



United States
Department of
Agriculture

March 17, 2011

Marketing and
Regulatory
Programs

Wendy Cooke

Animal and
Plant Health
Inspection
Service

Dear Ms. Cooke:

Legislative and
Public Affairs

This is in response to your January 29, 2011, Freedom of Information Act (FOIA) request for data about tank measurements and other associated information pertaining to Lolita or Miami Seaquarium or any related independent contractors, as well as USDA-APHIS. Your request was received in this office on February 23, 2011, and assigned case number FOIA 11-279.

Freedom of
Information

In connection with a previous FOIA request, access was granted in part to 12 pages of documents (enclosed) that are responsive to your request. Therefore, we are releasing the same to you. However, information has been withheld under FOIA Exemption 5, 5 U. S. C. § 552(b)(5). This exemption protects from disclosure inter-agency or intra-agency information that is predecisional and deliberative. Also, information is also being 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. We withheld third party names.

4700 River Road
Unit 50
Riverdale, MD
20737-1232

Although we are not required to generate new documents or answer non-FOIA questions; a little insight is provided below:

- In the category 'Documents requested' items #1 & #2 – there were no documents retained 20 years ago providing any name of method used or any independent contractor identified. Item #3 – in 1995, APHIS collected measurements on all marine mammal pods (not any one pod in particular), in anticipation of evaluating the need to update space requirements through regulatory promulgation. Item #4 – the documents have been provided in the 12 pages. Finally item #5 - response is described above.
- In the second category 'Actions requested' you may have to contact the Eastern Regional office of Animal Care for a representative that may be able to help you. The number to that office is 919-855-7100 or you may e-mail them at accast@aphis.usda.gov. We do respond or implement actions in FOIA requests.

You may appeal our partial denial determination 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. Send to:

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

Please refer to FOIA 11-279 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.

Because the cost to process your request was less than \$25.00, the fee has been waived. If you have any questions, please contact Mr. Robbie Perry of my staff on (301) 734-8696.

Sincerely,

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

Enclosures



Safeguarding American Agriculture
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