USDA

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

December 14, 2010

Steven Anderson
3750 University Avenue
Suite 400
Post Office Box 1028
Riverside, California 92502-1028

Dear Mr. Anderson:

This is in response to your June 22, 2010, Freedom of Information Act (FOIA) request. You requested a copy of petition No. 09-328-01p for non-regulated status submitted by Bayer Crop Science. Your request was received in this office on July 1, 2010 and assigned case number FOIA 10-522. 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agronomic data, research and product development activities, marketing strategy, as well as references to unpublished Bayer CropScience study reports.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 10-522 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.

Due to the delay in processing your request all processing fees have been waived. If you have any questions, please contact Melinda Hill of my staff at (301) 734-5974.

Sincerely,

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

Enclosure