

SUPPLEMENTARY INFORMATION: On July 17, 1995, an NPRM was published in the Federal Register (60 FR 36371) to establish Class E airspace at Canyon Ranch Airport, Sonora, TX. The intended effect of the proposal was to provide adequate Class E airspace to contain aircraft executing the VOR/DME SIAP to RWY 32 at Canyon Ranch Airport. After publication of the NPRM, a significant error in the description of the proposed Class E airspace was discovered. Accordingly, the proposed rule is withdrawn.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Withdrawal of Proposed Rule

Accordingly, pursuant to the authority delegated to me, Airspace Docket No. 95-ASW-07, as published in the Federal Register on July 17, 1995 (60 FR 36371), is withdrawn.

Authority: 49 U.S.C. 40103, 40113, 40120; E.O. 10854; 24 FR 9565, 3 CFR, 1959-1963 Comp., p. 389; 49 U.S.C. 106(g); 14 CFR 11.69.

Issued in Fort Worth, TX on May 15, 1996.
Albert L. Viselli,

*Acting Manager, Air Traffic Division,
Southwest Region.*

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

15 CFR Part 946

[Docket No. 960418114-6137-02]

RIN 0648-AF72

Weather Service Modernization Criteria

AGENCY: National Weather Service, National Oceanic and Atmospheric Administration, Department of Commerce.

ACTION: Proposed amendment; request for comments.

SUMMARY: In accordance with the Weather Service Modernization Act, 15 U.S.C. 313n. (the Act), the National Weather Service (NWS) is proposing to amend its criteria governing the taking of certain modernization actions. This amendment would add criteria unique to closing a field office to ensure that closure actions will not result in any degradation of service.

DATES: Comments are requested by July 8, 1996.

ADDRESSES: Requests for copies of documents stated in the preamble as being available upon request and comments should be sent to Julie Scanlon, NOAA/NWS, SSMC2, Room 9332, 1325 East-West Highway, Silver Spring, Maryland 20910.

FOR FURTHER INFORMATION CONTACT: Nicholas Scheller, 301-713-0454.

SUPPLEMENTARY INFORMATION: Section 704(a) of the Act requires the NWS to contract with the National Research Council (NRC) for a review of the scientific and technical criteria for specified modernization actions. The NRC conducted this review and submitted the required report assessing the criteria to the Secretary of Commerce on July 28, 1993. Readers may obtain a copy of this Report from the contact and at the address provided above.

Section 704(b) of the Act requires the NWS to publish the criteria in the Federal Register, based on the NRC Report, after providing an opportunity for public comment and after consulting with the NRC and the Modernization Transition Committee (the Committee) established by section 707 of the Act. The NWS has already published all of the required criteria except those for closing a field office, the final step in the modernization process. These existing criteria are, or will be, set forth in Appendices A and B to the basic modernization regulations at 15 CFR part 946.

On March 2, 1994, the NWS published many of the required criteria as Appendix A to the general modernization regulations at 15 CFR part 946 (see 59 FR 9921). These criteria were published in four categories as follows:

(1) Those for modernization actions that do not require prior certification of no degradation of service, i.e., commissioning new weather observation systems and decommissioning outdated NWS radars (Appendix A, Section I.);

(2) Those for modernization actions that do require certification and are common to all such actions, e.g. providing appropriate notification in the National Implementation Plan; describing local weather characteristics and related weather concerns; and comparing services before and after the action (Appendix A, Section II.A.);¹

(3) Those for modernization actions that require certification and that are unique to consolidating field offices (Appendix A, Section II.B.); and

(4) Those for modernization actions that require certification and that are unique to

relocating field offices (Appendix A, Section II.C.).

On May 2, 1996, the NWS published proposed criteria unique to automation (see 61 FR 19594). The comment period closes on June 1, 1996. These criteria will be added as Section II.D. to Appendix A and a new Appendix B, after the NWS has time to respond to the public comments, consult with the NRC and the Committee, and publish the final version.

The present Notice proposes to further amend Appendix A to add the remaining criteria, those for final closure of a field office, as Section II.E. The proposed criteria are based on the July 28, 1993 NRC report.

