

## DEPARTMENT OF COMMERCE

## National Oceanic and Atmospheric Administration

[I.D. 030199A]

**Marine Mammals; File No. 930-1486, 732-1487, and 545-1488**

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

**ACTION:** Receipt of applications.

**SUMMARY:** Notice is hereby given that: (1) U.S. Geological Survey (USGS), Western Ecological Research Center, Dixon Field Station 6924 Tremont Road, Dixon, CA 95620; (2) Dr. Paul Ponganis, Associate Research Physiologist, University of California, San Diego, Center for Marine Biotechnology and Biomedicine, Scripps Institution of Oceanography, Scholander Hall, 0204, 9500 Gilman Drive, La Jolla, CA 92093-0204; and (3) The North Gulf Oceanic Society (NGOS), SPWS Bldg., 3776 Lake Ave., Suite 204, P.O. Box 15244, Homer AK 9960; have applied in due form for permits to take various cetacean and pinniped species for purposes of scientific research.

**DATES:** Written or telefaxed comments must be received on or before April 15, 1999.

**ADDRESSES:** The applications 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 13130, Silver Spring, MD 20910 (301/713-2289); and

(1) For File No. 930-1486 (USGS) and File No. 732-1487 (Dr. Ponganis): Regional Administrator, Southwest Region, National Marine Fisheries Service, NOAA, 501 West Ocean Blvd., Suite 4200, Long Beach, CA 90802-4213 (562/980-4001); and

(2) For File No. 545-1488 (NGOS): Regional Administrator, Alaska Region, National Marine Fisheries Service, NOAA, P.O. Box 21668, Juneau, AK 99802-1668 (907/586-7221).

Written comments or requests for a public hearing on these applications should be mailed to the Chief, Permits and Documentation Division, F/PR1, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular 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 by other electronic media.

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

**SUPPLEMENTARY INFORMATION:** The subject permits are requested under the authority of the Marine Mammal Protection Act of 1972, as amended (MMPA; 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 (ESA; 16 U.S.C. 1531 *et seq.*), the regulations governing the taking, importing, and exporting of endangered fish and wildlife (50 CFR 222.23), and the Fur Seal Act of 1966, as amended (16 U.S.C. 1151 *et seq.*).

(1) USGS (File No. 930-1486) requests authorization to conduct low altitude aerial surveys of marine mammals in the Southern California Bight and adjacent waters; (2) Dr. Ponganis (File No. 732-1487) requests authorization to continue pinniped physiological studies on Northern elephant seals (*Mirounga angustirostris*), Pacific harbor seals (*Phoca vitulina*), and California sea lions (*Zalophus californianus*) on animals that have been rescued from the wild and are undergoing captive rehabilitation; and (3) NGOS (File No. 545-1488) requests authorization to photo-identify, biopsy sample, and inadvertently harass killer whales (*Orcinus orca*), and inadvertently harass other marine mammal species on the South coast of Alaska.

In compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*), an initial determination has been made that the activities proposed are categorically excluded from the requirement to prepare an environmental assessment or environmental impact statement.

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

Dated: March 3, 1999.

**Ann D. Terbush,**

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

[FR Doc. 99-6377 Filed 3-15-99; 8:45 am]

BILLING CODE 3510-22-F

## DEPARTMENT OF COMMERCE

## Patent and Trademark Office

[Docket No. 981214305-9052-02]

RIN 0651-AB02

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

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

**ACTION:** Notice of inquiry; request for comments.

**SUMMARY:** This notice requests comments on the specific areas of inquiry included in Public Law 105-330, which 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.

**DATES:** To ensure consideration, comments must be received no later than April 30, 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](mailto:NAFedRegNotice@uspto.gov).

**FOR FURTHER INFORMATION CONTACT:** Eleanor K. Meltzer; Telephone: 703-306-2960; E-mail: [eleanor.meltzer@uspto.gov](mailto:eleanor.meltzer@uspto.gov); facsimile transmission: 703-305-8885. Public Law 105-330 may be viewed via the Library of Congress website at: [www.thomas.loc.gov](http://www.thomas.loc.gov).

**SUPPLEMENTARY INFORMATION:** On October 30, 1998, President Clinton signed Public Law 105-330. Title III of this law requires the PTO to study how such official insignia of Native American Tribes may better be protected under trademark law. The new law requires that the Commissioner complete the study and submit a report to the chairman of the Committee on the Judiciary of the Senate and to the chairman of the Committee on the Judiciary of the House of Representatives not later than September 30, 1999. 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.

On December 29, 1998, a **Federal Register** notice was published (63 FR

71619–71620) requesting comments on how best to conduct the study, where public hearings should be held, and who should be consulted during the study process. The present **Federal Register** notice is a follow-up to the December 29, 1998 notice.

