



Food and
Nutrition
Service

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September 11, 2020

To: Douglas S. Kantor
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Email: dkantor@steptoe.com
Telephone: 202-429-3775

Subject: U.S. Department of Agriculture, Food and Nutrition Service (FNS)
Supplemental Nutrition Assistance Program (SNAP)
Retailer Policy and Management Division
Retailer Administration Branch

Response to Comments:

60-Day Federal Register Notice SNAP Store Application Forms (FNS-252)
Docket: FNS-2020-00014
Comment Period End Date September 4, 2020

Dear Mr. Kantor:

Thank you for your response regarding the Federal Register Notice requesting comments on the proposed information collection for the Supplemental Nutrition Assistance Program (SNAP), Store Applications, Forms FNS-252, FNS-252-C, FNS-252-E, FNS-252-FE, FNS-252-R and FNS-252-2, published July 6, 2020.

The Food and Nutrition Service (FNS) acknowledges your request for further information regarding the SNAP Retailer Store Applications and appreciates your comments on September 4, 2020, about the proposed information collection. Due to a clerical error we failed to provide the information requested. FNS sincerely apologizes for this omission.

In your comments you state it appears that the Agency has not addressed comments provided on October 15, 2018; and you have resubmitted those comments regarding total retail sales percentages concerning gasoline and cold foods prepared on-site; and FNS' request for the precise number of staple food varieties.

FNS has carefully reviewed your resubmitted comments and it appears you have not reviewed the revised SNAP Retailer Application forms, which FNS implemented on January 31, 2019, and for which this information collection expires on January 31, 2021.

On November 27, 2018, FNS responded to your comments submitted on October 15, 2018. In our response, we acknowledged your concern around the gasoline sales category; however, gasoline sales are a key factor in understanding a stores business model.

We stated we would revise the application by adding a question “Do you sell gasoline” with a “yes: or “no” selection. We also stated we would remove gasoline as a stand-alone sale category in the application and will include it in the “Other Nonfoods” sales category which will consequently be updated to the sales category of “Nonfoods”.

FNS would also like to note that we have removed individual sales categories for alcohol, tobacco, and lottery.

FNS also clarified that the collection of the percentage of sales from cold foods prepared on-site is necessary for FNS to make a restaurant determination.

The question was revised from “cold prepared food” to “cold food prepared on-site to clarify the types of food that should be included in this sales category. While FNS did not make changes to FNS’ definition of hot and/or cold foods prepared on-site, as stated in our response of November 27, 2018, we revised the application instructions to clarify that percentages for these categories should only include prepared foods that are consumed on the premises or sold for carryout (i.e., foods not intended for home preparation or consumption).

Section 765 of the Omnibus Appropriate Act of 2018 which was signed into law prohibited the USDA from implementing the “Definition of “Staple Food” – Acceptable Varieties in the Four Staple Food Categories” provision of the 2016 final rule. As a result, the question related to staple food varieties for this information collection was modified to satisfy the prohibitions set forth in the Omnibus Appropriation Act of 2017 while still allowing flexibility for changes in minimum requirements should regulatory amendments adjust said provisions in the near future.

Thank you again for your comments.

Regards,

Shelly Pierce, Acting Division Director
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