

# Exhibit J

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



January 11, 2010

Reply to Attn of:

Office of the General Counsel

Benjamin Allison  
Sutin Thayer & Browne  
317 Paseo de Peralta  
P.O. Box 2187  
Santa Fe, NM 87504

VIA EMAIL and FIRST CLASS MAIL

Re: Objection of Rapid Imaging Software, Inc. to Disclosure of Submitted  
Information under FOIA Exemptions (b)(4) and (b)(5)  
Jed Margolin v. National Aeronautics and Space Administration  
Case No. 3:09-CV-00421-LRH-VPC

Dear Mr. Allison:

Thank you for your letter dated November 11, 2009 stating the objections of Rapid Imaging Software, Inc. ("Rapid Imaging") to the disclosure of certain documents (the "Documents") submitted to the National Aeronautics and Space Administration ("NASA") on the basis that the Documents are exempt from disclosure under 5 U.S.C. § 552(b)(4) (FOIA Exemption 4) and § 552(b)(5) (FOIA Exemption 5). The Documents were identified in a schedule enclosed with our letter to Mr. Michael Abernathy, dated October 28, 2009.

Rapid Imaging asserts that the Documents include both privileged communications between Rapid Imaging and its counsel for the purpose of obtaining legal advice and confidential attorney work product prepared by counsel for Rapid Imaging to supplement Rapid Imaging's defense of potential claims for patent infringement made by Optima Technology Group. The Documents were received by NASA in response to a request by NASA's counsel to Rapid Imaging's counsel. At the time the Documents were provided to NASA, Rapid Imaging expressed its intention and desire that the Documents not be disclosed.

Although Rapid Imaging's intention is not dispositive on the question regarding the releasability of the Documents under the FOIA, the record reflects that NASA obtained the Documents in order to assist it in making a determination with regard to the validity of claims of patent infringement made by Optima Technology Group. The claims against NASA with respect to the same patents and the same technologies as the claims asserted by Optima Technology Group against Rapid Imaging.

Upon review of the facts surrounding NASA's receipt of the Documents, the circumstances surrounding the creation of the Documents (including the selection and collation of the technical publications supporting the legal analyses contained therein), and the arguments and cases cited in your letter, the Agency has determined that the Documents are exempt from disclosure in their entireties as "trade secrets and commercial or financial information obtained from a person which is privileged and confidential" under 5 U.S.C. § 552(b)(4) (FOIA Exemption 4).

Inasmuch as our determination that the Documents are exempt from disclosure under FOIA Exemption 4 is dispositive with regard to release of the Documents under the FOIA in the context of the above-referenced litigation, Jed Margolin v. National Aeronautics and Space Administration, Case No. 3:09-CV-00421-LRH-VPC, NASA reserves its determination on the arguments presented 5 U.S.C. § 552(b)(5) (FOIA Exemption 5) until such time as further consideration of these arguments may be necessary to determine releasability of the Documents.

No response is required from Rapid Imaging with regard to this determination.

Sincerely,



Courtney B. Graham  
Associate General Counsel

cc: Gary G. Borda, Esq., Agency Counsel for Intellectual Property

# **Exhibit K**

National Aeronautics and Space Administration



**Headquarters**  
Washington, DC 20546-0001

November 5, 2009

Reply to Attn of: 08-HQ-F-00270

Mr. Jed Margolin  
1981 Empire Road  
Reno, NV 89521

Dear Mr. Margolin:

This is a supplemental response to your Freedom of Information Act (FOIA) request for "all documents related to the Administrative Claim of Jed Margolin for Infringement of U.S. Patent Nos. 5,566,073 and 5,904,724; NASA Case No. I-222," from the files of the National Aeronautics and Space Administration (NASA).

Although arguably outside the scope of your request to the NASA Headquarters FOIA Office, NASA has expanded its search to identify additional records, provided by offices located at the Johnson Space Center (JSC), Langley Research Center (LaRC), the NASA Management Office (NMO) and Headquarters (HQ), which are considered responsive to your request. These enclosed documents, consisting of approximately 4,000 pages of agency records are a part of a system of records exempt from the mandatory disclosure provisions under Title 5, USC §552 of the FOIA. Certain documents and portions of documents have been withheld under applicable FOIA exemptions.

The removal of this information constitutes a partial denial pursuant to the following provisions of Title 5, USC, §552:

(b)(3) – implementing nondisclosure provisions that are contained in 41 U.S.C. § 253b, which protects "proposals in the possession or control of an executive agency";

(b)(4) – which protects "trade secrets and commercial or financial information obtained from a person that is privileged or confidential";

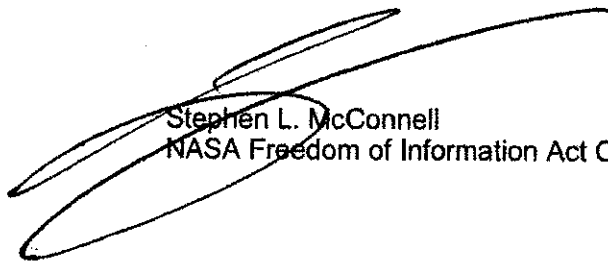
(b)(5) – which protects inter-agency documents generated which "are predecisional and/or deliberative in nature" and information protected as attorney work product; and

(b)(6) – which protects the privacy interests of individuals by protecting "information concerning his or her person."

Since you have appealed the initial response to this FOIA and instituted litigation against NASA on your request, your administrative remedies stemming from this supplemental response have been exhausted and any appeal on this supplemental response must be addressed in that action.

Any further questions should be directed to the undersigned, at (202) 358-0068.

Sincerely,

A handwritten signature in black ink, consisting of several overlapping loops and a long horizontal stroke extending to the right.

