



United States  
Department of  
Agriculture

January 20, 2011

Animal and  
Plant Health  
Inspection  
Service

Carla Scarmazzi  
FDA/Healthcare Specialist  
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Legislative and  
Public Affairs

Freedom of  
Information

4700 River Road  
Unit 50  
Riverdale, MD  
20737-1232

Dear Ms. Scarmazzi:

This is in response to your June 24, 2010, Freedom of Information Act (FOIA) request for a copy of Petition No. 09-063-01p for non-regulated status submitted by Stine Seed. Your request was received in our office on August 3, 2010, and assigned case number FOIA 10-594. We apologize for the delay in processing your request.

Agency employees conducted a thorough search of their files and located 124 pages of responsive records which are contained on the enclosed CD-ROM. However, we have withheld site listings under Exemptions 2 and 7F of the FOIA, 5 U.S.C. § 552 (b)(2) and 5 U.S.C. § 552 (b)(7)(F) respectively. Exemption 2 (high) protects from disclosure information concerning internal matters of a substantial nature, which if disclosed would risk the circumvention of a statute or agency regulation. Exemption 7F protects from disclosure law enforcement –related information, which if disclosed could reasonably be expected to endanger the life or physical safety of an individual.

Additionally, information has been withheld pursuant to FOIA Exemption 4, 5 U.S.C. § 552 (b)(4). This exemption protects confidential business information from disclosure when its release would cause substantial harm to the competitive position of an individual, a partnership or corporation from whom the information was obtained.

Finally, we have withheld personnel names and identifiers under FOIA Exemption 6, 5 U.S.C. § 552(b)(6). Exemption 6 protects information from disclosure when its release would cause a clearly unwarranted invasion of personal privacy.

You may appeal our partial denial of this 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. Send to:

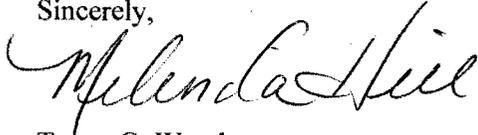
Administrator  
Animal and Plant Health Inspection Service  
Ag Box 3401  
Washington, D.C. 20250-3401

Please refer to FOIA 10-594 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 are copies of your FOIA request, this response letter, and the file rp505enu.exe, which is a free copy of Adobe® Acrobat® Reader™ needed to view the responsive records. By opening rp505enu.exe and following the on-screen instructions, you will install Adobe Reader. After the installation, Adobe Reader should render the PDF files correctly.

Due to the delayed processing of your request, all fees have been waived. If you have any questions, please contact Ms. Janice Shipman of my staff at (301) 734-0490.

Sincerely,



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

Enclosure