

2020 SUPPORTING STATEMENT

Application for Plant Variety Protection Certificate and Objective Description of Variety – Asexually Reproduced Varieties OMB Number: 0581-NEW

NOTE TO REVIEWER: Upon the approval of this collection, AMS will submit a request to merge this collection into the parent collection OMB Number: 0581-0055, “Application for Plant Variety Protection Certificate and Objective Description of Variety”.

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 includes Exhibit A - (Breeding History), Exhibit B - (Statement of Distinctness), Exhibit C – (Objective Description of Variety), and Exhibit E - (Statement of The Basis Of Ownership). Data collected from these forms 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 may submit, if needed, Exhibit D (optional) – (Additional Descriptive Information) which is an optional free form document that is used to provide additional information.

Additional forms are needed to collect payment for services (Form ST 471), deposit seed/voucher samples to the National Laboratory 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) (Currently Approved Under 0581-0055) 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 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 (NEW)) – 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). In the duration three years of approval, new crops are submitted with the same or similar elements. When this occurs, we will submit a justification for change with the increased burden hours and update the existing list of crops.

The list of data elements for these crops is generic to all ST-470 Exhibit C forms. Since a standard format is used to collect the information on these forms, burden hours are averaged and submitted as the ST-470 Exhibit C series of form.

The data elements include but are not limited to:

1. qualitative traits:
 - a. crop kind
 - b. genus and species
 - c. growing conditions
 - d. plant qualitative characteristics
 - e. leaf qualitative characteristics
2. quantitative traits:
 - a. maturity (from seeding, transplanting, and pack trials)

- b. plant quantitative characteristics
 - c. leaf quantitative characteristics
 - d. inflorescence
 - e. individual floret
 - f. individual fruit
 - g. seed characteristics
 - h. other
3. Plant and/or seed colors
 4. Disease, insect and environment resistance
 5. References
 6. Comments

The Exhibit C - ST 470-114 - Coreopsis, Objective Description of Variety, is submitted as a sample representing the general requirements for all commodities.

National Laboratory for Genetic Resources Preservation Deposit Form for Plant Variety Protection Voucher Sample (Form ST 472) (Currently Approved Under 0581-0055), 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 Laboratory for Genetic Resources Preservation (NCGRP).

Recordation Form (Form ST-473) (Currently Approved Under 0581-0055), includes the definition of terms to help the applicant to submit the proper request for changes which includes: changes in ownership, contact information (address changes), assignments, security interest, variety name changes, and associated cost for making these changes. It is important that the ownership, contact information, and any encumbrances against PVP Certificates are recorded within the PVP Office. Failure to update this information can result in cancellation of their intellectual property rights. With this submission, the Notification of Change of Address has been deleted on the AMS-71 form. The request for this information, responses, and burden are included on the Recordation Form. The deletion of this form prevents duplicity in responses and burden hours.

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.

Letters From Applicants (Currently Approved Under 0581-0055) – These responses from the applicants are in response to inquiries and notices from the PVPO during the examination which are specific to the function and are unique to each applicant. Applicant contacts PVPO in multiple formats such as email, fax, or letter.

1. **Extension of Time for a Reply (Section 97.21)** - Applicants are unable to respond for additional information or clarification of existing information by PVPO's deadline and are requesting more time to respond.

2. **Revival of Application, Abandoned for Failure to Reply (Section 97.22)** – Applicants submit a request to revive an application that has been abandoned for failure to reply.
3. **Voluntary Withdrawal and Abandonment of Application (Section 97.23)** – Applicants submit a request that the application be withdrawn from PVPO for a Certificate of Protection.
4. **Reply by Applicant, Request for Reconsideration (Section 97.106)** – Applicants submit a request to PVPO to reconsider a decision of Denial of the application.
5. **Notice of Allowance (Section 97.101)** – Applicant is responding to correspondence from PVPO that their application for protection is approved and they must confirm their demographic information and variety name which will appear on the Certificate of Protection.

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 ePVP contain web-based screens with enough business intelligence to help the applicant successfully complete a new application for a certificate of protection on-line, allowing incomplete applications to be repeatedly saved and retrieved until the application is complete. In addition, the applicant can pay for their new application and any other services relating to the processing of applications and certifications, through the use of the pay.gov system that is external to the ePVP System. The ePVP System does not collect or store Personally Identifiable Information (PII).

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 based on 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, many producers, first handlers, and importers that would be affected are considered large entities. We have estimated the number of respondents for this collection is 50, 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;**
- **REQUIRING RESPONDENTS TO RETAIN RECORDS, OTHER THAN HEALTH, MEDICAL, GOVERNMENT CONTRACT, GRANT-IN-AID, OR TAX RECORDS FOR MORE THAN 3 YEARS;**
- **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;**
- **REQUIRING THE USE OF A STATISTICAL DATA CLASSIFICATION THAT HAS NOT BEEN REVIEWED AND APPROVED BY OMB;**
- **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**
- **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.**

There are no other special circumstances. 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 14, 2019, AMS published a notice concerning the request for OMB approval of the new form and solicited comments on the new information collection and estimated burden (84 FR 21314). The notice provided a 60-day comment period to allow interested parties to submit comments on the approval request. AMS received two comments. Both included comments on certain aspects of the concurrent proposed rule as well as comments on the information collection. AMS addressed comments on the information collection here.

