

No.

9700194



THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME:

Seminis Vegetable Seeds, Inc.

Whereas, THERE HAS BEEN PRESENTED TO THE

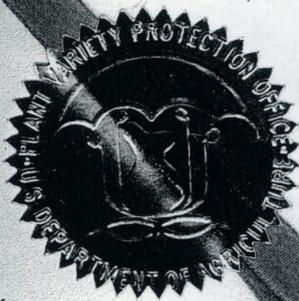
Secretary of Agriculture

AN APPLICATION REQUESTING A CERTIFICATE OF PROTECTION FOR AN ALLEGED DISTINCT VARIETY OF SEXUALLY REPRODUCED, OR TUBER PROPAGATED, PLANT, THE NAME AND DESCRIPTION OF WHICH ARE CONTAINED IN THE APPLICATION AND EXHIBITS, A COPY OF WHICH IS HEREUNTO ANNEXED AND MADE A PART HEREOF, AND THE VARIOUS REQUIREMENTS OF LAW IN SUCH CASES MADE AND PROVIDED HAVE BEEN COMPLIED WITH, AND THE TITLE THERETO IS, FROM THE RECORDS OF THE PLANT VARIETY PROTECTION OFFICE, IN THE APPLICANT(S) INDICATED IN THE SAID COPY, AND WHEREAS, UPON DUE EXAMINATION MADE, THE SAID APPLICANT(S) IS (ARE) ADJUDGED TO BE ENTITLED TO A CERTIFICATE OF PLANT VARIETY PROTECTION UNDER THE LAW.

NOW, THEREFORE, THIS CERTIFICATE OF PLANT VARIETY PROTECTION IS TO GRANT UNTO THE SAID APPLICANT(S) AND THE SUCCESSORS, HEIRS OR ASSIGNS OF THE SAID APPLICANT(S) FOR THE TERM OF TWENTY YEARS FROM THE DATE OF THIS GRANT, SUBJECT TO THE PAYMENT OF THE REQUIRED FEES AND PERIODIC REPLENISHMENT OF VIABLE BASIC SEED OF THE VARIETY IN A PUBLIC REPOSITORY AS PROVIDED BY LAW, THE RIGHT TO EXCLUDE OTHERS FROM SELLING THE VARIETY, OR OFFERING IT FOR SALE, OR REPRODUCING IT, OR IMPORTING IT, OR EXPORTING IT, OR CONDITIONING IT FOR PROPAGATION, OR STOCKING IT FOR ANY OF THE ABOVE PURPOSE, OR USING IT IN PRODUCING A HYBRID OR DIFFERENT VARIETY THEREFROM, TO THE EXTENT PROVIDED BY THE PLANT VARIETY PROTECTION ACT. (84 STAT. 1542, AS AMENDED, 7 U.S.C. 2321 ET SEQ.)

PEA

'Twin'



In Testimony Whereof, I have hereunto set my hand and caused the seal of the Plant Variety Protection Office to be affixed at the City of Washington, D.C. this thirtieth day of June, in the year of our Lord two thousand.

Attest:

Ann Marie Thur

Commissioner
Plant Variety Protection Office
Agricultural Marketing Service

Wm. H. Glavin

Secretary

U.S. DEPARTMENT OF AGRICULTURE
 AGRICULTURAL MARKETING SERVICE
 SCIENCE AND TECHNOLOGY DIVISION - PLANT VARIETY PROTECTION OFFICE

The following statements are made in accordance with the Privacy Act of 1974 (5 U.S.C. 552a) and the Paperwork Reduction Act (PRA) of 1995.

Application is required in order to determine if a plant variety protection certificate is to be issued (7 U.S.C. 2421). Information is held confidential until certificate is issued (7 U.S.C. 2426).

