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

Joseph Sullivan
Law Office PLLC
4005 2011' Ave W, Suite 221
Seattle, WA gg199

Re: FOIA Request DOC-NOAA-2017-0001730

SEP 21 2017

Dear Mr. Sullivan:

This letter is in response to your Freedom of Information Act (FOIA) request which was received by our office on August 22, 2017, in which you requested:

> *"1) All correspondence to or from Glenn Merrill, Assistant Regional Administrator for the Alaska Region of NMFS, from January 1, 2016 through the present relating to (a) the interpretation and application of the arbitration system standards set forth at 50 C.F.R. §680.20(g) and/or (b) the Alaska state minimum wage increase approved by voters in November 2014.*
>
> *For purposes of this request, the term "correspondence" includes without limitation all emails, text messages, social media messages, voice mails, facsimiles and letters, regardless of whether sent from or received on government or personal devices or transmitted through some other means."*

We have located **146 records** responsive to your request. An index is provided for your convenience. A summary follows:

- **139 records** are being released to you in their entirety.
- **6 records** released in part under exemption 5 U.S.C. § 552 (b)(5), which exempts from disclosure inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency. The records contain deliberations and legal advice between NMFS staff and attorneys.
- **1 record** is released in part under exemption 5 U.S.C. § 552 (b)(6), which exempts personnel and medical files and similar files when the disclosure of such information would constitute a clearly unwarranted invasion of personal privacy. The records contain personal medical information that would not be available to the public at large.

In your request, you agreed to pay up to $1000.00. Under 15 C.F.R. § 4.11(c)(1)(i) (2012), you fall under the "Commercial Requester" category. Your chargeable fees for this FOIA are for search, review, and duplication. You will be notified via FOIAonline regarding the **$154.00** applicable fees for processing this request.

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Your request is now complete.

You have the right to file an administrative appeal if you are not satisfied with our response to your FOIA request. All appeals should include a statement of the reasons why you believe the FOIA response was not satisfactory. An appeal based on documents in this release must be received within 90 calendar days of the date of this response letter at the following address:

Assistant General Counsel for Litigation, Employment, and Oversight
U.S. Department of Commerce
Office of General Counsel
Room 5875
14th and Constitution Avenue, N.W.
Washington, D.C. 20230

An appeal may also be sent by e-mail to FOIAAppeals@doc.gov, by facsimile (fax) to 202-482-2552, or by FOIAonline at https://foiaonline.regulations.gov/foia/action/public/home#.

For your appeal to be complete, it must include the following items:

- a copy of the original request,
- our response to your request,
- a statement explaining why the withheld records should be made available, and why the denial of the records was in error.
- "Freedom of Information Act Appeal" must appear on your appeal letter. It should also be written on your envelope, e-mail subject line, or your fax cover sheet.

FOIA appeals posted to the e-mail box, fax machine, FOIAonline, or Office after normal business hours will be deemed received on the next business day. If the 90th calendar day for submitting an appeal falls on a Saturday, Sunday or legal public holiday, an appeal received by 5:00 p.m., Eastern Time, the next business day will be deemed timely.

FOIA grants requesters the right to challenge an agency's final action in federal court. Before doing so, an adjudication of an administrative appeal is ordinarily required.

The Office of Government Information Services (OGIS), an office created within the National Archives and Records Administration, offers free mediation services to FOIA requesters. They may be contacted in any of the following ways:

Office of Government Information Services
National Archives and Records Administration
Room 2510
8601 Adelphi Road
College Park, MD 20740-6001

Email: ogis@nara.gov

Phone: 301-837-1996

Fax: 301-837-0348
Toll-free: 1-877-684-6448

If you have questions regarding this correspondence please contact Ms. Ellen Sebastian at ellen.sebastian@noaa.gov or by phone at (907) 586-7152, or the NOAA FOIA Public Liaison Robert Swisher at (301) 628-5755.

Sincerely,

Samuel D. Rauch III,
Deputy Assistant Administrator
for Regulatory Programs