

2. A negotiated repayment schedule is established and at least one payment is received, or

3. Other arrangements satisfactory to DoC are made.

#### **Name Check Review**

All non-profit and for-profit applicants are subject to a name check review process. Name checks are intended to reveal if any key individuals associated with the applicant have been convicted of or are presently facing criminal charges such as fraud, theft, perjury, or other matters which significantly reflect on the applicant's management honesty or financial integrity.

#### **Primary Applicant Certifications**

All primary applicants must submit a completed Form CD-511, "Certifications Regarding Debarment, Suspension and Other Responsibility Matters; Drug-Free Workplace Requirements and Lobbying," and the following explanations are hereby provided:

1. Nonprocurement Debarment and Suspension: Prospective participants (as defined at 15 CFR Part 26, Section 105) are subject to 15 CFR Part 26, "Nonprocurement Debarment and Suspension" and the related section of the certification form prescribed above applies;

2. Drug-Free Workplace: Grantees (as defined at 15 CFR Part 26, Section 605) are subject to 15 CFR Part 26, Subpart F, "Governmentwide Requirements for Drug-Free Workplace (Grants)" and the related section of the certification form prescribed above applies;

3. Anti-Lobbying: Persons (as defined at 15 CFR Part 28, Section 105) are subject to the lobbying provisions of 31 U.S.C. 1352, "Limitation on use of appropriated funds to influence certain Federal contracting and financial transactions," and the lobbying section of the certification form prescribed above applies to applicants/bids for cooperative agreements for more than \$100,000; and

4. Anti-Lobbying Disclosures: Any applicant who has paid or will pay for lobbying using any funds must submit in SF-LLL, "Disclosure of Lobbying Activities," as required under 15 CFR Part 28, Appendix B.

#### **False Statements**

A false statement on an application is grounds for denial or termination of funds and grounds for possible punishment by a fine of imprisonment as provided in 18 U.S.C. 1001.

#### **Intergovernmental Review**

Applications under this program are not subject to Executive Order 12372, "Intergovernmental Review of Federal Programs."

#### **Purchase of American-Made Equipment and Products**

Applicants are hereby notified that they are encouraged, to the greatest practicable extent, to purchase American-made equipment and products with funding provided under this program.

#### **Executive Order 12866**

This funding notice was determined to be "not significant" for purposes of Executive Order 12866.

#### **Paperwork Reduction Act**

This Notice involves collections of information subject to the Paperwork Reduction Act (PRA), which have been approved by the Office of Management and Budget (OMB) under OMB Control Numbers 0348-0043, 0348-0044, 0348-0040, and 0348-0046. Notwithstanding, any other provision of law no person is required to respond to nor shall a person be subject to a penalty for failure to comply with a collection of information subject to the requirements of the PRA unless that collection displays a current valid OMB control number.

Dated: May 3, 1999.

**Karen H. Brown,**  
*Deputy Director.*

[FR Doc. 99-11568 Filed 5-6-99; 8:45 am]

BILLING CODE 3510-13-M

#### **DEPARTMENT OF COMMERCE**

##### **National Oceanic and Atmospheric Administration**

[Docket No. 990430116-9116-01; I.D. 042099A]

##### **Taking of Marine Mammals Incidental to Commercial Fishing Operations; Tuna Purse Seine Vessels in the Eastern Tropical Pacific Ocean (ETP); Initial Finding**

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

**ACTION:** Finding.

**SUMMARY:** On April 29, 1999, the National Marine Fisheries Service (NMFS) made the initial finding required by the International Dolphin Conservation Program Act (IDCPA). NMFS found that there is insufficient evidence that chase and encirclement by

the tuna purse seine fishery "is having a significant adverse impact" on depleted dolphin stocks in the ETP. Based on this initial finding, and effective on the effective date of the final regulations to implement the IDCPA, tuna products containing tuna harvested in the ETP by purse seine vessels with carrying capacity greater than 400 short tons may be labeled "dolphin-safe" only if no dolphins were killed or seriously injured during the set in which the tuna were caught.

**DATES:** The initial finding will become effective on the effective date of the final regulations to implement the IDCPA which will be published in the **Federal Register**.

