

final determination may participate in the panel review by filing a Notice of Appearance in accordance with rule 40 within 45 days after the filing of the first Request for Panel Review (the deadline for filing a Notice of Appearance is March 27, 1995); and

(c) the panel review shall be limited to the allegations of error of fact or law, including the jurisdiction of the investigating authority, that are set out in the Complaints filed in the panel review and the procedural and substantive defenses raised in the panel review.

Dated: February 17, 1995.

Caratina L. Alston,

Deputy U.S. Secretary NAFTA Secretariat.

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National Oceanic and Atmospheric Administration

SUBJECT: National Weather Service Modernization and Associated Restructuring.

ACTION: Notice.

SUMMARY: On November 4, 1994, the Department of Commerce requested comments identifying service areas where it is believed that current weather services may be degraded as existing radars are decommissioned or as field offices are closed, consolidated, automated or relocated during the modernization of the National Weather Service (59 FR 55254). Appendix 1 to the November 4, 1994 notice contained Study Guidelines which specified the procedures the Secretary of Commerce will follow during modernization of the National Weather Service with respect to the identified areas of concern.

Today's notice lists the areas of concern that were identified as a result of the comments that were received, briefly describes the remaining steps in the process, and reiterates the modernization actions that are prohibited in an identified area of concern until the process described in the Study Guidelines is completed. Appendix 1 to this notice contains the complete Study Guidelines.

FOR FURTHER INFORMATION CONTACT: Julie Scanlon at 301-713-1413 or Nick Scheller at 301-713-0454.

SUPPLEMENTARY INFORMATION: Public Comments Received: Over 67,000 written comments were received during the 60 day public comment period which closed on January 3, 1995. Written comments were in the form of letters, postcards, facsimile transmissions, electronic mail messages, and signed petitions. The Secretary of

Commerce appreciates the thoughtful and valuable inputs on the National Weather Service and its modernization program that were contained in the comments. All such comments have been forwarded to the National Academy of Sciences' National Research Council (NRC) for consideration during their study on the adequacy of planned NEXRAD radar coverage and the effect of field office consolidation. A number of late comments were also received, i.e., postmarked after January 3, 1995. These late comments have been forwarded to the NRC for whatever consideration they may choose to give them.

Areas of Concern: Under the provisions of the Study Guidelines, a single timely comment was sufficient to establish an area as an area of concern. The areas of concern identified are listed below.

Areas of Concern

WSO Asheville, NC
 WSO Astoria, OR
 WSO Athens, GA
 WSO Baton Rouge, LA
 WSO Cape Hatteras, NC
 WSO Caribou, ME
 WSO Charlotte, NC
 WSO Chattanooga, TN
 WSO Colorado Springs, CO
 WSO Del Rio, TX
 WSO Elkins, WV
 WSO Erie, PA
 WSO Evansville, IN
 WSO Fort Smith, AR
 WSO Fort Wayne, IN
 WSO Grand Island, NE
 WSO Greensboro, NC
 WSO Harrisburg, PA
 WSO Huntsville, AL
 WSO International Falls, MN
 WSO Kalispell, MT
 WSO Key West, FL
 WSO Lexington, KY
 WSO Montgomery, AL
 WSO Redding, CA
 WSO South Bend, IN
 WSO Toledo, OH
 WSO Wichita Falls, TX
 WSO Williston, ND
 WSO Wilmington, DE
 WSO Hondo, TX
 central Oregon/central Washington

Generally, areas of concern are denoted by National Weather Service Offices (WSO) and extend throughout the pre-modernization geographical area for which what WSO was responsible for providing weather services. One area is denoted by a National Weather Service Meteorological Observatory (WSMO) and extends throughout the area for which the existing radar operated by that WSMO provides coverage. The final area of concern

listed is identified as central Oregon/central Washington. The concerns expressed for this area was not about any specific existing radar or weather office, but rather about the general adequacy of NEXRAD coverage in central Oregon and central Washington under the planned NEXRAD network.

Remaining Steps in the Process: The NRC will continue the study it began in October 1994 under an amendment to the National Oceanic and Atmospheric Administration contract #50-DGNW-0-00041. This study is an independent scientific assessment of proposed NEXRAD radar coverage and consolidation of field offices in terms of the "no degradation of services" requirement of Public Law 102-567, and in light of public comments received. The NRC will also establish criteria for identifying service areas where the decommissioning of existing radars could degrade services. The NRC will document its findings and recommendations in a report to the Secretary of Commerce. The contractually specific date for delivery of this report is May 17, 1995. The Study Guidelines' due date of 180 days for delivery of this report could not be achieved by the NRC.

The Secretary of Commerce will then apply the NRC's criteria, and other applicable criteria previously approved by the NRC pursuant to the Weather Service Modernization Act, to the above identified areas of concern, and taking into account public comments received, will identify where actions to decommission a radar, or to close, consolidate, relocate, or automate a field office are not likely to satisfy the "no degradation of services" requirement of Public Law 102-567. The Secretary of Commerce will document any recommended adjustments to the National Weather Service modernization plan for these areas of concern to ensure "no degradation of services" in a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science of the House of Representatives. The estimated time frame for delivery of this report is fall 1995.

Prohibited Actions in an Area of Concern: Until the above process is completed and a 30-day grace period from the date of the Secretary of Commerce's report to Congress has elapsed, there will be no decommissioning of any existing radar; or closure, consolidation, relocation, or automation certification at any of the weather offices identified as areas of concern as listed above.

