

National Aeronautics and Space Administration



Headquarters

Washington, DC 20546-0001

November 29, 2016

Office of Communications

Ronald D. Lee, Esq.
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REF: 17-HQ-F-00141

Dear Mr. Lee:

On November 14, 2016, the following portions of your August 5, 2016, clarification of your July 11, 2016, Freedom of Information Act (FOIA) request were remanded on appeal by the NASA Office of General Counsel to the NASA Headquarters and JPL FOIA Offices for processing and response. Although your request will be processed at both locations, please be advised that the NASA Headquarters FOIA Office will be sending a coordinated response on behalf of both Headquarters (16-HQ-F-00806) and JPL (16-JPL-F-00800) under new FOIA Case Number 17-HQ-F-00141.

The items in your request remanded to the NASA FOIA HQ and JPL Offices are as follows:

1. The following individuals familiar with and involved in the subject matter of the request (date range search January 1, 2016 through July 9, 2016):

Headquarters:

Administrator Charlie Bolden;
Deputy Administrator Dava Newman;
Chief of Staff Michael French
Chief Scientist Ellen Stofan
Chief Technologist David Miller
Associate Administrator David Weaver;
Lindley Johnson of the Science Mission Directorate

JPL:

Michael Harrison, Office of the Inspector General –JPL
Director Michael Watkins
Deputy Director Larry James
Chief Scientist Daniel McCleese
David B. Gallagher, Astronomy, Physics and Space
Technology Directorate – JPL
Leslie L. Livesay, Engineering and Science Directorate – JPL

Director Marcus A. Watkins, JPL Division of the NMO
Dr. Amy Mainzer, JPL

regarding:

- a. All documents related to Nathan Myhrvold, his research, and his inquiries to NASA's NEOWISE team and to other NASA officials regarding:
 - i. Nathan Myhrvold's claims regarding Kirchhoff's law;
 - ii. Nathan Myhrvold's inquiries leading up to the attached paper Comparing NEO Search Telescopes; and,
 - iii. Nathan Myhrvold's inquiries about NEOWISE.

We will conduct an electronic search of the above listed personnel for emails containing "Myhrvold."

2. All documents referencing any of the five articles cited in your original request discussing Nathan Myhrvold's criticism of NASA and NASA's response (date range May 2016 to July 2016).

"Kenneth Chang, How Big Are Those Killer Asteroids?"

"Eric Hand, Billionaire technologist accuses NASA asteroid mission of bad statistics."

"Lee Billings, For Asteroid-Hunting Astronomers, Nathan Myhrvold Says the Sky is Falling."

"Rachel Feltman, That study critiquing NASA's 'bad science' on asteroids is pretty bad science."

"Alan Boyle, Tech titan Nathan Myhrvold stirs up debate over search for killer asteroids."

We will conduct an electronic search through the email accounts referenced in Item #1 for email containing those "Myhrvold with those articles."

3. All documents discussing the accuracy of NEOWISE diameter estimates. For the period of January 1, 2010, to July 9, 2016, searches of records and e-mail accounts of the above personnel and offices or directorates for records that include the terms "NEOWISE" and "diameter." Records should reflect:
 - a. how the estimates were calculated;
 - b. how the estimates should be described;
 - c. different approaches to calculation; and
 - d. policies or decisions regarding the accuracy and how NEOWISE-related papers or presentations should refer to them.

We will conduct an electronic search through the email accounts of those people referenced in Item #1 and the NEOWISE team for emails containing "NEOWISE" and "diameter."

4. All documents related to papers or analyses regarding WISE/NEOWISE done by the NEOWISE team.

For this item, you do not provide a date range; however, you indicated the referenced articles were published in 2011. Therefore, we will conduct an email search of those people on the NEOWISE team for responsive documents from 2010-2011.

5. All correspondence about NEOWISE to (date range January 1, 2010 to July 9, 2016):
 - a. Edward Wright (UCLA)
 - b. Tommy Grav (Planetary Sciences Institute)
 - c. Timothy Spahr

We will conduct an electronic search through the email accounts of the JPL personnel listed in Item #1.

Based on your request, we are placing you in the 'Commercial Use' category for fee assessment purposes. As a commercial use requester, you will be assessed charges to recover all costs associated with processing your request. In your clarification letters dated August 5, 2016, you agreed to pay all processing fees associated with this request. Therefore, we will begin processing your request; however, if your fee agreement has changed, please let us know. Please be advised that given the extent of this request, we anticipate the search to require over 5000 pages and take over 30 days to process. Therefore, in accordance with NASA FOIA regulation 14 CFR § 1206.403(b)(3), we are availing ourselves of the 10-working day extension of response time. We hope to have a partial response to you by January 12, 2017.

In your August 5, 2016, letter to JPL, you also requested expedited processing indicating final selections for continued development of the NEOCam program would be made by NASA in September 2016. Since this date has passed, this aspect of your request is moot. However, please be advised expedited processing is a queue that allows requests to be processed in a faster track; we are currently processing your request.

Please contact me at hq-foia@nasa.gov or 202-358-2339 if you require further assistance.

Sincerely,



Martha Terry
NASA FOIA Officer
Headquarters, Office of Communications