

National Aeronautics and Space Administration



Headquarters

Washington, DC 20546-0001

June 6, 2019

Office of Communications

Dan McGrath
American Oversight
1030 15th Street NW
Suite B255
Washington, DC 20005
foia@americanoversight.org

FOIA: 19-ARC-F-00417

Dear Mr. McGrath:

Thank you for your Freedom of Information Act (FOIA) request dated and received April 4, 2019, at the NASA Headquarters FOIA Office. Your request will be processed by the NASA Headquarters FOIA Office on behalf of the Ames Research Center (ARC). Your request was assigned FOIA Case Number 19-ARC-F-00417 and was for:

All communications regarding complaints received about Boeing 737 MAX 8 through the Aviation Safety Reporting System, including the Maneuvering Characteristics Augmentation System (MCAS), between (1) NASA employees and officials and (2) any employees or officials of the Federal Aviation Administration (FAA).

For this portion of the request, please provide all responsive records from March 8, 2017, through the date the search is conducted.

On April 9, 2019, Ms. Becky Hooey, Director, NASA Aviation Safety Reporting System (ASRS), responded to your request by sending 59 pages of reports in which the reporter used the terms "Boeing 737 Max 8" in the narrative (as well as derivatives and similar combination search terms, e.g., B737, B-737, 737 Max). Subsequent to her April 9 response to you, Ms. Hooey located several emails between herself and the FAA which she sent to our office for processing. We are only releasing NASA-originated emails; a total of seven emails originating with officials at the FAA or containing FAA-originated emails, were referred on June 5, 2019, to FAA FOIA for processing and direct response to you. Only two pages containing a NASA email also contain an FAA-originated email. The FAA emails have been blacked out in our response.

Documents consisting of three pages have been located and identified as responsive to your request.

We have reviewed these responsive records under the FOIA to determine whether they may be accessed under the FOIA's provisions. Based on that review, this office is providing the following:

2 page(s) are being released in part (RIP);¹

1 page(s) are being withheld in full (WIF).

NASA redacted from the enclosed documents information that fell within the following FOIA Exemptions explained below.

Exemption 7(E), 5 U.S.C. § 552(b)(7)(E)

Exemption 7(E) protects all law enforcement information that “would disclose techniques and procedures for law enforcement investigation or prosecution, or would disclose guidelines for law enforcement investigations or prosecution if such disclosure could reasonably be expected to risk circumvention of the law.” See 5 U.S.C. § 552(b)(7)(E). In this case, NASA is invoking Exemption 7(E) to withhold an employee’s specific address at ARC.

You have the right under 14 CFR §1206.700 to appeal this determination within 90 days from the date of this letter. Your appeal must be in writing and should be addressed to:

Administrator
NASA Headquarters
Executive Secretariat
MS 9R17
Washington, DC 20546
ATTN: FOIA Appeals

Your appeal should be marked “Appeal under the Freedom of Information Act” both on the envelope and the face of the letter. A copy of your initial request along with a copy of this correspondence and any other correspondence with the FOIA office must be enclosed. In order to expedite the appellate process and ensure full consideration of your appeal, your appeal should also contain a brief statement of the reasons you believe this response to be in error.

Prior to filing an appeal, you may contact NASA’s Principal FOIA Officer/Chief FOIA Public Liaison, Nikki Gramian, via telephone at 202-358-0625 or via e-mail at Nikki.N.Gramian@NASA.gov to obtain further assistance or seek dispute resolution services for any aspect of your request. You may also send correspondence to Ms. Gramian at the following address:

National Aeronautics and Space Administration (NASA)
Freedom of Information Act Unit
NASA Headquarters
Attn: Nikki Gramian

¹ All page counts are provided in approximate numbers.

Principal Agency FOIA Officer
300 E Street, S.W., 5P32
Washington D.C. 20546
(Fax) 202- 358-4332

Additionally, you may contact the Office of Government Information Services (OGIS) at the national Archives and Records Administration to inquire about the FOIA dispute resolution services it offers. The contact information for OGIS is:

Office of Government Information Services
National Archives and Records Administration
8601 Adelphi Road-OGIS
College Park, Maryland 20740-6001
Email: ogis@nara.gov
[Telephone: \(202\) 741-5770](tel:(202)741-5770)
[Toll free: 1-877-684-6448](tel:1-877-684-6448)
[Fax: \(202\) 741-5769](tel:(202)741-5769)

