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:

§ 602.101 OMB Control numbers.

* * * * *

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.

SUPPLEMENTAL 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.