



U.S. Department  
of Transportation  
**Federal Aviation  
Administration**

MAR 16 2017

Air Traffic Organization  
Safety and Technical Training  
Suite 1018  
800 Independence Ave., SW  
Washington, DC 20591

Mr. Christopher Collins  
758 Diamond Lake Drive  
Abilene, TX 79601

Dear Mr. Collins:

This letter responds to your Freedom of Information Act (FOIA) request, 2017-004441, dated February 28, 2017. Your request sought all e-mails from January 1, 2015 to February 28, 2017 sent or received by Jeb Kreischer to or from CGH Technologies. You also requested e-mails sent by Mr. Kreischer for this same period of time containing the terms "CGH" or "CGH Technologies."

A thorough search was performed by Mr. Kreischer of his e-mail account based on the search criteria you provided. With regard to the portion of your request for e-mails sent or received by Mr. Kreischer to or from CGH Technologies, no such e-mails were located. However, three e-mail strings containing nine pages of e-mails sent by Mr. Kreischer containing the terms "CGH" or "CGH Technologies" were located and are enclosed. Please note that for your convenience and in order to avoid duplication of records, we are providing the final e-mail in each string which contains all preceding messages.

The undersigned is responsible for this partial no records determination. You may request reconsideration of this determination by writing the Assistant Administrator for Finance and Management (AFN-140), Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591, or through electronic mail at: FOIA-Appeals@faa.gov. Your request for reconsideration must be made in writing within 90 days from the date the initial determination was made and must include all information and arguments relied upon. Your appeal must also state that it is an "appeal" from the above-described denial of a request made under the FOIA. The envelope containing the appeal should be marked "FOIA." You also have the right to seek dispute resolution services from the FAA FOIA Public Liaison via phone (202-267-7799) or email (7-AWA-ARC-FOIA@faa.gov) noting FOIA Public Liaison in the Subject or the Office of Government Information Services (<https://ogis.archives.gov>) via phone (202-741-5770 / toll-free--1-877-684-6448; fax--202-741-5769); or email (ogis@nara.gov).

Sincerely,

Terry Biggio  
Vice President, Safety and Technical Training

Enclosure

**From:** Kreischer, Jeb (FAA)  
**To:** Johnson, Monica (FAA)  
**Subject:** RE: Follow up to FOIA Control Number 2017-003028  
**Date:** Tuesday, February 14, 2017 2:42:00 PM

---

Oh ok...I see where you were coming from. In my mind, when he said he was asking for all the cases, he was referring to all the decision letters related to the cases. Glad I asked...your perspective makes sense.

☺

**From:** Johnson, Monica (FAA)  
**Sent:** Tuesday, February 14, 2017 2:40 PM  
**To:** Kreischer, Jeb (FAA)  
**Subject:** RE: Follow up to FOIA Control Number 2017-003028

Not the letters. If he is asking for all of the cases then exempt 6 and maybe some exempt 5

*Monica*

**From:** Kreischer, Jeb (FAA)  
**Sent:** Tuesday, February 14, 2017 2:38 PM  
**To:** Johnson, Monica (FAA)  
**Subject:** RE: Follow up to FOIA Control Number 2017-003028

I was with you until you mentioned having to apply redactions to each case...what exemptions would you be using on the letters? As we've discussed, Exemption 5 is out and I can't think of any others that could or would apply. In the grand scheme of things, it wouldn't really matter, since the cost at 3 minutes a case is still astronomical...just for my curiosity.

**From:** Johnson, Monica (FAA)  
**Sent:** Tuesday, February 14, 2017 2:23 PM  
**To:** Kreischer, Jeb (FAA)  
**Subject:** RE: Follow up to FOIA Control Number 2017-003028

Exactly. Also I will have to apply redactions to each case. Which will increase the time from the estimated 3 mins to 7-8 mins per case.

*Monica*

**From:** Kreischer, Jeb (FAA)  
**Sent:** Tuesday, February 14, 2017 2:03 PM  
**To:** Johnson, Monica (FAA)  
**Subject:** RE: Follow up to FOIA Control Number 2017-003028

Hi Monica,

So...Mr. Collins came back with the suggestion below to just send him all 230,000+ cases.

My proposed response is below, but I just wanted to make sure that what I'm saying is accurate.

Please let me know...

Thanks...

Jeb

---

Hello,

The level of effort and time required to do as you suggest wouldn't change as this would still require manually accessing each case individually.

Jeb

**From:** Christopher Collins [<mailto:collinsreports@gmail.com>]  
**Sent:** Tuesday, February 14, 2017 8:52 AM  
**To:** Kreischer, Jeb (FAA)  
**Subject:** Re: Follow up to FOIA Control Number 2017-003028

Could you just send me all 230,654 of the cases so I could sort through them myself?