**ADDRESSES:** The Report to Congress and supporting documentation may be found on the internet at [http://swfsc.ucsd.edu/mm\\_res.html](http://swfsc.ucsd.edu/mm_res.html) or [http://www.nmfs.gov/prot\\_res/main/new.html](http://www.nmfs.gov/prot_res/main/new.html). Copies may also be obtained from the Marine Mammal Division, Southwest Fisheries Science Center, 8604 La Jolla Shores Drive, P.O. Box 271, La Jolla, California 92038-0271.

**FOR FURTHER INFORMATION CONTACT:** J. Allison Routt, NMFS, Southwest Region, Protected Resources Division, (562-980-4020).

#### **SUPPLEMENTARY INFORMATION:**

##### **Background**

One of the primary fishing methods used to harvest tuna in the ETP is dolphin encirclement. Under this method, fishermen set their nets around groups of dolphins because schools of tuna swim below them. Over the years, fishermen have developed techniques to reduce the number of dolphins killed annually by encirclement from over 350,000 animals in the early 1970s to approximately 2,000 in 1998. However, the practice remains controversial and, in 1989, U.S. tuna cannery agreed to use only tuna that had been caught by methods other than encirclement and began to use dolphin-safe labels on their cans. In 1990, the term "dolphin safe" was defined statutorily to mean no intentional dolphin encirclement per trip. Amendments to the statute in 1992 prohibited the sale of non-dolphin safe tuna in the United States after June 1, 1994.

As a result of the U.S. statutes, in 1995 several Latin American countries agreed in the Panama Declaration to limit dolphin mortalities associated with tuna fishing in the ETP to no more than 5,000 dolphins per year, with additional limits on individual stocks. The Panama Declaration was signed by the nations participating in the voluntary international dolphin

conservation program in the ETP, including the United States. In exchange, the United States agreed to modify its standards for the "dolphin safe" label. In order to implement the Panama Declaration, Congress enacted the IDCPA. However, Congress was reluctant to permit the labeling standard to change immediately, without additional research on fishery impacts on depleted dolphin stocks.

#### Statutory Requirements

Section 304(a) of the Marine Mammal Protection Act (MMPA), as revised by the IDCPA, requires the NMFS, in consultation with the Marine Mammal Commission and the Inter-American Tropical Tuna Commission (IATTC), to "conduct a study of the effect of intentional encirclement (including chase) on dolphins and dolphin stocks incidentally taken in the course of purse seine fishing for yellowfin tuna in the ETP." The law requires the study to consist of abundance surveys and stress studies to address the question of whether encirclement is having a significant adverse impact on depleted dolphin stocks.

Under the IDCPA, the dolphin-safe labeling standard could change depending upon the results of this study. The IDCPA states that the Secretary of Commerce shall make a finding in March 1999, based on the initial results of the study regarding whether the intentional deployment on or encirclement of dolphins with purse seine nets "is having a significant adverse impact" on any depleted dolphin stock in the ETP. The authority to make this determination has been delegated to NMFS. Unless there is an initial finding that the best scientific information available in March 1999 supports a scientific conclusion that the fishery is causing a "significant adverse impact," the new dolphin-safe labeling standard in paragraph (h)(1) of the Dolphin Protection Consumer Information Act (DPCIA) (i.e., that no dolphins were killed or seriously injured during the sets in which the tuna were caught) automatically replaces the prior labeling standard, which permitted no intentional encirclement of dolphins during the trip in which the tuna was caught. Similarly, NMFS has been delegated the Secretary's authority to make a final finding by December 31, 2002, after additional research is conducted.

#### Scientific Results

The initial results from the NMFS study are presented in a Report to Congress. This report also describes the research program's development of a

decision analysis framework to quantitatively evaluate the various types of information gathered in the study in order to make the "significant adverse impact" determination required by the IDCPA.

The study looked at three dolphin stocks: the northeastern offshore spotted dolphin, the eastern spinner dolphin, and the coastal spotted dolphin stocks. The first two stocks are listed as depleted under the Marine Mammal Protection Act (MMPA). The status of the coastal spotted dolphin is uncertain but since it might also be considered depleted, the research survey was designed to produce an estimate of abundance for this stock as well.

When the eastern spinner dolphin stock was listed as depleted under the MMPA in 1993, the population was estimated to be approximately 44 percent of its pre-exploitation population size. The northeastern offshore spotted dolphin in 1993 was estimated to be between 19 and 28 percent of its pre-exploitation population.

