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United States
Department of
Agriculture

Certified Return Receipt

Marketing and
Regulatory
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Animal and
Plant Health
Inspection
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Legislative and
Public Affairs

Freedom of
Information

4700 River Road
Unit 50
Riverdale, MD
20737-1232

Vice Chancellor for Research
University of Colorado at Denver
and Health Sciences Center
Office of Laboratory Animal Resources
4200 East Ninth Avenue, B114
Denver, Colorado 80262

Dear

In response to a Freedom of Information Act (FOIA) request received by this office for a copy of APHIS's final report concerning the investigation of the University of Colorado at Denver and Health Sciences Center pursuant to PETA's Complaint filed October 16, 2007, including its amendment dated December 17, 2007, the U.S. Department of Agriculture is in the process of reviewing and responding to the request for access to this information.

Before we make this information available to the public, we review the documents for information that may qualify for withholding under FOIA Exemption 4, 5 U.S.C. § 552(b)(4). Exemption 4 protects from public disclosure trade secrets and confidential business information (CBI), the disclosure of which is likely to cause substantial competitive harm. Under the *Predisclosure Notification Procedures for Confidential Commercial Information*, Executive Order 12600 (copy enclosed), Federal agencies subject to the FOIA are required to notify a submitter of business information that disclosure of the information is being considered. Thus, I am notifying you of this request and soliciting a justification from your facility demonstrating how competitors could use your information to cause competitive harm to your research facility.

Enclosed along with a copy of the FOIA request (FOIA 08-296) is a CD-ROM which contains 166 pages of documents that may possibly have CBI and qualify for withholding under Exemption 4. Please highlight Exemption 4 information in the enclosed documents and prepare a detailed, written justification to support protection of the designated information. Also, enclosed is a copy of our Instructions for CBI Justification. Please note that when documents contain information that qualifies as exempt from disclosure, the entire document is not necessarily exempt. The FOIA specifically provides that any reasonably segregable portions of a document must be provided to a requester after deletion of the portions that are exempt.

Also contained on the CD-ROM is a 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, the Adobe Reader should render the PDF files correctly.



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Because of the need to meet FOIA deadlines, please respond by March 16, 2011. If you fail to provide comments, we will assume that you have no objections to disclosure of this information. Any comments should be sent to:

Animal and Plant Health Inspection Service
Legislative and Public Affairs
Freedom of Information Act – EO12600 Response
4700 River Road, Unit 50
Riverdale, Maryland 20737-1232

If we disagree with any of your designations, you will be given an opportunity to seek judicial intervention to block disclosure before the information is released. If you have any questions, please contact Tamara Wade of my staff at (301) 734-5268.

Sincerely,


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

cc: People for the Ethical Treatment of Animals (PETA)

Enclosures:

1. Copy of FOIA Request
2. CBI Documents
3. Executive Order (E.O.) 12600
4. Instructions for CBI Justification