



UNITED STATES DEPARTMENT OF COMMERCE  
National Oceanic and Atmospheric Administration

NATIONAL MARINE FISHERIES SERVICE  
NORTHEAST REGION

One Blackburn Drive  
Gloucester, MA 01930

SEP - 7 2005

--SMALL ENTITY COMPLIANCE GUIDE--

Dear Federal Permit Holder or Dealer:

On June 14, 2005, in response to a public health emergency, the National Marine Fisheries Service (NOAA Fisheries Service), at the request of the U.S. Food and Drug Administration (FDA), temporarily closed a portion of the U.S. Exclusive Economic Zone (EEZ) off the coasts of New Hampshire and Massachusetts to the harvest of all bivalve molluscan shellfish except Atlantic sea scallops meats (adductor muscles only) harvested and shucked at sea. This closure was based on the presence of high levels of the toxin that causes paralytic shellfish poisoning (PSP) in the waters of the closure area.

Based on testing that indicates that toxin levels have decreased in a portion of the closure area, the FDA has determined that harvesting of some bivalve molluscan shellfish from a portion of the closure area is now safe for human consumption and may be resumed. Therefore, on September 9, 2005, NOAA Fisheries Service will reopen the southern portion of the area closed on June 14, 2005. A chart showing the affected area is attached.

While the northern portion of the area remains closed to the harvesting of Atlantic surfclams, ocean quahogs, and mussels, the entire area remains closed to the harvesting of whole and/or roe-on Atlantic sea scallops. Unless further notice is provided, the entire temporary closure will expire on October 1, 2005. Expiration of this temporary closure has no effect on prior area closures, access programs, or fishing restrictions, which remain in force.

A copy of the final emergency rule will be made available through the NOAA Fisheries Service's Northeast Regional Office Web Site: <http://www.nero.noaa.gov>. If you have any questions on this emergency action please call Martin Jaffe at (978) 281-9272. NOAA Fisheries Service is also soliciting public comments on this action through October 11, 2005.

Sincerely,

Patricia A. Kurkul  
Regional Administrator

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



## **Coordinates of Closure Area**

Original Temporary PSP Closure (remains in effect for whole and roe-on Atlantic sea scallops)

- (1) 43°00' N. lat., 71°00' W. long.;
- (2) 43°00' N. lat., 69°00' W. long.;
- (3) 40°00' N. lat., 69°00' W. long.;
- (4) 40°00' N. lat., 71°00' W. long., and
- (5) then ending at the first point.

Portion to Re-open on Sept. 9, 2005 (for harvesting of Atlantic surf clams and ocean quahogs)

- (1) 43°00' N. lat., 71°00' W. long.;
- (2) 43°00' N. lat., 69°00' W. long.;
- (3) 41°39' N. lat., 69°00' W. long.;
- (4) 41°39' N. lat., 71°00' W. long., and
- (5) then ending at the first point.

# Area to Re-Open to Ocean Quahog and Surfclam Harvest (EEZ Portions Only), Due to the Test Results of the Toxin that Causes Paralytic Shellfish Poisoning

