



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

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

OCT14 2010

RE: FOIA Request # 2010-00126

Dear Ms. Mitchell:

This letter is in response to the Association for Professional Observer's (APO) 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:

- (1) 1990 - 2006, and;
- (2) 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.

On October 8, 2010, NMFS released 13 documents totaling 83 pages released in their entirety that are responsive to APO's request.

Enclosed is the second and final response consisting of four documents totaling 300 pages released in their entirety.



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



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

Enclosures

cc: GCF - Keith Hagg
F/MB2 - Mike Justen, Becky Rootes
OIFA - Carter-Johnson, Marks