



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Silver Spring, MO 20910

Ms. Elizabeth Mitchell
Association for Professional Observers (APO)
P.O. Box 933
Eugene, OR 97440

OCT 08 2010

RE: FOIA Request # 2010-00126

Dear Ms. Mitchell:

This letter is in response to the Association for Professional Observer's (CAPO) Freedom of Information Act (FOIA) request # 2010-00126 dated December 25, 2009, and received by our office on January 5, 2010. APO requested written guidelines and/or rules given to the staff of each National Marine Fisheries Service (NMFS) Observer Program and the National Observer Program (NOP) with regard to public access to fisheries observer data and information including any updates sent to observer programs staff regarding any clarifications of the guidelines and/or rules.

On January 26, 2010 NMFSINOP held a conference call with APO to clarify issues associated with APO's request. APO originally requested records created prior to 1990. During this conference call, APO agreed to narrow the request to records created during the following timeframes:

1990 - 2006, and;
2007 to the present (present in this context means the day following clarification of APO's request or January 27, 2010).

On February 23, 2010 NMFS granted APO's fee waiver request for the portion of the FOIA request that concerned current guidelines and/or rules. As part of this response, NMFS provided two guidance memos sent to staff pertaining to new observer data confidentiality requirements under the Magnuson Stevens Reauthorization Act (2006).

On September 3, 2010, the Department of Commerce's Assistant General Counsel for Administration granted APO's appeal of NMFS' partial denial of APO's fee waiver request. Subsequently, NMFS initiated a search to respond to APO's underlying FOIA request.

Thus far, our search within the National Marine Fisheries Service has located 13 documents totaling 83 pages that are responsive to your request. Enclosed is the first interim response consisting of 83 pages released in their entirety.

We are continuing to search for records responsive to your request. If additional records are found, we will forward them to you as soon as possible.



A 10-day extension is being invoked to ensure the orderly processing of your request. Under 15 CFR 4.6(c)(2)(i) a responsive party may extend the time limit for responding to a request when completion of the response requires a search for and collection of records from field facilities or other establishments separate from the office processing the request.

If you have any questions regarding this request, please contact Chris Rilling at 301 713-2363 x171.

Sincerely, _____ < _____ >

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FOIA Coordinator,
Office of Science and Technology
1315 East-West Highway
Silver Spring, MD 20910

Enclosures

cc: GCF - Keith Hagg
FIMB2 - Mike Justen, Becky Rootes
OIFA - Carter-Johnson, Marks

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