additional experience under the Act as they prepare their comments on the interim final rules, the Department believes it is desirable to extend the comment period for interested parties. Therefore, the period for submitting written comments on the interim final rules implementing the Family and Medical Leave Act of 1993, 29 CFR part 825, published in the **Federal Register** on June 4, 1993, is extended to December 3, 1993.

Signed in Washington, DC, this 24th day of August, 1993.

Maria Echaveste,

Administrator, Wage and Hour Division.

[FR Doc. 93-20973 Filed 8-27-93; 8:45 am]

BILLING CODE 4510-27-M

DEPARTMENT OF THE INTERIOR

Minerals Management Service

30 CFR Part 218

RIN 1010-AB35

Assessments for Failure To Submit Payment of Same Amount as Form MMS-2014 or Bill Document or To Provide Adequate Information

AGENCY: Minerals Management Service, Interior.

ACTION: Final rule.

SUMMARY: The Minerals Management Service (MMS) is amending its Royalty Management Program (RMP) regulations to provide for a new assessment not to exceed $250 that may be charged payors each time the MMS Auditing and Financial System (AFS) cannot automatically apply a payment to a Report of Sales and Royalty Remittance (Form MMS-2014) or to a Bill for Collection (bill document) because of errors in reporting made by payors on Federal or Indian mineral leases. This assessment may also be charged each time a payment made by a payor is not equivalent in amount to the total of individual line items on the associated Form MMS-2014 or bill document.

This new assessment will allow MMS to recover administrative costs incurred as the result of payor reporting and/or payment errors and will improve the efficiency of MMS' disbursement of royalties and other monies to States and Indians.

EFFECTIVE DATE: October 1, 1993.

FOR FURTHER INFORMATION CONTACT: David S. Guzy, Chief, Rules and Procedures Staff, Minerals Management Service, Royalty Management Program, P.O. Box 25165, Mail Stop 3901, Denver, Colorado 80225-0165, telephone (303) 231-3432.

SUPPLEMENTARY INFORMATION: The principal author of this final rule is Marvin D. Shaver of the Rules and Procedures Staff, RMP, MMS.

I. Background

Pursuant to 30 CFR part 210, lessees and other royalty payors on Federal and Indian mineral leases are required to submit certain forms and reports to MMS. Section 30 CFR 210.52, states that a completed Report of Sales and Royalty Remittance (Form MMS-2014, OMB No. 1010-0022) must accompany all payments to MMS for royalties and, where specified, for rents on nonproducing leases. Similarly, for solid minerals leases, pursuant to § 210.202, as amended by a final rule published on November 5, 1992 (57 FR 52719), a Form MMS-2014 must accompany all payments to MMS for rents (other than first year) and royalties.

A Bill for Collection (Form DI-1040b) is issued by MMS to notify a payor of assessments, late-payment interest charges, or other amounts owed. Bills are also issued to purchasers of royalty oil under the Government's Royalty-in-Kind program.

The royalty reports and bill documents are part of MMS' automated royalty accounting system, AFS. A receivable from a payor is created in AFS when a payor reports royalty due on a Form MMS-2014 or when a bill is entered in AFS and issued to a payor. From the information entered into AFS with respect to a royalty report, or bill or payment document, AFS attempts to automatically apply each payment to the associated royalty report or bill documents. If a payment cannot be automatically applied by AFS to the associated royalty report or bill document because of inadequate or erroneous information, it must be manually researched and applied by MMS personnel.

If a payment is made by a payor via Electronic Funds Transfer (EFT), MMS receives a transmittal message of the payment from the Department of the Treasury Fedwire Deposit System. If a payment is remitted by a payor directly to a lockbox for an Indian tribe that has a lockbox payment arrangement, MMS receives notification of receipt of the payment from the financial institution involved. The information on EFT and lockbox payments is entered into AFS upon receipt by MMS.