According to new abundance estimates from data collected during the 1998 research abundance survey and other available data noted above, the number of the northeastern offshore spotted dolphin is now estimated to be 1,011,104 animals, and the estimated number of eastern spinner dolphins is now 1,157,746 animals. These numbers are large; however, the population assessment model and analysis indicate that these populations are apparently not increasing at the expected rate despite the low level of reported mortalities from the ETP purse seine fishery since 1991 and the reproductive potential for these populations.

With respect to the coastal spotted dolphin, the 1998 population number is estimated to be 108,289 animals. However, much of the essential information is lacking for coastal spotted dolphins, especially from the early years of the fishery when the impact on the stocks would have likely been the greatest. The Report to Congress concludes that a direct comparison to a 1988 estimate of 29,800 coastal spotted dolphins is of questionable value since the difference is too large in size to "solely be attributable to population growth."

The Report endeavors to address the issue of slow recovery of the populations but admits that attributing causality is even more difficult than interpreting abundance and trend data. The report attempted to address two sources identified as possible causes for slow recovery: changing environmental

conditions and indirect or unobserved effects of tuna fishing.

With regard to changing ocean conditions, the environmental data examined to date shows no evidence of a recent ocean environmental shift or other long-term change that might affect population growth rates for depleted ETP dolphin stocks. Therefore, NMFS looked closely at whether fishing might be the cause. NMFS conducted a literature review that led to the conclusion that stress caused by encirclement could not be dismissed as a possible source of the observed failure to recover at expected rates. Although the stress literature review concluded that fishery-related stresses could possibly affect mortality or reproduction in dolphin stocks, it could not attribute population level impacts of stress as a cause of the failure of the northeastern offshore spotted dolphin and eastern spinner dolphin stocks in the ETP to recover as expected. In addition, separation of dolphin cows and calves and underreported direct kills are two other possible causes of the failure to recover. Moreover, these potential causes are not mutually exclusive.

Although NMFS considered the best available scientific data in the Report, there are several sources of uncertainty regarding these data. For example, the Report to Congress's conclusion that two of the depleted dolphin stocks have failed to recover as expected could be affected substantially because the Tuna Vessel Observer Data (TVOD) may be biased because of inconsistencies in data collection. For the final report and finding, NMFS will pursue a careful evaluation of the data focusing on the recently identified concerns and will conduct a peer-reviewed analysis of these various data sources. In addition it is possible that, since observed mortality has been substantially reduced only in the last ten years, insufficient time has passed to allow detection of recovery because of lags resulting from the time between birth and sexual maturity.

More scientific research is necessary to better evaluate the effect of the tuna purse seine fishery on depleted dolphin stocks in the ETP. As mandated by the IDCPA, NMFS, in cooperation with other IDCP member countries, will continue to collect data for estimating population abundance of dolphin stocks in the ETP in order to determine whether there are significant adverse impacts to depleted dolphin stocks for the final finding. A final finding will be made between July 1, 2001, and December 31, 2002.

**Rationale for Finding**

The initial finding relies on two determinations: that there is a significant adverse impact on the depleted stocks; and that the significant impact is due to the practices of the purse seine fishery. For the reasons briefly outlined below, NMFS has determined that there is insufficient evidence to conclude that intentional deployment on or encirclement of dolphins with purse seine nets is having a significant adverse impact on any depleted dolphin stock in the ETP. Because of this initial finding, the "dolphin safe" labeling standard specified in paragraph (h)(1) of the DPCIA will change on the effective date of the final regulations to implement the IDCPA.

While the rate of recovery of the dolphin stocks may be lower than expected, there is insufficient information to conclude that there has been a significant adverse impact on the depleted stocks. Additionally, observed dolphin mortality is extremely low. The numbers of dolphins currently killed by the purse seine fishery is in the low thousands, as opposed to the hundreds of thousands in the early 1970s. Furthermore, the total annual mortality of all dolphins in the ETP due to the purse seine fishery is capped at 5,000 by a binding international agreement. The dramatic reduction in dolphin mortality over the past 12 years can be attributed to continued cooperation in the International Dolphin Conservation Program through the auspices of the IATTC. The current low level of observed dolphin mortalities in the ETP tuna purse seine fishery creates an expectation that the fishery will not prevent the depleted populations from recovering.

