



United States  
Department of  
Agriculture

March 11, 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. Jared MacCleary  
Crowell & Moring LLP  
1001 Pennsylvania Avenue, NW  
Washington, DC 20004

Dear Mr. MacCleary:

This is in response to your March 10, 2010, Freedom of Information Act (FOIA) request documents responsive to FOIA request 11-262 made by the Center for Biological Diversity. Your request was received in this office on March 10, 2010, and assigned case number FOIA 11-315.

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](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.



Safeguarding American Agriculture  
APHIS is an agency of USDA's Marketing and Regulatory Programs  
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Mr. Jared MacCleary  
FOIA 11-315

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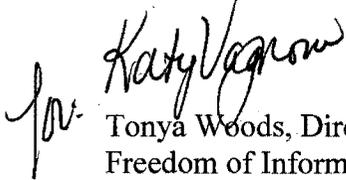
You may appeal our partial denial of this information. If you choose to appeal, your appeal must be in writing and must be received within 45 days of the date of this letter. Send to:

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

Please refer to FOIA 11-315 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 this office at (301) 734-8296.

Sincerely,

A handwritten signature in cursive script, appearing to read "Tonya Woods". To the left of the signature is a small, stylized initial or mark.

Tonya Woods, Director  
Freedom of Information & Privacy Act Staff  
Legislative and Public Affairs