UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Northeast Fisheries Science Center
166 Water Street
Woods Hole, MA 02543-1026

March 20, 2009

Matt Stommel
P.O. Box 1024
Monument Beach, MA 02553

Dear Mr. Stommel:

This letter is in response to your January 22, 2009 Request for Correction pursuant to Section 515 of Public Law 106-554 (the Information Quality Act (IQA)).

The National Oceanic and Atmospheric Administration's National Marine Fisheries Service (NMFS) has carefully reviewed the request for correction, which concerns data collected by the Northeast Fisheries Observer Program (NEFOP), and concluded that it does not meet the minimum requirements for a proper request as specified in NOAA's Information Quality Guidelines (NOAA Guidelines), as discussed below. Therefore, pursuant to the NOAA Guidelines, we will not be taking any further action on your January 22nd request for correction.

Your request for correction fails to comply with two requirements specified in the NOAA Guidelines. In particular, an initial request for correction must include: (1) an accurate citation to or description of the *particular* information disseminated which is the subject of the request, and (2) a *specific* statement of how the information at issue fails to comply with the applicable guidelines and why the requester believes the information is not correct (NOAA Guidelines, Part III.B.3.c, e, emphasis added).

Your request for correction mentions that data collected by the NEFOP has been used in many stock assessments and regulatory advice given to the New England Fisheries Management Council, but largely fails to cite to or describe information in, or relied upon in, any specific documents disseminated to the public. The request states, "(G)iven that observer data has been collected illegally, I believe that it should not be used in stock assessments or management advice," but does not generally identify, beyond this broad reference, specific portions of specific stock assessments or management measures that do not comply with the NOAA Guidelines. Moreover, in stating that "(D)uring the entire period that the mandatory (NEFOP) program has been in effect, NEFSC/NMFS never bothered to get OMB review, approval or certification for the forms, procedures and methods used," the request is overly broad because it fails to distinguish between the many NEFOP data elements that do not require PRA clearance (e.g. direct observations) and those data elements that would require Paperwork Reduction Act (PRA) clearance. It is impossible to discern from the request for correction which NEFOP data elements are the subject of the request.

Requests for Correction must cite specific information to allow an objective review by the agency. For an objective review, it is important to evaluate the context in which the agency presented the information at issue. Your request lacks sufficient specificity to allow NMFS to perform this type of contextual review. Rather, it would require the agency to speculate as to the intended scope of the request, hindering efforts to identify and consider any possibly noncompliant information in a timely manner.

In addition, the NOAA Guidelines require that, for each cited portion of the document(s) at issue, the requestor must provide a statement of how the information fails to comply with the applicable portion of the NOAA guidelines (NOAA Guidelines, Part III.B.3.e).
The previously noted failure to cite or describe specific provisions prevents this requirement from being satisfied and merely stating that the NEFOP collected information without proper PRA clearance does not suffice.

Thank you for your continuing interest in New England fisheries management and NMFS' programs.

Sincerely,

Nancy B. Thompson

Nancy B. Thompson, Ph.D.
Science and Research Director
Northeast Fisheries Science Center