

STATUS: The meeting will be open to the public. On June 15, the time between 6 p.m. and 8 p.m. will be set aside for public comments regarding the proposed certifications of the Evansville office. On June 16, the time between 10:30 a.m. and 11:30 a.m. will be set aside for public comments. Approximately 200 seats will be available to the public on a first-come, first-served basis.

MATTERS TO BE CONSIDERED: On June 15, consultation on the proposed closure of the Evansville weather office. On June 16, the meeting will include status updates on the Huntsville, AL, proposed certifications and consultation on the proposed closure of weather offices at Beckley, WV; Boston, MA; Concord, NH; Fort Smith, AR; Hartford, CT; Kahului, HI; Olympia, WA (Fire Weather); Portland, ME; Providence, RI; Salem, OR (Fire Weather); Wenatchee, WA (Fire Weather); and Worcester, MA.

FOR FURTHER INFORMATION CONTACT: Nicholas Scheller, National Weather Service, Modernization Staff, 1325 East-West Highway, Silver Spring, MD 20910-3283. Telephone: (301) 713-0454.

Dated: May 18, 1999.

John J. Kelly, Jr.,

Assistant Administrator for Weather Services.
[FR Doc. 99-13500 Filed 5-26-99; 8:45 am]

BILLING CODE 3510-KE-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 050399C]

North Pacific Fishery Management Council; Public Meetings

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

ACTION: Addition to public meeting agenda.

SUMMARY: In the **Federal Register** notice dated May 10, 1999, an additional subject has been added to the agenda for the meeting of the North Pacific Fishery Management Council.

FOR FURTHER INFORMATION CONTACT: Council staff, telephone: 907-271-2809.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of May 10, 1999, in FR Doc. 99-1697, on page 25026, in the third column, the following item has been added under groundfish subjects:

The Council will receive a NOAA General Counsel opinion with regard to an amendment requiring retention of

demersal shelf rockfish. The Council may reconsider previous action taken on this amendment.

Dated: May 20, 1999.

Bruce C. Morehead,

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

[FR Doc. 99-13432 Filed 5-26-99; 8:45 am]

BILLING CODE 3510-22-F

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 042199C]

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

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

ACTION: Notice of proposal for issuance of permits; request for comments.

SUMMARY: NMFS proposes to issue permits for those fisheries that have negligible impacts on marine mammal stocks listed as threatened or endangered under the Endangered Species Act (ESA) for a period of 3 years. This action would allow the incidental, but not intentional, taking of marine mammals in commercial fishing operations.

DATES: Comments on the proposed permits will be accepted through July 12, 1999.

ADDRESSES: Send comments 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 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 section 118 of the MMPA, 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 of the MMPA 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 list of fisheries for 1999 was published on February 24, 1999 (64 FR 9067).

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 negligible. PBR is defined in the MMPA as "the maximum number of animals, not including natural mortalities, that may be removed from a 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 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 MMPA. The only requirement for Category III fisheries is that any serious injury or mortality be reported.

On December 30, 1998 (63 FR 71894), NMFS extended the permits until June 30, 1999. At that time, NMFS announced that it was reviewing the criteria for issuance of permits and requested public comment on whether the criteria were adequate or whether changes should be made. No comments were received.

Process for Determining Negligible Impact

Based on internal review, NMFS has adopted the following criteria for making the negligible impact determination under section 101(a)(5)(E) of the MMPA:

1. The threshold for initial determination will remain at 0.1 PBR. If total human-related serious injuries and mortalities are less than 0.1 PBR, all fisheries may be permitted.

2. If total human-related serious injuries and mortalities are greater than PBR, and fisheries-related mortality is less than 0.1 PBR, individual fisheries may be permitted if management measures are being taken to address non-fisheries-related serious injuries and mortalities. When fisheries-related serious injury and mortality is less than 10 percent of the total, the appropriate management action is to address components that account for the major portion of the total.

3. If total fisheries-related serious injuries and mortalities are greater than 0.1 PBR and less than PBR and the population is stable or increasing, fisheries may be permitted subject to individual review and certainty of data. Although the PBR level has been set up as a conservative standard that will allow recovery of a stock, there are reasons for individually reviewing fisheries if serious injuries and mortalities are above the threshold

level. First, increases in permitted serious injuries and mortalities should be carefully considered. Second, as serious injuries and mortalities approach the PBR level, uncertainties in elements such as populations size, reproductive rates, and fisheries-related mortalities become more important.

4. If the population abundance of a stock is declining, the threshold level of 0.1 PBR will continue to be used. If a population is declining despite limitations on human-related serious injuries and mortalities below the PBR level, a more conservative criterion is warranted.