If a specific royalty report or bill document has not had full payment applied, the unapplied portion remains as a receivable balance in AFS. This situation may result if a payment has been automatically applied by the AFS, but is less than the total of individual line items on the royalty report or bill document or if a payment cannot be applied by AFS because of inadequate or erroneous information provided by the payor. If a payment amount is greater than the total of individual line items on the royalty report or bill document, AFS will only apply an amount equal to the total of the individual line items, and AFS will have an excess cash balance. In either case, manual effort is required by MMS personnel to research cash and receivable balances to resolve differences.

The manual effort required by MMS personnel to research cash and receivable balances results in MMS incurring substantial costs so that AFS can operate properly to account for and distribute royalties. To recover costs related to this effort and to encourage more careful preparation of royalty reports and payments by payors, MMS published a Notice in the **Federal Register** on March 22, 1990 (55 FR 10630), proposing to amend its regulations to provide for a new assessment. The new assessment, not to exceed $250, was proposed to be charged payors each time that a specified reporting and/or payment violation occurred.

In response to the proposed rulemaking, MMS received comments from 10 lessees/payors and other interested parties. All of these comments were considered in this final rulemaking and are discussed in Section II below. The final rule is summarized and discussed in Section III below.

II. Comments Received on Proposed Rule

The proposed rulemaking (55 FR 10630, March 22, 1990) provided for a 60-day public comment period, which ended May 21, 1990. Ten commenters from industry submitted comments during this period. No comments were received from Indian representatives. The comments that were received are addressed in this section according to the nature of the comment. The final rule has been revised to reflect comments, as appropriate.

(a) Opposition to the New Assessment

Seven commenters expressed opposition to the proposed new assessment. The comments that were received from these commenters are discussed below:

(1) One commenter questioned MMS' authority to impose such strict liability penalties. This commenter stated that if Congress had intended for MMS to have such authority, the pertinent statutes

would have specifically provided for this authority.

Response: Congress has passed numerous laws that establish the responsibility and authority of the Secretary of the Interior with respect to minerals management functions on Federal and Indian lands. For example, section 301(a) of the Federal Oil and Gas Royalty Management Act of 1982 (FOGRMA), 30 U.S.C. 1751, which applies to Federal and Indian oil and gas leases, authorizes the Secretary of the Interior (Secretary) to prescribe such rules and regulations as he or she deems necessary to carry out the purpose of the Act. Section 101 of FOGRMA, 30 U.S.C. 1711, requires that the Secretary establish a comprehensive accounting and auditing system.

The Secretary's responsibility for royalty and mineral revenues management was assigned to MMS by Secretarial Order No. 3071, dated January 19, 1982, and amended on May 10, 1982, and Secretarial Order No. 3087, dated December 3, 1982. Consequently, MMS is of the opinion that it has the authority to establish the new assessment as provided for in the final rule.

(2) Three commenters argued that the proposed rule did not consider underlying conditions which result in reporting and payment problems. One of these commenters suggested that the causes of the problem should be investigated and resolved rather than to just impose additional penalties.

Examples of underlying conditions, identified by these commenters, included the following:

(i) Problems may stem from the requirement for early payment of royalties on production, particularly gas and gas liquids, the proceeds from which may not be known when the royalty payment is required.

(ii) Improvement and simplification are needed to the MMS Production Accounting and Auditing System and AFS.

(iii) It is inappropriate to attribute reconciliation errors solely to the payor. Because the payor does not have perfect control over the accuracy of information provided by third parties for the purpose of rendering royalty payments and reports, it is not equitable to assess an additional penalty every time reconciliation differences are identified. In the past, bills issued by MMS for unliquidated amounts have been found to be seriously overstated.

(iv) Because MMS regulations do not provide for payment of interest on overpayments, there may be a tendency of payors to avoid overpayments at the risk of underpayments.

(v) Because the error could be an overpayment in favor of the lessor, the assessment of a penalty may not be equitable.

(vi) In making a timely royalty report to avoid penalty and interest, a payor becomes at risk for reporting with inadequate information.

