

*Rules of Procedure for Article 1904 Binational Panel Reviews ("Rules").*

These Rules were published in the **Federal Register** on February 23, 1994 (59 FR 8686). The panel review in this matter will be conducted in accordance with these Rules.

A first Request for Panel Review was filed with the U.S. Section of the NAFTA Secretariat, pursuant to Article 1904 of the Agreement, on June 16, 1995, requesting panel review of the final antidumping duty administrative review described above.

The Rules provide that:

(a) A Party or interested person may challenge the final determination in whole or in part by filing a Complaint in accordance with Rule 39 within 30 days after the filing of the first Request for Panel Review (the deadline for filing a Complaint is July 17, 1995);

(b) A Party, investigating authority or interested person that does not file a Complaint but that intends to appear in support of any reviewable portion of the 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 July 31, 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: June 20, 1995.

**James R. Holbein,**

*U.S. Secretary, NAFTA Secretariat.*

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**National Oceanic and Atmospheric Administration**

**National Weather Service Modernization and Associated Restructuring; Notice and Opportunity for Public Comment**

**SUMMARY:** The National Weather Service (NWS) is publishing proposed certifications for:

(1) The proposed consolidation of the Galveston Weather Service Office (WSO) into the future Houston/Galveston Weather Forecast Office (WFO); and

(2) The proposed consolidation of the residual Los Angeles WSO into the future Los Angeles WFO.

In accordance with Pub. Law 102-567, the public will have 60 days in

which to comment on these proposed certifications.

**DATES:** Comments are requested by August 25, 1995.

**ADDRESSES:** Requests for copies of the proposed consolidation packages should be sent to Janet Gilmer, Room 12316, 1325 East-West Highway, Silver Spring, MD 20910, telephone 301-713-0276. All comments should be sent to Janet Gilmer at the above address.

**FOR FURTHER INFORMATION CONTACT:** Julie Scanlon at 301-713-1413.

**SUPPLEMENTARY INFORMATION:** NWS anticipates consolidating:

(1) The Galveston WSO with the future Houston/Galveston WFO, and

(2) The residual Los Angeles WSO with the future Los Angeles WFO.

In accordance with section 706 of Pub. Law 102-567, the Secretary of Commerce must certify that these consolidations will not result in any degradation of service to the affected areas of responsibility and must publish the proposed consolidation certifications in the FR. The documentation supporting each proposed certification includes the following:

(1) A draft memorandum by the meteorologist-in-charge recommending the certification, the final of which will be endorsed by the Regional Director and the Assistant Administrator of the NWS if appropriate, after consideration of public comments and completion of consultation with the Modernization Transition Committee (the Committee);

(2) A description of local weather characteristics and weather-related concerns which affect the weather services provided within the service area;

(3) A comparison of the services provided within the service area and the services to be provided after such action;

(4) A description of any recent or expected modernization of NWS operation which will enhance services in the service area;

(5) An identification of any area within the affected service area which would not receive coverage (at an elevation of 10,000 feet) by the next generation weather radar network;

(6) Evidence, based upon operational demonstration of modernized NWS operations, which was considered in reaching the conclusion that no degradation in service will result from such action including the WSR-88D Radar Commissioning Report, User Confirmation of Services Report, and the Decommissioning Readiness Report; and

(7) A letter appointing the liaison officer.

These proposed certifications do not include any report of the Committee which could be submitted in accordance with sections 706(b)(6) and 707(c) of Public Law 102-567. At its June 14, 1995 meeting the Committee concluded that the information presented did not reveal any potential degradation of service and decided not to issue a report. The Committee did offer several recommendations on these proposed certifications, which are attached to this notice.

The documentation supporting the proposed certifications is too voluminous to publish in its entirety. Copies of the supporting documentation can be obtained through the contact listed above.

Attached to this notice are:

(1) Draft memoranda by the respective meteorologists-in-charge recommending the certifications, and

(2) Recommendations of the Committee on these proposed certifications.

Once all public comments have been received and considered, the NWS will complete consultation with the Committee and determine whether to proceed with the final certifications. If decisions to certify are made, the Secretary of Commerce must publish the final certifications in the FR and transmit the certifications to the appropriate Congressional committees prior to consolidating the offices.

Dated: June 20, 1995.

