



October 19, 2023

**RECEIVED**

By kldiggs for BRS Document Control Officer at 2:39 pm, Oct 20, 2023

Bernadette Juarez

APHIS Deputy Administrator

Biotechnology Regulatory Services: **Revised Submission of 23-096-01rsr**

**Contains Confidential Business Information**

**Re: Request for Regulatory Status Review for Group 10 (glufosinate) and Group 2 (sulfonylurea and imidazolinone) Herbicide Tolerant *Camelina sativa* derived from construct [ ]**

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Yield10 Bioscience is requesting a regulatory status review for its glufosinate and group 2 herbicide tolerant *Camelina sativa* lines based on the provisions in 7 CFR § 340.4.

**1. Requestors**

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Organization – Yield10 Bioscience

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Organization – Yield10 Bioscience

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**2. Confidential Business Information (CBI) Statement**

This RSR request contains CBI.

CBI Justification:

The Freedom of Information Act (FOIA) exempts federal agencies from releasing trade secrets and commercial or financial information that is privileged or confidential (5 U.S.C.552(b)(4)). Yield10 Bioscience considers certain information in this document as trade secret or commercial information that is privileged and confidential. Disclosure of this information would cause substantial competitive harm to Yield10 Bioscience by allowing other companies to unfairly compete with it.

First, Yield10 Bioscience must protect the nature of traits which it has selected to be important, that, if imparted to a new plant variety, would represent a competitive advantage in the marketplace. Disclosure of this information would reveal the company's marketing strategy, which identifies targets of potential commercial opportunity. Second, Yield10 Bioscience must keep some aspects of its research confidential: what it is doing, how it is doing it, and how far along it is. Disclosure of this information would enable competitors to duplicate Yield10 Bioscience research and development without incurring the investment of time and money expended by the company. This information would also provide competitors with commercially valuable knowledge about the specific products Yield10 Bioscience is interested in commercializing and the likely time for commercialization. Moreover, Yield10 Bioscience must protect its intellectual property. Yield10 Bioscience must keep research information strictly confidential because in some cases, patent applications have not been filed or patents are pending and have not been published.

Specifically, Yield10 Bioscience designates the following as Confidential Business Information:

Genetic elements used to create trait. Yield10 Bioscience biotechnology traits consist of vectors transferred into plants, which comprise genes for the expression of traits and regulatory sequences such as promoters, enhancers, signaling peptides and terminators. Disclosure of genetic elements comprising the genotype of the resulting plants would provide the company's competitors with the knowledge of what genetic sequences the company is using. Disclosure of this information may also reveal the specific modifications the company made in assembling the DNA constructs and enhance their usefulness. It is in Yield10 Bioscience's commercial interest that these trade secrets are not publicly disclosed.

Construct Identity. Yield10 Bioscience technology traits are encoded by genetic constructs that the company identifies with unique nomenclature. Disclosure of the construct identity could enable competitors to determine the status of the company's proprietary research and development programs, if construct identity is linked to the genetic elements contained in these constructs.

Phenotype Descriptions. Yield10 Bioscience seeks to improve certain characteristics of plants that are economically important to its customers. Disclosure of the phenotypes that the company is pursuing would enable competitors to determine the company's R&D objectives and the status of its R&D programs.

Accordingly, Yield10 Bioscience requests all FOIA protections for the CBI submitted herein.

This information is both customarily and actually treated as private information by Yield10 Bioscience and was provided to the government under an assurance of privacy. We consider this information as confidential within the meaning of 5 U.S.C §552(b)(4), the Freedom of Information Act's Exemption 4.





