



United States
Department of
Agriculture

NOV 12 2010

Animal and
Plant Health
Inspection
Service

Loyd R. Earley
Worldwide Flight Services, Inc.
1925 W. John Carpenter Freeway
Suite 450
Irvington, TX 75063

Legislative and
Public Affairs

Freedom of
Information

4700 River Road
Unit 50
Riverdale, MD
20737-1232

Dear Mr. Earley:

This is in response to your October 19, 2010, Freedom of Information Act (FOIA) request for any and all correspondence, written statements, emails, memoranda, air way bills or other documents supporting civil penalties recommended by Kimberly Nichols. Your request was received in this office on October 19, 2010, and assigned case number FOIA 11-032.

Please be advised that PA06030 is still an open investigation. Therefore, records reflecting the stipulation; penalty amounts for the other parties and various other records involved in the case are being withheld under Exemption 7(A) of the FOIA, 5 U.S.C. § 552(b)(7)(A). This exemption protects such information when its disclosure could reasonably be expected to interfere with enforcement proceedings. Subsequently, additional records could be generated up to the closing of the investigation. Such records may contain information which is subject to other applicable FOIA exemptions which would be applied upon review. If, at a later date, you are still interested in receiving information concerning this subject matter, you will need to submit a new FOIA request.

You may appeal our denial of this 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 to:

Administrator
Animal and Plant Health Inspection Service
Ag Box 3401
Washington, DC 20250-3401

Please refer to FOIA 11-032 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.



Safeguarding American Agriculture
APHIS is an agency of USDA's Marketing and Regulatory Programs

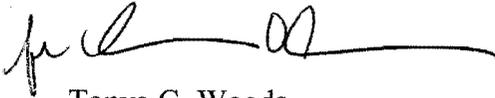
An Equal Opportunity Provider and Employer

Ms. Loyd Earley
FOIA 11-032

2

All fees pertaining to this request have been waived due to the delay of processing this request. If you have any questions, please contact

Sincerely,

A handwritten signature in black ink, appearing to read 'Tonya G. Woods', with a long horizontal flourish extending to the right.

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