

filing process will be designed to fit each project and will include some or all of the following:

(1) Assisting the prospective applicant in developing initial information about the proposal and identifying affected parties (including landowners, agencies, and other interested parties).

(2) Issuing an environmental scoping notice and conducting such scoping for the proposal.

(3) Facilitating issue identification and resolution.

(4) Conducting site visits, examining alternatives, meeting with agencies and stakeholders, and participating in the prospective applicant's public information meetings.

(5) Reviewing draft Resource Reports.

(6) Initiating the preparation of a preliminary Environmental Assessment or Draft Environmental Impact Statement, the preparation of which may involve cooperating agency review.

(h) A prospective applicant using the pre-filing procedures of this section shall comply with the procedures in 18 CFR 388.112 for the submission of documents containing critical energy infrastructure information, as defined in 18 CFR 388.113.

#### § 157.22 [Removed]

8. Section 157.22 is removed.

### PART 375—THE COMMISSION

8a. The authority citation for part 375 continues to read as follows:

**Authority:** 5 U.S.C. 551–557; 15 U.S.C. 717–717w, 3301–3432; 16 U.S.C. 791–825r, 2601–2645; 42 U.S.C. 7101–7352.

9. In § 375.308, paragraph (z) is revised to read as follows:

#### § 375.308 Delegations to the Director of the Office of Energy Projects.

\* \* \* \* \*

(z) Approve, on a case-specific basis, and make such decisions and issue guidance as may be necessary in connection with the use of the pre-filing procedures in 18 CFR 157.21, "Pre-filing procedures and review process for LNG terminal facilities and other natural gas facilities prior to filing of applications."

[FR Doc. 05–17480 Filed 9–1–05; 8:45 am]

BILLING CODE 6717–01–P

## DEPARTMENT OF HOMELAND SECURITY

### Customs and Border Protection

#### 19 CFR Part 101

[DHS–2005–0057]

#### Establishment of New Port of Entry at Sacramento, CA; Realignment of the Port Limits of the Port of Entry at San Francisco, CA

**AGENCY:** Customs and Border Protection, DHS.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** This rule proposes to amend the Department of Homeland Security regulations pertaining to the field organization of the Bureau of Customs and Border Protection by establishing a new port of entry at Sacramento, California, and terminating the user fee status of Sacramento International Airport. In order to accommodate this new port of entry, this rule proposes to realign the port boundaries of the port of entry at San Francisco, California since these boundaries currently encompass an area that is to be included within the new port of Sacramento. This change is part of the Bureau of Customs and Border Protection's continuing program to utilize more efficiently its personnel, facilities, and resources to provide better service to carriers, importers, and the general public.

**DATES:** Comments must be received on or before November 1, 2005.

**ADDRESSES:** Comments, identified by docket number DHS–2005–0057, may be submitted by one of the following methods:

EPA Federal Partner EDOCKET Web Site: <http://www.epa.gov/feddoCKET>. Follow instructions for submitting comments on the Web site.

Federal eRulemaking Portal: <http://www.regulations.gov>. Follow the instructions for submitting comments.

Mail: Comments by mail are to be addressed to the Bureau of Customs and Border Protection, Office of Regulations and Rulings, Regulations Branch, 1300 Pennsylvania Avenue, NW. (Mint Annex), Washington, DC 20229. Submitted comments by mail may be inspected at the Bureau of Customs and Border Protection, 799 9th Street, NW., Washington, DC. To inspect comments, please call (202) 572–8768 to arrange for an appointment.

Instructions: All submissions received must include the agency name and docket number for this rulemaking. All comments received will be posted without change to <http://www.epa.gov/>

*feddoCKET*, including any personal information provided.

**FOR FURTHER INFORMATION CONTACT:** Dennis Dore, Office of Field Operations, 202–344–2776.

#### SUPPLEMENTARY INFORMATION:

##### Background

As part of its continuing efforts to provide better service to carriers, importers, and the general public, the Department of Homeland Security (DHS), Bureau of Customs and Border Protection (CBP), is proposing to establish a new port of entry at Sacramento, California.

