

to use thawed, blue-dyed bait, to start and complete the setting process during the night (specifically to begin deployment of the gear no earlier than one hour after local sunset and to finish deployment no later than local sunrise), and to strategically discard fish offal (i.e., on the opposite side from where the longline is being set). Under the proposed rule, they would also be required to employ a bird scaring device, or tori line, in addition to the above measures.

Public comments received on the proposed rule questioned the need to deploy tori lines on shallow-setting vessels. Also, recent analyses of information collected by Federal observers (required on all Hawaii-based shallow-setting longline vessels) in the first half of 2005 found that seabird interaction rates during this time period were less than 10% of the historical average. This appears to result from the night-setting requirement established in 2004, and is consistent with earlier research results. The Council will, therefore, consider action to modify the proposed rule to remove the tori line requirement for these vessels.

Under the proposed rule, 60 g (2.1 oz) weights would be required within one meter of each hook when side-setting. Public comments received during the development of the amendment and on the proposed rule indicated that there were serious safety concerns about the required use of these relatively large weights, although such weights are currently used on some vessels. Commenters stated that fishery participants can be and have been seriously injured or killed when struck by longline weights ricocheting from snapped lines. Although the original trials which led to the development of the amendment employed 60 g weights, subsequent research found that the sink times of 40g and 60 g weights differ by only a tenth of a second, suggesting that the 45 g weights, which are most commonly employed in the Hawaii-based longline fishery, would not affect the efficacy of side-setting in minimizing seabird interactions. Therefore, the Council will also consider action to require weights of 45 g or heavier when side-setting, instead of the 60 g weights included in the proposed rule.

A public hearing will be held during the Council meeting to give the public opportunity to comment before the Council takes action on this agenda item.

## 2. Other Business.

Although non-emergency issues that are not contained in this agenda may

come before the Council for discussion, those issues may not be the subject of formal Council action during this meeting. Council action will be restricted to those issues specifically listed in this document and to any issue arising after publication of this document that requires emergency action under section 305(c) of the Magnuson-Stevens Act, provided that the public has been notified of the Council's intent to take final action to address the emergency.

### Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Kitty M. Simonds, telephone: (808) 522-8220, fax: (808) 522-8226, at least 5 working days prior to the meeting date.

Dated: October 6, 2005.

#### Emily Menashes,

*Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.*

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

[I.D. 092905C]

#### Marine Mammals; File No. 1078-1796

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

**ACTION:** Notice; issuance of permit.

**SUMMARY:** Notice is hereby given that The Georgia Aquarium, 2451 Cumberland Parkway, Suite 3639, Atlanta, GA 30339-6157 [Jeffery S. Swanagan, Responsible Party] has been issued a permit to import two beluga whales (*Delphinapterus leucas*) for public display.

**ADDRESSES:** The permit and related documents are available for review upon written request or by appointment in the following office(s):

Permits, Conservation and Education Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910; phone (301)713-2289; fax (301)427-2521; and

Southeast Region, NMFS, 263 13th Avenue South, Saint Petersburg, FL 33701; phone (727)824-5312; fax (727)824-5309.

#### FOR FURTHER INFORMATION CONTACT:

Jennifer Skidmore or Kate Swails, (301)713-2289.

**SUPPLEMENTARY INFORMATION:** On July 5, 2005, notice was published in the **Federal Register** (70 FR 38658) that a request for a public display permit to import two male, adult beluga whales from Grupo Empresarial Chapultepec, S.A. DE C.V., Mexico City, Mexico to the Georgia Aquarium in Atlanta, GA had been submitted by the above-named organization. The requested permit has been issued under the authority of the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1361 *et seq.*), the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR part 216).

In compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*), an environmental assessment was prepared analyzing the effects of the permitted activities. After a Finding of No Significant Impact, the determination was made that it was not necessary to prepare an environmental impact statement.

Dated: October 6, 2005.

#### Stephen L. Leathery,

*Chief, Permits, Conservation and Education Division, Office of Protected Resources, National Marine Fisheries Service.*

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## CONSUMER PRODUCT SAFETY COMMISSION

### Petition Requesting Amendment to Ban on Infant Pillows (Petition HP 05-1)

**AGENCY:** Consumer Product Safety Commission.

**ACTION:** Notice.

**SUMMARY:** The United States Consumer Product Safety Commission (Commission or CPSC) has received a petition (HP 05-1) requesting that the Commission amend the ban on infant pillows to permit the use of such pillows if they are designed, intended and promoted for nursing, and when such pillows are requested by a pediatrician or board certified lactation consultant. The Commission solicits written comments concerning the petition.

**DATES:** The Office of the Secretary must receive comments on the petition by December 12, 2005.

**ADDRESSES:** Comments on the petition may be filed by e-mail to [cpsc-os@cpsc.gov](mailto:cpsc-os@cpsc.gov). Comments may also be filed by facsimile to (301) 504-0127 or by mail, preferably in five copies, to the Office of the Secretary, Consumer Product Safety Commission,