



United States
Department of
Agriculture

Animal and
Plant Health
Inspection
Service

Legislative and
Public Affairs

Freedom of
Information

4700 River Road
Unit 50
Riverdale, MD
20737-1232

April 25, 2011

Michael Budkie
Sent Via Email

Dear Mr. Budkie:

This is a second partial response to your December 14, 2010, Freedom of Information Act (FOIA) request for copies of all documents discussed in the November 16, 2010, inspection report for the Southwest Foundation for Biomedical Research. Your request was received in this office on December 14, 2010, and assigned FOIA 11-136. We apologize for the delay of this response.

Agency employees conducted a thorough search of their files and located 189 pages of records that are responsive to your request. Attached are two pages of records responsive to your request. These records are appropriate for release in their entirety, without redactions.

While reviewing the records, we noticed that 187 pages of the documents are involved in an ongoing investigation, therefore, we are withholding these documents under 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 proceeding will be completed. You are welcome to submit a new request for this information at a later date.

You may appeal our denial 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 at the following address:

Administrator
Animal and Plant Health Inspection Service
Ag Box 340
Washington, DC 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 11-136

2

If you choose to appeal, please refer to FOIA 11-136 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.

Due to the delayed processing of your request, all fees have been waived. Please note that the remainder of your request is still under review. We will continue to make partial releases of the information you requested. In the interim, if you have any questions, please contact Ms. KeWanda McCain of my staff at (301) 734-4893.

Sincerely,



Tony G. Woods

Director

Freedom of Information & Privacy Act
Legislative and Public Affairs

Attachments