Summary of NWS Modernization

The proposed closure criteria can better be understood within the context of the overall NWS modernization program. A total of 118 Weather Forecast Offices (WFO) supported by the National Centers for Environmental Prediction (NCEP) and 13 modernized River Forecast Centers (RFC) will exist in the modernized and restructured NWS. Each WFO will have responsibility for all warnings and forecasts within its assigned area of responsibility which, on average, will be half a state. Modernized operations will allow forecasters to comprehensively address the air-sea environment in their assigned area. Observation and analysis of current and expected weather conditions can be quickly and reliably completed, critical decisions made, and immediate warnings and forecasts issued.

The concept of the local data base is central to modernized operations at the WFO. The high volume of data from the local Doppler weather surveillance radar and Geostationary Operational Environmental Satellites combined with the high frequency observations from the Automated Surface Observing Systems will flow directly to the WFO. The most complete data sets will only be available to the local WFO. The modernization is allowing NWS to convert its pre-modernization network of 52 Weather Service Forecast Offices, about 200 smaller Weather Service Offices, and about 35 meteorological observatories into the modernized network of WFOs, RFCs and NCEP. For more information, see the Strategic Plan for the Modernization and Associated Restructuring of the National Weather Service, March 1989.

Transition Process

Closing a field office is the final step in an often complex transition process in which a field office is carefully

¹ The criteria common to all modernization actions requiring certification is a subset of the criteria that will be used to certify closure actions. This section of the previously published criteria is attached for reference (Attachment 1).

phased out at the same time as one or more associated WFOs assume the service responsibilities for that office. Closure may trigger any or all of the following actions: Reassignment of remaining NWS staff; removal of remaining equipment; disposal of facility; and restoration of site. Generally, phasing out the old office will involve one or both of the following major steps prior to closure:

- Consolidation—consists of transferring the personnel from the old office after commissioning the NEXRAD(s) at one or more of the WFOs that will assume responsibility for that office; this action occurs after county warning and NOAA Weather Radio responsibilities have been reassigned to the associated WFO(s); services with users have been confirmed; and the old radar, if there is one, has been decommissioned.

- Automation—consists of transferring the personnel taking surface observations after commissioning an Automated Surface Observing System (ASOS) at the old office; this action occurs after any augmentation/backup responsibility has been transferred to the Federal Aviation Administration (FAA); a supplementary data program is operational at the associated WFO(s) responsible for the field office to be automated; and services with users have been confirmed.

A more detailed description of this overall transition process can be found in the Federal Register notices publishing the basic modernization regulations (see 58 FR 18316—proposed; 58 FR 64088—final). A more detailed description of the consolidation and automation processes can be found in the Federal Register notices establishing or proposing the criteria unique to certifying these actions (see 59 FR 9921—consolidation; 61 FR 19594—automation).

Closure Prerequisites

Both consolidation and automation are major steps in the transition process requiring certification that they will not result in any degradation of service. Almost all of the field offices planned for closure will carry out at least one of these two actions and most will carry out both. (Only 11 field offices planned for closure will carry out neither). The current version of the annual National Implementation Plan for Modernization of the National Weather Service provides a listing of all field offices planned for closure and the applicability of consolidation and/or automation.

Each field office that does carry out a consolidation and/or an automation will

have to complete all of the requirements for certification for the relevant action(s) as a prerequisite to closure.

Consequently, completion of these prerequisite certification requirements, as applicable, are the first two modernization criteria for closure.

In some cases, the action(s) to consolidate and/or automate an office may be proposed concurrently with the proposed closure action. In these cases the proposed closure certification may be combined with the proposed certification(s) for consolidation and/or automation, as long as all the requirements for these prerequisite actions are met by the time the closure certification is proposed. In these cases the relevant criteria for closure are not completion of the relevant certifications but documentation of all the requirements for the relevant certifications so that all required certifications can be reviewed concurrently.

After consolidation and automation occur, there may be some service or observational responsibilities remaining at a field office planned for closure. In these cases, reassignment of remaining service responsibilities and/or modernized arrangements for remaining observational responsibilities will require an additional capability to be operational (e.g., Advanced Weather Interactive Processing System (AWIPS) at a future WFO). Thus the third criterion for closure ensures that any remaining service or observational responsibilities have been transitioned.

