Completion of Panel Review on the 31st day following the issuance of the Notice of Final Panel Action, if no Request for an Extraordinary Challenge was filed. No such request was filed. Therefore, on the basis of the Panel Order and Rule 80 of the *Article 1904 Panel Rules*, the Panel Review was completed and the panelists discharged from their duties effective December 1, 1995.

Dated: December 1, 1995.

James R. Holbein,

United States Secretary, NAFTA Secretariat.

[FR Doc. 95-30094 Filed 12-8-95; 8:45 am]

BILLING CODE 3510-GT-M

National Oceanic and Atmospheric Administration

Monitor National Marine Sanctuary

AGENCY: Sanctuaries and Reserves Division (SRD), Office of Ocean and Coastal Resource Management (OCRM), National Ocean Service (NOS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of intent to issue a special use permit; request for applications for special use permit; request for comments.

SUMMARY: This is a public notice of intent to issue, and a request for applications for a special use permit to conduct non-research diving at the Monitor National Marine Sanctuary (MNMS). Public comments are invited. Since 1975, NOAA has protected and preserved the wreck of the USS Monitor as a significant historical resource by restricting physical access except for research expeditions. NOAA recognizes that changes in dive technology and experience in the dive community have resulted in a growing public interest to dive at this site. In 1994, NOAA issued a special use permit, on a trial basis, which authorized a concessionaire to conduct non-research dives over a twoweek period. Upon evaluation of activities conducted under the 1994 permit, NOAA has determined to issue a three-year special use permit to a qualified dive concessionaire, selected competitively, for non-intrusive dives at this site for a total of two (2) weeks (14 days) each year. Because any touching of the Monitor or its debris field will be prohibited, NOAA expects that no disruption or harm will occur at the site from dive activities. NOAA will continue to review this activity, evaluate impacts to the Monitor, if any, and assess whether to issue subsequent special use permits.

DATES: Applications must be submitted no later than February 9, 1996. Public comments must be received by February 9, 1996. Applicants will be notified as to the disposition of their applications by March 11, 1996.

ADDRESSES: All applications for a special use permit and comments on this notice must be sent to: John Broadwater, Manager, Monitor National Marine Sanctuary, NOAA/Building 1519, Fort Eustis, VA 23604. Fax: (804) 878–4619.

FOR FURTHER INFORMATION CONTACT: John Broadwater, Manager, Monitor National Marine Sanctuary, (804) 878– 2973, Internet:

jbroadwater@ocean.nos.noaa.gov; or Helen Golde, Sanctuaries and Reserves Division, (301) 713–3145, extension 152, Internet:

hgolde@ocean.nos.noaa.gov.

SUPPLEMENTARY INFORMATION:

I. Authority

This notice and request for applications is issued under the authority of the National Marine Sanctuaries Act (NMSA), as amended, 16 U.S.C. 1431 *et seq.*

II. Background

The USS Monitor was the first American ironclad turretted warship and is therefore of cultural significance to the transition from wood to metal vessels, as well as for its historic battle against the CSS Virginia (Merrimack). The Monitor was lost during a storm off Cape Hatteras, NC, on December 31, 1862. The wreck of the Monitor was located in 1973, 16.1 miles (29.8 km) south-southeast of Cape Hatteras, resting in 230 feet (70.1 m) of water. The Monitor and the water column 1 nautical mile in diameter centered on the vessel were designated as the first National Marine Sanctuary in 1975, in order to protect and preserve the Monitor from commercial salvors and souvenir collectors. The Monitor has also been designated as a National Historic Landmark.

The regulations governing the MNMS are found at 15 CFR part 924. The MNMS is the most strictly regulated sanctuary regarding public access and is the only sanctuary where any type of diving without a sanctuary permit is prohibited, primarily because it is also an archaeological research site. Alteration of the seabed risks harm of contextual information. Thus, nonresearch access had previously not been permitted because of the threat of harm or unauthorized removal of Monitor artifacts and the archaeological information contained by the vessel and the surrounding seabed. Private research expeditions on the Monitor have been permitted annually since 1989. Research permits have allowed access to the MNMS for research purposes while including conditions to prevent harm to the Monitor and associated artifacts. NOAA recognizes that non-research access may be conducted in a similar fashion.

1994 Special Use Permit

NOAA issued a special use permit to conduct non-research dives on a trial basis during the 1994 season. Out of 15 days scheduled for diving, dives were successfully conducted on 4 days. The canceled dives were due to adverse weather and current conditions. Typically, at Hatteras, approximately one-third of the scheduled dive days are lost due to adverse weather and/or currents. The divers who were successful in diving to the Monitor reported bottom conditions varying from fair to excellent. Participants generally agreed that they enjoyed the diving experience, but that the questionable diving conditions would negatively affect their decision to return for future dives. Dive procedures and dive safety briefings were given daily by the concessionaire. A NOAA Observer was present on the boat during all diving operations, but did not dive.

Although the NOAA observer did not dive and directly observe dive activities, based on observations of, and conversation with and among the divers, it appeared that a number of divers made contact with the wreck by diving through or under the wreck or through accidental contact due to the effects of nitrogen narcosis, strong currents and excessive amounts of gear (usually including steel tanks hanging at the divers' sides). Such incidental contact, if repeated frequently enough, would have a very adverse cumulative effect on the Monitor. The NOAA observer also noted that dive briefings were not as thorough as they should have been, primarily because they were usually conducted hastily at the dock before departure.

The 1994 dive trips were not widely advertised, partially due to the short time frame the concessionaire had to schedule the 1994 dives. Further, adverse weather and sea conditions resulted in the cancellation of dive trips. Thus, only a few divers were able to view the wreck. However, NOAA believes that the goal of increased public access was at least partially met by allowing the non-research dives under the special use permit.