(i) Place the vessel engine in neutral gear so that the propeller is disengaged and the vessel is stopped, and release the sea turtle away from deployed gear; and

(ii) Observe that the turtle is safely away from the vessel before engaging the propeller and continuing operations.

(5) *Other sea turtle requirements.* No sea turtle, including a dead turtle, may be consumed or sold. A sea turtle may be landed, offloaded, transhipped or kept below deck only if NMFS requests the retention of a dead sea turtle for research.

4. In § 660.33, paragraphs (f) and (g) are revised to read as follows:

§ 660.33 Western Pacific longline fishing restrictions.

* * * * *

(f) Any owner or operator of a vessel registered for use under any longline permit issued under § 660.21 must use only offset circle hooks sized 18/0 or larger, with a 10° offset, when shallow-setting north of the Equator (0° lat.). As used in this paragraph, an offset circle hook sized 18/0 or larger is one with an outer diameter at its widest point is no smaller than 1.97 inches (50 mm) when measured with the eye of the hook on the vertical axis (y-axis) and perpendicular to the horizontal axis (x-axis). As used in this paragraph, a 10° offset is measured from the barbed end of the hook and is relative to the parallel plane of the eyed-end, or shank, of the hook when laid on its side.

(g) Any owner or operator of a vessel registered for use under any longline permit issued under § 660.21 must use only mackerel-type bait when shallow-setting north of the Equator (0° lat.). As used in this paragraph, mackerel-type bait means a whole fusiform fish with a predominantly blue, green or gray back and predominantly gray, silver or white lower sides and belly.

* * * * *

5. In § 660.34, paragraphs (a), (c) and (d) are revised to read as follows:

§ 660.34 Protected species workshops.

(a) Each year, both the owner and the operator of a vessel registered for use under any longline permit issued under § 660.21 must attend and be certified for completion of a workshop conducted by NMFS on interaction mitigation techniques for sea turtles, seabirds and other protected species.

* * * * *

(c) An owner of a vessel registered for use under any longline permit issued under § 660.21 must have a valid protected species workshop certificate issued by NMFS to the owner of the vessel, in order to maintain or renew their vessel registration.

(d) An owner and an operator of a vessel registered for use under any longline permit issued under § 660.21 must have on board the vessel a valid protected species workshop certificate issued by NMFS to the operator of the vessel, or a legible copy thereof.

* * * * *

[FR Doc. 05–16117 Filed 8–12–05; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 660

[Docket No. 050801212–5212–01; I.D. 072805A]

RIN 0648–AT52

Fisheries off West Coast States and in the Western Pacific; Western Pacific Pelagic Fisheries; Control Date for Non-Longline Commercial Pelagic Fisheries in EEZ around Hawaii

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

ACTION: Proposed rule; advance notice of proposed rulemaking; notification of control date.

SUMMARY: NMFS announces that persons who enter the non-longline commercial pelagic fisheries (e.g., troll, handline, pole and line, etc.) in the U.S. exclusive economic zone (EEZ) around the Hawaiian Islands after June 2, 2005 (''control date'') are not guaranteed future participation in the fishery if the Western Pacific Fishery Management Council (WPFMC) recommends, and NMFS approves, a program limiting entry or effort. This action does not commit the WPFMC or NMFS to limit entry, or prevent any other date from being selected for eligibility to participate in the non-longline commercial pelagic fisheries. The WPFMC or NMFS may also use other criteria to limit fishing effort or participation in a limited entry program that is developed in the future.

DATES: Comments must be submitted in writing by October 14, 2005.

