

§ 1206.603

§ 1206.603 Procedures and time limits for initial determinations.

(a) Except as provided in § 1206.608, an initial determination on a request for an Agency record, addressed in accordance with § 1206.601(a) or made in person at a NASA FOIA Office shall be made, and the requester shall be sent notification thereof, within 20 working days after receipt of the request, as required by 5 U.S.C. 552(a)(6).

(b) An initial determination on a request for an Agency record by mail not addressed in accordance with § 1206.601(a) shall be made, and the requester shall be sent notification thereof, within 20 working days after the correspondence is recognized as a request for an Agency record under the "Freedom of Information Act" and received by the appropriate NASA FOIA Office. With respect to such a request, unless an initial determination can reasonably be made within 20 working days of the original receipt, the request will be promptly acknowledged and the requester notified of the date the request was received at that FOIA Office and that an initial determination on the request will be made within 20 working days of that date.

(c) If it is determined that the requested record (or portion thereof) will be made available, and if the charges are under \$250, NASA will either send a copy of the releasable record and a bill for the fee or send the initial determination and a bill for the fee to the requester. In the latter case, the documents will be released when the fee is received. If the fee chargeable is over \$250, a request for payment of the fee will always be sent with the initial determination, and the records will be mailed only upon receipt of payment. When records are sent before payment is received, the fact that interest will be charged from the 31st day after the day of the response shall be stated in the response. The date of the mailing of an initial determination, with or without the records(s), shall be deemed to satisfy the time limit for initial determinations.

(d) Any notification of an initial determination that does not comply fully with the request for an Agency record, including those searches that produce no documents, shall include a state-

14 CFR Ch. V (1-1-08 Edition)

ment of the reasons for the adverse determination, include the name and title of the person making the initial determination, and notify the requester of the right to appeal to the Administrator, or the Inspector General, as appropriate, under § 1206.605.

(e) If the requester demonstrates a "compelling need" as defined in § 1206.101(r) for records, NASA shall provide expedited processing of the request. NASA will inform the requester as to whether the request for expedited processing has been granted within 10 working days after the date of the request.

§ 1206.604 Request for records that exist elsewhere.

(a) If a request for an Agency record is received by a FOIA Office not having cognizance of the record (for example, when a request is submitted to one NASA Center or Headquarters and the requested record exists only at another NASA Center), the FOIA Office receiving the request shall promptly forward it to the NASA FOIA Office having cognizance of the record requested. That Center shall acknowledge the request and inform the requester that an initial determination on the request will be sent within 20 working days from the date of receipt by such Center.

(b) If a request is received for Agency records which exist at two or more Centers, the FOIA Office receiving the request shall undertake to comply with the request, if feasible, or to forward the request (or portions thereof) promptly to a more appropriate Center for processing. The requester shall be kept informed of the actions taken to respond to the request.

(c) If a request is received by a NASA FOIA Office for a record of another agency, the requester shall promptly be informed of that fact, and the request shall be returned to the requester, with advice as to where the request should be directed.

§ 1206.605 Appeals.

(a) A member of the public who has requested an Agency record in accordance with § 1206.601 or § 1206.602, and who has received an initial determination which does not comply fully with