

**Amendments to the Regulations**

■ Accordingly, 26 CFR part 301 is amended as follows:

**PART 301—PROCEDURE AND ADMINISTRATION**

■ **Paragraph 1.** The authority citation for part 301 continues to read in part as follows:

**Authority:** 26 U.S.C. 7805 \* \* \*

■ **Par. 2.** Section 301.7701–2 is amended by:

- 1. Revising paragraphs (c)(2)(iii) and (c)(2)(iv)(B).
- 2. Redesignating paragraph (c)(2)(v)(B) as paragraph (c)(2)(v)(C) and added new paragraph (c)(2)(v)(B).
- 3. In newly-designated paragraph (c)(2)(v)(C), *Example (iv)* is added.
- 4. Revising paragraph (e)(2).

The additions and revisions read as follows:

**§ 301.7701–2 Business entities; definitions.**

\* \* \* \* \*

(c) \* \* \*  
(2) \* \* \*

(iii) [Reserved]. For further guidance, see § 301.7701–2T(c)(2)(iii).

(iv) \* \* \*

(B) [Reserved]. For further guidance, see § 301.7701–2T(c)(2)(iv)(B).

\* \* \* \* \*

(v) \* \* \*

(B) [Reserved]. For further guidance, see § 301.7701–2T(c)(2)(v)(B).

(C) \* \* \*

(iv) [Reserved]. For further guidance, see § 301.7701–2T(c)(2)(v)(C) *Example (iv)*.

\* \* \* \* \*

(e) \* \* \*

(2) [Reserved]. For further guidance, see § 301.7701–2T(e)(2).

\* \* \* \* \*

■ **Par. 3.** Section 301.7701–2T is added to read as follows:

**§ 301.7701–2T Business entities; definitions (temporary).**

(a) through (c)(2)(ii) [Reserved]. For further guidance, see § 301.7701–2(a) through (c)(2)(ii).

(iii) *Tax liabilities of certain disregarded entities*—(A) *In general.* An entity that is disregarded as separate from its owner for any purpose under § 301.7701–2 is treated as an entity separate from its owner for purposes of—

- (1) Federal tax liabilities of the entity with respect to any taxable period for which the entity was not disregarded;
- (2) Federal tax liabilities of any other entity for which the entity is liable; and
- (3) Refunds or credits of Federal tax.

(B) *Examples.* The following examples illustrate the application of paragraph (c)(2)(iii)(A) of this section:

*Example 1.* In 2006, X, a domestic corporation that reports its taxes on a calendar year basis, merges into Z, a domestic LLC wholly owned by Y that is disregarded as an entity separate from Y, in a state law merger. X was not a member of a consolidated group at any time during its taxable year ending in December 2005. Under the applicable state law, Z is the successor to X and is liable for all of X’s debts. In 2009, the Internal Revenue Service (IRS) seeks to extend the period of limitations on assessment for X’s 2005 taxable year. Because Z is the successor to X and is liable for X’s 2005 taxes that remain unpaid, Z is the proper party to sign the consent to extend the period of limitations.

*Example 2.* The facts are the same as in *Example 1*, except that in 2007, the IRS determines that X miscalculated and underreported its income tax liability for 2005. Because Z is the successor to X and is liable for X’s 2005 taxes that remain unpaid, the deficiency may be assessed against Z and, in the event that Z fails to pay the liability after notice and demand, a general tax lien will arise against all of Z’s property and rights to property.

(c)(2)(iv)(A) [Reserved]. For further guidance, see § 301.7701–2(c)(2)(iv)(A).

(B) *Treatment of entity.* An entity that is disregarded as an entity separate from its owner for any purpose under § 301.7701–2 is treated as a corporation with respect to taxes imposed under Subtitle C—Employment Taxes and Collection of Income Tax (Chapters 21, 22, 23, 23A, 24, and 25 of the Internal Revenue Code).

(C) through (c)(2)(v)(A) [Reserved]. For further guidance, see § 301.7701–2(c)(2)(iv)(C) through (c)(2)(v)(A).

(B) *Treatment of entity.* An entity that is disregarded as an entity separate from its owner for any purpose under § 301.7701–2 is treated as a corporation with respect to items described in § 301.7701–2(c)(2)(v)(A).

(C) *Example.* (i) through (iii) [Reserved]. For further guidance, see § 301.7701–2(c)(2)(v)(C) *Example (i)* through (iii).

(iv) Assume the same facts as in § 301.7701–2(c)(2)(v)(C) *Example (i)* and (ii). If LLCB does not pay the tax on its sale of coal under chapter 32 of the Internal Revenue Code, any notice of lien the Internal Revenue Service files will be filed as if LLCB were a corporation.

(d) through (e)(1) [Reserved]. For further guidance, see § 301.7701–2(d) through (e)(1).

