



OCT - 5 2010

United States
Department of
Agriculture

Mr. Jeffrey Brown
Research Associate
Regulatory Testing Division
People for the Ethical Treatment of Animals
2898 Rowena Avenue, # 103
Los Angeles, CA 90039

Animal and
Plant Health
Inspection
Service

Legislative and
Public Affairs

Freedom of
Information

4700 River Road
Unit 50
Riverdale, MD
20737-1232

Dear Mr. Brown:

This is in response to your March 29, 2010, Freedom of Information Act (FOIA) request which was referred to our office on April 21, 2010, and assigned case number 10-409. You requested copies of Merial Select Inc.'s "lot release protocols for the testing" of USDA Codes: 12P5.40, 12D5.45, 1701.10, and 1711.10. We apologize for the delay of this response.

Agency employees conducted a search of their files and located 38 pages of responsive records on the enclosed CD-ROM. A review of the responsive records indicate that portions of these records are withheld under 5 U.S.C. 552(b)(4), because they contain commercial and/or financial information obtained from a person as privileged or confidential. Also, portions of these records are 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.

If you are not satisfied with this response to your request, you may appeal within 45 calendar days from the date of this letter stating the reasons why the requested information should be released under the Act; and why the denial may be in error. Address your written appeal to the: Administrator, Animal and Plant Health Inspection Service, Ag Box 3401, Washington, D.C. 20250-3401. Please refer to FOIA 10-409 in your appeal letter and add the words **FOIA Appeal** to the front of the envelope.

If you have any questions, please contact the FOIA staff at (301) 734-8296.

Thank you for your patience.

Sincerely,



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

Enclosure