

2018 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 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) 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.

An instruction in the Exhibit B has been modified. The molecular data instruction on the Exhibit B has been removed since the last submission.

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 83 forms based on the crop kind (a list is provided as a supplemental along with a sample form). The following Exhibit C, Objective Description of Variety, has been removed from the current list of the series: Calendula, California Poppy, Pumpkin/Squash/Gourd Non Pepo's, Verbena, Dahlia, Sweetpea, Snapdragon, Nasturtium, Cauliflower, Tobacco, Alfalfa, Caper Spurge, Sainfoin, Okra, Cosmos, Lupin, Laurisagrass, Lespedeza, St. Augustinegrass, Phlox, Gazina, Sesame, Centipedegrass, Chrysanthemum, Timothy, and General Form For Any Species. The PVPO has not received any applications in these forms for at least 10-15 years and it is expected not to receive any in the future.

However, 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 470-05 - Barley, Objective Description of Variety, is submitted as a sample representing the general requirements for all commodities.

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.

National Laboratory 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 Laboratory for Genetic Resources Preservation (NCGRP).

Recordation Form (Form ST-473), 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 – 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.

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.

On October 2, 2017, PVPO launched the new electronic application filing system. The electronic plant variety protection (ePVP) system provides an efficient and secure way to 1) file new plant

variety protection applications, 2) amend existing applications, 3) pay fees, 4) check the status of an application, and 5) respond to questions from the PVPO. For current customers, the new electronic application filing system will make it easier to check the status of an application or amend existing applications. Since the launch PVPO has processed 100 percent of applications electronically. For applicants who have not registered to ePVP, we continue to collect the information using paper forms which is then entered into the electronic system by PVPO staff. The approved ST-470 – Application for Plant Variety Protection Certificate and exhibits are also available for printing on the PVPO website (<http://www.ams.usda.gov/pvpo>) using a standard .pdf file format. These applicants are 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.

The ePVP is a secure system that uses the USDA e-authentication (e-auth) service for external users and Windows authentication for internal users. For new ePVP users to register to use this system, they must first create an account with e-auth and request level 2 access. Once the user has his e-auth credentials, they may continue to registration with the ePVP system and create a new profile or use an existing profile that was created during development.

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.

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 93, 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 August 13, 2018, Vol. 83, No. 156, page 39981, the agency published the notice of information collection and request for comments in the Federal Register.

PVPO received only one comment which was not relative to the number of respondents, responses, or burden hours for the purpose for this notice.

-- 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. The current board Charter expires on January 11, 2019. In addition to our Board, the representatives below are individuals who complete the majority of our forms for different applicants. They agreed with our burden hours assigned to the forms.

PVP Representative	Contact Information	Email Address
Leah Hong (515) 685-5258	2369 330th Street, Slater, IA 50244	leah.houg@syngenta.com
Marymar Butruille 515 -965- 3077	3302 SE Convenience BLVD Ankeny, IA 50021	marymar.butruille@bayer.com

-- 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. No confidential payment information is stored at PVPO. For applicants having problems entering data at pay.gov, PVPO staff collects the information on Form ST 471 and enters the information using the pay.gov system and sends a confirmation of payment to the applicant confirming payment was collected.

Office 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.

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 93 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. Soil and Plant scientists would be involved with the submission of this information, at an estimated cost of \$43.84 per hour.

Estimates of the reporting burden have been summarized on the AMS-71 form. This submission reflects a total of 93 respondents for 2,062 burden hours with annual cost totaling \$90,398. Based on the average median hourly wage rate of \$33.26 with an additional 31.8% to account for benefits and compensation, for an hourly wage total of \$43.84 was used to calculate annual cost. Annual cost for this collection is estimated using the national mean hourly rate of \$33.26 contained in the National Compensation Survey: Occupational Employment and Wages, May 2017, (<https://www.bls.gov/oes/2017/may/oes191013.htm>), published by the Bureau of Labor Statistics. Costs of benefits and compensation guidance provided by Bureau of Labor Statistics News Release issued on June 8, 2018.

The respondents' estimated annual cost of providing information is approximately \$90,398. This total has been estimated by multiplying 2,062 (total burden hours) by \$43.84.

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	\$1,493,033
Travel	\$17,004
Rent	\$7,860
Printing and Contracts	\$22,000
Federal Agreements	\$110,000
Training	\$10,000
Supplies and Equipment	5,000
Program Overhead	\$58,000
Agency Overhead	\$213,500
<u>Greenbook Charges</u>	<u>\$81,000</u>
Total	\$2,027,397

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

Overall, there was an increase in respondents and a decrease for new plant variety protection applications. Therefore, the current burden has decreased by 859 (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 has increased from 86 to 93 while the overall responses have decreased. The Notification of Change of Address has been removed from the AMS 71 because this information is included in the Recordation Form. Therefore, there is a decrease in the number of respondents and responses in that deletions.

REG NO.	REASON	PREVIOUS BURDEN	NEW BURDEN	DIFFERENCE	TYPE OF CHANGE
USC 2421 97.5(b) 97.6	Increase in the no. of Respondents and a decrease in reponses	784	681	-103	A
USC 2422 97.5(c), 97.9, 97.10	Increase in Respondents with a decrease in applicants.	948.08	825.64	-122.44	A
97.156	Responses are included	25.33	0	-25.33	A

	in the Recordations section 97.130				
USC 2426 97.6 and 97.7	Dec in no. of Responses w/ inc. in no. of Respondents	299.87	227	-72.87	A
USC 2471 97.175	Dec. in no. of responses per respondent	262	100	-162	A
USC 2471 97.101	Dec. in no. of responses per respondent	527	154	-373	A
		Total		-858.64	

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.

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.