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"Rummaging in the government's attic"

Description of document:	Contents of the administrative tracking folder/file for the FOIA request to the National Aeronautics and Space Administration (NASA) from the Associated Press (AP) for various records associated with air safety survey, 2006-2007
Requested date:	06-November-2007
Released date:	04-February-2008
Posted date:	25-July-2008
Date/date range of document:	30-August-2006 – 02-November-2007
Source of document:	NASA Ames Research Center FOIA Requester Service Center Mail Stop 943-4 Moffett Field, CA 94035

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February 4, 2008

Reply to Attn of:

EX: 943-4 (2008-009)

Your Freedom of Information Act (FOIA) request for release of information from the files of the National Aeronautics and Space Administration (NASA) was received on November 6, 2007. You requested the following information:

Copy of the complete contents of the administrative tracking folder/file for the FOIA request from the AP for various records associated with air safety survey. I wish to receive all request, response, referral and consultation letters, correspondence, notes, memos, emails and other records associated with the processing and handling of this request. You may omit the actual survey records sought by AP

The enclosed documents responsive to your request contain information exempt from the mandatory disclosure provisions of the FOIA. The removal of this information constitutes a partial denial pursuant to (see attached appeal instructions):

Title 5, USC, Section 552, Exemption(s) of the Freedom of information act

☐ (b)(1) ☒ (b)(2) ☐ (b)(3) ☐ (b)(4) ☒ (b)(5) ☒ (b)(6) ☐ (b)(7)(A)
☐ (b)(7)(B) ☐ (b)(7)(C) ☐ (b)(7)(D) ☐ (b)(7)(E) ☐ (b)(8) ☐ (b)(9)

Under Title 5, USC, Section 552 (b)(2), "related solely to the internal personnel rules and practices of an agency"

Category (B) "High 2" Information: More substantial internal matters, the disclosure of which would risk circumvention of legal requirement.

Under Title 5, USC, Section 552 (b)(5), portions of your records have been withheld as "Interagency or intra-agency memoranda or letters which would not be available by law to a party other than an agency in litigation with NASA."

Under Title 5, USC, Section 552 (b)(6), permits the government to withhold all information about individuals in "personnel and medical files and similar files" when the disclosure of such information "would constitute a clearly unwarranted invasion of personal privacy."

You may appeal this initial determination to the NASA Administrator. Your appeal must: (1) be addressed to the **Administrator, National Aeronautics and Space Administration (NASA), Mail Stop: P, 300 E Street, SW, Washington, DC 20546**, (2) be identified clearly on the envelope and in the letter as an "Appeal under the Freedom of Information Act (FOIA); (3) include a copy of the request for the agency record, and a copy of the adverse initial determination; (4) state, to the extent possible, the reasons why you believe the initial determination should be reversed; and (5) be sent to the Administrator with thirty (30) calendar days of the date of the receipt of this initial determination.

I trust this will be of assistance to you.

Sincerely,

A handwritten signature in black ink, appearing to read 'Kelly Garcia', with a stylized, flowing script.

Kelly Garcia
FOIA Public Liaison Officer

Return-Path: <hq-foia@nasa.gov>

B-2

Kelly,

Please check to see if this is a program that the documents would have originated/maintained at AMES. I did a "google search" and found a few items authored by Mary Connors and Irving Statler.

J.D.,

This is the request you referenced in your voice mail today. Please conduct a search for HQ documents responsive to the request.

A NY Times article, August 30, 2006, by Jon A Krosnick, talks about NAOMS project and the fact that NASA called off the program last January.

Kellie

----- Forwarded Message

From: <rbeamish@comcast.net>, <or.rbeamish@ap.org>

Reply-To: <rbeamish@comcast.net>, <or.rbeamish@ap.org>

Date: Fri, 14 Jul 2006 16:19:23 -0400 (EDT)

Subject: None

Name: Rita Beamish

Address: 18 Eleventh Ave.

San Mateo, Ca. 94401

Phone #: 650 345-1495

Fax #:

E-mail: rbeamish@comcast.net, or rbeamish@ap.org

Select the type of document that you are requesting:

Other

Description: I am seeking data, electronic and hard-copy, and associated data-collection documents, including questionnaires and program descriptions, data collected, summaries and results, from the National Aviation Operating Monitoring Service, both relating to commercial air carriers and general aviation.

Suitable Description Of Yourself:

media

A representative of news media

Media Company Name: The Associated Press

Other: multimedia wire service

media

Maximum amount willing to pay:

Explanation for Waiver: I am requesting this information for the
purpose of
possible public dissemination in a news article and
therefore request that you waive charges pursuant to 5 USC
552 (a) (4) (A), Fed. Reg. 7296, Section 1900.25. I am a
journalist employed by The Associated Press.

Additional Comments:

----- End of Forwarded Message

To: mconnors@mail.arc.nasa.gov
From: Kelly Garcia <klgarcia@mail.arc.nasa.gov>
Subject: FOIA request
Cc:
Bcc:

Hi Mary,

I was told you may be able to assist me with this FOIA request. Please see information being requested below in red. If you are not the correct individual to contact regarding this, would you by any chance know who would be? Thanks so much for your assistance and if you have any questions, please don't hesitate to contact me.

--Kelly

Date: Thu, 31 Aug 2006 19:10:33 -0400
Subject: FOIA 06-267
From: FOIA <hq-foia@nasa.gov>
To: Kelly Garcia <klgarcia@mail.arc.nasa.gov>,
"Harrington, J D. (HQ-NB030)" <jharring@nasa.gov>
Thread-Topic: FOIA 06-267
Thread-Index: AcbNUqjS54vxtDlFEduJXgANk8MKyA==
X-Proofpoint-Spam-Details: rule=notspam policy=default score=0 mlx=0 adultscore=0
adjust=0 reason=mlx engine=3.0.0-0608080000 definitions=main-0608310006

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Subject: None

Name: Rita Beamish
Address: 18 Eleventh Ave.
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Phone #: 650 345-1495
Fax #:
E-mail: rbeamish@comcast.net, or rbeamish@ap.org

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--

Kelly L. Garcia
FOIA Public Liaison Officer
Public Inquiries Officer

Kelly.L.Garcia@nasa.gov
650-604-3273
650-604-4942 (fax)

Public Affairs Office
FOIA Customer Service Center
National Aeronautics and Space Administration (NASA)
Ames Research Center
Mail Stop 943-4
Moffett Field, CA 94035-1000

Date: Wed, 13 Sep 2006 12:32:56 -0700
To: Kelly Garcia <klgarcia@mail.arc.nasa.gov>
From: Mary Connors <Mary.M.Connors@nasa.gov>
Subject: Re: FOIA request
Cc: lconnell@mail.arc.nasa.gov

Kelly,
Linda Connell and I are co-managers of the NAOMS project. 

B5

Mary C.

Mary

Hi Mary,

I was told you may be able to assist me with this FOIA request. Please see information being requested below in red. If you are not the correct individual to contact regarding this, would you by any chance know who would be? Thanks so much for your assistance and if you have any questions, please don't hesitate to contact me.

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Date: Thu, 31 Aug 2006 19:10:33 -0400
Subject: FOIA 06-267
From: FOIA <hq-foia@nasa.gov>
To: Kelly Garcia <klgarcia@mail.arc.nasa.gov>,
"Harrington, J D. (HQ-NB030)" <jharring@nasa.gov>
Thread-Topic: FOIA 06-267
Thread-Index: AcbNUqjS54vxtDIFeduJXgANk8MKyA==
X-Proofpoint-Spam-Details: rule=notspam policy=default score=0 mlx=0 adultscore=0
adjust=0 reason=mlx engine=3.0.0-0608080000 definitions=main-0608310006

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Date: Fri, 14 Jul 2006 16:19:23 -0400 (EDT)
Subject: None

Name: Rita Beamish
Address: 18 Eleventh Ave.
San Mateo, Ca. 94401
Phone #: 650 345-1495
Fax #:
E-mail: rbeamish@comcast.net, or rbeamish@ap.org

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Kelly L. Garcia
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Public Inquiries Officer

Kelly.L.Garcia@nasa.gov
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650-604-4942 (fax)

Public Affairs Office
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Ames Research Center
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Moffett Field, CA 94035-1000

--

Mary M. Connors, Ph.D.
Human Systems Integration Division
Mail Stop 262-4
NASA/Ames Research Center
Moffett Field, CA 94035
Tel: (650) 604-6114
Fax: (650) 604-3729

"e-mail is like going home after a

long, hard day and finding 70 people
in your kitchen" (Unknown)

To: gsloup@mail.arc.nasa.gov
From: Kelly Garcia <klgarcia@mail.arc.nasa.gov>
Subject: Fwd: Re: FOIA request
Cc:
Bcc:

Hi George,


FYI...Please advise!

Thanks!

Kelly

Date: Wed, 13 Sep 2006 12:32:56 -0700
To: Kelly Garcia <klgarcia@mail.arc.nasa.gov>
From: Mary Connors <Mary.M.Connors@nasa.gov>
Subject: Re: FOIA request
Cc: lconnell@mail.arc.nasa.gov

Kelly,

Linda Connell and I are co-managers of the NAOMS project.  **B-5**

Mary C.

Mary

Hi Mary,

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Subject: FOIA 06-267
From: FOIA <hq-foia@nasa.gov>
To: Kelly Garcia <klgarcia@mail.arc.nasa.gov>,
"Harrington, J D. (HQ-NB030)" <jharring@nasa.gov>

Thread-Topic: FOIA 06-267

Thread-Index: AcbNUqjS54vxtDIFeduJXgANk8MKyA==

X-Proofpoint-Spam-Details: rule=notspam policy=default score=0 mlx=0 adultscore=0 adjust=0 reason=mlx engine=3.0.0-0608080000 definitions=main-0608310006

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Kellie

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Reply-To: <rbeamish@comcast.net>, <or.rbeamish@ap.org>

Date: Fri, 14 Jul 2006 16:19:23 -0400 (EDT)

Subject: None

Name: Rita Beamish

Address: 18 Eleventh Ave.

San Mateo, Ca. 94401

Phone #: 650 345-1495

Fax #:

E-mail: rbeamish@comcast.net, or rbeamish@ap.org

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"e-mail is like going home after a
long, hard day and finding 70 people
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Kelly L. Garcia
FOIA Public Liaison Officer
Public Inquiries Officer

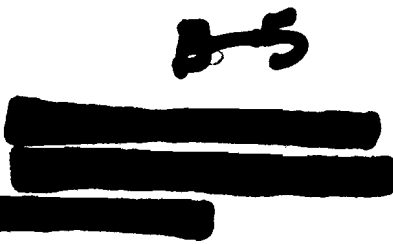
Kelly.L.Garcia@nasa.gov
650-604-3273
650-604-4942 (fax)

Public Affairs Office
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National Aeronautics and Space Administration (NASA)
Ames Research Center
Mail Stop 943-4
Moffett Field, CA 94035-1000

To: gsloup-mail.arc.nasa.gov
From: Kelly Garcia <klgarcia@mail.arc.nasa.gov>
Subject: Fwd: Re: FOIA request
Cc:
Bcc:

fyi.....

