

## SUBCHAPTER C—REGULATIONS OF THE NATIONAL WEATHER SERVICE

### PART 946—MODERNIZATION OF THE NATIONAL WEATHER SERVICE

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APPENDIX A TO PART 946—NATIONAL WEATHER SERVICE MODERNIZATION CRITERIA

APPENDIX B TO PART 946—AIRPORT TABLES

AUTHORITY: Title VII of Pub. L. 102-567, 106 Stat. 4303 15 U.S.C. 313 note

SOURCE: 58 FR 64091, Dec. 3, 1993, unless otherwise noted.

#### § 946.1 Purpose.

(a) This part sets forth the procedures for certification by the Secretary of Commerce that the closure, consolidation, automation or relocation of any field office of the National Weather Service (NWS) pursuant to the implementation of the Strategic Plan for the Modernization of the NWS will not result in any degradation of weather services. Section 706 of Pub. L. 102-567 requires that no such field office be closed, consolidated, automated, or relocated until such certification is made. This part distinguishes these modernization activities which require certification from those changes in operations at a field office which do not require certification.

(b) This part, including specifically these sections which specify when certifications are required, is intended to promote confidence that public safety is being adequately considered during the modernization process. While some of the terms used in these regulations may be identical to those used by the Office of Personnel Management, the General Services Administration, or by

NOAA in personnel regulations, this part does not affect or supersede those regulations. In particular, a determination that the move of a field office is not a “relocation” for purposes of these regulations does not affect an employee’s rights to relocation assistance, discontinued service retirement, severance pay, or grade and pay retention.

#### § 946.2 Definitions.

*Automate (or automation)* means to replace employees performing surface observations at a field office with automated weather service observation equipment. For the purposes of this definition, an employee performing surface observations at a field office is replaced when that office, after installing such equipment, reduces or eliminates its responsibility for taking surface observations and removes the employee from that field office, or formally requests the employee to cease performing all observational responsibilities at that office. Automate does not include temporarily reducing the hours of operation during which a field office is responsible for surface observations or augmenting/backing up an ASOS when such reduction results from an unplanned decrease in staff.

*Category 1 radar* means an existing NWS radar which is to be replaced by a NEX-RAD on the same site or on an adjacent site from which the two radars cannot operate concurrently. A Category 1 radar must be dismantled when the existing tower prevents building a replacement NEX-RAD on the same site or operationally demonstrating and commissioning a replacement NEX-RAD on an adjacent site by physically blocking its beam. A Category 1 radar must be turned off when it prevents operationally demonstrating and commissioning a replacement NEX-RAD on an adjacent site by creating substantial electromagnetic interference.

*Change operations at a field office* means to transfer service responsibility, commission weather observation systems, decommission a NWS

## § 946.2

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radar, move an entire field office to a new location inside the local commuting and service area, or significantly change the staffing level of a field office except where the staffing change constitutes a consolidation or automation or where there is an unplanned decrease in staff.

*Close (or closure)* means to remove all weather services, equipment, and personnel from a field office. It does not include a consolidation, automation, or relocation or a move of a field office to another location within the current local commuting and service area.

*Commission* means to officially charge a new observational technology (e.g., NEXRAD and ASOS) with responsibility for providing weather data within a defined service area or to charge a new weather office support system (e.g., AWIPS) with responsibility for supporting office operations.

*Committee* means the Modernization Transition Committee established by sec. 707 of Pub. L. 102-567.

*Consolidate (or consolidation)* means to remove some positions from a field office (without closing that office) after those responsibilities have been reduced or eliminated by the commissioning of one or more NEXRADS, the decommissioning of the radar operated by that office, if any, and the combination of that office's responsibilities with those of another field office. Consolidate does not include temporarily reducing the hours during which a field office is responsible for operating a radar when such reduction results from an unplanned decrease in staff.

*Decommission (or permanently decommission)* means to permanently withdraw existing official responsibility for providing weather data or weather office support from an existing technology which includes turning off the technology. It does not include temporarily withdrawing responsibility for providing radar data where this action results from:

- (1) System failure;
- (2) The need to dismantle a Category 1 radar to allow the construction of or the operational demonstration and commissioning of a replacement NEXRAD; or
- (3) The need to turn off a Category 1 radar to allow the operational dem-

onstration and commissioning of a replacement NEX-RAD.

*Field office* means a National Weather Service Office (WSO) or a National Weather Service Forecast Office (WSFO).

