



JAN 28 2011

John D. Conner, Esq.
McKenna Long & Partner
1900 K Street NW
Washington, DC 20006

Dear Mr. Conner:

This is our second partial to your October 25, 2010, Freedom of Information Act (FOIA) request for copies of correspondence, petitions, and permits about soybeans. Your request was received on October 25, 2010, and assigned case number FOIA 11-050.

Originally, our office indicated that we would be able to fully respond to your request by January 28, 2010. Based on the volume of records that require examination and consultation by the submitters and the Agency, we will need additional time to process and review these records. In accordance with USDA FOIA Regulations, 7 CFR 1.16(b)(1) and (b)(2), a request for an additional voluntary extension is being invoked to ensure the orderly processing of your request based on the need to examine and consult the submitters of records responsive to your request.

We are enclosing on CD-ROM copy of petition 09-328-01p, (198 pages) for non-regulated status submitted by Bayer Crop Science. Please note that portions of the information have been withheld pursuant to FOIA Exemption 4, 5 U.S.C. § 552 (b)(4). Exemption (b)(4) permits the withholding of commercial or financial information that was obtained from a person outside the government and that is privileged or confidential. The withholding of such information is permitted if disclosure is likely to cause substantial competitive harm to the person who submitted the information. We withheld information pertaining to genetic description, molecular characterization, protein characterization, agronomic data, research and product development activities, marketing strategy, as well as references to unpublished Bayer CropScience study reports.

In addition, we have withheld information pursuant to FOIA Exemption 6, 5 U.S.C. § 552 (b)(6). Exemption (b)(6) permit withholding of information which if released would cause a clearly unwarranted invasion of personal privacy. We have withheld names of third party individuals as well as job titles and addresses.

You may appeal our partial denial of this information, or you may hold your appeal in abeyance until your final response is received. If you choose to appeal, your appeal must be in writing and must be received within 45 days of the date of the final letter. Send to:

Administrator
Animal and Plant Health Inspection Service
Ag Box 3401
Washington, D.C. 20250-3401

United States
Department of
Agriculture

Animal and
Plant Health
Inspection
Service

Legislative and
Public Affairs

Freedom of
Information

4700 River Road
Unit 50
Riverdale, MD
20737-1232

Mr. John Conner, Esq.
FOIA 11-50

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If you choose to appeal, please refer to FOIA 11-50 in your appeal letter and add the words "FOIA Appeal" to the front of the envelope. To assist the Administrator in reviewing your appeal, provide specific reasons why you believe modification of the determination is warranted.

Also contained on the CD-ROM is rp505enu.exe, which is a free copy of Adobe® Acrobat® Reader™ that is required to view the responsive records. By opening rp505enu.exe and following the on-screen instructions, you will install Adobe Reader. After installation, the Adobe Reader should render the PDF files correctly.

We estimate that your entire request will be completed full or in part by February 28, 2011.

If you have any questions, please contact Reginald Sheppard at 301-734-8296.

Thank you for your patience.

Sincerely,



Ta:

Tonya Woods
Director
Freedom of Information & Privacy Act
Legislative and Public Affairs

Enclosure