Date: Wed, 13 Sep 2006 12:32:56 -0700
To: Kelly Garcia <klgarcia@mail.arc.nasa.gov>
From: Mary Connors <Mary.M.Connors@nasa.gov>
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Cc: lconnell@mail.arc.nasa.gov

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To: Kelly Garcia <klgarcia@mail.arc.nasa.gov>,
"Harrington, J D. (HQ-NB030)" <jharring@nasa.gov>
Thread-Topic: FOIA 06-267
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X-Proofpoint-Spam-Details: rule=notspam policy=default score=0 mlx=0 adultscore=0
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Kellie

----- Forwarded Message

From: <rbeamish@comcast.net>, <or.rbeamish@ap.org>

Reply-To: <rbeamish@comcast.net>, <or.rbeamish@ap.org>

Date: Fri, 14 Jul 2006 16:19:23 -0400 (EDT)

Subject: None

Name: Rita Beamish

Address: 18 Eleventh Ave.

San Mateo, Ca. 94401

Phone #: 650 345-1495

Fax #:

E-mail: rbeamish@comcast.net, or rbeamish@ap.org

Select the type of document that you are requesting:

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Additional Comments:

----- End of Forwarded Message

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Kelly L. Garcia
FOIA Public Liaison Officer
Public Inquiries Officer

Kelly.L.Garcia@nasa.gov
650-604-3273
650-604-4942 (fax)

Public Affairs Office
FOIA Customer Service Center
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Moffett Field, CA 94035-1000

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Mary M. Connors, Ph.D.

Human Systems Integration Division
Mail Stop 262-4
NASA/Ames Research Center
Moffett Field, CA 94035
Tel: (650) 604-6114
Fax: (650) 604-3729

"e-mail is like going home after a
long, hard day and finding 70 people
in your kitchen" (Unknown)

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National Aeronautics and Space Administration (NASA)
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Moffett Field, CA 94035-1000

From: "Rita Beamish" <rcbeamish@comcast.net>

To: <klgarcia@mail.arc.nasa.gov>

Subject: AP request

Date: Tue, 26 Sep 2006 11:51:01 -0700

X-Proofpoint-Spam-Details: rule=notspam policy=default score=0 mlx=0 adultscore=0
adjust=0 reason=mlx engine=3.0.0-0609190001 definitions=main-0609260001

Hi Kelly,

I'm checking up on my FOIA request to see if it's close. The number is FOA 06-267 and it deals with the NAOMS project out of Ames.

thanks for any information.

Best regards.

Rita Beamish

The Associated Press

650 345-1495

FAX: 202 263-8841

To: "Rita Beamish" <rcbeamish@comcast.net>
From: Kelly Garcia <klgarcia@mail.arc.nasa.gov>
Subject: Re: AP request
Cc:
Bcc:

Hi Rita,

Thank you for your email! I received your voice mail as well. We are still processing your request, as it is very voluminous. We would like to request an extension to process your request until October 12. Please let me know if you have any questions.

Thanks!

Kelly

--

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Moffett Field, CA 94035-1000

From: "Rita Beamish" <rbeamish@comcast.net>
To: "Kelly Garcia" <klgarcia@mail.arc.nasa.gov>
Subject: Re: AP request
Date: Thu, 28 Sep 2006 14:59:41 -0700
X-Proofpoint-Spam-Details: rule=notspam policy=default score=0 mlx=0 adultscore=0
adjust=0 reason=mlx engine=3.0.0-0609190001 definitions=main-0609280008

Thanks for letting me know. That sounds fine.

Rita

----- Original Message -----

From: Kelly Garcia

To: Rita Beamish

Sent: Thursday, September 28, 2006 2:57 PM

Subject: Re: AP request

Hi Rita,

Thank you for your email! I received your voice mail as well. We are still processing your request, as it is very voluminous. We would like to request an extension to process your request until October 12. Please let me know if you have any questions.

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Kelly

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FOIA Public Liaison Officer

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Kelly.L.Garcia@nasa.gov

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Public Affairs Office

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National Aeronautics and Space Administration (NASA)

Ames Research Center

Mail Stop 943-4

Moffett Field, CA 94035-1000

To: stephen.mcconnell-1-nasa.gov
From: Kelly Garcia <klgarcia@mail.arc.nasa.gov>
Subject: Fwd: FOIA 06-267
Cc:
Bcc:

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Subject: FOIA 06-267
From: FOIA <hq-foia@nasa.gov>
To: Kelly Garcia <klgarcia@mail.arc.nasa.gov>,
"Harrington, J D. (HQ-NB030)" <jharring@nasa.gov>
Thread-Topic: FOIA 06-267
Thread-Index: AcbNUqjS54vxtDIFeduJXgANk8MKyA==
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Reply-To: <rbeamish@comcast.net>, <or.rbeamish@ap.org>
Date: Fri, 14 Jul 2006 16:19:23 -0400 (EDT)
Subject: None

Name: Rita Beamish
Address: 18 Eleventh Ave.
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Phone #: 650 345-1495
Fax #:
E-mail: rbeamish@comcast.net. or rbeamish@ap.org

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B-5

B-5

B-5

B-5.

To: "Rita Beamish" <rcbeamish@comcast.net>
From: Kelly Garcia <klgarcia@mail.arc.nasa.gov>
Subject: Re: AP request
Cc:
Bcc:

Hi Rita,

I just received your voice mail. We are going to have to request another extension, due to the volume of the request. According to our legal office a release should be made by the end of next week. I am sorry for the delays! Please let me know if you have any questions.

Thanks!

Kelly

--

Kelly L. Garcia
FOIA Public Liaison Officer
Public Inquiries Officer

Kelly.L.Garcia@nasa.gov
650-604-3273
650-604-4942 (fax)

Public Affairs Office
FOIA Customer Service Center
National Aeronautics and Space Administration (NASA)
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Moffett Field, CA 94035-1000

From: "Rita Beamish" <rcbeamish@comcast.net>
To: "Kelly Garcia" <klgarcia@mail.arc.nasa.gov>
Subject: Re: AP request
Date: Thu, 12 Oct 2006 15:50:46 -0700
X-Proofpoint-Spam-Details: rule=notspam policy=default score=0 mlx=0 adultscore=0
adjust=0 reason=mlx engine=3.0.0-0609290000 definitions=main-0610120031

Will this be in electronic format or paper pages?

----- Original Message -----

From: Kelly Garcia
To: Rita Beamish
Sent: Thursday, October 12, 2006 2:26 PM
Subject: Re: AP request

Hi Rita,

I just received your voice mail. We are going to have to request another extension, due to the volume of the request. According to our legal office a release should be made by the end of next week. I am sorry for the delays! Please let me know if you have any questions.

Thanks!

Kelly

--

Kelly L. Garcia
FOIA Public Liaison Officer
Public Inquiries Officer

Kelly.L.Garcia@nasa.gov
650-604-3273
650-604-4942 (fax)

Public Affairs Office
FOIA Customer Service Center
National Aeronautics and Space Administration (NASA)
Ames Research Center
Mail Stop 943-4
Moffett Field, CA 94035-1000

To: "Rita Beamish" <rcbeamish@comcast.net>
From: Kelly Garcia <klgarcia@mail.arc.nasa.gov>
Subject: Re: AP request
Cc:
Bcc:

Hi Rita,

I am not sure.....Once i receive the documents, I will contact you.....

Thanks!

Kelly

--

Kelly L. Garcia
FOIA Public Liaison Officer
Public Inquiries Officer

Kelly.L.Garcia@nasa.gov
650-604-3273
650-604-4942 (fax)

Public Affairs Office
FOIA Customer Service Center
National Aeronautics and Space Administration (NASA)
Ames Research Center
Mail Stop 943-4
Moffett Field, CA 94035-1000

From: "Rita Beamish" <rcbeamish@comcast.net>

To: "Kelly Garcia" <klgarcia@mail.arc.nasa.gov>

Subject: AP FOIA

Date: Thu, 19 Oct 2006 18:41:27 -0700

X-Proofpoint-Spam-Details: rule=notspam policy=default score=0 mlx=0 adultscore=0
adjust=0 reason=mlx engine=3.0.0-0609290000 definitions=main-0610190014

Hi Kelly,

Did you find out anything about when my materials will be ready? I will be on cell phone on Friday, or email.

B-6

Rita Beamish
The Associated Press
650 345-1495
FAX: 202 263-8841

B-5

|

BS

From: "Rita Beamish" <rebeamish@comcast.net>

To: "Kelly Garcia" <klgarcia@mail.arc.nasa.gov>

Subject: AP FOIA

Date: Mon. 23 Oct 2006 09:56:30 -0700

X-Proofpoint-Spam-Details: rule=notspam policy=default score=0 mlx=0 adultscore=0
adjust=0 reason=mlx engine=3.0.0-0609290000 definitions=main-0610230025

Hi Kelly,

What's the latest on my FOIA? I thought it was coming at the end of last week...

Rita

Rita Beamish

The Associated Press

650 345-1495

FAX: 202 263-8841

35

BS

BS

B5

From: "Rita Beamish" <rbeamish@comcast.net>
To: "Kelly Garcia" <klgarcia@arc.nasa.gov>
Subject: Re: AP FOIA
Date: Tue, 24 Oct 2006 12:47:44 -0700
X-Proofpoint-Spam-Details: rule=notspam policy=default score=0 mlx=0 adultscore=0
adjust=0 reason=mlx engine=3.0.0-0609290000 definitions=main-0610240021

OK, I figured you must have been out of touch or out of town. Hope you feel better.
My editor has been bugging me on this.

----- Original Message ----- From: "Kelly Garcia" <klgarcia@arc.nasa.gov>
To: "Rita Beamish" <rbeamish@comcast.net>
Sent: Tuesday, October 24, 2006 12:44 PM
Subject: Re: AP FOIA

Hi Rita.

I have been out the last few days with the flu and am checking emails from home....I just sent an email to our legal office with the status.....

--Kelly

On Mon, 23 Oct 2006 09:56:30 -0700

"Rita Beamish" <rbeamish@comcast.net> wrote:

Hi Kelly,

What's the latest on my FOIA? I thought it was coming at the end of last week...

Rita

Rita Beamish

The Associated Press

650 345-1495

FAX: 202 263-8841

B-S

To: "Rita Beamish" <rbeamish@comcast.net>
From: Kelly Garcia <klgarcia@mail.arc.nasa.gov>
Subject: Re: AP FOIA
Cc:
Bcc:

Hi Rita,

I spoke with our legal office and our FOIA attorney is reviewing the documents. He said we will need at least a few more days to do at least a partial determination. I will follow up again with our legal office on the status later on today.

Thanks!

