

## National Aeronautics and Space Admin.

## § 1206.608

the request, may appeal such an adverse initial determination to the Administrator, or, for records as specified in §1206.504, to the Inspector General under the procedures of this section.

(b) The Appeal must:

(1) Be in writing;

(2) Be addressed to the Administrator, NASA Headquarters, Washington, DC 20546, or, for records as specified in §1206.504, to the Inspector General, NASA Headquarters, Washington, DC 20546;

(3) Be identified clearly on the envelope and in the letter as an "Appeal under the Freedom of Information Act";

(4) Include a copy of the request for the Agency record and a copy of the adverse initial determination;

(5) To the extent possible, state the reasons why the requester believes the adverse initial determination should be reversed; and

(6) Be sent to the Administrator or the Inspector General, as appropriate, within 30 calendar days of the date of receipt of the initial determination.

(c) An official authorized to make a final determination may waive any of the requirements of paragraph (b) of this section, in which case the time limit for the final determination (see §1206.607(a)) shall run from the date of such waiver.

### § 1206.606 Request for additional records.

If, upon receipt of a record (or portions thereof) following an initial determination to comply with a request, the requester believes that the materials received do not comply with the request, the requester may elect either to request additional records under the procedures of §1206.601 or §1206.602, or to file an appeal under the procedures of §1206.605, in which case the appeal must be sent to the Administrator, or to the Inspector General, in the case of records as specified in §1206.504, within 30 days of receipt of the record (or portions thereof), unless good cause is shown for any additional delay.

### § 1206.607 Actions on appeals.

(a) Except as provided in §1206.608, the Administrator or designee, or in the case of records as specified in

§1206.504, the Inspector General or designee, shall make a final determination on an appeal and notify the requester thereof, within 20 working days after the receipt of the appeal.

(b) If the final determination reverses in whole or in part the initial determination, the record requested (or portions thereof) shall be made available promptly to the requester, as provided in the final determination.

(c) If the final determination sustains in whole or in part an adverse initial determination, the notification of the final determination shall:

(1) Explain the basis on which the record (or portions thereof) will not be made available;

(2) Include the name and title of the person making the final determination;

(3) Include a statement that the final determination is subject to judicial review under 5 U.S.C. 552(a)(4); and

(4) Enclose a copy of 5 U.S.C. 552(a)(4).

### § 1206.608 Time extensions in unusual circumstances.

(a) In "unusual circumstances" as that term is defined in §1206.101(f), the time limits for an initial determination (see § 1206.603 and §1206.604) and for a final determination (see §1206.607) may be extended, but not to exceed a total of 10 working days in the aggregate in the processing of any specific request for an Agency record.

(b) If an extension of time under this section would be required, the requester shall be promptly notified of the reasons therefor and the date when a determination will be sent.

(c) If a record described in a request cannot be located within the 20-working-day time limit for an initial determination, after consultation with a professional NASA employee who is familiar with the subject area of the request, that fact normally will justify an initial determination that the record requested cannot be identified or located, rather than a decision that an extension of time under this section would be appropriate.

(d) In exceptional circumstances, if it would be impossible to complete a search for or review of Agency records within the 20-working-day period for an