

14th Street and Sheridan Road, North Chicago; *Site 2* (28 buildings/3.6 million sq. ft. on 480 acres)—Abbott Park manufacturing, administrative and laboratory facilities, One Abbott Park Road, Lake County; *Site 3* (129 acres)—Jennett site, undeveloped tract with urban zoning, Atkinson Road, Lake County; and *Site 4* (4 buildings/369,000 sq. ft. on 42 acres)—Skokie site, manufacturing, administrative, research facilities, 22nd Street, North Chicago. Authority was granted for the manufacture of three products indicated in its original application: clarythromycin, temafloxin, timethoxybenzene (Board Order 611, 57 FR 61045, 12/23/92).

Abbott is now proposing to expand the scope of authority for manufacturing activity conducted under FTZ procedures at Subzone 22F to include a wider range of pharmaceuticals and their intermediates, medicaments and laboratory and medical instruments and appliances. The facility (with some 10,000 employees) produces finished pharmaceutical products, primarily anti-infectives, cardiovascular agents, anti-AIDS treatments, and anti-cancer agents, as well as laboratory and medical appliances and devices. At the outset, the company is expecting to manufacture the following under zone procedures: aminosyn, an intravenous nutritional (HTSUS 3004.90.1000); valproic acid, an anti-epileptic agent (HTSUS 2915.90.1400); clarithromycin, an anti-infective (HTSUS 3003.90.0000); and, ABT378, an anti-AIDS protease inhibitor (HTSUS 3004.90.9010). Foreign-sourced materials for these products include L-threonine (HTSUS 2922.50.5000), L-lysine (HTSUS 2922.41.0090), L-tryptophan (HTSUS 2933.90.7900), diethyl dipropyl malonate (HTSUS 2917.19.7050), hydroxylamine (HTSUS 2825.10.000), 2,6-dimethyl-henoxyacetic acid (HTSUS 2918.90.4300), wing A acid (HTSUS 2933.59.7000), and wing B acid (HTSUS 2933.59.9500), and will account for, on average, 16 percent of material value.

The company may also purchase from abroad ingredients and materials in the following general categories: gums, starches, waxes, vegetable extracts, mineral oils, sugars, empty capsules, protein concentrates, prepared animal feed, mineral products, inorganic acids, chlorides, chlorates, sulfites, sulfates, phosphates, cyanides, silicates, radioactive chemicals, rare-earth metal compounds, hydroxides, hydrazine and hydroxylamine, chlorides, phosphates, carbonates, hydrocarbons, alcohols, phenols, ethers, epoxides, acetals, aldehydes, ketone function compounds, mono- and polycarboxylic acids,

phosphoric esters, amine-, carboxymide-, nitrile- and oxygen-function compounds, heterocyclic compounds, sulfonamides, insecticides, rodenticides, fungicides and herbicides, fertilizers, vitamins, hormones, antibiotics, gelatins, enzymes, pharmaceutical glaze, essential oils, albumins, gelatins, activated carbon, residual lyes, acrylic polymers, color lakes, soaps and detergents, various packaging and printing materials, medicaments, pharmaceutical products, and instruments and appliances used in medical sciences.

FTZ procedures would exempt Abbott from Customs duty payments on the foreign components used in export activity (currently some 10% of shipments). On its domestic sales, the company would be able to elect the duty rate that applies to finished products (duty-free) for the foreign components noted above (duty rates ranging from duty-free to 16.3%, with most between 3.7% and 12.3%+2.2¢/kg.). The application indicates that the savings from FTZ procedures will help improve Abbott's international competitiveness.

Public comment on the application is invited from interested parties. Submissions (original and three copies) shall be addressed to the Board's Executive Secretary at the address below. The closing period for their receipt is March 1, 1999. Rebuttal comments in response to material submitted during the foregoing period may be submitted during the subsequent 15-day period (to March 16, 1999).

A copy of the application will be available for public inspection at the following locations:

U.S. Department of Commerce, Export Assistance Center, 55 West Monroe Street, Chicago, Illinois 60603  
Office of the Executive Secretary,  
Foreign-Trade Zones Board, Room 3716, U.S. Department of Commerce, 14th Street & Pennsylvania Avenue, NW, Washington, DC 20230.

Dated: December 17, 1998.

**Dennis Puccinelli,**

*Acting Executive Secretary.*

[FR Doc. 98-34470 Filed 12-28-98; 8:45 am]

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

[I.D. 121698C]

#### Marine Mammals; File No. 369-1440

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and

Atmospheric Administration (NOAA), Commerce.

**ACTION:** Receipt of application for amendment.

**SUMMARY:** Notice is hereby given that Dr. Bruce R. Mate, Oregon State University, has requested an amendment to scientific research Permit No. 369-1440.

**DATES:** Written or telefaxed comments must be received on or before January 28, 1999.

**ADDRESSES:** The amendment request and related documents are available for review upon written request or by appointment (See **SUPPLEMENTARY INFORMATION**).

Written comments or requests for a public hearing on this request should be submitted to the Chief, Permits and Documentation Division, F/PR1, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13130, Silver Spring, MD 20910. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular amendment request would be appropriate.

Comments may also be submitted by facsimile at (301) 713-0376, provided the facsimile is confirmed by hard copy submitted by mail and postmarked no later than the closing date of the comment period. Please note that comments will not be accepted by e-mail or other electronic media.

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

**SUPPLEMENTARY INFORMATION:** The subject amendment to Permit No. 369-1440 issued on September 18, 1998 (63 FR 52686) is requested 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), the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*), and the regulations governing the taking, importing, and exporting of endangered fish and wildlife (50 CFR 222.23).