(e)(2) Paragraph (c)(2)(iii) of this section applies on and after September 14, 2009. For rules that apply before September 14, 2009, see 26 CFR part 301 revised as of April 1, 2009.

(e)(3) through (e)(4) [Reserved]. For further guidance, see § 301.7701–2(e)(3) through (e)(4).

(e)(5) Paragraph (c)(2)(iv)(B) of this section applies with respect to wages paid on or after September 14, 2009. For rules that apply before September 14, 2009, see 26 CFR part 301 revised as of April 1, 2009.

(e)(6) Paragraphs (c)(2)(v)(B) and (c)(2)(v)(C) *Example (iv)* of this section apply on and after September 14, 2009.

(7) [Reserved]. For further guidance, see § 301.7701–2(e)(7).

(8) *Expiration Date.* The applicability of paragraphs (c)(2)(iii), (c)(2)(iv)(B), (c)(2)(v)(B), (c)(2)(v)(C) *Example (iv)*, (e)(2), (e)(5) and (e)(6) of this section expires on or before September 11, 2012.

**L.E. Stiff,**

*Deputy Commissioner for Services and Enforcement.*

Approved: August 31, 2009.

**Michael F. Mundace,**

*Acting Assistant Secretary of the Treasury (Tax Policy).*

[FR Doc. E9–21987 Filed 9–11–09; 8:45 am]

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**DEPARTMENT OF THE INTERIOR**

**Minerals Management Service**

**30 CFR Parts 203, 210, 250, 251, 253, 254, 256, 280, and 291**

**[Docket No. MMS–OMM–2009–0008]**

**RIN 1010–AD52**

**Outer Continental Shelf—Technical Corrections**

**AGENCY:** Minerals Management Service (MMS), Interior.

**ACTION:** Final rule; technical corrections and announcement of effective dates.

**SUMMARY:** This document makes technical changes to regulations that were published in various **Federal Register** documents and are codified in the Code of Federal Regulations, as well as announcing the approval by the Office of Management and Budget of information collection requirements contained in two previously published regulations.

**DATES:** This rule is effective on September 14, 2009. The information collection requirements contained in the rulemaking (63 FR 42699, published August 11, 1998) for 30 CFR part 253, were approved by the Office of Management and Budget (OMB) on October 7, 1998, and the information collection requirements contained in the

rulemaking (63 FR 2605, published January 16, 1998) for 30 CFR 203.61, were approved by OMB on May 30, 1998.

**FOR FURTHER INFORMATION CONTACT:**  
Cheryl Blundon, Regulatory Specialist at (703) 787-1607, fax (703) 787-1546, or e-mail *cheryl.blundon@mms.gov*.

**SUPPLEMENTARY INFORMATION:**

*Changes to regulations:* The technical corrections in this rule affect all parties who do business with MMS. This rulemaking does the following:

- (1) Remove erroneous dates and make corrections;
- (2) Revise and update the paperwork authority in § 203.5;
- (3) Revise the MMS mail stop;
- (4) Correct and remove Editorial Note in 30 CFR 203; and,
- (5) Announce dates of effective information collections.

**Background**

(1) In various subparts throughout the 30 CFR, there are dates that are no longer in effect. Therefore, this rulemaking removes the irrelevant dates and in the same date correction, where applicable, changes the words “shall” and “which”, to, “must” and “that”.

(2) Since initial rulemaking in January 2004 (69 FR 3509), the information collection requirements have been consolidated. The OMB, through a Notice of Action dated April 30, 2005, approved the information collection merge of 1010-0153 into the primary collection 1010-0071. This rulemaking updates the regulatory text to reflect this action.

(3) In 2008, MMS moved offices in the Main Interior Building in Washington, DC. As a result, the proper mail stop for inquiries related to regulations in the CFR changed from 4230 to 5438. The regulations in the various 30 CFR Parts need to be amended to reflect the official change of the mail stop.

(4) Due to final rulemaking on November 18, 2008 (73 FR 69513), 1010-AD33, Royalty Relief, had an editorial note added by the **Federal Register** due to MMS inadvertently leaving out the word “introductory” in the amendatory language for 30 CFR 203.45. This rulemaking corrects the amendatory language per the intention of the 1010-AD33 rulemaking.

(5) The MMS published the following two final rules in 1998. The rules were published before OMB approved the information collection requirements so the **Federal Register** added Effective Date Notes to these regulations. The OMB approved the information collection requirements but the Effective Date Notes were not removed. This rulemaking publication satisfies the statements that the MMS would publish a document announcing the effective dates of the rule changes requiring OMB approval.

(a) Effective February 17, 1998, (63 FR 2605) rulemaking established a new requirement pertaining to information required for a complete application for royalty relief. This rulemaking contained information collection requirements subject to the Paperwork Reduction Act of 1995 that were not effective until after approval by OMB. On May 30, 1998, OMB approved the

collection of information requirements in 30 CFR part 203. This information collection was assigned OMB Control Number 1010-0071.

