

### The Petitioner's Conclusion

The petitioner concludes that 10 CFR 51.109(a)(2) as currently written violates the NEPA, NWPA, and the decision in *NEI v. EPA* with regard to special litigation procedures. The petitioner requests that the NRC amend 10 CFR 51.109 by deleting paragraph (a)(2) and adding a new paragraph (h) as detailed in its petition for rulemaking.

Dated in Rockville, Maryland, this 8th day of August, 2005.

For the Nuclear Regulatory Commission.

**Andrew L. Bates,**

*Acting Secretary of the Commission.*

[FR Doc. 05-15990 Filed 8-11-05; 8:45 am]

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## DEPARTMENT OF HOMELAND SECURITY

### Bureau of Customs and Border Protection

#### 19 CFR Part 101

[DHS-2005-0004]

#### Closing of the Port of Noyes, Minnesota, and Extension of the Limits of the Port of Pembina, ND

**AGENCY:** Customs and Border Protection; Department of Homeland Security.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** This document proposes to close the port of entry of Noyes, Minnesota, and extend the limits of the port of entry of Pembina, North Dakota, to include the rail facilities located at Noyes. The proposed closure and extension are the result of the closure by the Canadian Customs and Revenue Agency of the Port of Emerson, Manitoba, Canada, which is located north of the Port of Noyes, and the close proximity of the Port of Noyes to the Port of Pembina.

**DATES:** Comments must be received on or before October 11, 2005.

**ADDRESSES:** Comments, identified by docket number DHS-2005-0004, 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 at 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 or Regulatory Information Number (RIN) 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

##### *Closing of Port of Noyes*

Customs ports of entry are locations where Customs and Border Protection (CBP) officers and employees are assigned to accept entries of merchandise, clear passengers, collect duties, and enforce the various provisions of customs, border protection, and related laws. The list of designated CBP ports of entry is set forth in 19 CFR 101.3(b)(1).

As part of a continuing program to utilize more efficiently its personnel, facilities, and resources, and to provide better service to carriers, importers, and the public, CBP is proposing to close the Port of Noyes, Minnesota, and extend the limits of the Port of Pembina, North Dakota, to include the rail facilities located at Noyes. On June 8, 2003, the Canadian Customs and Revenue Agency closed the East Port of Emerson, Manitoba, Canada, which is located north of the Port of Noyes. The factors influencing their decision to close the Port of Emerson included the age of the facility, the close proximity of a port at Emerson West, declining workload, and resource considerations.

The Port of Noyes, which is located two miles from the CBP Port of Pembina, processes on average three trucks, 50 vehicles, 154 passengers and three trains per day. CBP is proposing for the Port of Pembina to assume responsibility for processing this workload. If the Port of Noyes is closed, a CBP inspector from the Port of Pembina will continue to process the workload associated with trains as they arrive at Noyes. Other traffic will utilize the Port of Pembina. The Port of Noyes is currently staffed with one full-time CBP inspector and supports the facility needs of seven Border Patrol agents and three Immigration and Customs Enforcement (ICE) agents. CBP is

proposing that the office facility continue to be used to support the needs of those agents once the port has been closed. Security gates and surveillance cameras have also been installed at the Port of Noyes to ensure continued remote monitoring of that location by the Port of Pembina.

##### *Extension of Port of Pembina Limits*

CBP is proposing to extend the limits of the Port of Pembina to encompass the railroad yard located at Noyes, Minnesota, owned by the Canadian Pacific Railway and the Burlington Northern Santa Fe Railway. As mentioned above, CBP is proposing to continue to process the workload associated with trains as they arrive at Noyes.

##### Proposed Amendments to CBP Regulations

If the proposed closure of the Port of Noyes and extension of the Port of Pembina are adopted, CBP will amend 19 CFR 101.3(b)(1) to reflect these changes.

##### Authority

These changes are proposed pursuant to 5 U.S.C. 301 and 19 U.S.C. 2, 66 and 1624, and the Homeland Security Act of 2002, Pub. L. 107-296 (November 25, 2002).

##### Congressional Notification

On September 15, 2003, the Commissioner of CBP notified Congress of CBP's intention to close the Port of Noyes, Minnesota, fulfilling the congressional notification requirements of 19 U.S.C. 2075(g)(2) and section 417 of the Homeland Security Act (6 U.S.C. 217).

##### 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, it is certified 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 this port closure and port limit extension 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).

#### Comments

Before adopting this proposed regulation as a final rule, consideration will be given to any written comments timely submitted to CBP. 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 normal business days between the hours of 9 a.m. and 4:30 p.m. at the Regulations Branch, Office of Regulations and Rulings, Bureau of 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.

