

federally listed species that are released into the wild as "experimental." This designation can increase the Service's flexibility to manage a reintroduced population. Section 10(j) allows an experimental population to be treated as a threatened species regardless of its designation elsewhere in its range and under section 4(d) of the Act. The Service has greater discretion in developing management programs for threatened species than it has for endangered species. Nonessential experimental populations located outside National Wildlife Refuges or National Park Service lands are treated, for the purpose of section 7 of the Act, as if they are proposed for listing. The area proposed for nonessential experimental designation occurs in northern Arizona, southern Utah and southeastern Nevada.

A proposed rule to designate a nonessential experimental population of California condors was published in the Federal Register (61 FR 35) on January 2, 1996.

Pursuant to 50 CFR 424.16(c)(2), the Service may extend or reopen a comment period upon finding that there is good cause to do so. Full participation of the affected public in the experimental population designation process, allowing the Service to consider the best scientific and commercial data available in making a final determination on the proposed action, is deemed as sufficient cause.

The current comment period on this proposal, which was extended by a document published on February 6, 1996 (61 FR 4394), closes on February 29, 1996. With the publication of this document, the Service further extends the public comment period. Written comments may now be submitted until April 1, 1996, to the Service office in the ADDRESSES section.

#### Author

The primary author of this notice is Jeffrey A. Humphrey (see ADDRESSES).

#### Authority

The authority for this action is the Endangered Species Act of 1973 (16 U.S.C. 1531-1544).

Nancy Kaufman,

*Regional Director, Region 2, Fish and Wildlife Service.*

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 681

[I.D. 022296D]

RIN 0648-AI32

#### Western Pacific Crustacean Fisheries; Amendment 9

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

**ACTION:** Notice of availability of a fishery management plan amendment and request for comments.

**SUMMARY:** NMFS issues this notice that the Western Pacific Fishery Management Council (Council) has submitted Amendment 9 to the Fishery Management Plan for the Crustaceans Fisheries of the Western Pacific Region for review by the Secretary of Commerce (Secretary), and is requesting comments from the public. Amendment 9 would change the current harvest strategy to adapt to lower recruitment in the lobster fishery of the Northwestern Hawaiian Islands.

**DATES:** Written comments on the amendment must be received on or before April 26, 1996.

**ADDRESSES:** All comments should be sent to, Hilda Diaz-Soltero, Director, Southwest Region, NMFS, 501 West Ocean Boulevard, Suite 4200, Long Beach, CA 90802-4213. Copies of the amendment are available upon request from the Council, 1164 Bishop Street, Suite 1405, Honolulu, Hawaii 96813. Telephone 808-522-8220.

**FOR FURTHER INFORMATION CONTACT:** Svein Fougner, (310) 980-4034, Alvin

Katekaru, (808) 973-2985, or Robert Harman, (808) 522-8220.

**SUPPLEMENTARY INFORMATION:** The Magnuson Fishery Conservation and Management Act (Magnuson Act) 16 U.S.C. 1801 *et seq.* requires that a Regional Fishery Management Council submit any amendment to a fishery management plan it has prepared to NMFS for review, disapproval, or partial disapproval. The Magnuson Act also requires that NMFS, upon receiving an amendment, immediately publish a notice that the amendment is available for public review and comment. The NMFS will consider all public comments received during the comment period in determining whether to approve the amendment for implementation.

Amendment 9 would:

(1) Establish an annual harvest guideline based on a constant harvest rate, which would replace the current system of harvesting all legal-sized lobsters above a certain population level;

(2) eliminate size limits and the prohibition on retaining egg-bearing lobsters because lobsters returned to the sea are believed to suffer a high mortality;

(3) implement framework procedures to modify management measures triggered by biological, social, or economic problems in the fishery; and

(4) authorize the Director, Southwest Region, to close the fishery by direct notice to fishermen.

An environmental assessment and regulatory impact review are incorporated in Amendment 9. These documents are available for review (see ADDRESSES).

The receipt date for Amendment 9 was February 21, 1996. Proposed regulations to implement Amendment 9 are scheduled to be published within 15 days of the receipt date.

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

Dated: February 23, 1996.

Richard W. Surdi,

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

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