

product could have pernicious consequences. Label language is the principal mechanism by which EPA requires users of pesticide products to conform to the terms and conditions of registration.

In addition to this basic legal problem, EPA has additional substantive concern about the specific label language which the OSHA EIO standard requires. Section 1910.1047 (j)(1)(ii) requires that precautionary labeling for each affected product must, among other things, include the word "CAUTION". EPA regulations, 40 CFR 162.10(h), establish specific requirements concerning the warnings and precautionary statements which must appear on pesticide labeling. A particular "human hazard signal word" is assigned to each pesticide depending on how it is classified with respect to toxicity. Ethylene oxide products fall within Toxicity Category I, the most stringent category, and must therefore state on the front panel of the label the signal word "DANGER". In contrast, the signal word "CAUTION" is utilized for products which fall within Toxicity Categories III and IV. In our experience, the human hazard signal word is one of the elements of the label with which applicators and users are most familiar. Because the human hazard signal word describes the intrinsic toxicity of a pesticide and thereby gives general guidance concerning the measure of care required in handling and using that pesticide, it is critical to avoid using signal words in a confusing manner. Indeed, 40 CFR 162.10(h)(1)(i)(E) expressly states that, "in no case shall more than one human hazard signal word appear on the front panel of a label."

For the reasons stated above, I hope OSHA will consider amending its final standard for EIO to include the exception to label requirements for registered pesticide products which was previously included in its proposed standard.

OSHA believes that there is merit in EPA's concern that both legal and substantive conflict exist under OSHA's present labeling requirement. The Agency feels that it is necessary and appropriate to amend the final EIO labeling provision to include the exception for EIO products which are subject to labeling under FIFRA, as originally proposed. This amendment would prevent a statutory and regulatory conflict between OSHA's EIO standard and EPA's labeling requirement under FIFRA, and would relieve employers of the burden of complying with such conflicting requirements.

Summary of Regulatory Impact

Executive Order 12291 (48 FR 13197, February 19, 1981) requires that a regulatory analysis be conducted for any rule having major economic consequences on the national economy, individual industries, geographical regions, or levels of government. The Regulatory Flexibility Act (5 U.S.C. 601 et seq.) requires the Occupational Safety

and Health Administration to consider the impact of the proposed rule on small entities.

The Secretary has determined that this action would not be major as defined by Section 1(b) of Executive Order 12291. The Secretary also certifies that this action would not have a significant impact on a substantial number of small entities as defined by the Regulatory Flexibility Act.

Public Participation

Interested persons are invited to submit written data, views, and arguments with respect to this proposed amendment. These comments must be submitted on or before May 1, 1985, and must be submitted in quadruplicate to the Docket Officer, Docket H-200, Room N-3670, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20210.

The data, views, and arguments that are submitted will be available for public inspection and copying at the above address. All timely submissions will be made part of the record.

Authority: This document was prepared under the direction of Robert A. Rowland, Assistant Secretary of Labor for Occupational Safety and Health, 200 Constitution Ave., NW., Washington, D.C. 20210.

Pursuant to sections 6(b) and 8 of the Occupational Safety and Health Act (29 U.S.C. 655, 657), and 5 U.S.C. 553, it is hereby proposed to amend 29 CFR 1910.1047, as set forth below.

List of Subjects in 29 CFR Part 1910

Ethylene oxide, Occupational safety and health, Chemicals, Cancer, Health, Risk assessment.

Signed at Washington D.C. this 22nd day of March 1985.

Robert A. Rowland,
Assistant Secretary of Labor.

PART 1910—[AMENDED]

Part 1910 of Title 29 of the Code of Federal Regulations is therefore proposed to be amended by adding a new paragraph (j)(1)(iii) to § 1910.1047 to read as follows:

§ 1910.1047 Ethylene oxide.

(j) * * *

(1) * * *

(iii) The labeling requirements under this section do not apply where ETO is used as a pesticide, as such term is defined in the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136 et seq.), when it is labeled pursuant to that Act and regulations issued under

that Act by the Environmental Protection Agency.

* * * * *

(Secs. 6 and 8 of the Occupational Safety and Health Act of 1970, 84 Stat. 1593, 1598, (29 U.S.C. 655, 657); 5 U.S.C. 553; Secretary of Labor's Order 9-83 (48 FR 35736); 29 CFR Part 1911)

[FR Doc. 85-7287 Filed 3-29-85; 8:45 am]

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DEPARTMENT OF THE INTERIOR

Minerals Management Service

30 CFR Part 216

Production Accounting and Auditing System Regulations

AGENCY: Minerals Management Service (MMS), Interior.