Stephen L. McConnell  
NASA Freedom of Information Act Officer

# Exhibit L

**ANNUAL FREEDOM OF INFORMATION ACT REPORT**

REPORT FOR FISCAL YEAR

2009

AGENCY REPORTING:  
National Aeronautics and Space Administration (NASA)

**SECTION I – BASIC INFORMATION REGARDING REPORT**

1. PERSON(S) TO CONTACT WHO CAN ANSWER QUESTIONS ABOUT THE REPORT:

<p>a. NAME: Mr. Stephen McConnell</p>	<p>b. TITLE: NASA FOIA Officer and Chief Public Liaison Officer</p>	<p>c. ADDRESS: 300 E Street, SW Attn: FOIA Office, Suite 5L19 Washington, DC 30905</p>	<p>d. TELEPHONE NUMBER: (877) 627-FOIA</p>	<p>e. EMAIL ADDRESS: <a href="mailto:nasafoia@nasa.gov">nasafoia@nasa.gov</a></p>
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2. PROVIDE AN ELECTRONIC LINK FOR ACCESS TO THE REPORT ON THE AGENCY WEB SITE: [www.nasa.gov/FOIA](http://www.nasa.gov/FOIA)

3. EXPLAIN HOW TO OBTAIN A COPY OF THE REPORT IN PAPER FORM:

**National Aeronautics and Space Administration**  
300 E Street, SW  
Attention: FOIA Office, Suite 5L19  
Washington, DC 30905

**SECTION II – MAKING A FOIA REQUEST**

1. ALL AGENCY COMPONENTS THAT RECEIVE FOIA REQUESTS:

a. SUBCOMPONENT/COMPONENT OR AGENCY:

- NASA Headquarters
- Ames Research Center
- Dryden Flight Research Center
- Glenn Research Center
- Goddard Space Flight Center
- Johnson Space Center
- Kennedy Space Center
- Langley Research Center
- Marshall Space Flight Center
- NASA Management Office - Jet Propulsion Laboratory
- NASA Shared Services Center
- Office of the Inspector General
- Stennis Space Center

b. ADDRESS:

- NASA Headquarters, 300 E Street, SW, Suite 5L32, Washington, DC 20549
- Ames Research Center, Mail Stop 943-4, Moffett Field, CA 94035
- Dryden Flight Research Center, Post Office Box 273, Edwards, CA 93523
- Glenn Research Center, 21000 Brookpark Road, Cleveland, OH 44135
- Goddard Space Flight Center, Greenbelt, MD 20771
- Johnson Space Center, Houston, TX 77058
- Kennedy Space Center, Kennedy Space Center, FL 32899
- Langley Research Center, Hampton, VA 23681
- Marshall Space Flight Center, Huntsville, AL 35812
- NASA JPL, 4800 Oak Grove Drive, Pasadena, CA 91109
- NASA Shared Service Center, Bldg 5100, Stennis Space Center, MS 39529
- NASA Headquarters, Office of the Inspector General, Suite , Washington, DC 20549
- Stennis Space Center, Bldg 5100, Stennis Space Center, MS 39529

c. TELEPHONE NUMBER

- 202.358.2265
- 650.604.3273
- 661.276.2704
- 216.433.2813
- 301.286.4721
- 281.483.8612
- 321.867.9280
- 757.864.2497
- 256.544.1837
- 818.393.6779
- 228.813.6174
- 202.358.2582
- 228.688.2118

2. PROVIDE A BRIEF DESCRIPTION OF WHY SOME REQUESTS ARE NOT GRANTED AND AN OVERVIEW OR CERTAIN CATEGORIES OF THE AGENCY'S RECORDS TO WHICH THE EXEMPTIONS APPLY:

Most of the denials part based on exempted material requested. Others were based on no information was found responsive to the request, while others withdrew their request after finding the information electronically. Some of the requests were not agency records and we either forwarded the request to the responsive agency or referred the requester to the responsive agency.

**SECTION III – ACRONYMS, DEFINITIONS AND EXEMPTIONS**

(1) Agency-specific acronyms or other terms:

NASA - National Aeronautics and Space Administration



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ARC - Ames Research Center  
 DFRC - Dryden Flight Research Center  
 GRC - Glenn Research Center  
 GSFC - Goddard Space Flight Center  
 HQ - Headquarters  
 JPL - Jet Propulsion Laboratory  
 JSC - Johnson Space Flight Center  
 KSC - Kennedy Space Flight Center  
 LaRC - Langley Research Center  
 MSFC - Marshall Space Flight Center  
 NSSC - NASA Shared Service Center  
 SSC - Stennis Space Center  
 OIG - Office of the Inspector General: (Initial Requests, Appeals and Litigation)  
 OGC - Office of General Counsel (International Law Division): (Appeals and Litigation Only)

## (2) Basic terms, expressed in common terminology:

Administrative Appeal - a request to a federal agency asking that it review at a higher administrative level a full denial or partial denial of access to records under the Freedom of Information Act, or any other FOIA determination such as a matter pertaining to fees.

Average number - the number obtained by dividing the sum of a group of numbers by the quantity of numbers in the group. For example, of 3, 7, and 14, the average number is 8.

Backlog - the number of requests or administrative appeals that are pending at an agency at the end of the fiscal year that are beyond the statutory time period for a response.

Component - for agencies that process requests on a decentralized basis, a "component" is an entity, also sometimes referred to as an Office, Division, Bureau, Center, or Directorate, with the agency that processes FOIA requests. The FOIA now requires that agencies include in their Annual Report data for both the agency overall and for each principal component of the agency.

Consultation - the procedure whereby the agency responding to a FOIA request first forwards a record to another agency for its review because that other agency has an interest in the document. Once the agency in receipt of the consultation finishes its review of the record, it responds back to the agency that forwards it. That agency, in turn, will then respond to the FOIA requester.

Exemption 3 statute - a separate federal statute prohibiting the disclosure of a certain type of information and authorizing its withholding under FOIA subsection (b)(3).

