

2012 SUPPORTING STATEMENT

Application for Plant Variety Protection Certificate and Objective Description of Variety OMB Number: 0581-0055

A. Justification:

1. EXPLAIN THE CIRCUMSTANCES THAT MAKE THE COLLECTION OF INFORMATION NECESSARY. IDENTIFY ANY LEGAL OR ADMINISTRATIVE REQUIREMENTS THAT NECESSITATE THE COLLECTION.

The Plant Variety Protection Act (PVPA, approved December 24, 1970; 84 Stat. 1542, 7 U.S.C. 2321 et seq.) was established to encourage the development of novel varieties of sexually-reproduced plants and make them available to the public, providing intellectual property rights (IPR) protection to those who breed, develop, or discover such novel varieties, and thereby promote progress in agriculture in the public interest. Regulations implementing the PVPA appear at 7 CFR part 92.

The PVPA is a voluntary user funded program which grants intellectual property ownership rights to breeders of new and novel seed-and-tuber-reproduced plant varieties. To obtain these rights the applicant must provide information which shows the variety is eligible for protection and that it is indeed new, distinct, uniform, and stable as the law requires. Application forms and descriptive forms are furnished to applicants to identify the information which is required to be furnished by the applicant in order to legally issue a certificate of protection (ownership).

Form ST-470, Application for Plant Variety Protection Certificate and the Forms ST-470 series, Objective Description of Variety (Exhibit C), and Form ST-470-E are the basis by which the determination, by experts in the Plant Variety Protection Office (PVPO), is made as to whether a novel variety in fact exists and is entitled to protection. In addition, the applicant must submit Exhibit A, Breeding History, Exhibit B, Statement of Distinctness, and if needed Exhibit D (optional), Additional Descriptive Information. Exhibit D is an optional free form document which is used to provide additional information relating to the breeding history.

Additional forms are needed to collect payment for services (Form ST 471), deposit seed/voucher samples to the National Center for Genetic Resources Preservation (Form ST 472), and the Recordation Form (Form ST-473) used to collect changes in ownership, contact information, security interest, variety name and certified seed options.

2. INDICATE HOW, BY WHOM, AND FOR WHAT PURPOSE THE INFORMATION IS TO BE USED. EXCEPT FOR A NEW COLLECTION, INDICATE THE ACTUAL USE THE AGENCY HAS MADE OF THE INFORMATION RECEIVED FROM THE CURRENT COLLECTION.

Application for Plant Variety Protection Certificate (ST-470) is provided for the applicant to give their name, the variety name they wish to use, their address, and phone number for contact or correspondence. The form also requests the scientific botanical classification which the variety falls in to make it possible to compare their variety with other varieties in the same genus and species. The crop kind is requested as a check on the correctness of the scientific classification. In cases where the scientific classification is incorrect or questionable, we can assist the applicant in correcting the classification.

The name and type of organization as well as the state and date of incorporation is requested to fully identify the organization requesting the ownership rights. The applicant may choose to have a representative within the organization or outside the organization act as an agent to receive all papers. This information is requested to allow the office to correspond with the person the applicant wishes to have as their agent. The applicant can choose to have his/her variety sold by variety name only as class of certified seed and to limit the number of generations beyond breeder's seed which can be recognized. This information is requested as an aid to the applicant. Varieties become ineligible for protection 4 years after their sale in a foreign country or 1 year after their sale or use in the United States. The applicant is requested to furnish information which shows that the variety is eligible based on first use or sale. A checklist of items which are required to file the application is listed on the ST 470 application form to assist the applicant in filing a complete application. Instructions for filing an application are included on the form 1 and are also located on the Internet at <http://www.ams.usda.gov/pvpo>. The application must be signed by the applicant verifying that they consider the information furnished to be true and correct.

