



**UNITED STATES DEPARTMENT OF COMMERCE**  
**National Oceanic and Atmospheric Administration**

OFFICE OF THE CHIEF INFORMATION OFFICER  
High Performance Computing and Communications

CHIEF INFORMATION OFFICER

JUL 25 2003

Mr. Steven P. Quarles  
Mr. Richard J. Mannix  
Attorneys at Law  
Crowell & Moring  
1001 Pennsylvania Ave., N.W.  
Washington, D.C. 20002-2595

Dear Messrs. Quarles and Mannix:

Your letter to Dr. William Hogarth on behalf of Atlantic Salmon of Maine (ASM), dated July 23, 2003, subject: *Notice of Appeal and Request for Extension of Time* was forwarded by Dr. Hogarth's office to this office. As indicated in the National Oceanic and Atmospheric Administration (NOAA) initial decision letter dated July 3, 2003, the NOAA Information Quality Guidelines (Guidelines) require in sections III.A.2 and III.D.1 that an appeal of an initial denial of a request for correction must be addressed to the NOAA Section 515 Officer at the address provided and must include:

- 1) the requester's name, address, and telephone number or electronic mail address;
- 2) a copy of the original request and any correspondence regarding the initial denial; and
- 3) a statement of the reasons why the requester believes the initial denial was in error.

The Guidelines do not provide for filing a notice of appeal or a request for extension of time, or for submitting any materials to any person other than the NOAA Section 515 Officer at the address provided.

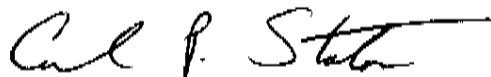
As you noted in your letter to Dr. Hogarth, ASM filed its request for correction (RFC) on March 28, 2003, jointly with NOAA and the U.S. Fish and Wildlife Service (FWS). NOAA issued its initial decision through the Regional Administrator of the Northeast Region of NOAA Fisheries, the responsible office, on July 3, 2003. Also noted in your letter to Dr. Hogarth, FWS is still considering its response to the RFC and indicated it will respond by July 31, 2003. Recognizing that under the NOAA Guidelines ASM must file an appeal of NOAA's initial denial on or before August 2, 2003, ASM requested through Dr. Hogarth that NOAA extend the deadline for submitting its appeal to 15 business days after receipt by ASM of the initial response by FWS.

NOAA's initial denial has been issued and will become final if not appealed. Therefore, if ASM wishes to appeal this initial denial, it must follow the appeal process set forth in the NOAA Information Quality Guidelines. However, under the particular circumstances of



this case, NOAA will allow ASM to amend and resubmit its appeal within 15 business days of the date of the response by FWS but no later than August 21, 2003.

Sincerely,

A handwritten signature in black ink, appearing to read "Carl P. Staton". The signature is written in a cursive style with a long horizontal stroke extending to the right.

Carl P. Staton