**Nicholas R. Scheller,**

*National Implementation Staff.*

Memorandum for: Harry S. Hassel, Director, Southern Region

From: Bill Read, MIC, NWSO Houston/Galveston

Subject: Recommendation for Consolidation Certification

After reviewing the attached documentation, I have determined, in my professional judgment, consolidation of the Galveston Weather Service Office (WSO) with the future Houston/Galveston Weather Forecast Offices (WFO) will not result in any degradation in weather services to the Galveston service area. This proposed certification is in accordance with the advance notification provided in the National Implementation Plan. Accordingly, I am recommending you approve this action in accordance with section 706 of Public Law 102-567. If you concur, please endorse this recommendation and forward this package to the Assistant Administrator for Weather Services for final certification. If Dr. Friday approves, he will forward the certification to the Secretary for approval and transmittal to Congress.

My recommendation is based on my review of the pertinent evidence and application of the modernization criteria for consolidation of a field office. In summary:

1. A description of local weather characteristics and weather-related concerns affecting the weather services provided in the Galveston service area is included as attachment A. As discussed below, I find that providing the services which address these characteristics and concerns from Houston/Galveston WFO will not degrade these services.

2. A detailed list of the services currently provided within the Galveston service area from the Galveston WSO location and a list of services to be provided from the Houston/Galveston WFO location after consolidation is included as attachment B. Comparison of these services shows that all services currently provided will continue to be provided after the proposed consolidation. Also, the enclosed map shows the WSO Galveston Area of Responsibility (i.e. "Affected Service Area" and the future WFO Houston/Galveston Area of Responsibility. As discussed below, I find that there will be no degradation in the quality of these services as a result of the consolidation.

3. A description of the recent or expected modernization of National Weather Service (NWS) operations which will enhance services in the WSO Galveston service area is included as attachment C. The new technology (i.e. ASOS, WSR-88D, and AWIPS) has or will be installed and will enhance services.

4. A map showing planned NEXRAD coverage at an elevation of 10,000 feet for Texas is included as attachment D. NWS operational radar coverage for the Galveston service area will be increased and no area will be missed in coverage.

5. The following evidence, based upon operational demonstration of modernized NWS operations played a key role in concluding there will be no degradation of service.

A. The WSR-88D RADAR Commissioning Report, attachment E, validates that the WSR-88D meets technical specifications (acceptance test); is fully operational (satisfactory operation of system interfaces and satisfactory support of associated NWS forecasting and warning services); service backup capabilities are functioning properly; a full set of operations and maintenance documentation is available; and spare parts and test equipment and trained operations and maintenance personnel are available on site. Training was completed but two national work-arounds remain in effect.

B. The User Confirmation of Services, attachment F, documents that only two negative comments were received. Both of the negative comments have been answered to the satisfaction of the commentors as stated in the service Confirmation Report.

C. The Decommissioning Readiness Report, attachment G, verifies that the existing Galveston WSR-57 radar is no longer needed to support services or products for local office operations.

6. A memorandum assigning the liaison officer for the Galveston service area is included as attachment H.

I have considered recommendations of the Modernization Transition Committee (attachment I) and the \_\_\_\_\_ public comments received during the comment

period (attachment J). On \_\_\_\_\_, the Committee voted to endorse the proposed consolidation (attachment K). I believe all negative comments have been addressed to the satisfaction of our customers and I continue to recommend this certification.

#### Endorsement

I Harry S. Hassel, Director, Southern Region, endorse this consolidation certification.

\_\_\_\_\_  
Harry S. Hassel

#### Date

#### Attachments

May 23, 1995.

Memorandum for: Thomas D. Potter,  
Director, Western Region

From: Todd Morris, AM/MIC, NWSFO Los Angeles

Subject: Recommendation for Consolidation Certification

A change of operations occurred at the Los Angeles Weather Service Forecast Office (WSFO) in October 1993 when most personnel were transferred to the facility of the future Los Angeles Weather Forecast Office (WFO) in Oxnard, California to operate the WSR-88D and assume forecast and warning responsibility for the Los Angeles service area. At the same time this office has been designated a Residual Weather Service Office (RWSO) at the original WSFO location to continue operating the existing WSR-74C radar.

After reviewing the attached documentation, I have determined, in my professional judgement, consolidation of the Los Angeles Residual Weather Service Office (RWSO) with the future Los Angeles/Oxnard Weather Forecast Office (WFO) will not result in any degradation in weather services to the Los Angeles service area. This proposed certification is in accordance with the advance notification provided in the National Implementation Plan. Accordingly, I am recommending that you approve this action in accordance with section 706 of Public Law 102-567. If you concur, please endorse this recommendation and forward this package to the Assistant Administrator for Weather Services for final certification. If Dr. Friday approves, he will forward the certification to the Secretary for approval and transmittal to Congress.

