



United States  
Department of  
Agriculture

January 4, 2011

Animal and  
Plant Health  
Inspection  
Service

Mr. Richard Conn, President  
Conn & Smith, Inc.  
6713 Catskill Road  
Lorton, VA 22079-1113

Legislative and  
Public Affairs

Freedom of  
Information

Dear Mr. Conn:

4700 River Road  
Unit 50  
Riverdale, MD  
20737-1232

This is in response to your September 27, 2010, Freedom of Information Act (FOIA) request. You requested a copy of the releasable portions of petition No. 09-328-01p for non-regulated status submitted by Bayer Crop Science. Your request was received in this office on September 27, 2010 and assigned case number FOIA 10-696. We apologize for the delay of this response.

Agency employees conducted a thorough search of their files and located 198 pages responsive to your request, which are provided on the enclosed CD-ROM. 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agronomic data, research and product development activities, marketing strategy, as well as references to unpublished Bayer CropScience study reports.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 information. If you choose to appeal, your appeal must be in writing and must be received within 45 days of the date of this letter. Please send to:

Administrator  
Animal and Plant Health Inspection Service  
Ag Box 3401  
Washington, DC 20250-3401

If you choose to appeal, please refer to FOIA 10-696 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.



Safeguarding American Agriculture  
APHIS is an agency of USDA's Marketing and Regulatory Programs  
An Equal Opportunity Provider and Employer

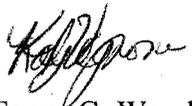
Richard Conn  
FOIA 10-696

2

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.

Due to the delay in processing your request all processing fees have been waived. If you have any questions, please contact the FOIA Office at (301) 734-8296.

Sincerely,

  
Tonya G. Woods

Director  
Freedom of Information & Privacy Act  
Legislative and Public Affairs

Enclosure