Dated: February 17, 1995.

D. James Baker,

Under Secretary for Oceans and Atmosphere.

Appendix 1—Study Guidelines

Section 1

(a) Modernization of the NWS is essential to public safety and should proceed without unnecessary delay.

(b) The WSMA establishes procedures that assures that the modernization of the NWS will not result in the degradation of weather services currently provided to the public but these procedures do not provide for the independent review of decisions until shortly after the actual event; and

(c) It is appropriate to review the adequacy of the Nation's overall NEXRAD coverage, to ensure a solid scientific and technical basis for the decision-making process, and to assure meaningful participation by the public.

Section 2

The purposes of this document are to provide the fullest opportunity for public participation in the modernization process without unduly delaying this process; and to ensure, through the application of independent scientific criteria that weather services provided in each service area will not be degraded as obsolete radars are decommissioned or as field offices are closed, consolidated, relocated or automated.

Section 3

The definitions contained in section 702 of the WSMA shall apply to the terms in this document. In addition, the term "area of concern" means a service area identified in a timely public comment in response to the **Federal Register** notice required by section 4 of this document.

Section 4

Within 30 days the Secretary shall publish a notice in the **Federal Register** requesting comments on service areas where it is believed that current weather services may be degraded as existing radars are decommissioned or as field offices are closed, consolidated, automated or relocated. The notice shall allow 60 days for the submission of comments. Persons submitting comments shall state the basis for their belief as fully as possible, and shall include a description of local weather characteristics (including unique weather phenomena) and weather related concerns which involve a substantial threat to public safety which they believe affect the weather services provided in areas of concern. All comments received by the Secretary shall be provided promptly to the NRC.

Section 5

(a) Within 30 days the Secretary shall contract with the NRC, or amend an existing contract as necessary, to conduct an independent scientific assessment of proposed NEXRAD radar coverage and consolidation of Field Offices in terms of "no degradation of services" and to establish criteria for identifying service areas where the decommissioning of existing radars could degrade service to affected users.

(b) Within 180 days, but not earlier than 60 days after the close of the comment period provided in the **Federal Register** notice of Section 4, the NRC shall furnish to the Secretary the assessment and criteria required by subsection (a) together with recommendations regarding the need and timing for any future independent studies by the NRC.

Section 6

(a) After receipt of the NRC report, the Secretary shall apply the NRC criteria and other applicable criteria previously approved by the NRC pursuant to the WSMA to areas of concerns and, taking into account the comments received in response to the **Federal Register** notice of Section 4, identify those where he/she believes that actions to decommission a radar or to close, consolidate, relocate, automate a field office noted in the current version of the NIP are not likely to satisfy the requirements of the WSMA. The Secretary shall report the results of his/her review to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science of the House of Representatives. If the Secretary believes that additional radars are needed to satisfy the requirements of the WSMA, he/she shall also identify the number and location of the radars needed.

(b) Submission of a report under this section shall not relieve the Secretary from the requirement of Section 706(b) of the WSMA to certify no degradation of service when he/she restructures a field office. If the field office is located in an area of concern, the Secretary shall provide all comments relating to that area of concern received pursuant to Section 4 to the MTC during the certification process.

Section 7

(a) The Secretary shall not close, consolidate, relocate, or automate any field office or decommission any NWS radar until the public has had an opportunity to identify areas of concern.

(b) Regardless of the contents of the most recent NIP, the Secretary shall not decommission a radar or close, consolidate, automate or relocate a field office in an area of concern unless—

(1) The Secretary has reported to the Congress as provided in section 6 that he/she believes that the action contemplated would not result in a degradation of service; and

(2) 30 days have expired from the date the report was submitted to Congress.

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[I.D. 020895A]

Marine Mammals

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

ACTION: Receipt of application for a scientific research permit (P580).

SUMMARY: Notice is hereby given that Ms. Carol Anne Conway, 407 Garces Drive, San Francisco, CA 94132, has applied in due form for a permit to import blue whale (*Balaenoptera musculus*) tissue samples from Newfoundland, Canada, for purposes of scientific research.

DATES: Written comments must be received on or before March 27, 1995.

ADDRESSES: The application and related documents are available for review upon written request or by appointment in the following offices:

Permits Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13130, Silver Spring, MD 20910 (301/713-2289); and

Southwest Region, 501 W. Ocean Boulevard, Long Beach, CA 90802-4213 (310/980-4001).

Written data or views, or requests for a public hearing on this request, should be submitted to the Chief, Permits Division, F/PR1, Office of Protected Resources, NMFS, 1335 East-West Highway, Silver Spring, MD 20910, within 30 days of the publication of this notice. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular request would be appropriate.

Concurrent with the publication of this notice in the **Federal Register**, the Secretary of Commerce is forwarding copies of this application to the Marine Mammal Commission and its Committee of Scientific Advisors.

SUPPLEMENTARY INFORMATION: The subject permit is requested under the authority of the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1361 *et seq.*), the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR part 216), the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*) and the Regulations Governing the Taking, Importing, and Exporting of Endangered Fish and Wildlife (50 CFR part 222).

The applicant proposes to import blue whale samples from Canada. The samples are to be used in a study of the sexual composition of the blue whale population off the western coast of the United States using molecular genetic techniques. Since the Canadian samples are from ice-entrapped animals for which the sex was visually determined, they will be used as positive controls for the genetic technique. Samples from live populations off the western coast were collected under another permit (No. 675), and subsamples will be provided to the applicant by the permittee.