ACTION: Proposed rule.

SUMMARY: This proposed rule prescribes the information collection requirements necessary to verify that mineral production quantities have been reported and used in calculating royalties due the Government from Federal and Indian leases. This system is called the Production Accounting and Auditing System (PAAS).

DATES: Written comments on this proposed rule must be received on or before 12 noon e.s.t. May 31, 1985.

ADDRESS: Comments should be mailed or delivered to Mr. Orie L. Kelm, Chief, Office of Royalty Regulations, Development and Review, Minerals Management Service, 12203 Sunrise Valley Drive, Mail Stop 660, Reston, Virginia 22091.

FOR FURTHER INFORMATION CONTACT: Mr. Billie Clark, Lakewood, Colorado, (303) 231-3412.

SUPPLEMENTARY INFORMATION: The principal authors of this proposed rulemaking are Mr. Peter Rutledge, Mr. John Price, and Mr. Billie Clark of the Minerals Management Service, Lakewood, Colorado.

In March 1982, the Commission on Fiscal Accountability of the Nation's Energy Resources (Commission) made several recommendations to improve internal controls or accounting for royalties due the Government from Federal and Indian lands. The term "Federal lands" includes Outer Continental Shelf (OSC) lands. One of the primary purposes for which the PAAS was developed by the MMS, was to respond to the Commission recommendation:

That the Royalty Managers incorporate production data into the . . . system in order to cross-check the data for all leases for each payment period.

The Department is considering to perform similar cross-checks for solid materials in response to the statement of the Commission that, ". . . it appears that the general problems of verifying production, . . . and designing an effective audit program are common to all minerals."

The PAAS is an integrated computer system, based upon production and processing reports submitted by lease and facility measurement point operators, designed to track mineral production on Federal and Indian lands from the source of production to the point of disposition with emphasis on the point of royalty determination, and/or point of sale, whichever is applicable.

The Auditing and Financial System (AFS), operated by MMS, will provide payment and sales volumes and values reported by payors. These data will be compared to lease level production and processing volumes reported to PAAS by producers and facility operators. This comparison will enable the MMS to verify that proper royalties are being received for all minerals produced.

The PAAS is based upon an information collection system composed of eight forms for oil and gas. Three forms would be needed for solid mineral leases. One form is applicable to all minerals. Some of these forms are one-time reports. However, all lease operators, at a minimum, would be required to periodically (usually monthly) submit either Form MMS-4054 for Oil and Gas, or Form MMS-4059 for solid minerals. Other forms are for selected use, such as the Form MMS-4056, which is required monthly only from gas plant operators, and Form MMS-5058 required only from operators of facilities or measurement devices handling commingled production.

The regulations proposed herein prescribe which person is to file each form and when the report is due. The report forms covered by this proposed rule are listed below together with the applicable section number which explains the use of the form:

MMS form No.	Name of form	Section reference
MMS-4050	Mine Information Form.....	216.201.
MMS-4051	Facility and Measurement Information Form.....	216.202 and 216.51.
MMS-4052	Well Information Form.....	216.52.
MMS-4053	First Purchaser Report.....	216.53.
MMS-4054	Oil and Gas Operations Report.....	216.54.
MMS-4055	Gas Analysis Report.....	216.55.
MMS-4056	Gas Plant Operations Report.....	216.56.

MMS form No.	Name of form	Section reference
MMS-4057	Fractionation Plant Operations Report.....	216.57.
MMS-4058	Production Allocation Schedule Report.....	216.58.
MMS-4059	Solid Minerals Operations Report.....	216.203.
MMS-4060	Solid Minerals Facility Report.....	216.204.
MMS-4061	API Well Number Change Report.....	216.61.

The PAAS pilot program has been operating with voluntary participants, and the results of this program were considered in developing the proposed rule.

The PAAS would be brought up in stages with operators being converted to the system sequentially.

All operators converting to PAAS will be given a minimum of 180 days prior to the date of first reporting to prepare for the new reporting requirements. The OCS operators have already been given 180-days notice.