Kelly

--

Kelly L. Garcia
FOIA Public Liaison Officer
Public Inquiries Officer

Kelly.L.Garcia@nasa.gov
650-604-3273
650-604-4942 (fax)

Public Affairs Office
FOIA Customer Service Center
National Aeronautics and Space Administration (NASA)
Ames Research Center
Mail Stop 943-4
Moffett Field, CA 94035-1000

From: "Rita Beamish" <rebeamish@comcast.net>
To: "Kelly Garcia" <klgarcia@mail.arc.nasa.gov>
Subject: Re: AP FOIA
Date: Wed, 25 Oct 2006 09:32:11 -0700
X-Proofpoint-Spam-Details: rule=notspam policy=default score=0 mlx=0 adultscore=0
adjust=0 reason=mlx engine=3.0.0-0609290000 definitions=main-0610250014

Thanks, Kelly.

----- Original Message ----- From: "Kelly Garcia" <klgarcia@mail.arc.nasa.gov>
To: "Rita Beamish" <rebeamish@comcast.net>
Sent: Wednesday, October 25, 2006 6:43 AM
Subject: Re: AP FOIA

Hi Rita.

I spoke with our legal office and our FOIA attorney is reviewing the documents. He said we will need at least a few more days to do at least a partial determination. I will follow up again with our legal office on the status later on today.

Thanks!

Kelly

--

Kelly L. Garcia
FOIA Public Liaison Officer
Public Inquiries Officer

Kelly.L.Garcia@nasa.gov
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650-604-4942 (fax)

Public Affairs Office
FOIA Customer Service Center
National Aeronautics and Space Administration (NASA)
Ames Research Center
Mail Stop 943-4
Moffett Field, CA 94035-1000

From: "Rita Beamish" <rcbeamish@comcast.net>
To: "Kelly Garcia" <klgarcia@mail.arc.nasa.gov>
Subject: Re: AP FOIA
Date: Wed, 25 Oct 2006 13:43:54 -0700
X-Proofpoint-Spam-Details: rule=notspam policy=default score=0 mlx=0 adultscore=0
adjust=0 reason=mlx engine=3.0.0-0609290000 definitions=main-0610250028

Kelly,

Also, as you know I asked for this information in digital form as well. Is it possible that if the electronic version is ready, I can get that first?

Rita

----- Original Message ----- From: "Kelly Garcia" <klgarcia@mail.arc.nasa.gov>
To: "Rita Beamish" <rcbeamish@comcast.net>
Sent: Wednesday, October 25, 2006 6:43 AM
Subject: Re: AP FOIA

Hi Rita,

I spoke with our legal office and our FOIA attorney is reviewing the documents. He said we will need at least a few more days to do at least a partial determination. I will follow up again with our legal office on the status later on today.

Thanks!

Kelly

--

Kelly L. Garcia
FOIA Public Liaison Officer
Public Inquiries Officer

Kelly.L.Garcia@nasa.gov
650-604-3273
650-604-4942 (fax)

Public Affairs Office
FOIA Customer Service Center
National Aeronautics and Space Administration (NASA)
Ames Research Center
Mail Stop 943-4
Moffett Field, CA 94035-1000

To: gsloup-mail.arc.nasa.gov
From: Kelly Garcia <klgarcia@mail.arc.nasa.gov>
Subject: Fwd: Re: AP FOIA
Cc:
Bcc:

Hi George,

FYI....

From: "Rita Beamish" <rbeamish@comcast.net>
To: "Kelly Garcia" <klgarcia@mail.arc.nasa.gov>
Subject: Re: AP FOIA
Date: Wed, 25 Oct 2006 13:43:54 -0700
X-Proofpoint-Spam-Details: rule=notspam policy=default score=0 mlx=0 adultscore=0
adjust=0 reason=mlx engine=3.0.0-0609290000 definitions=main-0610250028

Kelly,

Also, as you know I asked for this information in digital form as well. Is it possible that if the electronic version is ready, I can get that first?

Rita

----- Original Message ----- From: "Kelly Garcia" <klgarcia@mail.arc.nasa.gov>
To: "Rita Beamish" <rbeamish@comcast.net>
Sent: Wednesday, October 25, 2006 6:43 AM
Subject: Re: AP FOIA

--

Kelly L. Garcia
FOIA Public Liaison Officer
Public Inquiries Officer

Kelly.L.Garcia@nasa.gov
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--

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Bh

To: "Rita Beamish" <rcbeamish@comcast.net>
From: Kelly Garcia <klgarcia@mail.arc.nasa.gov>
Subject: Re: AP request
Cc:
Bcc:

Hi Rita,

I spoke with our legal office and they are actively working on the request and it is taking longer than expected. We hope to have something next week!

Hope this helps!

Kelly

--

Kelly L. Garcia
FOIA Public Liaison Officer
Public Inquiries Officer

Kelly.L.Garcia@nasa.gov
650-604-3273
650-604-4942 (fax)

Public Affairs Office
FOIA Customer Service Center
National Aeronautics and Space Administration (NASA)
Ames Research Center
Mail Stop 943-4
Moffett Field, CA 94035-1000

From: "Rita Beamish" <rcbeamish@comcast.net>
To: "Kelly Garcia" <klgarcia@mail.arc.nasa.gov>
Subject: Re: AP request
Date: Thu, 2 Nov 2006 08:34:45 -0800
X-Proofpoint-Spam-Details: rule=notspam policy=default score=0 mlx=0 adultscore=0
adjust=0 reason=mlx engine=3.0.0-0610180000 definitions=main-0611020025

ok, thanks.

----- Original Message -----

From: Kelly Garcia
To: Rita Beamish
Sent: Thursday, November 02, 2006 8:24 AM
Subject: Re: AP request

Hi Rita,

I spoke with our legal office and they are actively working on the request and it is taking longer than expected. We hope to have something next week!

Hope this helps!

Kelly

--

Kelly L. Garcia
FOIA Public Liaison Officer
Public Inquiries Officer

Kelly.L.Garcia@nasa.gov
650-604-3273
650-604-4942 (fax)

Public Affairs Office
FOIA Customer Service Center
National Aeronautics and Space Administration (NASA)
Ames Research Center
Mail Stop 943-4
Moffett Field, CA 94035-1000

BS

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BS

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B-5

By 5

PS

BS

To: gsloup
From: Kelly Garcia <klgarcia@mail.arc.nasa.gov>
Subject: Rita Beamish Contact Info
Cc:
Bcc:

Hi George,

Here you go:

Rita Beamish
The Associated Press
650 345-1495
FAX: 202 263-8841

--

Kelly L. Garcia
FOIA Public Liaison Officer
Public Inquiries Officer

Kelly.L.Garcia@nasa.gov
650-604-3273
650-604-4942 (fax)

Public Affairs Office
FOIA Customer Service Center
National Aeronautics and Space Administration (NASA)
Ames Research Center
Mail Stop 943-4
Moffett Field, CA 94035-1000

Date: Thu, 16 Nov 2006 10:02:53 -0800
To: Kelly Garcia <klgarcia@mail.arc.nasa.gov>
From: "George P. Sloup" <gsloup@mail.arc.nasa.gov>
Subject: Re: Rita Beamish Contact Info

Thanks.

At 09:57 AM 11/16/2006, you wrote:

Hi George,

Here you go:

Rita Beamish
The Associated Press
650 345-1495
FAX: 202 263-8841

--

Kelly L. Garcia
FOIA Public Liaison Officer
Public Inquiries Officer

Kelly.L.Garcia@nasa.gov
650-604-3273
650-604-4942 (fax)

Public Affairs Office
FOIA Customer Service Center
National Aeronautics and Space Administration (NASA)
Ames Research Center
Mail Stop 943-4
Moffett Field, CA 94035-1000

B5

Date: Fri, 16 Mar 2007 16:31:29 -0700

To: Kelly Garcia <klgarcia@mail.arc.nasa.gov>

From: "George P. Sloup" <gsloup@mail.arc.nasa.gov>

Subject: Re: Another NAOMS request

Cc: tpagaduan@mail.arc.nasa.gov



At 09:53 AM 3/16/2007, you wrote:

Hi George,

I have another NAOMS request from the AP. The request was made by Levine Sullivan Koch & Schulz, LLP. We are supposed to respond to Rita Beamish on this one. She made a previous request on NAOMs as well. Would you like me to fax this to you? Or we can set us some time next week to go over this....

Thanks!

Kelly

--

Kelly L. Garcia

FOIA Public Liaison Officer

Public Inquiries Officer

Kelly.L.Garcia@nasa.gov

650-604-3273

650-604-4942 (fax)

Public Affairs Office

FOIA Customer Service Center

National Aeronautics and Space Administration (NASA)

Ames Research Center

Mail Stop 943-4

Moffett Field, CA 94035-1000

BS

Subject: FW: None
Date: Wed, 12 Sep 2007 16:42:15 -0400
Thread-Topic: None
Thread-Index: AcflAhwn/gezschsRvmEdwCd0JMUYwAewykw
From: "HQ-FOIA" <hq-foia@nasa.gov>
To: "Garcia, Kelly L. \(\ARC-EG\)" <kelly.l.garcia@nasa.gov>
X-Proofpoint-Virus-Version: vendor=fsecure engine=4.65.5502:2.3.11,1.2.37,4.0.164
definitions=2007-09-12_05:2007-09-12,2007-09-12,2007-09-12 signatures=0
X-Proofpoint-Spam-Details: rule=notspam policy=default score=0 spamscore=0 ipscore=0
phishscore=0 bulkscore=0 adultscore=0 classifier=spam adjust=0 reason=mlx
engine=3.1.0-0708230000 definitions=main-0709120112
X-Proofpoint-Bar:

Kelly:

Can you look and tell me if this would be something from your shop.

LaShonda

-----Original Message-----

From: rbeamish@ap.org [mailto:rbeamish@ap.org]
Sent: Wednesday, September 12, 2007 2:00 AM
To: undisclosed-recipients
Subject: None

Name: Rita Beamish
Address: The Associated Press
18 Eleventh Ave.
San Mateo, Ca. 94401
Phone #: 650 345 1495
Fax #: 202 263 8841
E-mail: rbeamish@ap.org, rbeamish@comcast.net

Select the type of document that you are requesting:

Other

Description: I am seeking records of communications, including but not limited to briefing reports, emails and correspondence, between NASA and the Federal Aviation Administration regarding the National Aviation Operations Monitoring System.

650 345 1495.
rbeamish@comcast.net

Suitable Description Of Yourself:

media

A representative of news media

Media Company Name: The Associated Press

Other: wire service

media

Maximum amount willing to pay: 100

Explanation for Waiver: AP is a news cooperative that exists to collect and disseminate the news to thousands of newspaper and broadcast members throughout the nation, and seeks these materials in connection with its newsgathering activities. I therefore request that you waive charges pursuant to 5 USC Â§ 552(a)(4)(A). Even if you deny this request for a waiver, no fees may be assessed for searching or reviewing the documents requested by AP, and no duplication fees should be charged for the first 100 pages of material. 5 U.S.C. Â§ 552(a)(4)(A)(ii)(II). In the event you deny the request for a fee waiver, AP hereby consents to pay duplication charges up to a total not to exceed \$100 in the event that this request generates more than 100 pages of responsive material.