Response: The MMS agrees that there are many underlying conditions that affect the accuracy of reporting and payment of amounts owed by payors on Federal and Indian mineral leases. However, these conditions should not prevent the payor from submitting its payment for the same amount that it reported as owed on a royalty report whether or not correctly reported, or for the amount due on a bill document. Also, those conditions should not prevent the payor from providing adequate and accurate information to allow the payment to be automatically applied by AFS to the royalty report or bill document. Therefore, MMS did not revise the proposed rule to reflect the concerns expressed by these commenters.

(3) Four commenters expressed their opinions that existing MMS assessment regulations already encourage the submittal of accurate royalty reports and payments and that any additional assessment would result in an unfair duplication of penalties. Another commenter stated that the proposed new assessment is not an encouragement to better reporting and payment, but rather an irritation.

Response: Although the assessment and interest charges provided for under existing regulations have resulted in an increase in the accuracy of reports and payments submitted by payors, additional improvement is needed. In many instances, inadequate and/or erroneous information submitted by payors continues to delay the payment application process with a resulting delay in MMS' distribution of royalties and related information to States and Indian tribes and allottees. The new assessment is not a duplication of assessments and/or interest authorized by other MMS regulations and is needed to encourage more careful preparation and submittal of reports and payments by payors.

Therefore, MMS did not revise the proposed rule to reflect the concerns expressed by these commenters.

(b) Exceptions or Limitations to the New Assessment

Although generally opposed to the proposed new assessment, 9 of the 10 commenters recommended that the new assessment not be charged in certain situations or be limited in amount. The exceptions and limitations recommended by these commenters are discussed below:

(1) Three commenters were of the opinion that there should be no assessment if incorrect reporting occurs through no fault of the payor or due to matters beyond the control of the payor. They recommended that the final rule establish who is responsible if a bank or the U.S. Postal Service is at fault for losing information.

Response: Under the final rule, the new assessment may be charged each time that a specified violation is committed by a payor, regardless of whether or not the amount reported was correct or receipt of the report by MMS was delayed by others. It is the responsibility of the payor to ensure that proper payment and report information is received timely by MMS to permit AFS to apply payments to associated royalty reports and bill documents.

(2) One commenter recommended that the final rule include a provision that would exclude any documents that were submitted based on explicit instructions given by MMS and later determined to be incorrect or deficient in any manner. In this commenter's opinion, payors should not be penalized for relying upon official MMS guidelines that are later determined to be incorrect.

Response: As stated in MMS' response under paragraph II(b)(1) of this preamble, the new assessment would only be charged as the result of the violations specified in the rule that are committed by the payor. Therefore, MMS did not consider it necessary to include the recommended provision in the final rule.

(3) One commenter expressed an understanding that there will not be an assessment in instances where a payor receives a bill and a full payment is not made due to an appeal of the full amount or portion thereof. The commenter understood that this situation would be determined based on research performed by MMS.

Response: The MMS published a Notice of Proposed Rulemaking in the **Federal Register** on February 23, 1990 (55 FR 6401) to clarify its regulations regarding suspension of MMS decisions and orders pending appeal. Comments received from the public were considered and a final rule was published in the **Federal Register** on September 30, 1992 (57 FR 44991). This rulemaking, which was codified at 30 CFR 243.2, addresses suspension of a required payment of a bill pending a decision on an appeal.

The assessment provided in § 218.41(a) of this final rule would not

be charged when a payor has filed a timely appeal and has provided MMS with an acceptable surety instrument within the allowed time period in accordance with the provisions of 30 CFR part 243.

(4) Two commenters expressed concern that the new assessment would be charged where good faith efforts had been made by payors regardless of whether or not negligence or culpable conduct is involved. Four other commenters recommended that assessments not be imposed for inadvertent and nonrecurring errors.

Response: The MMS assumes that most payors make a good faith effort to report and pay properly. However, payors sometimes, for various reasons (including inadvertent errors), submit inadequate or erroneous information. The new assessment will encourage more careful preparation and submittal of reports and payments by payors. Under the final rule, the new assessment may be charged each time MMS determines that the payor committed a violation, regardless of whether or not the violation was inadvertent and nonrecurring.

