

## DEPARTMENT OF TRANSPORTATION

## Federal Aviation Administration

## 14 CFR Part 97

[Docket No. 31077 Amdt. No. 3696]

**Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments****AGENCY:** Federal Aviation Administration (FAA), DOT.**ACTION:** Final rule.

**SUMMARY:** This rule amends, suspends, or removes Standard Instrument Approach Procedures (SIAPs) and associated Takeoff Minimums and Obstacle Departure Procedures for operations at certain airports. These regulatory actions are needed because of the adoption of new or revised criteria, or because of changes occurring in the National Airspace System, such as the commissioning of new navigational facilities, adding new obstacles, or changing air traffic requirements. These changes are designed to provide for the safe and efficient use of the navigable airspace and to promote safe flight operations under instrument flight rules at the affected airports.

**DATES:** This rule is effective June 17, 2016. The compliance date for each SIAP, associated Takeoff Minimums, and ODP is specified in the amendatory provisions.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of June 17, 2016.

**ADDRESSES:** Availability of matter incorporated by reference in the amendment is as follows:

*For Examination*

1. U.S. Department of Transportation, Docket Ops-M30, 1200 New Jersey Avenue SE., West Bldg., Ground Floor, Washington, DC, 20590-0001;

2. The FAA Air Traffic Organization Service Area in which the affected airport is located;

3. The office of Aeronautical Navigation Products, 6500 South MacArthur Blvd., Oklahoma City, OK 73169 or,

4. The National Archives and Records Administration (NARA).

For information on the availability of this material at NARA, call 202-741-6030, or go to: [http://www.archives.gov/federal\\_register/code\\_of\\_federal\\_regulations/ibr\\_locations.html](http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html).

*Availability*

All SIAPs and Takeoff Minimums and ODPs are available online free of charge. Visit the National Flight Data Center online at [nfdc.faa.gov](http://nfdc.faa.gov) to register. Additionally, individual SIAP and Takeoff Minimums and ODP copies may be obtained from the FAA Air Traffic Organization Service Area in which the affected airport is located.

**FOR FURTHER INFORMATION CONTACT:**

Thomas J. Nichols, Flight Procedure Standards Branch (AFS-420) Flight Technologies and Procedures Division, Flight Standards Service, Federal Aviation Administration, Mike Monroney Aeronautical Center, 6500 South MacArthur Blvd., Oklahoma City, OK. 73169 (Mail Address: P.O. Box 25082 Oklahoma City, OK. 73125) telephone: (405) 954-4164.

**SUPPLEMENTARY INFORMATION:** This rule amends Title 14, Code of Federal Regulations, Part 97 (14 CFR part 97) by amending the referenced SIAPs. The complete regulatory description of each SIAP is listed on the appropriate FAA Form 8260, as modified by the National Flight Data Center (NFDG)/Permanent Notice to Airmen (P-NOTAM), and is incorporated by reference under 5 U.S.C. 552(a), 1 CFR part 51, and 14 CFR 97.20. The large number of SIAPs, their complex nature, and the need for a special format make their verbatim publication in the **Federal Register** expensive and impractical. Further, airmen do not use the regulatory text of the SIAPs, but refer to their graphic depiction on charts printed by publishers of aeronautical materials. Thus, the advantages of incorporation by reference are realized and publication of the complete description of each SIAP contained on FAA form documents is unnecessary.

This amendment provides the affected CFR sections, and specifies the SIAPs and Takeoff Minimums and ODPs with their applicable effective dates. This amendment also identifies the airport and its location, the procedure and the amendment number.

*Availability and Summary of Material Incorporated by Reference*

The material incorporated by reference is publicly available as listed in the **ADDRESSES** section.

The material incorporated by reference describes SIAPs, Takeoff Minimums and ODPs as identified in the amendatory language for part 97 of this final rule.

*The Rule*

This amendment to 14 CFR part 97 is effective upon publication of each

separate SIAP and Takeoff Minimums and ODP as amended in the transmittal. For safety and timeliness of change considerations, this amendment incorporates only specific changes contained for each SIAP and Takeoff Minimums and ODP as modified by FDC permanent NOTAMs.