FOIA Request - a FOIA request is generally a request for access to records concerning a third party, an organization, or a particular topic of interest. FOIA requests also include requests made by requesters seeking records concerning themselves (i.e. "first party" requests), when those requesters are not subject to the Privacy Act, such as a non-U.S. citizen. Moreover, because all first-party requesters should be afforded the benefit of both the access provisions of the FOIA as well as those of the Privacy Act, FOIA requests also include any first-party requests where an agency determines that it must search beyond its Privacy Act systems of records or where a Privacy Act exemption applies, and the agency looks to FOIA to afford a Privacy Act request is a request for records concerning

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one self; such requests are also treated as FOIA requests. (All requests for access to records, regardless of which law is cited by the requester, are included in this report.)

**Full Grant** – an agency decision to disclose all records in full in response to a FOIA request

**Full Denial** – an agency decision not to release any part of a record or records in response to a FOIA request because all the information in the requested records is determined by the agency to be exempt under one or more of the FOIA's exemptions, or for some procedural reason (such as because no record is located in response to a FOIA request).

**Initial Request** – a request to a federal agency for access to records under the Freedom of Information Act.

**Median number** – the middle, not average, number. For example, of 3, 7, and 14, the median number is 7.

**Multi-track processing** – a system in which simple requests requiring relatively minimal review are placed in one processing track and more voluminous and complex requests are placed in one or more other tracks. Requests in each track are processed on a first-in/first out basis. A requester who has an urgent need for records may request expedited processing (see below).

**Expedited processing** – an agency will process a FOIA request on an expedited basis when a requester has shown an exceptional need or urgency for the records which warrants prioritization of his or her request over other requests that were made earlier.

**Simple request** – a FOIA request that an agency using multi-track processing places in its fastest (non-expedited) track based on the volume and/or simplicity of records requested.

**Complex request** – a FOIA request that an agency using multi-track processing places in a slower track based on the volume and/or complexity of records requested.

**Partial Grant/Partial Denial** – an agency decision to disclose a record in part in response to a FOIA request, deleting information determined to be exempt under one or more of the FOIA's exemptions; or a decision to disclose some records in their entirety, but to withhold others in whole or in part.

**Pending Request or Pending Administrative Appeal** – a request or administrative appeal for which an agency has not taken final action in all respects.

**Perfected Request** – a request for records which reasonably describes such records and is made in accordance with published rules stating the time, place, fees (if any) and procedures to be followed.

**Processed Request or Processed Administrative Appeal** – a request or administrative appeal for which an agency has taken final action in all respects.

**Range in Number of Days** – the lowest and highest number of days to process requests or administrative appeals.

**Time limits** – the time period in the Freedom of Information Act for an agency to respond to a FOIA request (ordinarily 20 working days from proper receipt of a "perfected" FOIA request). "Perfected" request – a FOIA request for records that adequately describes the records sought, which has been received by the FOIA office of the agency or agency component in possession of the records, and for which there is no remaining question about the payment of applicable fees.

FOIA exemptions –

**Exemption 1:** classified national defense and foreign relations information

**Exemption 2:** internal agency rules and practices

**Exemption 3:** information that is prohibited from disclosure by another federal law

**Exemption 4:** trade secrets and other confidential business information

**Exemption 5:** inter-agency or intra-agency communications that are protected by legal privileges

**Exemption 6:** information involving matters of personal privacy

**Exemption 7:** records or information compiled for law enforcement purposes, to the extent that the production of those records;

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	(a) could reasonably be expected to interfere with enforcement proceedings, (b) would deprive a person of a right to a fair trial or an impartial adjudication, (c) could reasonably be expected to constitute an unwarranted invasion of personal privacy, (d) could reasonably be expected to disclose the identity of a confidential source, (e) would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions, (f) could reasonably be expected to endanger the life or physical safety of any individual.		
<b>Exemption 8:</b> information relating to the supervision of financial institutions <b>Exemption 9:</b> geological information on wells			
<b>SECTION IV – EXEMPTION 3 STATUTES</b>			
1. STATUTE	2. TYPE OF INFORMATION	3. CASE CITATION	4. NO. OF TIMES RELIED UPON
10 USC 2305(g)	Procurement, unsuccessful proposals for competitive procurements and those portions of successful proposals that were not incorporated into the contracts.	None	12
22 USC 2751	Technical data withheld according to regulations establishing lists or categories of technical data that may not be exported, under the Arms Export Control Act.	None	15
41 USC 423	Performance evaluations compiled by the procurement office are used in source selection activities covered by the Procurement Integrity Act and are considered sensitive.	None	7

<b>SECTION V – FOIA REQUESTS</b>													
<b>A. RECEIVED, PROCESSED AND PENDING FOIA REQUESTS:</b>													
1) NUMBER OF REQUESTS PENDING AS OF END OF FY08:													
ARC	DFRC	GRC	GSFC	HQ	JPL	JSC	KSC	LaRC	MSFC	NSSC	SSC	OIG	NASA
42	1	7	32	210	25*	5*	3*	44*	1	0	0	8	378*
2) NUMBER OF REQUESTS RECEIVED IN FY09:													
ARC	DFRC	GRC	GSFC	HQ	JPL	JSC	KSC	LaRC	MSFC	NSSC	SSC	OIG	NASA
91	18	49	169	185	45	259	135	59	134	18	23	41	1226
3) NUMBER OF REQUESTS PROCESSED IN FY09:													

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ARC	DFRC	GRC	GSFC	HQ	JPL	JSC	KSC	LaRC	MSFC	NSSC	SSC	OIG	NASA
115	15	46	88	200	67	261	133	33	131	18	23	43	1173

ARC	DFRC	GRC	GSFC	HQ	JPL	JSC	KSC	LaRC	MSFC	NSSC	SSC	OIG	NASA
18	4	10	113	195	3	3	5	70	4	0	0	6	431

4) NUMBER OF REQUESTS PENDING AS OF END OF FY09:

\* Reflects an adjustment number from what was previously reported in FY08.

