

National Aeronautics and Space Administration



Headquarters

Washington, DC 20546-0001

April 5, 2015

Office of Communications

Keith Cowing
C/O Reston Communications
P.O. Box 3569
Reston, VA 20195-1569
kcowing@spaceref.com

REF: FOIA 16-HQ-F-00419

Dear Mr. Cowing:

Thank you for your Freedom of Information Act (FOIA) request dated and received April 5, 2016, at the NASA Headquarters Office. Your FOIA request was assigned Case File Number 16-HQ-F-00419 and was for:

the full text of NASA cooperative agreement NNH11CD70A between NASA and CASIS including any revisions, annexes, modifications, or associated contractual amendments made by NASA from the inception of this agreement with CASIS until the date of this FOIA request.

I am also requesting all progress and status reports and memos [between CASIS and NASA]

NASA processes all FOIA requests in a multi-track processing system, based upon the date of receipt and the amount of work and time involved in processing the request.

You have requested a fee waiver and asserted status as a representative of the news media. Please note that while you are a recognized journalist, qualifying for the FOIA fee category as a representative of the news media requires a distinct multi-factored analysis. Representatives of the news media are not granted a fee waiver based solely on an assertion of that FOIA fee category. Therefore, we are asking you to provide justification to warrant news media status. In accordance with Department of Justice guidance, a representative of the news media is defined as 'any person or entity that gathers information of potential interest to a segment of the public, uses its editorial skills to turn the raw materials into a distinct work, and distributes that work to an audience.' The 'news' must also be of current events or of current interest to the public and the requester must substantiate the current interest in each of the documents

requested. Please be advised that merely making the information available to the public is not sufficient to qualify for this category. In your request you have also provided links to various articles. Unfortunately, we do not open links provided by requesters.

In accordance with NASA FOIA Regulations, 14 CFR § 1206.506, the burden is on the requester to justify an entitlement to a fee waiver. (See CFR § 1206.507 for a discussion on fee categories.) Requests for a waiver or reduction of fees shall be considered on a case-by-case basis using the criteria in this section. These statutory requirements must be satisfied by the requester before properly assessable fees are waived or reduced under the statutory standard.

Records shall be furnished without charge or at a reduced rate if the requester has demonstrated, based on all available information, that disclosure of the information is in the public interest because it:

- (1) Is likely to contribute significantly to public understanding of the operations or activities of the Government; and
- (2) Is not primarily in the commercial interest of the requester.

In deciding whether a request for a fee waiver meets the requirements in § 1206.506(c)(1), the FOIA office will use the following factors, which must be addressed by the requester:

- (1) Does the subject of the request specifically concern identifiable operations or activities of the Agency with a connection that is direct and clear, not remote or attenuated? For example, is the information requested clearly associated to current events?
- (2) If the record(s) concern the operations or activities of the Government, is disclosure likely to contribute to an increased public understanding of those operations or activities? For example, are the disclosable contents of the record(s) meaningfully informative in relation to the subject matter of the request?
- (3) Is the focus of the requester on contributing to public understanding, rather than on the individual understanding of the requester or a narrow segment of interested persons? The requester must demonstrate how he/she plans to disseminate the information. The dissemination of information must be to the general public or a reasonably broad audience. (Dissemination to a wide audience is not merely posting the documents on a Web site, but using his/her editorial skills to turn raw materials into a distinct work.)
- (4) If there is likely to be a contribution to public understanding, will that contribution be significant? A contribution to public understanding will be significant if the information disclosed is new, clearly supports public oversight of Agency operations, including the quality of Agency activities and the effect of policy and regulations on public health and safety, or otherwise confirms or clarifies data on past or present operations of the Agency.

Where only some of the records to be released satisfy the requirements for a waiver of fees, a partial waiver shall be granted for those records.

We will not be able to make a determination regarding your request until you provide additional information to substantiate your fee waiver request. In the alternative, we are placing you in the 'other use' category for fee purposes. You will be afforded two hours of search and 100 pages of copy/scan without charge. However, since your request is for several items, you will need to provide us with the order in which you would like us to process your request so that we can process your request for those items that are of most interest to you.

In accordance with 14 CFR §1206.301(c), if we do not hear from you within 20 working days from the date of this letter, we will consider that you are no longer interested in this request and we will close our file. You may submit a new request for the same information; however, you will need to provide the information as indicated above.

Please feel free to contact Josephine Sibley at hq-foia@nasa.gov or 202-358-2462 if you require further assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "Josephine Sibley", written in a cursive style.

For:

Josephine Sibley
Headquarters, FOIA Officer