APPLICATION FOR PLANT VARIETY PROTECTION CERTIFICATE

(Instructions and information collection burden statement on reverse)

1. NAME OF APPLICANT(S) (as it is to appear on the Certificate) SEMINIS VEGETABLE SEEDS, INC.	2. TEMPORARY DESIGNATION OR EXPERIMENTAL NUMBER XP F330	3. VARIETY NAME Twin AWS 6-21-2000
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4. ADDRESS (Street and No., or R.F.D. No., City, State, and ZIP Code, and Country) Seminis Vegetable Seeds, Inc. 2700 Camino del Sol Oxnard, CA 93030-7967 MAX 8/9/2000	5. TELEPHONE (include area code) 916-666-0931	FOR OFFICIAL USE ONLY PVPO NUMBER 9700194
	6. FAX (include area code) 916-668-0219	F I L I N G DATE Mar. 12, 1997

7. GENUS AND SPECIES NAME Pisum Sativum	8. FAMILY NAME (Botanical) Leguminosae	FILING AND EXAMINATION FEE: F E E S DATE Mar. 10, 1997
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9. CROP KIND NAME (Common name) Garden Pea	CERTIFICATION FEE: C E I V E D DATE June 19, 2000
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10. IF THE APPLICANT NAMED IS NOT A "PERSON", GIVE FORM OF ORGANIZATION (corporation, partnership, association, etc.) (Common name) Seminis Vegetable Seeds, Inc.	11. IF INCORPORATED, GIVE STATE OF INCORPORATION California
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12. DATE OF INCORPORATION 1934	13. NAME AND ADDRESS OF APPLICANT REPRESENTATIVE(S), IF ANY, TO SERVE IN THIS APPLICATION AND RECEIVE ALL PAPERS Kathy L. Ward 37437 State Hwy 16 Woodland, CA 95695 Thomas Kramer, Director IRP & RA Dept. Seminis Vegetable Seeds Nude 54D 6702 DN Wageningen The Netherlands
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14. TELEPHONE (include area code) 916-666-0931 31 (0) 317 450218	15. FAX (include area code) 916-668-0219 31 (0) 317 450218
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16. CHECK APPROPRIATE BOX FOR EACH ATTACHMENT SUBMITTED (Follow instructions on reverse)

- a. Exhibit A. Origin and Breeding History of the Variety
- b. Exhibit B. Statement of Distinctness
- c. Exhibit C. Objective Description of the Variety
- d. Exhibit D. Additional Description of the Variety (Optional)
- e. Exhibit E. Statement of the Basis of the Applicant's Ownership
- f. Voucher Sample (2,500 viable untreated seeds or, for tuber propagated varieties verification that tissue culture will be deposited and maintained in an approved public repository)
- g. Filing and Examination Fee (\$2,450), made payable to "Treasurer of the United States" (Mail to PVPO)

17. DOES THE APPLICANT SPECIFY THAT SEED OF THIS VARIETY BE SOLD BY VARIETY NAME ONLY, AS A CLASS OF CERTIFIED SEED? (See Section 83(a) of the Plant Variety Protection Act)

YES If "yes," answer items 18 and 19 below NO If "no," go to item 20 as per letter of 6-15-2000 AWS 7-12-2000

18. DOES THE APPLICANT SPECIFY THAT SEED OF THIS VARIETY BE LIMITED AS TO NUMBER OF GENERATIONS? <input type="checkbox"/> YES <input type="checkbox"/> NO	19. IF "YES" TO ITEM 18, WHICH CLASSES OF PRODUCTION BEYOND BREEDER SEED? <input type="checkbox"/> FOUNDATION <input type="checkbox"/> REGISTERED <input type="checkbox"/> CERTIFIED
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20. HAS THE VARIETY OR A HYBRID PRODUCED FROM THE VARIETY BEEN RELEASED, USED, OFFERED FOR SALE, OR MARKETED IN THE U.S. OR OTHER COUNTRIES?
 YES If "yes," give names of countries and dates NO

21. The applicant(s) declare that a viable sample of basic seed of the variety will be furnished with application and will be replenished upon request in accordance with such regulations as may be applicable, or for a tuber propagated variety a tissue culture will be deposited in a public repository and maintained for the duration of the certificate.

The undersigned applicant(s) is(are) the owner(s) of this sexually reproduced or tuber propagated plant variety, and believe(s) that the variety is new, distinct, uniform, and stable as required in Section 42, and is entitled to protection under the provisions of Section 42 of the Plant Variety Protection Act.

Applicant(s) is(are) informed that false representation herein can jeopardize protection and result in penalties.