(b) On August 11, 1998, (63 FR 42699) rulemaking established new requirements for demonstrating oil spill financial responsibility for removal costs and damages caused by oil discharges and substantial threats of oil discharges from oil and gas exploration and production facilities and associated pipelines. The rule also implemented the authority of the Oil Pollution Act of 1990. This rulemaking contained information collection requirements subject to the Paperwork Reduction Act of 1995 that were not effective until after approval by OMB. On October 7, 1998, OMB approved the collection of information requirements and MMS forms required for 30 CFR part 253. This information collection was assigned OMB Control Number 1010-0106.

This document corrects regulations in 30 CFR parts 203, 210, 250, 251, 253, 254, 256, 280, and 291 to reflect these technical changes. Because this rule makes no substantive regulatory changes, MMS for good cause finds that notice and public comment are impracticable and unnecessary pursuant to 5 U.S.C. 553(b)(3)(B). For the same reason, MMS finds good cause to waive the delay in effectiveness pursuant to 5 U.S.C. 553(d). The rule does not require any regulated party to adjust their conduct, but only makes technical corrections.

The following table shows the current regulation and what changes were made.

Current citation	Revised text
EFFECTIVE DATE NOTE: at the end of § 203.61 .....	Removed.
EFFECTIVE DATE NOTE: at the end of the Subpart F (table of contents and before § 253.1. ....	Removed.
§ 203.5 .....	Revised to reflect correct OMB control number.
Editorial Note: at the end of § 203.45 .....	Removed.
§ 203.45(e) .....	Added correct language from 73 FR 69513 that did not get codified (public had opportunity to comment in both proposed and final rulemaking).
§ 203.82(d) .....	Amended the phrase “Mail Stop 4230” to “Mail Stop 5438”.
§ 210.20 .....	Amended the phrase “Mail Stop 4230” to “Mail Stop 5438”.
§ 250.108(b), .....	Removed the date no longer in effect.
§ 250.199(d) .....	Amended the phrase “Mail Stop 4230” to “Mail Stop 5438”.
§ 250.233(b)(2) .....	In the second column of the table, removed the word “notify” and added the word “other” in its place.
§ 250.441(b) .....	Removed the date no longer in effect.
§ 250.510 .....	Removed the date no longer in effect. Changed the word “shall” to “must”, and the word “which” to “that”.
§ 250.511 .....	Removed the date no longer in effect. Changed the word “shall” to “must”, and the word “which” to “that”.
§ 250.515(b) .....	Removed the words, “blind or”, in (b)(1-3). Removed (b)(5) since removing the words in (b)(1-3) corrected the regulation.
§ 250.515(c), (c)(1) .....	Removed the date no longer in effect. Changed the word “shall” to “must”.
§ 250.615(b) .....	Removed the words, “blind or”, in (b)(1-3). Removed (b)(5) since removing the words in (b)(1-3) corrected the regulation.

Current citation	Revised text
§ 250.615(c), (c)(1) .....	Removed the date no longer in effect. Changed the word “shall” to “must”.
§ 250.803(b)(5)(ii) .....	Removed the date no longer in effect. Changed the word “shall” to “must”, and the word “which” to “that”.
§ 250.1604(f) .....	Removed the date no longer in effect. Changed the word “shall” to “must”.
§ 250.1605(h) .....	Removed the date no longer in effect. Changed the word “shall” to “must”.
§ 250.1610(d)(1) .....	Removed the date no longer in effect. Changed the word “shall” to “must”, and the word “which” to “that”.
§ 250.1613(b), (c), (d), (e) .....	Removed paragraph (b) and the following undesignated paragraph no longer in effect. Redesignated paragraphs (c), (d), and (e) as paragraphs (b), (c), and (d).
§ 251.15(e) .....	Amended the phrase “Mail Stop 4230” to “Mail Stop 5438”.
§ 253.5(d) .....	Amended the phrase “Mail Stop 4230” to “Mail Stop 5438”.
§ 253.44 .....	Removed the section since the dates are no longer in effect. [RESERVED] the section number for future use.
§ 254.9(d) .....	Amended the phrase “Mail Stop 4230” to “Mail Stop 5438”.
§ 256.0(d) .....	Amended the phrase “Mail Stop 4230” to “Mail Stop 5438”.
§ 256.64(a)(9) .....	Removed the section since the date is no longer in effect.
§ 280.13(1) .....	Changed the Alaska Region address.
§ 280.80(e) .....	Amended the phrase “Mail Stop 4230” to “Mail Stop 5438”.
§ 291.1(e); 103; 106(a); 107(a) .....	Amended the phrase “Mail Stop 4230” to “Mail Stop 5438”.