At the appropriate time, the MMS will specifically notify each reporter being converted to PAAS of the startup schedules for reporting under PAAS. Simultaneously with startup notification, MMS will provide each reporter with a schedule to discontinue reporting using existing production reports 3160-6 (formerly 9-329 and 9-329-1), 9-152, 9-373A, 9-128, 9-128a, 9-128b, 9-128c, 9-128d, 9-368, 9-1146, etc. For some reporters there may be a short period of overlap of the old and new reporting systems to assure a smooth transition. Following the completion of the conversion to PAAS the Department will promulgate regulations removing the regulatory requirements for submission of existing production reporting forms from the regulations in 43 CFR Part 3160.

This proposed rulemaking would amend 30 CFR Part 216 by adding Subparts, A, B, and E containing §§ 216.1, 216.2, 216.6, 216.10, 216.20, 216.25, 216.30, 216.40, 216.50, 216.51, 216.52, 216.53, 216.54, 216.55, 216.56, 216.57, 216.58, 216.61, 216.200, 216.201, 216.202, 216.203, and 216.204.

Executive Order 12291 Federal Regulations

The Department of the Interior has determined that this document is not a major rule and does not require a regulatory analysis under Executive Order 12291.

Although the proposed rule establishes certain assessments for improper reporting, there is no economic effect so long as there is compliance with the regulations.

The regulatory burden on industry due to the information collection requirements for establishing production

quantities is estimated to be approximately \$1.5 million. Therefore, a regulatory impact analysis is not required.

Regulatory Flexibility Act

Some portion of the approximately \$1.5 million cost burden to the public will fall on the small businesses that are among the potential respondents. Since the total cost to the public is relatively small, and because the MMS provides special training and assistance to small organizations, there will be no significant economic effect on small entities. Although the proposed rule establishes certain penalty assessments for improper reporting, as long as there is compliance with the regulations, there is no cost. Consequently, it does not require a Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) analysis.

Paperwork Reduction Act of 1980

The information collection requirements contained in Subparts B and E of this proposed rule have been approved by the Office of Management and Budget (OMB) under 44 U.S.C. 3504(h), and granted OMB Clearance Number 1010-0040 and 1010-0063, respectively. Information collection under provisions of § 216.30 will affect less than 10 respondents annually and does not require OMB approval.

National Environmental Policy Act of 1969

This action is categorically excluded (40 CFR 1508.4) from the requirements of the National Environmental Policy Act, 42 U.S.C. 4321 *et seq.*, and has been so designated by the Department. (516 DM 2 appendix 1.6; and 516 DM 6, appendix 2.4(B)(1)(k).)

List of Subjects in 30 CFR Part 216

Mineral production, Mineral royalties, Reporting and recordkeeping requirements, Oil and gas, Solid minerals.

Under the authority of the Mineral Leasing Act of 1920, as amended and supplemented (30 U.S.C. 181 *et seq.*); the Act of May 21, 1930 (30 U.S.C. 301-306); the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 41 *et seq.*); the Act of December 12, 1980 (42 U.S.C. 6506); the Attorney General's Opinion of April 2, 1941 (40 Op. Atty. Gen. 41); the Federal Oil and Gas Royalty Management Act of 1982 (30 U.S.C. 1701 *et seq.*); the Outer Continental Shelf Lands Act, as amended (43 U.S.C. 1331 *et seq.*); the Mineral Leasing Act for Acquired Lands, as amended (30 U.S.C. 351-359); Reorganization Plan No. 3 of 1946 (5 U.S.C. Appendix); the Act of March 4, 1917 (18 U.S.C. 520); the National Industrial Recovery Act of 1933 (40 U.S.C. 401, 403a and 408); the Emergency Relief Appropriation Act of 1935 (48 Stat. 115,

