

LS-03

November 27, 2012,

JSC FOIA Public Liaison Officer  
Johnson Space Center  
Mail code: AP2  
Houston, Texas 77058

Re: Freedom of Information Act Request

Dear FOIA Officer:

This is a request under the Freedom of Information Act. I request that a copy of documents containing the following information be provided to me:

- The Individual Subcontracting Report (ISR/SF 294) and the Summary Subcontracting Report (SSR/SF 295) for the contract with PIID NNJ06TA25C, for Lockheed Martin Corporation, DUNS 926784042.

In order to help to determine my status for purposes of determining the applicability of any fees, you should know that I am the PR Specialist for a not-for-profit news gathering organization and am seeking information for use in our group's research and not for commercial use.

If necessary to discuss any aspect of my request, I would prefer all communication to be in written format, either via email, to [lschwarz@asbl.com](mailto:lschwarz@asbl.com), fax to 707-789-9580, or via letter.

Thank you for your consideration of this request.

Sincerely,

Lacie Schwarz, PR Specialist  
American Small Business League  
3910 Cypress Dr.  
Petaluma CA, 94954  
(707) 789-9575

1803

December 26, 2012

JSC FOIA Public Liaison Officer  
Johnson Space Center  
Mail code: AP2  
Houston, Texas 77058

Re: Freedom of Information Act Request

Dear FOIA Officer:

This is an appeal under the Freedom of Information Act. On November 27, 2012, I requested that a copy of documents containing the following information be provided to me:

- The Individual Subcontracting Report (ISR/SF 294) and the Summary Subcontracting Report (SSR/SF 295) for the contract with PIID NNJ06TA25C, for Lockheed Martin Corporation, DUNS 926784042.

To date, I have not received the information requested in my request; therefore, I am appealing the request. Thank you for your consideration of this appeal.

If necessary to discuss any aspect of my request, I would prefer all communication to be in written format, either via email, to [lschwarz@asbl.com](mailto:lschwarz@asbl.com), fax to 707-789-9580, or via letter.

Thank you for your consideration of this request.

Sincerely,

Lacie Schwarz, PR Specialist  
American Small Business League  
3910 Cypress Dr.

Petaluma CA, 94954  
(707) 789-9575

National Aeronautics and  
Space Administration

Lyndon B. Johnson Space Center  
2101 NASA Parkway  
Houston, Texas 77058-3696



January 8, 2013

AD911/JSC FOIA Office

Reply to Attn of:

Ms. Lacie Schwarz  
American Small Business League  
3910 Cypress Dr.  
Petaluma, CA 94954

**REF: 13-JSC-F-00222**

Dear Ms. Schwarz:

Thank you for your Freedom of Information Act (FOIA) request dated November 27, 2012, and your second letter dated December 26, 2012. Your requests were received by the JSC FOIA Office on January 7, 2013, and assigned a single Case Number 13-JSC-F-00222. You requested the following documents:

The Individual Subcontracting Report (ISR/SF 294) and the Summary Subcontracting Report (SSR/SF 295) for the contract with PIID NNJ06TA25C, for Lockheed Martin Corporation, DUNS 926784042.

Based on the nature of your request, you have been placed in the "commercial use" category. Commercial requesters are assessed the full and direct costs of searching for, reviewing for release, and duplicating the records sought. If you believe this assessment is in error, please provide us the information regarding why you believe this is the case.

In accordance with Department of Justice guidance and 14 CFR § 1206.603, since you have not stated a willingness to pay fees associated with processing this request, before we continue to process your request, we ask that you state a willingness to pay all fees or provide a specific dollar amount you are willing to pay so that we may continue to process your request.

Please be advised that agencies may charge for search time even if they fail to locate any records responsive to the request or even if the records located are subsequently determined to be exempt from disclosure, (See Department of Justice Guide to FOIA, pages 108-109, 2009 Edition).

In accordance with 14 CFR § 1206.702, we will not proceed further with your request until we receive written notification from you stating the maximum dollar amount you

are willing to pay for this request. If we do not hear from you within 20 workdays of the date of this letter, we will assume you are no longer interested in this matter and close the file on your request.

Please contact Ms. Laura Rochon at [laura.a.rochon@nasa.gov](mailto:laura.a.rochon@nasa.gov) or (281) 483-0229 if you require further assistance.

Sincerely,

  
Jessica Cordero  
JSC FOIA Officer

LS08

January 8, 2013

JSC FOIA Public Liaison Officer  
Johnson Space Center  
Mail code: AP2  
Houston, Texas 77058

Re: Freedom of Information Act Request

Dear FOIA Officer, Jessica Cordero:

On November 27, 2012, I sent a letter requesting The Individual Subcontracting Report (ISR/SF 294) and the Summary Subcontracting Report (SSR/SF 295) for the contract with PIID NNJ06TA25C, for Lockheed Martin Corporation, DUNS 926784042. On December 26, 2012 I sent an appeal regarding this request.

As of January 8, 2013 I received a letter in response stating that we would have to pay a fee for this information as they had classified the ASBL as needing this information for "commercial use." I'm appealing your decision to classify us as a commercial requester, as we are a news gathering organization and thus exempt from fees.

If necessary to discuss any aspect of my request, I would prefer all communication to be in written format, either via email, to [lschwarz@asbl.com](mailto:lschwarz@asbl.com), fax to 707-789-9580, or via letter.

Thank you for your consideration of this request.

