

transfer, or a timely filed Form 706NA, the details of the transfer and the extent to which the allocation was not to apply.

PART 301—PROCEDURE AND ADMINISTRATION

Par. 2. The authority citation for part 301 continues to read in part as follows:

Authority: 26 U.S.C. 7805. * * *

Par. 3. Section 301.9100-7T is amended as follows:

a. Paragraph (a)(1) is amended in the table by removing both entries for "1431(a)".

b. Paragraph (a)(4)(i) is amended in the table by removing the entry for "1431(a)".

c. Paragraph (a)(4)(iii) is revised to read as follows:

§ 301.9100-7T Time and manner of making certain elections under the Tax Reform Act of 1986.

(a) * * *

(4) * * *

(iii) *Freely revocable election.* The election described in this section under Act section 311(d)(2) is freely revocable.
* * * * *

PART 602—OMB CONTROL NUMBERS UNDER THE PAPERWORK REDUCTION ACT

Par. 4. The authority citation for part 602 continues to read as follows:
Authority: 26 U.S.C. 7805.

Par. 5. In § 602.101, paragraph (c) is amended by adding entries in numerical order in the table to read as follows:

§ 602.101 OMB Control numbers.

* * * * *

(c) * * *

CFR part or section where identified and described	Current OMB control No.
* * * * *	*
26.2601-1	1545-0985
* * * * *	*
26.2632-	1545-0985
* * * * *	*
26.2642-1	1545-0985
26.2642-2	1545-0985
26.2642-3	1545-0985
26.2642-4	1545-0985

CFR part or section where identified and described	Current OMB control No.
* * * * *	*
26.2652-2	1545-0985
* * * * *	*
26.2662-2	1545-0985
* * * * *	*

Approved: December 14, 1995
Michael P. Dolan,
Deputy Commissioner of Internal Revenue.
Leslie Samuels,
Assistant Secretary of the Treasury
[FR Doc. 95-30873 Filed 12-26-95; 8:45 am]
BILLING CODE 4830-01-U

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 638

[Docket No. 950929242-5302-02; I.D. 091295A]

RIN 0648-AH74

Coral and Coral Reefs Off the Southern Atlantic States; Amendment 3

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

ACTION: Final rule.

SUMMARY: NMFS issues this final rule to implement Amendment 3 to the Fishery Management Plan for Coral and Coral Reefs off the Southern Atlantic States (FMP). Amendment 3: Establishes an aquacultured live rock permit system applicable to the exclusive economic zone off the southern Atlantic states; prohibits chipping of aquacultured live rock; prohibits octocoral harvest north of Cape Canaveral, FL; and prohibits anchoring of fishing vessels in the Oculina Bank habitat area of particular concern. In addition, NMFS amends the regulations to correct and clarify certain regulations, or conform them to current standards. The intended effect is to establish a management program for live rock aquaculture and to protect fishery habitat.

EFFECTIVE DATE: January 26, 1996.

FOR FURTHER INFORMATION CONTACT: Georgia Cranmore, 813-570-5305.

SUPPLEMENTARY INFORMATION: The FMP was prepared by the South Atlantic Fishery Management Council (Council

and is implemented through regulations at 50 CFR part 638 under the authority of the Magnuson Fishery Conservation and Management Act (Magnuson Act). With implementation of Amendment 3, the title of the FMP is changed to the Fishery Management Plan for Coral, Coral Reefs, and Live/Hard Bottom Habitats of the South Atlantic Region. This title change reflects the Council's intent to manage and protect essential live/hard bottom habitats as well as coral resources.

Detailed descriptions and rationale for the measures in Amendment 3 and for additional changes proposed by NMFS were included in the preamble to the proposed rule (60 FR 53730, October 17, 1995) and are not repeated here.

Comments and Responses

During the public comment period ending November 27, 1995, comments were received from the U.S. Fish and Wildlife Service (USFWS) and the Center for Marine Conservation (CMC). USFWS and CMC commended the Council for its record on coral reef protection and its recognition of the importance of live rock to the marine ecosystem. USFWS supported the coral conservation and habitat protection measures of Amendment 3.

Comment: CMC fully supports Amendment 3, because it is expected to minimize enforcement problems, protect important live bottom communities, and minimize further damage to the Oculina Bank area. CMC also urges NMFS not to delay implementation of the aquaculture permit system.

Response: Since a very similar permit system is already in place for live rock aquaculture in the Gulf of Mexico, NMFS expects no delays in implementing the aquaculture permit provisions of Amendment 3, including the special provisions for proposed sites off the southern Atlantic states.

Changes From the Proposed Rule

In § 638.2, the note added to the definition of "Allowable octocoral" to clarify the distinction between allowable octocoral and live rock is removed. Since publication of the proposed rule, a clarifying note was added to 50 CFR part 638 via the final rule implementing Amendment 3 to the Fishery Management Plan for Coral and Coral Reefs of the Gulf of Mexico (60 FR 56533, November 9, 1995); therefore, the note is unnecessary.