**Procedural Matters**

*Regulatory Planning and Review (Executive Order (E.O.) 12866)*

This rule is not a significant rule as determined by the Office of Management and Budget (OMB) and is not subject to review under E.O. 12866.

(1) This rule will not have an annual effect of \$100 million or more on the economy because it only makes technical changes to existing regulations. It will not adversely affect in a material way the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or Tribal governments or communities.

(2) This rule will not create a serious inconsistency or otherwise interfere with action taken or planned by another agency. It will have no effect on any other agency.

(3) This rule will not alter the budgetary effects of entitlements, grants, user fees or loan programs, or the rights or obligations of their recipients.

(4) This rule will not raise novel legal or policy issues.

*Regulatory Flexibility Act (RFA)*

The Department of the Interior certifies that this rule would not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) because it only makes technical changes to existing regulations.

Your comments are important to us. The Small Business and Agriculture Regulatory Enforcement Ombudsman and 10 Regional Fairness Boards were established to receive comments from

small business about Federal agency enforcement actions. The Ombudsman will annually evaluate the enforcement activities and rate each agency’s responsiveness to small business. If you wish to comment on the actions of MMS, call 1–888–734–3247. You may comment to the Small Business Administration without fear of retaliation. Allegations of discrimination/retaliation filed with the Small Business Administration will be investigated for appropriate action.

*Small Business Regulatory Enforcement Fairness Act*

The rule is not a major rule under the Small Business Regulatory Enforcement Fairness Act (5 U.S.C. 801 *et seq.*). This rule:

- a. Will not have an annual effect on the economy of \$100 million or more.
- b. Will not cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions.
- c. Will not have significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of U.S.-based enterprises to compete with foreign-based enterprises.

*Unfunded Mandates Reform Act of 1995*

This proposed rule would not impose an unfunded mandate on State, local, or Tribal governments or the private sector of more than \$100 million per year. The proposed rule would not have a significant or unique effect on State, local, or Tribal governments or the private sector. A statement containing the information required by the

Unfunded Mandates Reform Act (2 U.S.C. 1501 *et seq.*) is not required.

*Takings Implication Assessment (E.O. 12630)*

Under the criteria in E.O. 12630, this proposed rule does not have significant takings implications. The proposed rule is not a governmental action capable of interference with constitutionally protected property rights. A Takings Implication Assessment is not required.

*Federalism (E.O. 13132)*

Under the criteria in E.O. 13132, this proposed rule does not have federalism implications. This proposed rule would not substantially and directly affect the relationship between the Federal and State governments. To the extent that State and local governments have a role in OCS activities, this proposed rule would not affect that role. A Federalism Assessment is not required.

*Civil Justice Reform (E.O. 12988)*

This rule complies with the requirements of E.O. 12988.

Specifically, this rule:

- a. Meets the criteria of section 3(a) requiring that all regulations be reviewed to eliminate errors and ambiguity and be written to minimize litigation; and
- b. Meets the criteria of section 3(b)(2) requiring that all regulations be written in clear language and contain clear legal standards.

*Consultation With Indian Tribes (E.O. 13175)*

Under the criteria in E.O. 13175, we have evaluated this proposed rule and determined that it has no substantial

effects on Federally recognized Indian Tribes. There are no Indian or Tribal lands in the OCS.

#### *Paperwork Reduction Act (PRA)*

The rule does not contain any new information collection requirements subject to the PRA; therefore, it does not require a submittal to OMB for review and approval under the PRA (44 U.S.C. 3501 *et seq.*). Any information collection burdens referenced in this rulemaking are already approved under various OMB Control Numbers. The PRA provides that an agency may not conduct or sponsor a collection of information unless it displays a currently valid OMB control number. Until OMB approves a collection of information and assigns a control number, you are not required to respond.

#### *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 National Environmental Policy Act of 1969 is not required because the rule is covered by a categorical exclusion. This rule is excluded from the requirement to prepare a detailed statement because it qualifies as a regulation of an administrative nature (for further information *see* 43 CFR 46.210(i)). We have also determined that the rule does not involve any of the extraordinary circumstances listed in 43 CFR 46.215 that would require further analysis under the National Environmental Policy Act.

#### *Data Quality Act*

In developing this rule, we did not conduct or use a study, experiment, or survey requiring peer review under the Data Quality Act (Pub. L. 106–554, app. C § 515, 114 Stat. 2763, 2763A–153–154).

#### *Effects on the Energy Supply (E.O. 13211)*

This rule is not a significant energy action under the definition in E.O. 13211. A Statement of Energy Effects is not required.

#### **List of Subjects**

##### *30 CFR Part 203*

Oil and gas exploration, Reporting and recordkeeping requirements.

##### *30 CFR Part 210*

Oil and gas exploration, Public lands—mineral resources, Reporting and recordkeeping requirements.

##### *30 CFR Part 250*

Administrative practice and procedure, Oil and gas exploration, Public lands—rights-of-way, Reporting and recordkeeping requirements.

