



**Department of Energy**  
Office of Science  
Integrated Support Center - Chicago Office  
9800 South Cass Avenue  
Argonne, Illinois 60439

April 4, 2016

Mr. Ryan Merkley  
Physicians Committee for Responsible Medicine  
5100 Wisconsin Ave., NW, Suite 400  
Washington, DC 20016 60189

Via e-mail: [rmerkley@pcrm.org](mailto:rmerkley@pcrm.org)

Dear Mr. Merkley:

SUBJECT: U.S. DEPARTMENT OF ENERGY (DOE) OFFICE OF SCIENCE (SC)-CHICAGO OFFICE  
(CH) FREEDOM OF INFORMATION ACT (FOIA) REQUEST NO. #CH-2016-00351-F

I am the authorizing official responsible for making the determination required by Section 1004.5(b) of DOE regulations found at 10 CFR Part 1004, implementing the FOIA, 5 U.S.C. § 552. This letter is a final response to your subject FOIA request.

In your original request, you were seeking the following from Jan 1, 2013 to the present:

- 1) All Institutional Animal Care Use Committee (IACUC) protocols, protocol reviews, and other IACUC documents regarding the use of non-human primates at Brookhaven National Laboratory and Lawrence Berkeley National Laboratory
- 2) All documents related to requests for beam time at Brookhaven National Laboratory and Lawrence Berkeley National Laboratory for research involving the use of non-human primates.
- 3) All communications within Brookhaven National Laboratory and between Brookhaven National Laboratory and the Department of Energy and its employees regarding the use of non-human primates in research, including but not limited to variances, corrections, warnings, and fines related to this research.
- 4) All communications within Lawrence Berkeley National Laboratory and between Lawrence Berkeley National Laboratory and the Department of Energy and its employees regarding the use of non-human primates in research, including but not limited to variances, corrections, warnings, and fines related to this research.
- 5) All photographs and video footage related to items 1) through 4) above.

You also indicated in your request that, "For the purposes of this FOIA "communications" includes, without limitation, e-mail messages and other electronic communications, letters, faxes, meeting agendas, minutes notes, summaries of conversations, and any other form of hand-written, types or recorded communication."

On February 12, 2016, we sent a partial response to you relative to request items #1, #2, #4, and #5. This final response pertains to request item #3.

In your e-mail of February 26, 2016, you narrowed request item #3 to the following:

- "1) Communications to and from the following current and former Brookhaven National Laboratory employees regarding any decision or establishment or policy to no longer conduct non-human primate experiments at the facility: Doon Gibbs; Robert Tribble; Jack Anderson; Anne Troutman; David Manning; Samuel Aronson; and Paul Vaska.
- 2) Any documents – including press releases, policy statements, and analyses – regarding a decision to no longer conduct non-human primate experiments at Brookhaven National Laboratory."

For request item #3, as narrowed, we asked Brookhaven Science Associates, Inc. (BSA), the DOE contractor that operates BNL, to conduct a search for responsive records. As a result of its search for records responsive to narrowed item #3, BSA responded stating that they did not locate any records responsive to that item. Accordingly, DOE has no records responsive to your narrowed request item #3.

#### **Appeal Rights**

With respect to narrowed request item #3, you are advised of your right to appeal the adequacy of our search and our determination with the application of FOIA Exemptions and responsiveness within 30 days of receipt of this letter. The appeal may be delivered by U.S. Mail or commercial delivery service to the Director, Office of Hearings and Appeals, United States Department of Energy, 1000 Independence Avenue, S.W., Washington, D.C. 20585. For such delivery, both the request and envelope should be clearly marked "Freedom of Information Appeal." Alternatively, the appeal may be delivered via electronic mail to [OHA.Filings@hq.doe.gov](mailto:OHA.Filings@hq.doe.gov), or via facsimile to (202) 287-1415. For all methods of delivery, the appeal should provide a telephone number, electronic mail address, or other means for communicating with you during business hours. Judicial review will be available thereafter in the district in which your concern is located or has its principal place of business, where the records are located, or in the District of Columbia.

#### **Fees**

You have been provided a fee waiver for this request. Therefore, there are no fees associated with your request.

If you would have questions regarding this final response, please call me at (630) 252-2041.  
Thank you.

Sincerely,

A handwritten signature in black ink that reads "Miriam R. Bartos". The signature is written in a cursive style with a large initial 'M'.

Miriam R. Bartos  
FOIA Officer