



DEPARTMENT OF THE INTERIOR

Office of the Secretary

25 CFR Ch. I

30 CFR Chs. II and VII

36 CFR Ch. I

43 CFR Subtitle A, Chs. I and II

48 CFR Ch. 14

50 CFR Chs. I and IV

Unified Regulatory Agenda

AGENCY: Office of the Secretary, Interior.

ACTION: Unified regulatory agenda.

SUMMARY: This notice provides the unified agenda of rules scheduled for review or development between spring 2016 and spring 2017. The Regulatory Flexibility Act and Executive Order 12866 require publication of the agenda.

ADDRESSES: Unless otherwise indicated, all agency contacts are located at the Department of the Interior, 1849 C Street NW., Washington, DC 20240.

FOR FURTHER INFORMATION CONTACT: Direct all comments and inquiries to the appropriate agency contact. Direct general comments relating to the agenda to the Office of Executive Secretariat and Regulatory Affairs, Department of the Interior, at the address above or at 202–208–5257.

SUPPLEMENTARY INFORMATION: With this publication, the Department satisfies the requirement of Executive Order 12866 that the Department publish an agenda of rules that we have issued or expect to issue and of currently effective rules that we have scheduled for review.

Simultaneously, the Department meets the requirement of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) to publish an agenda in April and October of each year identifying rules that will have significant economic effects on a substantial number of small entities. We have specifically identified in the agenda rules that will have these effects.

NAME: Mark Lawyer,
Federal Register Liaison Officer.

Bureau of Safety and Environmental Enforcement—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
170	Cost Recovery Adjustment	1014-AA31

Bureau of Safety and Environmental Enforcement—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
171	Production Safety Systems and Lifecycle Analysis	1014-AA10

Bureau of Safety and Environmental Enforcement—Completed Actions

Sequence Number	Title	Regulation Identifier Number
172	Blowout Prevention Systems and Well Control	1014-AA11

United States Fish and Wildlife Service—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
173	Migratory Bird Permits; Incidental Take of Migratory Birds	1018-BA69

United States Fish and Wildlife Service—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
174	National Wildlife Refuge System; Management of Non-Federal Oil and Gas Rights	1018–AX36

National Park Service—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
175	Non-Federal Oil and Gas Rights	1024–AD78

Bureau of Indian Affairs—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
176	Title Evidence for Trust Land Acquisitions (Section 610 Review)	1076–AF28

Office of Surface Mining Reclamation and Enforcement—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number

Number		Number
177	Stream Protection Rule	1029-AC63

Bureau of Land Management—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
178	Waste Prevention, Production Subject to Royalties, and Resource Conservation	1004-AE14
179	Onshore Oil and Gas Order 4: Oil Measurement	1004-AE16

Department of the Interior (DOI)	Proposed Rule Stage
Bureau of Safety and Environmental Enforcement (BSEE)	

170. COST RECOVERY ADJUSTMENT

Legal Authority: 31 U.S.C. 9701

Abstract: This rule would update 31 cost recovery fees to allow the Bureau of Safety and Environmental Enforcement to recover the full costs of the services it provides to the oil and gas industry. It complies with the Independent Office Appropriations Act of 1952 which established that government services should be self-sustaining to the extent possible. Rulemaking is the only method available to update

these fees and comply with the intent of Congress to recover government costs when a special benefit is bestowed on an identifiable recipient. The practice of cost recovery is well-established and this rulemaking is not expected to be controversial.

Timetable:

Action	Date	FR Cite
NPRM	09/00/16	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Kimberly Monaco, Department of the Interior, Bureau of Safety and Environmental Enforcement, 1849 C Street NW., Washington, DC 20240

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RIN: 1014-AA31

Department of the Interior (DOI)	Final Rule Stage
Bureau of Safety and Environmental Enforcement (BSEE)	

171. PRODUCTION SAFETY SYSTEMS AND LIFECYCLE ANALYSIS

Legal Authority: 31 U.S.C. 9701; 43 U.S.C. 1334

Abstract: The Bureau of Safety and Environmental Enforcement (BSEE) will amend and update the regulations regarding offshore oil and natural gas production. It will address issues such as production safety systems, subsurface safety devices, and safety device testing. BSEE has expanded the rule to

differentiate the requirements for operating dry tree and wet tree production systems on the Outer Continental Shelf (OCS). This rule will also expand use of life cycle analysis of critical equipment.

