



United States
Department of
Agriculture

Grain Inspection,
Packers and Stockyards
Administration

Stop 3642
1400 Independence Ave., SW
Washington, D.C. 20250-3642

Ms. Rosemary Mucklow
Director Emeritus
National Meat Association
1970 Broadway, Suite 825
Oakland, California 95612

December 10, 2010

Dear Ms. Mucklow:

This responds to your August 18, 2010, letter to Mr. Butler, Administrator, Grain Inspection, Packers and Stockyards Administration (GIPSA or the Agency) seeking under the Freedom of Information Act (FOIA) copies of "complaints (received by GIPSA) from market participants that packer-to-packer sales may have the intended or unintended effect of manipulating market prices."

GIPSA located 11 pages of documents in response to your FOIA request. The Agency has determined, however, that the documents are associated with an open investigative file; therefore, the responsive documents are exempt from disclosure pursuant to 5 U.S.C. 552(b)(7)(A). This exemption protects from disclosure "records or information compiled for law enforcement purposes, but only to the extent that the production of such law enforcement records or information (A) could reasonably be expected to interfere with enforcement proceedings, . . ."

You also have asked GIPSA to provide responses to questions regarding price distortions, the reclassification of certain packer-to-packer transactions, procurement mechanisms, the amounts of the effects packer-to-packer transactions were affecting the negotiated base price over a 2-year period. Federal agencies are not required to respond to questions raised by a FOIA requester. The FOIA only requires Federal agencies to provide records in response to a request unless protected from disclosure. The statute does not require agencies to do research, analyze data, respond to written questions, or in any other way create records in order to respond to requests.

You may appeal my decision to withhold the records sought within 45 days from the date of this letter by writing to:

J. Dudley Butler, Administrator
Grain Inspection, Packers & Stockyards Administration, USDA
1400 Independence Avenue, S.W., STOP 3601
Washington, D.C. 20250-3601

If you decide to appeal, please state with specificity your basis and clearly mark your letter and the envelope with the words "Freedom of Information Act Appeal".

Sincerely,

Joanne C. Peterson

Joanne C. Peterson
GIPSA Freedom of Information Act Officer
202-720-8087