

National Aeronautics and Space Administration

**Langley Research Center**  
100 NASA Road  
Hampton, VA 23681-2199



November 20, 2015

Reply to the Attn. of: Office of Communications

Mr. Keith Cowing  
NASAWatch.com c/o Reston Communications  
P. O. Box 3569  
Reston, VA 20195-1569  
Email: kcowing@spaceref.com

**REF: 16-LaRC-F-00109**

Dear Mr. Cowing:

Thank you for your Freedom of Information Act (FOIA) request dated November 18, 2015, and forwarded from NASA Headquarters to our office on November 19, 2015. Your request was assigned FOIA Case Number 16-LaRC-F-00109 and was for:

- 1) A list of all of the educational institutions and/or companies who submitted a proposal to NASA in response to NASA solicitation SpaceTech-REDDI-2015 NNH15ZOA001N-15GCD-C2 -- "GAME CHANGING DEVELOPMENT PROGRAM, HOSTING OF HUMANOID ROBOTS AND VALIDATION OF TASK PERFORMANCE FOR THE NASA SPACE ROBOTICS CHALLENGE APPENDIX to NASA Research Announcement (NRA): Space Technology - Research, Development, Demonstration, and Infusion - 2015 (SpaceTech-REDDI-2015), NNH15ZOA001N APPENDIX NUMBER: NNH15ZOA001N-15GCD-C2 THROUGH AMENDMENT 2" -- as posted at [http://nspires.nasaprs.com/external/viewrepositorydocument/cmdocumentid=467321/solicitationId=%7B03F2F115-89D2-1AAB-F632-574C1A80C65B%7D/viewSolicitationDocument=1/NNH15ZOA001N-15GCD\\_C2-Amended-20150730.pdf.pdf](http://nspires.nasaprs.com/external/viewrepositorydocument/cmdocumentid=467321/solicitationId=%7B03F2F115-89D2-1AAB-F632-574C1A80C65B%7D/viewSolicitationDocument=1/NNH15ZOA001N-15GCD_C2-Amended-20150730.pdf.pdf)
- 2) A list of other educational institutions and/or companies provided by DARPA or other government agencies considered for an award under NASA solicitation SpaceTech-REDDI-2015 NNH15ZOA001N-15GCD-C2
- 3) The criteria used by NASA to select awardees and the scores awarded to each proposal during review by NASA.

- 4) A list of all R5 related technical documents provided by NASA to Northeastern University and the Massachusetts Institute of Technology for the purpose of performing their R5 tasks and links to any of these documents that are online.
- 5) Copies of the proposals submitted to NASA in response to SpaceTech-REDDI-2015 NNH15ZOA001N-15GCD-C2 by Northeastern University and the Massachusetts Institute of Technology.
- 6) Copies of any MOUs, Space Act Agreements, and/or statements of work between NASA and Northeastern University and the Massachusetts Institute of Technology related to their contract awards to work on R5 technology.

Based on the information provided in your request for news media status and a fee waiver, in accordance with NASA's FOIA Regulation 14 CFR §1206.402(b) we are unable to process your request at this time and have placed it on hold. In your request, you requested a fee waiver and asserted your status as a representative of the news media. Please note that while you are a recognized journalist, qualifying for the FOIA fee category as a representative of the news media requires a distinct multi-factored analysis. Representatives of the news media are not granted a fee waiver based solely on an assertion of that FOIA fee category. Therefore, we are asking you to provide justification to warrant news media status in accordance with the Department of Justice guidance and NASA's FOIA Regulations 14 CFR §1206.506.

In accordance with the Department of Justice guidance and NASA's FOIA Regulations 14 CFR §1206.507(3)(i) NASA shall provide documents to requesters in this category for the cost of duplication alone, excluding charges for the first 100 pages when the requester demonstrates the following:

- A) The requester's intended dissemination,
- B) Whether the information is current news and/or of public interest, and
- C) Whether the information sought will shed new light on agency statutory operations.

(ii) A representative of the news media is any person or entity organized and operated to publish or broadcast news to the public that actively gathers information of potential interest to a segment of the public, uses its editorial skills to turn the raw materials into a distinct work, and distributes that work to an audience. Examples of news media entities include television or radio stations that broadcast "news" to the public at large and publishers of periodicals that disseminate "news" and make their products available through a variety of means to the general public. A request for records that supports the news-dissemination function of the requester shall not be considered to be for a commercial use. "Freelance" journalists who demonstrate a solid basis for expecting publication through a news media entity shall be considered as working for that entity. A publishing contract would provide the clearest evidence that publication is expected; however, NASA shall also consider a requester's past publication record in making this determination. NASA's decision to grant a requester news

media status for the purposes of assessing fees will be made on a case-by-case basis based upon the requesters intended use.

(iii) Requesters seeking this fee category who do not articulate sufficient information to support their request will not be included in this fee category. Additionally, FOIA staff may grant a partial fee waiver if the requester can articulate the information above for some of the documents.

Please be advised that merely making the information available to the public is not sufficient to qualify for this category. Additionally, a request from a representative of the news media that does not support its news-dissemination function will not be afforded this fee category. In order for us to make a determination regarding your status as a representative of the news media for fee assessment purposes, we ask that you provide information to support your claim.

Please be advised that a representative of the news media is not always afforded a complete fee waiver. Copy fees (as well as direct fees) may be charged. Requests for a fee waiver or a reduction in fees are considered on a case-by-case basis and are based on several factors. In accordance with NASA's FOIA Regulation 14 CFR §1206.506(c), before we consider a fee waiver or reduction in fees, we must determine whether the information requested:

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

In deciding whether a request for a fee waiver meets the requirements in 14 CFR §1206.506(c)(1), the FOIA office will use the following factors, which must be addressed by the requester:

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

- (4) If there is likely to be a contribution to public understanding, will that contribution be significant? A contribution to public understanding will be significant if the information disclosed is new, clearly supports public oversight of Agency operations, including the quality of Agency activities and the effect of policy and regulations on public health and safety, or otherwise confirms or clarifies data on past or present operations of the Agency.

A past grant of a fee waiver does not entitle a FOIA requester to any further FOIA fee waivers. Each fee waiver request must be considered on its own merits. Therefore, you must be specific in addressing the above factors for fee waivers for each FOIA request submitted. If we determine from your response that it does not support news media status or a waiver of fees, in accordance with NASA's FOIA Regulations 14 CFR §1206.506, we will request that you furnish our office with a willingness to pay fees associated with the processing of your request. We will then process your request in the 'other use' category for fee assessment purposes. In accordance with 14 CFR § 1206.507(c)(4), other use requesters are not charged review fees and receive the first 2 hours of search and the first 100 pages without charge. Since your request is for more than one document, in accordance with 14 CFR §1206.302(e), if you are only willing to pay a limited amount for processing your request, please state the order in which you would like the request for records to be processed.

In accordance with 14 CFR §1206.302(c), if we do not hear from you within 20 working days from the date of this letter, we will consider that you are no longer interested in this request and we will close the file on your case. If you require further assistance, I can be reached at 757-864-4274 or electronically at [carissa.s.wheeler@nasa.gov](mailto:carissa.s.wheeler@nasa.gov) or you may also contract the Principal Agency FOIA Officer, Miriam Brown-Lam at 202-358-0718.

Sincerely,

A handwritten signature in purple ink that reads "Carissa S. Wheeler".

Carissa S. Wheeler, FOIA Officer  
NASA Langley Research Center