Finally, there is no solid evidence in any of the scientific studies to date that links the apparent failure of dolphin stocks to recover at the rate expected based on historical data to the current tuna purse seine fishery practices. The Report to Congress does not provide evidence that the ETP tuna purse seine fishery is the cause of the apparent failure of the northeastern offshore spotted dolphin and eastern spinner dolphin stocks to recover as expected; nor does it dismiss the fishery as a possible cause. Due to the large disparity in population abundance estimates of coastal spotted dolphins in the late 1980s versus 1998, it is difficult to evaluate whether the coastal spotted dolphin population in the ETP has been affected by the ETP tuna purse seine fishery. As mandated under the IDCPA, NMFS will continue to conduct IDCPA

research on population abundance and stress of dolphins affected by the ETP tuna purse seine fishery. The final finding will be made between July 1, 2001, and December 31, 2002.

**Authority:** Section 5(c) of Pub. L. 105-42; 16 U.S.C. section 1385

Dated: April 30, 1999.

**Penelope D. Dalton,**

*Assistant Administrator for Fisheries,  
National Marine Fisheries Service.*

[FR Doc. 99-11398 Filed 5-6-99; 8:45 am]

BILLING CODE 3510-22-F

**DEPARTMENT OF COMMERCE****National Oceanic and Atmospheric Administration**

[I.D. 042099B]

**Marine Mammals; File No. 545-1488**

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

**ACTION:** Issuance of permit.

**SUMMARY:** Notice is hereby given that the North Gulf Oceanic Society, SPWS Building, 3776 Lake Avenue, Suite 204, P.O. Box 15244, Homer, Alaska 99603 has been issued a permit to take killer whales (*Orcinus orca*) for purposes of scientific research.

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

Permits and Documentation Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910 (301/713-2289); and

Regional Administrator, Alaska Region, P.O. Box 21668, Juneau, AK 99802-1668 (907/586-7221).

**FOR FURTHER INFORMATION CONTACT:** Sara Shapiro or Ruth Johnson, 301/713-2289.

**SUPPLEMENTARY INFORMATION:** On March 16, 1999, notice was published in the **Federal Register** (64 FR 13004) that a request for a scientific research permit to take killer whales 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.*), and the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR part 216).

Dated: April 30, 1999.

**Ann D. Terbush,**

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

[FR Doc. 99-11535 Filed 5-6-99; 8:45 am]

BILLING CODE 3510-22-F

**DEPARTMENT OF DEFENSE****Office of the Secretary****Submission for OMB Review;  
Comment Request**

**ACTION:** Notice.

The Department of Defense has submitted to OMB for clearance, the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

**Title and OMB Number:** Continued Health Care Benefit Program; OMB Number 0704-0364.

**Type of Request:** Reinstatement.

**Number of Respondents:** 600.

**Responses Per Respondent:** 1.

**Annual Response:** 600.

**Average Burden Per Response:** 15 minutes.

**Annual Burden Hours:** 150.

**Needs and Uses:** The information collection requirement is necessary for individuals to apply for enrollment in the Continued Health Care Benefit Program (CHCBP). The CHCBP is a program of temporary health benefit coverage comparable to the health benefits provided for former civilian employees of the Federal Government. Respondents are beneficiaries who lose their Military Health System entitlement who desire to enroll in the Continued Health Care Benefits Program. These beneficiaries include former active duty members and their families, unmarried former spouses, emancipated children, and children placed for adoption or legal custody. Interested beneficiaries are required to provide a written election to obtain this continued coverage.

**Affected Public:** Individuals or households.

**Frequency:** On occasion.

**Respondent's Obligation:** Required to obtain or retain benefits.

**OMB Desk Officer:** Ms. Allison Eydt.

Written comments and recommendations on the proposed information collection should be sent to Ms. Eydt at the Office of Management and Budget, Desk Officer for DoD (Health Affairs), Room 10235, New Executive Office Building, Washington, DC 20503.

**DOD Clearance Officer:** Mr. Robert Cushing.

Written requests for copies of the information collection proposal should be sent to Mr. Cushing, WHS/DIOR, 1215 Jefferson Davis Highway, Suite 1204, Arlington, VA 22202-4302.