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Joan Claybrook, President

June 14, 2005

Dr. Ron W. DeHaven, Administrator
Animal and Plant Health Inspection Service
United States Department of Agriculture
312-E Whitten Building
12th Street and Jefferson Drive, S.W.
Washington, DC 20250

RE: Docket Number 03-077-1; FOIA 04-292
Transmitted via facsimile: (202) 720-3054

Dear Dr. DeHaven:

On behalf of the consumer group Public Citizen, I am respectfully requesting an indefinite postponement of the comment period to Docket Number 03-077-1, Proposed Rule on Irradiation Treatment for Imported Fruits and Vegetables, that was published in the June 10, 2005 Federal Register (70 FR 33857-33873).

I am making this request because we do not sufficient information on which to make comments since your agency has failed to respond to FOIA 04-292 that was filed on March 12, 2004 and which is directly tied to the proposed rule. That material will explain how the Animal and Plant Inspection Service (APHIS) arrived at its decision in Docket Number 03-062-2 (69 FR 7541-7547), the final rule on permitting the irradiation of sweet potatoes from Hawaii. We have made numerous telephonic inquiries to your agency's FOIA office and we have been informed that our FOIA request has yet to be assigned for response. More than fifteen months have elapsed since we filed that FOIA request – more than enough time for the agency to assemble the information we are seeking.

In light of the failure of your agency to supply us with the necessary information on which we would be able to file comprehensive comments on the proposed rule, we ask that comment period be postponed until we have all of the information and adequate time to evaluate that material.

Should you have any questions regarding this matter, please feel free to contact me at (202) 454-5150.

Sincerely,

Wenonah Hauter, Director
Critical Mass Energy and Environment Program

cc: Docket Number 03-077-1