ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 63

[AD–FRL–6478–7]

RIN 2060–AG91

National Emission Standards for Hazardous Air Pollutants: Generic Maximum Achievable Control Technology (Generic MACT)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed amendments.

SUMMARY: On June 29, 1999 (64 FR 34854), we issued the National Emission Standards for Hazardous Air Pollutants: Generic Maximum Achievable Control Technology (Generic MACT) rulemaking package. This proposal amends the promulgated rule (40 CFR part 63, subpart YY) regarding the regulation of surge control vessels and bottoms receiver vessels. This proposal also clarifies that surge control vessels and bottoms receiver vessels containing wastewater are covered by the wastewater provisions.

DATES: Comments. Comments must be received on or before January 21, 2000.

Public Hearing. If anyone contacts the EPA requesting to speak at a public hearing by December 13, 1999, a public hearing will be held on December 22, 1999.

ADDRESSES: Comments. Written comments should be submitted (in duplicate, if possible) to: Air and Radiation Docket and Information Center (6102), Attention, Docket No. A–97–17, U.S. Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460. The EPA requests that a separate copy of comments also be sent to Mr. David W. Markwordt (see **FOR FURTHER INFORMATION CONTACT**).

Public hearing. If a public hearing is held, it will be held at 10:00 a.m. in the EPA's Office of Administration Auditorium, Research Triangle Park, North Carolina, or at an alternate site nearby.

Docket. Docket No. A–97–17 contains supporting information used in developing the standards. The docket is located at the U.S. Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460 in room M–1500, Waterside Mall (ground floor), and may be inspected from 8:30 a.m. to 5:30 p.m., Monday through Friday, excluding legal holidays.

FOR FURTHER INFORMATION CONTACT: For further information concerning this document, contact Mr. David W. Markwordt; Policy, Planning, and Standards Group; Emission Standards Division (MD–13); U.S. Environmental Protection Agency; Research Triangle Park, North Carolina 27711; telephone: (919) 541–0837; facsimile: (919) 541–0942; e-mail address: markwordt.david@epa.gov.

SUPPLEMENTARY INFORMATION:

Docket

The docket is an organized and complete file of all the information we considered in the development of this rulemaking. The docket is a dynamic file because material is added throughout the rulemaking process. The docketing system is intended to allow members of the public and industries involved to readily identify and locate documents so that they can effectively participate in the rulemaking process. Along with the proposed and promulgated standards and their preambles, the contents of the docket will serve as the record in the case of judicial review. (See section 307(d)(7)(A) of the Clean Air Act (Act).) The regulatory text and other materials related to this rulemaking are available for review in the docket or copies may be mailed on request from the Air Docket by calling (202) 260–7548. A reasonable fee may be charged for copying docket materials.

Public Hearing

Persons interested in presenting oral testimony or inquiring as to whether a hearing is to be held should contact Dorothy Apple; Policy, Planning, and Standards Group; Emission Standards Division (MD–13); U.S. Environmental Protection Agency; Research Triangle Park, North Carolina 27711; telephone number: (919) 541–4487 at least 2 days in advance of the public hearing. Persons interested in attending the public hearing must also call Dorothy Apple to verify the time, date, and location of the hearing. The public hearing will provide interested parties the opportunity to present data, views, or arguments concerning these proposed emission standards.

Comments

Comments and data may be submitted by electronic mail (e-mail) to: a-and-docket@epa.gov. Electronic comments must be submitted as an ASCII file to avoid the use of special characters and encryption problems and will also be accepted on disks in WordPerfect® version 5.1, 6.1 or Corel 8 file format. All comments and data submitted in electronic form must note the docket number: A–97–17. No confidential business information (CBI) should be submitted by e-mail. Electronic comments may be filed online at many Federal Depository Libraries.

Commenters wishing to submit proprietary information for consideration must clearly distinguish such information from other comments and clearly label it as CBI. Send submissions containing such proprietary information directly to the following address, and not to the public docket, to ensure that proprietary information is not inadvertently placed in the docket: Attention: Ms. Melva Toomer, U.S. EPA, OAQPS Document Control Officer, 411 W. Chapel Hill Street, Room 944, Durham NC 27711. We will disclose information identified as CBI only to the extent allowed by the procedures set forth in 40 CFR part 2. If no claim of confidentiality accompanies a submission when we receive information, the information may be made available to the public without further notice to the commenter.

