

### Federalism (Executive Order (E.O.) 13132)

According to E.O. 13132, this rule does not have meaningful federalism implications. As noted above, it would have at most only a small effect relative to the original rule, which itself may have only a small consequence (\$1 to \$2 million a year) on Gulf Coast States in the form of reduced payments under section 8(g) of the OCSLA.

### Takings Implication Assessment (Executive Order 12630)

According to E.O. 12630, the rule does not have significant takings implications; therefore a Takings Implication Assessment is not required.

### Energy Supply, Distribution, or Use (Executive Order 13211)

This amended rule is not a significant rule and is not subject to review by OMB under E.O. 12866. This amended rule does not have a significant adverse effect on energy supply, distribution, or use. This amended rule may slightly increase and accelerate the production of gas from deep wells in shallow waters of the GOM by providing for a RSV volume for successful deep production and a royalty suspension supplement for unsuccessful deep drilling efforts to a few more leases, so it has a positive effect on energy supply based on our regulatory analysis.

### Unfunded Mandates Reform Act (UMRA) of 1995

This amended rule does not impose an unfunded mandate on State, local, or tribal governments or the private sector of more than \$100 million per year. The amended rule does not have any Federal mandates. Nor does the rule have a significant or unique effect on State, local, or tribal governments or the private sector. A statement containing the information required by the UMRA (2 U.S.C. 1531 *et seq.*) is not required.

### Civil Justice Reform (Executive Order 12988)

According to E.O. 12988, the Office of the Solicitor has determined that the rule does not unduly burden the judicial system and meets the requirements of Sections 3(a) and 3(b)(2) of the E.O.

### National Environmental Policy Act (NEPA) of 1969

This rule does not constitute a major Federal action significantly affecting the quality of the human environment. A detailed statement under the NEPA is not required.

### Consultation and Coordination With Indian Tribal Governments (Executive Order 13175)

In accordance with E.O. 13175, this rule does not have tribal implications that impose substantial direct compliance costs on Indian tribal governments.

### List of Subjects in 30 CFR Part 203

Continental shelf, Government contracts, Indian lands, Minerals royalties, Oil and gas exploration, Public lands-mineral resources, Reporting and recordkeeping requirements, Sulphur.

Dated: April 11, 2005.

**Chad Calvert,**

*Acting Assistant Secretary—Land and Minerals Management.*

■ For the reasons stated in the preamble, the Minerals Management Service (MMS) amends 30 CFR part 203 as follows:

### PART 203—RELIEF OR REDUCTION IN ROYALTY RATES

■ 1. The authority citation for part 203 continues to read as follows:

**Authority:** 25 U.S.C. 396 *et seq.*; 25 U.S.C. 396a *et seq.*; 25 U.S.C. 2101 *et seq.*; 30 U.S.C. 181 *et seq.*; 30 U.S.C. 351 *et seq.*; 30 U.S.C. 1001 *et seq.*; 30 U.S.C. 1701 *et seq.*; 31 U.S.C. 9701 *et seq.*; 43 U.S.C. 1301 *et seq.*; 43 U.S.C. 1331 *et seq.*; and 43 U.S.C. 1801 *et seq.*

■ 2. Section 203.40 introductory text and paragraph (a) are revised to read as follows:

#### § 203.40 Which leases are eligible for royalty relief as a result of drilling deep wells?

Your lease may receive a royalty suspension volume under §§ 203.41 through 203.43, and may receive a royalty suspension supplement under §§ 203.44 through 203.46, if it:

(a) Was:

(1) In existence on January 1, 2001;

(2) Issued in a lease sale held after January 1, 2001, and before April 1, 2004, and either the lessee has exercised the option provided for in § 203.48 or the lease is located partly in water less than 200 meters deep and no deep water royalty relief provisions in statutes or lease terms apply to the lease; or