Comment: One comment from a university technology and licensing program recommended that PVPO employ online technical questionnaires to collect crop-specific information. According to the commenter, The International Union for the Protection of New Varieties of Plants (UPOV) uses such questionnaires, which the commenter believes are more practical and less burdensome to file and would harmonize the ST-470 series of forms with similar Distinctness, Uniformity and Stability (DUS) forms used in other countries.

AMS Response: PVPO incorporated the UPOV Test Guidelines into its forms related to asexually reproduced crops in order to harmonize with the UPOV system. The PVPO still requires the use of Form ST-470 and related exhibits, since the U.S. PVP system is breeder-based. Under PVP, the breeder performs the two required grow-out trials and provides the characteristics data from those trials on the crop-specific Exhibit C form, which incorporates the UPOV Table of Characteristics. Form ST-470 and its exhibits provide PVPO with information needed by the examination staff in the absence of PVPO-controlled grow-out trials. Accordingly, AMS made no changes to the approved forms based on this comment.

Comment: One comment from an association of plant breeders, producers, and traders supported replacing Form ST-470-C (Exhibit C – Objective Description of Variety) with an approved DUS report from a UPOV member state. The commenter also supported merging Forms ST-470-A, -B, and -E (Exhibits A, B, and E) into one form for the PVPO information collection, although they did not explain why. Finally, the commenter asserted that the information collected on Form ST-470-A (Exhibit A – Origin and Breeding History) is not necessary for all plant species because plant pedigree information is irrelevant to the variety description. The commenter believes requiring such information is administratively burdensome and breaches business confidentiality.

AMS Response: PVPO will accept DUS reports from other UPOV countries on a case-by-case basis for all asexually reproduced varieties and several sexually propagated varieties. The information applicants provide on Form ST-470-A (Exhibit A - Origin and Breeding History) demonstrates to PVPO examiners that a variety has been further developed beyond just discovery of a new variety. AMS believes the information requested does not differ in principle from the questions asked on the UPOV Technical Questionnaire regarding breeding type and history. AMS believes the information collected on Form ST-470 and its exhibits allows PVPO to complete a full examination of a new variety for distinctness, uniformity, and stability. Accordingly, AMS made no changes to the new information collection in response to the comments.

-- 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" (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; discussions on any changes to the PVPO forms including burden, and (3) advise the Secretary on any other matters under the rules and regulations.

The PVP Board is appointed every two years as indicated by § 97.3 of the Plant Variety Protection Act - Regulations and Rules of Practice: The Plant Variety Protection Board shall consist of 14 members appointed for a 2-year term. The Board shall be appointed every 2 years and shall consist of individuals who are experts in various areas of varietal development.

PVPO provides many opportunities for customers and stakeholders to view Exhibit C forms and provide their feedback. Presentations on the Exhibit C forms are done at program update meetings, PVP Board meetings, ePVP System meetings, and stakeholder training webinars. The PVPO forms follow the format and content as those from the International Union for the Protection of New Varieties of Plants (UPOV), which is a treaty convention under the United Nations. The US is a member of the 1991 UPOV Convention. All UPOV forms are reviewed by scientists and professionals from over 80 member countries around the world. The format and content of the PVPO forms is well researched and reviewed by numerous professionals and organizations; no comments were received.

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-- 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. All payment transactions are handled through www.pay.gov.

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. The PVPO office entrance is kept locked after office hours.

Applicant information is scanned and stored on PVPO secured servers. Once the application is completed and scanned the physical copy of the application is destroyed unless otherwise requested by the examiner. 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-I.**

- **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 AMS Form 71.

An estimated 50 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. Based on a projected estimate of 100 new applications for protection per year. Soil and Plant scientists would be involved with the submission of this information, at an estimated cost of \$45.22 per hour.

Estimates of the reporting burden have been summarized on the AMS-71 form. This submission reflects a total of 50 respondents for 548 burden hours with annual cost totaling \$4,780. Based on the average median hourly wage rate of \$33.96 with an additional 31.8% to account for

benefits and compensation, for an hourly wage total of \$45.22 was used to calculate annual cost. Annual cost for this collection is estimated using the national mean hourly rate of \$33.96 contained in the National Compensation Survey: Occupational Employment and Wages, May 2018 (<https://www.bls.gov/oes/current/oes191013.htm>), published by the Bureau of Labor Statistics.

The respondents' estimated annual cost of providing information is approximately \$24,780. This total has been estimated by multiplying 548 (total burden hours) by \$45.22.

Data computation of the hourly wage was obtained from the Bureau Labor Statistic's Occupational Employment Statistics, NAICS 541700 - Scientific Research and Development Services, All Occupations for the year. This publication can also be found at the following website: 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 are 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.

Salary and Benefits	\$470,025
Travel	\$3,000
Printing and Contracts	\$2,000
Training	\$5,000
Supplies and Equipment	\$5,000
Total	\$485,025

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

This is a new collection.

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.

There are no reasons to NOT display the expiration date. All forms in this collection have an expiration date.

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.