



VIA Email sent to eh@pricklyresearch.com

October 31, 2014

Edward Hammond
Prickly Research
3103 Powell Cir
Austin, TX 78704

Re: FOIA Case No. 42889

Dear Mr. Hammond:

This is the final response to your September 15, 2014, Freedom of Information Act (FOIA) request addressed to the National Institute of Allergy and Infectious Diseases (NIAID) FOIA Office, National Institutes of Health (NIH) and received in that office on September 16, 2014. Your request has been referred to my office because of our responsibilities under the FOIA. Department of Health and Human Services' (HHS) policy calls for the fullest possible disclosure provided by the FOIA, 5 U.S.C. §552, consistent with the protections contained therein. The implementing HHS Regulations establish the criteria pursuant to which the FOIA is administered, *see* 45 C.F.R. Part 5. Copies of the FOIA and the HHS FOIA Regulations are located at: <http://www.nih.gov/icd/od/foia/efoia.htm> and <http://www.nih.gov/icd/od/foia/cfr45.htm>.

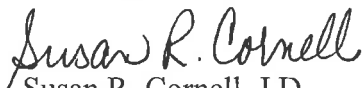
You requested (1) all risk mitigation and communication plans for DURC research received by NIAID and (2) NIAID's response to the plans of Item #1. In an October 21, 2014, email exchange with Robin Schofield, NIAID FOIA Coordinator, you clarified that your request was also for any "communication plans."

NIAID searched its files for records responsive to your request and that search produced the attached 26 pages of records from which certain portions have been redacted pursuant to Exemption 3 of the FOIA. Exemption 3 applies to documents which are exempt from disclosure by another statute; in this instance, 42 U.S.C. § 262a (h)(1)(C), which prohibits the release of site-specific security measures regarding select agents.

You have the right to appeal this determination to deny you access to information in the agency's possession. Should you wish to do so, you must send your appeal within thirty (30) days of receipt of this letter to Deputy Agency Chief FOIA Officer, United States Department of Health and Human Services, 5600 Fishers Lane, Room 19-01, Rockville, MD 20857, following the procedures outlined in Subpart C of the HHS FOIA Regulations. Clearly mark both the envelope and your letter "Freedom of Information Act Appeal."

In certain circumstances provisions of the FOIA and HHS FOIA Regulations allow us to recover part of the cost of responding to your request. Because no unusual circumstances apply to the processing of your request, there is no charge associated with your response.

Sincerely,

Handwritten signature of Susan R. Cornell in black ink.

Susan R. Cornell, J.D.
Freedom of Information Officer, NIH
Building 31, Room 5B35
9000 Rockville Pike
Bethesda, MD 20892

Attachments: 26 pages