(3) Issued in a lease sale held on or after April 1, 2004, and either the lease terms provide for royalty relief under §§ 203.41 through 203.47 of this part or the lease is located partly in water less than 200 meters deep and no deep water

royalty relief provisions in statutes or lease terms apply to the lease;

\* \* \* \* \*

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## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 117

[CGD05–05–031]

RIN 1625-AA-09

### Drawbridge Operation Regulations; Elizabeth River, Eastern Branch, Virginia

**AGENCY:** Coast Guard, DHS.

**ACTION:** Notice of temporary deviation from regulations.

**SUMMARY:** The Commander, Fifth Coast Guard District, has approved a temporary deviation from the regulations governing the operation of the Norfolk Southern (NS) #5 Railroad Bridge across the Elizabeth River, Eastern Branch, at mile 1.1, in Norfolk, VA in May 2005. To facilitate extensive maintenance that is required at the bridge, the deviation allows the drawbridge to remain in the closed-to-navigation position for three daytime closure periods during May, each closure period lasting 2 to 4 days.

**DATES:** The deviation is effective from 8 a.m. on May 3 to 4:30 p.m. on May 19, 2005.

**FOR FURTHER INFORMATION CONTACT:** Bill Brazier, Bridge Management Specialist, Fifth Coast Guard District, at (757) 398–6422.

**SUPPLEMENTARY INFORMATION:** The Norfolk Southern Corporation, who owns and operates the NS #5 Railroad Bridge, has requested temporary deviations in May 2005 from the operating regulation to change out two sets of lift joints from the lift span of the bridge and to replace 504 bridge ties on the east bound main track.

To facilitate this extensive maintenance of the bridge, the lift-span will be locked in the closed-to-navigation position during the following closure periods: each day from 8 a.m. to 4 p.m., on May 3 and 4, 2005; each day from 8:30 a.m. to 12 p.m. and from 1 p.m. to 4:30 p.m. on May 9 to 12 and on May 16 to 19, 2005. During these stages, the work requires completely immobilizing the operation of the lift span in the closed-to-navigation position. At all other times, the bridge

will operate in accordance with the general operating regulations set out in 33 CFR 117.5 that require the bridge to open promptly and fully for the passage of vessels when a request to open is given.

The Coast Guard has informed the known users of the waterway of the closure periods for the bridge so that these vessels can arrange their transits to minimize any impact caused by the temporary deviations.

The District Commander has granted a temporary deviation from the operating requirements listed in 33 CFR 117.35 for the purpose of repair completion of the drawbridge. The temporary deviation allows the NS #5 Railroad Bridge across the Eastern Branch of the Elizabeth River, at mile 1.1, in Norfolk VA, to remain in the closed-to-navigation position during the following closure periods: each day from 8 a.m. to 4 p.m., on May 3 and 4, 2005; each day from 8:30 a.m. to 12 p.m. and from 1 p.m. to 4:30 p.m. on May 9 to 12 and on May 16 to 19, 2005.

Dated: April 12, 2005.

**Waverly W. Gregory, Jr.,**

*Chief, Bridge Administration Branch, Fifth Coast Guard District.*

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## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 117

[CGD05-04-209]

RIN 1625-AA09

#### Drawbridge Operation Regulations; Elizabeth River-Eastern Branch, Norfolk, VA

**AGENCY:** Coast Guard, DHS.

**ACTION:** Final rule.

**SUMMARY:** The Coast Guard is changing the regulations that govern the operation of the Norfolk Southern (NS) Railroad Bridge (NS #V2.8) across the Eastern Branch of the Elizabeth River, at mile 2.7, in Norfolk, VA. The final rule allows the NS #V2.8 bridge to be operated from a remote location, and to remain open for vessel traffic and to close only for train crossings and periodic maintenance. This rule will make the operation of the bridge more efficient, because currently the bridge only opens on signal, or on signal after notice.

