



United States  
Department of  
Agriculture

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

MAY 18 2010

Michael Budkie  
SAEN  
1081-B St. Rt. 28 PMB 280  
Milford, OH 45150

Dear Mr. Budkie:

This is a final response to your October 26, 2009, Freedom of Information Act (FOIA) request for copies of all inspection reports on the New Iberia Research Center in Louisiana for the last two years, and copies of all correspondence between this facility and the USDA for the last two years. Your request was received in this office on October 26, 2009 and assigned case number FOIA 10-048. We apologize for the delay of this response.

Agency employees conducted a thorough search of their files and located the enclosed 4 pages of responsive records. However, we have withheld certain information such a third party name and an e-mail address 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. In addition, we withheld the same information under FOIA Exemption 7(C), 5 U.S.C. § 552(b)(7)(C). This exemption protects from disclosure records or information collected for law enforcement purposes when its release could reasonably be expected to constitute an unwarranted invasion of personal privacy.

Please be advised that the information responsive to your request has been referred to our Investigative and Enforcement Services Branch for review and is part of an ongoing law enforcement proceeding (Case Id: LA09013). These records are being withheld pursuant to FOIA Exemption 7(A), 5 U.S.C. § 552 (b)(7)(A). This exemption protects from disclosure records compiled for law enforcement purposes, the release of which could reasonably be expected to interfere with enforcement activities. Since Exemption 7(A) protects the records from disclosure, we have not determined if other exemptions apply. Therefore, we reserve the right to assert other exemptions when Exemption 7(A) no longer applies. Moreover, we are unable to determine when the proceedings will be completed. If you wish, you may request the records at a later date.

You may appeal our denial of this information. If you choose to appeal, and you may hold your appeal in abeyance until your final response is received, your appeal must be in writing and must be sent within 45 days of the date of the final letter to:

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



Safeguarding American Agriculture  
APHIS is an agency of USDA's Marketing and Regulatory Programs  
An Equal Opportunity Provider and Employer

Mr. Michael Budkie  
FOIA 10-048

2

Please refer to FOIA 10-048 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.

Because the cost to process your request is less than \$25.00, the fee has been waived. If you have any questions, please contact Ms. Anastazia Taylor, Ms. Katy Vagnoni and Ms. Jacqueline Harris of my staff at (301) 734-8296.

Sincerely,



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

Enclosure

*Asante Waa*  
*AC*



"Michael A. Budkie"  
<saen@saenonline.org>  
10/26/2009 01:25 PM

To <foia.officer@aphis.usda.gov>  
cc  
bcc  
Subject FOIA Request



**SAEN**  
**1081-B St. Rt. 28 PMB 280**  
**Milford, Ohio 45150**  
**513-575-5517**  
**www.saenonline.org**

**24 2009**

10/26/09

Dear FOIA Coordinator,

This request for records is made under the federal Freedom of Information Act, 5 U.S.C. sec. 552.

As a coordinator for SAEN, in Milford, Ohio, I am making this request. SAEN is a non-profit organization based in Milford, Ohio, dedicated to educating the public about issues concerning animal rights. SAEN may be hereafter be referred to as "the requester".

This request is directed at obtaining copies of: all inspection reports of the New Iberia Research Center in Louisiana for the last two years, also requested are copies of all correspondence between this facility and the USDA for the last two years. This will include full copies of animal use reports including all attachments, registration documentation, all communication regarding complaints, investigations, etc. including all photographs and other documentation.

If any of the records or documents described above are considered to be exempt from release, please segregate and provide access to non-exempt portions, and justify deletions by reference to specific exemptions in the Freedom of Information Act.

The requester is prepared to pay all reasonable search and duplication fees up to an initial amount of one hundred dollars (100.00). However, the Freedom of Information Act provides that: "Documents shall be furnished without cost or at a reduced charge where the agency determines that waiver or reduction of the fee is in the public interest because furnishing the information can be considered as primarily benefiting the general public," (See 5 U.S.C., sec. 552 (a) (4) (9A).)

The requester believes that this request satisfies the criteria for fee waiver or reduction: 1. SAEN is a non-profit, public interest group whose tax-exempt number is 31-1481336; 2. The use of live animals in experimentation has historically been a matter of wide public interest; 3. The disclosure of the requested records would not be to the primary benefit of the requester, but

would be to the primary benefit of the general public. SAEN has demonstrated its ability to disseminate to the general public the information it acquires. This is achieved by reliable media contacts, and a nationally distributed activist base.

Therefore, the requester asks that any search or duplication fees in this case be waived or reduced. If the waiver or reduction is denied, and fees exceed one hundred dollars (100.00), please notify the requester by telephone before the request is processed so the requester may decide whether to pay the higher fee or to appeal the denial of the request for waiver reduction.

I may be reached during business hours at 513-575-5517. If you have any questions regarding any aspect of this request, please contact me by telephone rather than by mail in order to expedite timely disclosure.

Thank you for your assistance. I will look forward to receiving your reply within ten (10) business days as is required by law.

Sincerely,

Michael A. Budkie, A.H.T.,  
Executive Director, SAEN