

incorporated into the assessment itself, those results were factored into the quota recommendation made by the Council and ASMFC. However, despite some localized improvements, the stock as a whole continues to decline. Therefore, NMFS does not agree that the commercial quota should be increased in 1995 above the level specified herein. Furthermore, NMFS believes that continued stock decline will result in more serious and comprehensive adverse economic consequences than the reduction in the quota from 1994 levels to 1995 levels.

Comment: One industry group reminds NMFS that the recent court decision holds that the requirement to use the best scientific information available is best met by utilizing the stock projection based on the mean estimate of recruitment and the number of age-1 fish.

Response: NMFS interprets this comment to mean that the proposed quota level is appropriate because it is based on the stock projection that assumed mean recruitment and number of age-1 fish.

Comment: Several commenters express support for a change from the current minimum mesh size of 5.5-inch (14 cm) diamond, 6-inch (15.2 cm) square. They support a minimum mesh size of 5-inch (12.7 cm) diamond or 5.5-inch (14.0 cm) square mesh, because they believe that 50 percent of 13-inch (33-cm) fish escape from nets under the current requirement.

Response: NMFS data show that more than 50 percent of the 13-inch (33-cm) fish will escape. However, it is the intent of the Council that both the commercial and recreational fisheries should target fish greater than or equal to 14 inches (35.5 cm) in length. This is the required, minimum size in the recreational fishery. The Council established a minimum size of 13 inches (33 cm) in the commercial fishery to allow fish of that size to be kept in order to minimize the discard mortality in the fishery. The minimum-mesh size

selected is intended to result in a catch primarily composed of fish of 14 inches (35.5 cm) or more in size.

Classification

This action is authorized by 50 CFR part 625.

These final specifications are exempt from review under E.O. 12866.

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

Dated: February 10, 1995.

Gary Matlock,

Program Management Officer, National Marine Fisheries Service.

[FR Doc. 95-3815 Filed 2-10-95; 4:06 pm]

BILLING CODE 3510-22-P

50 CFR Part 675

[Docket No. 950206040-5040-01; I.D. 021095A]

Groundfish of the Bering Sea and Aleutian Islands Area; Atka Mackerel in the Eastern Aleutian District and Bering Sea; Prohibit Retention of Atka Mackerel

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Closure.

SUMMARY: NMFS is prohibiting the retention for Atka mackerel in the Eastern Aleutian District and the Bering Sea subarea of the Bering Sea and Aleutian Islands management area (BSAI). NMFS is requiring that catches of Atka mackerel in these areas be treated in the same manner as prohibited species and discarded at sea with a minimum of injury. This action is necessary because the Atka mackerel total allowable catch (TAC) in the Eastern Aleutian District and the Bering Sea subarea in the BSAI has been reached.

EFFECTIVE DATE: 12 noon, Alaska local time (A.l.t.), February 10, 1995, until 12 midnight, A.l.t., December 31, 1995.

FOR FURTHER INFORMATION CONTACT: Andrew N. Smoker, 907-586-7228.

SUPPLEMENTARY INFORMATION: The groundfish fishery in the BSAI exclusive economic zone is managed by NMFS according to the Fishery Management Plan for the Groundfish Fishery of the Bering Sea and Aleutian Islands Area (FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson Fishery Conservation and Management Act. Fishing by U.S. vessels is governed by regulations implementing the FMP at 50 CFR parts 620 and 675.

In accordance with § 675.20(a)(7)(ii), the TAC for Atka mackerel in the Eastern Aleutian District and the Bering Sea subarea was established by the final groundfish specifications published February 14, 1995, as 11,475 metric tons (mt).

The Director, Alaska Region, NMFS, has determined, in accordance with § 675.20(a)(9), that the Atka mackerel TAC in the Eastern Aleutian District and Bering Sea subarea has been reached. Therefore, NMFS is requiring that further catches of Atka mackerel in the Eastern Aleutian District and the Bering Sea subarea be treated as prohibited species in accordance with § 675.20(c)(3), and is prohibiting their retention effective from 12 noon, A.l.t., February 10, 1995, until 12 midnight, A.l.t., December 31, 1995.

Classification

This action is taken under § 675.20 and is exempt from review under E.O. 12866.

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

Dated: February 10, 1995.

Richard H. Schaefer,

Director, Office of Fisheries Conservation and Management, National Marine Fisheries Service.

[FR Doc. 95-3814 Filed 2-10-95; 4:06 pm]

BILLING CODE 3510-22-F