item 19.

There are no exceptions to this certification statement.