Objective Description of Variety (Exhibit C, ST-470 series) – This is a description of the variety in a standard format so that it can be compared to all other varieties of that kind (genus and species). The ST-470 series consist of 102 forms based on the crop kind (a list is provided as a supplemental along with a sample form). The data elements include but not limited to:

1. qualitative traits:
 - a. crop kind
 - b. genus and species
 - c. growing conditions
 - d. plant habits
 - e. leaf shape, etc
2. quantitative traits:
 - a. maturity (from seeding, transplanting, and pack trials)
 - b. plant,
 - c. leaves
 - d. inflorescence
 - e. individual floret
 - f. individual fruit
 - g. seeds
 - h. other
3. Plant colors
4. Disease, insect and environment resistance
5. References

6. Comments

Since a standard format is used to collect the information on these forms, burden hours are averaged and submitted as the ST-470 series of form. Two new forms under the Exhibit C, ST-470 series are:

1. Asparagus (Form ST 470-106 – Objective Description of Variety – Asparagus)
2. Cornsalad (Form ST-470-107- Objective Description of Variety – Cornsalad or Lamb's Lettuce)

Statement of the Basis of Ownership (Exhibit E, ST-470-E) provides information useful in determining the basis of the applicant's ownership of the variety. This exhibit has been included in the ST 470 Application for Certificate of Protection.

Declaration Regarding Deposit (Exhibit F, ST-470-F) is no longer needed since the applicant must sign the ST 470 where this declaration is included.

All of the above information is collected from the applicant to be evaluated by examiners to determine if the variety is eligible for protection under the PVPA. If this information were not collected there would be no basis for issuing certificates of protection, and no way for applicants to request protection.

Request for Credit Card Services (Form ST 471), is used to authorize PVPO to collect payment by credit card for services requested by users of this fee-for-service program. It guides the requestor in providing sufficient details regarding the service to be performed so that PVP Office staff knows how to apply the payment.

National Center for Genetic Resources Preservation Deposit Form for Plant Variety Protection Voucher Sample (Form ST 472), is used to obtain the necessary information to deposit a PVP voucher sample. A deposit of a voucher specimen of the variety is a requirement for consideration of a Certificate of Protection. The applicants may submit their voucher samples directly to the National Center for Genetic Resources Preservation (NCGRP).

Recordation Form (Form ST-473), is used to record changes in ownership, contact information, assignment, security interest, variety name, and certified seed options, thus allowing for the best possible usefulness of that information. It is important that the ownership, contact information, and any encumbrances against PVP Certificates are recorded within the PVP Office in order to be able to maintain the current contact information for the owner in order to prevent cancellation of their intellectual property rights

The information submitted by the applicant is confidential until a certificate of protection is issued and then the information becomes public and can be requested by anyone.

3. DESCRIBE WHETHER, AND TO WHAT EXTENT, THE COLLECTION OF INFORMATION INVOLVES THE USE OF AUTOMATED, ELECTRONIC,

MECHANICAL, OR OTHER TECHNOLOGICAL COLLECTION TECHNIQUES OR OTHER FORMS OF INFORMATION TECHNOLOGY, E.G. PERMITTING ELECTRONIC SUBMISSION OF RESPONSES, AND THE BASIS FOR THE DECISION FOR ADOPTING THIS MEANS OF COLLECTION. ALSO DESCRIBE ANY CONSIDERATION OF USING INFORMATION TECHNOLOGY TO REDUCE BURDEN.

The ST-470 series forms are currently available for printing on the PVPO website (<http://www.ams.usda.gov/pvpo>) using a standard .pdf file format. The applicant is required to submit an original signature on the application form and must mail the original to the PVPO prior to consideration for a Certificate of Protection. Due to the confidential nature of the information contained in the application and no secure signature solution has been implemented, PVPO does not accept electronic submission for the ST-470 series form. However, to reduce time and burden, applicants can request forms and submit questions or responses to letters electronically via electronic mail.

We are currently working with a vendor to create a website for applicants so they can complete the application process and submit the forms electronically.

4. DESCRIBE EFFORTS TO IDENTIFY DUPLICATION. SHOW SPECIFICALLY WHY ANY SIMILAR INFORMATION ALREADY AVAILABLE CANNOT BE USED OR MODIFIED FOR USE FOR THE PURPOSE(S) DESCRIBED IN ITEM 2 ABOVE.

The PVPO verifies information that is used in the office from publications. However, the applicant is the only person who may furnish requests, including the required information, for applications for protection or for changes on applications. The PVPO has constantly improved their computer technology and efficiency, but this will not affect requirements for information from applicants. Since the application and request for a certificate can be accepted only from the applicant there is no other legal source for the information. Since the certificate can only be issued on the basis of the applicant's description, other public information cannot be substituted.