Timetable:

Action	Date	FR Cite
NPRM	08/22/13	78 FR 52240
NPRM Comment Period End	12/05/13	
Final Action	05/00/16	

Regulatory Flexibility Analysis Required: Yes

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RIN: 1014–AA10

Department of the Interior (DOI)	Completed Actions
Bureau of Safety and Environmental Enforcement (BSEE)	

172. BLOWOUT PREVENTION SYSTEMS AND WELL CONTROL

Legal Authority: 30 U.S.C. 1751; 31 U.S.C. 9701; 43 U.S.C. 1334

Abstract: The Bureau of Safety and Environmental Enforcement (BSEE) will amend and update regulations regarding offshore oil and natural gas production. This final rule will upgrade regulations related to the design, manufacture, and repair of blowout preventers (BOPs) in response to numerous recommendations. In addition to BOPs, the final rule will address well design, well control, safe drilling margins, casing, cementing, real-time monitoring, and subsea containment. The final rule will address many of the issues raised following the Deepwater Horizon incident and from experts through a public forum held May 22, 2012.

Completed:

Reason	Date	FR Cite
Final Action	04/29/16	81 FR 25887
Final Action Effective	07/28/16	

Regulatory Flexibility Analysis Required: Yes

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RIN: 1014-AA11

BILLING CODE 4310-VH-P

Department of the Interior (DOI)	Proposed Rule Stage
United States Fish and Wildlife Service (FWS)	

173. MIGRATORY BIRD PERMITS; INCIDENTAL TAKE OF MIGRATORY BIRDS

Legal Authority: 16 U.S.C. 703 to 712; 42 U.S.C. 4321 et seq.

Abstract: We are preparing a programmatic environmental impact statement (PEIS) pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 4321 to 4347; NEPA) to evaluate the potential environmental impacts of a proposal to authorize incidental take of migratory birds under the Migratory Bird Treaty Act (16 U.S.C. 703 to 711). In drafting the PEIS, we invited input from other Federal and State agencies, tribes, nongovernmental organizations, and members of the public on the scope of the proposed NEPA analysis, the pertinent issues we should address, and alternatives to our proposed approach for authorizing incidental take. Based on this PEIS, we propose to establish regulations to govern the incidental take of migratory birds from activities under which migratory birds are killed incidental to otherwise lawful activities. These proposed regulations will establish rules for individual permits and programmatic agreements with Federal agencies and will establish the basis for future rulemaking for general authorizations for incidental take of migratory birds.

Timetable:

Action	Date	FR Cite
Notice	05/26/15	80 FR 30032
Comment Period End	07/27/15	
NPRM; NOA for DEIS	10/00/16	

Regulatory Flexibility Analysis Required: Yes

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RIN: 1018–BA69

Department of the Interior (DOI)	Final Rule Stage
United States Fish and Wildlife Service (FWS)	

174. NATIONAL WILDLIFE REFUGE SYSTEM; MANAGEMENT OF NON–FEDERAL OIL AND GAS RIGHTS

Legal Authority: 16 U.S.C. 668dd to ee; 42 U.S.C. 7401 et seq.; 16 U.S.C. 1131 to 1136; 40 CFR 51.300 to 51.309

Abstract: We anticipate publishing regulations that ensure that all operators conducting oil or gas operations within a National Wildlife Refuge System unit do so in a manner that prevents or minimizes damage to National Wildlife Refuge System resources, visitor values, and management objectives. These regulations will not result in a taking of a property interest, but rather to impose reasonable controls on operations that affect federally owned or controlled lands, and/or waters.

Timetable:

Action	Date	FR Cite

ANPRM	02/24/14	79 FR 10080
ANPRM Comment Period End	04/25/14	
ANPRM Comment Period Reopened	06/09/14	79 FR 32903
ANPRM Comment Period Reopening End	07/09/14	
NPRM	12/11/15	80 FR 77200
NPRM Comment Period End	02/09/16	
Final Action	08/00/16	

Regulatory Flexibility Analysis Required: Yes

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RIN: 1018–AX36

BILLING CODE 4333-15-P

Department of the Interior (DOI)	Final Rule Stage
National Park Service (NPS)	

175. NON-FEDERAL OIL AND GAS RIGHTS

Legal Authority: 54 U.S.C. 100101; 54 U.S.C. 100301; 54 U.S.C. 100302; 54 U.S.C. 100731; 54 U.S.C. 100732

Abstract: This rule would update National Park Service (NPS) regulations governing the exercise of non-Federal oil and gas rights within NPS unit boundaries. It would accommodate new technology and industry practices, eliminate regulatory exemptions, update requirements, remove caps on bond amounts, and allow NPS to recover administrative costs. The changes make the regulations more effective and efficient and maintain the highest level of protection compatible with park resources and values.

