



UNITED STATES DEPARTMENT OF COMMERCE  
National Oceanic and Atmospheric Administration  
NATIONAL MARINE FISHERIES SERVICE  
NORTHEAST REGION  
One Blackburn Drive  
Gloucester, MA 01930-2298

September 29, 2005

**--SMALL ENTITY COMPLIANCE GUIDE--**

Dear Federal Permit Holder or Dealer:

On June 14, 2005, in response to the presence of high levels of the toxin that causes paralytic shellfish poisoning (PSP), the National Marine Fisheries Service (NOAA Fisheries Service), at the request of the U.S. Food and Drug Administration (FDA), temporarily closed all Federal waters of the Exclusive Economic Zone of the northeastern United States to bivalve molluscan shellfish fishing, with the exception of sea scallop adductor muscles harvested and shucked at sea, in the area bound by the following coordinates in the order stated: (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 then ending at the first point.

On September 9, 2005, as a result of tests conducted by the FDA in cooperation with NOAA Fisheries Service and the fishing industry, and at the FDA's request, NOAA Fisheries Service reopened those waters south of 41°39' N. lat., west of 69°00' W. long., north of 40°00' N. lat., and east of 71°00' W. long. Because scallop viscera and roe are capable of retaining PSP toxins longer than other species of molluscan shellfish, scallop harvesting was only permitted in the reopened area for the purpose of shucking of the adductor muscle. Unless further notice was provided, the entire temporary closure would have expired on October 1, 2005.

At this time, however, the FDA has requested a continuance of the emergency action because it has insufficient analytical data to support a reopening of the entire area to all bivalve molluscan shellfish fishing. **This action extends the current closure, as modified on September 9, 2005, through December 31, 2005.** See chart of the closure area on reverse side. Subsequently, if warranted, the emergency regulations may be terminated at an earlier date by publication in the Federal Register of a notice of termination.

A copy of the final emergency rule is available at NOAA Fisheries Service's Northeast Regional Office Web Site: <http://www.nero.noaa.gov>. If you have any questions on this continuation of the emergency action please call Martin Jaffe at (978) 281-9272.

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 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 re-opened on Sept. 9, 2005 (for harvesting of Atlantic surf clams and ocean quahogs)**

- (1) 41°39' N. lat., 69°00' W. long.;
- (2) 41°39' N. lat., 71°00' W. long.;
- (3) 40°00' N. lat., 71°00' W. long.;
- (4) 40°00' N. lat., 69°00' W. long., and
- (5) then ending at the first point.