SIGNATURE OF APPLICANT (Owner(s)) Kathy L. Ward	SIGNATURE OF APPLICANT (Owner(s))		
NAME (Please print or type) Kathy L. Ward	NAME (Please print or type)		
CAPACITY OR TITLE Manager, Vegetable Research Operations	DATE 2-25-97	CAPACITY OR TITLE	DATE

INSTRUCTIONS

GENERAL: To be effectively filed with the Plant Variety Protection Office (PVPO), ALL of the following items must be received in the PVPO: (1) Completed application form signed by the owner; (2) completed Exhibits A, B, C, E; (3) at least 2,500 viable untreated seeds, or for tuber reproduced varieties verification that a viable (*in the sense that it will reproduce an entire plant*) tissue culture will be deposited and maintained in an approved public repository; (4) check drawn on a U.S. bank for \$2,450 (\$300 filing fee and \$2,150 examination fee), payable to "Treasurer of the United States" (*See Section 97.6 of the Regulations and Rules of Practice.*) Partial applications will be held in the PVPO for not more than 90 days, then returned to the applicant as unfiled. Mail application and other requirements to Plant Variety Protection Office, AMS, USDA, Room 500, NAL Building, 10301 Baltimore Blvd., Beltsville, MD 20705-2351. Retain one copy for your files. All items on the face of the application are self explanatory unless noted below. Corrections on the application form and exhibits must be initialed and dated. **DO NOT** use masking materials to make corrections. If a certificate is allowed, you will be requested to send a check payable to "Treasurer of the United States" in the amount of \$300 for issuance of the Certificate.

Plant Variety Protection Office
Telephone: (301) 504-5518

ITEM

- 16a. Give: (1) the genealogy, including public and commercial varieties, lines, or clones used, and the breeding method;
- (2) the details of subsequent stages of selection and multiplication;
- (3) evidence of uniformity and stability; and
- (4) the type and frequency of variants during reproduction and multiplication and state how these variants may be identified.
- 16b. Give a summary of the variety's distinctness. Clearly state how this application variety may be distinguished from all other varieties in the same crop. If the new variety is most similar to one variety or a group of related varieties:
- (1) identify these varieties and state all differences objectively;
- (2) attach statistical data for characters expressed numerically and demonstrate that these are clear differences;
- (3) submit, if helpful, seed and plant specimens or photographs (prints) of seed and plant comparisons which clearly indicate distinctness.
- 16c. Exhibit C forms are available from the PVPO for most crops; specify crop kind. Fill in Exhibit C (Objective Description of Variety) form as completely as possible to describe your variety.
- 16d. Optional additional characteristics and/or photographs. Describe any additional characteristics that cannot be accurately conveyed in Exhibit C. Use comparative varieties as is necessary to reveal more accurately the characteristics that are difficult to describe, such as plant habit, plant color, disease resistance, etc.
- 16e. Section 52(5) of the Act requires applicants to furnish a statement of the basis of the applicant's ownership. An Exhibit E form is available from the PVPO.
17. If "Yes" is specified (*seed of this variety be sold by variety name only, as a class of certified seed*), the applicant may NOT reverse this affirmative decision after the variety has been sold and so labelled, the decision published, or the certificate issued. However, if "No" has been specified, the applicant may change the choice. (*See Regulations and Rules of Practice, Section 97.103.*)
20. See Sections 41, 42, and 43 of the Act and Section 97.5 of the regulations for eligibility requirements.

NOTES: It is the responsibility of the applicant/owner to keep the PVPO informed of any changes of address or change of ownership or assignment during the life of the application/certificate. There is no charge for filing a change of address. The fee for filing a change of ownership or assignment is specified in Section 97.175 of the regulations. (*See Section 101 of the Act, and Sections 97.130, 97.131, 97.175(h) of Regulations and Rules of Practice.*)

To avoid conflict with other variety names in use, the applicant should check the variety names proposed by contacting: Seed Branch, AMS, USDA, Room 213, Building 306, Beltsville Agricultural Research Center--East, Beltsville, MD 20705.
Telephone: (301) 504-8089.

