

page 26036 in the issue of Thursday, May 23, 1996, make the following correction:

In the **ADDRESSES** section on page 26036, in the first column, last line, the docket number was listed as 28537. This number should be changed to read 28586.

Issued in Washington, DC on June 12, 1996.

Joseph A. Conte,

*Acting Assistant Chief Counsel.*

[FR Doc. 96-15334 Filed 6-14-96; 8:45 am]

BILLING CODE 4910-13-M

## DEPARTMENT OF THE TREASURY

### Customs Service

#### 19 CFR Parts 101 and 122

#### Customs Service Field Organization; Establishment of Sanford Port of Entry

**AGENCY:** Customs Service, Treasury.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** This document proposes to amend the Customs Regulations pertaining to Customs field organization by establishing a new port of entry at Sanford, Florida. The new port of entry would include Orlando-Sanford Airport, located in the city of Sanford, Seminole County, Florida, which is currently operated as a user-fee airport known as Sanford Regional Airport. This change will assist the Customs Service in its continuing efforts to achieve more efficient use of its personnel, facilities, and resources, and to provide better service to carriers, importers, and the general public.

**DATES:** Comments must be received on or before July 17, 1996.

**ADDRESSES:** Written comments (preferably in triplicate) may be addressed to the Regulations Branch, Office of Regulations and Rulings, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229. Comments submitted may be inspected at the Regulations Branch, Office of Regulations and Rulings, Franklin Court, 1099 14th St., NW, Suite 4000, Washington, DC.

**FOR FURTHER INFORMATION CONTACT:** Harry Denning, Office of Field Operations, Resource Management Division (202) 927-0196.

#### SUPPLEMENTARY INFORMATION:

##### Background

To achieve more efficient use of its personnel, facilities, and resources, and in order to provide better services to carriers, importers, and the public in

Central Florida, Customs proposes to amend § 101.3(b)(1), Customs Regulations (19 CFR 101.3(b)(1)), by establishing a new port of entry at Sanford, Florida. The new port of entry, located in Seminole County, Florida, would include the Orlando-Sanford Airport, which currently operates as Sanford Regional Airport, and is listed in § 122.15(b) of the Customs Regulations as a user-fee airport.

#### Port of Entry Criteria

No formal application procedures have been adopted for purposes of requesting new or expanded Customs services. The procedure most commonly followed has been for a recognized civic or government organization (such as a chamber of commerce, seaport or airport authority, or city government) to submit a written request to the director of the Customs port nearest where the facility is or would be located, setting forth the reason for the new or expanded service. However, there is no prohibition which prevents Customs from initiating the establishment of a port of entry where Customs has reason to believe or made a determination that the necessity for a new facility is justified. Favorable consideration of requests normally hinges on 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.

The criteria considered by Customs in determining whether to establish a port of entry are found in T.D. 82-37 (47 FR 10137), as revised by T.D. 86-14 (51 FR 4559) and T.D. 87-65 (52 FR 16328). Under these criteria, which are not absolute, a community requesting a port of entry designation must:

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

(2) Be serviced by at least two major modes of transportation (rail, air, water, or highway); and

(3) Have a minimum population of 300,000 within the immediate service area (approximately a 70-mile radius).

In addition, if the facility applies for designation as a port of entry based solely upon the consumption entries criterion (see below), it must make a commitment to make optimal use of electronic data transfer capabilities to permit integration with Customs Automated Commercial System (ACS), which provides a means for the electronic processing of entries of imported merchandise. Further, the actual or potential Customs workload (minimum number of transactions per year) at the proposed port of entry must

meet one of several alternative minimum requirements:

(1) 15,000 international air passengers; or

(2) 2,500 formal (over \$1,250 in Customs value) or informal (not over \$1,250 in Customs value) consumption entries; or

(3) In the case of land border ports, 150,000 vehicles; or

(4) 2,000 scheduled international aircraft arrivals (passenger and/or cargo); or

(5) 350 cargo vessel arrivals; or

(6) Any appropriate combination of the above.

Lastly, facilities at the proposed port of entry must include cargo and passenger facilities, warehousing space for the secure storage of imported cargo pending final Customs inspection and release, and administrative office space, inspection areas, storage areas and other space necessary for regular Customs operations.

The proposal set forth in this document is based on Customs analysis of a report prepared for the Central Florida Regional Airport Board which manages the airport at Sanford and shows projected workload figures for the airport for the next decade. That report provides that although Sanford Regional Airport only became a user fee airport in 1991, since 1980 it has become the fastest growing airport for international passenger clearance services in Florida. In response to this growth, the Airport Board has elected to make substantial and long term investment in new international arrival facilities to serve this growing Central Florida market. Current flight schedules for the airport beginning in mid-April 1996 through October of this year project some 413 charter airline flights carrying approximately 118,732 international passengers.

With regard to the above criteria, Customs believes that the Federal Government would benefit from the port of entry designation because Orlando-Sanford Airport (currently operating as Sanford Regional Airport) would be available to share the workload presently handled at ports of entry such as Miami International Airport. The report further provides that State Roads 46 and 417 provide highway access to the airport, and that the population of the Seminole county-area was 287,529 in 1990 and forecast to reach 392,500 by the year 2000, which is well above the minimum 300,000 required. Further, the report provides that the Central Florida Region—comprising the surrounding counties of Lake, Volusia, Orange, Brevard, and Osceola—offered a combined additional population of

1,623,518 in 1990, forecasted to reach 2,209,957 by the year 2000. Because Sanford could qualify for port of entry status on the strength of the potential international passenger processing figures at the airport alone, and is not expected to process many consumption entries, Customs believes that the facility does not, at this time, have to make a commitment to make optimal use of electronic data transfer capabilities to permit integration with Customs Automated Commercial System (ACS), which provides a means for the electronic processing of entries of imported merchandise. Lastly, since the airport is currently a Customs user fee airport, Customs knows that office, storage, and examination space are currently available for use by Customs.

