

## 2015 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, 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 aide 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 Application for Plant Variety Protection 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 107 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.

**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.

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/Debit Card Services** (Form ST 471), is used to authorize PVPO to collect payment by credit or debit cards 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. There has been an increase in the number of requests submitted by the applicant since the last approval.

**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 and to notify the office of changes to the owner of the issued certificate. This form has been revised to include definition of terms (described above) to help the applicant to submit the proper request for changes and the cost for those changes.

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. However, only the applicant or the new owner can request changes to the certificate with documentation.

PVPO has worked with a vendor to create a website for applicants so they can complete the application process and submit the forms online and respond to requests for more information electronically. The new online system is not ready for production at this time.

**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 complete and submit a signed application form along with all exhibits listed on the application form which can be mailed or faxed using our secure fax line to the PVPO prior to consideration for a Certificate of Protection. In addition, applicants can send their questions and/or responses to inquiries from the PVP office by email to [PVPOmail@ams.usda.gov](mailto:PVPOmail@ams.usda.gov).

**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 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.

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.

**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 86, 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 Plant Variety Protection 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 (PVPA) 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 June 17, 2015, Vol. 80, No. 116, page 34606, the agency published the notice of information collection and request for comments in the Federal Register.

PVPO received a total of two comments which were not related to the purpose for this notice of information collection. In addition, the comments did not have anything to do with the purpose of the office which is governed by the Plant Variety Protection Act (PVPA).

**-- 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.**

The Plant Variety Protection Act provides for a "Plant Variety Protection Board" to be appointed by the Secretary of Agriculture. The duties of the Board are to: (1) advise the Secretary concerning the adoption of rules and regulations to facilitate the proper administration of the Act; (2) make advisory decisions for the Secretary on appeals concerning decisions on applications by the Plant Variety Protection Office (PVPO) and on requests for emergency public-interest compulsory licenses; and (3) advise the Secretary on any other matters under the rules and regulations. The current board includes:

Member	Title	Organization
June D. Blalock	Technology Licensing Program Coordinator	USDA, ARS, Office of Technology Transfer
Leticia Cabrera	Assistant Professor	Iowa Western Community College
Joonhyung Cho	Technology Development Associate	University of North Carolina at Chapel Hill
Harry Collins	Farmer	Harry B Collins, LLC
Danielle Conway	Professor of Law	University of Hawaii at Manoa
Jonathan Egilla	Horticulturist/Assistant Professor	Lincoln University in Missouri
Hezekiah Gibson	President/Founder Owner	United Farmers USA/Gibson Farm
Patrick Kole	VP, Legal & Government Affairs	Idaho Potato Commission
Stevan Madjarac	Global Germplasm IP Lead	Monsanto Company
Salomon Montano	Farmer	

Corinne Marshall	Intellectual Property Coordinator	Sakata Seed America, Inc
Dana Rewoldt	Sr. Patent Attorney	Syngenta Biotechnology, Inc.
Wendell Shauman	Farmer	
Larry Teuber	Professor/Executive Director California Crop Improvement Assoc.	University of California, Davis

**-- 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.

Payments other than checks are handled through the [www.pay.gov](http://www.pay.gov). No confidential payment information is stored at PVPO.

Procedures for handling credit card transactions.

1. After receiving the credit card payment request, the PVP Program Analyst verifies that the payment is valid and that there is enough information on the form to process the payment.
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/debit 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 the



receipt without any card information is placed in the Correspondence section of the application folder. (This is done to confirm that the payment has been made).

- 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 (redacts) the credit card information from the document.
  7. The analyst makes a copy of the redacted request form to pay for services.
  8. A copy of the redacted form is included in the PVP application file.

Physical and Environmental Protection: PVPO is located in the USDA, South Building 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.**

An estimated 86 respondents are actively engaged in seed commerce and maintain records required by the FSA regulations. Annual responses total 3,423 for a total of 2,907 burden hours.

- **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-I.**

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.

- **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.**

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 \$37.69 per hour. The respondents' estimated annual cost of providing information is approximately \$ 109,565.00. This total has been estimated by multiplying 2,907.28 (total burden hours) by \$37.69.

Data computation of the hourly wage was obtained from the U.S. Department of Labor Statistic's Occupational Employment Statistics, NAICS 541700 - Scientific Research and Development Services, All Occupations. This publication can also be found at the following website: [http://www.bls.gov/oes/current/naics4\\_541700.htm](http://www.bls.gov/oes/current/naics4_541700.htm).

**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 \$2.2 million. Approximately 85 % of budget is devoted to processing applications and associated material or providing information to respondents resulting in an annual cost of \$2,190,218, (since the program has moved to the headquarters, we have incurred different costs) distributed as:

Salary and Benefits	\$ 1,592,360.00
Travel and Transport Persons	\$ 30,000.00
Telephone and other Communication Svcs	\$ 5,000.00
NFC Services and Greenbook and Agreements	\$ 440,858.00
IT Services Non Federal	\$ 100,000.00
Contractual Services	\$ 2,000.00
Training	\$ 15,000.00
Supplies and Materials	\$ 5,000.00
Total	\$ 2,190,218.00

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

There was an increase in respondents and a decrease in public demand for new plant variety protection applications. Although, the burden decreased on new applications, the burden for certificate requests letters and electronic payments increased significantly from the previous burden. Therefore, the current burden has increased by 472 (rounded) hours. Since most of our applications are from returning applicants or the applicants may submit one or more application to the office for certification the number of respondents have increased from 76 to 86 while the overall responses have increased.

REG NO.	REASON	PREVIOUS BURDEN	NEW BURDEN	DIFFERENCE	TYPE OF CHANGE
USC 2421 97.5(b) 97.6	Dec in no of Responses w/ inc. in Respondents	795	784.50	-11	A
USC 2422 97.5(c), 97.9, 97.10	Dec in # of Applications	1,014.53	934.08	-80.45	A
97.21	Dec in.# of apps requiring extensions	1.10	1.00	-.10	A
97.22	Dec in # of requests to Revive an appl.	1.00	.5	-.5	A
97.106	Dec in # of Req. f/recon- sideration	1.00	.50	-.5	A
97.156	Inc. in # of Recordations	7	25.33	+18.37	A
USC 2426 97.6 and 97.7	Inc in # of Respondants	265	299.87	+35	A
USC 2471 97.175	Inc in the # of electronic payments	88.50	262	+173	A
97.101	Inc. in freq. of Resp Not. Of Allow.	175	527	+352	A
USC 2481 97.130	Dec in the # of Req for Recordations	86.50	72	-14.50	A
<b>TOTAL</b>		<b>2,434.63</b>	<b>2,906.78</b>	<b>+ 472.15</b>	

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.