Technology Transfer Network

In addition to being available in the docket, an electronic copy of today's proposed amendments is also available through the Technology Transfer Network (TTN). Following signature, a copy of the rule will be posted on the TTN's policy and guidance page for newly proposed or promulgated rules *http://www.epa.gov/ttn/oarpg.* The TTN provides information and technology exchange in various areas of air pollution control. If more information regarding the TTN is needed, call the TTN HELP line at (919) 541–5384.

Plain Language

In compliance with President Clinton's June 1, 1998 Executive Memorandum on Plain Language in government writing, this preamble is written using plain language. Thus, the use of ''we'' in this notice refers to the EPA. The use of ''you'' refers to the reader, and may include industry; State, local, and tribal governments; environmental groups; and other interested individuals.

Regulated Entities

Entities potentially regulated are those that produce acetal resins (AR), acrylic and modacrylic fiber (AMF), hydrogen fluoride (HF), and polycarbonate (PC) and are major sources of hazardous air pollutants (HAP) as defined in section 112 of the Act. Regulated categories and entities include:

Category	Regulated entities[a]
Industry	Producers of homopolymers and/or copolymers of alternating oxymethylene units. Producers of either acrylic fiber or modacrylic fiber synthetics composed of acrylonitrile (AN) units. Producers of, and recoverers of HF by reacting calcium fluoride with sulfuric acid. For the purpose of implementing the rule, HF production is not a process that produces gaseous HF for direct reaction with hydrated aluminum to form aluminum fluoride (i.e., the HF is not recovered as an intermediate or final product prior to reacting with the hydrated aluminum). Producers of polycarbonate.

[a] This table is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be regulated by this action. This table lists the types of entities that the EPA is now aware could potentially be regulated by this action. Other types of entities not listed in the table could also be regulated. To determine whether your facility, company, business, organization, etc., is regulated by this action, you should carefully examine the applicability criteria in § 63.1104(a)(1), (b)(1), (c)(1), and (d)(1) of the rule. If you have questions regarding the applicability of this action to a particular entity, consult the person listed in the preceding **FOR FURTHER INFORMATION CONTACT** section.

I. What is the Background for the Proposed Amendments?

On June 29, 1999 (64 FR 34854), we published the National Emission Standards for Hazardous Air Pollutants: Generic MACT final rulemaking package. At that time, standards were promulgated for four major HAP source categories (i.e., AR production, AMF fiber production, HF production, and PC production). This proposal amends the promulgated rulemaking package (40 CFR part 63, subpart YY) regarding the regulation of surge control vessels and bottoms receiver vessels that do not contain wastewater, and clarifies that surge control vessels and bottoms receiver vessels that contain wastewater are covered by the wastewater provisions of these standards. These proposed amendments would parallel the intended subparts F, G, and H of part 63 (collectively known as the hazardous organic national emission standards for hazardous air pollutants (HON)) level of control.

We are also making corrections to the promulgated rulemaking package (40 CFR part 63, subparts SS, TT, UU, WW, and YY) under a separate notice.

II. What is the Basis for the Proposed Amendments?

During the public comment period for the proposed wastewater provisions (64 FR 34950) applicable to wastewater streams for the AR, AMF, and PC production source categories, we received a comment that stated that one part of the proposed provisions for liquid streams in open systems under the generic MACT rule is inconsistent with the wastewater requirements of the HON, and that the Generic MACT wastewater provisions, as many other aspects of the Generic MACT rulemaking package, are intended to parallel what is required under the HON.

The commenter explained that, under the HON, a ''tank'' could qualify as either a storage vessel or a surge control vessel if it met the relevant size and vapor pressure criteria and that, as proposed, § 63.1106(c) of the Generic MACT wastewater provisions also applies to ''tanks,'' and that a vessel could be subject to both requirements (i.e., storage vessel/surge control vessel requirements and liquid streams in open systems requirements). The commenter stated that the overlap results in inconsistencies in emission control requirements and suggested that we add clarifying changes to eliminate double-regulating of a storage vessel that qualifies as a vessel subject to the liquid streams in open systems requirements.

