

Currently, weakfish regulations at 50 CFR 697.7(a)(5) prohibit any person from fishing with a flynet in the Exclusive Economic Zone (EEZ) off North Carolina in a closed area as defined by this regulation. This area was closed to flynetters in order to reduce the harvest of the recovering weakfish stock. In addition, 50 CFR 697.7(a)(3) prohibited the coastwide fishing for weakfish in the EEZ with a minimum mesh size less than 3 1/4-inch (8.3 cm) square stretch mesh (as measured between the centers of opposite knots when stretched taut) or 3 3/4-inch (9.5 cm) diamond stretch mesh for trawls.

The North Carolina Division of Marine Fisheries (NCDMF) proposes to conduct a flynet characterization study using four flynet vessels with a 3 3/4-inch (9.5 cm) diamond stretch mesh trawl to collect information on the size and species composition of finfish caught in a closed area using large mesh flynets (3 3/4-inch (9.5 cm) diamond stretch mesh) as defined in Atlantic States Marine Fisheries Commission's (ASMFC) Weakfish Plan Amendment 3 (Amendment 3), and at 50 CFR 697.7(a)(3). The NCDMF will assess the effects of increasing the tail bag mesh size restrictions on the North Carolina flynet fishery that operates south of Cape Hatteras. This information will permit North Carolina, ASMFC, and NMFS to properly assess the impacts of potentially reopening the closed area to flynets with larger minimum-mesh sizes after the management goals of Amendment 3 have been met. In addition, this study will also determine if weakfish can avoid larger-mesh flynets in the closed area.

The flynet fishery that historically operated south of Cape Hatteras was a small-mesh fishery that was not constrained either by minimum size limits on weakfish or minimum mesh sizes. Therefore, the impact of the larger mesh trawl tailbag restrictions (3 3/4-inch (9.5 cm) diamond stretch mesh) currently in place at 50 CFR 697.7(a)(3) for the weakfish fishery coastwide has never been tested in the closed area south of Cape Hatteras.

Based on historical data, the finfish species that could be harvested include weakfish, Atlantic croaker, kingfish, spot, butterfish, and bluefish. All finfish caught under these permits will be retained and landed in accordance with the Flynet characterization study. Legal-sized finfish caught may be kept by the fishermen and sold after all necessary data have been secured by representatives of the NCDMF. No undersized finfish of any species may be sold under the EFP. The NCDMF will supervise the disposition of all

undersized finfish. All exempted fishing trips must take place with an observer aboard the vessel, one of which has been identified by NCDMF.

Historical information on the North Carolina flynet fishery indicates that interaction with marine mammals and/or endangered species is rare or non-existent. Any information gathered with regard to the above interactions will be made available to NMFS.

Each EFP would be valid from the period December 1, 1998, to April 1, 1999, and would apply to the use of a flynet by the permitted vessel in the closed area south of Cape Hatteras for a maximum of 12 trips during the effective dates of the permit. NCDMF limited the number of requests for participation in this study to one per fish company with the owners determining which vessel will fish. The EFP applications were submitted by the owners of the Luther Smith and Sons Seafood, Moon Tillet Fish Company, Williams Seafood, and Susan Rose Inc. The NCDMF would oversee the study.

Based on a preliminary review, NMFS finds that these applications warrant further consideration. A final decision on issuance of EFPs will depend on the submission of all required information, NMFS' review of public comments received on the applications, conclusions of any environmental analyses conducted pursuant to the National Environmental Policy Act, and on any consultations with appropriate Regional Fishery Management Councils, the ASMFC, states, or Federal agencies.

Authority: 16 U.S.C. 5101 *et seq.*

Dated: July 24, 1998.

Richard W. Surdi,

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

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D.072098E]

Marine Mammals; File No. 875-1401

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

ACTION: Issuance of permit amendment.

SUMMARY: Notice is hereby given that Permit No. 875-1401, issued to Dr. Christopher W. Clark, Bioacoustics Research Program, Laboratory of Ornithology, Cornell University, Ithaca, New York 14850, was amended.

ADDRESSES: The amendment and related documents are available for review upon written request or by appointment in the following offices:

Permits and Documentation Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13130 Silver Spring, MD 20910 (301/713-2289);

Regional Administrator, Southwest Region, NMFS, 501 West Ocean Blvd., Long Beach, CA 90802-4213 (562/980-4001); and

Protected Resources Program Manager, Pacific Area Office, NMFS, 2570 Dole Street, Room 106, Honolulu, HI 96822-2396 (808/973-2987).

FOR FURTHER INFORMATION CONTACT: Jeannie Drevenak, 301/713-2289.

SUPPLEMENTARY INFORMATION: The subject amendment has been issued under the authority of the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1361 *et seq.*), the provisions of § 216.39 of 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 provisions of § 222.25 of the regulations governing the taking, importing, and exporting of endangered fish and wildlife (50 CFR part 222), and the Fur Seal Act of 1966, as amended (16 U.S.C. 1151 *et seq.*).

The Permit has been amended to reflect an expiration date of July 20, 1998.

Issuance of this amended permit, as required by the ESA, was based on a finding that such permit (1) was applied for in good faith, (2) will not operate to the disadvantage of the endangered species which is the subject of this permit, and (3) is consistent with the purposes and policies set forth in section 2 of the ESA.

Dated: July 23, 1998.

Ann D. Terbush,

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

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DEPARTMENT OF DEFENSE

Defense Logistics Agency

Privacy Act of 1974; System of Records

AGENCY: Defense Logistics Agency, DoD.
ACTION: Notice to Correct Effective Date.

SUMMARY: The Department of Defense is amending the effective date of an alteration to a system of records notice