



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
NORTHEAST REGION
55 Great Republic Drive
Gloucester, MA 01930-2276

DEC 08 2010

**-GEORGES BANK CLOSED AREA REMAINS CLOSED TO THE HARVEST OF
ATLANTIC SURFLCLAMS AND OCEAN QUAHOGS-**

Dear Federal Permit Holder or Dealer:

This letter is to inform you that that the Georges Bank (GB) Closed Area remains closed to the harvest of Atlantic surfclams (surfclams) and ocean quahogs.

NOAA's National Marine Fisheries Service (NMFS) on December 8, 2010, withdrew the proposed rule that was published on June 30, 2010, to solicit public comments on a re-opening a portion of the Georges Bank Closed Area, known as Cultivator Shoal. NMFS published this rule in response to a request from the U.S. Food and Drug Administration (FDA). Significant comments were received from experts in Paralytic Shellfish Poisoning (PSP) who cautioned against re-opening the area without a rigorous testing protocol to ensure the clams harvested from the GB are safe for human consumption. Comments were also received from industry members who supported the use of the FDA-approved Protocol for Onboard Screening and Dockside Testing in Molluscan Shellfish (Protocol). NMFS agrees that a testing protocol is needed to ensure that clams harvested from the GB area are safe; however, the agency does not have the authority to implement a monitoring program under the existing regulations for the surfclam and ocean quahog fishery.

Therefore, based on the comments received, and given the significant risk to the public health associated with re-opening the area without a testing protocol, NMFS has withdrawn the proposed rule and the GB Closed Area will remain closed.

The GB Closed Area is located east of 69°00' W. Longitude, and south of 42°20' N. Latitude and remains closed to the harvest of surfclams and ocean quahogs. *See chart of the closure area on the reverse side.*

A copy of the withdrawal of this rule is available at NMFS's Northeast Regional Office Web Site: <http://www.nero.noaa.gov>. If you have any questions on the withdrawal of this action, please call Anna Macan at (978) 281-9165.

Sincerely,

Patricia A. Kurkul
Regional Administrator



This small entity compliance guide complies with section 212 of the Small Business Regulatory Fairness Act of 1996.

Federal Waters Closed Due to the Presence of the Toxin that Causes Paralytic Shellfish Poisoning