##### *30 CFR Part 251*

Public lands—mineral resources, Reporting and recordkeeping requirement.

##### *30 CFR Part 253*

Environmental protection, Investigations, Oil and gas exploration, Reporting and recordkeeping requirements.

##### *30 CFR Part 254*

Oil and gas exploration, Public lands—minerals resources, Reporting and recordkeeping requirements.

##### *30 CFR Part 256*

Administrative practice and procedure, Oil and gas exploration, Reporting and recordkeeping requirements.

##### *30 CFR Part 280*

Reporting and recordkeeping requirements.

##### *30 CFR Part 291*

Oil and gas, Reporting and recordkeeping requirements.

Dated: September 2, 2009.

#### **Ned Farquhar,**

*Acting Assistant Secretary, Land and Minerals Management.*

■ For the reasons stated above, MMS amends 30 CFR Parts 203, 210, 250, 251, 253, 254, 256, 280, and 291 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; 42 U.S.C. 15903–15906; 43 U.S.C. 1301 *et seq.*; 43 U.S.C. 1331 *et seq.*; and 43 U.S.C. 1801 *et seq.*

■ 2. Revise § 203.5 to read as follows:

#### **§ 203.5 What is MMS's authority to collect information?**

(a) The Office of Management and Budget (OMB) has approved the information collection requirements in this part under 44 U.S.C. 3501 *et seq.*, and assigned OMB Control Number 1010–0071. The title of this information collection is “30 CFR part 203, Relief or Reduction in Royalty Rates.”

(b) The MMS collects this information to make decisions on the economic

viability of leases requesting a suspension or elimination of royalty or net profit share. Responses are required to obtain a benefit or are mandatory according to 43 U.S.C. 1331 *et seq.* The MMS will protect information considered proprietary under applicable law and under regulations at 30 CFR 203.63, “How do I assess my chances for getting relief?” and 250.197, “Data and information to be made available to the public or for limited inspection.”

(c) An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

(d) Send comments regarding any aspect of the collection of information under this part, including suggestions for reducing the burden, to the Information Collection Clearance Officer, Minerals Management Service, Mail Stop 5438, 1849 C Street, NW., Washington, DC 20240.

■ 3. Revise § 203.45(e), introductory text, to read as follows:

#### **§ 203.45 If I drill a certified unsuccessful well, what royalty relief will my lease earn?**

\* \* \* \* \*

(e) If the same wellbore that earns an RSS as a certified unsuccessful well later produces from a perforated interval the top of which is 15,000 feet TVD or deeper and becomes a qualified well, it will be subject to the following conditions:

\* \* \* \* \*

#### **§ 203.82 [Amended]**

■ 4. In § 203.82(d), remove the words “Mail Stop 4230,” and add, in their place, “Mail Stop 5438.”

### **PART 210—FORMS AND REPORTS**

■ 5. The authority citation for part 210 continues to read as follows:

**Authority:** 5 U.S.C. 301 *et seq.*; 25 U.S.C. 396, 2107; 30 U.S.C. 189, 190, 359, 1023, 1751(a); 31 U.S.C. 3716, 9701; 43 U.S.C. 1334, 1801 *et seq.*; and 44 U.S.C. 3506(a).

#### **§ 210.20 [Amended]**

■ 6. In § 210.20, remove the words “Mail Stop 4230,” and add, in their place, “Mail Stop 5438.”

### **PART 250—OIL AND GAS AND SULPHUR OPERATIONS IN THE OUTER CONTINENTAL SHELF**

■ 7. The authority citation for part 250 continues to read as follows:

**Authority:** 31 U.S.C. 9701, 43 U.S.C. 1334.

■ 8. Revise § 250.108(b) to read as follows:

**§ 250.108 What requirements must I follow for cranes and other material-handling equipment?**

\* \* \* \* \*

(b) All cranes installed on fixed platforms must be equipped with a functional anti-two block device.

\* \* \* \* \*

**§ 250.199 [Amended]**

■ 9. In § 250.199(d), remove the words “Mail Stop 4230,” and add, in their place, “Mail Stop 5438.”

**§ 250.233 [Amended]**

■ 10. In § 250.233(b)(2), in the second column of the table remove the word “notify”, and add, in its place, the word “other”.

■ 11. Revise § 250.441(b) to read as follows:

**§ 250.441 What are the requirements for a surface BOP stack?**

\* \* \* \* \*

(b) Your surface BOP stack must include at least four remote-controlled, hydraulically operated BOPs consisting of an annular BOP, two BOPs equipped with pipe rams, and one BOP equipped with blind-shear rams. The blind-shear rams must be capable of shearing the drill pipe that is in the hole.

