



United States
Department of
Agriculture

April 29, 2011

Animal and
Plant Health
Inspection
Service

Ms. Julie Caramante

Legislative and
Public Affairs

Dear Ms. Caramante:

Freedom of
Information

4700 River Road
Unit 50
Riverdale, MD
20737-1232

This is our final response to your February 6, 2011, Freedom of Information Act (FOIA) request for copies of any and all records pertaining to violations of the Commercial Transport of Equines to slaughter records may include photographs, field reports, etc, for the year 2009. Your request was received in this office on February 7, 2011, and assigned case number FOIA 11-240. We apologize for the delay of this response.

Agency employees conducted a thorough search of their files and located 69 pages of records that are responsive to two violators, Scott Kurtenbach, (IES # IA09019), Lawler, Iowa, and Musick Livestock, (IES # SD09005), Mitchell, South Dakota, which are on the enclosed CD-ROM. However, information has been withheld under FOIA Exemption 5, 5 U.S.C. § 552(b)(5), because it consists of opinions, recommendations, and other reflections of staff thinking integral to the pre-decisional, deliberative process.

In addition, information has 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. Finally, this same information is withheld pursuant to FOIA Exemption 7(C), 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. Specifically, third party names, owner signatures and law enforcement personnel have been withheld

You may appeal our partial denial determination. 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, D.C. 20250-3401

Please refer to FOIA 11-240 in your appeal letter and add the words "FOIA Appeal" to the front of the envelope. To assist the Administrator in reviewing your appeal, please provide specific reasons why you believe modification of the determination is warranted.

Ms. Julie Caramante
FOIA 11-240

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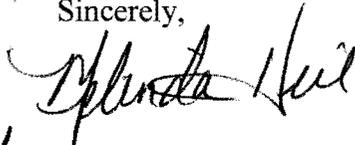
Please be advised, during our review, we identified 4 pages originated with the Departmental Management (DM). USDA, APHIS does not have the authority to make release determinations on DM records. Therefore, by copy of this letter, we are referring the documents(s) to DM for release determination and direct response to you. To check the status of DM response, please contact them at the following address:

Ms. Phyllis Holmes, FOIA Officer
Departmental Administration
Room 209-A Whitten Building
1400 Independence Avenue
Washington, DC 20250
Tel. (202) 720-0068

Also contained on the CD-ROM are copies of your FOIA request and 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, the Adobe Reader should render the PDF files correctly.

Because the cost to process your request is less than \$25.00, all fees have been waived. If you have any questions, please do not hesitate to contact Ms. Sophie Lau-Lopez of my staff at (301) 734-5360.

Sincerely,



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

Enclosure