#### Conditional Status

Based on the above, Customs believes that there is sufficient justification for establishment of the proposed port of entry at Sanford. If, after reviewing the public comments, Customs decides to terminate Sanford's designation as a user-fee airport, then Customs will notify the airport of that determination in accordance with the provisions of 19 CFR 122.15(c). However, it is noted that this proposal relies on potential, rather than actual, workload figures. Therefore, even if the proposed port of entry designation is adopted as a final rule, in 3 years Customs will review the actual workload generated within the new port of entry. If that review indicates that the actual workload is below the T.D. 82-37 standards, as amended, procedures may be instituted to revoke the port of entry status. In such case, the Airport may reapply to become a user fee airport under the provisions of 19 U.S.C. 58b.

#### Description of Proposed Port of Entry Limits

The geographical limits of the proposed Sanford port of entry would be as follows:

The Orlando-Sanford Airport, which consists of approximately 2,000 acres which are located in Seminole County, Florida, beginning in the north/east at the intersection of State Road 46 and State Road 417 and proceeding south to Lake Mary Boulevard, turning west to Sanford Boulevard, and finally turning north to State Road 46 to the point of beginning.

#### Proposed Amendments

If the proposed port of entry designation is adopted, the list of Customs ports of entry at § 101.3(b)(1) will be amended to include Sanford as a port of entry in Florida, and Sanford Regional Airport will be deleted from

the list of user-fee airports at § 122.15(b).

#### Comments

Before adopting this proposal as a final rule, consideration will be given to any written comments timely submitted to Customs. Comments submitted will be available for public inspection in accordance with the Freedom of Information Act (5 U.S.C. 552), § 1.4 of the Treasury Department Regulations (31 CFR 1.4), and § 103.11(b) of the Customs Regulations (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, U.S. Customs Service, Franklin Court, 4th floor, 1099 14th St., NW, Washington, DC.

#### Authority

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

The Regulatory Flexibility Act, and Executive Order 12866

Pursuant to provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), it is certified that, if adopted, the proposed amendments will not have a significant economic impact on a substantial number of small entities, as the proposed amendments concern the status of only one airport facility. Accordingly, the proposed amendments are not subject to the regulatory analysis or other requirements of 5 U.S.C. 603 and 604. This amendment does not meet the criteria for a "significant regulatory action" as specified in Executive Order 12866.

George J. Weise,  
*Commissioner of Customs.*

Approved: May 15, 1996.

Dennis M. O'Connell,  
*Acting Deputy Assistant Secretary of the Treasury.*

[FR Doc. 96-15316 Filed 6-14-96; 8:45 am]

BILLING CODE 4820-02-P

## DEPARTMENT OF TRANSPORTATION

### Federal Highway Administration

#### 23 CFR Part 777

[FHWA Docket No. 96-8]

RIN 2125-AD78

#### Mitigation of Impacts to Wetlands

**AGENCY:** Federal Highway Administration (FHWA), DOT.

**ACTION:** Notice of proposed rulemaking (NPRM); request for comments.

**SUMMARY:** In accordance with the President's Regulatory Reinvention Initiative, the FHWA proposes to amend its regulation outlining the procedures to be followed in mitigating the impacts of Federal-aid highway projects and programs to wetlands. The current regulation has become outdated as a result of advances in the science of wetland management and the amendments made by sections 1006(d) and 1007(a) of the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA) (Pub. L. 102-240, 105 Stat. 1914) to the statutory provisions of title 23, United States Code (U.S.C.). The ISTEA amendments significantly alter the range and timing of alternatives eligible for Federal-aid participation for mitigation of wetland impacts due to Federal-aid highway projects. Accordingly, this proposal would revise the current regulation to conform to the ISTEA amendments, thereby providing more flexibility to State highway agencies in determining eligibility of mitigation alternatives for Federal participation. This proposal would broaden the scope of the current regulation to encompass all wetlands mitigation projects eligible for Federal participation, not just those involving privately owned wetlands.

**DATES:** Comments must be received on or before August 16, 1996.

**ADDRESSES:** Submit written, signed comments to FHWA Docket No. 96-8, Federal Highway Administration, Room 4232, HCC-10, Office of the Chief Counsel, 400 Seventh Street, SW., Washington, D.C. 20590. All comments received will be available for examination at the above address between 8:30 a.m. and 3:30 p.m., e.t., Monday through Friday, except Federal holidays. Those desiring notice of receipt of comments must include a self-addressed, stamped postcard.

**FOR FURTHER INFORMATION CONTACT:** Mr. Paul Garrett, Office of Environment and Planning, HEP-42, (202) 366-9173, or Mr. Brett Gainer, Office of the Chief Counsel, HCC-32, (202) 366-1372, Federal Highway Administration, 400 Seventh Street, SW., Washington, D.C. 20590. Office hours are from 7:45 a.m. to 4:15 p.m., e.t., Monday through Friday, except Federal holidays.

#### SUPPLEMENTARY INFORMATION:

##### Background

Executive Order (E.O.) 11990, "Protection of Wetlands," requires all Federal agencies to "avoid to the extent possible the long and short term adverse impacts associated with the destruction or modification of wetlands" (42 FR 26961, May 25, 1977). Specifically, this