

National Aeronautics and
Space Administration

John H. Glenn Research Center
Lewis Field
Cleveland, OH 44135-3191



Reply to Attn of: X

DEC 20 2008

Federal Sources, Inc.
Attn: Lynne Skelley
8400 Westpark Drive, 4th Floor
McLean, VA 22102

Subject: Freedom of Information Act Request No. GRC-07-008

This letter is to advise you that a releasability determination regarding NASA Glenn Research Center's (GRC) contract NNC06BA07B has been made. This determination has taken into consideration the relevant statutes, case law, and guidance, as well as comments received from ASRC Aerospace Corporation, and the Contracting Officer. Accordingly, it is my decision to partially deny your request. The basis for this partial denial is set forth below.

The following records have been identified as exempt from release under Exemption 4 of the FOIA, 5 U.S.C § 552(b):

- Page B-1, Clause B.2 entitled "Estimated Contract Cost and Award Fee". The dollar amounts listed for the "Total Estimated Cost" and "Maximum Award Fee" for the Base period, Option 1, Option 2, Option 3, and the Totals (All Years) columns.
- Page G-11, Clause G.10 entitled "Indirect Cost Ceiling". The data contained in the table.
- Page H-4, Clause H.4 entitled "Task Order Pricing Rates". The data contained in paragraph (c) of the table.
- Page H-13, Clause H.14 entitled "Award Fee". The fixed rate amount listed.
- Page J-1, Clause J.1 entitled "List of Attachments". Attachment B, Organizational Conflict of Interest Avoidance Plan; Attachment F, Safety and Health Plan; and Attachment G, Indirect Rate Base Definitions.
- Attachment E, the "distributed cost rates" only. All other pages will be released.

The information identified above is exempt from release under Exemption 4 of the FOIA as "commercial and financial information, and obtained from a person, as privileged or confidential." This information reveals the unique methods, procedures, and or techniques employed by the contractor to accomplish the contract, and therefore, is considered to be confidential. The initial determination has been made that the information is exempt from release under the Freedom of Information Act, 5 U.S.C. § 552(b)(4).

In order to properly and effectively conduct procurements, it is necessary for the Government to obtain detailed technical, financial, and commercial data. Only through evaluation of complete and accurate data of this type can the Government hope to negotiate an agreement that best meets its requirements, both cost and technical. It is mandatory that the federal procurement process be handled in a manner that fosters and promotes uninhibited transmission of confidential material. In short, public disclosure of this information would undermine the integrity of the federal procurement process.

In addition to protecting the Government's ability to obtain necessary information, exemption (b)(4) protects the competitive position of submitters. Disclosure of the requested information could cause substantial competitive injury to submitters because it would reveal insights into their business practices. In short, public disclosure of this information would undermine the integrity of the federal procurement process.

The itemized charges for furnishing you this material are as follows:


Duplication:	\$ 13.00	(130 pages @ \$.10/ pg.)
Search/Review:	30.00	(1 hr. @ \$7.50/1/4 hr. Professional)
Review (Attorney):	<u>11.25</u>	(.25 hr @ \$11.25/1/4 hr. Attorney)
Total	\$ 54.25	

Payment should be made through Pay.gov. Pay.gov has been developed to meet the Financial Management Services commitment to process collections electronically using Internet technologies. Please refer to the attached document detailing the process for submitting payment for the fees incurred to process this FOIA request.

Please be advised that the amount due must be paid in full within 30 days. The 30-day period will begin three days after the date of this letter. In remitting payment, please reference FOIA request 07-008.

You may appeal this initial determination to the NASA Administrator. Your appeal must (1) be addressed to the **Administrator, National Aeronautics and Space (NASA), Mail Stop: P, 300 E. Street SW, Washington, DC 20546**; (2) be clearly identified 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 this initial determination; (4) to the extent possible, state the reasons why you believe this decision should be reversed; and (5) be sent to the Administrator within 30 calendar days of the date of the receipt of this initial determination.

If you need further assistance, please contact Angela Pierce, FOIA Officer, at 1-866-404-3642 or via e-mail at foia@grc.nasa.gov.


John M. Hanston, Jr.
Director of External Programs