Public reporting burden for this collection of information is estimated to average 30 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Department of Agriculture, Clearance Officer, OIRM, AG Box 7630, Jamie L. Whitten Building, Washington, D.C. 20250. When replying, refer to OMB No. 0581-0055 and form number in your letter. Under the PRA of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

The U.S. Department of Agriculture (USDA) prohibits discrimination in its programs on the basis of race, color, national origin, sex, religion, age, disability, political beliefs, and marital or familial status. (Not all prohibited bases apply to all programs). Persons with disabilities who require alternative means for communication of program information (braille, large print, audiotape, etc.) should contact the USDA Office of Communications at (202) 720-2791. To file a complaint, write the Secretary of Agriculture, U.S. Department of Agriculture, Washington, D.C. 20250, or call (202) 720-7327 (voice) or (202) 720-1127 (TDD). USDA is an equal employment opportunity employer.

EXHIBIT A

Origin and Breeding History of F330 Garden Pea

F330 was developed at Asgrow's Western Breeding Station (WBS), Twin Falls, Idaho, by backcrossing the "er" gene for resistance to powdery mildew into the variety Dual:

- 1-4-88 Dual af and C209, a powdery mildew resistant breeding line, planted in the greenhouse at WBS; crosses made.
- 4-21-88 BC0 planted in the field at WBS; allowed to self.
- 7-26-88 BC0F2 and Dual planted in the greenhouse at WBS; selected resistant plants and crossed them to Dual.
- 11-8-88 BC1F1 and Dual planted in the greenhouse at WBS; crosses made.
- 3-29-89 BC2F1 planted in the greenhouse at WBS; allowed to self.
- 7-24-89 BC2F2 and Dual planted in the greenhouse at WBS; selected plants resistant to powdery mildew and crossed them to Dual.
- 11-28-89 BC3F1 planted in the greenhouse at WBS; allowed to self.
- 9-26-90 BC3F2 planted in the greenhouse at WBS; selected plants with resistance to powdery mildew and crossed to Dual.
- 2-14-91 BC4F1 planted in the greenhouse at WBS; crossed to Dual.
- 6-20-91 BC5F1 planted in the greenhouse at WBS; allowed to self.
- 3-31-92 BC5F2 planted in the field at WBS; selected individual plants and tested them for powdery mildew resistance.
- 4-12-93 BC5F3, a powdery mildew resistant selection, planted in the field at WBS under the number R93 1480. Observations during the growing season indicated the line was uniform and breeding true. All subsequent increases of F330 trace to the bulk of R93 1480.
- 3-30-94 Planted a bulk increase of F330 in the field at WBS. Harvested 200 random individual plant selections.
- 3-30-95 Planted ~200 progenies of F330 in the field at WBS. Observations during the growing season confirmed the line is uniform and breeding true.

Observations on increases in 1993 and 1995 confirm F330 is uniform and stable within commercially acceptable limits. As is true with other garden pea varieties a small percentage of off-types can occur within commercially acceptable limits for almost any characteristic during the course of repeated multiplications. No variants are known to occur.

EXHIBIT B

Novelty Statement Concerning XP-F330 Garden Pea

XP-F330 is a full season, medium-sieve freezer variety. To our knowledge the variety most similar to F330 is Dual. The comparative characteristic that best distinguishes the two includes, but may not be limited to, resistance to powdery mildew: Dual is susceptible whereas F330 has "er" gene resistance.

OBJECTIVE DESCRIPTION OF VARIETY

PEA (PISUM SATIVUM)

NAME OF APPLICANT(S) ADDRESS (Street and No. or R.F.D. No., City, State, and ZIP Code)	VARIETY NAME OR TEMPORARY DESIGNATION XP F330
	FOR OFFICIAL USE ONLY
	PVPO NUMBER 9700194

Place the appropriate number that describes the varietal character in the boxes below.
Place a zero in first box (e.g. 089 or 09) when number is either 99 or less or 9 or less.