**B. DISPOSITION OF FOIA REQUESTS:**

1. All Processed Requests: Provide the number of request dispositions as described below.

	(1)	(2)	(3)	(4) NUMBER OF FULL DENIALS BASED ON REASONS OTHER THAN EXEMPTIONS										(5)
				a. NO RECORDS	b. ALL RECORDS REFERRED TO ANOTHER AGENCY	c. REQUEST WITHDRAWN	d. FEE RELATED REASON	e. RECORDS NOT REASONABLY DESCRIBED	f. IMPROPER FOIA REQUEST FOR OTHER REASON	g. AGENCY RECORD	h. DUPLICATE REQUEST	i. OTHER (Explain in B.2 below)	TOTAL	
<b>NASA</b>	<b>358</b>	<b>339</b>	<b>66</b>	<b>133</b>	<b>122</b>	<b>55</b>	<b>27</b>	<b>24</b>	<b>12</b>	<b>3</b>	<b>17</b>	<b>17</b>	<b>1173</b>	
ARC	14	77	3	3	4	9	0	2	0	0	3	0	115	
DFRC	6	5	0	3	0	0	0	1	0	0	0	0	15	
GRC	12	21	0	5	4	3	0	0	0	0	1	0	46	
GSFC	28	13	3	12	14	15	0	0	2	0	1	0	88	
HQ	51	39	6	29	35	7	7	14	2	1	9	0	200	
JPL	14	18	4	14	7	7	2	0	1	0	0	0	67	
JSC	135	34	16	28	22	5	12	3	0	1	2	3	261	
KSC	21	30	23	13	19	3	6	1	6	0	0	11	133	
LaRC	6	7	0	7	9	3	0	0	1	0	0	0	33	
MSFC	55	53	5	10	4	1	0	0	0	1	1	1	131	
NSSC	9	1	0	3	3	1	0	1	0	0	0	0	18	
SSC	3	17	0	0	0	1	0	2	0	0	0	0	23	
OIG	4	24	6	6	1	0	0	0	0	0	0	2	43	

2. Other Reasons for "Full Denials Based on Reasons Other than Exemptions".

DESCRIPTION OF "OTHER" REASONS FOR DENIALS

NO. OF TIMES

**MSFC - Request was placed in abeyance for clarification and narrowing of the scope; no response from the requester after 30 days and was closed.**

**1**

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KSC – Records were in the 'public domain' and handled outside the FOIA.  
 KSC – Questions posed as a FOIA request.  
 JSC – No information provided.  
 OIG – Administratively closed on the failure to provide a notarized signature/proof of identify for first/third party requests.

	3. Number of Times Exemptions Applied.										(1) TOTAL:			
	b1	b2	b3	b4	b5	b6	b7(a)	b7(b)	b7(c)	b7(d)	b7(e)	b7(f)	b8	b9
NASA	0	41	34	248	74	86	10	0	38	8	2	0	0	0
ARC	0	0	0	66	25	15	0	0	1	1	0	0	0	0
DFRC	0	0	1	4	0	0	0	0	0	0	0	0	0	0
GRC	0	2	1	20	0	1	0	0	0	0	0	0	0	0
GSFC	0	0	2	10	0	5	2	0	0	0	0	0	0	0
HQ	0	4	0	12	18	14	0	0	0	0	0	0	0	0
JPL	0	11	11	13	3	9	0	0	0	0	0	0	0	0
JSC	0	5	8	26	8	5	0	0	0	1	0	0	0	0
KSC	0	5	5	29	1	16	0	0	16	0	0	0	0	0
LaRC	0	0	0	4	0	1	0	0	0	0	0	0	0	0
MSFC	0	3	6	48	9	1	0	0	1	0	0	0	0	0
NSSC	0	0	0	1	0	0	0	0	0	0	0	0	0	0
SSC	0	0	0	13	0	10	0	0	0	0	0	0	0	0
OIG	0	11	0	2	10	9	8	0	21	6	2	0	0	0

**SECTION VI – ADMINISTRATIVE APPEALS OF INITIAL DETERMINATIONS OF FOIA REQUESTS**

	A. RECEIVED, PROCESSED AND PENDING ADMINISTRATIVE APPEALS. Provide the number of administrative appeals received, processed, and pending as described in columns 1 through 4. The sum of column 1 and 2 minus the number in column 3 must equal the number in column 4. Starting with Fiscal Year 2009, the number in column 1 must match the number of "Appeals Pending as of End of Fiscal Year" from the previous year's Annual FOIA Report.				B. DISPOSITION OF ADMINISTRATIVE APPEALS – ALL PROCESSED APPEALS. Provide the number of administrative appeal adjudications as described in the column below. The number in the "Total" column must match the number in Section VI.A., column 3. In column 4, report the number of appeals which neither affirmed nor reversed/remanded the FOIA request determination, but were closed for other reasons.				(5) TOTAL
	(1) NUMBER OF APPEALS PENDING AS OF START OF FY09	(2) NUMBER OF APPEALS RECEIVED IN FY09	(3) NUMBER OF APPEALS PROCESSED IN FY09	(4) NUMBER OF APPEALS PENDING AS OF END OF FY09	(1) NUMBER AFFIRMED ON APPEAL	(2) NUMBER OF PARTIALLY AFFIRMED AND REVERSED/REMANDED ON APPEAL	(3) NUMBER COMPLETELY REVERSED/REMANDED ON APPEAL	(4) NUMBER OF APPEALS CLOSED FOR OTHER REASON	
NASA	9	22	30	1	11	6	4	9	30
OGC	8	20	27	1	10	6	2	9	27
OIG	1	2	3	0	1	0	2	0	3