The SIAPs and Takeoff Minimums and ODPs, as modified by FDC permanent NOTAM, and contained in this amendment are based on the criteria contained in the U.S. Standard for Terminal Instrument Procedures (TERPS). In developing these changes to SIAPs and Takeoff Minimums and ODPs, the TERPS criteria were applied only to specific conditions existing at the affected airports. All SIAP amendments in this rule have been previously issued by the FAA in a FDC NOTAM as an emergency action of immediate flight safety relating directly to published aeronautical charts.

The circumstances that created the need for these SIAP and Takeoff Minimums and ODP amendments require making them effective in less than 30 days.

Because of the close and immediate relationship between these SIAPs, Takeoff Minimums and ODPs, and safety in air commerce, I find that notice and public procedure under 5 U.S.C. 553(b) are impracticable and contrary to the public interest and, where applicable, under 5 U.S.C. 553(d), good cause exists for making these SIAPs effective in less than 30 days.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a “significant regulatory action” under Executive Order 12866; (2) is not a “significant rule” under DOT regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. For the same reason, the FAA certifies that this amendment will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

**List of Subjects in 14 CFR Part 97**

Air Traffic Control, Airports, Incorporation by reference, Navigation (air).

Issued in Washington, DC, on May 6, 2016.

**John S. Duncan,**

*Director, Flight Standards Service.*

### Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, Title 14, Code of Federal Regulations, part 97, (14 CFR part 97), is amended by amending Standard Instrument Approach Procedures and Takeoff Minimums and

ODPs, effective at 0901 UTC on the dates specified, as follows:

### PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

■ 1. The authority citation for part 97 continues to read as follows:

**Authority:** 49 U.S.C. 106(f), 106(g), 40103, 40106, 40113, 40114, 40120, 44502, 44514, 44701, 44719, 44721–44722.

■ 2. Part 97 is amended to read as follows:

By amending: § 97.23 VOR, VOR/DME, VOR or TACAN, and VOR/DME or TACAN; § 97.25 LOC, LOC/DME, LDA, LDA/DME, SDF, SDF/DME; § 97.27 NDB, NDB/DME; § 97.29 ILS, ILS/DME, MLS, MLS/DME, MLS/RNAV; § 97.31 RADAR SIAPs; § 97.33 RNAV SIAPs; and § 97.35 COPTER SIAPs, Identified as follows:

\* \* \* *Effective Upon Publication*

AIRAC Date	State	City	Airport	FDC No.	FDC Date	Subject
23-Jun-16 ....	WI	Madison .....	Dane County Rgnl-Truax Field.	5/0583	04/21/16	VOR Rwy 14, Orig-C
23-Jun-16 ....	WI	Madison .....	Dane County Rgnl-Truax Field.	5/0584	04/21/16	VOR/DME or TACAN Rwy 14, Orig-C
23-Jun-16 ....	OH	Georgetown .....	Brown County .....	5/1411	04/27/16	RNAV (GPS) Rwy 36, Orig-A
23-Jun-16 ....	OH	Georgetown .....	Brown County .....	5/1412	04/27/16	VOR/DME-A, Amdt 1
23-Jun-16 ....	TX	Olney .....	Olney Muni .....	5/2014	04/27/16	RNAV (GPS) Rwy 17, Orig-A
23-Jun-16 ....	TX	Olney .....	Olney Muni .....	5/2015	04/27/16	RNAV (GPS) Rwy 35, Orig-A
23-Jun-16 ....	IL	Savanna .....	Tri-Township .....	5/2441	04/27/16	VOR/DME-A, Orig
23-Jun-16 ....	TX	Eagle Pass .....	Maverick County Memorial Intl.	5/3179	04/27/16	RNAV (GPS) Rwy 13, Orig
23-Jun-16 ....	TX	Eagle Pass .....	Maverick County Memorial Intl.	5/3181	04/27/16	RNAV (GPS) Rwy 31, Orig
23-Jun-16 ....	IL	Cahokia/St Louis .....	St Louis Downtown .....	5/3272	04/18/16	RNAV (GPS) Rwy 12R, Orig-A
23-Jun-16 ....	TX	Eagle Lake .....	Eagle Lake .....	5/7965	04/25/16	RNAV (GPS) Rwy 17, Amdt 1A
23-Jun-16 ....	TX	Eagle Lake .....	Eagle Lake .....	5/7966	04/25/16	RNAV (GPS) Rwy 35, Amdt 1A
23-Jun-16 ....	TX	Eagle Lake .....	Eagle Lake .....	5/7967	04/25/16	VOR Rwy 17, Amdt 5
23-Jun-16 ....	TX	Liberty .....	Liberty Muni .....	5/8015	04/27/16	RNAV (GPS) Rwy 16, Amdt 2A
23-Jun-16 ....	MI	Lapeer .....	Dupont-Lapeer .....	5/8209	04/27/16	RNAV (GPS) Rwy 18, Orig-A
23-Jun-16 ....	MI	Lapeer .....	Dupont-Lapeer .....	5/8211	04/27/16	RNAV (GPS) Rwy 36, Orig-A
23-Jun-16 ....	IL	Fairfield .....	Fairfield Muni .....	6/0261	04/18/16	NDB Rwy 9, Amdt 3A
23-Jun-16 ....	IL	Fairfield .....	Fairfield Muni .....	6/0262	04/18/16	RNAV (GPS) Rwy 9, Orig
23-Jun-16 ....	CA	Santa Monica .....	Santa Monica Muni .....	6/1203	04/18/16	VOR or GPS-A, Amdt 10D
23-Jun-16 ....	SC	Orangeburg .....	Orangeburg Muni .....	6/1330	04/25/16	RNAV (GPS) Rwy 17, Orig-B
23-Jun-16 ....	SC	Orangeburg .....	Orangeburg Muni .....	6/1331	04/25/16	RNAV (GPS) Rwy 23, Amdt 1
23-Jun-16 ....	SC	Orangeburg .....	Orangeburg Muni .....	6/1332	04/25/16	RNAV (GPS) Rwy 5, Amdt 1
23-Jun-16 ....	SC	Orangeburg .....	Orangeburg Muni .....	6/1333	04/25/16	RNAV (GPS) Rwy 35, Amdt 1
23-Jun-16 ....	NY	New York .....	John F Kennedy Intl .....	6/1418	04/21/16	RNAV (RNP) Z Rwy 22L, Amdt 1A
23-Jun-16 ....	NY	New York .....	John F Kennedy Intl .....	6/1419	04/21/16	RNAV (GPS) Rwy 22R, Amdt 1D
23-Jun-16 ....	KY	Louisville .....	Louisville Intl-Standiford Field.	6/1429	04/25/16	RNAV (RNP) Z Rwy 35L, Amdt 1A