Sincerely,

Lacie Schwarz, PR Specialist  
American Small Business League  
3910 Cypress Dr.  
Petaluma CA, 94954  
(707) 789-9575

LS03

National Aeronautics and  
Space Administration



Lyndon B. Johnson Space Center  
2101 NASA Parkway  
Houston, Texas 77058-3696

January 14, 2013

Reply to Attn of: AD911/FOIA Office

Ms. Lacie Schwarz  
American Small Business League  
3910 Cypress Dr.  
Petaluma, CA 94954

**REF: 13-JSC-F-00222**

Dear Ms. Schwarz:

Thank you for your response to our request regarding your "commercial category" status. Following your original request for:

The Individual Subcontracting Report (ISR/SF 294) and the Summary Subcontracting Report (SSR/SF 295) for the contract with PIID NNJ06TA25C, for Lockheed Martin Corporation, DUNS 926784042.

In order to help to determine my status for purposes of determining the applicability of any fees, you should know that I am the PR Specialist for a not-for-profit news gathering organization and am seeking information for use in our group's research and not for commercial use.

In our letter dated January 8, 2013, we placed you in the "commercial use" category for fee purposes and asked that you provide information if you believed the assessment was in error. On January 8, 2013, you responded stating the following:

As of January 8, 2012 [sic] I received a letter in response stating that we would have to pay a fee for this information as they had classified the ASBL as needing this information for "commercial use." I'm appealing your decision to classify us as a commercial requester, as we are a news gathering organization and thus exempt from fees.

You did not provide any additional information to support your status as to why you should not be placed in the commercial use category. You also requested news media status on the assertion that you are a "news gathering organization;" however, you did not provide any information to support the news media status. While non-profit organizations and public

interest groups often are capable of disseminating information, they do not presumptively qualify for fee waivers; rather they must like any requester, meet the statutory requirements for a waiver of fees. (Nat'l Wildlife Fed'n, No. 95-017-BU, slip op at 3-4).

Requests for a waiver or a reduction of fees are considered on a case-by-case basis. Before we grant you a waiver of fees, we must determine whether your request meets the twofold objectives for fee waivers established by the National Aeronautics Space Administration (NASA) and the Department of Justice; that is, whether 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 (14 CFR § 1206.702).

Before we make a decision on your request for a fee waiver we ask, in accordance with NASA regulations and the Department of Justice FOIA Guide and Overview, that you provide information in response to the following questions so that we can determine if granting the waiver or a reduction in fees is in the public interest. The Agency considers the following factors when determining if disclosure of information is likely to contribute significantly to public understanding (public interest) of the operations or activities of the Government:

1. Does the record specifically concern identifiable operations or activities of the Agency?
2. If the record(s) concern the operations or activities of the Agency, is disclosure likely to contribute to public understanding of those operations and activities? Are the disclosable contents of the record(s) meaningfully informative in relation to the subject of the request? For example, is this information of wide public interest and will your disclosure be unique in enhancing public knowledge.
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?
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. Your identity, vocation, qualification(s), and expertise regarding the requested information may be relevant factors.

Furthermore, you must demonstrate how you plan to disclose the information and you must disseminate the information to the general public or a reasonably broad audience. (Dissemination to a wide audience is not merely posting the documents on a website, but providing an informative analysis of the information.) Public understanding must be enhanced by disclosure to a significant extent (see Sierra Club Legal Def. Fund, No. 93-35383, slip op. at 4).



Requesters who make no showing of how the information would be disseminated, other than through passively making it available to anyone who might seek access to it, do not meet the burden of demonstrating with particularity that the information will be communicated to the public (U.S. Department of Justice Guide to the Freedom of Information Act Guide, May 2009, page 131); also see FOIA Update, Vol. VIII, No. 1 at 8 ("OIP Guidance: New Fee Waiver Policy Guidance") (advising agencies that . . . requests should be analyzed to identify particular person or persons who actually will use requested information in scholarly or other analytic work and then disseminate it to general public.)


Requests for a requester to be placed in a specific "category" for assessing fees or supporting a waiver or a reduction of fees must be considered on a case-by-case basis and should address these requirements in sufficient detail for this office to make an informed decision as to whether we can appropriately waive or reduce the fees in question. A past grant of a fee waiver does not entitle a FOIA requester to any future FOIA fee waiver. Each fee waiver request must be considered on its own merits. Therefore, you must be specific in addressing the twofold objective for fee waivers for each FOIA request you submit. In order to process your request, we ask that you provide us with sufficient information to make a determination regarding your request.

If we determine from your response that you do not support your request for a fee waiver or news media status in accordance with NASA regulations and Department of Justice guidance, we will request that you furnish written assurance of your willingness to pay the fees associated with processing your request. We will then process your request as previously determined in the "commercial use" category for fee purposes. Requesters in the 'commercial use' category are assessed charges which recover the full direct costs of searching for, reviewing for release, and duplicating the records sought.

In accordance with Department of Justice guidance, we will not proceed further with your request until we receive your fee waiver justification and/or you have stated a willingness to pay all associated fees (14 CFR § 1206.702). If we do not hear from you within 20 workdays of the date of this letter, we will assume you are no longer interested in this matter and close our file on your request.

Please contact Ms. Laura Rochon at [laura.a.rochon@nasa.gov](mailto:laura.a.rochon@nasa.gov) or (281) 483-0229 if you require further assistance.

Sincerely,

  
Jessica Cordero  
JSC FOIA Officer