118); the Act of August 24, 1935 (49 Stat. 750, 781); the Act of July 22, 1937 (7 U.S.C. 1011c and 1018); the Act of June 23, 1952 (86 Stat. 285); the Act of September 1, 1949 (30 U.S.C. 192c); the Act of June 8, 1928 (30 U.S.C. 291-293); the Act of June 30, 1953 (16 U.S.C. 508b); the Act of May 9, 1942 (56 Stat. 273), as amended by the Act of October 25, 1949 (63 Stat. 886); the Act of March 3, 1933 (47 Stat. 1487), as amended by the Act of June 5, 1936 (49 Stat. 1482), and the Act of June 29, 1938 (49 Stat. 2028); the Act of August 4, 1939 (43 U.S.C. 387); the Act of February 28, 1891 (25 U.S.C. 397); the Act of March 3, 1927 (25 U.S.C. 398a-398e); the Act of June 30, 1919 (25 U.S.C. 399); the Tribal Leasing Act of 1938 (25 U.S.C. 396a *et seq.*); the Allotted Indian Land Leasing Act of 1909 (25 U.S.C. 396); and the Indian Mineral Development Act of 1982 (25 U.S.C. 2102); Chapter II, Title 30, Subchapter A, Part 216 of the Code of Federal Regulations is proposed to be amended as set forth below.

Dated: March 23, 1985.

J. Steven Griles,

Deputy Assistant Secretary for Land and Minerals Management.

1. Part 216 is proposed to be added to read as follows:

PART 216—PRODUCTION ACCOUNTING

Subpart A—General provisions

Sec.

- 216.1 Purpose.
- 216.2 Scope.
- 216.6 Definitions.
- 216.10 Information collection.
- 216.20 General obligations of the reporter.
- 216.25 Confidentiality.
- 216.30 Special forms and reports.
- 216.40 Assessments for incorrect or late reports and failure to report.

Subpart B—Oil and Gas, General

- 216.50 [Reserved]
- 216.51 Facility and measurement information report and supplement.
- 216.52 Well information report.
- 216.53 First purchaser report.
- 216.54 Oil and gas operations report.
- 216.55 Gas analysis report.
- 216.56 Gas plant operations report.
- 216.57 Fractionation plant operations report.
- 216.58 Production allocation schedule report.
- 216.61 API well number change report.

Subpart C—Oil and Gas, Onshore—[Reserved]

Subpart D—Oil, Gas, and Sulphur, Offshore—[Reserved]

Subpart E—Solid Minerals, General

- 216.200 [Reserved]
- 216.201 Mine information report.
- 216.202 Facility and measurement information report.
- 216.203 Solid minerals operations report.
- 216.204 Solid minerals facility report.

Subpart F—Coal [Reserved]

Subpart G—Other Solid Minerals [Reserved]

Subpart H—Geothermal Resources [Reserved]

Subpart I—Indian Land [Reserved]

Authority: The Mineral Leasing Act of 1920, as amended and supplemented (30 U.S.C. 181 *et seq.*); the Act of May 21, 1930 (30 U.S.C. 301-306); the Federal Property and Administrative Service Act of 1949 (40 U.S.C. 41 *et seq.*); the Act of December 12, 1980 (42 U.S.C. 6506; the Attorney General's Opinion of April 2, 1941 (40 Op. Atty. Gen. 41); the Federal Oil and Gas Royalty Management Act of 1982 (30 U.S.C. 1701 *et seq.*); the Outer Continental Shelf Land Act, as amended (43 U.S.C. 1331 *et seq.*); the Mineral Leasing Act for Acquired Lands, as amended (30 U.S.C. 351-359); Reorganization Plan No. 3 of 1946 (5 U.S.C. Appendix); the Act of March 4, 1917 (16 U.S.C. 520); the National Industrial Recovery Act of 1933 (40 U.S.C. 401, 403a and 406); the Emergency Relief Appropriation Act of 1935 (48 Stat. 115, 118); the Act of August 24, 1935 (49 Stat. 750, 781); the Act of July 22, 1937 (7 U.S.C. 1011c and 1018); the Act of June 23, 1952 (86 Stat. 285); the Act of September 1, 1949 (30 U.S.C. 192c); the Act of June 8, 1928 (30 U.S.C. 291-293); the Act of June 30, 1950 (16 U.S.C. 508b); the Act of May 9, 1942 (56 Stat. 273), as amended by the Act of October 25, 1949 (63 Stat. 886); the Act of March 3, 1933 (47 Stat. 1487), as amended by the Act of June 5, 1936 (49 Stat. 1482), and the Act of June 29, 1938 (49 Stat. 2028); the Act of August 4, 1939 (43 U.S.C. 387); the Act of February 28, 1891 (25 U.S.C. 397); the Act of March 3, 1927 (25 U.S.C. 398a-398e); the Act of June 30, 1919 (25 U.S.C. 399); the Tribal Leasing Act of 1938 (25 U.S.C. 396a *et seq.*); the Allotted Indian Land Leasing Act of 1909 (25 U.S.C. 396); and the Indian Mineral Development Act of 1928 (25 U.S.C. 2102).

