

MONSANTO



MONSANTO AUSTRALIA LIMITED
A.C.N. 006 725 560
LEVEL 12, 600 ST KILDA ROAD
MELBOURNE VIC 3004 AUSTRALIA
PHONE 61 3 9522 7126
FAX 61 3 9522 6126
alok.kumar@monsanto.com

14 DECEMBER 2006

Robyn Rowntree
Acting Standards Management Officer
Food Standards Australia New Zealand
PO Box 7186
CANBERRA MC ACT 2610

Dear Robyn,

**Re: Application to Food Standards Australia New Zealand for the inclusion of
Lepidopteran-protected maize MON 89034 in Standard 1.5.2 – Food Derived from
Gene Technology**

Please find enclosed an application for Lepidopteran-protected maize MON 89034, requesting inclusion of this product in *Food Standard 1.5.2 – Food Derived from Gene Technology*.

Three hard copies of the application, confidential attachments and supporting studies are provided.

Information provided in the confidential attachments contain confidential DNA sequence information that is provided for FSANZ consideration only, and we request that these volumes remain confidential in accordance with s39 of the *Food Standards Australia New Zealand Act 1991* (FSANZ Act).

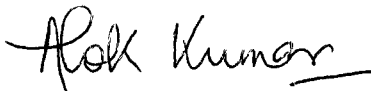
The DNA insert sequence information has been generated internally by Monsanto Company in order to facilitate regulatory approvals, and has been submitted confidentially to regulatory agencies where application has been made for approval of Lepidopteran-protected maize MON 89034. It has not been released publicly. It comprises the results of extensive research and intellectual property which are required for both the commercial viability and regulatory authorisation of the product; which if it became available to competitors of Monsanto, including those operating outside of Australia or New Zealand, would allow such competitors to develop, register and market products consisting of or derived from Lepidopteran-protected maize MON 89034 without the considerable investment of resourcing and time made by Monsanto in collecting or generating this information. Thus it can be attested that the complete DNA sequence information holds considerable value to Monsanto and the disclosure of this proprietary information could benefit Monsanto's competitors gratuitously, potentially causing financial loss to Monsanto and its licensees.

In preparing the application, the format for applying to amend Australia New Zealand Food Standards Code – *Food produced using Gene Technology* (updated June 2005) was followed and a checklist relevant to this application is included in *Pages viii - ix* of the application.

A cheque for the Initial Assessment Fee of \$4000 is also provided.

Should you have any questions concerning the information supplied, please do not hesitate to contact me.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Alok Kumar', with a horizontal line extending from the end of the name.

ALOK KUMAR
Regulatory Product Manager