Dated: March 24, 2005.

**Robert C. Bonner,**

*Commissioner, Customs and Border Protection.*

Dated: August 4, 2005.

**Michael Chertoff,**

*Secretary.*

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## DEPARTMENT OF STATE

### 22 CFR Part 62

#### [Public Notice 5155]

RIN: 400-AC13

#### Secondary School Student Exchange Programs

**AGENCY:** State Department.

**ACTION:** Proposed rule with request for comment.

**SUMMARY:** The Department is proposing to amend existing regulations set forth at 22 CFR 62.25 to impose new program administration requirements. These amendments would require program sponsors to complete criminal background checks for officers, employees, agents, representatives and volunteers acting on their behalf and would also require monthly contact with host families and students. Amendments are also proposed that would require the vetting of all adult members of a host family household through a sex offender registry maintained by the respective state of

residence. A requirement to report any allegation of sexual misconduct to both the Department and local law enforcement authorities is also proposed.

**DATES:** The Department will accept comments from the public up to October 11, 2005.

**ADDRESSES:** You may submit comments, identified by any of the following methods:

- E-mail: [jexchanges@state.gov](mailto:jexchanges@state.gov). You must include the RIN in the subject line of your message.
- Mail (paper, disk, or CD-ROM submissions): U.S. Department of State, Office of Exchange Coordination and Designation, SA-44, 301 4th Street, SW., Room 734, Washington, DC 20547.
- Fax: 202-203-5087.

Persons with access to the Internet may also view this notice and provide comments by going to the regulations.gov Web site at: <http://www.regulations.gov/index.cfm>.

**FOR FURTHER INFORMATION CONTACT:** Stanley S. Colvin, Acting Director, Office of Exchange Coordination and Designation, U.S. Department of State, SA-44, 301 4th Street, SW., Room 734, Washington, DC 20547; or e-mail at [jexchanges@state.gov](mailto:jexchanges@state.gov).

**SUPPLEMENTARY INFORMATION:** The Department of State designates academic and private sector entities to conduct educational and cultural exchange programs pursuant to a broad grant of authority provided by the Mutual Educational and Cultural Exchange Act of 1961, as amended. Under this authority, some 1,450 program sponsors facilitate the entry of more than 275,000 exchange participants each year. Secondary school students have been a vital component of these private sector exchange activities since 1956 and serve to inform the opinion of foreign youth of the United States and its people.

The safety and security of these participants are of paramount importance to the Department. Although participants are generally 17 to 18 years of age, some participants are as young as 15 and often away from home for the first time. Given the vulnerable status of such a population the Department is proposing that all officers, employees, representatives, agents, and volunteers acting on the sponsors' behalf not only be adequately trained and supervised but also pass a criminal background check. This proposed change is consistent with requirements that have been adopted nationwide for volunteers and employees of organizations serving youth populations. The Department

anticipates that a sufficient network of local and state mechanisms is now in place to provide for the convenient and cost effective vetting of these individuals.

As a related issue, the Department is proposing that all adult members of a prospective host family be vetted through a sex offender registry maintained by the state in which the host family resides. These registries have been established over the last few years and are now available in 48 of the 50 states. The registries are easily accessed and require only the name and zip code of the individual being vetted. The efficiencies of these registries are also evolving rapidly as more states mandate the registering of sex offenders. To further protect student participants, the Department is also proposing that sponsors provide written information to each participant regarding the reporting of sexual abuse or exploitation. The Department concludes that such information is well advised given the youth of the participants and cross cultural differences that may contribute to a reluctance to speak out regarding such matters.

To provide greater clarity regarding program eligibility, the Department proposes to amend existing regulations set forth at 62.25(e) to require that student participants be bona fide students not more than 18 years and six months of age as of the program start date. This change may have a limited effect on the pool of potential exchange participants but is appropriate given the demographics of U.S. high school education. Students past this age have generally completed high school studies in their home country and would be more appropriately placed in a community college or other higher education institution. The Department is also of the opinion that older students will receive limited benefit from this exchange activity.

All secondary school student program sponsors are required to submit a placement report by August 31 of each academic year, and by January 15 of each year for those programs which have students arriving for the Spring semester or calendar year programs. The placement report is expected to include all final placements for the semester or year. For example, it is to include all placed exchange visitors for the academic year program, including participants for the fall semester only. Students selected by program sponsors, but not placed by August 31, should not enter the U.S. for the academic year/fall semester programs. They must wait until the Spring semester to participate in the Exchange Visitor Program.