

§ 250.1301 [Amended]

■ 10. Amend § 250.1301 by revising paragraphs (b) and (c) to read as follows:

§ 250.1301 What are the requirements for unitization?

\* \* \* \* \*

(b) *Compulsory unitization.* The Regional Supervisor may require you and other lessees to unitize operations of a reasonably delineated and productive reservoir if unitized operations are necessary to:

- (1) Prevent waste;
(2) Conserve natural resources; or
(3) Protect correlative rights, including Federal royalty interests.

(c) *Unit area.* The area that a unit includes is the minimum number of leases that will allow the lessees to minimize the number of platforms, facility installations, and wells necessary for efficient exploration, development, and production of mineral deposits, oil and gas reservoirs, or potential hydrocarbon accumulations common to two or more leases. A unit may include whole leases or portions of leases.

\* \* \* \* \*

§ 250.1502 [Amended]

■ 11. Remove § 250.1502.

§ 250.1629 [Amended]

■ 12. In §§ 250.1629(b)(1) and (b)(1)(i), after the phrase "I, IV, and VIII of the American Society of Mechanical Engineers (ASME) Boiler and Pressure Vessel Code" add the parenthetical phrase "(incorporated by reference as specified in 30 CFR 250.198)".

PART 270—NONDISCRIMINATION IN THE OUTER CONTINENTAL SHELF

■ 13. The authority citation for part 270 is revised to read as follows:

Authority: 43 U.S.C. 1863.

§ 270.6 [Amended]

■ 14. In § 270.6, revise the last sentence to read as follows:

§ 270.6 Process.

\* \* \* If either the complainant or the person(s) alleged to have wrongfully discriminated fail to provide such written notice within a reasonable period of time, the Regional Director must proceed in accordance with the provisions of 30 CFR 250, subpart N.

PART 281—LEASING OF MINERALS OTHER THAN OIL, GAS, AND SULPHUR IN THE OUTER CONTINENTAL SHELF

■ 15. The authority citation for part 281 is revised to read as follows:

Authority: 43 U.S.C. 1334.

§ 281.0 [Amended]

■ 16. In § 281.0, the last sentence is revised to read "An applicant must respond to obtain or retain a benefit."

§ 281.26 [Amended]

■ 17. In § 281.26 revise the second sentence of paragraph (e) and revise paragraph (i) to read as follows:

§ 281.26 Payments.

\* \* \* \* \*

(e) \* \* \* The single responsible person shall be designated as the payor for the lease and shall be so identified on the Solid Minerals Production and Royalty Report (P & R) (MMS-4430) in accordance with § 210.201 of this title.

\* \* \* \* \*

\* \* \* \* \*

(i) All payors must submit payments and payment forms and maintain auditable records in accordance with 30 CFR Chapter II, Subchapter A—Minerals Revenue Management.

PART 282—OPERATIONS IN THE OUTER CONTINENTAL SHELF FOR MINERALS OTHER THAN OIL, GAS, AND SULPHUR

■ 18. The authority citation for part 282 is revised to read as follows:

Authority: 43 U.S.C 1334.

§ 282.40 [Amended]

■ 19. Revise § 282.40, paragraph (f), to read as follows:

§ 282.40 Bonds.

\* \* \* \* \*

(f) For the purposes of this section there are three areas:

- (1) The Gulf of Mexico and the area offshore the Atlantic Ocean;
(2) The area offshore the Pacific Coast States of California, Oregon, Washington, and Hawaii; and
(3) The area offshore the coast of Alaska.

\* \* \* \* \*

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DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[USCG-2008-0241]

Drawbridge Operation Regulation; Cape Fear River, Wilmington, NC; Bridge Inspection

AGENCY: Coast Guard, DHS.

ACTION: Notice of temporary deviation from regulations.

SUMMARY: The Commander, Fifth Coast Guard District, has issued a temporary deviation from the regulation governing the operation of the Cape Fear River Memorial Bridge, mile 26.8 at Wilmington, NC. Under this deviation, a one-hour advance notice is required for bridge openings, to allow bridge inspectors time to remove test equipment connected to operating components used in bridge openings.

DATES: This deviation is effective from 6 a.m. on April 28, 2008, to 11:59 p.m. on May 8, 2008.

ADDRESSES: Documents indicated in this preamble as being available in the docket are part of docket USCG-2008-0241 and are available online at www.regulations.gov. They are also available for inspection or copying at two locations: The Docket Management Facility (M-30), U.S. Department of Transportation, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue, SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays, and the Commander (dpb), 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.

FOR FURTHER INFORMATION CONTACT: Gary S. Heyer, Bridge Management Specialist, Fifth Coast Guard District, at (757) 398-6629.

SUPPLEMENTARY INFORMATION: North Carolina Department of Transportation, who owns and operates the Cape Fear River Memorial Bridge, requested a deviation from the operating regulations to facilitate inspection of the bridge.