The information is from the applicant and at their discretion. There is no other source of this information since it identifies what the applicant wants protected, and any changes they want in the application, which are not permitted without their instruction. There is no known duplication of information burden.

5. IF THE COLLECTION OF INFORMATION IMPACTS SMALL BUSINESSES OR OTHER SMALL ENTITIES (ITEM 5 OF THE OMB FORM 83-1), DESCRIBE THE METHODS USED TO MINIMIZE BURDEN.

The Small Business Administration defines, in 13 CFR Part 121, small agricultural producers as those having annual receipts of no more than \$750,000 and small agricultural service firms (first handlers and importers) as those having annual receipts of no more than \$6.5 million. Under these definitions, the majority of producers, first handlers, and importers that would be affected

are considered large entities. We have estimated the number of respondents for this collection is 76, and we estimate that less than 2 percent are considered small businesses.

Information collection requirements have been reduced to the minimum requirements of the application for certificate of protection. The primary sources of information used to complete the required forms are readily available from normal business records maintained by the developer. Thus, the information collection and reporting burden is relatively small, and requiring the same reporting requirements for all first handlers and producers does not significantly disadvantage any first handler or producer that is smaller than the industry average.

6. DESCRIBE THE CONSEQUENCE TO FEDERAL PROGRAM OR POLICY ACTIVITIES IF THE COLLECTION IS NOT CONDUCTED OR IS CONDUCTED LESS FREQUENTLY, AS WELL AS ANY TECHNICAL OR LEGAL OBSTACLES TO REDUCING BURDEN.

If information collection was not conducted, applicants would not be able to obtain the protection that the PVPA is intended to provide. If information were collected less frequently, some applicants would be unable to make application at the appropriate point in the development history of their variety as specified by the Act, which could result in denying protection to some applicants.

7. EXPLAIN ANY SPECIAL CIRCUMSTANCES THAT WOULD CAUSE ANY INFORMATION COLLECTION TO BE CONDUCTED IN A MANNER:

- REQUIRING RESPONDENTS TO REPORT INFORMATION TO THE AGENCY MORE OFTEN THAN QUARTERLY;

Applicants report information to the office voluntarily at the applicant's discretion. There is no specific schedule, applications are submitted and accepted at any time. Applicants often have more than one application in progress.

- REQUIRING RESPONDENTS TO PREPARE A WRITTEN RESPONSE TO A COLLECTION OF INFORMATION IN FEWER THAN 30 DAYS AFTER RECEIPT OF IT;

In the case of incomplete or incorrect applications, the applicant must respond to requests from the office for additional information within timeframes specified in the rules and regulations. Deadlines for some types of applicant responses to office information requests are 30 days; therefore, in some cases (especially where multiple applications are in progress) more than one response may be required in a single quarter. This is variable and depends on the specific nature of each individual application. The Rules and Regulations of the Plant Variety Protection Act require applicants to respond within a 30-day time period to requests for clarification of information on the application (7 CFR 97.20) or payment of the certificate (7 CFR 97.104).

- **REQUIRING RESPONDENTS TO SUBMIT MORE THAN AN ORIGINAL AND TWO COPIES OF ANY DOCUMENT;**

The collection of information is conducted in a manner consistent with the guidelines in 7 CFR Part 97.

- **REQUIRING RESPONDENTS TO RETAIN RECORDS, OTHER THAN HEALTH, MEDICAL, GOVERNMENT CONTRACT, GRANT-IN-AID, OR TAX RECORDS FOR MORE THAN 3 YEARS;**

The collection of information is conducted in a manner consistent with the guidelines in 7 CFR Part 97. Otherwise, this is not a requirement.

- **IN CONNECTION WITH A STATISTICAL SURVEY, THAT IS NOT DESIGNED TO PRODUCE VALID AND RELIABLE RESULTS THAT CAN BE GENERALIZED TO THE UNIVERSE OF STUDY;**

The collection of information is conducted in a manner consistent with the guidelines in 7 CFR Part 97. Otherwise, this is not a requirement.