My recommendation is based on my review of the pertinent evidence and application of the modernization criteria for consolidation of a field office. In summary:

1. A description of local weather characteristics and weather-related concerns affecting the weather services provided in the pre-modernized Los Angeles service area is included as attachment A. As discussed below, I find that providing the services which address these characteristics and concerns from the Los Angeles/Oxnard WFO will not degrade these services.

2. A detailed list of the services currently provided from the Los Angeles RWSO location and comparable services to be provided from the Los Angeles/Oxnard WFO location after consolidation is included as attachment B. Comparison of these services

shows that all services currently provided will continue to be provided after the proposed consolidation. I find that there will be no degradation in the quality of these services as a result of the consolidation.

3. A description of the recent or expected modernization of National Weather Service (NWS) operations which will enhance services in the pre-modernized Los Angeles service area is included as attachment C. The new technology (i.e. ASOS, WSR-88D, and AWIPS) has or will be installed and will enhance services.

4. A map showing planned NEXRAD coverage at an elevation of 10,000 feet for California is included as attachment D. NWS operational radar coverage for the Los Angeles service area will be vastly increased and will not degrade services.

It should be noted that neither the old Radar network nor the NEXRAD include coverage of a small mountainous area in the northeast corner of the service area. Therefore this does not represent a degradation of Radar coverage or services.

5. The following evidence, based upon operational demonstration of modernized NWS operations, played a key role in concluding there will be no degradation of service.

A. The WSR-88D RADAR Commissioning Report, attachment E, validates that the WSR-88D meets technical specifications (acceptance test); is fully operational (satisfactory operation of system interfaces and satisfactory support of associated NWS forecasting and warning services); service backup capabilities are functioning properly; a full set of operations and maintenance documentation is available; and spare parts and test equipment and trained operations and maintenance personnel are available on site. Training was completed. There were two national work-arounds. One of these has been satisfied while the other one remains in effect.

B. The User Confirmation of Services, attachment F, documents that only two negative comments were received. Both of the negative comments have been answered to the satisfaction of the commentors as stated in the service Confirmation Report.

C. The Decommissioning Readiness Report, attachment G, verifies that the existing Los Angeles WSR-74C radar is no longer needed to support services or products for local office operations.

6. A memorandum assigning the liaison officer for the Los Angeles service area is included as attachment H.

I have considered recommendations of the Modernization Transition Committee (attachment I) and the \_\_\_\_\_ public comments received during the comment period (attachment J). On \_\_\_\_\_ the Committee voted to endorse the proposed consolidation (attachment K). I believe all negative comments have been addressed to the satisfaction of our customers and I continue to recommend this certification.

#### Endorsement

I, Thomas D. Potter, Director, Western Region, endorse this consolidation certification.

Thomas D. Potter

Date

Attachments

### Modernization Transition Committee

#### *Completion of Initial Consultation on Proposed Consolidation for Galveston and Los Angeles*

The Modernization Transition Committee (MTC) has reviewed the consolidation certifications for the Houston/Galveston and Los Angeles/Oxnard consolidations and has determined that these actions will not result in degradation of services. In fact, contrary to the degradation of service, the Committee has concluded that these consolidations have improved the levels of service in these areas.

In addition, the committee makes the following recommendations to further improve, and maintain such levels of service:

(1) Continue to improve precipitation data assimilation and analysis capabilities.

(2) The Los Angeles/Oxnard WFO local weather description summary should include reference to weather related threats to public safety such as fire and mudslides.

(3) The Los Angeles/Oxnard WFO should implement a program of nonstructural mitigation to minimize the effects of earthquakes and other collapsed structure incidents on the provision of weather forecasting services.

Dated: June 14, 1995.

**Peter R. Leavitt,**

*Chair, Modernization Transition Committee.*

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[I.D. 062095B]

### Endangered Species; Permits

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

**ACTION:** Issuance of permit 964 (P770#69), modification 5 to permit 825 (P513), modification 4 to permit 817 (P45K), and modification 2 to permit 823 (P503C).

**SUMMARY:** Notice is hereby given that NMFS has issued a permit and modifications to permits authorizing takes of listed species for the purpose of scientific research, subject to certain conditions set forth therein, to the Coastal Zone and Estuarine Studies Division (CZESD) of the Northwest Fisheries Science Center, NMFS, the

Columbia River Inter-Tribal Fish Commission (CRITFC), the Northwest Biological Science Center of the National Biological Service (NBS), and the Idaho Department of Fish and Game (IDFG).

