675.20(h) to accommodate distinctions between species groupings that are specific to the different management areas.

3. The separate directed fishing standard for vessels using pelagic trawl gear would be eliminated. Instead, one retainable percentage for each bycatch species/basis species combination would be specified. The existing directed fishing standard for pelagic trawl gear was intended to be effective after the directed fishery for pollock by vessels using bottom trawl gear was closed because a prohibited species bycatch allowance, specified for the pollock fishery, had been reached. The intent of the existing directed fishing standard was to encourage vessel operators using pelagic trawl gear to conduct midwater operations and avoid contact with the seabed and, therefore, avoid additional bycatch amounts of halibut and crab.

Since the directed fishing standard for pelagic trawl gear was implemented, several new regulatory measures have been implemented to monitor and enforce off-bottom trawl operations more effectively during the period when directed fishing for pollock with bottom trawl gear is closed. These measures include a revised definition of pelagic trawl gear (§§ 672.2 and 675.2, definitions of, ''Authorized fishing gear'') and a new performance standard for pelagic trawl gear based on the number of crab on board a vessel at any time (§§ 672.7(m) and 675.7(n)). These measures were implemented to control more effectively the type of fishing behavior that the directed fishing standard for pelagic trawl gear was intended to address. As a result of these recent measures, the current directed fishing standard for pelagic trawl gear arguably is redundant and unnecessarily complicates the issue of what constitutes directed fishing or the amount of a species that may be retained as bycatch. If information collected in the future indicates that additional performance standards are appropriate for pelagic trawl gear operations, it is likely that these standards would be developed and implemented separately from the proposed regulations governing the maximum amount of a species that may be retained as bycatch.

4. The proposed rule would eliminate closures of fisheries for species in the aggregate under § 675.21(c) and (d) when a prohibited species bycatch allowance is reached. Under current regulations, NMFS can close the fishery for an aggregate group of target species when a prohibited species bycatch allowance is attained. The default directed fishing standard of 20 percent for that aggregate group is then effective. This differs from the use of a directed fishing standard for a specific target species category to manage the harvest of species' TAC amounts.

Under the proposed rule, once a prohibited species bycatch allowance is reached, the fishery for each species in the grouping would be closed individually. A single species specific retainable percentage would then apply. This change is consistent with the objective of simplifying the standards for directing fishing.

For the following items 5 through 9, the proposed retainable percentages differ from the current directed fishing standards to represent a more accurate estimation of the observed bycatch rates and to simplify the regulations:

5. The retainable percentage for sablefish would be 15 percent with respect to each deep-water target species (deep-water flatfish, rex sole, flathead sole, Pacific ocean perch, shortraker/ rougheye, other rockfish, northern rockfish, pelagic rockfish, demersal shelf rockfish in the Southeast outside area, thornyhead, Greenland turbot, other rockfish, other red rockfish in the Bering Sea, sharpchin/northern-AI, and shortraker/ rougheye-AI), and 1 percent with respect to each other target species (pollock, Pacific cod, shallow-water flatfish, Atka mackerel and ''other species'').

The retainable percentage for sablefish of 15 percent with respect to deep-water species would be higher than the directed fishing standard currently established for the BSAI trawl fisheries and the GOA hook-and-line fisheries. Historically, trawl vessels have not taken their TAC for sablefish and the Council believes that the current directed fishing standard is unnecessarily conservative.

Currently, a vessel using hook-and-line gear in the GOA is considered to be engaged in directed fishing for sablefish if 4 percent or more of the total amount of fish on board the vessel are sablefish. The sablefish fishery will be managed under an individual fishing quota (IFQ) system in 1995. Sablefish will most likely be taken as bycatch in the Pacific cod fishery outside of the IFQ open season; therefore, a retainable percentage of 1 percent with respect to Pacific cod, which is a shallow-water species, would be appropriate. These considerations, together with the overall intent to simplify the regulations, support the proposed retainable percentage of 15 and 1 percent.

6. The retainable percentage for Greenland turbot would be 35 percent with respect to rockfish retained on board the vessel. Similarly, the retainable percentage for Greenland turbot would be 35 percent with respect to sablefish retained on board the vessel. The retainable percentage for Greenland turbot would be 1 percent of each other target species on board the vessel.

The Council recommended that the retainable percentage for BSAI Greenland turbot be 35 percent of deep-water flatfish, flathead sole, and rex sole retained on board the vessel. The final groundfish harvest specifications for the BSAI published February 14, 1995 (60 FR 8479) established a separate TAC category for flathead sole. A technical amendment published concurrently with the BSAI specifications established the retainable percentage for flathead sole as 35 percent. However, the other two groups currently are aggregated under the ''other flatfish'' grouping to reflect the combined annual TAC specified for these species. To establish distinct retainable percentages for these other two species, the species must first be separated from the ''other flatfish'' grouping through the annual TAC specification process. Until this separation occurs, a distinct retainable percentage for these target species cannot be established.

7. The retainable percentage for aggregated rockfish would be 15 percent of deep-water target species (deep-water flatfish, rex sole, flathead sole, sablefish, rockfish, and Greenland turbot) and 5 percent of each other target species.

The assignment of 15 percent for deep-water species, such as rockfish and sablefish, against flathead sole differs from the current BSAI regulations. Currrent regulations allow deep-water species to be retained at 1 percent against ''other flatfish'', from which flathead sole was separated in 1995. This could indicate that deep-water species should be allowed at 1 percent against flathead sole since it was separated from the ''other flatfish'' category. However, to maintain consistency with the GOA and with the Council's intent to allow 15 percent against flathead sole, deep-water species such as rockfish and sablefish would be 15 percent against flathead sole for both the GOA and the BSAI.

8. The retainable percentage for a species taken as bycatch, other than those specifically established above, would be 20 percent of each basis species. The retainable percentage for groundfish species measured against nongroundfish basis species would also be the default of 20 percent.

9. Consistent with the Council intent to specify retainable percentages that are more representative of actual bycatch rates, the proposed rule would change