- **REQUIRING THE USE OF A STATISTICAL DATA CLASSIFICATION THAT HAS NOT BEEN REVIEWED AND APPROVED BY OMB;**

The collection of information is conducted in a manner consistent with the guidelines in 7 CFR Part 97. Otherwise, this is not a requirement.

- **THAT INCLUDES A PLEDGE OF CONFIDENTIALITY THAT IS NOT SUPPORTED BY AUTHORITY ESTABLISHED IN STATUE OR REGULATION, THAT IS NOT SUPPORTED BY DISCLOSURE AND DATA SECURITY POLICIES THAT ARE CONSISTENT WITH THE PLEDGE, OR WHICH UNNECESSARILY IMPEDES SHARING OF DATA WITH OTHER AGENCIES FOR COMPATIBLE CONFIDENTIAL USE; OR**

The collection of information is conducted in a manner consistent with the guidelines in 7 CFR Part 97. Otherwise, this is not a requirement.

- **REQUIRING RESPONDENTS TO SUBMIT PROPRIETARY TRADE SECRET, OR OTHER CONFIDENTIAL INFORMATION UNLESS THE AGENCY CAN DEMONSTRATE THAT IT HAS INSTITUTED PROCEDURES TO PROTECT THE INFORMATION'S CONFIDENTIALITY TO THE EXTENT PERMITTED BY LAW.**

The collection of information is conducted in a manner consistent with the guidelines in 7 CFR Part 97.

8. IF APPLICABLE, PROVIDE A COPY AND IDENTIFY THE DATE AND PAGE NUMBER OF PUBLICATION IN THE FEDERAL REGISTER OF THE AGENCY'S NOTICE, REQUIRED BY 5 CFR 1320.8(d), SOLICITING COMMENTS ON THE INFORMATION COLLECTION PRIOR TO SUBMISSION TO OMB. SUMMARIZE PUBLIC COMMENTS RECEIVED IN RESPONSE TO THAT NOTICE AND DESCRIBE ACTIONS TAKEN BY THE AGENCY IN RESPONSE TO THESE COMMENTS. SPECIFICALLY ADDRESS COMMENTS RECEIVED ON COST AND HOUR BURDEN.

On May 30, 2012, Vol. 77 No. 104, page 31828-31829, the agency published the notice of information collection and request for comments in the Federal Register.

PVPO received a total of eight comments from industry. The first comment was inquiring about the proposed ST 470 combined form which included Exhibits A, B, and E. The respondent was notified by phone and email to explain that the form was not ready to provide to the public but would be made available once approved by OMB.

The other seven respondents were from The Netherlands-potato breeders. Their comments briefly discussed the proposed ST 470 application. However, most of the comments were about the current ST 470, Exhibit C, Objective Description of Variety-Potato. In the 1996 Farm Bill the Plant Variety Protection Act (PVPA) was amended to allow for protection of tuber propagated plants (potatoes). The PVPA does not allow for grow-out trials, like they do in most other UPOV countries – esp. the EU. The office requires an Exhibit C in order to confirm distinctness of the variety against other older varieties at the time of filing (Section 42(a)(2)) using crop databases. The PVPA allows for the collection of information in accordance with Section 52(2) which states applicants must provide a description of the variety for distinctiveness, uniformity, and stability, and of the genealogy and breeding procedure when known.

The potato form was designed in the mid 1990's by the potato examiner and the U.S. Potato industry after the 1996 amendment. Since that time efforts have been made to incorporate some of the UPOV traits into the U.S. form such as the design of tests, and light sprout data. In comparison of both PVPO and UPOV forms, most of the differences between the forms have to do with quantitative measurements. The UPOV form does not ask for the applicant to measure the size or number of any parts of the plant. The UPOV technical form asks 11 light sprout questions versus the US form asks ten questions. The UPOV potato technical form asks 42 questions. The USA potato form asks 109 questions but 20 of those questions have to do with disease and insect resistance and molecular markers not asked in the UPOV form.

The current PVPO potato examiner is in constant communication with the potato breeders in The Netherlands in an effort to 1) collect the needed information to determine distinctness and 2) to remind them that our US law does not require the PVPO to do grow out trails and therefore, the need for the applicants to submit certain data is required.