The new port of entry would include all the territory within the following areas: (i) The corporate limits of Sacramento, including the adjacent territory comprised of McClellan Airport in Sacramento County; (ii) all territory on the San Joaquin River in Contra Costa and San Joaquin Counties, to and including Stockton; (iii) from Sacramento, southwest along U.S. Interstate 80, east along Airbase Parkway, to and including the territory comprising Travis Air Force Base; (iv) all points on the Sacramento River in Solano, Yolo and Sacramento Counties, from the junction of the Sacramento River with the San Joaquin River in Sacramento County, to and including Sacramento, California; and (v) all points on the Sacramento River Deep Water Ship Channel in Solano, Yolo and Sacramento Counties, (a) from and including, the junction of Cache Slough with the Sacramento River, to and including Sacramento; and (b) from Sacramento northwest along Interstate 5 to Airport Boulevard, north along Airport Boulevard, to and including the territory comprising the Sacramento International Airport in Sacramento County. All of the territory included in the new port of Sacramento is located within the State of California.

Sacramento International Airport currently is a user fee airport. User fee airports do not qualify for designation by CBP as international airports (which are a specific type of CBP port of entry) based on the volume of their business, but are approved by the Commissioner of CBP to receive the services of CBP officers for the processing of aircraft entering the United States and their passengers and cargo. Unlike the situation at an international airport, the availability of customs services at a user fee airport is not paid for out of appropriations from the general treasury of the United States. Instead, customs services are provided on a fully reimbursable basis to be paid for by the airport on behalf of the recipients of the

services; the airport pays a fee for customs services and then seeks reimbursement from the actual users of those services. This proposal, if adopted, would terminate the user fee status of Sacramento International Airport and therefore also terminate the system of reimbursable fees for the Sacramento International Airport. Sacramento International Airport, however, would become subject to the passenger-processing fee provided for under 19 U.S.C. 58c(a)(5)(B).

The current port limits of the port of entry at San Francisco, California (San Francisco-Oakland), which are described in Treasury Decision (T.D.) 82-9 published at 47 FR 1286 (January 12, 1982), include the proposed port of Sacramento. Accordingly, if Sacramento is established as a port of entry with the geographical limits described in this document, the geographical limits of the port of entry at San Francisco-Oakland would be modified. The geographical limits of the port of San Francisco-Oakland would include all the territory within the corporate limits of San Francisco and Oakland; all points on the San Francisco Bay, San Pablo Bay, Carquinez Strait and Suisan Bay.

#### Port of Entry Criteria

The criteria considered by CBP in determining whether to establish a port of entry are found in T.D. 82-37 published at 47 FR 10137 (March 9, 1982), subsequently revised and amended by T.D. 86-14 published at 51 FR 4559 (February 5, 1986) and T.D. 87-65 published at 52 FR 16328 (May 4, 1987). Under these criteria, CBP will evaluate whether there is a sufficient volume of import business (actual or potential) to justify the expense of maintaining a new office or expanding service at an existing location.

Specifically, CBP will consider whether the proposed port of entry location can:

(1) Demonstrate that the benefits to be derived justify the Federal Government expense involved;

(2) Except in the case of land border ports, be serviced by at least two major modes of transportation (rail, air, water, or highway); and

(3) Except in the case of land border ports, have a minimum population of 300,000 within the immediate service area (approximately a 70-mile radius).

In addition, one of the following five actual or potential workload criteria (minimum number of transactions per year), or an appropriate combination thereof, must be met in the area to be serviced by the proposed port of entry:

(1) 15,000 international air passengers;

(2) 2,500 formal consumption entries (each valued over \$2,000 and no more than half of the 2,500 entries being attributed to one private party), with the applicant location committing to optimal use of electronic data input means to permit integration with any CBP system for electronic processing of entries;

(3) For land border ports, 150,000 vehicles;

(4) 2,000 scheduled international aircraft arrivals (passengers and/or crew); or

(5) 350 cargo vessel arrivals.

Finally, facilities at the proposed port of entry must include, where appropriate, wharfage and anchorage adequate for oceangoing vessels, cargo and passenger facilities, warehouse space for the secure storage of imported cargo pending final CBP inspection and release, and administrative office space, inspection areas, storage areas, and other space as necessary for regular CBP operations.