**DATES:** This rule is effective May 31, 2005.

**ADDRESSES:** Comments and material received from the public, as well as documents indicated in this preamble as being available in the docket, are part of docket CGD05-04-209 and are available for inspection or copying at Commander (obr), Fifth Coast Guard District, Federal Building, 1st Floor, 431 Crawford Street, Portsmouth, VA 23704-5004 between 8 a.m. and 4 p.m., Monday through Friday, except Federal holidays. The Fifth Coast Guard District maintains the public docket for this rulemaking.

**FOR FURTHER INFORMATION CONTACT:** Anton Allen, Bridge Management Specialist, Fifth Coast Guard District, at (757) 398-6227.

#### SUPPLEMENTARY INFORMATION:

##### Regulatory History

On December 2, 2004, we published a notice of proposed rulemaking (NPRM) entitled "Drawbridge Operation Regulations; Elizabeth River—Eastern Branch, Norfolk, VA" in the **Federal Register** (69 FR 70091). We received one comment on the proposed rule. No public meeting was requested, and none was held.

##### Background and Purpose

Norfolk Southern Corporation (NSC), who owns and operates this swing-type bridge at mile 2.7 across the Eastern Branch of the Elizabeth River, in Norfolk, VA, requested a change to the current operating procedures set out in 33 CFR Part 117.1007(a), which requires the draw to open on signal, from 6 a.m. to 10 p.m., and open on signal with at least two hours notice, from 10 p.m. to 6 a.m.

Under this rule, the NS Railroad Bridge (NS #V2.8) will remain open to vessel traffic, closing only for train crossings and periodic maintenance. This rule allows the NS Railroad Bridge (NS #V2.8) to be operated from a remote location at the NS Railroad Bridge (NS #5), at mile 1.1, over the Eastern Branch of the Elizabeth River.

NSC has installed closed circuit cameras in the area of the bridge and directly beneath the bridge, mounted on the center pier fender systems on both sides. Infrared sensors have also been installed to cover the swing radius of the bridge. This equipment enhances the controller's ability to monitor vessel traffic from the remote location. The controller will also monitor marine channel 13.

This change is being made to make the operation of the NS Railroad Bridge (NS #V2.8) more efficient. It will save operational costs by eliminating the continuous presence of bridge tenders, and is expected to decrease

maintenance costs. In addition, the draw will be left in the open position and will only close for train crossings or periodic maintenance, and therefore will provide for greater flow of vessel traffic than the current regulation.

##### Discussion of Comments and Changes

The Coast Guard received one comment on the NPRM from NSC. NSC requested slight revisions to the language to be used in this rule. The Coast Guard has incorporated the following changes to this rule: In paragraph (a)(3), replaced "less than 3/4 of a mile" with "inhibited." A specific visibility distance was deemed impractical. Added the words "Attention, Attention" to the announcement in paragraph (a)(5). In paragraph (a)(6), removed the word "automatically." The operation of this bridge is not intended to be automatic. Also in paragraph (a)(6), added the following statement: "Vessels shall stay clear of both channels as to not interfere with the infrared detectors, until green lights are displayed on the swing span."

The Coast Guard considers these changes necessary for safe navigation and the final rule was changed to reflect these proposals.

##### Regulatory Evaluation

This 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 section 6(a)(3) of that Order. The Office of Management and Budget has not reviewed it under that Order. It is not "significant" under the regulatory policies and procedures of the Department of Homeland Security (DHS).

We expect the economic impact of this rule to be so minimal that a full Regulatory Evaluation under the regulatory policies and procedures of DHS is unnecessary. We reached this conclusion based on the fact that the changes have only a minimal impact on maritime traffic transiting the bridge. Although the NS Railroad Bridge (NS #V2.8) will be untended and operated from a remote location, mariners can continue their transits because the bridge will remain open to mariners, only to be closed for train crossings or periodic maintenance.

##### Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601-612), we have considered whether this rule would have a significant economic impact on a substantial number of small entities. The term "small entities" comprises