-- DESCRIBE EFFORTS TO CONSULT WITH PERSONS OUTSIDE THE AGENCY TO OBTAIN THEIR VIEWS ON THE AVAILABILITY OF DATA, FREQUENCY OF

COLLECTION, THE CLARITY OF INSTRUCTIONS AND RECORDKEEPING, DISCLOSURE, OR REPORTING FORMAT (IF ANY), AND ON THE DATA ELEMENTS TO BE RECORDED, DISCLOSED OR REPORTED.

PVPO corresponded with The Regents of the University of California in June 2009 about creating a form specific to asparagus. In addition, PVPO corresponded with Andrea Schieder and Aernoudt Aardse at Enza Zaden in December 2009 and John Schoenecker, Director Intellectual Property, at Harris Moran Seed Company in March 2011 about the development of the Cornsalad form. Other discussions on the contents of the Exhibit C forms were with Steve Anderson, Stephen Smith, and Brad Hall at Pioneer Hi-Bred International, Inc., Dana Rewoldt at Syngenta Crop Protection AG, and Tim Kain at Monsanto Technology LLC and the ASTA Corn Variety Identification Subcommittee.

The applicants provide recommendations for changes to the application form along with the exhibits to the PVPO which is often reviewed and determined if the recommendations warrant a change to the forms..

In addition, PVPO Advisory Board members reviewed the contents of the ST 470 Application for Plant Variety Protection and determined certain information needed to be clearer to the applicant. One of the major changes to the 470 form was clarifying the applicant's option to state if the seed is a certified seed. The word "only" and the option "undecided" was added to item 20 of the application form. The changes did not affect the number of burden hours needed to complete the form. The Board met in September and December 2008, May 2011, and this new board met April 2012. The PVPO Board is mandated by section 7 of the Plant Variety Protection Act to advise the Secretary of Agriculture on the adoption of new rules and regulations, make advisory decisions on appeals from applicants and advise on declaring a protected variety open to public use in emergencies. The Board was established by Congress in 1970 and includes farmers, representatives of the seed industry, and public and private plant breeders. Members of the current Board who have made contribution to the development and changes to the PVPO Application for a Certificate of Protection include:

June D. Blalock

Technology Licensing Program Coordinator
USDA, ARS, Office of Technology Transfer

Robert Bowman

Iowa Farmer

Kent J. Bradford

Professor
University of California, Davis

Leticia Cabrera

Assistant Professor
Iowa Western Community College

Stephen J. Callistein

Senior Intellectual Property Counsel
Pioneer Hi-Bred International, Inc.

Jonathan N. Egilla

Horticulturist/Asst Professor
Lincoln University of Missouri

Dr. John C. Gardner

Vice President of Research and Economic
Development, University of Missouri

Phil J. Haynie

Farmer

Patrick J. Kole

Kristine L. Mantey

Vice President of Legal and Government
Affairs, Idaho Potato Commission

Sr. Regulatory Specialist
ArborGen LLC

Corinne K. Marshall
Intellectual Property and Compliant
Coordinator
Sakata Seed America, Inc.

Salomon Montano
New Mexico Farmer

John H. Nelsen
President and CEO
RiceTec, Inc.

Katherine E. White
Professor of Law
Wayne State University Law School

-- CONSULTATION WITH REPRESENTATIVES OF THOSE FROM WHOM INFORMATION IS TO BE OBTAINED OR THOSE WHO MUST COMPILE RECORDS SHOULD OCCUR AT LEAST ONCE EVERY 3 YEARS – EVEN IF THE COLLECTION OF INFORMATION ACTIVITY IS THE SAME AS IN PRIOR PERIODS. THERE MAY BE CIRCUMSTANCES THAT MAY PRECLUDE CONSULTATION IN A SPECIFIC SITUATION. THESE CIRCUMSTANCES SHOULD BE EXPLAINED.

9. EXPLAIN ANY DECISION TO PROVIDE ANY PAYMENT OR GIFT TO RESPONDENTS, OTHER THAN REMUNERATION OF CONTRACTORS OR GRANTEES.

No payments or gifts have been provided to respondents.

