

small coastal, and prohibited species groups from Federal waters in the Atlantic Ocean for the purposes of data collection and public display.

DATES: Written comments on NMFS' intent to issue such EFPs must be received on or before January 14, 1999.

ADDRESSES: Send comments to Rebecca Lent, Chief, Highly Migratory Species Management Division (F/SF1), NMFS, 1315 East-West Highway, Silver Spring, MD 20910. The EFP applications and copies of the regulations under which EFPs are subject may also be requested from this address.

FOR FURTHER INFORMATION CONTACT: Margo Schulze, 301-713-2347; fax: 301-713-1917.

SUPPLEMENTARY INFORMATION: EFPs are requested and issued under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 *et seq.*) and regulations at 50 CFR 600 concerning scientific research activity, exempted fishing, and exempted educational activity.

Issuance of EFPs is necessary because possession of five large coastal shark species is prohibited, possession of billfish on board commercial fishing vessels is prohibited, and because the commercial fisheries for swordfish and large coastal sharks may be closed for extended periods.

NMFS is seeking public comment on its intention to issue EFPs for the purpose of collecting biological samples under commercial observer programs. NMFS intends to issue an EFP to any NMFS or NMFS-approved observer to bring onboard and possess, for scientific research purposes (e.g., biological sampling, measurement, etc), any Atlantic swordfish, Atlantic shark, or Atlantic billfish provided the fish is a recaptured tagged fish, a dead fish prior to being brought onboard, or specifically authorized for sampling by the Southeast Fisheries Science Center or Northeast Fisheries Science Center. NMFS intends to authorize 500 Atlantic swordfish, 225 Atlantic billfish, and 575 Atlantic sharks under an EFP. In 1998, a total of one billfish was collected under an EFP.

NMFS is also seeking public comment on its intention to issue EFPs for the collection of restricted species of sharks for the purposes of public display. In 1998, a total of 13 requests for EFPs were received for a total collection of 565 sharks from the large coastal and prohibited species groups. To date, NMFS has received reports from two EFP recipients who collected a total of 8 sand tiger sharks under 1998 EFPs. NMFS has preliminarily determined

that up to 500 sharks of the restricted shark species, of which a maximum of 75 sand tiger sharks, would be consistent with the current quota and the most recent environmental assessment prepared for this fishery. NMFS believes that this amount will have a minimal impact on the stock.

The proposed collections involve activities otherwise prohibited by regulations implementing the FMPs for Atlantic Swordfish, Atlantic Billfish, and Sharks of the Atlantic Ocean. The EFPs, if issued, would authorize recipients to fish for and to possess swordfish and large coastal sharks outside the Federal commercial seasons and to fish for and to possess prohibited species.

NMFS does not intend to issue EFPs for the entire 1999 calendar year, as has been customary, but intends to issue any EFPs from January 1, 1999, until 30 days after the final rule implementing the Final HMS FMP is effective. NMFS intends to send, via certified mail, notification that the final rule is effective and that EFP holders must reapply under the new procedures within 30 days.

A final decision on issuance of EFPs will depend on the submission of all required information, NMFS' review of public comments received on the applications, conclusions of any environmental analyses conducted pursuant to the National Environmental Policy Act, and on any consultations with any appropriate Regional Fishery Management Councils, states, or Federal agencies.

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

Dated: December 23, 1998.

Gary C. Matlock,

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

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Notice of Sea Grant Review Panel Meeting

AGENCY: National Oceanic and Atmospheric Administration.

ACTION: Notice of Open Meeting.

SUMMARY: This notice sets forth the schedule and proposed agenda of a forthcoming meeting of the Sea Grant Review Panel. The members of the Review Panel and other participants will discuss matters related to the functions and operations of the Review

Panel, issues related to strategic planning and program evaluation, the status of on-going Sea Grant programs and initiatives, and recommendations on the application for designation of a Sea Grant College.

DATES: The announced meeting is scheduled during two days: January 7-8, 1999.

ADDRESSES: National Sea Grant College Program; 1315 East-West Highway, Room 4527; Silver Spring, Maryland 20910.

FOR FURTHER INFORMATION CONTACT: Dr. Ronald C. Baird, Director; National Sea Grant College Program; National Oceanic and Atmospheric Administration; 1315 East-West Highway, Room 11716; Silver Spring, Maryland 20910; (301) 713-2448.

SUPPLEMENTARY INFORMATION: The Panel, which consists of balanced representation from academia, industry, state government, and citizen's groups, was established in 1976 by Section 209 of the Sea Grant Improvement Act (Public Law 94-461, 33 U.S.C. 1128) and advises the Secretary of Commerce, the Under Secretary for Oceans and Atmosphere, also the Administrator of NOAA, and the Director of the National Sea Grant College Program with respect to operations under the act, and such other matters as the Secretary refers to the Panel for review and advice. The agenda for the meeting is as follows:

Thursday, January 7, 1999

8:30-8:45—Opening of Meeting
8:45-9:00—Sea Grant Leadership Meeting Report
9:30-10:00—Sea Grant Association Report
10:00-10:30—Executive Committee Report
10:30-10:45—Break
10:45-12:00—Strategic Planning—"Theme Teams"
12:00-1:00—Lunch
1:00-1:45—NOAA and OAR Update
1:45-2:30—Congressional Update
2:30-3:00—Sea Grant Media Center
3:00-3:15—Break
3:15-4:30—National Sea Grant Office Update
4:30-5:00—Education Programs Update
5:00-5:15—Recognition Ceremony

Friday, January 8, 1999

8:30-8:45—Sea Grant Review Panel Election
8:45-10:00—Program Evaluation
10:00-10:15—Break
10:15-11:15—National Strategic Investments
11:15-Noon—Science Presentation
Noon-1:00—Lunch

1:00–1:45—Planning and Budget
 1:45–2:30—SGRP Liaison Reports
 2:30–3:00—Wrap-Up
 3:00—Adjourn

The meeting will be open to the Public.