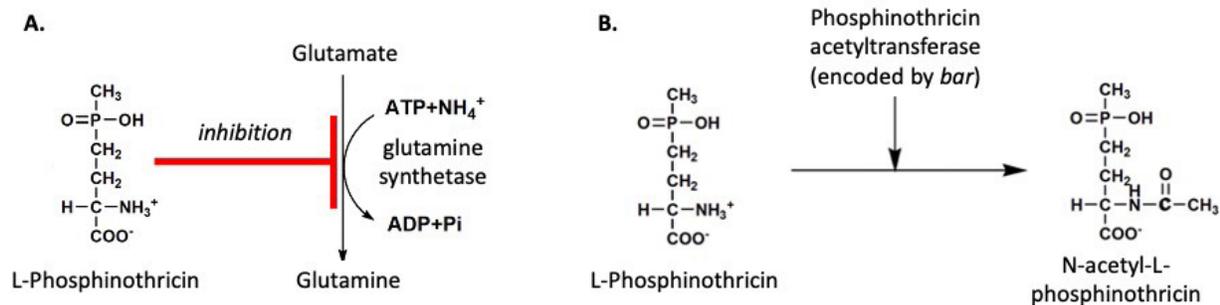






previously been submitted to USDA-APHIS by Yield10 Bioscience for expression of the *bar* gene in Camelina. [

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**Figure 1. Glufosinate detoxification by expression of the *bar* gene encoding phosphinothricin acetyltransferase.** **A.** Glufosinate (also known as L-phosphinothricin) exhibits its herbicidal action through inhibition of glutamine synthetase, resulting in the accumulation of ammonia and inhibition of photosynthesis. **B.** Expression of the *bar* gene in transgenic plants, encoding phosphinothricin acetyltransferase, converts L-phosphinothricin to N-acetyl-L-phosphinothricin such that the transgenic plant is tolerant to glufosinate.

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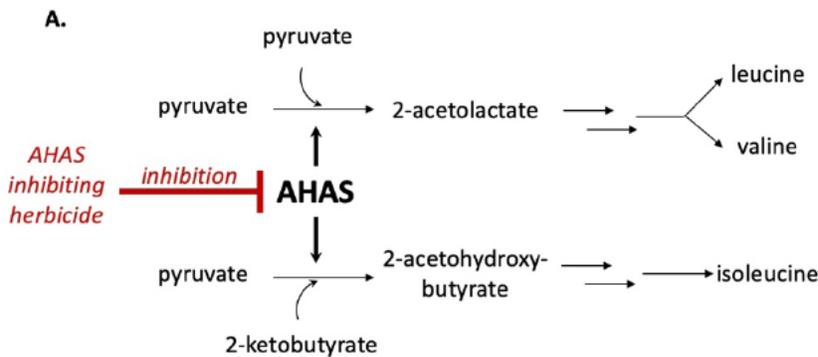
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Group 2 herbicides include imidazolinones, pyrimidinylthiobenzoates, sulfonaminocarbonyltriazolinones, sulfonyleureas, and triazolopyrimidines. Their mode of

action is inhibition of acetohydroxyacid synthase (AHAS), also called acetolactate synthase (ALS), a key enzyme in the biosynthesis of the branched-chain amino acids isoleucine, leucine, and valine (WSSA, 2011) (Fig. 2.A). Crop tolerance to Group 2 herbicides has been achieved through mutations in the coding sequence of the *AHAS* gene that result in specific amino acid substitutions in the AHAS protein (Fig. 2.B). The amino acid substitutions in AHAS prevent the herbicide from binding to the protein and confer herbicide tolerance. [

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**Figure 2. Group 2 herbicides inhibit acetolactate synthase (AHAS).** A. Inhibition of AHAS by Group 2 herbicides affects production of branched chain amino acids. [

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We have provided the following elements which support our RSR request:

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3. The mechanism of action of genetically engineered glufosinate tolerance in plants is well studied (Figure 1).

4. The expression cassette for the AHAS gene [ CBI-deleted  
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5. [

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6. The mechanism of action of genetically engineered tolerance to Group 2 herbicides such as sulfonylureas and imidazolinones is well studied (Figure 2).

Please let us know if you have any further questions or need additional information as you review our request.

Sincerely,

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