10. DESCRIBE ANY ASSURANCE OF CONFIDENTIALITY PROVIDED TO RESPONDENTS AND THE BASIS FOR THE ASSURANCE IN STATUTE, REGULATION, OR AGENCY POLICY.

With specific exceptions, the information received on applications is required by law to remain confidential until a certificate is issued.

Credit card information is destroyed once the credit card has been processed.

Procedures for handling credit card transactions.

1. After receiving the credit card payment request, the PVP Program Analyst will notify the PVP Examiner to determine if the fees to be charged are valid.
2. Once a determination has been made that the fees are valid, a record of the transaction is made in a Microsoft Access database listing the following 12 fields: Agency Tracking ID, Date, Processor, Applicant/Company Name, Payer, Services, Services2, Services3, Examiner, Amount, Confirmation Number, Comments, and Problems.

- (Only the tracking ID, date, processor, company, payer, and services information is recorded at this time.)
3. The credit card payment is processed through the Pay.Gov system via secure internet connection (no credit card numbers or other sensitive information is stored on any PVPO computer).
 4. Once the transaction is completed through the Pay.gov system, an email is sent with a confirmation notice "Payment of Receipt" to the credit card requestor (cardholder) and PVP Examiner.
 - The receipt contains the confirmation number, cardholder name, billing address, city, state, zip, card type, last four digits of card number, expiration date, payment amount, transaction date, and agency memo which contains the reason for the transaction. Only the last four digits of the credit card is exposed at any time.
 5. The analyst records the confirmation number in the database and notes any problems.
 6. The analyst marks out the credit card information from the document.
 7. The analyst makes a copy of the marked through request form to pay for services.
 8. A copy of the form is given to the PVP examiner for inclusion in the PVP application file.
 9. A copy of the form is filed in secure locked location at the PVPO. (No credit card information is kept on the form.)

Physical and Environmental Protection

PVPO is located in the National Agricultural Library (NAL) and a uniformed security guard is posted at all entrances to the building. Employees must wear their employee ID while in the building. Visitors are escorted through the building by the individual office representatives. Access to the PVPO Office is restricted during non-work hours by electronic security cards. During work hours, an administrative support staff monitors the entrance to the office, and the rear door is securely locked. All office entrances are kept locked after office hours.

Other confidential information is kept with the application and is destroyed when the records are destroyed. Only the application and Certificate of Protection is made public when the certificate is issued, unless otherwise directed under the Freedom of Information Act.

11. PROVIDE ADDITIONAL JUSTIFICATION FOR ANY QUESTIONS OF A SENSITIVE NATURE, SUCH AS SEXUAL BEHAVIOR AND ATTITUDES, RELIGIOUS BELIEFS, AND OTHER MATTERS THAT ARE COMMONLY CONSIDERED PRIVATE. THIS JUSTIFICATION SHOULD INCLUDE THE REASONS WHY THE AGENCY CONSIDERS THE QUESTIONS NECESSARY, THE SPECIFIC USES TO BE MADE OF THE INFORMATION, THE EXPLANATION TO BE GIVEN TO PERSONS FROM WHOM THE INFORMATION IS REQUESTED, AND ANY STEPS TO BE TAKEN TO OBTAIN THEIR CONSENT.

There are no sensitive questions, as the information requested is self-generated by the respondent, and relates only to the application for PVP or changes requested to be made to the application. Information requested on forms is not sensitive and all information is voluntary.