As I am making this request in connection with the reporting of the news, and this information is of timely value, I would appreciate your communicating with me by telephone, or email. 650 345-1495 , rbeamish@comcast.net

Additional Comments:

B5

SA

B-5

Kelly L. Garcia
FOIA Public Liaison Officer
Public Inquiries Officer

Kelly.L.Garcia@nasa.gov
650-604-3273
650-604-0688 (fax)

Government & External Relations Office
FOIA Customer Service Center
National Aeronautics and Space Administration (NASA)
Ames Research Center
Mail Stop 943-4
Moffett Field, CA 94035-1000

B-5

B5

--
Kelly L. Garcia
FOIA Public Liaison Officer
Public Inquiries Officer

Kelly.L.Garcia@nasa.gov
650-604-3273
650-604-0688 (fax)

Government & External Relations Office
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Ames Research Center
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B-5

B-S

Kelly.L.Garcia@nasa.gov
650-604-3273

650-604-0688 (fax)

Government & External Relations Office

FOIA Customer Service Center
National Aeronautics and Space Administration (NASA)
Ames Research Center

Mail Stop 943-4

Moffett Field, CA 94035-1000

--

Kelly L. Garcia
FOIA Public Liaison Officer
Public Inquiries Officer

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--

Kelly L. Garcia
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Public Inquiries Officer

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National Aeronautics and Space Administration (NASA)

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Mail Stop 943-4

Moffett Field, CA 94035-1000

BS

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Mail Stop 943-4

Moffett Field, CA 94035-1000

--

Kelly L. Garcia

FOIA Public Liaison Officer

Public Inquiries Officer

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Government & External Relations Office

FOIA Customer Service Center
National Aeronautics and Space Administration (NASA)
Ames Research Center

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--

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FOIA Public Liaison Officer
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650-604-0688 (fax)

Government & External Relations Office
FOIA Customer Service Center
National Aeronautics and Space Administration (NASA)
Ames Research Center
Mail Stop 943-4
Moffett Field, CA 94035-1000

X-Autogenerated: Mirror
Resent-From: <foia@arc.nasa.gov>
Resent-Date: Fri, 28 Sep 2007 12:33:36 -0700
Subject: FOIA 07-289
Date: Fri, 28 Sep 2007 15:33:33 -0400
Thread-Topic: FOIA 07-289
Thread-Index: AcflAhwn/gezschsRvmEdwCd0JMUYwNBDA6Q
From: "HQ-FOIA" <hq-foia@nasa.gov>
To: <rbeamish@ap.org>, <rbeamish@comcast.net>
Cc: <foia@arc.nasa.gov>
X-Proofpoint-Virus-Version: vendor=fsecure engine=4.65.5502:2.3.11,1.2.37,4.0.164
definitions=2007-09-28_05:2007-09-26,2007-09-28,2007-09-28 signatures=0
X-Proofpoint-Spam-Details: rule=notspam policy=default score=0 spamscore=0 ipscore=0
phishscore=0 bulkscore=0 adultscore=0 classifier=spam adjust=0 reason=mlx
engine=3.1.0-0708230000 definitions=main-0709280044
X-Proofpoint-Bar:

07-289

Ms. Rita Beamish
The Associated Press
18 Eleventh Avenue
San Mateo, CA 94401
rbeamish@ap.org

Dear Ms. Beamish:

This is in response to your request received on September 12, 2007, pursuant to the Freedom of Information Act (FOIA) for information regarding the National Aviation Operations Monitoring System

Documents responsive to your request, if available, would be maintained at the NASA Ames Research Center (ARC), Moffett Field, California. We are forwarding your request to the ARC FOIA Requester Service Center for direct reply to you.

Sincerely,

Original Signed

Kellie N. Robinson
FOIA Public Liaison Officer
Headquarters

300 E Street, SW
Washington, DC 20546

cc: ARC FOIA Office

-----Original Message-----

From: rbeamish@ap.org [mailto:rbeamish@ap.org]
Sent: Wednesday, September 12, 2007 2:00 AM
To: undisclosed-recipients
Subject: None

Name: Rita Beamish
Address: The Associated Press
18 Eleventh Ave.
San Mateo, Ca. 94401
Phone #: 650 345 1495
Fax #: 202 263 8841
E-mail: rbeamish@ap.org, rcbeamish@comcast.net

Select the type of document that you are requesting:

Other

Description: I am seeking records of communications, including but not limited to briefing reports, emails and correspondence, between NASA and the Federal Aviation Administration regarding the National Aviation Operations Monitoring System.

650 345 1495.
rbeamish@comcast.net

Suitable Description Of Yourself:

media

A representative of news media

Media Company Name: The Associated Press

Other: wire service

media

Maximum amount willing to pay: 100

Explanation for Waiver: AP is a news cooperative that exists to collect and disseminate the news to thousands of newspaper and broadcast members throughout the nation, and seeks these materials in connection with its newsgathering activities. I therefore request that you waive charges pursuant to 5 USC Â§ 552(a)(4)(A). Even if you deny this request for a waiver, no fees

may be assessed for searching or reviewing the documents requested by AP, and no duplication fees should be charged for the first 100 pages of material. 5 U.S.C. Â§ 552(a)(4)(A)(ii)(II). In the event you deny the request for a fee waiver, AP hereby consents to pay duplication charges up to a total not to exceed \$100 in the event that this request generates more than 100 pages of responsive material.

As I am making this request in connection with the reporting of the news, and this information is of timely value, I would appreciate your communicating with me by telephone, or email. 650 345-1495 , rbeamish@comcast.net

Additional Comments:

Subject: FW: FOIA 07-289
Date: Fri, 28 Sep 2007 15:34:00 -0400
Thread-Topic: FOIA 07-289
Thread-Index: Acl1Ahwn/gezschsRvmEdwCd0JMUYwNBDA6QAAAJtBA=
From: "Robinson, Kellie N. (HQ-NB000)" <krobins1@nasa.gov>
To: "Garcia, Kelly L. \(\ARC-EG\)" <kelly.l.garcia@nasa.gov>
X-Proofpoint-Virus-Version: vendor=fsecure engine=4.65.5502:2.3.11,1.2.37,4.0.164
definitions=2007-09-28_05:2007-09-26,2007-09-28,2007-09-28 signatures=0
X-Proofpoint-Spam-Details: rule=notspam policy=default score=0 spamscore=0 ipscore=0
phishscore=0 bulkscore=0 adultscore=0 classifier=spam adjust=0 reason=mlx
engine=3.1.0-0708230000 definitions=main-0709280044
X-Proofpoint-Bar:

-----Original Message-----

From: HQ-FOIA
Sent: Friday, September 28, 2007 3:34 PM
To: 'rbeamish@ap.org'; 'rbeamish@comcast.net'
Cc: 'foia@arc.nasa.gov'
Subject: FOIA 07-289

07-289

Ms. Rita Beamish
The Associated Press
18 Eleventh Avenue
San Mateo, CA 94401
rbeamish@ap.org

Dear Ms. Beamish:

This is in response to your request received on September 12, 2007, pursuant to the Freedom of Information Act (FOIA) for information regarding the National Aviation Operations Monitoring System

Documents responsive to your request, if available, would be maintained at the NASA Ames Research Center (ARC), Moffett Field, California. We are forwarding your request to the ARC FOIA Requester Service Center for direct reply to you.

Sincerely,

Original Signed

Kellie N. Robinson
FOIA Public Liaison Officer
Headquarters
300 E Street, SW
Washington, DC 20546

cc: ARC FOIA Office

-----Original Message-----

From: rbeamish@ap.org [mailto:rbeamish@ap.org]
Sent: Wednesday, September 12, 2007 2:00 AM
To: undisclosed-recipients
Subject: None

Name: Rita Beamish
Address: The Associated Press
18 Eleventh Ave.
San Mateo, Ca. 94401
Phone #: 650 345 1495
Fax #: 202 263 8841
E-mail: rbeamish@ap.org, rbeamish@comcast.net

Select the type of document that you are requesting:

Other

Description: I am seeking records of communications, including but not limited to briefing reports, emails and correspondence, between NASA and the Federal Aviation Administration regarding the National Aviation Operations Monitoring System.

650 345 1495.
rbeamish@comcast.net

Suitable Description Of Yourself:

media

A representative of news media

Media Company Name: The Associated Press

Other: wire service

media

Maximum amount willing to pay: 100

Explanation for Waiver: AP is a news cooperative that exists to collect and disseminate the news to thousands of newspaper and broadcast members throughout the nation, and seeks these materials in connection with its newsgathering activities. I therefore request that you waive charges pursuant to 5 USC Â§ 552(a)(4)(A). Even if you deny this request for a waiver, no fees may be assessed for searching or reviewing the documents requested by AP, and no duplication fees should be charged for the first 100 pages of material. 5 U.S.C. Â§ 552(a)(4)(A)(ii)(II). In the event you deny the request for a fee waiver, AP hereby consents to pay duplication charges up to a total not to exceed \$100 in the event that this request generates more than 100 pages of responsive material.

As I am making this request in connection with the reporting of the news, and this information is of timely value, I would appreciate your communicating with me by telephone, or email. 650 345-1495 , rbeamish@comcast.net

Additional Comments:

To: dbearley-mail.arc.nasa.gov
From: Kelly Garcia <klgarcia@mail.arc.nasa.gov>
Subject: Most recent Rita Beamish Request
Cc:
Bcc:

X-Autogenerated: Mirror
Resent-From: <foia@arc.nasa.gov>
Resent-Date: Fri, 28 Sep 2007 12:33:36 -0700
Subject: FOIA 07-289
Date: Fri, 28 Sep 2007 15:33:33 -0400
Thread-Topic: FOIA 07-289
Thread-Index: Acl1Ahwn/gezschsRvmEdwCd0JMUYwNBDA6Q
From: "HQ-FOIA" <hq-foia@nasa.gov>
To: <rbeamish@ap.org>, <rbeamish@comcast.net>
Cc: <foia@arc.nasa.gov>
X-Proofpoint-Virus-Version: vendor=fsecure engine=4.65.5502:2.3.11,1.2.37,4.0.164
definitions=2007-09-28_05:2007-09-26,2007-09-28,2007-09-28 signatures=0
X-Proofpoint-Spam-Details: rule=notspam policy=default score=0 spamscore=0 ipscore=0
phishscore=0 bulkscore=0 adultscore=0 classifier=spam adjust=0 reason=mlx
engine=3.1.0-0708230000 definitions=main-0709280044
X-Proofpoint-Bar:

07-289

Ms. Rita Beamish
The Associated Press
18 Eleventh Avenue
San Mateo, CA 94401
rbeamish@ap.org

Dear Ms. Beamish:

This is in response to your request received on September 12, 2007, pursuant to the Freedom of Information Act (FOIA) for information regarding the National Aviation Operations Monitoring System

Documents responsive to your request, if available, would be maintained at the NASA Ames Research Center (ARC), Moffett Field, California. We are forwarding your request to the ARC FOIA Requester Service Center for direct reply to you.