ADDRESSES: You may submit comments on this document identified by I.D. 072805A by any of the following methods:

- E-mail: *AT52–HawaiiDate@noaa.gov*. Include I.D. 072805A in the subject line of the e-mail comment following document identifier: Hawaii non-longline control date. Comments sent via e-mail, including all attachments, must not exceed a 10 megabyte file size.
- Federal e-Rulemaking portal: *www.regulations.gov*. Follow the instructions for submitting comments.
- Mail: William L. Robinson, Administrator, NMFS Pacific Islands Region (PIR), 1601 Kapiolani Blvd., Suite 1110, Honolulu, HI 96814.
- Fax: 808–973–2941

FOR FURTHER INFORMATION CONTACT: Robert Harman, NMFS PIR, at 808–944–2271.

SUPPLEMENTARY INFORMATION: On June 2, 2005, at its 127th meeting, the WPFMC recommended a ''control date'' of June 2, 2005, applicable to persons who are contemplating entering the non-longline commercial fisheries for pelagic species (i.e., troll, handline, pole and line, other) in the U.S. exclusive economic zone (EEZ) around Hawaii. The WPFMC requested that this control date be published in the **Federal Register** to notify fishermen that if they enter these fisheries after June 2, 2005, they may not be assured of future access if the WPFMC and/or NMFS decide to limit entry or impose other measures to manage these fisheries.

Establishment of a control date responds to NMFS' notice to the WPFMC, dated December 30, 2004 (69 FR 78397), that overfishing is occurring Pacific-wide on bigeye tuna, and that management action must be taken by the WPFMC to end this overfishing. The WPFMC tentatively has determined that a limited access program in the U.S. EEZ around Hawaii might be one of the viable mechanisms to reduce fishing mortality in Pacific bigeye tuna, as a step toward ending overfishing in the pelagic fisheries.

The State of Hawaii maintains a registry of commercial pelagic fishermen, as required by state regulations. In 2003, some 2,037 people were registered as commercial pelagic fishermen. Of these, 1,681 (83 percent) were non-longline fishermen. Most of these non-longline pelagic fishermen were active in the EEZ and, thus, represent an estimate of fishermen who could be affected by this control date. Based on the state's 2003 commercial fishing data reported by fishermen, the total catch of pelagic species in Hawaii was 22.6 million lb (10,251 mt), of which 5.2 million lb (2,359 mt)(23 percent) was made by non-longline small-boat pelagic methods. The entire pelagic fishery landed fish with an ex-vessel value of $47.9 million, of which

about $9.3 million (19.4 percent) were from non-longline methods.

Control dates are intended to discourage speculative entry into fisheries, as new entrants entering the fishery after the control date are forewarned that they are not guaranteed future participation in the fishery.

Establishment of this control date does not commit the WPFMC or NMFS to any particular management regime or criteria for entry into the non-longline commercial pelagic fisheries. Fishermen are not guaranteed future participation in this fishery, regardless of their level of participation before or after the control date. The WPFMC may recommend a different control date or it may choose a management regime that does not involve a control date. Other criteria, such as documentation of commercial landings and sales, may be used to determine eligibility for participation in a limited access fishery. The WPFMC and/or NMFS also may choose to take no further action to control entry or access to the fishery, in which case the control date may be rescinded.

Classification

This advance notice of proposed rulemaking has been determined to be not significant for the purposes of Executive Order 12866.

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

Dated: August 10, 2005.

James W. Balsiger,

Acting Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service.

[FR Doc. 05–16121 Filed 8–12–05; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 660

[Docket No. 050801213–5213–01; I.D. 072805B]

RIN 0648–AT53

Fisheries off West Coast States and in the Western Pacific; Western Pacific Pelagic Fisheries; Control Date for Domestic Purse Seine and Longline Pelagic Fisheries in U.S. EEZ of Western Pacific Region

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

ACTION: Proposed rule; advance notice of proposed rulemaking; notification of control date.

SUMMARY: NMFS announces that persons who enter the pelagic purse seine and longline fisheries in the U.S. exclusive economic zone (EEZ) of the western Pacific region after June 2, 2005 (''control date'') are not guaranteed future participation in the fishery if the Western Pacific Fishery Management Council (WPFMC) recommends, and NMFS approves, a program limiting entry or effort. This action does not commit the WPFMC or NMFS to limit entry, or prevent any other date from being selected for eligibility to participate in the pelagic purse seine or longline fisheries. The WPFMC or NMFS may also use other criteria to limit fishing effort or participation in a limited entry program that is developed in the future.