(5) Because of the many problems involved relative to nonstandard Indian reporting and paying, one commenter recommended that any violations relative to nonstandard leases be exempted from the final rule.

Response: The MMS agrees that there are many problems associated with nonstandard leases. However, these problems should not affect the payor's responsibility and ability to prepare and submit adequate and correct information relative to any payment or report document that it may submit on nonstandard leases. Consequently, MMS did not exclude nonstandard leases from the new assessment in the final rule.

(6) One commenter identified the following situations which could result in invalid and erroneous assessments.

—Failure of MMS to process a credit or refund prior to applying an adjusted payment to a bill.
—A payment submitted to MMS in error, which must be returned. In these cases there is no receivable established in AFS.
—The payor's submittal of a correcting Form MMS–2014 report which results in a different payment amount.
—An MMS keypunch error which results in a wrong report total.

Because of their concerns that a payor could improperly be assessed a penalty, three commenters recommended that the assessment not be automatic. They also suggested that the final rule provide for some error rate without a penalty to allow MMS to exercise some discretion. These commenters suggested that if an assessment must be made, it should be based on graduated experience (average number of errors during a past period) and on the significance of the error (amount of effort required by MMS to correct error). Three commenters stated that if additional penalties must be imposed, they should be directed toward payors who consistently make reporting or payment errors; i.e., frequent offenders and those who blatantly disregard MMS instructions.

Response: The AFS identifies instances when a payment has not been automatically applied to a royalty report or bill document. However, the AFS cannot identify the reason why a payment was not applied. Therefore, MMS personnel must manually review each unapplied payment to determine why it was not applied by the AFS. If the unapplied payment was due to a reporting or payment error committed by the payor, as defined in paragraphs (a) and (b) of § 218.41 of the final rule, an assessment may be charged.

Significant additional administrative effort would be required by MMS to identify past errors and the significance of errors committed by payors. Therefore, for consistency and equity, the assessment provided by the final rule may be charged each time that the payor commits a violation.

(7) One commenter stated that an automatic assessment may result in increased administrative costs as the result of appeals. The commenter suggested that if an automatic assessment is adopted, the final rule should provide for a method of questioning the assessment through the MMS Lessee Contract Branch without filing a formal appeal.

Response: Although some payors may appeal the new assessment, MMS does not consider it necessary or desirable to establish an alternate method of resolving the assessment as suggested by this commenter. Under the final rule, payors will have the right to file a formal appeal of the assessment in accordance with the provisions of 30 CFR part 243. If, in its appeal, the payor can demonstrate no violation, MMS will issue a credit.

(c) Ambiguities in Proposed Rule

Two commenters stated that the proposed rule was unclear in certain areas and recommended that these areas be clarified in the final rule. The ambiguities identified by these commenters are discussed below:

(1) One commenter agreed with MMS' intent that the assessment should apply to the total and complete royalty report, as applicable, and not to each line item that may be incorrect. However, both commenters stated that, as written, there is an ambiguity in the proposed regulations that could improperly result in multiple assessments. In their opinion, the terms "report document," "payment document," and "per incident," could be misinterpreted to apply to each line item contained on a Form MMS–2014. Therefore, they recommend that the final rule be clarified by deleting the words "per incident" throughout the final regulations.

Response: Because the assessment would only be charged as the result of errors relative to preparation and submittal of the total and complete royalty report and not to individual line items on the report, MMS does not feel that multiple assessments could result. However, for purposes of clarification, MMS has removed the words "per incident" in the final rule as recommended by the commenters. As stated in section III (a) below, MMS has also specifically identified "Form MMS–2014" as the report document in the final rule to lesson confusion.

(2) One commenter recommended that the final rule specifically state that the assessment is in addition to the assessments and interest charges provided for in 30 CFR 218.40 and 218.54.

Response: Because this assessment will be codified as a separate regulation at § 218.41, MMS does not consider it necessary to include a statement therein that it is in addition to any other assessment and/or interest provided for in other MMS regulations.