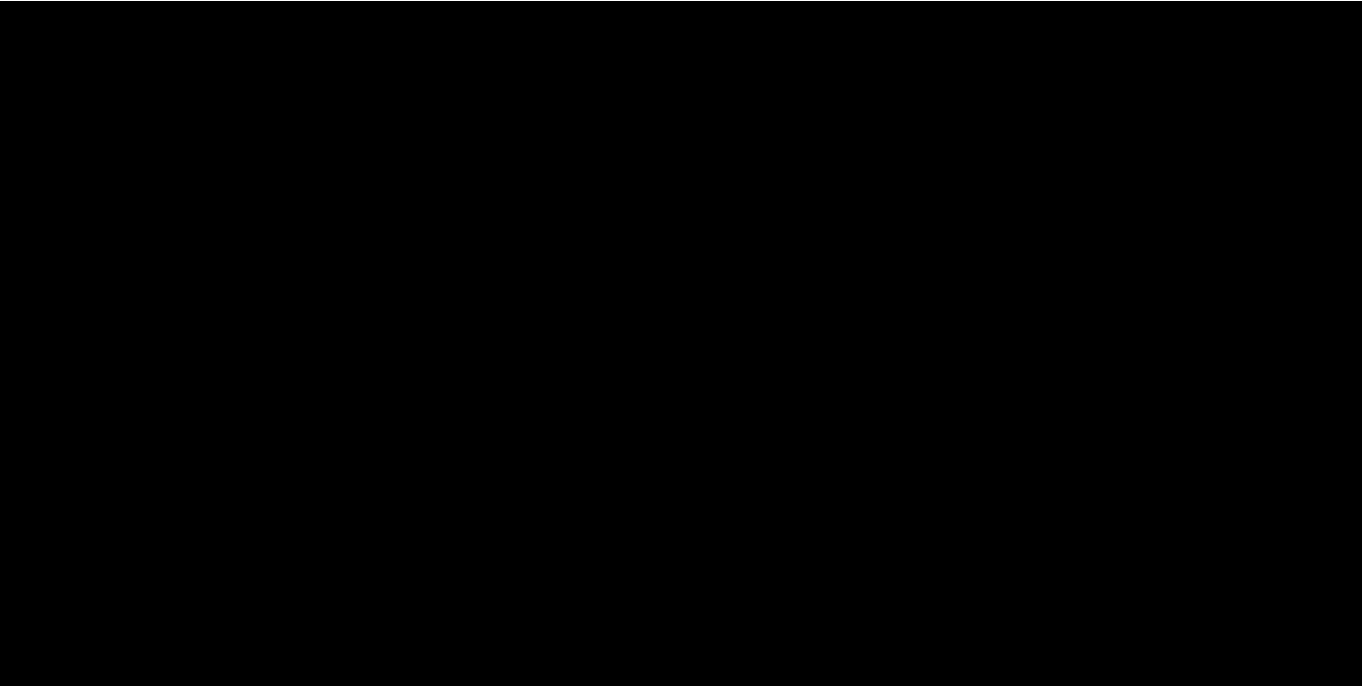
Important: Please note that contacting any agency official including the undersigned or NASA's Principal FOIA Officer and/or OGIS referenced above is not an alternative to filing an administrative appeal and does not stop the 90 day appeal clock.

If I can be of further assistance, please feel free to contact me at martha.e.terry@nasa.gov or (202) 358-2339 or Ms. Gramian at the contact information provided above.

Sincerely,

A handwritten signature in black ink, appearing to read 'Martha Terry', with a stylized flourish at the end.

Martha Terry
NASA FOIA Officer
Headquarters, Office of Communications



From: Hooey, Becky L. (ARC-TH) <becky.l.hooey@nasa.gov>
Sent: Thursday, March 21, 2019 5:21 PM
To: Randolph, Warren (FAA) <warren.randolph@faa.gov>
Cc: Flowers, Parasha (FAA) <Parasha.Flowers@faa.gov>
Subject: Re: *****REQUEST FOR INFORMATION***** Following Up - ASRS

Hi Warren

The search you received was a result of our search for B 737 Max (and related terms) in the narratives and synopses (there is no fixed field code for 737 Max) in the DBOL using dates from May 2017 to present.

becky

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Becky L. Hooey, PhD  
Director, NASA Aviation Safety Reporting System (ASRS) and Confidential Close Call Reporting System (C3RS)  
NASA Ames Research Center  
MS 262-4  
Moffett Field, CA 94035-1000  
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Ames: (650) 604-2399  
Mobile: (650) 448-9671  
Becky.L.Hooey@nasa.gov  
<https://asrs.arc.nasa.gov>

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Subject: Re: Urgent - Congressional Inquiry: Follow up re: ASRS system
Date: Thursday, March 14, 2019 at 12:03:28 PM Pacific Daylight Time
From: Hooey, Becky L. (ARC-TH)
To: Parasha.Flowers@faa.gov
CC: Corey.Stephens@faa.gov, Aleta.Best@faa.gov, Vera, Alonso H. (ARC-TH), Nowinski, Jessica L. (ARC-TH), Tran, Huy K. (ARC-A)
Attachments: NASA ASRS SR7284 B737Max.pdf

Parasha

The attached Search Request (SR 7284) contains safety reports in the NASA ASRS database that reference the Boeing 737 Max aircraft in either the fixed-fields, narratives, or synopses. This is a compilation of all reports that we could find — there has been no filtering or down-selection of reports for specific topics. It has been prepared at the request of NTSB to aid in their investigation, and has also been forwarded to NASA HQ Legislative Affairs / Appropriations at their request.

There are 24 records in total. Note that two of these reports reference the same incident (one report from Captain and One Report from First Officer). These two records are indicated as marked in the attached files. This is particularly noteworthy as these two reports have been in the media. Sometimes they have been reported correctly by the media as separate 'reports' and sometimes reported incorrectly as separate 'events'.

Best Regards

Becky

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Becky L. Hooey, PhD

Director, NASA Aviation Safety Reporting System (ASRS) and Confidential Close Call Reporting System (C3RS)

NASA Ames Research Center

(b) (7)(E)

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[Becky.L.Hooey@nasa.gov](mailto:Becky.L.Hooey@nasa.gov)

<https://asrs.arc.nasa.gov>

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