Under the Generic MACT rule, a vessel that qualifies as a vessel subject to the liquid streams in open systems requirements would contain material that qualifies as wastewater as defined under § 63.1101 (as proposed to be amended). Additionally, the definition for ''storage vessel'' or ''tank'' under the Generic MACT promulgated rule excludes ''vessels that store wastewater.'' Therefore, as proposed under the wastewater provisions, ''vessels that store wastewater'' would not be subject to ''storage vessel'' or ''tank'' requirements. Our assessment of the comment indicated that there was a need to modify the definition of the promulgated definition for ''storage vessel'' to clarify that applicable storage vessels or tanks that contain wastewater are covered under the wastewater provisions. Therefore, today's proposal adds this clarification to the definition of ''storage vessel'' and is consistent with the HON.

Upon further evaluation of the comment, we discovered that we omitted requirements for ''surge control vessels'' and ''bottoms receivers.'' Under the HON, surge control vessels and bottoms receivers are covered under equipment leak requirements, though their control applicability criteria and requirements parallel what is required for storage vessels. The Control Level 2 equipment leak subpart (40 CFR part 63, subpart UU), which is cross-referenced under the Generic MACT rule, parallels the level of control under the HON, except that it does not specify requirements for bottoms receivers and surge control vessels. The Control Level 2 equipment leak subpart referenced under the Generic MACT rule mirrors what was developed under the Synthetic Organic Chemicals Manufacturing Industry (SOCMI) Consolidated Air Rule (CAR) development effort. Under the SOCMI CAR effort, bottoms receivers and surge control vessels are regulated under the storage vessel provisions.

Inadvertently, under the promulgated Generic MACT rule, we defined ''storage vessel'' as excluding ''bottoms receivers'' and ''surge control vessels'' (which parallels the HON). This led to an omission of specified requirements for bottoms receivers and surge control vessels, and a need for clarification on how they were to be regulated. Therefore, we are proposing to amend the definition for ''storage vessel'' as including bottoms receivers and surge control vessels. As intended, this proposed amendment would result in control of these vessels that parallels what is done under the SOCMI CAR, which mirrors the requirements of the HON, and would reduce confusion on how they are to be regulated.

III. What Are the Impacts Associated With the Proposed Amendments?

The changes contained in the proposed amendments consist of corrections and a clarification change that reflect what was intended and accounted for in our control costs and emission reduction estimates at the time of promulgation of 40 CFR part 63, subparts SS, TT, UU, WW, and YY. Therefore, these proposed amendments will not affect the estimated emissions reduction or the control costs for the standards promulgated for AR, AMF, HF, and PC production source categories on June 29, 1999 (64 FR 34854). These clarifying corrections should make it easier for owners and operators of affected sources, and for local and State authorities, to understand and implement the requirements of the Generic MACT rule.

IV. Administrative Requirements

A. Paperwork Reduction Act

The information collection requirements in this rule have been submitted for approval to OMB under the *Paperwork Reduction Act*, 44 U.S.C. 3501, *et seq.* We submitted an Information Collection Request (ICR) document (ICR No. 1871.02) and a copy may be obtained from Sandy Farmer, OPPE Regulatory Information Division, U.S. Environmental Protection Agency (2137), 401 M Street, SW, Washington, DC 20460 or by calling (202) 260–2740. We may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for our regulations are listed in 40 CFR part 9 and 48 CFR chapter 15. The OMB approved the information collection requirements for the AR, AMF, HF, and PC production source categories and assigned the OMB control number 2060–0420 to the ICR. This approval expires September 30, 2002.

The proposed amendments would have no impact on the information collection estimates made previously for the promulgated rule. Therefore, the ICR has not been revised.

B. Executive Order 12866

Under Executive Order 12866 (58 FR 51735, October 4, 1993), we must determine whether the regulatory action is ''significant'' and therefore subject to review by the Office of Management and Budget (OMB) and the requirements of the Executive Order. The Order defines ''significant regulatory action'' as one that is likely to result in a rule that may:

(1) Have an annual effect on the economy of $100 million or more, or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities;

(2) Create a serious inconsistency or otherwise interfere with an action taken or planned by another agency;

(3) Materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or

(4) Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in the Executive Order.