Sincerely,

Original Signed

Kellie N. Robinson
FOIA Public Liaison Officer
Headquarters
300 E Street, SW
Washington, DC 20546

cc: ARC FOIA Office

-----Original Message-----

From: rbeamish@ap.org [mailto:rbeamish@ap.org]
Sent: Wednesday, September 12, 2007 2:00 AM
To: undisclosed-recipients
Subject: None

Name: Rita Beamish
Address: The Associated Press
18 Eleventh Ave.
San Mateo, Ca. 94401
Phone #: 650 345 1495
Fax #: 202 263 8841
E-mail: rbeamish@ap.org, rbeamish@comcast.net

Select the type of document that you are requesting:

Other

Description: I am seeking records of communications, including but not limited to briefing reports, emails and correspondence, between NASA and the Federal Aviation Administration regarding the National Aviation Operations Monitoring System.

650 345 1495.
rbeamish@comcast.net

Suitable Description Of Yourself:

media

A representative of news media

Media Company Name: The Associated Press

Other: wire service

media

Maximum amount willing to pay: 100

Explanation for Waiver: AP is a news cooperative that exists to collect and disseminate the news to thousands of newspaper and broadcast members throughout the nation, and seeks these materials in connection with its newsgathering activities. I therefore request that you waive charges pursuant to 5 USC Â§ 552(a)(4)(A). Even if you deny this request for a waiver, no fees may be assessed for searching or reviewing the documents requested by AP, and no duplication fees should be charged for the first 100 pages of material. 5 U.S.C. Â§ 552(a)(4)(A)(ii)(II). In the event you deny the request for a fee waiver, AP hereby consents to pay duplication charges up to a total not to exceed \$100 in the event that this request generates more than 100 pages of responsive material.

As I am making this request in connection with the reporting of the news, and this information is of timely value, I would appreciate your communicating with me by telephone, or email. 650 345-1495 , rbeamish@comcast.net

Additional Comments:

--
Kelly L. Garcia
FOIA Public Liaison Officer
Public Inquiries Officer

Kelly.L.Garcia@nasa.gov
650-604-3273
650-604-0688 (fax)

Government & External Relations Office
FOIA Customer Service Center
National Aeronautics and Space Administration (NASA)
Ames Research Center
Mail Stop 943-4
Moffett Field, CA 94035-1000

B-5

----- Original Message -----

From: Beamish, Rita <rbeamish@ap.org>

To: Cabbage, Michael (HQ-NB000)

Cc: Borenstein, Seth <SBorenstein@ap.org>

Sent: Fri Oct 19 11:53:56 2007

Subject: Pilot survey story

Mike,

Thanks for taking this question, which essentially is whether NASA still holds to its refusal to release the data that was gathered in a survey of some 24,000 commercial and GA pilots over nearly four years. The project was called the National Aviation Operations Monitoring Service, initially conceived as a way to monitor safety trends and incidents occurring in commercial aviation. It was elaborately planned beginning in 1998 and data collection occurred for nearly four years, ending in 2005. Most of the pilots randomly selected were airline employees (although not selected through their airline but through lists of licensed pilots), but it also included GA pilots.

AP started asking for this data more than a year ago as the program was winding down because its budget was eliminated. In a final rejection of my FOIA appeal, dated Sept. 5, 2007, Associate Administrator Thomas Luedtke wrote to us:

"Release of the requested data, which are sensitive and safety related, could materially affect the public confidence in, and the commercial welfare of, the air carriers and general aviation companies whose pilots participated in the survey." The survey did not include names of airlines, nor does the data include pilot names as they were promised anonymity.

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WE don't need elaboration on the legalisms which our lawyers have substantially pursued. I am simply checking to see if NASA is holding firm on its refusal.

Many thanks for your assistance at this busy time.

Rita Beamish
Reporter
The Associated Press
Office: 650 345-1495
FAX: 202 263-8841
Cell: 202 281-8896
rbeamish@comcast.net
rbeamish@ap.org

--

Mike Mewhinney
News Chief
Public Affairs and Media Relations Division
NASA Ames Research Center, Moffett Field, CA
Phone: (650) 604-3937 Fax: (650) 604-0688

25

B-5

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Rita Beamish

Reporter

The Associated Press

Office: 650 345-1495

FAX: 202 263-8841

Cell: 202 281-8896

rcbeamish@comcast.net

rbeamish@ap.org

5



----- Original Message -----

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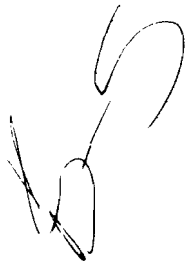
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Office: 650 345-1495
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rbeamish@ap.org

B-5



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Office: 650 345-1495
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Cell: 202 281-8896
rbeamish@comcast.net
rbeamish@ap.org

--

Mike Mewhinney
News Chief
Public Affairs and Media Relations Division
NASA Ames Research Center, Moffett Field, CA
Phone: (650) 604-3937 Fax: (650) 604-0688

--

Kelly L. Garcia

FOIA Public Liaison Officer
Public Inquiries Officer

Kelly.L.Garcia@nasa.gov
650-604-3273
650-604-0688 (fax)

Government & External Relations Office
FOIA Customer Service Center
National Aeronautics and Space Administration (NASA)
Ames Research Center
Mail Stop 943-4
Moffett Field, CA 94035-1000

B-5

A handwritten signature, possibly reading 'B. S.', is located in the center of the page.

----- Original Message -----

From: Beamish, Rita <rbeamish@ap.org>
To: Cabbage, Michael (HQ-NB000)
Cc: Borenstein, Seth <SBorenstein@ap.org>
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Reporter
The Associated Press
Office: 650 345-1495
FAX: 202 263-8841
Cell: 202 281-8896
rbeamish@comcast.net
rbeamish@ap.org

B-5

B5

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Rita Beamish
Reporter
The Associated Press
Office: 650 345-1495
FAX: 202 263-8841
Cell: 202 281-8896
rcbeamish@comcast.net
rbeamish@ap.org

To: gsloup
From: Kelly Garcia <klgarcia@mail.arc.nasa.gov>
Subject: NAOMs story by Rita beamish
Cc:
Bcc:

http://hosted.ap.org/dynamic/stories/A/AIR_SAFETY_SECRETS?SITE=WUSA&SECTION=HOME&TEMPLATE=DEFAULT&CTIME=2007-10-22-05-22-38

--

Kelly L. Garcia
FOIA Public Liaison Officer
Public Inquiries Officer

Kelly.L.Garcia@nasa.gov
650-604-3273
650-604-0688 (fax)

Government & External Relations Office
FOIA Customer Service Center
National Aeronautics and Space Administration (NASA)
Ames Research Center
Mail Stop 943-4
Moffett Field, CA 94035-1000

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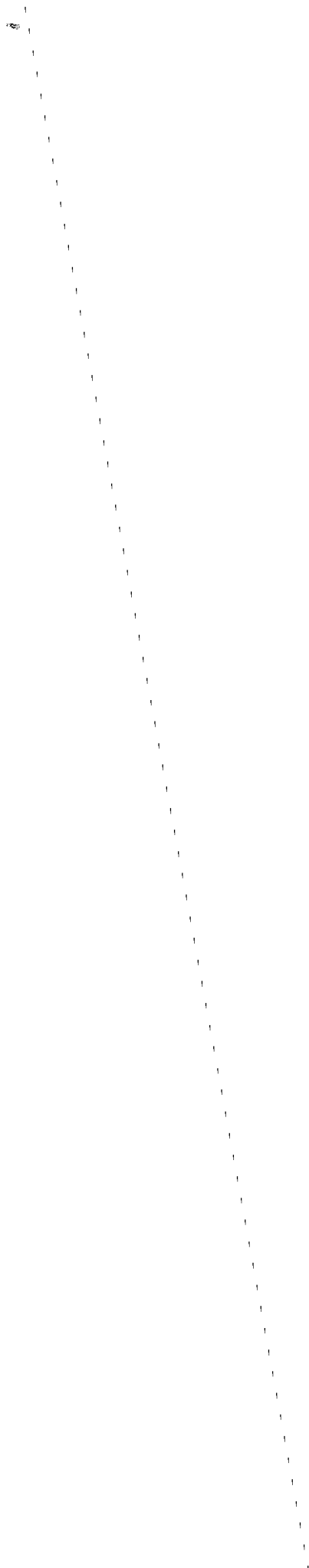
BS

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Kellie

----- Forwarded Message

From: <rbeamish@comcast.net>, <or.rbeamish@ap.org>
Reply-To: <rbeamish@comcast.net>, <or.rbeamish@ap.org>
Date: Fri, 14 Jul 2006 16:19:23 -0400 (EDT)
Subject: None

Name: Rita Beamish
Address: 18 Eleventh Ave.
San Mateo, Ca. 94401
Phone #: 650 345-1495
Fax #:
E-mail: rbeamish@comcast.net, or rbeamish@ap.org

Select the type of document that you are requesting:

Other

Description: I am seeking data, electronic and hard-copy, and associated data-collection documents, including questionnaires and program descriptions, data collected, summaries and results, from the National Aviation Operating Monitoring Service, both relating to commercial air carriers and general aviation.

Suitable Description Of Yourself:

media

A representative of news media

Media Company Name: The Associated Press

Other: multimedia wire service

media

Maximum amount willing to pay:

Explanation for Waiver: I am requesting this information for the purpose of

possible public dissemination in a news article and therefore request that you waive charges pursuant to 5 USC 552 (a) (4) (A), Fed. Reg. 7296, Section 1900.25. I am a journalist employed by The Associated Press.

Additional Comments:

----- End of Forwarded Message

--

Kelly L. Garcia
FOIA Public Liaison Officer
Public Inquiries Officer

Kelly.L.Garcia@nasa.gov
650-604-3273
650-604-4942 (fax)

Public Affairs Office
FOIA Customer Service Center
National Aeronautics and Space Administration (NASA)
Ames Research Center
Mail Stop 943-4
Moffett Field, CA 94035-1000

--

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Public Affairs Office

FOIA Customer Service Center

National Aeronautics and Space Administration (NASA)

Ames Research Center

Mail Stop 943-4

Moffett Field, CA 94035-1000

From: "Rita Beamish" <rbeamish@comcast.net>

To: "Kelly Garcia" <klgarcia@arc.nasa.gov>

Subject: AP request

Date: Tue, 31 Oct 2006 14:34:06 -0800

X-Proofpoint-Spam-Details: rule=notspam policy=default score=0 mlx=0 adultscore=0
adjust=0 reason=mlx engine=3.0.0-0610180000 definitions=main-0610310043

Hi Kelly, .

Just wondering if you heard anything yet on the timing or the heft of my materials.

Rita

Rita Beamish

The Associated Press

650 345-1495

FAX: 202 263-8841

To: "Rita Beamish" <rcbeamish@comcast.net>
From: Kelly Garcia <klgarcia@mail.arc.nasa.gov>
Subject: Re: AP request
Cc:
Bcc:

Hi Rita,

I spoke with our legal office and they are actively working on the request and it is taking longer than expected. We hope to have something next week!

Hope this helps!

