

National Aeronautics and Space Administration

Headquarters

Washington, DC 20546-0001



September 24, 2020

Office of Communications

New England Anti-Vivisection Society
Attn: Russ Kick
333 Washington Street, Suite 850
Boston, MA 02108

FOIA Tracking Number 20-ARC-F-00687

Dear Mr. Kick:

Thank you for your Freedom of Information Act (FOIA) request dated July 27, 2020, and received July 28, 2020 at the NASA Headquarters FOIA Office. Your request will be processed by the NASA Headquarters FOIA Office on behalf of the Ames Research Center (ARC). You are seeking:

We request all documents that memorialize all primate deaths at Ames and all departures of primates out of Ames, from January 1, 2018, to the present.

This would include **but not be limited to:** APHIS form 7020 or its equivalent, invoices/bills sent, shipping paperwork, euthanasia requests and orders, and necropsy reports.

This covers all primates under the control of Ames, including those at satellite and other offsite facilities.

Please be advised that according to the IACUC, there have been no primate departures from the Ames Research Center. Also, the last study conducted with primates aboard Ames was conducted in a private facility in 2015. Furthermore, as to primate deaths, there is a three-year record-keeping requirement, so no records exist for animals euthanized prior to June 2017.

The program office located seven pages in response to your request. We have reviewed these responsive records under the FOIA to determine whether they may be accessed under the FOIA's provisions. Based on that review, this office is providing the following:

2 page(s) are being released in full (RIF);¹

¹ All page counts are provided in approximate numbers.

5 page(s) are being released in part (RIP);
 0 page(s) are withheld in full (WIF).

NASA redacted from the enclosed documents information that fell within the following FOIA Exemptions explained below.

Exemption 4, 5 U.S.C. § 552(b)(4)

“Exemption 4 protects trade secrets and commercial or financial information obtained from a person that is privileged or confidential. See 5 U.S.C. § 552(b)(4). The Supreme Court of the United States has held that where commercial or financial information is both customarily and actually treated as private by its owner and provided to the government under an assurance of privacy, the information is “confidential” within the meaning of 5 U. S. C. §552(b)(4). *Food Marketing Institute v. Argus Leader Media*, 139 S. Ct. 2356 (2019).” Thus, NASA is invoking Exemption 4 to protect the names and titles of company personnel as well as company proprietary information not otherwise made publicly available.

Exemption 6, 5 U.S.C. § 552(b)(6)

Exemption 6 allows withholding of “personnel and medical files and *similar files* the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.” See 5 U.S.C. § 552(b)(6)(emphasis added). In this case, NASA is invoking Exemption 6 to protect the identities of company personnel and all personal signatures.

Exemption 7(C), 5 U.S.C. § 552(b)(7)(C)

Exemption 7(C) protects from public disclosure “records or information compiled for law enforcement purposes...[if disclosure] could reasonably be expected to cause an unwarranted invasion of personal privacy.” See 5 U.S.C. § 552(b)(7)(C). NASA is invoking Exemption 7(C) to protect the identities of animal care personnel.

Exemption 7(F), 5 U.S.C. § 552(b)(7)(F)

Exemption 7(F) protects from public disclosure “records and information compiled for law enforcement purposes [if disclosure] could reasonably be expected to endanger the life or physical safety of any individual.” 5 U.S.C. § 552(b)(7)(F). NASA invokes exemption 7(F) to protect information the release of which has the potential to risk the life or physical safety of informants or other individuals.

Fees for processing this request are less than \$50.00 and are not being charged in accordance with 14 CFR § 1206.503(h).

You have the right under 14 CFR §1206.700 to appeal this determination within 90 days from the date of this letter. Your appeal must be in writing and should be addressed to:

Administrator
 NASA Headquarters
 Executive Secretariat
 MS 9R17
 Washington, DC 20546
 ATTN: FOIA Appeals

Your appeal should be marked "Appeal under the Freedom of Information Act" both on the envelope and the face of the letter. A copy of your initial request along with a copy of this correspondence and any other correspondence with the FOIA office must be enclosed. In order to expedite the appellate process and ensure full consideration of your appeal, your appeal should also contain a brief statement of the reasons you believe this response to be in error.

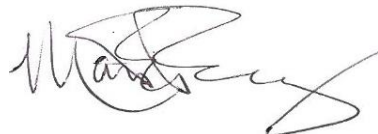
For further assistance and to discuss any aspect of your request you may contact NASA's Chief FOIA Public Liaison at:

Stephanie Fox
 Chief FOIA Public Liaison
 Freedom of Information Act Office
 NASA Headquarters
 300 E Street, S.W., 5P32
 Washington D.C. 20546
 Phone: 202-358-1553
 Email: Stephanie.K.Fox@nasa.gov

Additionally, you may contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA mediation services it offers. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-6001, e-mail at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

Important: Please note that contacting any agency official including the undersigned, NASA's Chief FOIA Public Liaison, and/or OGIS is not an alternative to filing an administrative appeal and does not stop the 90-day appeal clock. If you have further questions, please feel free to contact me at martha.e.terry@nasa.gov or 202-358-2339.

Sincerely,



Martha Terry
 NASA FOIA Officer
 Headquarters, Office of Communications

PROGRESS NOTES

[illegible]

Principal Investigator: (b) (4), (b) (6), (b) (7) (C), (b) (7)(F)

Animal #: 826

Species: *Rhizophora*

COMPANY NAME: LSBS

PROGRESS NOTES

[illegible]

Principal Investigator:

Animal #:

Species:

COMPANY NAME:

PROGRESS NOTES

[illegible]

Principal Investigator:

(b) (4), (b) (6), (b) (7)(C), (b) (7)(F)

Animal #:

84.2

Species:

21/11

COMPANY NAME: SHS

PROGRESS NOTES

[illegible]

Principal Investigator:

(b) (4), (b) (6), (b) (7)(C), (b) (7)(F)

Animal #: 838 Adele

Species: NHP

COMPANY NAME: LSBS

PROGRESS NOTES

[illegible]

Principal Investigator:

(b) (4), (b) (6), (b) (7)(C),
(b) (7)(F)

Animal #:

850

Species:

2555

COMPANY NAME:

685

On February 2 2019, the following NHPs were humanely euthanized via IV Euthasol after sedation with approximately 0.2-0.5ml Ketamine IM and maintenance at a surgical plane of anesthesia on inhalant Isoflurane :

817
819
825
846
829
830
832
839
841
852
854
855
821
822
844
827
828
834
837
845
848

This was an aging Parkinsonian colony that had never been used on study, but was maintained as long as possible as a dormant closed colony- developing health problems due to age led to the decision to humanely euthanize.

On February 2 2019, the following NHPs were humanely euthanized via IV Euthasol after sedation with 1ml Ketamine IM and maintenance at a surgical plane of anesthesia on inhalant Isoflurane :

36326

34999

32483

32324

32084

36958

This was an aging colony that had not been used on study in many years, but was maintained as long as possible as a dormant closed colony- developing health problems due to age led to the decision to humanely euthanize.