12. PROVIDE ESTIMATES OF THE HOUR BURDEN OF THE COLLECTION OF INFORMATION. THE STATEMENT SHOULD:

- **INDICATE THE NUMBER OF RESPONDENTS, FREQUENCY OF RESPONSE, ANNUAL HOUR BURDEN, AND AN EXPLANATION OF HOW THE BURDEN WAS ESTIMATED. UNLESS DIRECTED TO DO SO, AGENCIES SHOULD NOT CONDUCT SPECIAL SURVEYS TO OBTAIN INFORMATION ON WHICH TO BASE HOUR BURDEN ESTIMATES. CONSULTATION WITH A SAMPLE (FEWER THAN 10) OF POTENTIAL RESPONDENTS IS DESIRABLE. IF THE HOUR BURDEN ON RESPONDENTS IS EXPECTED TO VARY WIDELY BECAUSE OF DIFFERENCE IN ACTIVITY, SIZE, OR COMPLEXITY, SHOW THE RANGE OF ESTIMATED HOUR BURDEN, AND EXPLAIN THE REASONS FOR THE VARIANCE. GENERALLY, ESTIMATES SHOULD NOT INCLUDE BURDEN HOURS FOR CUSTOMARY AND USUAL BUSINESS PRACTICES.**
- **IF THIS REQUEST FOR APPROVAL COVERS MORE THAN ONE FORM, PROVIDE SEPARATE HOUR BURDEN ESTIMATES FOR EACH FORM AND AGGREGATE THE HOUR BURDENS IN ITEM 13 OF OMB FORM 83-1.**
- **PROVIDE ESTIMATES OF ANNUALIZED COST TO RESPONDENTS FOR THE HOUR BURDENS FOR COLLECTIONS OF INFORMATION, IDENTIFYING AND USING APPROPRIATE WAGE RATE CATEGORIES. THE COST OF CONTRACTING OUT OR PAYING OUTSIDE PARTIES FOR INFORMATION COLLECTION ACTIVITIES SHOULD NOT BE INCLUDED HERE. INSTEAD, THIS COST SHOULD BE INCLUDED IN ITEM 14.**

The number of respondents, frequency of response, and annual burden for each information collection requirement, as well as totals, are shown in the attached AMS Form 71.

An estimated 76 respondents are actively engaged in seed commerce and maintain records required by the FSA regulations.

Seed certifying agencies require the originator, developer, or owner of a seed variety to make specified information available when eligibility for certification is requested. There are approximately 350-530 applications for protection per year. The Association of Official Seed Certifying Agencies (AOSCA) estimates that it takes approximately 2.5 staff-hours for each application submitted for protection. Geneticists, plant breeders, and other crop scientists would be involved with the submission of this information, at an estimated cost of \$36.31 per hour. The respondents' estimated annual cost of providing information is approximately \$88,414.85. This total has been estimated by multiplying 2,435 (total burden hours) by \$36.31.

Data computation of the hourly wage was obtained from the U.S. Department of Labor Statistic's publication, "National Compensation Survey: Occupational Earnings in the United States, 2010, published May 2011 (Bulletin 2753), Table 4 Full-time1 private industry workers: Mean and

median hourly, weekly, and annual earnings and mean weekly and annual hours This publication can also be found at the following website: <http://www.bls.gov/ncs/ocs/sp/nctb1478.pdf>

13. PROVIDE AN ESTIMATE OF THE TOTAL ANNUAL COST BURDEN TO RESPONDENTS OR RECORD KEEPERS RESULTING FROM THE COLLECTION OF INFORMATION.

There is no capital, startup, operating or maintenance costs associated with this program.

14. PROVIDE ESTIMATES OF ANNUALIZED COST TO THE FEDERAL GOVERNMENT. ALSO, PROVIDE A DESCRIPTION OF THE METHOD USED TO ESTIMATE COST, WHICH SHOULD INCLUDE QUANTIFICATION OF HOURS, OPERATION EXPENSES (SUCH AS EQUIPMENT, OVERHEAD, PRINTING, AND SUPPORT STAFF), AND ANY OTHER EXPENSE THAT WOULD NOT HAVE BEEN INCURRED WITHOUT THIS COLLECTION OF INFORMATION. AGENCIES ALSO MAY AGGREGATE COST ESTIMATES FROM ITEMS 12, 13, AND 14 IN A SINGLE TABLE.

All costs to the Federal Government are supported by user fees paid by the respondents. Fees are adjusted by regulation on an as needed basis to support any increased costs within the Federal Government.