**ADDRESSES:** The applications and related documents are available for review in the following offices, by appointment:

Office of Protected Resources, F/PR8, NMFS, 1315 East-West Highway, Silver Spring, MD 20910-3226 (301-713-1401); and

Environmental and Technical Services Division, F/NWO3, NMFS, 525 NE Oregon Street, Portland, OR 97232-4169 (503-230-5400).

**SUPPLEMENTARY INFORMATION:** Permit 964, modification 5 to permit 825, modification 4 to permit 817, and modification 2 to permit 823 were issued under the authority of section 10 of the Endangered Species Act of 1973 (ESA) (16 U.S.C. 1531-1543) and the NMFS regulations governing listed fish and wildlife permits (50 CFR parts 217-222).

Notice was published on February 9, 1995 (60 FR 7752) that an application had been filed by CZESD (P770#69) for a permit to take listed species. CZESD requested authorization for a direct take of juvenile, listed, Snake River fall chinook salmon (*Oncorhynchus tshawytscha*) and an incidental take of juvenile, listed, Snake River sockeye salmon (*Oncorhynchus nerka*) and juvenile, listed, naturally-produced and artificially-propagated, Snake River spring/summer chinook salmon (*Oncorhynchus tshawytscha*) associated with a juvenile fall chinook salmon transportation study. The purpose of the study is to compare the adult recoveries of run-of-the-river subyearling chinook salmon transported around the hydropower dams on the Columbia River using state-of-the-art facilities and technologies versus those migrating inriver under as favorable passage conditions as possible. Permit 964 was issued to CZESD on June 14, 1995. The duration of the research will be from approximately June 15 to September 15 for 3 of the next 5 years. The take of listed species associated with the research is authorized for 1995. Permit 964 expires on December 31, 1999.

Notice was published on April 26, 1995 (60 FR 20480) that an application had been filed by CRITFC (P513) for modification 5 to permit 825. Permit 825 authorizes a take of adult and juvenile, listed, naturally-produced and artificially-propagated, Snake River spring/summer chinook salmon (*Oncorhynchus tshawytscha*) associated

with five scientific research projects. For modification 5, CRITFC requested an additional take of juvenile, listed, Snake River spring/summer chinook salmon and a take of juvenile, listed, Snake River sockeye salmon (*Oncorhynchus nerka*) associated with a new scientific research project designed to provide fishery managers and hydropower system operators with real-time information on the distribution and incidence of gas bubble trauma symptoms experienced by migrating juvenile salmon during spills at Lower Monumental and Ice Harbor Dams on the Snake River and McNary and Bonneville Dams on the Columbia River. Modification 5 to permit 825 was issued on June 9, 1995 and is valid for the duration of the permit. Permit 825 expires on December 31, 1997.

Notice was published on March 20, 1995 (60 FR 14735) that an application had been filed by NBS (P45K) for modification 4 to permit 817. Permit 817 authorizes a take of juvenile, listed, Snake River fall and spring/summer chinook salmon (*Oncorhynchus tshawytscha*) associated with a study designed to assess the migration timing of juvenile anadromous salmon using passive integrated transponder (PIT) tags and Panjet marks. For modification 4, NBS requested an increase in the annual take authorized in the permit and approval to use an additional sampling gear type. The increase in the annual take was requested to obtain a sufficient sample size to estimate the migration timing of fish produced in the upper Snake and Clearwater Rivers to Lower Monumental Dam on the lower Snake River. In addition, NBS requested approval to use modified fyke nets instead of beach seines to capture fish for tagging and to assess nearshore movements of the marked fish in the Snake and Clearwater Rivers. Modification 4 to permit 817 was issued on June 5, 1995 and is valid for the duration of the permit. Permit 817 expires on December 31, 1996.

Notice was published on March 9, 1995 (60 FR 12913) that an application had been filed by IDFG (P503C) for modification 2 to permit 823. Permit 823 authorizes a take of adult and juvenile, listed, naturally-produced and artificially-propagated, Snake River spring/summer chinook salmon (*Oncorhynchus tshawytscha*), adult and juvenile, listed, Snake River fall chinook salmon (*Oncorhynchus tshawytscha*), and adult and juvenile, endangered, Snake River sockeye salmon (*Oncorhynchus nerka*) associated with a wide range of scientific research activities. For modification 2, IDFG requested an increase in the lethal take