Subpart A—General Provisions

§ 216.1 Purpose.

The purpose of the rules of this part is to ensure that the Federal Government receives proper information regarding energy and mineral resources removed from Federal and Indian leases and federally approved agreements.

§ 216.2 Scope.

The rules of this part shall govern the reporting of oil and gas and solid minerals operations information on Federal and Indian leases or federally approved agreements. The rules of this part shall also govern the reporting of other operations information associated with production from Federal and Indian leases or federally approved agreements when such operations occur prior to the point of sale or royalty determination, whichever is applicable. Reporters are required to continue to submit existing production reports (3160-6 (formerly 9-329 and 9-329-1), 9-152, 9-373A, 9-128, 9-128a, 9-128b, 9-128c, 9-128d, 9-368, 9-

1146, etc.) until conversion to PAAS. The appropriate MMS official will notify reporters being converted to PAAS of the proper schedules for start-up of reporting under PAAS and for discontinuing reporting using the existing production report forms.

§ 216.6 Definitions.

As used in this part, the terms are defined as follows:

(a) "Agreement" means a binding arrangement between two or more parties purporting to the act of agreeing or of coming to a mutual arrangement that is accepted by all parties to a transaction (e.g., communitization, unitization, gas storage, or compensatory royalty agreements.).

(b) "Approved mining plan" as used in this part means an approved resource recovery and protection plan (43 CFR 3480.5) or approved mining plan (43 CFR 3572.1).

(c) "Facility" means a structure(s) used to store or process Federal or Indian mineral production prior to or at the point of royalty determination.

(d) "First purchaser" means any entity receiving the lease production in a *first transfer for value* transaction.

(e) "Indian Lands" means any lands or interest in lands of an Indian tribe or an Indian allottee held in trust by the United States or which is subject to Federal restriction against alienation, including mineral resources and mineral estates reserved to an Indian tribe or an Indian allottee, his heirs or devisees thereto in the conveyance of a surface or nonmineral estate, except that such term does not include any lands subject to the provisions of section 3 of the Act of June 1906 (34 Stat. 539).

(f) "Lease" means any contract, profit-share arrangement, joint venture, or other agreements issued or approved by the Secretary under a mineral leasing law that authorizes exploration for, extraction of, or removal of oil, gas, or solid minerals.

(g) "Lessee" means any person to whom the United States, an Indian tribe, or an Indian allottee, issues a lease, or any person who has been assigned an obligation to make royalty or other payments required by the lease.

(h) "Measurement Device" means a mechanical or electrical device that is used to measure production of oil, gas, or solid minerals for sales, transfers, and/or royalty determination.

(i) "Mine" means the site of coal or other solid mineral production operations involving of one or more Federal and/or Indian lease(s).

(j) "Mineral Leasing Law" means any Federal law administered by the

Secretary authorizing the disposition under lease of oil, gas, or solid minerals.

(k) "Oil or Gas" means any oil or gas originating from, or allocated to Federal (including the Outer Continental Shelf) or Indian lands.

(l) "Operator" means any person, including a lessee who has control of, or who manages operations on, any oil and gas or solid minerals lease site on Federal (including the Outer Continental Shelf) or Indian lands. "Operator" also means any entity engaged in the business of developing, drilling for, producing, transporting, purchasing, selling, or processing oil, gas or solid minerals and/or which has the responsibility of reporting production from a lease or a portion thereof.

(m) "Outer Continental Shelf (OCS)" has the same meaning as provided in Section 2 of the Outer Continental Shelf Lands Act, 43 U.S.C. 1331.

(n) "Production Accounting and Auditing System (PAAS)" means an integrated system of manual and automated processes for minerals production reporting, accounting, and auditing. Based upon production reports submitted by lease and facility measurement point operators, the PAAS will track oil, gas, and solid mineral production on Federal and Indian leases from the source of production to the point of disposition with emphasis on the point of royalty determination, or point of sale, whichever is applicable.

(o) "Raw make" means Natural Gas Liquids (NGL's) that are extracted from the wet gas stream at a gas plant (e.g., ethane through natural gasoline) and transferred to a fractionation plant for further processing.

(p) "Reporter" means any reporting entity required to submit a PAAS report or form to the MMS.