Approval of Amendment 3

On December 15, 1995, the Director, Southeast Region, NMFS (Regional Director), approved Amendment 3.

Classification

The Regional Director determined that Amendment 3 is necessary for the conservation and management of the coral and coral reef resources and live/hard bottom habitats off the southern Atlantic states and that it is consistent with the Magnuson Act and other applicable law.

This action has been determined to be not significant for purposes of E.O. 12866.

The Assistant General Counsel for Legislation and Regulation of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration when the proposed rule was published that it would not have a significant economic impact on a substantial number of small entities. The reasons for this certification were published in the preamble to the proposed rule (60 FR 53731, October 17, 1995) and are not repeated here. As a result, a regulatory flexibility analysis was not prepared.

List of Subjects in 50 CFR Part 638

Fisheries, Fishing, Reporting and recordkeeping requirements.

Dated: December 20, 1995.

Nancy Foster,

Acting Assistant Administrator for Fisheries, National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR part 638 is amended as follows:

PART 638—CORAL AND CORAL REEFS OF THE GULF OF MEXICO AND OFF THE SOUTHERN ATLANTIC STATES

1. The authority citation for part 638 continues to read as follows:

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

2. The title of part 638 is revised to read as set forth above.

§ 638.1 [Amended]

3. In § 638.1, in paragraph (a), the phrase "Fishery Management Plan for Coral and Coral Reefs off the Southern Atlantic States" is removed and "Fishery Management Plan for Coral, Coral Reefs, and Live/Hard Bottom Habitats of the South Atlantic Region" is added in its place.

4. In § 638.4, the last sentence in paragraph (a)(1)(v) is revised to read as follows:

§ 638.4 Permits and fees.

(a) * * *

(1) * * *

(v) * * * A person who has been issued an aquacultured live rock permit is exempt from the requirement to

obtain a permit for prohibited coral that is attached to aquacultured live rock.

* * * * *

5. In § 638.7, in paragraph (k), the reference to "(c)" is removed and "(c)(1)" is added in its place; in paragraph (q), the reference to "§ 635.26(c)" is removed and "§ 638.26(c)" is added in its place; and paragraphs (x), (y), and (z) are added to read as follows:

§ 638.7 Prohibitions.

* * * * *

(x) Harvest allowable octocoral in the EEZ off the southern Atlantic states, north of Cape Canaveral, FL (28°35.1' N. lat.—due east of the NASA Vehicle Assembly Building) or possess allowable octocoral in or from that area, as specified in § 638.21(b).

(y) Anchor a fishing vessel, or use an anchor and chain or grapple and chain on board a fishing vessel, in the Oculina Bank HAPC, as specified in § 638.23(c)(2).

(z) Harvest aquacultured live rock by chipping in the EEZ off the southern Atlantic states; possess chipped aquacultured live rock in or from that area; remove allowable octocoral or prohibited coral from aquacultured live rock; or, while in possession of aquacultured live rock, possess prohibited coral not attached to aquacultured live rock or allowable octocoral, as specified in § 638.27(c).

6. Section 638.21 is revised to read as follows:

§ 638.21 Harvest limitations.

(a) *Incidental harvest.* Except as authorized by a Federal permit or a Florida permit as specified in § 638.4, prohibited coral, allowable octocoral, and live rock taken as incidental catch must be returned immediately to the sea in the general area of fishing. In fisheries where the entire catch is landed unsorted, such as the scallop and groundfish fisheries, unsorted prohibited coral, allowable octocoral, and live rock are exempt from the requirement for a Federal permit and may be landed; however, no person may sell, trade, or barter or attempt to sell, trade, or barter such prohibited coral, allowable octocoral, or live rock.

(b) *Allowable octocoral harvest.* Harvest of allowable octocoral in the EEZ off the southern Atlantic states, north of Cape Canaveral, FL (28°35.1' N. lat.—due east of the NASA Vehicle Assembly Building) or possession of allowable octocoral in or from that area is prohibited. See the note included in the definition of "Allowable octocoral" for clarification of the distinction

between allowable octocoral and live rock.

7. In § 638.23, in paragraphs (a)(1) and (b)(1), the references to "§ 634.4" are removed and "§ 638.4" is added in both places; and paragraph (c) is revised to read as follows:

§ 638.23 Habitat areas of particular concern.

* * * * *

(c) *Oculina Bank.* The Oculina Bank is located approximately 15 nautical miles east of Fort Pierce, FL, at its nearest point to shore, and is bounded on the north by 27°53' N. lat., on the south by 27°30' N. lat., on the east by 79°56' W. long., and on the west by 80°00' W. long. The following restrictions apply in the HAPC:

(1) Fishing with bottom longlines, traps, pots, dredges, or bottom trawls is prohibited. See § 646.26(d) of this chapter for prohibitions on fishing for snapper-grouper in the Oculina Bank HAPC.

