

upon the previous history may do so pursuant to paragraph (a) of this section.

\* \* \* \* \*

**PART 651—NORTHEAST MULTISPECIES FISHERY**

5. The authority citation for part 651 continues to read as follows:

Authority: 16 U.S.C. 1801 *et seq.*

6. In § 651.4, paragraph (a) introductory text is revised and paragraph (a)(10) is added to read as follows:

**§ 651.4 Vessel permits.**

\* \* \* \* \*

(a) *Limited access multispecies permits.* Beginning on May 1, 1994, any vessel of the United States that possesses or lands more than the possession limit of regulated species specified under § 651.27(a), except vessels fishing with fewer than 4,500 hooks that have been issued a hook-gear-only permit as specified in paragraph (b) of this section, vessels fishing for regulated species exclusively in state waters, and recreational fishing vessels, must have been issued and carry on board a valid Federal limited access multispecies permit, or an authorizing letter issued under paragraph (a)(8)(v) of this section. To qualify for a limited access multispecies permit, a vessel must meet the following criteria, as applicable:

\* \* \* \* \*

(10) *Confirmation of Permit History.* Notwithstanding any other provisions of this part, a person who does not currently own a fishing vessel, but who has owned a qualifying vessel that has sunk, been destroyed, or transferred to another person, may apply for and receive a Confirmation of Permit History if the fishing and permit history of such vessel has been retained lawfully by the applicant. To be eligible to obtain a Confirmation of Permit History, the applicant must show that the qualifying vessel meets the eligibility requirements, as applicable, in this part. Issuance of a valid and current Confirmation of Permit History preserves the eligibility of the applicant to apply for or renew a limited access permit for a replacement vessel based on the qualifying vessel's fishing and permit history at a subsequent time, subject to the replacement provisions specified at § 651.4. A Confirmation of Permit History must be applied for and received on an annual basis in order for

the applicant to preserve the fishing rights and limited access eligibility of the qualifying vessel. If fishing privileges have been assigned or allocated previously under this part based on the qualifying vessel's fishing and permit history, the Confirmation of Permit History also preserves such fishing privileges. Any decision regarding the issuance of a Confirmation of Permit History for a qualifying vessel that has applied for or been issued previously a limited access permit under this part is a final agency action subject to judicial review under 5 U.S.C. 704. Applications for a Confirmation of Permit History shall be accepted by the Regional Director on or before December 31, 1995. For subsequent years, such applications must be received by the end of the calendar year before the year for which the Confirmation of Permit History expires. Information requirements for the Confirmation of Permit History application shall be the same as those for a limited access permit with any request for information about the vessel being applicable to the qualifying vessel that has been sunk, destroyed or transferred. Vessel permit applicants who hold a Confirmation of Permit History and who wish to obtain a vessel permit for a replacement vessel based upon the previous vessel history may do so pursuant to paragraph (a) of this section.

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**50 CFR Part 652**

[Docket No. 900124-0127; I.D. 110795D]

**Atlantic Surf Clam and Ocean Quahog Fishery; Suspension of Minimum Size Limit for Surf Clams in 1996**

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

**ACTION:** Suspension of surf clam minimum size limit.

**SUMMARY:** NMFS informs the public that the minimum size limit of 4.75 inches (12.065 cm) for Atlantic surf clams is suspended for the 1996 fishing year. The intended effect is to reduce a regulatory burden while still safeguarding the resource by assuring that the vast majority of surf clams are

larger than maximum-yield-per-recruit size.

**EFFECTIVE DATE:** January 1, 1996, through December 31, 1996.

**FOR FURTHER INFORMATION CONTACT:** Myles Raizin, Resource Policy Analyst, 508-281-9104.

**SUPPLEMENTARY INFORMATION:**

A final rule implementing Amendment 8 to the Fishery Management Plan for the Atlantic Surf Clam and Ocean Quahog Fishery was published on June 14, 1990 (55 FR 24184). Section 652.22(a)(1) allows the Regional Director to suspend, annually, by publication of a document in the Federal Register, the minimum size limit for Atlantic surf clams. This action may be taken unless discard, catch, and survey data indicate that as much as 30 percent of the Atlantic surf clam resource is smaller than 4.75 inches (12.065 cm), and the overall reduced size is not attributable to beds where growth of the individual clams has been reduced because of density-dependent factors.

At its August 1995 meeting, the Mid-Atlantic Fishery Management Council (Council) accepted the recommendations of its Statistical and Scientific Committee and Surf Clam/Ocean Quahog Committee and voted to recommend that the Director, Northeast Region, NMFS (Regional Director), suspend the minimum size limit for surf clams in 1996. NMFS port agents conducted a random sample of surf clams landed in 1995. Results indicate that only 10.67 percent of the sample was composed of clams that were less than 4.75 inches (12.065 cm). Based on the sampling results, the Regional Director adopts the Council's recommendation and publishes this document to suspend the minimum size limit for Atlantic surf clams for the period January 1, 1996, through December 31, 1996.

**Classification**

This action is authorized by 50 CFR part 652 and is exempt from review under E.O. 12866.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: November 16, 1995.

Richard W. Surdi,

*Acting Director, Office of Fisheries Conservation and Management, National Marine Fisheries Service.*

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