\* \* \* \* \*

■ 12. Revise § 250.510 to read as follows:

**§ 250.510 Diesel engine air intakes.**

Diesel engine air intakes must be equipped with a device to shut down the diesel engine in the event of runaway. Diesel engines that are continuously attended must be equipped with either remote operated manual or automatic-shutdown devices. Diesel engines that are not continuously attended must be equipped with automatic-shutdown devices.

■ 13. Revise § 250.511 to read as follows:

**§ 250.511 Traveling-block safety device.**

All units being used for well-completion operations that have both a traveling block and a crown block must be equipped with a safety device that is designed to prevent the traveling block from striking the crown block. The device must be checked for proper operation weekly and after each drill-line slipping operation. The results of the operational check must be entered in the operations log.

■ 14. Amend § 250.515 by:

■ (a) Revising the table in paragraph (b);

■ (b) Revising the introductory text of paragraph (c); and

■ (c) Revising paragraph (c)(1) to read as follows:

**§ 250.515 Blowout prevention equipment.**

\* \* \* \* \*

(b) \* \* \*

When	The minimum BOP stack must include
(1) The expected pressure is less than 5,000 psi,.	Three BOPs consisting of an annular, one set of pipe rams, and one set of blind-shear rams.
(2) The expected pressure is 5,000 psi or greater or you use multiple tubing strings,.	Four BOPs consisting of an annular, two sets of pipe rams, and one set of blind-shear rams.
(3) You handle multiple tubing strings simultaneously,.	Four BOPs consisting of an annular, one set of pipe rams, one set of dual pipe rams, and one set of blind-shear rams.
(4) You use a tapered drill string, .....	At least one set of pipe rams that are capable of sealing around each size of drill string. If the expected pressure is greater than 5,000 psi, then you must have at least two sets of pipe rams that are capable of sealing around the larger size drill string. You may substitute one set of variable bore rams for two sets of pipe rams.

(c) The BOP systems for well completions must be equipped with the following:

(1) A hydraulic-actuating system that provides sufficient accumulator capacity to supply 1.5 times the volume necessary to close all BOP equipment units with a minimum pressure of 200 psi above the precharge pressure without assistance from a charging

system. Accumulator regulators supplied by rig air and without a secondary source of pneumatic supply, must be equipped with manual overrides, or alternately, other devices provided to ensure capability of hydraulic operations if rig air is lost.

\* \* \* \* \*

■ 15. Amend § 250.615 by:

■ (a) Revising the table in paragraph (b);

■ (b) Revising the introductory text of paragraph (c); and

■ (c) Revising paragraph (c)(1) to read as follows:

**§ 250.615 Blowout prevention equipment.**

\* \* \* \* \*

(b) \* \* \*

When	The minimum BOP stack must include
(1) The expected pressure is less than 5,000 psi,.	Three BOPs consisting of an annular, one set of pipe rams, and one set of blind-shear rams.
(2) The expected pressure is 5,000 psi or greater or you use multiple tubing strings,.	Four BOPs consisting of an annular, two sets of pipe rams, and one set of blind-shear rams.
(3) You handle multiple tubing strings simultaneously,.	Four BOPs consisting of an annular, one set of pipe rams, one set of dual pipe rams, and one set of blind-shear rams.
(4) You use a tapered drill string, .....	At least one set of pipe rams that are capable of sealing around each size of drill string. If the expected pressure is greater than 5,000 psi, then you must have at least two sets of pipe rams that are capable of sealing around the larger size drill string. You may substitute one set of variable bore rams for two sets of pipe rams.

(c) The BOP systems for well-workover operations with the tree

removed must be equipped with the following:

(1) A hydraulic-actuating system that provides sufficient accumulator capacity to supply 1.5 times the volume

necessary to close all BOP equipment units with a minimum pressure of 200 psi above the precharge pressure without assistance from a charging system. Accumulator regulators supplied by rig air and without a secondary source of pneumatic supply, must be equipped with manual overrides, or alternately, other devices provided to ensure capability of hydraulic operations if rig air is lost;

\* \* \* \* \*

■ 16. Revise § 250.803(b)(5)(ii) to read as follows:

**§ 250.803 Additional production system requirements.**

\* \* \* \* \*

(b) \* \* \*  
(5) \* \* \*

(ii) *Diesel engine air intake.* All diesel engine air intakes must be equipped with a device to shutdown the diesel engine in the event of runaway. Diesel engines that are continuously attended must be equipped with either remote operated manual or automatic shutdown devices. Diesel engines that are not continuously attended must be equipped with automatic shutdown devices.

\* \* \* \* \*

■ 17. Revise § 250.1604(f) to read as follows:

**§ 250.1604 General requirements.**

\* \* \* \* \*

(f) *Traveling-block safety device.* All drilling units being used for drilling, well-completion, or well-workover operations that have both a traveling block and a crown block must be equipped with a safety device that is designed to prevent the traveling block from striking the crown block. The device must be checked for proper operation weekly and after each drill-line slipping operation. The results of the operational check must be entered in the operations log.

