



OCT 21 2010

Mr. Eric Schwaab
Assistant Administrator
National Marine Fisheries Service
National Oceanic and Atmospheric Administration
U.S. Department of Commerce
1315 East West Highway
Building 3/Room 14636
Silver Spring, Maryland 20910-3281

Dear Mr. Schwaab:

I am writing today to inform you that based on a review of the data described below, the Food and Drug Administration (FDA) has concluded that the conditions for reopening specified in our agreed upon reopening protocol have been met for finfish in the area designated in the October 1, 2010, National Oceanic and Atmospheric Administration (NOAA) proposal (southern boundary of the current offshore closure, areas B12, C28-29, C32, and C35-37) and that such seafood should pose no food safety risk associated with contamination from the Deepwater Horizon explosion, fire, and oil spill.

FDA recommends that, prior to issuing any reopening order, NOAA verify that conditions in the area have not changed such that they would present a public health concern. FDA also advises that NOAA continue to be vigilant for re-oiling, and that should re-oiling occur, appropriate steps, including reclosure if necessary, be taken to ensure the continued safety of seafood from the area.

Sensory evaluation of 155 finfish samples for odors indicative of contamination was completed by October 6, 2010. No samples demonstrated odors indicative of oil or dispersant contamination. The results are included in the enclosed table.

After sensory evaluation, the samples were forwarded to a chemistry laboratory for polycyclic aromatic hydrocarbons (PAHs) analysis. Compositing of like species from like sample locations resulted in 22 separate samples for PAH analysis. All samples were analyzed using the standard NOAA PAH method. The chemical analyses were completed October 15, 2010. PAH levels in all samples are significantly below the levels of concern established in the reopening protocol, which was agreed upon by NOAA and FDA. The results are included in the enclosed table.

I would like to express FDA's appreciation for the ongoing work by NOAA to ensure the safety of Gulf Coast seafood, and note that FDA remains committed to continuing support for these collaborative efforts.

Sincerely,

A handwritten signature in black ink, appearing to read "DKraemer", written in a cursive style.

Donald W. Kraemer
Acting Deputy Director for Operations
Center for Food Safety
and Applied Nutrition

Enclosures