5. If total fisheries related serious injuries and mortalities are greater than PBR, permits may not be issued.

Summary of Findings

Using these criteria, the impact of commercial fisheries on specific stocks of endangered and threatened marine mammals can be divided into three groups: (1) Stocks with no fisheries-related mortalities for which permits are not necessary; (2) stocks ineligible for permits under criteria 4 and 5; and (3) stocks for which commercial fisheries are eligible for permits provided other provisions of section 101(a)(5)(E) of the MMPA are met and for which NMFS proposes issuance of permits in this document.

There are no documented fisheries-related serious injuries or mortalities for the following marine mammal stocks which are listed as endangered or threatened under the ESA:

- Blue whale, California/Mexico stock
- Blue whale, Hawaiian stock
- Blue whale, western north Atlantic stock
- Bowhead whale, western Arctic stock
- Fin whale, California/Oregon/Washington stock
- Fin whale, Hawaiian stock
- Fin whale, northeast Pacific stock
- Humpback whale, western north Pacific stock
- Northern right whale, north Pacific stock
- Sei whale, eastern north Pacific stock
- Sei whale, western north Atlantic stock
- Sperm whale, Hawaiian stock
- Sperm whale, western north Atlantic stock

Guadalupe fur seal

For the following stocks, NMFS is unable to determine that serious injuries and mortalities incidental to commercial fishing operations will have a negligible impact. No takes of these threatened or endangered marine mammal stocks incidental to commercial fishing operations are allowed.

- Humpback whale, California/Oregon/Washington-Mexico stock
- Northern right whale, western north Atlantic stock
- Sperm whale, California/Oregon/Washington stock
- Sperm whale, north Pacific stock
- Hawaiian monk seal

Based on the criteria listed above and the 1998 Marine Mammal Stock Assessment Reports, NMFS has determined that the serious injuries and mortalities incidental to commercial fishing operations will have a negligible impact. The Marine Mammal Stock Assessment Reports are available on the NMFS web site at (http://www.nmfs.gov/prot_res/mammals/sa_rep/sar.html). Hard copies are available from Chief, Marine Mammal Division (see ADDRESSES). NMFS proposes to issue permits for incidental takes from these stocks for the Category I and II fisheries listed in Table 1 and requests comments. Vessels participating in Category III fisheries included in this list shall not be subject to penalties for the incidental taking of marine mammals listed under the ESA, provided that such takes are reported in accordance with section 118 of the MMPA. The stocks for which permits are proposed are:

- Fin whale, western north Atlantic stock
- Humpback whale, central north Pacific stock
- Humpback whale, north Atlantic stock
- Steller sea lion, eastern U.S. stock
- Steller sea lion, western U.S. stock

Dated: May 19, 1999.

Hilda Diaz-Soltero,
Director, Office of Protected Resources,
National Marine Fisheries Service.

TABLE 1.—LIST OF FISHERIES AND STOCKS FOR WHICH CRITERIA UNDER SECTION 101(A)(5)(E) HAVE BEEN MET

[Issuance of permits is proposed for incidental takes from these stocks for the Category I and II fisheries indicated. Category III fisheries included in this list would not be subject to penalties for the incidental taking of marine mammals listed under the ESA, provided that such takes are reported in accordance with section 118 of the MMPA]

Fishery	Stocks for which takes are allowed
Category I Fisheries: CA/OR thresher shark/swordfish drift gillnet Atlantic Ocean, Caribbean, Gulf of Mexico large pelagics drift gillnet.	Steller sea lion, Eastern U.S. stock. Humpback whale, Western North Atlantic stock.

TABLE 1.—LIST OF FISHERIES AND STOCKS FOR WHICH CRITERIA UNDER SECTION 101(A)(5)(E) HAVE BEEN MET—
Continued

[Issuance of permits is proposed for incidental takes from these stocks for the Category I and II fisheries indicated. Category III fisheries included in this list would not be subject to penalties for the incidental taking of marine mammals listed under the ESA, provided that such takes are reported in accordance with section 118 of the MMPA]