Kelly

--

Kelly L. Garcia
FOIA Public Liaison Officer
Public Inquiries Officer

Kelly.L.Garcia@nasa.gov
650-604-3273
650-604-4942 (fax)

Public Affairs Office
FOIA Customer Service Center
National Aeronautics and Space Administration (NASA)
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Mail Stop 943-4
Moffett Field, CA 94035-1000

From: "Rita Beamish" <rcbeamish@comcast.net>
To: "Kelly Garcia" <klgarcia@mail.arc.nasa.gov>
Subject: Re: AP request
Date: Thu, 2 Nov 2006 08:34:45 -0800
X-Proofpoint-Spam-Details: rule=notspam policy=default score=0 mlx=0 adultscore=0
adjust=0 reason=mlx engine=3.0.0-0610180000 definitions=main-0611020025

ok, thanks.

----- Original Message -----

From: Kelly Garcia
To: Rita Beamish
Sent: Thursday, November 02, 2006 8:24 AM
Subject: Re: AP request

Hi Rita,

I spoke with our legal office and they are actively working on the request and it is taking longer than expected. We hope to have something next week!

Hope this helps!

Kelly

--

Kelly L. Garcia
FOIA Public Liaison Officer
Public Inquiries Officer

Kelly.L.Garcia@nasa.gov
650-604-3273
650-604-4942 (fax)

Public Affairs Office
FOIA Customer Service Center
National Aeronautics and Space Administration (NASA)
Ames Research Center
Mail Stop 943-4
Moffett Field, CA 94035-1000

B-E,

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67

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BS

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October 30, 2006

EX: 943-4 (2006-77)

Rita Beamish
Associated Press
18 Eleventh Ave.
San Mateo, CA 94401

Dear Ms. Beamish:

This is a supplemental response to your Freedom of Information Act request, dated August 31, 2006, for records pertaining to:

Data, electronic & hardcopy, and associated data-collection documents, including questionnaires and program descriptions, data collected, summaries and results from the National Aviation Operating Monitoring Service, relating to commercial air carriers and general aviation.

During an initial review of the responsive material provided to this office, we have enclosed those documents, in full without any redactions or pages withheld under the exemptions listed in Title 5, United States Code, §552 of the Freedom of Information Act.

Also, we are still conducting searches for additional records relating to your request. We will provide you with a final response upon completion of those searches and our review of any responsive agency records uncovered.

Any further questions concerning this request should be directed to Kelly Garcia, at Kelly.L.Garcia@nasa.gov.

I trust this will be of assistance to you.

Sincerely,

Terence Pagaduan
Ames, FOIA Public Liaison Officer

National Aeronautics and
Space Administration
Ames Research Center
Moffett Field, CA 94035-1000



November 27, 2006

Reply to Attn of:

EX: 943-4 (2006-77)

Rita Beamish
Associated Press
18 Eleventh Ave.
San Mateo, CA 94401

Dear Ms. Beamish:

Your Freedom of Information Act (FOIA) request for release of information from the files of the National Aeronautics and Space Administration (NASA) was received on August 31, 2006. You requested the following information:

"Data, electronic & hardcopy, and associated data-collection documents, including questionnaires and program descriptions, data collected, summaries and results from the National Aviation Operating Monitoring Service, relating to commercial air carriers and general aviation."

We provided a partial release of your request on October 30, 2006. This letter constitutes the full and final initial determination for your request. The enclosed documents responsive to your request are a part of a system of records exempt from the mandatory disclosure provisions of the FOIA. The removal of this information constitutes a partial denial pursuant to (see attached appeal instructions):

Title 5, USC, Section 552, Exemption(s) of the Freedom of Information Act

<input type="checkbox"/> (b)(1)	<input checked="" type="checkbox"/> (b)(2)	<input checked="" type="checkbox"/> (b)(3)	<input checked="" type="checkbox"/> (b)(4)	<input checked="" type="checkbox"/> (b)(5)	<input checked="" type="checkbox"/> (b)(6)
<input type="checkbox"/> (b)(7)(A)	<input type="checkbox"/> (b)(7)(B)	<input type="checkbox"/> (b)(7)(C)	<input type="checkbox"/> (b)(7)(D)	<input type="checkbox"/> (b)(7)(E)	<input type="checkbox"/> (b)(8)
<input type="checkbox"/> (b)(9)					

Under Title 5, USC, Section 552 (b)(2), portions of your records have been withheld as "related solely to the internal personnel rules and practices of an agency." Included is the questionnaire used for the pilot interviews.

Under Title 5, USC, Section 552 (b)(3), portions of your records have been withheld as "(1.) Requires that the matters be withheld from the public in such a manner as to leave no discretion on the issue or (2.) Establishes particular criteria for withholding or refers to particular types of matters to be withheld," and, under Title 5, 42 USC, Section 2454 (b), privileged or confidential information. Included is the pilot response database itself.

Under Title 5, USC, Section 552 (b)(4), portions of your records have been withheld as "trade secrets and commercial or financial information obtained from a person and privileged or confidential." Included is data about the pilots who were initially contacted for the survey.

Under Title 5, USC, Section 552 (b)(5), portions of your records have been withheld as "Interagency or intra-agency memoranda or letters which would not be available by law to a party other than an agency in litigation with NASA." Included are all draft documents and information from the conferences and workshops which only involved the U.S. Government representatives. Program descriptions and summaries and results put forth at these conferences and workshops would also be included in this exemption.

Under Title 5, USC, Section 552 (b)(6), portions of your records have been withheld as "Personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy." Included is data about the pilots who were initially contacted for the survey.

You may appeal this initial determination to the NASA Administrator. Your appeal must: (1) be addressed to the **Administrator, National Aeronautics and Space Administration (NASA), Mail Stop: P, 300 E Street, SW, Washington, DC 20546**, (2) be identified clearly on the envelope and in the letter as an "Appeal under the Freedom of Information Act (FOIA); (3) include a copy of the request for the agency record, and a copy of the adverse initial determination; (4) state, to the extent possible, the reasons why you believe the initial determination should be reversed; and (5) be sent to the Administrator with thirty (30) calendar days of the date of the receipt of this initial determination.

I trust this will be of assistance to you.

Sincerely,



Terence Pagaduan
Freedom of Information Act Officer

IHS 262-7

Dear Participant:

The National Aeronautics and Space Administration (NASA) is initiating a new effort to monitor aviation system safety and safety trends. This effort is entitled the National Aviation Operations Monitoring Service (NAOMS). NASA is conducting this project to provide reliable safety indices for improving aviation safety. I am writing today to ask for your participation in this exciting project.

NASA has requested the services of Battelle Memorial Institute, Centers for Public Health Research and Evaluation (CPHRE) to conduct continuous surveys of commercial pilots, such as yourself. You have been selected as part of a representative sample of about 8,000 air carrier pilots submitting information each year. Your participation and recall of the safety events you have experienced is essential in order for the statistical results of the survey to be valid and useful.

Within a few days, a member of the Battelle CPHRE interviewing staff will call you to arrange a convenient time to interview you over the telephone. The interview will take approximately 20 minutes. Your answers will be completely confidential. They can never be connected to your name.

Thank you in advance for your help with this important NASA aviation safety project. Your participation will further improve safety for you, your colleagues, and the aviation public. If you have any questions about this study, **please call 1-886- 834-4655 and ask for Ms. Norwood** to schedule an appointment or answer questions. Questions about your rights as a study subject should be addressed to the Project Managers, listed below.

Sincerely,

Mary M. Connors
NAOMS Co-Project Manager
650-604-6114

Linda J. Connell
NAOMS Co-Project Manager
650-960-6059

OMB#: 2700-0099

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TH 262-4

November 27, 2006

Dear Ms. Beamish,

The following presentations were given for the purpose of acquainting various elements of the aviation industry with the goals and approaches being proposed for the National Aviation Operations Monitoring System (NAOMS). They represent the thinking at particular points in the process and do not necessarily represent the final decisions.

As presentations, these are not stand-alone descriptions and were accompanied by verbal explanation. Therefore, the intention and meaning may not always be clear from the listed talking points reflected in the charts. If there is anything that you do not understand from the hard copy of the presentations, please make a note and we will try to clarify the meaning.

Sincerely,

Mary M. Connors
Co-Project Manager
NAOMS

Linda J. Connell
Co-Project Manager
NAOMS

GA INTRODUCTORY LETTER

IHS 262-7

Dear Participant:

Aviation safety is a subject of great concern to members of the aviation community. To monitor aviation system safety and safety trends, the National Aeronautics and Space Administration (NASA) has initiated an effort entitled the National Aviation Operations Monitoring Service. NASA is conducting this project to provide reliable safety data for improving aviation safety. I am writing today to ask you, as a pilot, to participate in this exciting project.

NASA has requested the services of Battelle Memorial Institute to conduct surveys of aviation pilots. You have been selected to be interviewed as part of a representative sample of about 8,000 pilots. Your participation and recall of the safety events you have experienced is essential in order for the statistical results of the survey to be valid and useful.

Within a few days, a member of the Battelle interviewing staff will call you to arrange a convenient time to interview you over the telephone. The interview will take 20 to 30 minutes. Your answers will be completely confidential. They can never be connected to your name.

Thank you in advance for your help with this important NASA project. Your participation will further improve safety for you, your colleagues, and the aviation public. **Please call (800) 777-6115 and ask for the codename *Aviation Safety*** to schedule an appointment or answer questions. Questions about your rights as a study subject should be addressed to the Project Managers, listed below.

Sincerely,

Mary M. Connors
NAOMS Co-Project Manager
650-604-6114

Linda J. Connell
NAOMS Co-Project Manager
650-960-6059

Date: Thu, 31 Aug 2006 19:10:33 -0400

Subject: FOIA 06-267

From: FOIA <hq-foia@nasa.gov>

To: Kelly Garcia <klgarcia@mail.arc.nasa.gov>,

"Harrington, J D. (HQ-NB030)" <jharring@nasa.gov>

Thread-Topic: FOIA 06-267

Thread-Index: AcbNUqjS54vxtDlFEduJXgANk8MKyA==

X-Proofpoint-Spam-Details: rule=notspam policy=default score=0 mlx=0 adultscore=0
adjust=0 reason=mlx engine=3.0.0-0608080000 definitions=main-0608310006

Kelly,

Please check to see if this is a program that the documents would have originated/maintained at AMES. I did a "google search" and found a few items authored by Mary Connors and Irving Statler.

J.D.,

This is the request you referenced in your voice mail today. Please conduct a search for HQ documents responsive to the request.

A NY Times article, August 30, 2006, by Jon A Krosnick, talks about NAOMS project and the fact that NASA called off the program last January.

Kellie

----- Forwarded Message

From: <rbeamish@comcast.net>, <or.rbeamish@ap.org>

Reply-To: <rbeamish@comcast.net>, <or.rbeamish@ap.org>

Date: Fri, 14 Jul 2006 16:19:23 -0400 (EDT)

Subject: None

Name: Rita Beamish

Address: 18 Eleventh Ave.

San Mateo, Ca. 94401

Phone #: 650 345-1495

Fax #:

E-mail: rbeamish@comcast.net, or rbeamish@ap.org

Select the type of document that you are requesting:

Other

Description: I am seeking data, electronic and hard-copy, and associated data-collection documents, including questionnaires and program descriptions, data collected, summaries and results, from the National Aviation Operating Monitoring Service, both relating to commercial air carriers and general aviation.

