

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.