23-Jun-16 ....	NJ	Trenton .....	Trenton Mercer .....	6/1791	04/18/16	ILS or LOC Rwy 6, Amdt 10B
23-Jun-16 ....	NJ	Trenton .....	Trenton Mercer .....	6/1792	04/18/16	RNAV (GPS) Z Rwy 6, Orig-B
23-Jun-16 ....	NH	Laconia .....	Laconia Muni .....	6/2531	04/25/16	ILS or LOC Rwy 8, Amdt 1
23-Jun-16 ....	NH	Laconia .....	Laconia Muni .....	6/2532	04/25/16	NDB Rwy 8, Amdt 9
23-Jun-16 ....	NH	Laconia .....	Laconia Muni .....	6/2533	04/25/16	RNAV (GPS) Rwy 8, Orig
23-Jun-16 ....	NH	Laconia .....	Laconia Muni .....	6/2534	04/25/16	RNAV (GPS) Rwy 26, Orig
23-Jun-16 ....	PA	Bloomsburg .....	Bloomsburg Muni .....	6/2940	04/21/16	RNAV (GPS)-B, Amdt 1
23-Jun-16 ....	PA	Bloomsburg .....	Bloomsburg Muni .....	6/2942	04/21/16	VOR-A, Amdt 1
23-Jun-16 ....	OH	Cleveland .....	Cleveland-Hopkins Intl ..	6/3716	04/27/16	RNAV (GPS) Rwy 6L, Amdt 1C
23-Jun-16 ....	OH	Cleveland .....	Cleveland-Hopkins Intl ..	6/3717	04/27/16	RNAV (GPS) Rwy 6R, Amdt 2C
23-Jun-16 ....	MS	Greenwood .....	Greenwood-Leflore .....	6/4032	04/18/16	VOR Rwy 5, Amdt 13
23-Jun-16 ....	MO	Macon .....	Macon-Fower Memorial .....	6/4279	04/27/16	RNAV (GPS) Rwy 20, Orig
23-Jun-16 ....	MO	Macon .....	Macon-Fower Memorial .....	6/4284	04/27/16	VOR/DME Rwy 20, Amdt 2
23-Jun-16 ....	MO	Macon .....	Macon-Fower Memorial .....	6/4288	04/27/16	RNAV (GPS) Rwy 2, Orig
23-Jun-16 ....	TX	Austin .....	San Marcos Regional ...	6/4557	04/21/16	RNAV (GPS) Rwy 31, Orig-A
23-Jun-16 ....	OH	Carrollton .....	Carroll County-Tolson ...	6/4559	04/25/16	RNAV (GPS) Rwy 7, Orig-A
23-Jun-16 ....	TX	Austin .....	San Marcos Regional ...	6/4564	04/21/16	RNAV (GPS) Rwy 8, Orig-A
23-Jun-16 ....	TX	Austin .....	San Marcos Regional ...	6/4565	04/21/16	NDB Rwy 13, Amdt 5
23-Jun-16 ....	TX	Austin .....	San Marcos Regional ...	6/4566	04/21/16	ILS or LOC Rwy 13, Amdt 6A
23-Jun-16 ....	TX	Austin .....	San Marcos Regional ...	6/4567	04/21/16	RNAV (GPS) Rwy 35, Orig-A
23-Jun-16 ....	TX	Austin .....	San Marcos Regional ...	6/4568	04/21/16	RNAV (GPS) Rwy 13, Amdt 2A
23-Jun-16 ....	TX	Austin .....	San Marcos Regional ...	6/4570	04/21/16	Takeoff Minimums and (Obstacle) DP, Amdt 2
23-Jun-16 ....	TX	Austin .....	San Marcos Regional ...	6/4571	04/21/16	RNAV (GPS) Rwy 26, Orig-A
23-Jun-16 ....	TX	Austin .....	San Marcos Regional ...	6/4572	04/21/16	RNAV (GPS) Rwy 17, Orig-A
23-Jun-16 ....	KY	Somerset .....	Lake Cumberland Rgnl .....	6/4742	04/27/16	ILS or LOC/DME Rwy 5, Orig-C
23-Jun-16 ....	KY	London .....	London-Corbin Arpt-Magee Field.	6/4745	04/27/16	ILS or LOC Rwy 6, Amdt 1A