(3) One commenter stated that § 218.41(a) of the proposed rule is misleading as it applies to EFT payments. The commenter felt that this paragraph could be construed to mean that the Form MMS–2014 must accompany EFT payments. The commenter recommended that MMS rewrite this paragraph to more accurately address the EFT process.

Response: The proposed rule provided for an assessment for each payment submitted without the accompanying report/bill document and for each report/bill document submitted without the accompanying payment document. However, after further consideration, MMS has excluded the proposed assessment for this type of violation from the final rule. The exclusion of this assessment from the final rule resolves this commenter's concern.

(d) Advance Notification of Assessment

Three commenters recommended that MMS provide advance notification to payors before any assessment is charged. One commenter stated that under the legal requirement for "due process," the payor must be given an opportunity to explain discrepancies before any assessment is imposed. A different commenter, who was opposed to an automatic assessment, recommended that the assessment be charged only after a careless payor with repeated violations had been served with a notice that an assessment would be charged for further violations. The third commenter was of the opinion that MMS should be required to notify payors of the problems causing an assessment in order for corrective action to be taken prior to the payor's next submittal of a report and payment.

Response: Lessees and payors on Federal and Indian mineral leases have a responsibility to be knowledgeable of laws and regulations governing the reporting and payment of royalties and other monies owed on those leases. Therefore, MMS did not, under the final rule, provide for advance notification to payors before an assessment will be charged.

A bill will be issued by MMS to a payor who is charged an assessment under the final rule which will explain the reason for the assessment. Upon receipt of the bill, the payor should take appropriate corrective action prior to its next submission of the royalty report and/or payment to avoid subsequent assessments.

III. Summary and Discussion of Final Rule

This final rulemaking will be included in MMS regulations at 30 CFR 218.41. The final rule is summarized and discussed below:

(a) Under § 218.41(a) of the final rule, MMS may charge payors an assessment not to exceed $250 each time that a payment amount is not equivalent in amount to the total of individual line items on the associated Form MMS–2014 or a bill document, unless the difference in amount has been authorized by MMS.

The proposed rule (55 FR 10631, March 22, 1990) included references to separate Reports of Sales and Royalty Remittance for oil and gas (Form MMS–2014) and for solid minerals (Form MMS–4014). However, MMS published a Notice of Final Rulemaking in the Federal Register on November 5, 1992 (FR 52719) to amend its regulations to eliminate the Form MMS–4014 and to combine all royalty reporting requirements on the Form MMS–2014. For this reason, MMS has removed all references to Form MMS–4014 from the discussion and text of the final rule. The MMS has also removed references to "report document" and has specifically identified Form MMS–2014 as the report document in the discussion and text of the final rule to avoid confusion with the definition of a report at § 218.40(c).

A "Form MMS–2014," for purposes of the final rule, includes submissions of royalty information by magnetic media. Magnetic media submissions include submissions by magnetic tape, magnetic cartridge, or floppy diskette. See paragraph § 218.41(c).

(b) Under § 218.41(b) of the final rule, MMS may charge payors an assessment not to exceed $250 each time that a payment cannot be automatically applied by AFS to the associated Form MMS–2014 or bill document because of inadequate or erroneous information submitted by the payor. This provision, proposed as paragraph § 218.41(d), has been redesignated as paragraph § 218.41(b) in the final rule. Inadequate or erroneous information as defined in the final rule is discussed below:

(1) *Incorrect payor-assigned document number or no payor-assigned document number on a Form MMS–2014 and on the associated payment document.* Payors are required to complete block 3a on Form MMS–2014. This block provides for the payor's identification of a unique "payor assigned document number" (hereafter referred to as a "3a number"). The same unique 3a number is also required to be identified on the associated payment document (EFT message, check, bank draft, money order, etc.), in order to provide a cross reference and facilitate the automated application by AFS of the payment to the proper Form MMS–2014.