#### Request for Public Comment

The PTO is interested in the public's views concerning all aspects of trademark protection for the official insignia of Native American Tribes, including the following.

##### (1) The Definition of "Official Insignia"

For example, how should the PTO define "official insignia" of a federally or state recognized Native American Tribe?

##### (2) Establishing and Maintaining a List of Official Insignia

For example, how might the PTO establish a list of the official insignia of federally and/or state recognized Native American Tribes? How might the PTO maintain such a list?

##### (3) Impact of Changes In Current Law or Policy

For example, how might 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 might such changes affect trademark owners? How might such changes affect the Patent and Trademark Office? How would such changes affect any other interested party? What impact might any such changes have on the international legal obligations of the United States?

##### (4) Impact of Prohibition on Federal Registration and New Uses of Official Insignia

For example, how might prohibiting Federal registration of trademarks identical to the official insignia of Native American Tribes affect any/all of the above-mentioned entities? How might prohibiting any new use of the official insignia of Native American Tribes affect any/all of the above-mentioned entities? What effect might 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?

##### (5) Administrative Feasibility

For example, what might be the administrative feasibility, including the

cost, of changing the current law or policy to prohibit the registration? What might be the administrative feasibility, including the cost, of prohibiting any new uses of the official insignia of State or federally recognized Native American Tribes? What might be the administrative feasibility, including the cost, of otherwise providing additional protection to the official insignia of federally and State recognized Native American Tribes?

##### (6) Timing of Changes in Protection

For example, should changes in the scope of protection for official tribal insignia be offered prospectively? Retrospectively? What might be the impact of such protection (e.g., the cost to business and the public if applied retroactively)?

##### (7) Statutory Changes

What statutory changes might be necessary in order to provide such protection?

##### (8) Other Relevant Factors

What other factors, not mentioned above, might be relevant to this issue?

Persons interested in commenting on the issues outlined above, or any other topics related to the statutory study, should submit their comments in writing to the above address. All comments received in response to this notice will become part of the public record and will be available for inspection and copying at Suite 902Q, Crystal Park 2, 2121 Crystal Drive, Arlington, Virginia.

**Authority:** Pub. L. No. 105–330.

Dated: March 9, 1999.

**Q. Todd Dickinson,**

*Acting Assistant Secretary of Commerce and Acting Commissioner of Patents and Trademarks.*

[FR Doc. 99–6347 Filed 3–15–99; 8:45 am]

BILLING CODE 3510–16–P

#### COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

##### Increase of Guaranteed Access Levels for Certain Cotton, Wool and Man-Made Fiber Textile Products Produced or Manufactured in the Dominican Republic

March 9, 1999.

**AGENCY:** Committee for the Implementation of Textile Agreements (CITA).

**ACTION:** Issuing a directive to the Commissioner of Customs increasing guaranteed access levels.

**EFFECTIVE DATE:** March 18, 1999.

**FOR FURTHER INFORMATION CONTACT:** Naomi Freeman, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482–4212. For information on the quota status of these limits, refer to the Quota Status Reports posted on the bulletin boards of each Customs port, call (202) 927–5850, or refer to the U.S. Customs website at <http://www.customs.ustreas.gov>. For information on embargoes and quota re-openings, call (202) 482–3715.

#### SUPPLEMENTARY INFORMATION:

**Authority:** Section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854); Executive Order 11651 of March 3, 1972, as amended.

Upon the request of the Government of the Dominican Republic, the U.S. Government has agreed to increase the current Guaranteed Access Levels for textile products in Categories 339/639, 433 and 633.

A description of the textile and apparel categories in terms of HTS numbers is available in the CORRELATION: Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States (see **Federal Register** notice 63 FR 71096, published on December 23, 1998). Also see 63 FR 63297, published on November 12, 1998.

**D. Michael Hutchinson,**

*Acting Chairman, Committee for the Implementation of Textile Agreements.*

#### Committee for the Implementation of Textile Agreements

March 9, 1999.

Commissioner of Customs,  
*Department of the Treasury, Washington, DC 20229.*

Dear Commissioner: This directive amends, but does not cancel, the directive issued to you on November 5, 1998, by the Chairman, Committee for the Implementation of Textile Agreements. That directive concerns imports of certain cotton, wool and man-made fiber textile products, produced or manufactured in the Dominican Republic and exported during the twelve-month period which began on January 1, 1999 and extends through December 31, 1999.

Effective on March 18, 1999, you are directed to increase the Guaranteed Access Levels for the categories listed below for the period beginning on January 1, 1999 and extending through December 31, 1999.

Category	Guaranteed access level
339/639 .....	2,150,000 dozen.
433 .....	41,000 dozen.
633 .....	80,000 dozen.

The Committee for the Implementation of Textile Agreements has determined that