AIRAC Date	State	City	Airport	FDC No.	FDC Date	Subject
23-Jun-16 ....	KY	London .....	London-Corbin Arpt-Magee Field.	6/4746	04/27/16	VOR Rwy 6, Amdt 13A
23-Jun-16 ....	MS	Hattiesburg .....	Hattiesburg Bobby L Chain Muni.	6/4766	04/18/16	RNAV (GPS) Y Rwy 13, Amdt 2A
23-Jun-16 ....	MS	Hattiesburg .....	Hattiesburg Bobby L Chain Muni.	6/4767	04/18/16	RNAV (GPS) Z Rwy 13, Amdt 1
23-Jun-16 ....	OH	Youngstown .....	Youngstown Elser Metro	6/5115	04/25/16	RNAV (GPS) Rwy 10, Orig-A
23-Jun-16 ....	OH	Youngstown .....	Youngstown Elser Metro	6/5116	04/25/16	RNAV (GPS) Rwy 28, Orig-A
23-Jun-16 ....	CO	Steamboat Springs .....	Steamboat Springs/Bob Adams Field.	6/5725	04/18/16	RNAV (GPS)-E, Orig
23-Jun-16 ....	IN	Indianapolis .....	Indianapolis Executive ..	6/6319	04/25/16	ILS or LOC Rwy 36, Amdt 5A
23-Jun-16 ....	IN	Indianapolis .....	Indianapolis Executive ..	6/6321	04/25/16	RNAV (GPS) Rwy 36, Orig-B
23-Jun-16 ....	IN	Indianapolis .....	Indianapolis Executive ..	6/6323	04/25/16	VOR/DME Rwy 18, Amdt 1A
23-Jun-16 ....	IN	Indianapolis .....	Indianapolis Executive ..	6/6324	04/25/16	RNAV (GPS) Rwy 18, Amdt 1A
23-Jun-16 ....	AR	Jonesboro .....	Jonesboro Muni .....	6/7374	04/25/16	VOR Rwy 23, Amdt 11
23-Jun-16 ....	AR	Colt .....	Delta Rgnl .....	6/7516	04/25/16	RNAV (GPS) Rwy 18, Orig
23-Jun-16 ....	AR	Colt .....	Delta Rgnl .....	6/7517	04/25/16	RNAV (GPS) Rwy 36, Orig
23-Jun-16 ....	IL	Chicago/Rockford .....	Chicago/Rockford Intl ...	6/7985	04/25/16	RNAV (GPS) Rwy 1, Amdt 1
23-Jun-16 ....	IA	Washington .....	Washington Muni .....	6/8026	04/25/16	VOR/DME Rwy 36, Amdt 1
23-Jun-16 ....	IN	North Vernon .....	North Vernon .....	6/8027	04/18/16	RNAV (GPS) Rwy 5, Orig-A
23-Jun-16 ....	CA	Davis/Woodland/ Winters .....	Yolo County .....	6/8115	04/18/16	RNAV (GPS) Rwy 16, Amdt 2A
23-Jun-16 ....	CA	Davis/Woodland/ Winters .....	Yolo County .....	6/8116	04/18/16	RNAV (GPS) Rwy 34, Amdt 2A
23-Jun-16 ....	TX	Livingston .....	Livingston Muni .....	6/8274	04/21/16	RNAV (GPS) Rwy 30, Orig-B
23-Jun-16 ....	TX	Jacksonville .....	Cherokee County .....	6/8286	04/21/16	VOR/DME Rwy 14, Amdt 4
23-Jun-16 ....	ME	Houlton .....	Houlton Intl .....	6/8358	04/25/16	RNAV (GPS)-A, Orig
23-Jun-16 ....	ME	Houlton .....	Houlton Intl .....	6/8454	04/25/16	RNAV (GPS) Rwy 5, Orig-B
23-Jun-16 ....	ME	Houlton .....	Houlton Intl .....	6/8455	04/25/16	VOR/DME Rwy 5, Amdt 11A
23-Jun-16 ....	NY	Schenectady .....	Schenectady County .....	6/8629	04/25/16	ILS or LOC Rwy 4, Amdt 5D
23-Jun-16 ....	NY	Schenectady .....	Schenectady County .....	6/8630	04/25/16	RNAV (GPS) Rwy 22, Orig-B
