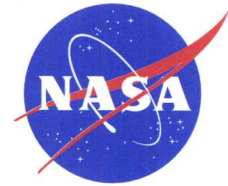


National Aeronautics and
Space Administration



Lyndon B. Johnson Space Center
2101 NASA Parkway
Houston, Texas 77058-3696

October 29, 2008

AP121-FOIA-08-208

Reply to Attn of:

Mr. James Oberg
915 Avenue J
Dickinson, TX 77539

Dear Mr. Oberg:

This is in response to your Freedom of Information Act (FOIA) request, received August 28, 2008, for a copy of "all correspondence, email or hardcopy, between Mr. Nicholas Johnson and Dr. Jousef Butt, regarding the NASA-performed analysis of the USA-193 satellite threat."

The requested information is enclosed with the exception of third-party names. It is my initial determination that the third-party names are exempt from disclosure under Exemption (b)(6) of the FOIA [5 U.S.C. § 552 (b)(6)]. FOIA Exemption (b)(6) refers to "personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy" 5 U.S.C. § 552(b)(6). See Department of State v. Washington Post Company, 456 U.S. 595, 599-603 (1982); New York Times v. NASA, 920 F.2d 1002 (D.C. Cir. 1990).

The names of the third-parties involved clearly satisfy the FOIA Exemption (b)(6) threshold requirement; that is, this information is highly personal in nature and directly concerns matters involving each individual's private life. In assessing the public interest in disclosure of such personal information, the Supreme Court, in *Dep't of Just. v. Reporters Committee for Freedom of the Press*, 489 U.S. 749, 773, sharply limited the concept of "public interest" under FOIA to the "core purpose" for which Congress enacted it: To "shed[]light on an agency's performance of its statutory duties." Disclosure of the aforementioned personal information does not appear to qualify under this narrow standard. However, even if some public interest could be found, after weighing both competing interests, it is clear in this instance that the harm to personal privacy of each individual outweighs any benefit of disclosure. See Department of Air Force v. Rose, 425 U.S. 352, 372.

You are advised that you may appeal to the NASA Administrator this initial determination to withhold the cited information. Your appeal must: (1) be addressed to the Administrator, NASA, Washington, DC 20546; (2) be clearly identified on the

envelope and in the letter as an "Appeal under the Freedom of Information Act;" (3) include a copy of the request for the Agency record, and a copy of the contested initial determination; (4) to the extent possible, state the reasons you believe the initial determination should be reversed; and (5) be sent to the Administrator within 30 calendar days of the receipt of this initial determination

A determination has been made that reproduction costs for this request were minimal. Accordingly, in keeping with NASA's policy to provide the widest practicable dissemination of information concerning its activities, reproduction costs have been waived.

Sincerely,

Stella Luna
JSC FOIA Public Liaison Officer

Enclosures