Timetable:

Action	Date	FR Cite
ANPRM	11/25/09	74 FR 61596
ANPRM Comment Period End	01/25/10	
NPRM	10/26/15	80 FR 65571
NPRM Comment Period End	12/28/15	
Final Action	09/00/16	

Regulatory Flexibility Analysis Required: Yes

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Department of the Interior (DOI)	Final Rule Stage
Bureau of Indian Affairs (BIA)	

176. • TITLE EVIDENCE FOR TRUST LAND ACQUISITIONS (SECTION 610 REVIEW)

Legal Authority: 5 U.S.C. 301; 25 U.S.C. 2; 25 U.S.C. 9

Abstract: This rule would delete the requirement for applicants to furnish title evidence that meets the Standards for the Preparation of Title Evidence in Land Acquisitions by the United States issued by the U.S. Department of Justice (DOJ), and replace the requirement with a less onerous, more targeted requirement for title evidence. The DOJ standards are intended for acquisitions of Federal land, not for acquisitions of land in trust or restricted status for Indian Tribes or individuals.

Timetable:

Action	Date	FR Cite

Interim Final Rule	03/01/16	81 FR 10477
Interim Final Rule Comment Period End	03/31/16	
Interim Final Rule-Delay of Effective Date	04/15/16	81 FR 22183
Interim Final Rule Effective	04/15/16	
Interim Final Rule—Confirmation of Rulemaking	05/00/16	
Interim Final Rule-Delay of Effective Date Effective	05/16/16	

Regulatory Flexibility Analysis Required: No

Agency Contact: Elizabeth Appel, Director, Office of Regulatory Affairs, Department of the Interior, 1849 C Street NW., Washington, DC 20240

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RIN: 1076–AF28

BILLING CODE 4337–15–P

Department of the Interior (DOI)	Final Rule Stage
Office of Surface Mining Reclamation and Enforcement (OSMRE)	

177. STREAM PROTECTION RULE

Legal Authority: 30 U.S.C. 1201 et seq.

Abstract: On August 12, 2009, the U.S. District Court for the District of Columbia denied the Government's request that the court vacate and remand the Excess Spoil/Stream Buffer Zone rule published on December 12, 2008. Therefore, the Department intends to initiate notice and comment rulemaking to address issues arising from previous rulemakings. The Agency also intends to prepare a new environmental impact statement.

Timetable:

Action	Date	FR Cite
ANPRM	11/30/09	74 FR 62664
ANPRM Comment Period End	12/30/09	
NPRM	07/27/15	80 FR 44436
NPRM Comment Period Extended	09/10/15	80 FR 54590
NPRM Comment Period End	09/25/15	
NPRM Comment Period Extended End	10/26/15	

Final Action	07/00/16	
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Regulatory Flexibility Analysis Required: Yes

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RIN: 1029–AC63

BILLING CODE 4310–05–P

Department of the Interior (DOI)	Final Rule Stage
Bureau of Land Management (BLM)	

178. WASTE PREVENTION, PRODUCTION SUBJECT TO ROYALTIES, AND RESOURCE CONSERVATION

Legal Authority: 25 U.S.C. 396d; 25 U.S.C. 2107; 30 U.S.C. 189; 30 U.S.C. 306; 30 U.S.C. 359; 30 U.S.C. 1751; 43 U.S.C. 1732(b); 43 U.S.C. 1733; 43 U.S.C. 1740

Abstract: The rule would update decades-old standards to reduce wasteful venting, flaring, and leaks of natural gas from onshore wells located on Federal and Indian oil and gas leases. The proposed standards would establish requirements and incentives to reduce waste of gas and clarify when royalties apply to lost gas. This action will enhance our energy security and economy by boosting America's natural gas supplies,

ensuring that taxpayers receive the royalties due to them from development of public resources, and reducing emissions.

Timetable:

Action	Date	FR Cite
NPRM	02/08/16	81 FR 6616
NPRM Comment Period Extended	04/04/16	81 FR 19110
NPRM Comment Period End	04/08/16	
NPRM Comment Period Extended End	04/22/16	
Final Action	11/00/16	

Regulatory Flexibility Analysis Required: Yes

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RIN: 1004–AE14

179. ONSHORE OIL AND GAS ORDER 4: OIL MEASUREMENT

Legal Authority: 25 U.S.C. 396(d); 25 U.S.C. 2107; 30 U.S.C. 189; 30 U.S.C. 306; 30 U.S.C. 359; 30 U.S.C. 1751; 43 U.S.C. 1732(b); 43 U.S.C. 1733; 43 U.S.C. 1740

Abstract: Onshore Order 4 establishes minimum standards to ensure liquid hydrocarbons are accurately measured and reported. This Order was last updated in 1989, and since then changes in technology have allowed for more accurate fluid measurement. This order will incorporate current industry standards and allow for the use of new technology.

Timetable:

Action	Date	FR Cite
NPRM	09/30/15	80 FR 58952
NPRM Comment Period Extended	11/23/15	80 FR 72943
NPRM Comment Period End	12/14/15	
Final Action	05/00/16	

Regulatory Flexibility Analysis Required: Yes

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