Pursuant to the terms of Executive Order 12866, we have determined that these proposed amendments do not qualify as a ''significant regulatory action'' and, therefore, are not subject to review by OMB.

C. Executive Order 13132 (Federalism)

Executive Order 13132, entitled ''Federalism'' (64 FR 43255, August 10, 1999), requires EPA to develop an accountable process to ensure ''meaningful and timely input by State and local officials in the development of regulatory policies that have federalism implications.'' ''Policies that have federalism implications'' is defined in the Executive Order to include regulations that have ''substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.'' Under Executive Order 13132, EPA may not issue a regulation that has federalism implications, that imposes substantial direct compliance costs, and that is not required by statute, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by State and local governments, or EPA consults with State and local officials early in the process of developing the proposed regulation. EPA also may not issue a regulation that has federalism implications and that preempts State law unless the Agency consults with State and local officials early in the process of developing the proposed regulation.

If EPA complies by consulting, Executive Order 13132 requires EPA to provide to the Office of Management and Budget (OMB), in a separately identified section of the preamble to the rule, a federalism summary impact statement (FSIS). The FSIS must include a description of the extent of EPA's prior consultation with State and local officials, a summary of the nature of their concerns and the agency's position supporting the need to issue the regulation, and a statement of the extent to which the concerns of State and local officials have been met. Also, when EPA transmits a draft final rule with federalism implications to OMB for review pursuant to Executive Order 12866, EPA must include a certification from the agency's Federalism Official stating that EPA has met the requirements of Executive Order 13132 in a meaningful and timely manner.

This proposed rule will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132. This proposed rule has minimal direct affects on the 10 plants which are impacted by this rule. This proposed rule has even less impacts on States within which the plants reside. Thus, the requirements of section 6 of the Executive Order do not apply to this rule.

Regulatory Flexibility Act/Small Business Regulatory Enforcement Fairness Act of 1996

Under the Regulatory Flexibility Act (RFA) of 1980 (5 U.S.C. 601, *et seq.*), as amended by the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA), we are required to give special consideration to the effect of Federal regulations on small entities and to consider regulatory options that might mitigate any such impacts. Small entities include small businesses, small not-for-profit enterprises, and small governmental jurisdictions.

These proposed amendments would not have a significant impact on a substantial number of small entities because they clarify and correct the promulgated 40 CFR part 63, subparts SS, TT, UU, WW and YY, and do not impose any additional regulatory requirements on owners or operators of affected sources regulated by standards promulgated on June 29, 1999 (64 FR 34854).

E. Unfunded Mandates Reform Act

Under section 202 of the Unfunded Mandates Reform Act (UMRA) of 1995, Pub. L. 104–4, we must prepare a budgetary impact statement to accompany any proposed or final rule that includes a Federal mandate that may result in estimated costs to State, local or tribal governments, in the aggregate, or to the private sector, of $100 million or more in any 1 year. Under section 203, we are required to establish a plan for obtaining input from and informing, educating, and advising any small governments that may be significantly or uniquely affected by the rule.

Under section 205 of UMRA, we must identify and consider a reasonable number of regulatory alternatives before promulgating a rule for which a budgetary impact statement must be prepared. We are required to select the least burdensome alternative for State, local, and tribal governments and the private sector that achieves the objectives of the rule, unless we explain why this alternative is not selected or unless the selection of this alternative is inconsistent with law.

Because these proposed amendments do not include a Federal mandate that may result in expenditures of $100 million or more for State, local, and tribal governments, in the aggregate, or the private sector in any 1 year, we have

not prepared a budgetary impact statement or specifically addressed the selection of the least costly, most cost-effective, or least burdensome alternative. In addition, because small governments will not be significantly or uniquely affected by these proposed amendments, we are not required to develop a plan with regard to small governments. Therefore, the requirements of UMRA do not apply to these proposed amendments.

F. National Technology Transfer and Advancement Act

Under section 12(d) of the National Technology Transfer and Advancement Act of 1995 (the NTTAA), Pub. L. 104–113, section 12(d) (15 U.S.C. 272 note), we are directed to use voluntary consensus standards instead of government-unique standards in our regulatory activities unless to do so would be inconsistent with applicable law or otherwise impractical. By doing so, the Act is intended to reduce the cost to the private and public sectors.