Fishery	Stocks for which takes are allowed
Northeast sink gillnet	Humpback whale, Western North Atlantic stock. Fin whale, Western North Atlantic stock.
Atlantic Ocean, Caribbean, Gulf of Mexico large pelagics longline Gulf of Maine, U.S. Mid-Atlantic lobster trap/pot	Humpback whale, Western North Atlantic stock. Humpback whale, Western North Atlantic stock. Fin whale, Western North Atlantic stock.
Category II Fisheries:	
Prince William Sound salmon drift gillnet	Steller sea lion, Western U.S. stock.
Alaska Peninsula/Aleutian Islands salmon set gillnet	Steller sea lion, Western U.S. stock.
Southeast Alaska salmon drift gillnet	Steller sea lion, Eastern U.S. stock.
Cook Inlet salmon drift gillnet	Humpback whale, Central North Pacific stock.
Cook Inlet salmon set gillnet	Steller sea lion, Western U.S. stock.
Bristol Bay salmon drift gillnet	Steller sea lion, Western U.S. stock.
Southeast Alaska salmon purse seine	Humpback whale, Central North Pacific stock.
U.S. Mid-Atlantic coastal gillnet	Humpback whale, Western North Atlantic stock.
Gulf of Maine small pelagics surface gillnet	Humpback whale, Western North Atlantic stock.
Category III Fisheries:	
Prince William Sound salmon set gillnet	Steller sea lion, Western U.S. stock.
Alaska miscellaneous finfish set gillnet	Steller sea lion, Western U.S. stock.
Alaska salmon troll	Steller sea lion, Eastern U.S. stock.
Alaska miscellaneous finfish/groundfish longline/set line	Steller sea lion, Western U.S. stock.
Hawaii swordfish, tuna, billfish, mahi mahi, oceanic sharks longline/set line.	Humpback whale, Central North Pacific stock.
Southern Bering Sea, Aleutian Islands, and western Gulf of Alaska sablefish longline/set line (federally regulated waters).	Steller sea lion, Western U.S. stock.
Alaska halibut longline/set line	Steller sea lion, Western U.S. stock.
Gulf of Alaska groundfish trawl	Steller sea lion, Western U.S. stock.
Bering Sea and Aleutian Islands groundfish trawl	Steller sea lion, Western U.S. stock.
WA/OR/CA groundfish trawl	Steller sea lion, Eastern U.S. stock.
RI, southern MA, and New York Bight inshore gillnet	Humpback whale, Western North Atlantic stock.
Long Island Sound inshore gillnet	Humpback whale, Western North Atlantic stock.
Delaware Bay inshore gillnet	Humpback whale, Western North Atlantic stock.
Gulf of Maine, U.S. Mid-Atlantic mixed species trap/pot	Humpback whale, Western North Atlantic stock.
Gulf of Maine herring and Atlantic mackerel/stop seine/weir	Humpback whale, Western North Atlantic stock.

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DEPARTMENT OF COMMERCE

**National Telecommunications and
Information Administration**

LIBRARY OF CONGRESS

Copy Right Office

[Docket No. 990428110-9110-01]

RIN 0660-ZA09

**Request for Comments on Section
1201(g) of the Digital Millennium
Copyright Act**

AGENCIES: The National
Telecommunications and Information
Administration, United States
Department of Commerce; and the
United States Copyright Office, Library
of Congress.

ACTION: Request for public comment.

SUMMARY: The National
Telecommunications and Information
Administration of the United States
Department of Commerce and the
United States Copyright Office invite
interested parties to submit comments
on the effects of Section 1201(g) of Title
17, United States Code, as adopted in
the Digital Millennium Copyright Act,
Pub. L. No. 105-304, 112 Stat. 2860
(Oct. 28, 1998) ("DMCA") on encryption
research and the development of
encryption technology; the adequacy
and effectiveness of technological
measures designed to protect
copyrighted works; and the protection
of copyright owners against
unauthorized access to their encrypted
copyrighted works.

The DMCA, enacted on October 28,
1998, directs the Register of Copyrights
and the Assistant Secretary for
Communications and Information of the
Department of Commerce to prepare a
report for the Congress examining the
impact of Section 1201(g) on encryption
research and including legislative

recommendations—if any—no later than
one year after enactment of the DMCA.
This **Federal Register** Notice is intended
to solicit comments from interested
parties on the effects of section 1201(g)
of the DMCA. More specifically, how
will the provisions of section 1201(g) of
the DMCA affect encryption research?

The DMCA defines "encryption
research" as identification and analysis
of flaws and vulnerabilities of
encryption technologies applied to
copyrighted works. This activity must
promote understanding of encryption
technology or advance the development
of encryption products.

DATES: Comments must be received by
July 26, 1999.

ADDRESSES: The Department of
Commerce and the Copyright Office
invite the public to submit written
comments in paper or electronic form.
Comments may be mailed to Paula J.
Bruening, Office of Chief Counsel,
National Telecommunications and
Information Administration (NTIA),
Room 4713, U.S. Department of