*Inventory of services* means all of those weather services from those listed on the menu of services that are provided to the public by a field office in its service area prior to a transition action.

*Local Commuting Area* means the population center (or two or more neighboring ones) served by an existing field office and includes those surrounding localities that can reasonably be considered part of this single area for transportation purposes. The Local Commuting Area for any field office located in a Metropolitan Area defined by the Office of Management and Budget for statistical purposes shall be the Metropolitan Statistical Area or Primary Metropolitan Statistical Area.

*Menu of services* means the basic weather services provided by NWS field offices as listed in § 946.4.

*National Implementation Plan* means the plan submitted to Congress as part of the budget justification documents for Fiscal Year 1994 and for each subsequent fiscal year until the modernization is complete.

*Regional Director* means the Director of one of the six geographical regions of the NWS.

*Relocate (or relocation)* means to move an entire field office, including all personnel positions, equipment and service responsibility to a location outside the current local commuting or service area of that field office.

*Responsible Meteorologist* means an employee of the NWS in charge of the office that will be responsible for providing weather services to the area affected by a closure, consolidation, automation, or relocation of a field office.

*Restructure* means to close, consolidate, automate, or relocate a field office.

*Secretary* means the Secretary of Commerce or his or her delegate.

*Service area* means the geographical area for which an existing field office provides weather services or conducts observations.

*Strategic Plan* means the 10 year strategic plan for the modernization of NWS which was submitted to the Congress by the Secretary on March 10, 1989.

*Unplanned decrease in staff* means a temporary reduction in the number of employees available for duty at a field office resulting from employee retirement, resignation, extended sick leave or emergency leave, or voluntary acceptance of training or of a position outside that field office.

*Weather service* means a service or product provided to a service area by a field office.

[58 FR 64091, Dec. 3, 1993, as amended at 59 FR 44314, Aug. 29, 1994]

**§ 946.3 Notification of changes in operations and restructuring.**

(a) Beginning with the Fiscal Year 1994 budget submission to Congress and until the modernization is complete, the NWS will submit to Congress annually a National Implementation Plan. The NWS may amend a Plan prior to the submission of the next Plan to include modifications provided that notification of any additional proposed changes in operations or identification of any additional proposed restructuring actions shall be provided to Congress at least 90 days prior to the date of the action.

(b) The NWS will neither change operations at, nor restructure, any field office after September 30, 1993, pursuant to the implementation of the Strategic Plan unless it has provided notification of the relevant action in the most current edition of the National Implementation Plan, or an amendment thereof, and has complied with all requirements of these regulations.

**§ 946.4 Menu of services.**

The following are the basic weather services provided by NWS field offices:

- (a) Surface Observations
- (b) Upper Air Observations
- (c) Radar Observations
- (d) Public Forecasts, Statements, and Warnings
- (e) Aviation Forecasts, Statements, and Warnings
- (f) Marine Forecasts, Statements, and Warnings

(g) Hydrologic Forecasts and Warnings

(h) Fire Weather Forecasts and Warnings

(i) Agricultural Forecasts and Advisories

(j) NOAA Weather Radio Broadcasts

(k) Climatological Services

(l) Emergency Management Support

(m) Special Products and Service Programs

**§ 946.5 Change in operations—commissioning and decommissioning.**

(a) Before commissioning any new NEXRAD or ASOS weather observation system, the NWS shall prepare a Commissioning Report documenting that the system involved will perform to the Government's specifications; the system has been tested on site and performs reliably; satisfactory maintenance support is in place; sufficient staff with adequate training are available to operate the system; technical coordination with weather service users has been completed; and the system satisfactorily supports field office operations.

(b) The Report required by paragraph (a) of this section shall be based on the scientific and technical criteria set forth in the NWS' NEXRAD and ASOS Commissioning Plans, as appropriate, which criteria shall be published in the FEDERAL REGISTER as the final commissioning criteria in accordance with sec. 704(b)(1) of the Act. In the case of an ASOS commissioning, the Report shall also document that the NWS has consulted with the Federal Aviation Administration (FAA) and has determined that the weather services provided after commissioning will continue to be in full compliance with the applicable FAA flight aviation rules.

(c) Before decommissioning any NWS radar, the NWS shall prepare a Decommissioning Report documenting that all replacement radars needed to provide equal coverage have been commissioned; confirmation of services with users has been completed; and that the radar being decommissioned is no longer needed to support field office operations. The Decommissioning Report shall be based on the scientific and technical criteria contained in the NWS' Radar Decommissioning Plan,