■ 18. Revise § 250.1605(h) to read as follows:

**§ 250.1605 Drilling requirements.**

\* \* \* \* \*

(h) *Diesel-engine air intakes.* Diesel-engine air intakes must be equipped with a device to shut down the diesel

engine in the event of runaway. Diesel engines that are continuously attended must be equipped with either remote-operated manual or automatic-shutdown devices. Diesel engines that are not continuously attended must be equipped with automatic shutdown devices.

■ 19. Revise § 250.1610(d)(1) to read as follows:

**§ 250.1610 Blowout preventer systems and system components.**

\* \* \* \* \*

(d) \* \* \*

(1) An accumulator system that provides sufficient capacity to supply 1.5 times the volume necessary to close and hold closed all BOP equipment units with a minimum pressure of 200 psi above the precharge pressure, without assistance from a charging system. Accumulator regulators supplied by rig air that do not have a secondary source of pneumatic supply must be equipped with manual overrides or other devices alternately provided to ensure capability of hydraulic operations if rig air is lost.

\* \* \* \* \*

**§ 250.1613 [Amended]**

■ 20. In § 250.1613, remove paragraph (b) and the undesignated paragraph which follows it; and redesignate paragraphs (c), (d), and (e) as paragraphs (b), (c), and (d).

**PART 251—GEOLOGICAL AND GEOPHYSICAL (G&G) EXPLORATIONS OF THE OUTER CONTINENTAL SHELF**

■ 21. The authority citation for part 251 continues to read as follows:

Authority: 43 U.S.C. 1331 *et seq.*, 31 U.S.C. 9701.

**§ 251.15 [Amended]**

■ 22. In § 251.15(e), remove the words “Mail Stop 4230,” and add, in their place, “Mail Stop 5438,”.

**PART 253—OIL SPILL FINANCIAL RESPONSIBILITY FOR OFFSHORE FACILITIES**

■ 23. The authority citation for part 253 is revised to read as follows:

Authority: 33 U.S.C. 2716, 28 U.S.C. 2461.

**§ 253.5 [Amended]**

■ 24. In § 253.5(d), remove the words “Mail Stop 4230,” and add, in their place, “Mail Stop 5438,”.

**§ 253.44 [Removed and Reserved]**

■ 25. Remove and reserve § 253.44.

**PART 254—OIL SPILL RESPONSE REQUIREMENTS FOR FACILITIES LOCATED SEAWARD OF THE COAST LINE**

■ 26. The authority citation for part 254 continues to read as follows:

Authority: 33 U.S.C. 1321.

**§ 254.9 [Amended]**

■ 27. In § 254.9(d), remove the words “Mail Stop 4230,” and add, in their place, “Mail Stop 5438,”.

**PART 256—LEASING OF SULPHUR OR OIL AND GAS IN THE OUTER CONTINENTAL SHELF**

■ 28. The authority citation for part 256 continues to read as follows:

Authority: 31 U.S.C. 9701, 42 U.S.C. 6213, and 43 U.S.C. 1334.

**§ 256.0 [Amended]**

■ 29. In § 256.0(d), remove the words “Mail Stop 4230,” and add, in their place, “Mail Stop 5438,”.

**§ 256.64 [Amended]**

■ 30. In § 256.64, remove paragraph (a)(9).

**PART 280—PROSPECTING FOR MINERALS OTHER THAN OIL, GAS, AND SULPHUR ON THE OUTER CONTINENTAL SHELF**

■ 31. The authority citation for part 280 continues to read as follows:

Authority: 31 U.S.C. 9701, 43 U.S.C. 1334.

■ 32. Revise the table in § 280.13 to read as follows:

**§ 280.13 Where must I send my application or notification?**

\* \* \* \* \*

For the OCS off the . . .	Apply to . . .
(a) State of Alaska .....	Regional Supervisor for Resource Evaluation, Minerals Management Service, Alaska OCS Region, 3801 Centerpoint Drive, Suite 500, Anchorage, AK 99503.
(b) Atlantic Coast, Gulf of Mexico, Puerto Rico, or U.S. territories in the Caribbean Sea.	Regional Supervisor for Resource Evaluation, Minerals Management Service, Gulf of Mexico OCS Region, 1201 Elmwood Park Boulevard, New Orleans, LA 70123.

For the OCS off the . . .	Apply to . . .
(c) States of California, Oregon, Washington, Hawaii, or U.S. territories in the Pacific Ocean.	Regional Supervisor for Resource Evaluation, Minerals Management Service, Pacific OCS Region, 770 Paseo Camarillo, Camarillo, CA 93010.

**§ 280.80 [Amended]**

■ 33. In § 280.80(e), remove the words “Mail Stop 4230,” and add, in their place, “Mail Stop 5438,”.