As stated in section 2.2.5 of Volume II of the MMS Oil and Gas Payor Handbook and instructions provided in the AFS Solid Minerals Payor Handbook, it is imperative that the 3a number be unique and used for only one report/payment combination. The reuse of the same payor assigned 3a number in subsequent reporting periods may result in the associated payment being misapplied to the wrong Form MMS–2014 and would subject a payor to an assessment. See § 218.41 (b)(1) and (b)(2).

(2) *Bill for Collection number not identified on the payment document, when required.* Instructions are included with each Bill for Collection issued to a payor requesting that the bill number be identified on the payment document. See § 218.41(b)(2).

(3) *Absent or incorrect name of administering Bureau of Indian Affairs (BIA) Agency/Area office and word "allotted" or tribe name on payments remitted to MMS for Indian tribes and allottees.* As stated in section 2.4.3.5 of Volume II of the MMS Oil and Gas Payor Handbook and instructions provided in the AFS Solid Minerals Payor Handbook, payors are required to specify the word "allotted" and the name of the administering Bureau of Indian Affairs Agency/Area office on a check remitted to MMS for a payment on an Indian allotted lease. In the case of a payment on an Indian tribal lease, the check must specify the name of the appropriate tribe. In accordance with § 218.51, all payors whose aggregate royalty payment obligation totals $10,000 or more must make a payment by EFT, unless otherwise directed by MMS. In the case of EFT payments, the payor must identify the tribe/allottee on the EFT message by a five digit code in accordance with instructions provided by MMS to payors. See § 218.41(b)(3).

(4) *Absent or incorrect MMS assigned payor code on payment document.* As stated in section 1.1.6 of Volume II of the MMS Oil and Gas Payor Handbook, and instructions provided in the AFS Solid Minerals Payor Handbook, all payments, reports, and correspondence must include a five-digit MMS assigned payor code. Companies with multiple payor codes must submit a separate royalty report and payment for each payor code. Payors reporting via magnetic media submission may submit more than one report on their submission; however, each report may only contain one payor code. See § 218.41(b)(4).

(c) The amount of the assessment to be imposed pursuant to paragraphs (a) and (b) of the final rule will be established periodically by MMS based on its experience with costs and improper reporting and/or payment by payors. Based on recent MMS cost experience, the assessment amount will initially be set at $100 for each violation. The MMS will publish a Notice in the Federal Register of the initial and any subsequent revised assessment amount(s) to be applied with the effective dates. See § 218.41(f).

Procedural Matters

Executive Order 12291 and the Regulatory Flexibility Act

The Department of the Interior (Department) has determined that this document is not a major rule under Executive Order 12291 and certifies that

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.).

The assessment provided by this final rulemaking will allow MMS to recover administrative costs as the result of payor reporting and/or payment errors and will improve the efficiency of MMS' disbursement of royalties and other monies to States and Indians.

Executive Order 12630

The Department certifies that the rule does not represent a governmental action capable of interference with constitutionally protected property rights. Thus, a Takings Implication Assessment need not be prepared pursuant to Executive Order 12630, "Government Action and Interference with Constitutionally Protected Property Rights."

Executive Order 12778

The Department has certified to the Office of Management and Budget that these final regulations meet the applicable standards provided in sections 2(a) and 2(b)(2) of Executive Order 12778.

Paperwork Reduction Act of 1980

This final rule does not contain information collection requirements which require approval by the Office of Management and Budget under 44 U.S.C. 3501 et seq.

National Environmental Policy Act of 1969

It is hereby determined that this rulemaking does not constitute a major Federal action significantly affecting the quality of the human environment and a detailed statement pursuant to paragraph (2)(C) of section 102 of the National Environmental Policy Act of 1969 [42 U.S.C. 4332(2)(C)] is not required.

List of Subjects in 30 CFR Part 218

Coal, Continental shelf, Electronic funds transfers, Geothermal energy, Government contracts, Indian lands, Mineral royalties, Natural gas, Penalties, Petroleum, Public lands-mineral resources, Reporting and recordkeeping requirements.

Dated: June 14, 1993.