Suitable Description Of Yourself:

media

A representative of news media

Media Company Name: The Associated Press

Other: multimedia wire service
media

Maximum amount willing to pay:

Explanation for Waiver: I am requesting this information for the purpose of possible public dissemination in a news article and therefore request that you waive charges pursuant to 5 USC 552 (a) (4) (A), Fed. Reg. 7296, Section 1900.25. I am a journalist employed by The Associated Press.

Additional Comments:

----- End of Forwarded Message

Date: Fri, 29 Sep 2006 15:30:23 -0700
To: gsloup@mail.arc.nasa.gov
From: Mary Connors <Mary.M.Connors@nasa.gov>
Subject: Fwd: Pilot's Safety Experiences

George,
In case I didn't send this in hard copy.
Mary

Date: Thu, 28 Sep 2006 17:55:40 -0700
To: mconnors@mail.arc.nasa.gov
From: Linda Connell <Linda.J.Connell@nasa.gov>
Subject: Fwd: Pilot's Safety Experiences
Mary,
Here is NY Times Op Ed piece that Terry Pagaduan requested.
Linda

Reply-To: <rdodd@doddgroup.org>
From: "Robert Dodd" <rdodd@doddgroup.org>
To: "Robert Dodd" <rdodd@doddgroup.org>
Subject: Pilot's Safety Experiences
Date: Wed, 30 Aug 2006 07:12:38 -0400
Organization: Dodd and Associates, LLC
Thread-Index: AcbMJTQAFB1JBgztQsiWKHpBWaqkyQ==
X-ELNK-Trace:
c9daf623638f28e75e89bb4777695beb69025943178dce0b2876238af96a8da39b5eb5215a090860350bad
X-Originating-IP: 68.48.67.165
X-Proofpoint-Spam-Details: rule=notspam policy=default score=0 mlx=0 adultscore=0 adjust=0
reason=mlx engine=3.0.0-0608080000 definitions=main-0608300002
This appeared in today's New York Times. Thought you might be interested. Any comments?

Regards,

Bob Dodd
410-923-6086

Mary M. Connors, Ph.D.
Human Systems Integration Division

Date: Fri, 29 Sep 2006 15:30:23 -0700
To: gsloup@mail.arc.nasa.gov
From: Mary Connors <Mary.M.Connors@nasa.gov>
Subject: Fwd: Pilot's Safety Experiences

George,
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Mary

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From: "Robert Dodd" <rdodd@doddgroup.org>
To: "Robert Dodd" <rdodd@doddgroup.org>
Subject: Pilot's Safety Experiences
Date: Wed, 30 Aug 2006 07:12:38 -0400
Organization: Dodd and Associates, LLC
Thread-Index: AcbMJTQAFB1JBgztQsiWKHpBWaqkyQ==
X-ELNK-Trace:
c9daf623638f28e75e89bb4777695beb69025943178dce0b2876238af96a8da39b5eb5215a090860350bad
X-Originating-IP: 68.48.67.165
X-Proofpoint-Spam-Details: rule=notspam policy=default score=0 mlx=0 adultscore=0 adjust=0
reason=mlx engine=3.0.0-0608080000 definitions=main-0608300002
This appeared in today's New York Times. Thought you might be interested. Any comments?

Regards,

Bob Dodd
410-923-6086

Mary M. Connors, Ph.D.
Human Systems Integration Division

Mail Stop 262-4
NASA/Ames Research Center
Moffett Field, CA 94035
Tel: (650) 604-6114
Fax: (650) 604-3729

"e-mail is like going home after a
long, hard day and finding 70 people
in your kitchen" (Unknown)



Krosnick 2.pdf

August 30, 2006

OP-ED CONTRIBUTOR

What Pilots Could Tell Us

By JON A. KROSNICK

Taipei, Taiwan

THE crash of a Comair jet in Kentucky on Sunday ended the longest safety streak in aviation history: it's been almost five years since a passenger died in a commercial airline jet accident in the United States.

Crashes are actually very crude gauges of the safety of air travel because they remain so rare. We must pay attention instead to the little events that happen every day in the skies and on the ground that very, very slightly increase the risk of another disaster.

For instance, a pilot attempts to talk to an air traffic controller but is unable to get through. A plane flies higher than the air traffic controller requested. Or a pilot turns onto the wrong runway for takeoff, as happened in Kentucky. To prevent devastating accidents, we need to monitor these little events and find ways to reduce their frequency.

Amazingly, a federal program has been doing just that for years, but the data are being kept under lock and key, and the program is quietly being ended.

In 1997, the White House Commission on Aviation Safety and Security set a goal of reducing the risk of air travel accidents by 80 percent over the next 10 years. Federal agencies soon realized, however, that they had no way to measure progress toward this goal. Airplane black boxes yield colossal amounts of data that can't be analyzed easily or quickly. And on-board computers can't detect many risk-increasing events, especially those involving human behavior in the cockpit and air traffic control tower.

So in 1998, NASA created an ambitious program, the National Aviation Operations Monitoring Service, using survey methods to collect information efficiently and inexpensively. Every day of every month for years, large, random samples of commercial airline pilots were interviewed in depth about how often they witnessed many different sorts of risk-increasing events.

(Disclosure: I helped NASA develop the questionnaire and survey methods.)

More than 24,000 interviews have been conducted, and examining the air travel system through the eyes of pilots has helped to deepen our understanding of what's been happening in the skies. If NASA had pursued its original plan to develop similar reporting systems for air traffic controllers, flight attendants and airplane mechanics, we'd have even more insight.

Together, the ensemble of surveys could be like canaries in a mine, documenting increases in particular types of risk and allowing air travel professionals to take preventive steps before catastrophes happen. Expanding the program's mission to collect data on aircraft security as well might even help reduce the threat of terrorism.

But instead, NASA stopped the interviewing of pilots last January and called off all plans to expand the project.

This is a big mistake. Many experts, working to increase your safety when you board an airplane, built a great tool that costs relatively little and could help prevent just the sort of disaster we saw in Kentucky.

But their work was terminated, and you can't find out what they learned, even though you paid for it. Now is the time to bring this program back to life.

Jon A. Krosnick is a professor of communication, political science and psychology at Stanford.

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National Aeronautics and Space Administration
Headquarters
Washington, DC 20546-0001



September 5, 2007

Reply to Attn of: Office of the General Counsel

Mr. Adam J. Rappaport
Levine, Sullivan, Koch & Schulz, L.L.P.
1050 Seventeenth Street, NW, Suite 800
Washington, DC 20036-5514

Dear Mr. Rappaport:

In your letter dated June 7, 2007, on behalf of the Associated Press (AP), you appealed an initial determination under the Freedom of Information Act (FOIA), 5 U.S.C. § 552 *et seq.*, issued by Terence Pagaduan, the FOIA Public Liaison Officer at NASA Ames Research Center, CA, on May 14, 2007.

The original FOIA request submitted by your firm on behalf of the AP sought copies of the following four categories of information: (1) the electronic database containing pilot responses to surveys conducted by NASA's National Aviation Operations Monitoring Service (NAOMS) relating to commercial air carriers and general aviation; (2) any software tools used to analyze the data contained within the requested database; (3) sample questionnaires and/or scripts (hardcopy and/or electronic) used to collect the data contained within the requested database; and (4) any and all documents that summarize, analyze or interpret any of the data contained within the requested database. The initial determination denied the request in full, relying on a number of FOIA exemptions. In your appeal letter you contested each basis for withholding and requested reversal of the initial determination and release of the requested information.

Your appeal has been reviewed and processed pursuant to applicable statutes and regulations, specifically 14 CFR Part 1206. This process involved an examination of the original request, the initial determination, FOIA case law, and the points raised in your appeal. After careful consideration, and for the reasons outlined below, I will affirm the initial determination.

In the NAOMS project that is the focus of this FOIA request, thousands of airline and general aviation pilots were asked a number of primarily safety-related questions about their experiences in the commercial aviation industry. Their consolidated answers comprise the data sought by your client in the first category above. FOIA Exemption 4, found in 5 U.S.C. § 552 (b) (4), is the basis on which NASA relies to continue withholding this data. Exemption 4 protects from disclosure two categories of information: (1) trade secrets and (2) information that is commercial or financial, obtained from a person, and privileged or confidential. The first category is not relevant here as none of the data constitutes trade

secret information. However, the requested data does fall within the second category because it is commercial, obtained from a person, and confidential. As it is clear that the data were obtained from persons, only the “commercial” and “confidential” aspects will be addressed.

It is well-settled that “commercial” information under Exemption 4 is not confined to records that “reveal basic commercial operations...or relate to the income-producing aspects of a business.” Public Citizen Health Research Group v. FDA, 704 F.2d 1280, 1290 (D.C. Cir. 1983). Nor must it have “profit as its primary aim.” American Airlines, Inc. v. National Mediation Board, 588 F.2d 863, 870 (2d. Cir 1978). Rather, “commercial” means “anything pertaining or relating to or dealing with commerce.” Id. In the case at hand, the survey is directed at pilots exclusively involved in commercial aviation operations, and the survey results present a comprehensive picture of certain aspects of the U.S. commercial aviation industry. Release of the requested data, which are sensitive and safety-related, could materially affect the public confidence in, and the commercial welfare of, the air carriers and general aviation companies whose pilots participated in the survey. These entities and the industry they represent have a clear commercial interest in the information submitted through their pilots, thus satisfying the “commercial” requirement of Exemption 4. Important to this analysis is the Critical Mass Energy Project v. Nuclear Regulatory Commission case where the court stated that “the disclosure of health and safety problems” reported by utility companies could materially affect their “commercial fortunes,” and therefore supported the conclusion that the information was commercial in nature. 830 F.2d 278, 281 (D.C. Cir. 1987), vacated en banc on other grounds, 975 F.2d 871 (D.C. Cir 1992). Also see Public Citizen Health Research Group cited above, and Baker & Hostetler, LLP v. U.S. Department of Commerce, 473 F.3d 312 (D.C. Cir. 2006).

In this case, the participating pilots voluntarily submitted their responses to the survey questions. They were in no way obliged to provide them. The current test for confidentiality in such cases was articulated by the D.C. Circuit Court of Appeals in its *en banc* decision in the Critical Mass case. There the court stated that voluntarily submitted information is categorically protected provided it is not “customarily” disclosed to the public by the submitters. 975 F.2d at 879. Since the pilots’ responses were voluntary and not something customarily disclosed to the public, the requested data must be considered “confidential” under Exemption 4 and, therefore, appropriately withheld.

Some additional considerations support this conclusion. Before initiating the study, the researchers went to considerable lengths to engage the entire aviation community. They met with numerous aeronautical companies, unions and other organizations to secure their support. The quality of the data obtained through this process is due at least partly to the community’s confidence in NASA’s demonstrated ability to conduct impartial research and to handle and interpret the data appropriately. During the course of the study, the researchers were often contacted by industry representatives unfamiliar with the study to confirm that the requested data was for NASA’s use. In particular, pilots invited to participate in the study were given written assurances that their answers “will be completely confidential.” Thus, release of this data would not only breach this promise of confidentiality but would also likely result in a loss of trust in NASA within the aviation community. As a consequence,

release of the data seems highly likely to impair the agency's future ability to obtain reliable information upon which to base well-founded recommendations for flight safety improvements that the industry has implemented over the years.