C. REASONS FOR DENIAL OF APPEAL.



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1. Number of Times Exemptions Applied. Note: If an administrative appeal results in the denial of information based on exemptions and also based on a reason or reasons presented in C.2 and 3, report that appeal on all applicable sections. For each administrative appeal, report all exemptions applied; however, count each exemption only once per appeal.														
	b1	b2	b3	b4	b5	b6	b7(a)	b7(b)	b7(c)	b7(d)	b7(e)	b7(f)	b8	b9
NASA	0	1	0	0	2	7	1	0	0	0	0	0	0	0
OGC	0	1	0	0	2	7	0	0	0	0	0	0	0	0
OIG	0	0	0	0	0	0	1	0	0	0	0	0	0	0
2. Reason Other than Exemptions. Provide the number of administrative appeals resulting in denial for reasons other than exemptions, as described below.														
	(1) NO RECORDS	(2) RECORDS REFERRED AT INITIAL REQUEST LEVEL	(3) REQUEST WITHDRAWN	(4) FEE RELATED REASON	(5) RECORDS NOT REASONABLY DESCRIBED	(6) IMPROPER REQUEST FOR OTHER REASON	(7) NOT AGENCY RECORD	(8) DUPLICATE REQUEST OR APPEAL	(9) REQUEST IN LITIGATION	(10) APPEAL BASED SOLELY ON DENIAL OR REQUEST FOR EXPEDITED PROCESSING	(11) OTHER (Explain in C.3 below)			
NASA	9	0	0	0	0	0	0	0	0	0	0			
OGC	9	0	0	0	0	0	0	0	0	0	0			
OIG	0	0	0	0	0	0	0	0	0	0	0			
3. Other Reasons for "Denial". Provide description of the "other" reasons and the number of times each was relied upon. "Total" must equal "Other" column in C.2.														
(1) DESCRIPTION OF "OTHER" REASONS FOR DENIALS											(2) NO. OF TIMES			
											0			
(3) TOTAL:											0			
MEDIAN NUMBER OF DAYS											RANGE - LOWEST NUMBER OF DAYS	RANGE - HIGHEST NUMBER OF DAYS		
6											3	31		
PENDING APPEALS - TEN OLDEST PENDING APPEALS.														
DATE OF RECEIPT														
	10 <sup>th</sup> OLDEST	9 <sup>th</sup>	8 <sup>th</sup>	7 <sup>th</sup>	6 <sup>th</sup>	5 <sup>th</sup>	4 <sup>th</sup>	3 <sup>rd</sup>	2 <sup>nd</sup>	OLDEST				
NASA	-	-	-	-	-	-	-	-	-	20090806				
OGC	-	-	-	-	-	-	-	-	-	20090806				
OIG	-	-	-	-	-	-	-	-	-	-				
NUMBER OF DAYS														
	10 <sup>th</sup> OLDEST	9 <sup>th</sup>	8 <sup>th</sup>	7 <sup>th</sup>	6 <sup>th</sup>	5 <sup>th</sup>	4 <sup>th</sup>	3 <sup>rd</sup>	2 <sup>nd</sup>	OLDEST				
NASA	-	-	-	-	-	-	-	-	-	55				

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SECTION VII – FOIA REQUESTS: RESPONSE TIME FOR PROCESSED AND PENDING REQUESTS													
A. PROCESSED REQUESTS – RESPONSE TIME FOR ALL PROCESSED PERFECTED REQUESTS.													
	1. SIMPLE				2. COMPLEX				3. EXPEDITED				
	(1) MEDIAN NUMBER OF DAYS	(2) AVERAGE NUMBER OF DAYS	(3) RANGE – LOWEST NUMBER OF DAYS	(4) RANGE – HIGHEST NUMBER OF DAYS	(1) MEDIAN NUMBER OF DAYS	(2) AVERAGE NUMBER OF DAYS	(3) RANGE – LOWEST NUMBER OF DAYS	(4) RANGE – HIGHEST NUMBER OF DAYS	(1) MEDIAN NUMBER OF DAYS	(2) AVERAGE NUMBER OF DAYS	(3) RANGE – LOWEST NUMBER OF DAYS	(4) RANGE – HIGHEST NUMBER OF DAYS	
OGC	-	-	-	-	-	-	-	-	-	-	-	-	55
OIG	-	-	-	-	-	-	-	-	-	-	-	-	-
B. PROCESSED REQUESTS – RESPONSE TIME FOR PERFECTED REQUESTS FOR WHICH INFORMATION WAS GRANTED.													
	1. SIMPLE				2. COMPLEX				3. EXPEDITED				
	(1) MEDIAN NUMBER OF DAYS	(2) AVERAGE NUMBER OF DAYS	(3) RANGE – LOWEST NUMBER OF DAYS	(4) RANGE – HIGHEST NUMBER OF DAYS	(1) MEDIAN NUMBER OF DAYS	(2) AVERAGE NUMBER OF DAYS	(3) RANGE – LOWEST NUMBER OF DAYS	(4) RANGE – HIGHEST NUMBER OF DAYS	(1) MEDIAN NUMBER OF DAYS	(2) AVERAGE NUMBER OF DAYS	(3) RANGE – LOWEST NUMBER OF DAYS	(4) RANGE – HIGHEST NUMBER OF DAYS	
NASA	18	28	1	243	36	202	1	1015	0	0	0	0	
ARC	19	49	1	243	0	0	0	0	0	0	0	0	
DFRC	24	34	4	91	0	0	0	0	0	0	0	0	
GRC	9	9	3	15	15	14	1	28	0	0	0	0	
GSFC	18	45	1	238	36	75	3	270	0	0	0	0	
HQ	15	43	1	164	243	627	21	862	0	0	0	0	

