

Justification for Change
OMB No. 0581-0055

April 2010

This Justification for Change request addresses Form ST 470, Exhibit A and Exhibit B text documents to be changed to a standardized form format. Currently approved Form ST 470, Exhibit A and Exhibit B of the Application for Plant Variety Protection were submitted as text allowing the applicant to use some form of a text-based document to meet the requirements of USC 2421, Sections 42 and 52 Title 11 of the United States Plant Variety Protection Act, and Part 97.5(b) and 97.6. Currently, the applicant would use their own methods for submitting the required information as part of the application. However, the submitted information was oftentimes inadequate and the application processing was delayed. We are asking OMB to change the current method of submitting the information of a text document to a standardized form format (Form ST 470-A: Application for Plant Variety Protection Certificate, Exhibit A – Breeding History, and Form ST 470-B: Application for Plant Variety Protection Certificate, Exhibit B – Statement of Distinctness).

There is no increase to the currently approved burden hours 642.60 (459 respondents @ 1.4 hours per response). Exhibits A and B are inclusive to the ST 470 which is already reported on AMS-71 spreadsheet.

Specific changes to each form are described below:

ST 470 A – Application for Plant Variety Protection Certificate, Exhibit A – Origin and Breeding History

The applicant will now use a table to answer the five main questions that are identified in the original text document. This table is separated into cells that will provide better guidance as to how they are to submit their evidence. The applicant is also given the option to continue on additional pages should there be a need.

- Row 1--The applicant is asked to describe the genealogy.
- Row 2--Designed so that the applicant can give details of subsequent stages of selection and multiplication. This row also contains three sub-cells that allow the applicant to provide the following: year, detail of stage, and selection criteria.
- Row 3--Asks if the variety is uniform and the method of testing for uniformity.
- Row 4--Asks if the variety is stable and the method and timeframe for testing stability.
- Row 5--Asks if the genetic variants observations during reproduction and multiplications. If yes, then the applicant should state how these variants may be identified, their type and frequency.

Detailed instructions for describing the genealogy of the applicant variety are included in the instruction section of this exhibit.

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ST 470 B – Application for Plant Variety Protection Certificate, Exhibit B – Statement of Distinctness

The applicant will now use a table to describe the differences between the applicant variety and the most similar variety. There are specific guidelines to ensure that the information submitted is complete and detailed enough for the examiner to determine distinctness. The structure for this form is as follows:

- Row 1--Contains an example of how to fill out the cells.
- Rows 2, 4, 6 and 8--Contain the titles for each column in the table. The last cell on each row is for the applicant to provide the location of evidence.
- Row 3--The applicant to provide the qualitative traits for both the applicant new variety and the comparison variety.
- Row 5--The applicant to provide any color traits used to show distinctness.
- Row 7--The applicant to provide the quantitative traits.
- Row 9--Used for other traits including disease reactions and molecular techniques.

Detailed instructions for describing the way in which to include evidence of distinctness are included in the instruction section of this exhibit.

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