



United States
Department of
Agriculture

March 4, 2011

Marketing and
Regulatory
Programs

Animal and Plant
Health
Inspection Service

Legislative and
Public Affairs

Freedom of
Information

4700 River Road
Unit 50
Riverdale, MD
20737-1232

Mr. Marc D. Fink
Center for Biological Diversity
209 East 7th Street
Duluth, Minnesota 55805

Dear Mr. Fink:

This is in response to your February 14, 2011, Freedom of Information Act (FOIA) request for a copy of all documents identified and described in the "index" which was provided to the Center for Biological Diversity on November 2, 2010. Your request was received in this office on February 14, 2011, and assigned case number FOIA 11-262.

Please be advised that records responsive to your request are now available on the e-foia reading room at: http://www.aphis.usda.gov/foia/foia_requests.shtml. Under the title, **FOIA REQUESTS**, click on **2011**, then **Biotechnology Regulatory Services (BRS)**. The records will be found under **11-262 - Eucalyptus Draft Administrative Record**. However, we withheld certain information under FOIA Exemption 4, 5 U.S.C. § 552(b)(4) indicated as "CBI" Confidential Business Information on the record set. This exemption protects confidential business information (CBI) from disclosure when release would cause substantial harm to the competitive position of an individual, a partnership or a corporation from whom the information was obtained.

We also withheld information under FOIA Exemption 5, 5 U.S.C. § 552(b)(5). Under the Deliberative Process Privilege (indicated as "DPP" on the records set) information is being protected from disclosure interagency or intra-agency information that is deliberative and pre-decisional. In addition, information was withheld under the Attorney Work-Product Privilege (indicated as "Atty-Work Priv" on the records set) which protects documents and other memoranda prepared by an attorney in contemplation of litigation.

Finally, we withheld information under FOIA Exemption 6, 5 U.S.C. § 552(b)(6) which if released would cause a clearly unwarranted invasion of personal privacy. This information is indicated as "PII" Personally Identifiable Information on the record set.



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Mr. Marc Fink
FOIA 11-262

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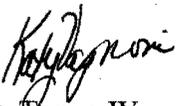
You may appeal our partial denial of this information. If you choose to appeal, your appeal must be in writing and must be received within 45 days of the date of this letter. Send to:

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

Please refer to FOIA 11-262 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 the FOIA Office at (301) 734-8296.

Sincerely,


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