

or in the case of dredged material, by EPA and the Corps of Engineers, for use in evaluating whether material has the potential to cause acute, chronic, or other sublethal effects following dumping.

PART 227—[AMENDED]

3. The authority citation for 40 CFR Part 227 continues to read as follows:
Authority: 33 U.S.C. 1412 and 1418.

4. Section 227.6 is amended:

a. In paragraph (a) introductory text by removing the words “(f), (g), and (h)”, and adding, in their place, the words “(e), (f), and (g)”.

b. In paragraph (c) introductory text, by removing from the first sentence the words “according to procedures acceptable to EPA, and for dredged material acceptable to”, and adding, in their place, the words “when bioassay procedures have been approved by EPA, or for dredged material, approved by”;

c. By removing the second and third sentences of paragraph (c)(2) and of paragraph (c)(3) and by adding a new sentence in their place in each paragraph, to read as follows:

§ 227.6 Constituents prohibited as other than trace contaminants.

* * * * *

(c) * * *

(2) * * * If these bioassays involve laboratory testing of organisms, they shall be conducted with appropriate sensitive marine organisms as defined in § 227.27(c), and the procedures used will require exposure of organisms for a sufficient period of time and under appropriate conditions to provide reasonable assurance, based on consideration of the statistical significance of effects at the 95 percent confidence level, that, when the materials are dumped, no significant undesirable effects will occur due to chronic toxicity of the constituents listed in paragraph (a) of this section; and

(3) * * * If these bioassays involve laboratory testing of organisms, they shall be conducted with appropriate sensitive benthic marine organisms, and the procedures used will require exposure of organisms for a sufficient period of time to provide reasonable assurance, based on considerations of statistical significance of effects at the 95 percent confidence level, that, when the materials are dumped, no significant undesirable effects will occur due either to chronic toxicity or to bioaccumulation of the constituents listed in paragraph (a) of this section; and

* * * * *

e. By removing paragraph (e) and redesignating paragraphs (f) through (h) as paragraph (e) through (g).

5. Section 227.27 is amended:

a. In paragraph (a)(2), by removing the words “in a bioassay carried out in accordance with approved EPA procedures”;

b. In the first sentence of paragraph (b), by removing the words “using appropriate sensitive marine organisms in the case of the suspended particulate phase, or appropriate sensitive benthic marine organisms in the case of the solid phase”;

c. In paragraph (b), by removing footnote 1 and by revising the last sentence to read as set forth below.

d. By revising paragraphs (c) and (d) to read as follows:

§ 227.27 Limiting Permissible Concentration (LPC).

* * * * *

(b) * * * If these bioassays involve laboratory testing of organisms, they shall be conducted with appropriate sensitive marine organisms in the case of the suspended particulate phase, or appropriate sensitive benthic marine organisms in the case of the solid phase.

(c) Appropriate sensitive marine organisms means at least two species that together are representative of the following types of organisms: phytoplankton or zooplankton, crustacean or mollusk, and fish. These organisms shall be chosen from among the most sensitive species documented in the scientific literature or accepted by EPA as being reliable test organisms to determine the anticipated impact of the wastes on the ecosystem at the disposal site. If the bioassays involve laboratory testing of these organisms, they shall be run for a minimum of 96 hours under temperature, salinity, and dissolved oxygen conditions representing the extremes of environmental stress at the disposal site, except that phytoplankton or zooplankton may be run for shorter periods of time as appropriate for the organisms tested at the discretion of EPA, or EPA and the Corps of Engineers, as the case may be.

(d) Appropriate sensitive benthic marine organisms means at least two species that together exhibit filter-feeding, deposit-feeding, and burrowing characteristics. These organisms shall be chosen from among the most sensitive species accepted by EPA as being reliable test organisms to determine the anticipated impact on the site.

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DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

RIN 1018-AD62

Endangered and Threatened Wildlife and Plants; Extension of Comment Period for Proposed Establishment of a Nonessential Experimental Population of California Condors in Northern Arizona

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule; extension of comment period.

SUMMARY: The U.S. Fish and Wildlife Service (Service) provides notice that the public comment period is extended for the proposal to designate a nonessential experimental population of California condors (*Gymnogyps californianus*) in northern Arizona and southern Utah. This population is proposed to be designated as a nonessential experimental population in accordance with section 10(j) of the Endangered Species Act (Act) of 1973, as amended. The extension of the comment period will allow all interested parties to submit written comments on the proposal.

DATES: The current comment period scheduled to close February 29, 1996 is now extended through April 1, 1996.

ADDRESSES: Written comments should be sent to the Field Supervisor, U.S. Fish and Wildlife Service, 2321 W. Royal Palm Road, Suite 103, Phoenix, Arizona 85021. Comments and materials received will be available for public inspection, by appointment, during normal business hours at the above Service address.

FOR FURTHER INFORMATION CONTACT: Jeffrey A. Humphrey, at the above address, 602/640-2720.

SUPPLEMENTARY INFORMATION:

Background

The Service, in cooperation with the Arizona Game and Fish Department, and the U.S. Bureau of Land Management, proposes to reintroduce California condors (*Gymnogyps californianus*) into northern Arizona. This reintroduction will achieve a primary recovery goal for this endangered species, establishment of a second non-captive population, spatially disjunct from the non-captive population in southern California. Section 10(j) of the Endangered Species Act of 1973 (Act) enables the Service to designate certain populations of

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.

[FR Doc. 96-4608 Filed 2-26-96; 3:40 pm]

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