

National Aeronautics and Space Administration



Headquarters
Washington, DC 20546-0001

August 26, 2021

Reply to attn. of: Office of Communications

John Greenewald, Jr.
27305 W. Live Oak Rd.
Suite #1203
Castaic, Ca. 91384
john@greenewald.com

Re: FOIA Tracking Number 21-JSC-F-00438

Dear Mr. Greenewald:

This is our final response to your Freedom of Information Act (FOIA) request to the National Aeronautics and Space Administration (NASA), dated April 26, 2021, and received in this office on the same day. Your request was assigned the above-referenced tracking number. You seek:

I respectfully request a copy of records (which includes videos/photos), electronic or otherwise, which pertain to the Friday, April 23, 2021, launch of SpaceX Falcon 9, and a near miss with an unknown object during launch. According to the NY Post, as published at <https://nypost.com/2021/04/25/spacex-craft-close-call-with-ufo-afterlaunching-into-orbit/>:

SpaceX's Crew Dragon Endeavor spacecraft had a close call with an unidentified object before successfully reaching the International Space Station, a report said.

US Space Command warned the crew aboard the spacecraft of a possible collision with an unknown object after launching into orbit on Friday, Futurism reported.

"The possibility of the conjunction came so close to the closest approach time that there wasn't time to compute and execute a debris avoidance maneuver with confidence, so the SpaceX team elected to have the crew don their pressure suits out of an abundance of caution," NASA spokesperson Kelly Humphries told Futurism.

I ask that you include all records pertaining to this event. That would include, but not be limited to, emails, reports, letters, the notification by US Space Command, photos, videos, and all other records that would pertain to the above.

In NASA Acknowledgement Letter, dated April 29, 2021, NASA assigned a search to relevant JSC's Flight Operations Directorate staff for their emails and other communications

using the search terms “conjunction, "near miss", "orbital debris", "debris avoidance maneuver", and associated acronyms involving the SpaceX Falcon 9 launch from April 23, 2021 until the date of search. In addition to these communications, NASA processed the relevant portion of the console log for this flight in response to this request.

NASA’s July 20, 2021 letter responded to the located records where NASA had the full equities. This response pertains to emails generated by SpaceX where NASA was required to obtain their views on disclosure by Executive Order 12,600. We received their objections and made an independent determination in accordance with the FOIA to determine whether they may be disclosed to you. Based on that review, this office is withholding these 3 pages of emails in full pursuant Exemption 4.

Exemption 4, 5 U.S.C. § 552(b)(4)

Exemption 4 protects trade secrets and commercial or financial information obtained from a person that is privileged or confidential. See 5 U.S.C. § 552(b)(4). The Supreme Court of the United States has held that where commercial or financial information is both customarily and actually treated as private by its owner and provided to the government under an assurance of privacy, the information is “confidential” within the meaning of 5 U. S. C. §552(b)(4). *Food Marketing Institute v. Argus Leader Media*, 139 S. Ct. 2356 (2019). Thus, NASA invokes exemption 4 to protect contractor generated emails that were labeled with the following disclaimer: “SpaceX Proprietary Data Delivered with Limited Rights”.

Fees

Provisions of the FOIA allow us to recover part of the cost of complying with your request. In this instance, because the cost is below the \$50 minimum, there is no charge.

Appeal

You have the right to appeal my action regarding your request. Your appeal must be received within 90 days of the date of this response. Please send your appeal to:

Administrator
NASA Headquarters
Executive Secretariat
ATTN: FOIA Appeals
MS 9R17
300 E Street S.W.
Washington, DC 20546

Both the envelope and letter of appeal should be clearly marked, “Appeal under the Freedom of Information Act.” You must also include a copy of your initial request, the adverse determination, and any other correspondence with the FOIA office. In order to expedite the appellate process and ensure full consideration of your appeal, your appeal should contain a

brief statement of the reasons you believe this initial determination should be reversed. Additional information on submitting an appeal is set forth in the NASA FOIA regulations at 14 C.F.R. § 1206.700.

Assistance and Dispute Resolution Services

If you have any questions, please feel free to contact me at robert.s.young@nasa.gov. For further assistance and to discuss any aspect of your request you may contact:

Stephanie Fox
Chief FOIA Public Liaison
Freedom of Information Act Office
NASA Headquarters
300 E Street, S.W., 5P32
Washington D.C. 20546
Phone: 202-358-1553
Email: Stephanie.K.Fox@nasa.gov

Additionally, you may contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA mediation services it offers. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-6001, e-mail at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

Important: Please note that contacting any agency official including myself, NASA's Chief FOIA Public Liaison, and/or OGIS is not an alternative to filing an administrative appeal and does not stop the 90 day appeal clock.

Sincerely,



Robert Young FOIA Officer
Headquarters, Office of Communications