The software tools in the second category of requested information are not NASA records and therefore not subject to the FOIA. They consist of commercial, off-the-shelf products that are neither owned nor controlled by NASA. Specifically, the contractual arrangement through which NASA obtained the software limits its use by NASA and reserves all other control to the owners. See United States Dep't of Justice v. Tax Analysts, 492 U.S. 136 (1989). The determination that the software tools are not agency records is bolstered by the fact that they do not "illuminate the structure, operation, or decision-making structure" of the agency. See Gilmore v. United States Dep't of Energy, 4 F. Supp. 2d 912, 922 (N.D. Cal. 1998).

The third category of information your client seeks pertains to the questionnaire used to collect the data contained within the database. You should know that there was only one questionnaire so used, and no scripts. FOIA Exemption 5, 5 U.S.C. § 552 (b) (5), protects the deliberative process privilege and is the basis on which NASA will continue to withhold this information. The National Aeronautics and Space Act of 1958, NASA's organic statute, cites the improvement of aviation safety as a principal objective of the "aeronautical and space activities of the United States." 42 U.S.C. § 2451 (d) (2). NASA's NAOMS project supports this objective. Moreover, the questionnaire constitutes an essential element of the analysis and study underpinning NASA's aviation safety conclusions and recommendations. As such, it represents a fundamental component of the deliberative process that warrants protection in this case.

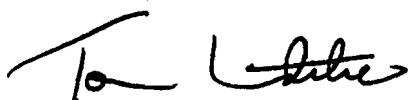
The general purpose of the deliberative process privilege is to "prevent injury to the quality of agency decisions." NLRB v. Sears, Roebuck & Co., 421 U.S. 132, 151 (1975). Its importance lies, in part, in protecting the ability of federal agency decision makers to receive confidential communications. In this instance, release of the questionnaire would disclose the specific areas of research focus. As a result, it could potentially interrupt analysis and even adversely affect the project's outcome. Further, such release could negatively impact future cooperation with NASA by the aviation industry and pilots who would thus be less inclined to participate in such surveys. In sum, release would have a chilling effect on agency deliberations, not only in this instance, but in the future as well – something the deliberative process privilege seeks to avoid. See Greenberg v. Dep't of Treasury, 10 F. Supp. 2d 3, 16 (D.D.C. 1998).

Even if the questionnaire were to be regarded as purely factual information and thus ordinarily releasable, in this case it would still be subject to protection. The questionnaire forms an integral part of the agency's deliberative process, representing careful organization and selection of questions for interviewees. Its release would harm NASA's deliberative process in addressing aviation safety measures, both presently and in the future, and as such is protected by Exemption 5 even as factual information. See Wolfe v. HHS, 839 F.2d 769, 774 (D.C. Cir. 1988); National Wildlife Federation v. U.S. Forest Service, 861 F.2d 1114, 1118 (9th Cir. 1988); and Sakomoto v. EPA, 443 F. Supp. 2d 1182, 1192 (N.D. Cal. 2006).

The following analysis addresses the last category of requested information: documents that summarize, analyze, or interpret the data. These documents are either yet to be developed or still in draft form, in which case they are also subject to the deliberative process privilege of Exemption 5. See City of Virginia Beach v. Dep't of Commerce, 995 F.2d 1247, 1253 (4th Cir. 1993); Town of Norfolk v. U.S. Army Corps of Engineers, 968 F.2d 1438, 1458 (1st Cir. 1992); and Dudman Communications Corp. v. Dep't of the Air Force, 815 F.2d 1565, 1569 (D.C. Cir. 1987).

This is a final determination subject to judicial review under the provisions of 5 U.S.C. § 552 (a) (4), a copy of which is enclosed.

Sincerely,



Thomas S. Luedtke
Associate Administrator
for Institutions and Management

Enclosure

cc:
HQ/Ms. Robinson
ARC/Mr. Pagaduan

National Aeronautics and
Space Administration
Ames Research Center
Moffett Field, CA 94035-1000



May 14, 2007

Reply to Attn of:

EX: 943-4 (2007-027)

Rita Beamish
Associated Press
18 11th Ave.
San Mateo, CA 94401

Dear Ms. Beamish:

Your Freedom of Information Act (FOIA) request for release of information from the files of the National Aeronautics and Space Administration (NASA) was received on January 16, 2007. You requested the following information:

- 1. The electronic database(s) containing pilot responses to surveys conducted by the National Aviation Operations Monitoring Service (NAOMS) relating to commercial air carriers and general aviation;*
- 2. Any software tools used to analyze the data contained within the requested database(s);*
- 3. Sample questionnaires and/or scripts (hardcopy and/or electronic) used to collect the data contained within the requested database(s);*
- 4. Any and all documents that summarize, analyze or interpret any of the data contained within the requested database(s).*

Regarding item #2, software is not a "record" under FOIA.

Your request for documents under items 1, 3 & 4 listed above has been denied in full. The denial of this information is pursuant to:

Title 5, USC, Section 552, Exemption(s) of the Freedom of Information Act

<input type="checkbox"/> (b)(1)	<input checked="" type="checkbox"/> (b)(2)	<input type="checkbox"/> (b)(3)	<input checked="" type="checkbox"/> (b)(4)	<input checked="" type="checkbox"/> (b)(5)	<input type="checkbox"/> (b)(6)
<input type="checkbox"/> (b)(7)(A)	<input type="checkbox"/> (b)(7)(B)	<input type="checkbox"/> (b)(7)(C)	<input type="checkbox"/> (b)(7)(D)	<input type="checkbox"/> (b)(7)(E)	<input type="checkbox"/> (b)(8)
<input type="checkbox"/> (b)(9)					

Under Title 5, USC, Section 552 (b)(2), exempts from mandatory disclosure records that are "related solely to the internal personnel rules and practices of an agency." More specifically, (b)(2) "high": "more substantial internal matters, the disclosure of which would risk circumvention of a legal requirement."

Under Title 5, USC, Section 552 (b)(4), portions of your records have been withheld as "trade secrets and commercial or financial information obtained from a person and privileged or confidential."

Under Title 5, USC, Section 552 (b)(5), portions of your records have been withheld as "Interagency or intra-agency memoranda or letters which would not be available by law to a party other than an agency in litigation with NASA."

You may appeal this initial determination to the NASA Administrator. Your appeal must: (1) be addressed to the **Administrator, National Aeronautics and Space Administration (NASA), Mail Stop: P, 300 E Street, SW, Washington, DC 20546**, (2) be identified clearly on the envelope and in the letter as an "Appeal under the Freedom of Information Act (FOIA); (3) include a copy of the request for the agency record, and a copy of the adverse initial determination; (4) state, to the extent possible, the reasons why you believe the initial determination should be reversed; and (5) be sent to the Administrator with thirty (30) calendar days of the date of the receipt of this initial determination.

I trust this will be of assistance to you.

Sincerely,

A handwritten signature in black ink, reading "Terence Pagaduan". The signature is fluid and cursive, with the first name "Terence" and last name "Pagaduan" clearly distinguishable.

Terence Pagaduan
FOIA Public Liaison Officer

2007-027

LEVINE SULLIVAN KOCH & SCHULZ, L.L.P.

230 PARK AVENUE, SUITE 1160
NEW YORK, NEW YORK 10169

(212) 850-6100

FACSIMILE (212) 850-6299

1050 17TH STREET, N.W., SUITE 800, WASHINGTON, D.C. 20036-5514
(202) 508-1100 FACSIMILE (202) 861-9888

2112 WALNUT STREET, THIRD FLOOR, PHILADELPHIA, PA 19103
(215) 988-9778 FACSIMILE (215) 988-9750

WRITER'S DIRECT DIAL
(212) 850-6103

SETH D. BERLIN
JAY WARD BROWN
JAMES E. GROSSBERG*
ASHLEY I. KISSINGER*
ELIZABETH C. KOCH*
LEE LEVINE*
ROBERT PENCHINA
CELESTE PHILLIPS*
DAVID A. SCHULZ
NATHAN SIEGEL
GAYLE C. SPROUL
MICHAEL D. SULLIVAN*

NICOLE A. AUERBACH
JEANETTE MELENDEZ BEAD*
MICHAEL BERRY*
CHAD R. BOWMAN*
THOMAS CURLEY*
ADAM J. RAPPAPORT*
ALIA L. SMITH
*NOT ADMITTED IN NEW YORK

January 16, 2007

BY EMAIL

Freedom of Information Officer
National Aeronautics and Space Administration
NASA Ames Research Center
MS 943-4
Moffett Field, CA 94035-1000t, S.W.

Re: Freedom of Information Act request by The Associated Press

To Whom It May Concern:

I am an attorney for The Associated Press ("AP"), and this is a request under the Freedom of Information Act ("FOIA"), as amended, 5 U.S.C. § 552.

I am seeking to obtain copies of the following:

1. The electronic database(s) containing pilot responses to surveys conducted by the National Aviation Operations Monitoring Service (NAOMS) relating to commercial air carriers and general aviation;
2. Any software tools used to analyze the data contained within the requested database(s);
3. Sample questionnaires and/or scripts (hardcopy and/or electronic) used to collect the data contained within the requested database(s);
4. Any and all documents that summarize, analyze or interpret any of the data contained within the requested database(s).

AP is a news cooperative that exists to collect and disseminate the news to thousands of newspaper and broadcast members throughout the nation, and AP seeks these materials in

LEVINE SULLIVAN KOCH & SCHULZ, L.L.P.

Freedom of Information Officer
National Aeronautics and Space Administration
January 16, 2007
Page 2 of 2

connection with its newsgathering activities. I therefore request that you waive charges pursuant to 5 USC § 552(a)(4)(A). Even if you deny this request for a waiver, no fees may be assessed for searching or reviewing the documents requested by AP, and no duplication fees should be charged for the first 100 pages of material. 5 U.S.C. § 552(a)(4)(A)(ii)(II). In the event you deny its request for a fee waiver, AP consents to pay duplication charges up to a total not to exceed \$100 in the event that this request generates more than 100 pages of responsive material.

As I am making this request on behalf of the AP in connection with its reporting of the news, and this information is of timely value, I would appreciate your communicating the requested materials directly to the Associated Press reporter working on this story, Rita Beamish. As soon as you complete work on this request, please contact Ms. Beamish by phone so that she can arrange to have a courier pick up the materials rather than waiting for them to be sent through the mail. Also, if you have any questions concerning the scope of the request, you should feel free to contact Ms. Beamish directly. Her telephone number is 650 345-1495, or she can be reached by email at: rbeamish@ap.org.

Thank you for your assistance with this request.

Sincerely,


David A. Schulz

cc: Rita Beamish
David H. Tomlin, Esq.

6-5

B-5

B-5

BS