#### Sacramento's Workload Statistics

This proposed rule to establish the Sacramento, California area as a port of entry is based on CBP's analysis of the following information:

1. Sacramento, California and the Sacramento International Airport are serviced by four modes of transportation:

(a) rail (Amtrak);

(b) air (Sacramento International Airport, McClellan Airport and Travis Air Force Base);

(c) highway (Interstate 5 and Interstate 80); and

(d) water (Sacramento Seaport on the Sacramento River, Stockton Seaport).

2. The area within the immediate service area (approximately a 70-mile radius of Sacramento International Airport) currently has a population exceeding 2,000,000 persons.

3. Regarding the actual or potential workload criteria, during calendar year 2003, 25,560 international air passengers deplaned at Sacramento International Airport via Mexicana Airlines. This number of international air passengers exceeds the criteria requirement of 15,000 international passengers within one year by 10,560. From January 1, 2004 through October 30, 2004, 20,352 international air passengers deplaned at Sacramento International Airport, also via Mexicana Airlines. New international service for Mexicana Airlines began in December 2004, adding three additional cities in Mexico for service to Sacramento International Airport, resulting in a projected total of 55,000 deplaned international passengers at Sacramento

International Airport for calendar year 2005. Additionally, the Sacramento Seaport services approximately 800 vessels per year and averages 1,000,000 tons of cargo.

CBP facilities are already in place at the proposed port of Sacramento and will continue to be provided at no cost to the Federal Government. The Sacramento County Airport System has spent \$3,200,000 for the reconstruction of the International Arrivals Building at the Sacramento airport. A large technology sector is located in the Sacramento area, including seven of the ten largest manufacturers in the region involved in the research and development of advanced technology items. The Metro Air Park, adjacent to the Sacramento International Airport, has been zoned for 21 million square feet of warehousing, office, retail and high technology space, in anticipation of the formation of a port of entry at Sacramento. CBP believes that the establishment of a new port in the local area will provide significant benefits to the Sacramento-area community by providing enhanced business competitiveness for existing enterprises and enabling the retention and expansion of the number of jobs in the area.

This rule also proposes the realignment of the port of entry at San Francisco-Oakland to allow for the new port of Sacramento. The port of entry at San Francisco-Oakland will continue to satisfy the criteria for a port of entry even after the proposed realignment. San Francisco International Airport alone, processed 3,685,519 international passengers and crew during 2004. The San Francisco area includes a population of well over 300,000 and is serviced by four major modes of transportation (air, rail, water and highway).

#### Proposed Amendments to Regulations

If the proposed port of entry designation is adopted, the list of CBP ports of entry at 19 CFR 101.3(b)(1) will be amended to add Sacramento as a port of entry in California and to reflect the new boundaries of the San Francisco-Oakland port of entry.

#### Comments

Before adopting this proposal as a final rule, consideration will be given to any written comments timely submitted to CBP, including comments on the clarity of this proposed rule and how it may be made easier to understand. Comments submitted will be available for public inspection in accordance with the Freedom of Information Act (5 U.S.C. 552) and 19 CFR 103.11(b), on

regular business days between the hours of 9 a.m. and 4:30 p.m. at the Regulations Branch, Office of Regulations and Rulings, Customs and Border Protection, 799 9th Street, NW., 5th Floor, Washington, DC. Arrangements to inspect submitted comments should be made in advance by calling Mr. Joseph Clark at (202) 572-8768.

#### Authority

This change is proposed under the authority of 5 U.S.C. 301 and 19 U.S.C. 2, 66, and 1624.

#### Executive Order 12866 and the Regulatory Flexibility Act

With DHS approval, CBP establishes, expands and consolidates CBP ports of entry throughout the United States to accommodate the volume of CBP-related activity in various parts of the country. The Office of Management and Budget has determined that this regulatory proposal is not a significant regulatory action as defined under Executive Order 12866. This proposed rule also will not have significant economic impact on a substantial number of small entities. Accordingly, CBP certifies that this document is not subject to the additional requirements of the provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*).

#### Signing Authority

The signing authority for this document falls under 19 CFR 0.2(a) because the establishment of a new port of entry and the termination of the user-fee status of an airport are not within the bounds of those regulations for which the Secretary of the Treasury has retained sole authority. Accordingly, the notice of proposed rulemaking may be signed by the Secretary of Homeland Security (or his or her delegate).

