



United States
Department of
Agriculture

November 3, 2010

Animal and
Plant Health
Inspection
Service

Captive Animals & Entertainment Issues
People for the Ethical Treatment of Animals
501 Front Street
Norfolk, Virginia 23510

Legislative and
Public Affairs

Dear :

Freedom of
Information

This is in response to your Freedom of Information Act (FOIA) request received September 29, 2010. You requested copies of all USDA agency records that document actions taken under the Animal Welfare Act in response to the following previously reported concerns:

4700 River Road
Unit 50
Riverdale, MD
20737-1232

- Carson & Barnes Circus E10-224
- Turtle Back Zoo E10-220
- The King Kong Zoo E10-219
- Cole Bros. Circus E10-222
- Ringling Bros. Hollywood Animals E10-234

Your request was received in this office on September 29, 2010 and assigned FOIA number 10-699. We apologize for the delay in this response.

Agency employees conducted a thorough search of their files and located 187 pages of responsive records to your request. Please be advised, records you have requested are involved in an ongoing investigation, therefore, we are withholding 74 pages pursuant to FOIA Exemption 7(A), 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. If you wish, you can request the records again at a later time.

However, portions of the releasable 113 pages have been withheld 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. This same information has also been withheld under FOIA Exemption 7(C), 5 U.S.C. § 552(b)(7)(C). This exemption protects from disclosure records or information compiled for law enforcement purposes when its release could reasonably be expected to constitute an unwarranted invasion of personal privacy. Specifically, we withheld third party names, addresses, and phone numbers.

You may appeal our partial denial determination of 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. Please send to:

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

Please refer to FOIA 10-699 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.

Teresa Marshall
FOIA 10-699

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Due to the delayed processing of your request, all fees have been waived. If you have any questions, please contact Ms. KeWanda McCain of my staff at (301) 734-4893.

Sincerely,

for Coles D Camp
Tonya G. Woods
Director
Freedom of Information & Privacy Act
Legislative and Public Affairs

Enclosures