Section IV, Column 9. Cancelled Tests ~ This column requires a count of the number of tests in each testing category that the BAT or STT reported as cancelled. Do not count any cancelled tests in Column 1 or in any other column other than Column 9. For instance, you must not count a 0.04 screening result or confirmation result in any column, other than Column 9, if the test was ultimately cancelled for some reason (e.g., a required air blank was not performed).

[Example: If a pre-employment test was reported cancelled, “1” would be entered in Column 9 on the Pre-Employment row. If three of the company’s random test results were reported cancelled, “3” would be entered in Column 13 on the Random row.]

TOTAL Line. Columns 1 through 9 ~ This line requires you to add the numbers in each column and provide the totals.
HLA fishery in area 543. Finally, NMFS is opening directed fishing for Atka mackerel in the area 542 HLA for the vessel participating in the trawl limited access fishery.

In accordance with § 679.20(a)(8)(iii)(E), the Regional Administrator has established the closure dates of the Atka mackerel directed fishery in the HLA for areas 542 and 543 based on the amount of the harvest limit and the estimated fishing capacity of the vessels assigned to the fishery. Consequently, NMFS is prohibiting directed fishing for Atka mackerel in the HLA in areas 542 and 543 in accordance with the dates and times listed in Table 1 of this notice.

### Table 1. Effective Dates and Times

<table>
<thead>
<tr>
<th>Action</th>
<th>Area</th>
<th>Effective Time¹ and Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Opening the directed fishery in the HLA for the Amendment 80 cooperative vessels authorized to participate in the first HLA fishery in area 542 and second HLA fishery in area 543</td>
<td>542</td>
<td>1200 hrs, February 22, 2010</td>
</tr>
<tr>
<td></td>
<td>543</td>
<td>1200 hrs, March 18, 2010</td>
</tr>
<tr>
<td>Opening the directed fishery in the HLA for the Amendment 80 limited access vessels authorized to participate in the first HLA fishery in area 543</td>
<td>543</td>
<td>1200 hrs, February 21, 2010</td>
</tr>
<tr>
<td>Opening the directed fishery in the HLA for the vessel participating in the BSAI trawl limited access sector</td>
<td>542</td>
<td>1200 hrs, March 18, 2010</td>
</tr>
</tbody>
</table>

¹Alaska local time

After the effective dates of these closures, the maximum retainable amounts at § 679.20(e) and (f) apply at any time during a trip.

### Classification

This action responds to the best available information recently obtained from the fishery. The Assistant Administrator for Fisheries, NOAA, (AA) finds good cause to waive the requirement to provide prior notice and opportunity for public comment pursuant to the authority set forth at 5 U.S.C. 553(b)(B) as such a requirement is impracticable and contrary to the public interest. This requirement is impracticable and contrary to the public interest as it would prevent NMFS from responding to the most recent fisheries data in a timely fashion and would delay the opening and closing of the fishery for the HLA limit established for areas 542 and 543 pursuant to the 2010 Atka mackerel TAC. NMFS was unable to publish a notice providing time for public comment because the most recent, relevant data only became available as of February 19, 2010. The AA also finds good cause to waive the 30-day delay in the effective date of this action under 5 U.S.C. 553(d)(3). Under § 679.25(c)(2), interested persons are invited to submit written comments on this action to the above address until March 9, 2010.

This action is required by § 679.20 and § 679.25 and is exempt from review under Executive Order 12866.

Authority: 16 U.S.C. 1801 et seq.


James P. Burgess,
Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

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