The annual budget of the PVPO is approximately \$2.5 million. Approximately 85 % of budget is devoted to processing applications and associated material or providing information to respondents resulting in an annual cost of \$2,443,824 distributed as:

Salary and Benefits	\$ 1,989,557
Travel	38,000
Transportation of Things	100
Rent and Expenses	145,000
Printing and Reproduction	0
Agreements and Training	241,167
Supplies and Materials	30,000
Equipment	<u>0</u>
Total	\$ 2,443,824

15. EXPLAIN THE REASON FOR ANY PROGRAM CHANGES OR ADJUSTMENTS REPORTED IN ITEMS 13 OR 14 OF THE OMB FORM 83-1.

With this submission the number of respondents has decreased from 85 to 76, yet the number of responses per these respondents increased because some applicants submitted more than one application to the office for certification along with two new forms being added, increasing burden by 355 hours. However, the increase in responses (per respondent) was offset by the discontinuation of Exhibit F and fewer responses for a letter requesting an Extension of Time for a Reply resulting in an overall decrease of -475 responses.

Two new forms were introduced to this package. We have received applications in **Asparagus** (ST 470-106 – Objective Description of Variety – Asparagus) and **Cornsalad** (ST 470-107 – Objective Description of Variety – Cornsalad). In both cases, the description provided by the applicant was not adequate for examination. The new forms provide more guidance to applicants about what traits needed to be described for these crops, and standardize the way in which the data is reported.

REG NO.	REASON	PREVIOUS BURDEN	NEW BURDEN	DIFFERENCE	TYPE OF CHANGE
USC 2421 97.5(b) 97.6	Inc. in f Applications & incld. Ex. E	642.60	795	+152.40	A
97.5(b)(2)	Ex. E burden included in ST 470 Application	45.90	0	-45.90	A
97.6(d)(1)(2)	Ex F-obsolete included in ST 470 Application	38.10	0	-38.10	A
USC 2422 97.5(c), 97.9, 97.10	Inc. in # of Applications & 2 new exhibits added	878.62	1,014.53	+135.91	A
97.21	Dec in.# of apps requiring extensions	60.00	1.10	-58.90	A
97.22	Dec in # of requests to Revive an appl.	2.00	1.00	-1.00	A
97.23	Dec in # of requests Voluntary Withdrawals	1.00	.50	-.50	A
97.156	Inc. in # of Recordations	3.00	7	+4.00	A
USC 2426 97.6 and 97.7	Inc. in applications. ST-472	127.50	265.00	138..50	A
USC 2471 97.175	Dec. in Respondents for cr. Card req.	112.50	88.50	-24	A
97.101	Inc. in freq. of	155.50	175	+19.50	A

	Responses Not. Of Allowance				
USC 2485 97.130	Inc. in the # of Respond	12.50	86.50	+74	A
		Total		+355	

A = Adjustment

16. FOR COLLECTIONS OF INFORMATION WHOSE RESULTS WILL BE PUBLISHED, OUTLINE PLANS FOR TABULATION, AND PUBLICATION. ADDRESS ANY COMPLEX ANALYTICAL TECHNIQUES THAT WILL BE USED. PROVIDE THE TIME SCHEDULE FOR THE ENTIRE PROJECT, INCLUDING BEGINNING AND ENDING DATES OF THE COLLECTION OF INFORMATION, COMPLETION OF REPORT, PUBLICATION DATES, AND OTHER ACTIONS.

Information from the Application for Plant Variety Protection on crop kind, applicant name, variety name, and whether the variety must be sold as a class of certified seed is published electronically on the departmental homepage. No other material may be published without permission of the respondent until the certificate is issued. Descriptive information from the Objective Description of Variety is published electronically on the departmental homepage after the certificate is issued. No analytical techniques are employed for any of the publications.

17. IF SEEKING APPROVAL TO NOT DISPLAY THE EXPIRATION DATE FOR OMB APPROVAL OF THE INFORMATION COLLECTION, EXPLAIN THE REASONS THAT DISPLY WOULD BE INAPPROPRIATE.

If forms were to be discarded because of outdated OMB expiration date, but otherwise usable, it would result in higher printing cost to the Federal Government. Therefore, we are seeking approval to not display the OMB expiration date on the forms.

18. EXPLAIN EACH EXCEPTION TO THE CERTIFICATION STATEMENT IDENTIFIED IN ITEM 19, "CERTIFICATION FOR PAPERWORK REDUCTION ACT SUBMISSIONS," OF OMB FORM 83-1.

No exceptions are requested to the certification statement identified in item 19.

18 B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

Statistical methods are not used in the collection of information and the information is not statistically analyzed.