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	1-20	21-40	41-60	61-80	81-100	101-120	121-140	141-160	161-180	181-200	201-300	301-400	401+ DAYS	TOTAL
JPL	34	52	0	238	989	788	360	1015	0	0	0	0	0	0
JSC	9	10	1	82	30	8	137	0	0	0	0	0	0	0
KSC	3	2	1	3	33	41	2	124	0	0	0	0	0	0
LaRC	31	31	31	31	51	203	11	592	0	0	0	0	0	0
MSFC	11	12	1	43	40	51	9	161	0	0	0	0	0	0
NSSC	165	16	1	63	0	0	0	0	0	0	0	0	0	0
SSC	6	7	2	10	10	16	10	30	0	0	0	0	0	0
OIG	33	53	9	166	0	0	0	0	0	0	0	0	0	0

**c. PROCESSED REQUESTS - RESPONSE TIME IN DAY INCREMENTS.**

	1. SIMPLE													TOTAL
	1-20 DAYS	21-40 DAYS	41-60 DAYS	61-80 DAYS	81-100 DAYS	101-120 DAYS	121-140 DAYS	141-160 DAYS	161-180 DAYS	181-200 DAYS	201-300 DAYS	301-400 DAYS	401+ DAYS	
NASA	393	84	26	17	5	4	14	11	7	8	14	0	0	583
ARC	47	25	8	6	1	0	9	5	3	4	7	0	0	115
DFRC	5	4	3	2	1	0	0	0	0	0	0	0	0	15
GRC	2	0	1	0	0	0	0	0	0	0	0	0	0	3
GSFC	10	6	6	3	0	0	0	0	1	0	0	0	0	26
HQ	32	6	0	0	0	0	0	0	0	0	0	0	0	38
JPL	39	2	0	1	0	2	2	6	1	4	7	0	0	64
JSC	73	4	2	0	1	0	0	0	0	0	0	0	0	80
KSC	51	0	0	0	0	0	0	0	0	0	0	0	0	51
LaRC	2	1	1	0	0	0	0	0	0	0	0	0	0	4
MSFC	83	22	1	0	0	0	0	0	0	0	0	0	0	106
NSSC	15	2	0	1	0	0	0	0	0	0	0	0	0	18
SSC	20	0	0	0	0	0	0	0	0	0	0	0	0	20
OIG	14	12	4	4	2	2	3	0	2	0	0	0	0	43

	2. COMPLEX													TOTAL
	1-20 DAYS	21-40 DAYS	41-60 DAYS	61-80 DAYS	81-100 DAYS	101-120 DAYS	121-140 DAYS	141-160 DAYS	161-180 DAYS	181-200 DAYS	201-300 DAYS	301-400 DAYS	401+ DAYS	
NASA	228	73	43	72	17	19	32	7	34	8	17	18	19	587
ARC	0	0	0	0	0	0	0	0	0	0	0	0	0	0
DFRC	0	0	0	0	0	0	0	0	0	0	0	0	0	0
GRC	27	11	3	2	0	0	0	0	0	0	0	0	0	43



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	1-20 DAYS	21-40 DAYS	41-60 DAYS	61-80 DAYS	81-100 DAYS	101-120 DAYS	121-140 DAYS	141-160 DAYS	161-180 DAYS	181-200 DAYS	201-300 DAYS	301-400 DAYS	401+ DAYS	TOTAL
GSFC	16	13	7	3	2	2	2	2	2	2	10	1	0	62
HQ	0	0	6	48	5	13	19	5	31	6	4	14	11	162
JPL	0	0	0	0	0	0	0	0	0	0	0	1	2	3
JSC	129	17	12	10	4	2	1	0	0	0	0	1	2	178
KSC	43	14	3	6	5	2	9	0	0	0	0	0	0	82
LaRC	10	4	5	1	1	0	0	0	0	0	3	1	4	29
MSFC	3	12	6	2	0	0	1	0	1	0	0	0	0	25
NSSC	0	0	0	0	0	0	0	0	0	0	0	0	0	0
SSC	0	2	1	0	0	0	0	0	0	0	0	0	0	3
OIG	0	0	0	0	0	0	0	0	0	0	0	0	0	0

3. EXPEDITED

	1-20 DAYS	21-40 DAYS	41-60 DAYS	61-80 DAYS	81-100 DAYS	101-120 DAYS	121-140 DAYS	141-160 DAYS	161-180 DAYS	181-200 DAYS	201-300 DAYS	301-400 DAYS	401+ DAYS	TOTAL
NASA	2	1	0	0	0	0	0	0	0	0	0	0	0	3
ARC	0	0	0	0	0	0	0	0	0	0	0	0	0	0
DFRC	0	0	0	0	0	0	0	0	0	0	0	0	0	0
GRC	0	0	0	0	0	0	0	0	0	0	0	0	0	0
GSFC	0	0	0	0	0	0	0	0	0	0	0	0	0	0
HQ	0	0	0	0	0	0	0	0	0	0	0	0	0	0
JPL	0	0	0	0	0	0	0	0	0	0	0	0	0	0
JSC	2	1	0	0	0	0	0	0	0	0	0	0	0	3
KSC	0	0	0	0	0	0	0	0	0	0	0	0	0	0
LaRC	0	0	0	0	0	0	0	0	0	0	0	0	0	0
MSFC	0	0	0	0	0	0	0	0	0	0	0	0	0	0
NSSC	0	0	0	0	0	0	0	0	0	0	0	0	0	0
SSC	0	0	0	0	0	0	0	0	0	0	0	0	0	0
OIG	0	0	0	0	0	0	0	0	0	0	0	0	0	0

D. PENDING REQUESTS - ALL PENDING PERFECTED REQUESTS.

	1. SIMPLE			2. COMPLEX			3. EXPEDITED		
	(1) NUMBER PENDING	(2) MEDIAN NUMBER OF DAYS	(3) AVERAGE NUMBER OF DAYS	(1) NUMBER PENDING	(2) MEDIAN NUMBER OF DAYS	(3) AVERAGE NUMBER OF DAYS	(1) NUMBER PENDING	(2) MEDIAN NUMBER OF DAYS	(3) AVERAGE NUMBER OF DAYS
NASA	35	57	66	396	60	106	0	0	0