DATES: Comments must be submitted in writing by October 14, 2005.

ADDRESSES: You may submit comments on this notice identified by I.D. 072805B by any of the following methods:

- E-mail: AT53–PSLLDate@noaa.gov. Include I.D. 072805B in the subject line of the e-mail comment following document identifier: Purse seine and longline control date. Comments sent via e-mail, including all attachments, must not exceed a 10 megabyte file size.
- Federal e-Rulemaking portal: *www.regulations.gov*. Follow the instructions for submitting comments.
- Mail: William L. Robinson, Administrator, NMFS Pacific Islands Region (PIR), 1601 Kapiolani Blvd., Suite 1110, Honolulu, HI 96814.
- Fax: 808–973–2941

FOR FURTHER INFORMATION CONTACT: Robert Harman, NMFS PIR, at 808–944–2271.

SUPPLEMENTARY INFORMATION: On June 2, 2005, at its 127th meeting, the WPFMC recommended a ''control date'' of June 2, 2005, applicable to persons who are contemplating entering the pelagic purse seine (for tunas) and longline fisheries in the U.S. exclusive economic zone (EEZ) around islands of the western Pacific region. The WPFMC requested that this control date be published in the **Federal Register** to notify fishermen that if they enter these fisheries after June 2, 2005, they may not be assured of future access if the WPFMC and/or NMFS decide to limit entry or impose other measures to manage these fisheries.

Establishment of a control date responds to NMFS' notice to the WPFMC, dated December 30, 2004 (69 FR 78397), that overfishing is occurring Pacific-wide on bigeye tuna, and that management action must be taken by the WPFMC to end this overfishing. The WPFMC tentatively has determined that limited access programs for purse seine and longline fisheries in the U.S. EEZ of the western Pacific region might be one of the viable mechanisms to reduce fishing mortality in Pacific bigeye tuna, as a step toward ending overfishing in the pelagic fisheries.

Domestic longline and purse seine vessels operate in the U.S. EEZ, on the high seas, and in foreign EEZs under specific arrangements. Fishery access (in terms of both number of participants and geographical operations) is already limited in several of these fisheries. There is a limited access program in the Hawaii longline fishery, and a similar program will limit access to the American Samoa longline fishery on December 1, 2005. In Hawaii, the pelagic longline fishery is limited to 164 vessels, with about 120 active in recent years. In American Samoa, participation will likely be limited to 138 vessels. There are 65 additional general (open-access) longline permits in the region. Some 64 of these are located in American Samoa, and many of these are expected to qualify under the American Samoa limited entry program. One more general longline permit holder is located in the Commonwealth of the Northern Mariana Islands, but the vessel is inactive. Currently, there are no domestic longline vessels operating out of Guam. Domestic purse seine vessels have access to foreign EEZs under the arrangements of the South Pacific Tuna Treaty. The treaty limits U.S. participation to 40 vessels, plus an additional five for joint ventures. The number of active U.S. purse seine vessels has decreased gradually from 36 in 1999 to 17 in 2005. There has been limited activity in recent years within the U.S. EEZ by purse seiners, specifically around the Pacific Remote Island Areas.

Control dates are intended to discourage speculative entry into fisheries, as new entrants entering the fisheries after the control date are forewarned that they are not guaranteed future participation in the fisheries.

Establishment of this control date does not commit the WPFMC or NMFS to any particular management regime or criteria for entry into the pelagic purse seine or longline fisheries. Fishermen are not guaranteed future participation in the fisheries, regardless of their level of participation before or after the control date. The WPFMC may recommend a different control date or it may recommend a management regime that does not involve a control date.