



United States
Department of
Agriculture

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Animal and
Plant Health
Inspection
Service

Legislative and
Public Affairs

Freedom of
Information

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Unit 50
Riverdale, MD
20737-1232

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

Dear Mr. Conner:

This is our final response to your October 25, 2010, Freedom of Information Act (FOIA) request which was received in our office on October 25, 2010, and assigned case number 11-050. Specifically, you requested copies of petitions and all correspondence for the petitions below.

1. USDA Deregulation petition 10-188-01p and all associated correspondence (MON-87708-9 soybean, dicamba tolerant);
2. USDA Deregulation petition 09-328-01p and all associated correspondence (FG-72 soybean, glyphosate and isoxaflutole tolerant);
3. USDA Deregulation petition 09-201-01p and all associated correspondence (MON-87705-6, soybean, improved fatty acid profile);
4. USDA Deregulation petition 09-183-01p and all associated correspondence (MON87769, soybean, stearidonic acid produced);
5. USDA Deregulation petition 09-082-01p and all associated correspondence (MON 87701, soybean, lepidopteran resistant);
6. USDA Deregulation petition 09-015-01p and all associated correspondence (BPS-CV127-9 soybean, imidazolinone tolerant);

We are enclosing 570 pages for Item 1 and 339 pages for Item 5, on CD-ROM. A review of the responsive records indicate that portions of these records are exempt from disclosure under 5 U.S.C. 552(b)(4), because they contain commercial and/or financial information obtained from a person as privileged or confidential. Also, information is being withheld under FOIA exemption 6, 5 U.S.C. §552 (b) (6). This exemption protects information from disclosure when its release would cause a clearly unwarranted invasion of personal privacy.

By correspondence dated December 13, 2010, we stated records for Items 3 and 4 are posted on our web site. On January 28, 2011, we provided you 198 pages for Item 2. Please note that records for Item 2, were reviewed and released under FOIA 10-522. Under FOIA 10-522, the Agency and Bayer Crop Science expressed to our staff that their petition is incomplete and the information contained in the petition is considered confidential business information. Although the petition is technically incomplete, we afforded Bayer Crop Science as well as the other petitioners the opportunity to review their documents under the *Pre-disclosure Notification Procedures for Confidential Commercial Information*, Executive Order 12600, to determine whether any or all of their

documents can be released. Bayer Crop reviewed their petition and determined that portions are appropriate for public disclosure.

With regard to Item 6, the petition is deemed incomplete and all responsive are being withheld, under FOIA Exemptions 4.5 U.S.C. § 552(b)(4). In addition, the records including internal Agency records are considered pre-decisional and part of the Agency's deliberative process. FOIA Exemption 5, 5 U.S.C. § 552(b)(5), permits the government to withhold pre-decisional information.

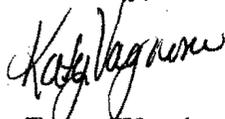
Also contained on the CD-ROM is rp505enu.exe, which is a free copy of Adobe® Acrobat® Reader™ that is required to view the responsive records. By opening rp505enu.exe and following the on-screen instructions, you will install Adobe Reader. After installation, the Adobe Reader should render the PDF files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

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 and sent to: Administrator, Animal and Plant Health Inspection Service, Ag Box 3401, Washington, D.C. 20250-3401. Please refer to FOIA **11-050** 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.

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

Thank you for your patience.

Sincerely,



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

Enclosure