The fourth criterion for closure relates to user acceptance of modernization by the users of weather services. Similar criteria were established as part of both consolidation and automation certifications. NWS has developed an extensive and proactive program to gain user acceptance and endorsement of changes resulting from modernization. This program includes:

- User Awareness—informational briefings and mailings to the many and varied users at the National, state and local levels on a frequent and recurring basis throughout the transition period;

- Notification and Technical Coordination—advanced notification of when specific modernization activities are scheduled to occur both in the annual submission of the National Implementation Plan, and by mailings from NWS field office managers to users in their local areas; and coordination of specific technical aspects of activities with users to ensure they understand the change and have sufficient lead time to make any adjustments needed to take full advantage of modernization; and

- Service Confirmation—follow-up with users after a change has been made to ensure that services they receive have remained

intact, accessible and of an acceptable quality, and to resolve any outstanding issues or problems they might have.

The MIC's recommendation for certification will address service confirmation by users.

The fifth criterion for closure deals with warning and forecast verification. Verification is used to objectively measure the accuracy and timeliness of warnings and forecasts. The closure criteria related to verification are designed to support certification requirements that ensure that closure actions will not result in any degradation of service.

The warning verification will focus on warnings that are most often localized, short-lived, and associated with the most destructive and life-threatening severe weather. Forecast verification will focus on the basic elements of public and aviation forecasts.

For closure certification, verification statistics will be compared before and during the transition period prior to closure. The statistical measures that will be utilized to ensure no degradation of service will conform to those reviewed by the National Research Council in 1993.

Special Circumstances

It should be noted that two of the criteria that were published with those criteria common to all types of certification actions (see Attachment 1) are primarily applicable to closure certifications. These are:

(1) Air Safety Appraisal—Section 706(e)(1) of the Act requires the Secretary of Commerce, in consultation with the Secretary of Transportation and the Committee, to conduct an air safety appraisal prior to closure or relocation of a field office located at an airport, to determine that such action will not result in degradation of service that affects aircraft safety. The NWS and FAA have jointly determined the nature of this air safety appraisal. They have agreed to conduct this air safety appraisal on a programmatic basis during establishment of final modernization criteria for automation and closure certification. A copy of the completed air safety appraisal will be included with each closure certification.

(2) Evaluation of Services to In-state Users—the field offices planned for closure that are the only field office in a state are: Weather Services Offices in Baltimore, MD; Concord, NH; Hartford, CT; Providence, RI; and Wilmington, DE. The required evaluation will be addressed in the MIC's recommendation for certification.

A. Classification Under Executive Order 12866

These proposed regulations establish procedures and criteria for certifying that certain actions to modernize NWS will not result in any degradation of weather services to the affected service area. They will not result in any direct or indirect economic impacts, and have been determined not to be significant for purposes of E.O. 12866.

B. Regulatory Flexibility Act Analysis

These regulations set forth the criteria for certifying that certain modernization actions will not result in a degradation of service to the affected area. These criteria will be appended to the Weather Service Modernization regulations. The Assistant General Counsel for Legislation and Regulation of the Department of Commerce has certified to the Chief Counsel for Advocacy of the Small Business Administration that these criteria, if adopted as proposed, will not have a significant economic impact on a substantial number of small entities. These proposed criteria are intended for internal agency use, and will not directly affect small business. The proposed criteria do not directly affect "small government jurisdictions" as defined by Pub. L. 96-354, the Regulatory Flexibility Act. Accordingly, no initial regulatory flexibility analysis has been prepared.

C. Paperwork Reduction Act of 1980

These regulations will impose no information collection requirements of the type covered by Pub. L. 96-511, the Paperwork Reduction Act of 1980.

D. E.O. 12612

This rule does not contain policies with sufficient Federalism implications to warrant preparation of a Federalism assessment under Executive Order 12612.

E. National Environmental Policy Act

NOAA has concluded that publication of this proposed rule does not constitute a major Federal action significantly affecting the quality of the human environment. Therefore, an environmental impact statement is not required. A programmatic Environmental Impact Statement (EIS) regarding NEXRAD was prepared in November 1984, and an Environmental Assessment to update the portion of the EIS dealing with the bioeffects of NEXRAD non-ionizing radiation was issued in 1993.