Dated: December 23, 1998.

Louisa Koch,

Deputy Assistant Administrator for Oceanic and Atmospheric Research.

[FR Doc. 98–34542 Filed 12–29–98; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 120998B]

Taking of Threatened or Endangered Marine Mammals Incidental to Commercial Fishing Operations; Extension of Permits

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

ACTION: Extension of permits; request for comments.

SUMMARY: NMFS hereby extends the current permits for those fisheries that have negligible impacts on marine mammal stocks listed as threatened or endangered under the Endangered Species Act (ESA) for 6 months through June 30, 1999. This action allows the incidental, but not intentional, taking of such marine mammals in commercial fishing operations.

NMFS also requests comments on the criteria for determining whether such fisheries have a negligible impact on marine mammal stocks and on such other issues as whether authorizations should include provisions for taking that does not involve mortalities and/or serious injuries to marine mammals.

DATES: Effective January 1, 1999–June 30, 1999. Comments on the criteria for issuance of permits will be accepted through February 16, 1999.

ADDRESSES: Send comments on the criteria for issuance of permits to Chief, Marine Mammal Division, Office of Protected Resources, National Marine Fisheries Service, 1315 East-West Highway, Silver Spring, MD 20910–2337.

FOR FURTHER INFORMATION CONTACT: Dean Wilkinson, NMFS (301) 713–2322.

SUPPLEMENTARY INFORMATION: Section 101(a)(5)(E) of the Marine Mammal Protection Act (MMPA) requires the authorization of the incidental taking of individuals from marine mammal stocks

listed as threatened or endangered under the Endangered Species Act (ESA) in the course of commercial fishing operations if it is determined that (1) incidental mortality and serious injury will have a negligible impact on the affected species or stock; (2) a recovery plan has been developed or is being developed for such species or stock under the ESA; and (3) where required under section 118 of the MMPA, a monitoring program has been established, vessels engaged in such fisheries are registered in accordance with the provisions contained in section 118, and a take reduction plan has been developed or is being developed for such species or stock.

“Negligible impact” as defined in 50 CFR 216.103 and as applied here is “an impact resulting from the specified activity that cannot be reasonably expected to, and is not reasonably likely to, adversely affect the species or stock through effects on annual rates of recruitment or survival.”

Section 118 requires the registration of vessels in fisheries listed as either Category I or Category II on the annual list of commercial fisheries. A Category I fishery is a fishery with “frequent incidental mortality and serious injury of marine mammals.” A Category II fishery is a fishery with “occasional incidental mortality and serious injury of marine mammals.” Registration is not required for Category III fisheries, which have “a remote likelihood of or no known incidental mortality or serious injury of marine mammals.” The proposed list of fisheries for 1999 was published on August 11, 1998 (63 FR 42803).

On August 31, 1995 (60 FR 45399), NMFS issued interim final permits for those fisheries meeting the conditions under section 101(a)(5)(E) of the MMPA. As a starting point for making determinations, NMFS announced it would consider a total annual serious injury and mortality of not more than 10 percent of a threatened or endangered marine mammal stock’s potential biological removal (PBR) level to be insignificant. PBR is defined in the MMPA as “the maximum number of animals, not including natural mortalities, that may be removed from a marine mammal stock while allowing that stock to reach or maintain its optimum sustainable population.” NMFS also announced that such a criterion would not be the only factor in evaluating whether a particular level of take would be considered negligible. Because population abundance and fishery-related mortality information used in calculation of PBR have varying degrees of uncertainty, NMFS

determined that such factors as population trend and reliability of abundance and mortality estimates also should be considered.

Based on requirements of section 101(a)(5)(E) of the MMPA and these criteria, NMFS issued interim final permits to allow for the incidental, but not intentional, taking of three stocks of endangered or threatened marine mammals: (1) Humpback whale, central North Pacific stock; (2) Steller sea lion, eastern stock; and (3) Steller sea lion, western stock. Permits were issued for Category I and Category II fisheries taking animals from these stocks. Consistent with the provisions of section 101(a)(5)(E)(ii) of the MMPA, NMFS determined that permits were not required for Category III fisheries, which are not required to register under section 118 of the Act. The only requirement for Category III fisheries is that any serious injury or mortality be reported.

The MMPA provides that permits may be issued for a three year period. The current permits expire on December 31, 1998. The list of permitted fisheries was published on August 31, 1995 (60 FR 45401). Currently, none of the permitted fisheries has a serious injury and mortality level above 10 percent of PBR for listed species. Combined mortality from the western stock of Steller sea lions for all currently permitted fisheries is estimated to be 30.3, and ten percent of PBR is 35. Combined mortality from the eastern stock of Steller sea lions is estimated to be 13.8, and ten percent of PBR is 136. Combined mortality from the central north Pacific stock of humpback whales caused by currently permitted fisheries is 0.8 and ten percent of PBR is 0.74. Because the population is increasing and the estimated mortality is less than one whale per year, current permits could be reissued.

If existing criteria were to be used, permits could be reissued for a 3-year period for fisheries affecting all three stocks. NMFS views this as an opportunity to review existing criteria for the issuance of permits and to address issues that have arisen since the permits were first issued. Therefore, NMFS is extending the existing permits for a 6-month period and requesting public comment before issuing new permits. In accordance with the MMPA, opportunity will also be given to comment on the permits before they are issued.

NMFS requests comments on whether the current criteria for issuance of permits under section 101(a)(5)(E) of the MMPA are adequate or whether changes should be made. Currently, the method