(2) Anchoring of fishing vessels, or using an anchor and chain or grapple and chain on board a fishing vessel, is prohibited.

8. In § 638.27, in the first sentence of paragraph (a), the phrase "from the Gulf of Mexico EEZ" is removed; paragraph (b)(2) is revised; and two sentences are added at the end of paragraph (c) to read as follows:

§ 638.27 Aquacultured live rock.

* * * * *

(b) * * *

(2) Material deposited on the aquaculture site—

(i) May not be placed over naturally occurring reef outcrops, limestone ledges, coral reefs, or vegetated areas;

(ii) Must be free of contaminants;

(iii) Must be nontoxic;

(iv) Must be placed on the site by hand or lowered completely to the bottom under restraint, that is, not allowed to fall freely;

(v) Must be placed from a vessel that is anchored;

(vi) In the Gulf of Mexico EEZ, must be distinguishable, geologically or otherwise (for example, be indelibly marked or tagged), from the naturally occurring substrate; and

(vii) In the EEZ off the southern Atlantic states must be geologically distinguishable from the naturally occurring substrate and, in addition, may be indelibly marked or tagged.

* * * * *

(c) * * * In addition, the following activities are prohibited off the southern Atlantic states: Chipping of aquacultured live rock in the EEZ; possession of chipped aquacultured live

rock in or from the EEZ; removal of allowable octocoral or prohibited coral from aquacultured live rock in or from the EEZ; and possession of prohibited coral not attached to aquacultured live rock or allowable octocoral, while aquacultured live rock is in possession. See the note included in the definition of "Allowable octocoral" for clarification of the distinction between allowable octocoral and live rock.

* * * * *

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50 CFR Part 658

[Docket No. 951013251-5303-02; I.D. 091295B]

RIN 0648-AH72

Shrimp Fishery of the Gulf of Mexico; Amendment 8

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

ACTION: Final rule.

SUMMARY: NMFS issues this final rule to implement Amendment 8 to the Fishery Management Plan for the Shrimp Fishery of the Gulf of Mexico (FMP). Amendment 8 and this final rule establish a revised FMP framework rulemaking procedure for establishing or modifying certain management measures applicable to the fishery for royal red shrimp in the Gulf of Mexico exclusive economic zone. The intended effect of this measure is to allow more

timely implementation of management measures.

EFFECTIVE DATE: January 26, 1996.

FOR FURTHER INFORMATION CONTACT: Michael E. Justen, 813-570-5305.

SUPPLEMENTARY INFORMATION: The shrimp fishery of the Gulf of Mexico is managed under the FMP. The FMP was prepared by the Gulf of Mexico Fishery Management Council and is implemented through regulations at 50 CFR part 658 under the authority of the Magnuson Fishery Conservation and Management Act (Magnuson Act).

Explanation of the revised framework rulemaking procedure and the background and rationale for the procedure are contained in the preamble of the proposed rule to implement Amendment 8 (60 FR 54663, October 25, 1995) and are not repeated here. No comments were received on the proposed rule, and it is published as a final rule without change.

Approval of Amendment 8

On December 15, 1995, the Director, Southeast Region, NMFS (Regional Director), approved Amendment 8.

Classification

The Regional Director determined that Amendment 8 is necessary for the conservation and management of the shrimp fishery of the Gulf of Mexico and that it is consistent with the Magnuson Act and other applicable laws.

This action has been determined to be not significant for purposes of E.O. 12866.

The Assistant General Counsel for Legislation and Regulation of the Department of Commerce certified to

the Chief Counsel for Advocacy of the Small Business Administration that this rule would not have a significant economic impact on a substantial number of small entities. The reasons for this certification were published in the preamble to the proposed rule (60 FR 54663, October 25, 1995) and are not repeated here. As a result, a regulatory flexibility analysis was not prepared.

List of Subjects in 50 CFR Part 658

Fisheries, Fishing, Reporting and recordkeeping requirements.

Dated: December 20, 1995.

Nancy Foster,

Acting Assistant Administrator for Fisheries, National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR part 658 is amended as follows:

PART 658—SHRIMP FISHERY OF THE GULF OF MEXICO

1. The authority citation for part 658 continues to read as follows:

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

2. A new § 658.29 is added to read as follows:

§ 658.29 Adjustment of management measures.

In accordance with the procedures and limitations of the Fishery Management Plan for the Shrimp Fishery of the Gulf of Mexico, the Regional Director may establish or modify the maximum sustainable yield, optimum yield, and total allowable catch for royal red shrimp.

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