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ARC	0	0	0	18	60	57	0	0	0	0	0
DFRC	4	57	87	0	0	0	0	0	0	0	0
GRC	1	41	41	9	75	51	0	0	0	0	0
GSFC	12	135	182	101	120	120	0	0	0	0	0
HQ	8	7	9	187	145	279	0	0	0	0	0
JPL	3	75	63	0	0	0	0	0	0	0	0
JSC	0	0	0	3	90	78	0	0	0	0	0
KSC	0	0	0	5	31	34	0	0	0	0	0
LaRC	0	0	0	70	62	337	0	0	0	0	0
MSFC	1	10	10	3	52	41	0	0	0	0	0
NSSC	0	0	0	0	0	0	0	0	0	0	0
SSC	0	0	0	0	0	0	0	0	0	0	0
OIG	6	41	71	0	0	0	0	0	0	0	0

**E. PENDING REQUESTS – TEN OLDEST PENDING PERFECTED REQUESTS.**

DATE OF RECEIPT	10 <sup>th</sup> OLDEST	9 <sup>th</sup>	8 <sup>th</sup>	7 <sup>th</sup>	6 <sup>th</sup>	5 <sup>th</sup>	4 <sup>th</sup>	3 <sup>rd</sup>	2 <sup>nd</sup>	OLDEST
NASA	20060518	20060523	20060331	20060324	20060222	20060308	20060206	20051130	20051013	20050405
ARC	20090828	20090818	20090818	20090814	20090810	20090810	20090804	20090712	20090709	20090707
DFRC	-	-	-	-	-	-	20090813	20090805	20090718	20090416
GRC	20090930	20090924	20090924	20090924	20090825	20090804	20090730	20090616	20090428	20090107
GSFC	20080819	20080910	20080910	20080708	20080516	20080507	20080401	20080313	20080131	20071109
HQ	20070302	20070118	20060912	20060911	20060725	20060523	20060308	20060206	20051130	20051013
JPL	-	-	-	-	-	-	-	20090827	20090616	20090526
JSC	-	-	-	-	-	-	-	20090825	20090611	20090528
KSC	-	-	-	-	-	-	20090925	20090922	20090922	20090805
LaRC	20070709	20070613	20070501	20070703	20060619	20060518	20060331	20060324	20060222	20060405
MSFC	-	-	-	-	-	-	20090922	20090916	20090805	20090720
NSSC	-	-	-	-	-	-	-	-	-	-
SSC	-	-	-	-	-	-	-	-	-	-
OIG	-	-	-	-	20090917	20090814	20090804	20090722	20090721	20081014
<b>NUMBER OF DAYS PENDING</b>										

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	10 <sup>th</sup> OLDEST	9 <sup>th</sup>	8 <sup>th</sup>	7 <sup>th</sup>	6 <sup>th</sup>	5 <sup>th</sup>	4 <sup>th</sup>	3 <sup>rd</sup>	2 <sup>nd</sup>	OLDEST
NASA	866	887	900	905	927	941	962	1007	1039	1142
ARC	50	60	60	62	63	63	70	76	89	90
DFRC	-	-	-	-	-	-	49	57	75	168
GRC	1	5	5	5	26	41	44	75	109	186
GSFC	408	417	417	450	503	512	548	567	609	692
HQ	694	724	810	811	844	887	941	962	1007	1039
JPL	-	-	-	-	-	-	-	24	75	90
JSC	-	-	-	-	-	-	-	36	57	125
KSC	-	-	-	-	-	-	6	9	10	57
LaRC	577	598	628	648	845	866	900	905	927	1142
MSFC	-	-	-	-	-	-	8	12	41	63
NSSC	-	-	-	-	-	-	-	-	-	-
SSC	-	-	-	-	-	-	-	-	-	-
OIG	-	-	-	-	10	33	41	50	51	242

**SECTION VIII -- REQUESTS FOR EXPEDITED PROCESSING AND REQUESTS FOR FEE WAIVER**

**A. REQUESTS FOR EXPEDITED PROCESSING.**

	(1) NUMBER GRANTED	(2) NUMBER DENIED	(3) MEDIAN NUMBER OF DAYS TO ADJUDICATE	(4) AVERAGE NUMBER OF DAYS TO ADJUDICATE	(5) NUMBER ADJUDICATED WITHIN TEN CALENDAR DAYS
NASA	2	1	6	17	2
ARC	0	0	0	0	0
DFRC	0	0	0	0	0
GRC	0	0	0	0	0
GSFC	0	0	0	0	0
HQ	0	0	0	0	0
JPL	0	0	0	0	0
JSC	2	1	6	17	2
KSC	0	0	0	0	0
LaRC	0	0	0	0	0
MSFC	0	0	0	0	0
NSSC	0	0	0	0	0

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B. REQUESTS FOR FEE WAIVER.				
	(1) NUMBER GRANTED	(2) NUMBER DENIED	(3) MEDIAN NUMBER OF DAYS TO ADJUDICATE	(4) AVERAGE NUMBER OF DAYS TO ADJUDICATE
SSC	0	0	0	0
OIG	0	0	0	0
NASA	15	12	1	1
ARC	0	0	0	0
DFRC	0	0	0	0
GRC	0	0	0	0
GSFC	0	0	0	0
HQ	0	0	0	0
JPL	0	0	0	0
JSC	15	12	0	0
KSC	0	0	0	0
LaRC	0	0	0	0
MSFC	0	0	0	0
NSSC	0	0	0	0
SSC	0	0	0	0
OIG	0	0	0	0

