



NOV 12 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 18, 2010, National Oceanic and Atmospheric Administration (NOAA) proposal (Gulf of Mexico Federal waters, south of the wellhead – areas C16, C20, and C25) 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 104 finfish samples for odors indicative of contamination was completed by November 1, 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 and Dioctyl Sodium Sulfosuccinate (DOSS) testing. Compositing of like species from like sample locations resulted in 14 separate samples for PAH analysis and 14 separate samples for DOSS. All samples were analyzed using the standard NOAA PAH method and the new DOSS test method. The chemical analyses were completed by November 4, 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 and DOSS levels are significantly below the FDA Levels of Concern created for DOSS. 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 "D. W. Kraemer". The signature is written in a cursive style with a large initial "D" and "K".

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

Enclosures