23-Jun-16 ....	NY	Schenectady .....	Schenectady County .....	6/8632	04/25/16	NDB Rwy 22, Amdt 16B
23-Jun-16 ....	NY	Schenectady .....	Schenectady County .....	6/8635	04/25/16	RNAV (GPS) Rwy 28, Orig-C
23-Jun-16 ....	MO	Brookfield .....	North Central Missouri Rgnl.	6/8928	04/25/16	RNAV (GPS) Rwy 36, Amdt 2
23-Jun-16 ....	TX	Midlothian/Waxahachie	Mid-Way Rgnl .....	6/8936	04/21/16	RNAV (GPS) Rwy 18, Orig
23-Jun-16 ....	FL	Fort Pierce .....	St Lucie County Intl .....	6/8947	04/18/16	Takeoff Minimums and (Obstacle) DP, Amdt 4
23-Jun-16 ....	FL	Fort Pierce .....	St Lucie County Intl .....	6/8948	04/18/16	ILS or LOC Rwy 10R, Amdt 4A
23-Jun-16 ....	FL	Fort Pierce .....	St Lucie County Intl .....	6/8949	04/18/16	RNAV (GPS) Rwy 10R, Amdt 2A
23-Jun-16 ....	FL	Fort Pierce .....	St Lucie County Intl .....	6/8950	04/18/16	RNAV (GPS) Rwy 14, Amdt 2A
23-Jun-16 ....	FL	Fort Pierce .....	St Lucie County Intl .....	6/8951	04/18/16	RNAV (GPS) Rwy 28L, Amdt 1A
23-Jun-16 ....	FL	Fort Pierce .....	St Lucie County Intl .....	6/8952	04/18/16	RNAV (GPS) Rwy 32, Amdt 1B
23-Jun-16 ....	FL	Fort Pierce .....	St Lucie County Intl .....	6/8953	04/18/16	VOR/DME Rwy 14, Amdt 9B
23-Jun-16 ....	FL	Fort Pierce .....	St Lucie County Intl .....	6/8954	04/18/16	NDB Rwy 28L, Amdt 2A
23-Jun-16 ....	NE	Minden .....	Pioneer Village Field .....	6/9010	04/27/16	VOR-A, Orig
23-Jun-16 ....	MI	Detroit .....	Detroit Metropolitan Wayne County.	6/9012	04/27/16	RNAV (GPS) Rwy 27L, Amdt 2
23-Jun-16 ....	LA	Jennings .....	Jennings .....	6/9013	04/25/16	RNAV (GPS) Rwy 26, Orig
23-Jun-16 ....	LA	Jennings .....	Jennings .....	6/9014	04/25/16	RNAV (GPS) Rwy 8, Amdt 1
23-Jun-16 ....	TX	Houston .....	George Bush Intercontinental/Houston.	6/9032	04/21/16	RNAV (GPS) Rwy 33R, Amdt 2
23-Jun-16 ....	TX	Houston .....	George Bush Intercontinental/Houston.	6/9033	04/21/16	ILS or LOC Rwy 33R, Amdt 13
23-Jun-16 ....	TX	Houston .....	George Bush Intercontinental/Houston.	6/9036	04/21/16	RNAV (RNP) Y Rwy 26R, Orig-A
23-Jun-16 ....	KS	El Dorado .....	El Dorado/Captain Jack Thomas Memorial.	6/9037	04/25/16	RNAV (GPS) Rwy 22, Amdt 1
23-Jun-16 ....	WI	Crandon .....	Crandon/Steve Conway Muni.	6/9054	04/27/16	RNAV (GPS) Rwy 12, Orig
23-Jun-16 ....	WI	Crandon .....	Crandon/Steve Conway Muni.	6/9055	04/27/16	RNAV (GPS) Rwy 30, Orig
23-Jun-16 ....	ND	Watford City .....	Watford City Muni .....	6/9462	04/18/16	RNAV (GPS) Rwy 12, Orig-A
23-Jun-16 ....	ND	Watford City .....	Watford City Muni .....	6/9463	04/18/16	RNAV (GPS) Rwy 30, Orig