Voluntary consensus standards are technical standards (*e.g.*, materials specifications, test methods, sampling procedures, *etc.*) that are developed or adopted by one or more voluntary consensus standards bodies. Examples of organizations generally regarded as voluntary consensus standards bodies include the American Society for Testing and Materials (ASTM), International Organization for Standardization (IOS), International Electrotechnical Commission (IEC), American Petroleum Institute (API), National Fire Protection Association (NFPA), and the Society of Automotive Engineers (SAE). Under the NTTAA, we are required to provide Congress, through OMB, explanations when we decide not to use available and applicable voluntary consensus standards.

As part of a larger effort, we are undertaking a project to cross-reference existing voluntary consensus standards in testing, sampling, and analysis, with current and future EPA test methods. When completed, we will use this project to assist in identifying potentially applicable voluntary consensus standards that can then be evaluated for equivalency and applicability in determining compliance with future regulations.

These proposed amendments do not require the use of any new technical standards, therefore section 12(d) does not apply.

G. Executive Order 13045

Executive Order 13045, entitled Protection of Children From Environmental Health Risks and Safety Risks (62 FR 19885, April 23, 1997), applies to any rule that we determine (1) is economically significant as defined under Executive Order 12866, and (2) the environmental health or safety risk addressed by the rule has a disproportionate effect on children. If the regulatory action meets both criteria, we must evaluate the environmental health or safety effects of the planned rule on children and explain why the planned regulation is preferable to other potentially effective and reasonably feasible alternatives that we considered.

These proposed amendments are not subject to Executive Order 13045 because they do not constitute an economically significant regulatory action as defined by Executive Order 12866 and because they do not establish an environmental standard intended to mitigate health or safety risks.

H. Executive Order 13084

Under Executive Order 13084, we may not issue a regulation that is not required by statute, that significantly or uniquely affects the communities of Indian tribal governments, and that imposes substantial direct compliance costs on those communities, unless the Federal government provides the funds necessary to pay the direct compliance cost incurred by the tribal governments, or we consult with those governments. If we comply by consulting, Executive Order 13084 requires that we provide to OMB, in a separately identified section of the preamble to the rule, a description of the extent of our prior consultation with representatives of affected tribal governments, a summary of the nature of their concerns, and a statement supporting the need to issue the regulation. In addition, we are required to develop an effective process permitting elected officials and other representatives of Indian tribal governments ''to provide meaningful and timely input in the development of regulatory policies on matters that significantly or uniquely affect their communities.''

Today's proposed amendments do not impose any duties or compliance costs on Indian tribal governments. Further, the proposed amendments provided herein do not significantly alter the control standards imposed by 40 CFR part 63, subparts SS, TT, UU, WW, and YY, including any that may effect communities of Indian tribal governments. Hence, today's proposed amendments do not significantly or uniquely affect the communities of Indian tribal governments. Accordingly, the requirements of section 3(b) of Executive Order 13084 do not apply to these proposed amendments.

List of Subjects for 40 CFR Part 63

Environmental protection, Acetal resins production, Acrylic and modacrylic fiber production, Air emissions control, Equipment, Hazardous air pollutants, Hydrogen fluoride production, Polycarbonate production, Reporting and recordkeeping requirements, Storage vessel.

Dated: November 15, 1999.

Carol M. Browner,

Administrator.

For the reasons set out in the preamble, title 40, chapter I, part 63 of the Code of Federal Regulations is proposed to be amended as follows:

PART 63—NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS FOR SOURCE CATEGORIES

1. The authority citation for part 63 continues to read as follows:

Authority: 42 U.S.C. 7401 *et seq.*

Subpart YY—National Emission Standards for Hazardous Air Pollutants for Source Categories: Generic Maximum Achievable Control Technology Standards

2. Section 63.1101 is amended by revising the definitions for *equipment* and *storage vessel* as follows:

§ 63.1101 Definitions.

* * * * *

Equipment means each of the following that is subject to control under this subpart: pump, compressor, agitator, pressure relief device, sampling collection system, open-ended valve or line, valve, connector, instrumentation system in organic hazardous air pollutant service as defined in § 63.1103 for the applicable process unit, whose primary product is a product produced by a source category subject to this subpart.