**PART 291—OPEN AND NON-DISCRIMINATORY ACCESS TO OIL AND GAS PIPELINES UNDER THE OUTER CONTINENTAL SHELF LANDS ACT**

■ 34. The authority citation for part 291 is revised to read as follows:

Authority: 31 U.S.C. 9701, 43 U.S.C. 1334.

**§ 291.1 [Amended]**

■ 35. In § 291.1(e), remove the words “Mail Stop 4230,” and add, in their place, “Mail Stop 5438,”.

**§ 291.103 [Amended]**

■ 36. In § 291.103 introductory text, remove the words “Mail Stop 4230,” and add, in their place, “Mail Stop 5438,”.

**§ 291.106 [Amended]**

■ 37. In § 291.106(a), remove the words “Mail Stop 4230,” and add, in their place, “Mail Stop 5438,”.

**§ 291.107 [Amended]**

■ 38. In § 291.107(a), remove the words “Mail Stop 4230,” and add, in their place, “Mail Stop 5438,”.

[FR Doc. E9-22027 Filed 9-11-09; 8:45 am]

BILLING CODE 4310-MR-P

**DEPARTMENT OF HOMELAND SECURITY**

**Coast Guard**

**33 CFR Part 117**

[Docket No. USCG-2009-0684]

**Drawbridge Operation Regulation; Three Mile Slough, Rio Vista, CA**

AGENCY: Coast Guard, DHS.

ACTION: Notice of temporary deviation from regulations.

SUMMARY: The Commander, Eleventh Coast Guard District, has issued a temporary deviation from the regulation governing the operation of the California Route 160 Drawbridge across Three Mile Slough, mile 0.1, near Rio Vista, CA.

The deviation is necessary to allow Caltrans to conduct drawbridge maintenance. This deviation allows the bridge to remain in the closed-to-navigation position during the maintenance period.

DATES: This deviation is effective from 7 a.m. on September 14, 2009 through 4:30 p.m. on September 14, 2009.

ADDRESSES: Documents mentioned in this preamble as being available in the docket are part of docket USCG-2009-0684 and are available online by going to <http://www.regulations.gov>, inserting USCG-2009-0684 in the “Keyword” box and then clicking “Search.” This material is also available for inspection or copying at 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.

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or e-mail David H. Sulouff, Chief, Bridge Section, Eleventh Coast Guard District; telephone 510-437-3516, e-mail [David.H.Sulouff@uscg.mil](mailto:David.H.Sulouff@uscg.mil). If you have questions on viewing the docket, call Renee V. Wright, Program Manager, Docket Operations, telephone 202-366-9826.

SUPPLEMENTARY INFORMATION: Caltrans requested a temporary change to the operation of the California Route 160 Drawbridge, mile 0.1, Three Mile Slough, near Rio Vista, CA. The drawbridge navigation span provides a vertical clearance of 12 feet above Mean High Water in the closed-to-navigation position. The draw opens on signal as required by 33 CFR 117.5. Navigation on the waterway is commercial and recreational.

The drawspan will be secured in the closed-to-navigation position from 7 a.m. through 4:30 p.m. Monday through Friday, from August 31, 2009 through September 14, 2009, to allow Caltrans to replace the industrial staircase leading to the control house. At all other times during this period, and on September 7, 2009, Labor Day, the drawspan will open on signal as required by 33 CFR 117.5. This temporary deviation has been coordinated with commercial and recreational waterway users. There is no

anticipated levee maintenance during this deviation period. No objections to the proposed temporary deviation were raised.

Vessels that can transit the bridge, while in the closed-to-navigation position, may continue to do so at any time.

In the event of an emergency the drawspan can be opened with 4 hours advance notice.

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.

Dated: August 28, 2009.

J.R. Castillo,

Rear Admiral, U.S. Coast Guard Commander, Eleventh Coast Guard District.

[FR Doc. E9-21979 Filed 9-11-09; 8:45 am]

BILLING CODE 4910-15-P

**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 52**

[EPA-R06-OAR-2008-0815; FRL-8954-7]

**Approval and Promulgation of Implementation Plans; New Mexico; Excess Emissions**

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: The EPA is approving revisions to the New Mexico State Implementation Plan (SIP) submitted by the Governor of New Mexico on behalf of the New Mexico Environment Department (NMED) in a letter dated October 7, 2008 (the October 7, 2008 SIP submittal). The October 7, 2008 SIP submittal concerns revisions to New Mexico Administrative Code Title 20, Chapter 2, Part 7 Excess Emissions (20.2.7 NMAC—Excess Emissions) occurring during startup, shutdown, and malfunction related activities. We are approving the October 7, 2008 SIP submittal because the revisions to 20.2.7 NMAC are consistent with the Clean Air Act (the Act). This action is in accordance with section 110 of the Act.

DATES: This direct final rule will be effective November 13, 2009 without