**SECTION IX - FOIA PERSONNEL AND COST**

PERSONNEL				COSTS		
	(1) NUMBER OF FULL-TIME FOIA EMPLOYEES	(2) NUMBER OF EQUIVALENT FULL-TIME FOIA EMPLOYEES	(3) TOTAL NUMBER OF FULL-TIME FOIA STAFF	(1) PROCESSING COSTS	(2) LITIGATION-RELATED	TOTAL
NASA	16	9.2	25.2	1,987,366	20,892	1,988,258
ARC	1	.2	1.2	97,865	0	97,865
DFRC	1	.1	1.1	54,054	0	54,054
GRC	1	.4	1.4	75,143	0	75,143
GSFC	1	.9	1.9	237,228	0	237,228
HQ	4	2.5	6.5	479,572	20,892	500,464
JPL	1	.15	1.15	106,871	0	106,871
JSC	1	.75	1.75	133,580	0	133,580
KSC	2	.5	2.5	165,416	0	165,416

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LaRC	1	2	3	172,125	0	172,125
MSFC	1	.4	1.4	135,675	0	135,675
NSSC	1	.55	1.55	86,542	0	86,542
SSC	1	.25	1.25	164,000	0	164,000
OIG	0	.5	.5	59,295	0	59,295

**SECTION X – FEES COLLECTED FOR PROCESSING REQUESTS**

TOTAL AMOUNT OF FEES COLLECTED:		PERCENTAGE OF TOTAL PROCESSING COSTS:	
NASA	\$5,052.55	NASA	.25%
ARC	\$0.00	ARC	0%
DFRC	\$247.50	DFRC	.4%
GRC	\$335.45	GRC	.4%
GSFC	\$0.00	GSFC	0%
HQ	\$0.00	HQ	0%
JPL	\$661.00	JPL	.6%
JSC	\$0.00	JSC	0%
KSC	\$2,893.00	KSC	1.7%
LaRC	\$0.00	LaRC	0%
MSFC	\$600.00	MSFC	.4%
NSSC	\$262.20	NSSC	.3%
SSC	\$0.00	SSC	0%
OIG	\$53.40	OIG	.09%

**SECTION XI – FOIA REGULATIONS**

<http://www.hq.nasa.gov/office/ipo/foia/agency/>

**SECTION XII – BACKLOGS, CONSULTATIONS, AND COMPARISONS**

**A. Backlogs of FOIA Requests and Administrative Appeals**

	Number of Backlogged Requests as of the End of FY09	Number of Backlogged Appeals as End of FY09
NASA	431	1
ARC	18	-
DFRC	4	-
GRC	10	-

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GSFC	113	-
HQ	195	1
JPL	3	-
JSC	3	-
KSC	5	-
LaRC	70	-
MSFC	4	-
NSSC	0	-
SSC	0	-
OIG	6	0

**B. Consultations on FOIA Requests – Received, Processed and Pending Consultations**

	Number of Consultations Received from Other Agencies that Were Pending at Your Agency as of the Start of FY09	Number of Consultations Received from Other Agencies During FY09	Number of Consultations Received from Other Agencies that Were Processed by Your Agency During FY09	Number of Consultations Received from Other Agencies that Were Pending at Your Agency as of End of FY09
NASA	0	2	2	0
ARC	-	-	-	-
DFRC	-	-	-	-
GRC	-	-	-	-
GSFC	-	-	-	-
HQ	0	2	2	0
JPL	-	-	-	-
JSC	-	-	-	-
KSC	-	-	-	-
LaRC	-	-	-	-
MSFC	-	-	-	-
NSSC	-	-	-	-
SSC	-	-	-	-
OIG	-	-	-	-

**C. Consultations on FOIA Requests – Ten Oldest Consultations Received from Other Agencies and Pending at Your Agency**

(1) DATE OF RECEIPT	10 <sup>th</sup> OLDEST	9 <sup>th</sup>	8 <sup>th</sup>	7 <sup>th</sup>	6 <sup>th</sup>	5 <sup>th</sup>	4 <sup>th</sup>	3 <sup>rd</sup>	2 <sup>nd</sup>	OLDEST
	NASA	-	-	-	-	-	-	-	-	-



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	1316	1226	1258	1173
NASA	1316	1226	1258	1173
ARC	93	91	109	115
DFRC	15	18	16	15
GRC	55	49	49	46
GSFC	162	169	171	88
HQ	354	185	282	200
JPL	53	45	35	67
JSC	217	259	231	261
KSC	144	135	144	133
LaRC	37	59	38	33
MSFC	123	134	122	131
NSSC	14	18	15	18
SSC	9	23	9	23
OIG	40	41	37	43
<b>Number of Backlogged Requests</b>				
	<b>Number of Backlogged Requests as of End of FY08</b>			<b>Number of Backlogged Requests as of End of FY09</b>
NASA	389			431
ARC	42			18
DFRC	1			4
GRC	7			10
GSFC	32			113
HQ	210			195
JPL	24			3
JSC	2			3
KSC	4			5
LaRC	58			70
MSFC	1			4
NSSC	0			0
SSC	0			0
OIG	0			6
<b>E. Comparison of Number of Administrative Appeals from Previous and Current Annual Report – Appeals Received, Processed and Backlogged</b>				



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Number of Appeals Received	
Number Received During Fiscal Year from Last Year's Annual Report: (FY08)	Number Received During Fiscal Year from Current Annual Report: (FY09)
NASA	22
OGC	20
OIG	2
Number of Appeals Processed	
Number Processed During Fiscal Year from Last Year's Annual Report: (FY08)	Number Processed During Fiscal Year from Current Annual Report: (FY09)
NASA	30
OGC	27
OIG	3
Number of Backlogged Appeals as of End of the Fiscal Year from the Previous Annual Report: (FY08)	
Number of Backlogged Appeals as of End of the Fiscal Year from the Previous Annual Report: (FY08)	Number of Backlogged Appeals as of End of the Fiscal Year from Current Annual Report: (FY09)
NASA	1
OGC	1
OIG	0

END OF REPORT