In the closed position to navigation, the drawbridge has a vertical clearance of 65 feet above mean high water. The current operating regulations set out in 33 CFR 117.823 allow the draw need not open for the passage of vessel from 8 a.m. to 10 a.m. on the second Saturday of July of every year, and from 7 a.m. to 11 a.m. on the second Sunday of November of every year; and require the draw to open on signal at all other times in accordance with 33 CFR 117.5.

The Cape Fear River Memorial Bridge is inspected annually on varying dates. During this inspection, vessel operators with mast height lower than 65 feet will continue to be able to transit through the drawbridge. There are not alternate routes for vessels with a mast height greater than 65 feet.

To allow bridge inspectors time to remove test equipment connected to

operating components used in bridge openings, a one-hour advance notice will be required for bridge openings beginning at 6 a.m. on Monday, April 28, 2008, until and including 11:59 p.m. on Thursday, May 8, 2008.

The Coast Guard reviewed the bridge logs provided by NCDOT for April and May in 2007 which revealed that vessel traffic is primarily commercial with a small amount of recreational. The number of bridge openings for commercial traffic averages about 25 openings per month, with about two openings per month for recreational craft.

The Coast Guard will inform the users of the waterway via maritime advisories of the restriction for bridge openings so that vessels can arrange their transits to minimize any impact caused by the temporary deviation. In addition, qualified personnel will be on-site to open the drawbridge for vessels in the event of an emergency.

In accordance with 33 CFR 117.35(e), the drawbridge must return to its regular operating schedule immediately at the end of the designated time period. This deviation from the operating regulations is authorized under 33 CFR 117.35.

We analyzed this temporary deviation under Commandant Instruction M16475.ID and Department of Homeland Security Management Directive 5100.1, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321–4370f). The environmental impact that this temporary deviation will have is minimal because the drawbridges being closed to vessels to perform routine maintenance, will not result in a change in functional use, or an impact on a historically significant element or setting.

Dated: April 7, 2008.

**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 165

[Docket No. USCG–2007–0145]

RIN 1625–AA00

#### Safety Zone; Colorado River, Parker, AZ

AGENCY: Coast Guard, DHS.

**ACTION:** Temporary final rule.

**SUMMARY:** The Coast Guard is establishing a temporary safety zone within in the Lake Moolvalya region on the navigable waters of the Colorado River in Parker, Arizona for the Bluewater Resort and Casino ‘Spring Classic’ Boat Race. This temporary safety zone is necessary to provide for the safety of the participants, crew, spectators, participating vessels and other vessels and users of the waterway. Persons and vessels are prohibited from entering into, transiting through, or anchoring within this safety zone unless authorized by the Captain of the Port, or his designated representative.

**DATES:** This rule is effective from 6 a.m. on April 11, 2008, through 6 p.m on April 13, 2008.

**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 CG–2007–0145 and are available for inspection or copying at U.S. Coast Guard Sector San Diego, 2710 N. Harbor Drive, San Diego, CA 92101–1064 between 8 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** MST3 Kristen Beer, Waterways Management, U.S. Coast Guard Sector San Diego, CA at (619) 278–7233.

#### SUPPLEMENTARY INFORMATION:

##### Regulatory Information

On February 7, 2008, we published a notice of proposed rulemaking (NPRM) entitled Safety Zone; Colorado River, Parker, AZ in the **Federal Register** (73 FR 7229). We received no comments on the proposed rule. No public hearing was requested, and none was held.

Under 5 U.S.C. 553(d)(3), good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**. Delaying this rule would be contrary to the public interest of ensuring the safety of spectators and vessels during this event and immediate action is necessary to prevent possible loss of life or property.

##### Background and Purpose

The Southern California Speedboat Club is sponsoring the Bluewater Resort and Casino ‘Spring Classic’ Boat Race, which is held on the Lake Moolvalya region on the Colorado River in Parker, Arizona. This temporary safety zone is necessary to provide for the safety of the participants, crew, spectators, sponsor vessels, and other users of the waterway. This event involves powerboats racing along a circular track. The size of the boats varies from 12 to

22 feet. Approximately 85 boats will participate in this event. The sponsor will provide two water rescue and two patrol vessels to patrol this event.

##### 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. We expect the economic impact of this proposed rule to be so minimal that a full Regulatory Evaluation is unnecessary.

This determination is based on the size and location of the safety zone. Commercial vessels will be hindered by the safety zone. Recreational vessels will not be allowed to transit through the designated safety zone during the specified times.

##### 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 small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000.

The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities. This rule will affect the following entities, some of which may be small entities: The owners and operators of pleasure craft engaged in recreational activities and sightseeing in a portion of the Lower Colorado River from 6 a.m. on April 11, 2008, through 6 p.m. on April 13, 2008. This safety zone will not have a significant economic impact on a substantial number of small entities because the rule will be in effect for only 12 hours for a period of three (3) days. Before the effective period, we will submit an inclusion in the Local Notice to Mariners.

##### Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we offered to assist small entities in understanding the rule so that they could better evaluate its effects on them and participate in the rulemaking process.