



United States
Department of
Agriculture

January 11, 2011

Marketing and
Regulatory
Programs

Michael McGinn
Kelley, Drye & Warren, LLP
Washington Harbour, Suite 400
3050 K Street, NW
Washington, DC. 20007-5108

Animal and
Plant Health
Inspection
Service

Legislative and
Public Affairs

Dear Mr. McGinn:

Freedom of
Information

This is in response to your October 26, 2010, Freedom of Information Act (FOIA) request, which was received on October 26, 2010, and assigned FOIA case number 11-053. You requested records that discuss or otherwise relate to Chembio Diagnostic, Inc.'s veterinary biologic application and USDA's subsequent decision to grant Chembio veterinary biologic license, for Chembio's ElephantTB STAT-PAK Assay.

4700 River Road
Unit 50
Riverdale, MD
20737-1232

Specifically, you are seeking the following information:

- (1) A copy of the Chembio application;
- (2) A copy of the Chembio license;
- (3) All records of communications between USDA staff members concerning the Chembio application and/or the Chembio License;...*et al* (the various records for the other numbered items for the FOIA request).

Agency employees conducted a thorough search of their files and located 172 pages of responsive records to your request. Portions of information has been withheld under Exemption 6, 5 U.S.C. § 552(b)(6) of the FOIA. Exemption 6 permits the Government to protect from disclosure information that would cause a clearly unwarranted invasion of personal privacy. The release of this information will not shed any light on Government operations. Specifically, we have withheld the names and signatures of private company and various associations' employees from the enclosures.

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

Please refer to FOIA 11-053 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.



Safeguarding American Agriculture
APHIS is an agency of USDA's Marketing and Regulatory Programs
An Equal Opportunity Provider and Employer

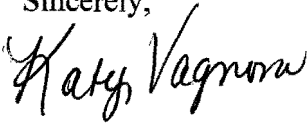
Mr. Michael McGinn
FOIA 11-053

2

Also contained on the CD-ROM are copies of your FOIA request, this response letter, 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.

All fees for processing your request have been waived. If you have any questions, please contact the FOIA Staff at 301-734-8296.

Sincerely,



For:

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

Enclosure