1. TYPE:

1 GARDEN 2 FIELD 3 EDIBLE-PODDED

2. MATURITY:

4 Node number of first bloom: 71 No. of days to processing 1500 Heat Units

No. of days Earlier than 1 ALASKA WR 2 THOMAS LAXTON WR 3 LITTLE MARVEL

5 No. of days Later than 4 4 WANDO 5 ALDERMAN WR 6 AUSTRIAN WINTER

3. PLANT HEIGHT:

80 CM. HIGH

Cm. Shorter than 1 ALASKA WR 2 THOMAS LAXTON WR 3 LITTLE MARVEL

8 Cm. Taller than 4 4 WANDO 5 ALDERMAN WR 6 AUSTRIAN WINTER

4. VINE:

1 Habit: 1 DETERMINATE 2 INDETERMINATE 2 Stockiness: 1 SLIM (Alaska) 3 HEAVY (Alderman)
2 MEDIUM (Thomas Laxton WR)

3 Branching: 1 NONE (Alaska) 2 1-2 BRANCHES (Little Marvel) 3 MORE THAN 2 BRANCHES (Dwarf Gray Sugar)

2 Internodes: 1 STRAIGHT 2 ZIG ZAG 20 NUMBER OF NODES

5. LEAFLETS:

3 Color: 1 LIGHT GREEN (Alaska WR) 2 MED. GREEN (Thomas Laxton WR) 3 DARK GREEN (Alderman)
4 OTHER (Specify)

2 Wax: 1 NONE 2 LIGHT 3 MEDIUM 4 HEAVY 2 1 NOT MARBLED 2 MARBLED (Alaska)

3 Number of leaflet pairs: 1 NOT PAIRED 2 ONE 3 TWO 4 THREE OR MORE

6. STIPULES:

2 1 LACKING 2 PRESENT 2 1 NOT CLASPING 2 CLASPING

2 1 NOT MARBLED 2 MARBLED 3 Size (Compared with leaflets): 1 SMALLER 2 SAME
3 LARGER

2 Color (Compared with leaflets): 1 LIGHTER 2 SAME 3 DARKER

7. FLOWER COLOR:

2 VENATION 1 STANDARD 1 WING 1 KEEL } 1 WHITE 2 GREENISH 3 LAVENDER
4 PURPLE 5 RED
6 OTHER (Specify)

8. PODS:

2 Shape: 1 = STRAIGHT 2 = SLIGHTLY CURVED 1 End: 1 = POINTED (Alderman) 2 = BLUNT (Alaska)
 3 Color: 1 = LIGHT GREEN (Alaska WR) 2 = MEDIUM GREEN 3 = DARK GREEN (Alderman)
 3 Color: 4 = OTHER (Specify) _____
 2 Surface: 1 = SMOOTH 2 = ROUGH 2 Surface: 1 = SHINY 2 = DULL
 2 Borne: 1 = SINGLE 2 = DOUBLE 3 = SINGLE AND DOUBLE 4 = SINGLE, DOUBLE, & TRIPEE
 2 Borne: 5 = DOUBLE & TRIPLE 6 = TRIPLE 7 = OTHER (Specify) _____
 9 CM. LENGTH 1 2 MM. WIDTH (Between sutures) 1 0 NO. SEEDS PER POD

9. SEEDS (95-100 Tenderometer):

3 Color: 1 = LIGHT GREEN 2 = GREEN 3 = DARK GREEN 4 = OTHER (Specify) _____
 Seive: % 1 6 1 5 3 1 3 6 1 2 6 7 8 8 3 3 3 AVERAGE

SEEDS (Dry, Mature):

1 Shape: 1 = FLATTENED 2 = ANGULAR 3 = OVAL 4 = ROUNDED
 3 Surface: 1 = SMOOTH 2 = DIMPLED 2 Surface: 1 = SHINY 2 = DULL
 3 Surface: 3 = WRINKLED
 1 Color Pattern: 1 = MONOCOLOR 2 = MOTTLED 3 = STRIPED 4 = DOTTED
 2 Primary Color: { 1 = CREAMY-WHITE 2 = CREAM & GREEN 3 = LIGHT GREEN 4 = MEDIUM GREEN
 { 5 = DARK GREEN 6 = BLUE-GREEN 7 = YELLOW 8 = BROWN 9 = RED
 Secondary Color: { 10 = GRAY 11 = BLACK
 2 Hilum Floor Color: 1 = WHITE 2 = TAN 1 Cotyledon Color: 1 = GREEN 2 = YELLOW 3 = ORANGE
 3 8 GRAMS PER 100 SEEDS

