



January 25, 2011

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

Dear :

This is in response to your November 30, 2010, Freedom of Information Act (FOIA) request in which you are requesting all follow up documentation regarding case #E10-251. Your request was received in this office on November 30, 2010, and assigned case number FOIA 11-101. We apologize for the delay of this response.

Agency employees conducted a thorough search of their files and located 310 pages of responsive records. However, we are withholding 288 pages of records that are part of an ongoing enforcement proceeding (Case Id. CT 08004) 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.

Because the underlying circumstances may change, we may later disclose some of the exempt records. If you wish, you may request the records at a later date.

On the enclosed CD-ROM are 22 pages of documents that contain information that is personal in nature has been withheld pursuant to Exemption 6 of the FOIA, 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 information has also been withheld pursuant to Exemption 7(C) of the FOIA, 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.

You may appeal our partial denial of this information. If you choose to appeal, your appeal must be in writing and must be sent within 45 days of the date of this letter to:

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



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

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Ms. Lauri Buccieri  
FOIA 11-101

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Please refer to FOIA 11-101 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.

Also contained on the CD-ROM is a copy of this letter, a copy of your FOIA request, and a free copy of Adobe® Acrobat® Reader™ which is needed to view the responsive records. By opening rp505enu.exe and following the on-screen instructions, you will install Adobe Reader. After the installation, Adobe Reader should render the PDF files correctly.

Because the cost to process your request is less than \$25.00, the fee is waived. If you have any questions about this response, please contact Ms. Tempie Johnson of this office on (301) 734-0797.

Sincerely,



*ja:* Tonya G. Woods  
Director  
Freedom of Information & Privacy Act Staff  
Legislative and Public Affairs

Enclosure