

contain the results of any examinations or necropsies of the marine mammals in addition to any other information relating to the circumstances of the take.

(i) An annual report, identifying mitigation measures implemented to effect the least practicable adverse impact on the seals and/or are being considered for implementation pursuant to the requirements specified at § 216.134, must be submitted to the Administrator, Northeast Region, NMFS, within 30 days prior to the expiration date of the issuance of the Letter of Authorization.

§ 216.136 Renewal of the Letter of Authorization.

(a) A Letter of Authorization issued under § 216.106 for the activity identified in § 216.130(a) may be renewed annually provided the following conditions and requirements are satisfied:

(1) Timely receipt of the reports required under § 216.135, which have been reviewed by the Administrator, Northeast Region, NMFS, and determined to be acceptable;

(2) A determination that the maximum incidental take authorizations in § 216.130(b) will not be exceeded; and

(3) A determination that research on mitigation measures required under § 216.134(a) and the Letter of Authorization have been undertaken.

(b) If a species' annual incidental take authorization is exceeded, NMFS will review the documentation submitted under § 216.135, to determine whether or not the taking is having more than a negligible impact on the species or stock involved. The Letter of Authorization may be renewed provided a negligible impact determination is made and other conditions and requirements specified in § 216.136(a) are satisfied, and provided that any modifications of the Letter of Authorization that may be required are done pursuant to § 216.137.

(c) Notice of issuance of a renewal of the Letter of Authorization will be published in the **Federal Register** within 30 days of issuance.

§ 216.137 Modifications to the Letter of Authorization.

(a) In addition to complying with the provisions of § 216.106, except as provided in paragraph (b) of this section, no substantive modification,

including withdrawal or suspension, to the Letter of Authorization issued pursuant to § 216.106 and subject to the provisions of this subpart shall be made until after notice and an opportunity for public comment. For purposes of this paragraph, renewal of a Letter of Authorization under § 216.136, without modification, is not considered a substantive modification.

(b) If NMFS determines that an emergency exists that poses a significant risk to the well-being of the species or stocks of marine mammals specified in § 216.130, the Letter of Authorization issued pursuant to this section may be substantively modified without prior notice and an opportunity for public comment. Notification will be published in the **Federal Register** subsequent to the action.

§§ 216.138—216.140 [Reserved]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 216

[Docket No. 960318084-8274-04; I.D. 071596C]

RIN 0648-AG55

Taking and Importing Marine Mammals; Taking Marine Mammals Incidental to Naval Activities; Correction

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

ACTION: Correction to final rule.

SUMMARY: This document contains a correction to the final rulemaking, which was published on December 1, 1998, regarding an incidental small take exemption under the Marine Mammal Protection Act (MMPA) to take a small number of marine mammals incidental to shock testing the USS SEAWOLF submarine in the offshore waters of the U.S. Atlantic coast.

FOR FURTHER INFORMATION CONTACT: Kenneth R. Hollingshead, NMFS, (301) 713-2055.

SUPPLEMENTARY INFORMATION:

Background

On December 1, 1998 (63 FR 66069), NMFS published the final rulemaking governing the taking of marine mammals incidental to shock testing the USS SEAWOLF. The taking of marine mammals incidental to legitimate activities is authorized by section

101(a)(5)(A) of the MMPA, provided the takings are small and having no more than a negligible impact on affected marine mammal stocks. In order to mitigate takings of marine mammals to the lowest level practicable as required by the MMPA, NMFS limited the taking of marine mammals to a period between May 1 through September 30 of any single year within the 5-year period of authorization.

Need for Correction

As published, the DATES section in the final rule is in error and in need of correction. While the effective dates for the authorization to conduct a shock trial on the USS SEAWOLF found in 50 CFR 216.162, will remain effective from May 1 through September 1 of any single year between the years 2000 and 2004, in order for the document to be published in the upcoming Code of Federal Regulations, the DATES contained in the preamble to the rule will need to be changed. This change is necessary to reflect that the period of validity for the regulations will run from the end of the delayed effectiveness period required by the Administrative Procedure Act through the last day of the period of authorization under the 5-year MMPA authorization.

Correction

In the **Federal Register** of December 1, 1998, in FR Doc.98-31933, on page 66070, in the first column, correct the "DATES" caption to read:

DATES: Effective from January 1, 1999, through September 30, 2004.

Dated: May 17, 1999.

Gary C. Matlock,

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

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