**DEPARTMENT OF THE INTERIOR****Bureau of Indian Affairs****25 CFR Part 226**[167A2100DD/AAKC001030/  
A0A501010.999900]

RIN 1076-AF17

**Leasing of Osage Reservation Lands for Oil and Gas Mining****AGENCY:** Bureau of Indian Affairs, Interior.**ACTION:** Final rule.

**SUMMARY:** The Bureau of Indian Affairs (BIA) previously published a final rule “Leasing of Osage Reservation Lands for Oil and Gas Mining” on May 11, 2015, but due to a court order enjoining the final rule and subsequent remand, that version of the rule never became effective. This final rule amends the Code of Federal Regulations to reinstate the version of the rule that was in effect prior to the 2015 final rule because that prior version of the rule remains operative.

**DATES:** This final rule is effective as of June 17, 2016.

**FOR FURTHER INFORMATION CONTACT:** Mr. Eddie Streater, Designated Federal Officer, BIA, (918) 781-4608.

**SUPPLEMENTARY INFORMATION:** The BIA published the final rule, “Leasing of Osage Reservation Lands for Oil and Gas Mining,” on May 11, 2015 at 80 FR 26994. The effective date of the final rule was July 10, 2015. On July 1, 2015, the Osage Minerals Council and Osage Producers Association filed suit in the U.S. District Court for the Northern District of Oklahoma, Case No. 15-cv-00367-GKF-PJC, seeking to enjoin implementation of the final rule. On August 10, 2015, the Court entered an Order enjoining the final rule. The BIA determined that a voluntary remand of the final rule was appropriate. On November 19, 2015, the Court entered the Judgment of Remand. The version of 25 CFR part 226 in effect prior to publication of the final rule on May 11, 2015, remains operative. *See* 55 FR 33116 (Aug. 14, 1990). This final rule reinserts into the Code of Federal Regulations that version of 25 CFR part 226 that was in effect prior to the May 11, 2015 final rule publication.

**Procedural Requirements***A. Regulatory Planning and Review (E.O. 12866 and 13563)*

Executive Order 12866 provides that the Office of Information and Regulatory Affairs in the Office of Management and

Budget will review all significant rules. The Office of Information and Regulatory Affairs has determined that this rule is not significant.

Executive Order 13563 reaffirms the principles of E.O. 12866 while calling for improvements in the nation’s regulatory system to promote predictability, to reduce uncertainty, and to use the best, most innovative, and least burdensome tools for achieving regulatory ends. The executive order directs agencies to consider regulatory approaches that reduce burdens and maintain flexibility and freedom of choice for the public where these approaches are relevant, feasible, and consistent with regulatory objectives. E.O. 13563 emphasizes further that regulations must be based on the best available science and that the rulemaking process must allow for public participation and an open exchange of ideas. We have developed this rule in a manner consistent with these requirements.

*B. Regulatory Flexibility Act*

This document will 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 this rule reinstates the existing, operative rule.

*C. Small Business Regulatory Enforcement Fairness Act*

This rule is not a major rule under 5 U.S.C. 804(2), the Small Business Regulatory Enforcement Fairness Act. This rule:

- (a) Does 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) Does 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.

*D. Unfunded Mandates Reform Act*

This 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 rule does 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. 1531 *et seq.*) is not required.

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

This rule does not affect a taking of private property or otherwise have taking implications under Executive Order 12630. A takings implication assessment is not required.

*F. Federalism (E.O. 13132)*

Under the criteria in section 1 of Executive Order 13132, this rule does not have sufficient Federalism implications to warrant the preparation of a Federalism summary impact statement. A Federalism summary impact statement is not required.

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

This rule complies with the requirements of Executive Order 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.

*H. Consultation With Indian Tribes (E.O. 13175 and Departmental Policy)*

The Department of the Interior strives to strengthen its government-to-government relationship with Indian Tribes through a commitment to consultation with Indian Tribes and recognition of their right to self-governance and tribal sovereignty. We have evaluated this rule under the Department’s consultation policy and under the criteria in Executive Order 13175 and have determined that it has no substantial direct effects on the Osage Nation or other federally recognized Indian Tribes and that consultation under the Department’s tribal consultation policy is not required.

*I. Paperwork Reduction Act*

This rule does not contain information collection requirements, and a submission to the Office of Management and Budget under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*) is not required. We may not conduct or sponsor, and you are not required to respond to, a collection of information unless it displays a currently valid OMB control number.

*J. National Environmental Policy Act*

This rule does not constitute a major Federal action significantly affecting the