

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.*

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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]

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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.

Dated: April 30, 1999.

Patricia L. Toppings,

Alternate OSD Federal Register Liaison

Officer, Department of Defense.

[FR Doc. 99-11434 Filed 5-6-99; 8:45 am]

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DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal No. 99-14]

36(b)(1) Arms Sales Notification

AGENCY: Department of Defense, Defense Security Cooperation Agency.

ACTION: Notice.

SUMMARY: The Department of Defense is publishing the unclassified text of a section 36(b)(1) arms sales notification. This is published to fulfill the requirements of section 155 of Pub. L. 104-164 dated 21 July 1996.

FOR FURTHER INFORMATION CONTACT: Ms. J. Hurd, DSCA/COMPT/RM, (703) 604-6575

The following is a copy of a letter to the Speaker of the House of Representatives, Transmittal 99-14, with attached transmittal, policy justification, and Sensitivity of Technology.

Dated: May 3, 1999.

L.M. Bynum,

Alternate OSD Federal Register Liaison

Officer, Department of Defense.

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