Permit No. 369-1440 authorizes the permit holder to: (1) approach to tag/biopsy sample, photograph and evaluate tag attachment on seven species of large whales; and (2) to opportunistically photograph an unlimited number of cetaceans and pinnipeds. In the original application, the permit holder inadvertently omitted requesting authorization to: conduct tagging/biopsy sampling in international waters and to import/export samples for genetic analysis.

In compliance with the National Environmental Policy Act of 1969 (42

U.S.C. 4321 *et seq.*), an environmental assessment was prepared on the original application. The environmental assessment is available upon request.

Concurrent with the publication of this notice in the **Federal Register**, NMFS is forwarding copies of this application to the Marine Mammal Commission and its Committee of Scientific Advisors.

Documents may be reviewed in the following locations:

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

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

Regional Administrator, Northeast Region, NMFS, One Blackburn Drive, Gloucester, MA 01930, (978/281-9250);

Regional Administrator, Northwest Region, NMFS, 7600 Sand Point Way, NE, BIN C15700, Bldg. 1, Seattle, WA, 98115-0070 (206/526-6150);

Regional Administrator, Southeast Region, NMFS, 9721 Executive Center Drive North, St. Petersburg, FL 33702-2432 (813/570-5312); and

Regional Administrator, Southwest Region, NMFS, 501 West Ocean Blvd., Suite 4200, Long Beach, CA 90802-4213 (562/980-4001).

Dated: December 21, 1998.

**Ann D. Terbush,**

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

[FR Doc. 98-34449 Filed 12-28-98; 8:45 am]

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## DEPARTMENT OF COMMERCE

### Patent and Trademark Office

[Docket No. 981214305-8305-01]

RIN 0651-AB02

### Official Insignia of Native American Tribes; Statutorily Required Study

**AGENCY:** Patent and Trademark Office, Commerce.

**ACTION:** Request for comments.

**SUMMARY:** On October 30, 1998, President Clinton signed Public Law 105-330. This law requires that the Patent and Trademark Office (PTO) study a variety of issues surrounding trademark protection for the official insignia of federally and/or state recognized Native American tribes. The new law requires that the Commissioner of Patents and Trademarks (Commissioner) complete the study and

submit a report, including the findings and conclusions, to the chairmen of the Committee on the judiciary of the Senate and the Committee on the Judiciary of the House of Representatives, not later than September 30, 1999. This notice requests input that will help the PTO make an initial determination of how best to conduct the study, where public hearings should be held, and who should be consulted during the study process.

**DATES:** To ensure consideration, comments must be received no later than February 12, 1999.

**ADDRESSES:** Comments must be submitted to: Eleanor K. Meltzer, Attorney-Advisor, Office of Legislative and International Affairs; U.S. Patent and Trademark Office; 2121 Crystal Drive, Suite 902; Arlington, VA 22202. Comments may also be submitted by e-mail to: NAFedRegNotice@USPTO.GOV.

**FOR FURTHER INFORMATION CONTACT:** Eleanor K. Meltzer; Telephone: 703-306-2960; E-mail:

eleanor.meltzeruspto.gov; facsimile transmission: 703-305-8885. P.L. 105-330 may be viewed via the Library of Congress website at: *thomas.loc.gov*

**SUPPLEMENTARY INFORMATION:** Members of Congress have received complaints regarding the lack of adequate protection for the official insignia of Native American tribes. Title III of P.L. 105-330 requires the PTO to study how such official insignia may better be protected under trademark law. As an initial step to completing the mandated study, through this Notice the PTO would like comments on: (1) how best to conduct the study; (2) where public hearings should be held; and (3) who should be consulted during the study process.

### Issues to be Addressed by the Study

The final study must address a variety of issues, including the impact of any changes on the international legal obligations of the United States, the definition of "official insignia" of a federally and/or state recognized Native American tribe, and the administrative feasibility, including the cost, of changing current law or policy in light of any recommendations. To help in answering items 1-3 above, the following issues are raised. They are provided for informational purposes only. Another **Federal Register** notice will be published in 1999 specifically requesting answers to the following questions.

- **Definition of "Official Insignia"**—How should the PTO define "official

insignia" of a federally or state recognized Native American tribe?

- **Establishing and Maintaining a List of Official Insignia**—How should the PTO establish a list of the official insignia of federally and/or state recognized Native American tribes? How should the PTO maintain such a list?

- **Impact of Changes in Current Law or Policy**—How would any change in law or policy with respect to prohibiting the Federal registration of trademarks identical to the official insignia of native American tribes, or of prohibiting any new use of the official insignia of native American tribes, affect Native American tribes? How would such changes affect trademark owners? How would such changes affect the Patent and Trademark Office? How would such changes affect any other interested party? What impact would any such changes have on the international legal obligations of the United States?

- **Impact of Prohibition on Federal Registration & New Uses of Official Insignia**—How would prohibiting Federal registration of trademarks identical to the official insignia of Native American tribes affect any/all of the above-mentioned entities? How would prohibiting any new use of the official insignia of Native American tribes affect any/all of the above-mentioned entities? What effect would such prohibitions have on the international legal obligations of the United States? What defenses, including fair use, might be raised against any claims of infringement?

- **Administrative Feasibility**—What is the administrative feasibility, including the cost, of changing the current law or policy, to prohibit the registration? What is the administrative feasibility, including the cost, of prohibiting any new uses of the official insignia of state or federally recognized Native American tribes? What is the administrative feasibility, including the cost, of otherwise providing additional protection to the official insignia of federally and state recognized Native American tribes?

- **Timing of Changes in Protection**—Should changes in the scope of protection for official tribal insignia be offered prospectively? Retrospectively? What is the impact of such protection?

- **Statutory Requirements**—What statutory changes would be necessary in order to provide such protection?

- **Other Relevant Factors**—What other factors, not mentioned above, are relevant to this issue?