Bob Armstrong,

Assistant Secretary, Land and Minerals Management.

For the reasons set out in the preamble, 30 CFR part 218 is amended as set forth below:

PART 218—COLLECTION OF ROYALTIES, RENTALS, BONUSES, AND OTHER MONIES DUE THE FEDERAL GOVERNMENT

1. The authority citation for part 218 is revised to read as follows:

Authority: 5 U.S.C. 301 et seq.; 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. 3716; 31 U.S.C. 3720A; 31 U.S.C. 9701; 43 U.S.C. 1301 et seq.; 43 U.S.C. 1331 et seq.; and 43 U.S.C. 1801 et seq.

2. A new § 218.41 is added under Subpart A—General Provisions to read as follows:

§ 218.41 Assessments for failure to submit payment of same amount as Form MMS–2014 or bill document or to provide adequate information.

(a) An assessment of an amount not to exceed $250 may be charged when the amount of a payment submitted by a payor is not equivalent in amount to the total of individual line items on the associated Form MMS 2014 or bill document, unless the difference in amount has been authorized by MMS.

(b) An assessment of an amount not to exceed $250 may be charged for each payment submitted by a payor that cannot be automatically applied by AFS to the associated Form MMS–2014 or bill document because of inadequate or erroneous information submitted by the payor. For purposes of this section, inadequate or erroneous information is defined as:

(1) Absent or incorrect payor assigned document number, required to be identified by the payor in Block 3a on a Form MMS–2014, or the reuse of the same payor assigned document ("3a") number in a subsequent reporting period.

(2) Absent or incorrect bill document invoice number (to include the four character alpha prefix and the eight digit number) or the payor-assigned 3a number required to be identified by the payor on the associated payment document, or the reuse of the same payor assigned 3a number in a subsequent reporting period.

(3) Absent or incorrect name of the administering Bureau of Indian Affairs Agency/Area office and the word "allotted" or the tribe name on payment documents remitted to MMS for an Indian tribe or allottee. If the payment is made by EFT, the payor must identify the tribe/allottee on the EFT message by a pre-established five digit code.

(4) Absent or incorrect MMS assigned payor code on a payment document.

(c) For purposes of this section, the term "Form MMS–2014" includes submission of reports of royalty information by magnetic media. Magnetic media submissions include submissions by magnetic tape, magnetic cartridge, or floppy diskette.

(d) For purposes of this section, a bill document is defined as any Bill of Collection (Form DI–1040b) that has been issued by MMS for assessments, late-payment interest charges, or other amounts owed.

(e) For purposes of this section, a payment document is defined as one of the payment methods identified in § 218.51(a)(3).

(f) The amount of the assessment to be imposed pursuant to paragraphs (a) and (b) of this section shall be established periodically by MMS. The assessment amount will be based on MMS' experience with costs and improper reporting and/or payment as specified in this section. The MMS will publish a Notice in the Federal Register of the assessment amount to be applied with the effective date.

[FR Doc. 93–21019 Filed 8–27–93; 8:45 am]
BILLING CODE 4310-MR-M

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 916

Kansas Permanent Regulatory Program; Correction

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), Interior.

ACTION: Final rule; correction.

SUMMARY: This document corrects a final rule concerning a permanent program amendment from the State of Kansas under the Surface Mining Control and Reclamation Act of 1977, at 30 CFR 916.15, Approval of Regulatory Program Amendments.

The rule published on Monday, June 14, 1993, incorrectly codified 30 CFR 916.15, the approval of regulatory amendments. A subsequent correction notice published on June 22, 1993 (58 FR 33986), incorrectly recodified 30 CFR 915.15, the approval of regulatory program amendments.

EFFECTIVE DATE: June 14, 1993.

FOR FURTHER INFORMATION CONTACT: Jerry R. Ennis, (816) 374–6405.

SUPPLEMENTARY INFORMATION:

Background on the Kansas Program

On January 21, 1981, the Secretary of Interior conditionally approved the Kansas program. General background information on the Kansas program,