Chris

On Tue, Feb 14, 2017 at 6:33 AM, <[Jeb.Kreischer@faa.gov](mailto:Jeb.Kreischer@faa.gov)> wrote:  
Hello,

This is a follow-up message to my e-mail dated February 8.

In that message, I notified you that your FOIA request constituted "unusual circumstances" due to the voluminous amount of records to be searched for and reviewed; that we were taking the permitted ten day extension; and that the new due date in connection with your request was close of business March 2, 2017.

Based on feedback from the Air Traffic Organization Program Office charged with processing your request, the records you have requested reside in a database managed by a contractor (CGH Technologies) but to which FAA has access. In this case, you have asked for all Notice of Presumed Hazard (NPH) letters issued in Calendar Years 2015 and 2016. For the period of time you have requested, the number of Obstruction Evaluation cases processed by the FAA totaled 230,654. It is estimated that the total number of NPH letters issued to be approximately 14,500.

It is not possible to normally query the database to determine which of the Obstruction Evaluation cases at issue resulted in NPH determinations. Therefore, it would require that each of the 230,654 cases be accessed manually. If we assume the time involved to access one case and to determine if an NPH determination was made and to download the responsive letter is 3 minutes, then the estimated time involved to search for the records you have requested would be 11,533 hours, which equates to more than five work years. The estimated cost to perform such a search would be \$461,320 (11,533 hours @ \$40/hour). I recognize that the level of effort and cost associated with answering your FOIA request likely comes as a bit of a shock. However, the database containing these records was simply not designed or established for the purpose of retrieving records in the manner in which you have requested them.

Please be advised that FOIA case law is clear that agencies are not required to conduct searches that would be "unreasonably burdensome." In this case, it is clear that the magnitude of the manual search to locate the records you have requested and the inordinate amount of time necessary to do so would be clearly unreasonable in light of the required resources.

Based on discussions with Mike Helvey (Manager, Obstruction Evaluation Team), you indicated you were not interested in reducing the scope of your request. In light of the information above, would you like to reconsider modifying/reducing the scope of your request?

Please notify us by February 17, 2017 of your decision with regard to this request. If we have not heard from you by this date, we will close this request.

We are tolling your request as of today's date pending further communication from you.

Regards,

Jeb Kreischer  
Government Information Specialist  
Federal Aviation Administration

From: Jeb Kreischer, FAA  
To: Monica, FAA  
Cc: Deborah, FAA  
Subject: Your FOIA Request 2017-003028  
Date: Monday, February 13, 2017 12:44:00 PM

---

Hi Monica...As we discussed...please take a quick look...I do need to send this out to Mr. Collins as soon as possible, but no later than 3:00 pm today...

---

Hello,

This is a follow-up message to my e-mail dated February 8.

In that message, I notified you that your FOIA request constituted "unusual circumstances" due to the voluminous amount of records to be searched for and reviewed; that we were taking the permitted ten day extension; and that the new due date in connection with your request was close of business March 2, 2017.

Based on feedback from the Air Traffic Organization Program Office charged with processing your request, the records you have requested reside in a database managed by a contractor (CGH Technologies) but to which FAA has access. In this case, you have asked for all Notice of Presumed Hazard (NPH) letters issued in Calendar Years 2015 and 2016. For the period of time you have requested, the number of Obstruction Evaluation cases processed by the FAA totaled 230,654. It is estimated that the total number of NPH letters issued to be approximately 14,500.

It is not possible to normally query the database to determine which of the Obstruction Evaluation cases at issue resulted in NPH determinations. Therefore, it would require that each of the 230,654 cases at issue be accessed manually. If we assume the time involved to access one case and to determine if an NPH determination was made is 3 minutes, then the estimated time involved to search for the records you have requested would be 11,533 hours, which equates to more than five work years. The estimated cost to perform such a search would be \$461,320 (11,533 hours @ \$40/hour). I recognize that the level of effort and cost associated with answering your FOIA request likely comes as a bit of a shock. However, the database containing these records was simply not designed or established for the purpose of retrieving records in the manner in which you have requested them.

Please be advised that FOIA case law is clear that agencies are not required to conduct searches that would be "unreasonably burdensome." In this case, it is clear that the magnitude of the manual search to locate the records you have requested and the inordinate amount of time necessary to do so would be clearly unreasonable in light of the required resources.

Based on discussions with Mike Helvey (Manager, Obstruction Evaluation Team), you indicated you were not interested in reducing the scope of your request. In light of the information above, would you like to reconsider modifying/reducing the scope of your request?

Please notify us by February 17, 2017 of your decision with regard to this request. If we have not heard from you by this date, we will close this request.

We are tolling your request as of today's date pending further communication from you.

Regards,

Jeb Kreischer  
Government Information Specialist  
Federal Aviation Administration