

EXHIBIT 2



DEPARTMENT OF HEALTH & HUMAN SERVICES

National Institutes of Health
National Cancer Institute
Freedom of Information / Privacy Act Office
Bldg. 31, Room 10A48
9000 Rockville Pike, MSC 2580
Bethesda, Maryland 20892-2580
Ph: (301) 496-2999 Fax: (301) 435-2931

June 14, 2017

Monib Zirvi, MD, PhD
19 Major Road
Monmouth Junction, NJ 08852

Re: NCI 17-086; FOI Case No. 46449

Dear Dr. Zirvi:

This is our final response to May 17-18, 2017 Freedom of Information Act (FOIA) requests addressed to the NCI FOIA office; and received in this office, on May 17-18, 2017. You were informed that your requests were aggregated. You requested copies of the grant applications and progress reports or other supporting documents that were submitted by the applicants for the following: 1R43CA108391-01 and 1R43CA097851-01 (formally 1R44CA097851-01). You are also requesting a copy of grant application 2R44CA103406-02 awarded by the National Cancer Institute (NCI) of the National Institutes of Health (NIH).

Enclosed is 1 CD (equivalent to 187 pages) for the following grants: 1R43CA097851-01 (35 pages), 2R44CA097851-02 (62 pages), 5R44CA097851-03(33 pages), and 2R44CA103406-02 (57 pages). It is Department of Health and Human Services (HHS) policy to expunge all budget information, eRA common user names, consultant(s), square footage, number of employees, calendar months, percentage of efforts, dates of birth, social security numbers, working hours, letter to Center for Scientific Review, source of private support and any patentable or proprietary material wherever they appear throughout the grant material. This information has been removed from the enclosed material.

Requesters who ask for grant applications usually want to receive only material that will help in understanding the process that led to the awards, or to improve their own methods of drafting grant applications. Requesters usually do not want material that applicants believe would harm them if released. We have found that the spirit of the FOIA can be enhanced through a spirit of cooperation among requesters of materials and those who submitted the materials.

In this instance, we asked the grantee for advice concerning patent rights and other confidential commercial or financial information and the material that we are furnishing reflects that advice. If you feel that materials have been omitted that should have been made available to you, please write to me and I will consult with the NIH Freedom of Information Officer.

In reference to Grant# 1R43CA108391-01; those records have been destroyed. While we believe that an adequate search of appropriate files was conducted for the records you requested, you have the right to appeal this determination that no records exist which would be responsive to part of your request. Should you wish to do so, your appeal must be sent within ninety (90) days of the date of this letter, following the procedures outlined in Subpart C of the HHS FOIA Regulations <http://www.nih.gov/icd/od/foia/cfr45.htm> to:

Ms. Catherine Teti
Deputy Agency Chief FOIA Officer
U.S. Department of Health and Human Services
Office of the Assistant Secretary for Public Affairs
Room 729H
200 Independence Avenue, S.W.
Washington, DC 20201
FOIARequest@hhs.gov
FAX: 202-690-8320

Clearly mark both the envelope and your letter "Freedom of Information Act Appeal."

If you are not satisfied with the processing and handling of this request you may contact the NCI FOIA Public Liaison and/or the Office of Government Information Services (OGIS):

NCI FOIA Public Liaison

M.K. Holohan
Building 31, Room 10A48
9000 Rockville Pike
Bethesda, MD 20892
301-496-5217 (phone)
301-435-2934 (fax)
ncifoa@mail.nih.gov (email)

OGIS

National Archives and Records Admin.
8601 Adelphi Rd – OGIS
College Park, MD 20740-6001
202-741-5770 (phone)
1-877-684-6448 (toll-free)
202-741-5769 (fax)
ogis@nara.gov (email)

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 the cost is below the \$25 minimum, there is no charge for the enclosed materials.

Sincerely,



Suzy Millard

Freedom of Information Coordinator
NCI/OGCR/FOIA

Enclosure(s): 1 CD = 1R43CA097851-01 (35 pages), 2R44CA097851-02 (62 pages), 5R44CA097851-03(33 pages), and 2R44CA103406-02 (57 pages).