10. DISEASE: (0 = Not Tested; 1 = Susceptible; 2 = Resistant)

2 FUSARIUM WILT 1 NEAR-WILT 0 DOWNY MILDEW
 0 ASCOCHYTA BLIGHT 2 POWDERY MILDEW 0 BACTERIAL BLIGHT
 0 MOSAIC 1 PEA ENATION MOSAIC 0 YELLOW BEAN MOSAIC
 OTHER (Specify) _____

11. INSECT: (0 = Not Tested; 1 = Susceptible; 2 = Resistant)

0 APHIDS 0 OTHER (Specify) _____

12. INDICATE WHICH VARIETY MOST CLOSELY RESEMBLES THAT SUBMITTED

CHARACTER	NAME OF VARIETY	CHARACTER	NAME OF VARIETY
Leafiness	Dual	Fresh Seed Color	Dual
Leaf Color	Dual	Mature Seed Color	Dual
Pod Color	Dual	Seed Shape	Dual
Pod Shape	Dual	Plant Habit	Dual

COMMENTS:

APPENDIX
OBJECTIVE DESCRIPTION OF VARIETY
PEA (*Pisum sativum*)

Variety Name or Temporary Designation:

<XP F330>

PV# 9700194

LEAFLET CHARACTERISTICS:

3 Leaflet Type: 1=Leafless 2=Semi 3=Normal

STIPULE CHARACTERISTICS:

2 Color: 1=Light-Green 2=Medium-Green 3=Dark-Green 4=Blue-Green 5=Yellow-Green 6=Other _____

Please provide example varieties of similar specified color or check varieties and stipule color.

Variety Name	Stipule Color
Dual	med. green

Variety Name	Stipule Color
Karisma	med. green

Variety Name	Stipule Color

2 Size: 1=Small 2=Medium 3=Large

Please provide example varieties of similar specified size or check varieties and stipule size.

Variety Name	Stipule Size
Dual	medium

Variety Name	Stipule Size
Karisma	medium

Variety Name	Stipule Size

OTHER CHARACTERISTICS: Describe other characteristics that may aid in identification.

U.S. DEPARTMENT OF AGRICULTURE
 AGRICULTURAL MARKETING SERVICE
 SCIENCE AND TECHNOLOGY DIVISION - PLANT VARIETY PROTECTION OFFICE

EXHIBIT E
STATEMENT OF THE BASIS OF OWNERSHIP

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1. NAME OF APPLICANT(S) SEMINIS VEGETABLE SEEDS, INC.	2. TEMPORARY DESIGNATION OR EXPERIMENTAL NUMBER XP F330	3. VARIETY NAME Twin RWS 6-21-2000
4. ADDRESS (Street and No., or R.F.D. No., City, State, and ZIP Code, and Country) 37437 STATE HIGHWAY 16 WOODLAND, CA 95695	5. TELEPHONE (include area code) 916-666-0931	6. FAX (include area code) 916-668-0219
7. PVPO NUMBER 9700194		

8. Does the applicant own all rights to the variety? Mark an "X" in appropriate block. If no, please explain.

YES NO

9. Is the applicant (individual or company) a U.S. national or U.S. based company? If no, give name of country _____

YES NO

10. Is the applicant the original breeder? If no, please answer the following:

a. If original rights to variety were owned by individual(s):
 Is (are) the original breeder(s) a U.S. national(s)? If no, give name of country _____

YES NO

b. If original rights to variety were owned by a company:
 Is the original breeder(s) U.S. based company? If no, give name of country _____

YES NO

11. Additional explanation on ownership (If needed, use reverse for extra space):

PLEASE NOTE:

Plant variety protection can be afforded only to owners (not licensees) who meet one of the following criteria:

1. If the rights to the variety are owned by the original breeder, that person must be a U.S. national, national of a UPOV member country, or national of a country which affords similar protection to nationals of the U.S. for the same genus and species.
2. If the rights to the variety are owned by the company which employed the original breeder(s), the company must be U.S. based, owned by nationals of a UPOV member country, or owned by nationals of a country which affords similar protection to nationals of the U.S. for the same genus and species.
3. If the applicant is an owner who is not the original breeder, both the original breeder and the applicant must meet one of the above criteria.

The original breeder may be the individual or company who directed final breeding. See Section 41(a)(2) of the Plant Variety Protection Act for definition.

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