List of Subjects in 15 CFR Part 946

Administrative practice and procedure, Certification,

Commissioning, Decommissioning, National Weather Service, Weather service modernization.

Dated: June 1, 1996.

Elbert W. Friday, Jr.,

Assistant Administrator for Weather Services.

For the reasons set out in the preamble, 15 CFR part 946 is proposed to be amended as follows:

PART 946—[AMENDED]

1. The authority citation for part 946 continues to read as follows:

Authority: Title VII of Pub. L. 102-567, 106 Stat 4303 (15 U.S.C. 313n).

Appendix A to Part 946—[Amended]

2. Appendix A to part 946 is amended by adding a new Subsection (E) under Section II. Criteria for Modernization Actions Requiring Certification, to read as follows:

(E) Proposed Modernization Criteria Unique to Closure Certifications.

1. Consolidation Certification: If the field office proposed for closure has or will be consolidated, as defined in § 946.2 of the basic modernization regulations, this action has been completed as evidenced by the approved certification or can be completed as evidenced by all of the documentation that all of the requirements of sections II.A. and II.B. of this Annex have been completed.

2. Automation Certification: If the field office proposed for closure has or will be automated, as defined in § 946.2 of the basic modernization regulations, this action has been completed as evidenced by the approved certification or can be completed as evidenced by documentation that all of the requirements of sections II.A. and II.C. of this Annex have been completed.

3. Remaining Services and/or Observations: All remaining service and/or observational responsibilities, if applicable to the field office proposed for closure, have been transitioned as addressed in the MIC's recommendation for certification.

4. User Confirmation of Services: Any valid user complaints received related to provision of weather services have been satisfactorily resolved and the issues addressed in the MIC's recommendation for certification.

5. Warning and Forecast Verification: Warning and forecast verification statistics, produced in accordance with the Closure Certification Verification Plan, have been utilized in support of the MIC's recommendation for certification.

Attachment 1

Appendix A to Part 946—National Weather Service Modernization Criteria (Relevant portions)

II. Criteria for Modernization Actions Requiring Certification

(A). *Criteria Common to all Types of Certifications (except as noted)*

1. Notification: Advanced notification and the expected date of the proposed certification have been provided in the National Implementation Plan.

2. Local Weather Characteristics and Weather Related Concerns: A description of local weather characteristics and weather related concerns which affect the weather services provided to the affected service area is provided.

3. Comparison of Services: A comparison of services before and after the proposed action demonstrates that all services currently provided to the affected service area will continue to be provided.

4. Recent or Expected Modernization of NWS Operations in the Affected Service Area: A description of recent or expected modernization of NWS operations in the affected service area is provided.

5. NEXRAD Network Coverage: NEXRAD network coverage or gaps in coverage at 10 feet over the affected service area are identified.

6. Air Safety Appraisal (applies only to relocation and closure of field offices at an airport): Verification that there will be no degradation of service that affects aircraft safety has been made by conducting an air safety appraisal in consultation with the Federal Aviation Administration.

7. Evaluation of Service to In-state Users (applies only to relocation and closure of the only field office in a state): Verification that there will be no degradation of weather services provided to the state has been made by evaluating the effects on weather services provided to in-State users.

8. Liaison Officer: Arrangements have been made to retain a Liaison Officer in the affected service area for at least two years to provide timely information regarding the activities of the NWS which may affect service to the community, including modernization and restructuring; and to work with area weather service users, including persons associated with general aviation, civil defense, emergency preparedness, and the news media, with respect to the provision of timely weather warnings and forecasts.

9. Meteorologist-In-Charge's (MIC) Recommendation to Certify: The MIC of the future WFO that will have responsibility for the affected service area has recommended certification in accordance with 15 CFR 946.7(a).

10. Regional Director's Certification: The cognizant Regional Director has approved the MIC's recommended certification of no degradation of service to the affected service area in accordance with 15 CFR 946.8.

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COMMODITY FUTURES TRADING COMMISSION

17 CFR Part 1

Rule Amendment Concerning Trading Records

AGENCY: Commodity Futures Trading Commission.

ACTION: Proposed rule amendment.

SUMMARY: The Commodity Futures Trading Commission ("Commission")