* * * * *

Storage vessel or *Tank*, for the purposes of regulation under the storage vessel provisions of this subpart, means a stationary unit that is constructed primarily of nonearthen materials (such as wood, concrete, steel, fiberglass, or plastic) that provides structural support and is designed to hold an accumulation of liquids or other materials. Storage vessel includes surge control vessels and bottoms receiver vessels. For the purposes of regulation under the storage vessel provisions of this subpart, storage vessel does not include vessels

permanently attached to motor vehicles such as trucks, railcars, barges, or ships; or wastewater storage vessels. Wastewater storage vessels are covered under the wastewater provisions of § 63.1106.

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[FR Doc. 99–30231 Filed 11–19–99; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA No. 99–2463; MM Docket No. 99–15; RM–9440]

Radio Broadcasting Services; Neihart, MT

AGENCY: Federal Communications Commission.

ACTION: Proposed rule; dismissal.

SUMMARY: This document denies a petition for rule making filed by Mountain West Broadcasting requesting the allotment of Channel 246C2 at Neihart, Montana. *See* 64 FR 5736, February 5, 1999. With this action, this proceeding is terminated.

FOR FURTHER INFORMATION CONTACT: Kathleen Scheuerle, Mass Media Bureau, (202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Report and Order, MM Docket No. 99–15, adopted October 27, 1999, and released November 5, 1999. The full text of this Commission decision is available for inspection and copying during normal business hours in the Commission's Reference Center, 445 Twelfth Street, SW, Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Services, Inc., 1231 20th Street, NW., Washington, DC. 20036, (202) 857–3800, facsimile (202) 857–3805.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

John A. Karousos,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 99–30172 Filed 11–19–99; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 216

[Docket No. 990927266–9266–01; I.D. 072699A]

RIN 0648–AM62

Taking and Importing Marine Mammals; Taking Marine Mammals Incidental to Navy Operations of Surveillance Towed Array Sensor System Low Frequency Active Sonar; Correction

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

ACTION: Correction to advance notice of proposed rulemaking.

SUMMARY: This document contains corrections to the advance notice of proposed rulemaking that was published on October 22, 1999. These corrections are necessary to inform the public of the correct distance the U.S. Navy proposes to use to safeguard marine mammals from receiving more than a non-serious injury due to sounds from the Navy's Surveillance Towed Array Sensor System (SURTASS) Low Frequency Active (LFA) Sonar.

ADDRESSES: A copy of the U.S. Navy application may be obtained by writing to Donna Wieting, Chief, Marine Mammal Conservation Division, Office of Protected Resources, National Marine Fisheries Service, 1315 East-West Highway, Silver Spring, MD 20910–3226.

FOR FURTHER INFORMATION CONTACT: Kenneth R. Hollingshead, Office of Protected Resources, NMFS, (301) 713–2055, ext 128.

SUPPLEMENTARY INFORMATION: On October 22, 1999, NMFS published a notice (64 FR 57026) that NMFS had received a request from the U.S. Navy for a small take of certain marine mammal species incidental to Navy operations of SURTASS LFA Sonar over the next 5 years.

Need for Correction

As published, the notice contains errors to the proposed safety zone that may prove to be misleading and are in need of correction.

Correction of Publication

Accordingly, the publication on October 22, 1999, of the advance notice of proposed rulemaking (I.D. 072699A), which was the subject of FR Doc. 99–27579, is corrected as follows:

On page 57028, in the first column, under the heading Risk Analysis, in paragraph two, the sentence beginning on line 13, is corrected to read: ''However, the RL for serious injury would be much higher, and the marine mammal would have to be much closer to the array than the 1 km (0.54 nm) radius around the vertical array delineating the 180 dB sound field.''

On page 57028, in the second column, in the second complete paragraph, in line 7 the words inside the parentheses are corrected to read: ''(inside the 180 dB re 1 μPa_{rms} sound field; approximately 1 km (0.54 nm) from the source)''

Dated: November 16, 1999.

Penelope D. Dalton,

Assistant Administrator for Fisheries, National Marine Fisheries Service.

[FR Doc. 99–30422 Filed 11–19–99; 8:45 am]

BILLING CODE 3510–22–F