Dated: August 26, 2005.

**Michael Chertoff,**  
*Secretary.*

[FR Doc. 05-17536 Filed 9-1-05; 8:45 am]

BILLING CODE 4820-02-P

## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 100

[CGD05-05-098]

RIN 1625-AA08

#### Special Local Regulations for Marine Events; Willoughby Bay, Norfolk, VA

AGENCY: Coast Guard, DHS.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** The Coast Guard proposes to establish temporary special local regulations for the "Hampton Roads Sailboard Classic", a marine event to be held October 29 and 30, 2005 on the waters of Willoughby Bay, Norfolk, Virginia. These special local regulations are necessary to provide for the safety of life on navigable waters during the event. This action is intended to restrict vessel traffic in portions of Willoughby Bay during the event.

**DATES:** Comments and related material must reach the Coast Guard on or before October 3, 2005.

**ADDRESSES:** You may mail comments and related material to Commander (oax), Fifth Coast Guard District, 431 Crawford Street, Portsmouth, Virginia 23704-5004, hand-deliver them to Room 119 at the same address between 9 a.m. and 2 p.m., Monday through Friday, except Federal holidays, or fax them to (757) 398-6203. The Auxiliary and Recreational Boating Safety Branch, Fifth Coast Guard District, maintains the public docket for this rulemaking. Comments and material received from the public, as well as documents indicated in this preamble as being available in the docket, will become part of this docket (CGD05-05-098) and will be available for inspection or copying at the above address between 9 a.m. and 2 p.m., Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** Dennis Sens, Project Manager, Auxiliary and Recreational Boating Safety Branch, at (757) 398-6204.

#### SUPPLEMENTARY INFORMATION:

##### Request for Comments

We encourage you to participate in this rulemaking by submitting comments and related material. If you do so, please include your name and address, identify the docket number for this rulemaking (CGD05-05-098), indicate the specific section of this document to which each comment applies, and give the reason for each comment. Please submit all comments and related material in an unbound format, no larger than 8½ by 11 inches, suitable for copying. If you would like to know they reached us, please enclose a stamped, self-addressed postcard or envelope. We will consider all comments and material received during the comment period. We may change this proposed rule in view of them.

In order to provide notice and an opportunity to comment before issuing an effective rule, we are providing a shorter than normal comment period. A

30-day comment period is sufficient to allow those who might be affected by this rulemaking to submit their comments because the regulations have a narrow, local application, and there will be local notifications in addition to the **Federal Register** publication such as press releases, marine information broadcasts, and the Local Notice to Mariners.

#### Public Meeting

We do not now plan to hold a public meeting. But you may submit a request for a meeting by writing to the address listed under **ADDRESSES** explaining why one would be beneficial. If we determine that one would aid this rulemaking, we will hold one at a time and place announced by a later notice in the **Federal Register**.

#### Background and Purpose

On October 29 and 30, 2005, the Windsurfing Enthusiasts of Tidewater will sponsor the "Hampton Roads Sailboard Classic", on the waters of Willoughby Bay, Norfolk, Virginia. The event will consist of approximately 30 sailboards racing in heats along several courses within Willoughby Bay. Spectator vessels are anticipated to gather near the event site to view the competition. To provide for the safety of event participants, spectators and transiting vessels during the event, the Coast Guard will temporarily restrict vessel movement in the event area during the sailboard races.

#### Discussion of Proposed Rule

The Coast Guard proposes to establish temporary special local regulations on specified waters of Willoughby Bay. This rule will be enforced from 9 a.m. to 5 p.m. on October 29 and 30, 2005, and will restrict general navigation in the regulated area during the sailboard race. Except for participants and vessels authorized by the Coast Guard Patrol Commander, no person or vessel will be allowed to enter or remain in the regulated area during the enforcement period. Non-participating vessels desiring to transit Willoughby Bay during the event will be able to navigate safely around the regulated area. These regulations are needed to control vessel traffic during the event to enhance the safety of participants, spectators and transiting vessels.

#### Regulatory Evaluation

This proposed rule is not a "significant regulatory action" under section 3(f) of Executive Order 12866, Regulatory Planning and Review, and does not require an assessment of potential costs and benefits under