(q) "Secretary" means the Secretary of the Interior or his designee.

(r) "Solid Minerals" means those minerals including but not limited to coal, potash, sodium, phosphate, sulfur, lead, zinc, copper, silica sands, and other minerals under mineral leasing laws originating from or allocated to Federal or Indian leases, excluding oil or gas, oil shale, and geothermal resources.

216.20 Information collection.

The information collection requirements contained in Subpart B require the filing of forms which have been approved by the Office of Management and Budget (OMB) under 44 U.S.C. 3504(h). The forms have been approved by OMB and assigned clearance number 1010-0040. The information is being collected for Federal and Indian royalty accounting purposes. The information collection

requirements contained in Subpart E also require the filing of forms which require OMB approval under 44 U.S.C. 3504(h). The forms have been approved and assigned clearance number 1010-0063.

The information collected will be used to permit accounting and auditing of production information submitted by the reporter of Federal and Indian leases and federally approved agreements. Information reporting forms are available from the MMS.

216.20 General obligations of the reporter.

The reporter shall submit accurately and completely, pursuant to the requirements of this part, all information forms and other information required by MMS. Specific guidance on the use of the required forms is contained in the Production Accounting and Auditing System Reporters Handbook. Copies of the handbook are available from the MMS.

A reporter will be provided with 180 days advance notice before being required to convert from existing manual production reporting systems to PAAS.

216.25 Confidentiality.

(a) Information on file with the MMS obtained pursuant to the rules of this part shall be open for public inspection and copying during regular office hours upon a written request, pursuant to rules at 43 CFR Part 2, except that:

(1) Notwithstanding any other provision in this part, information obtained from a reporter under the rules of this part relating to a minerals agreement approved pursuant to the Indian Mineral Development Act of 1982, 25 U.S.C. 2101 *et seq.*, shall not be released without the written consent of the Indian tribe(s) and/or Indian(s) who are parties to the mineral agreement.

(2) Information obtained from a reporter under the rules of this part that constitutes a trade secret and/or commercial or financial information which is privileged or confidential or other information that may be withheld under the Freedom of Information Act (5 U.S.C. 552(b)), such as geologic and geophysical data concerning wells, shall not be available for public inspection or made public or disclosed without the consent of the reporter. Further, when such information is related to Indian lands, the consent to release the information must also be obtained from the cognizant Tribe or allottee.

(b) Upon termination of a Federal lease, geologic and geophysical data submitted under the rules of this part shall be made available to the public. Upon termination of an Indian lease,

confidential information may only be released by the cognizant Tribe or by the Bureau of Indian Affairs (BIA) with the consent of the Tribe or allottee.

§ 216.30 Special forms and reports.

The MMS may require the filing of special forms and reports in addition to those specifically provided in this part. When special forms or reports other than those referred to in the regulations in this part may be necessary, instructions for the filing of such forms or reports will be given by the MMS. Such requests will be made in conformity with the requirements of the Paperwork Reduction Act of 1980, and are expected to involve less than 10 respondents annually.

§ 216.40 Assessments for incorrect or late reports and failure to report.

(a) An assessment of \$10.00 per day may be charged for each report not received by MMS by the designated due date.

(b) An assessment of \$10.00 per day may be charged for each report received by the designated due date but which is incorrectly completed.

(c) For purposes of oil and gas reporting under the PAAS, a report is defined as each line of production information required on the Oil and Gas Operations Report (Form MMS-4054), Gas Analysis report (Form MMS-4055), Gas Plant Operations Report (form MMS-4056), Fractionation Plant Operations Report (form MMS-4057), and Production allocation schedule report (form MMS-4058).

(d) For purposes of solid minerals reporting under PAAS, a report is defined as each line of production information required on the Solid Minerals Operation Report (Form MMS-4059) and Solid Minerals Facility Report (Form MMS-4060).

(e) An assessment under this section shall not be shared with a State, Indian tribe or Indian allottee.

Subpart B—Oil and Gas, General

§ 216.50 [Reserved].

§ 216.51 Facility and measurement information report and supplement.

(a) The Facility and Measurement Information Form (Form MMS-4051) is required by MMS to precisely identify the facilities where oil and gas production is stored or processed and the metering points where production is measured for sale or transfer. The information is used for reference by field operations personnel and auditors to assure that all production is accounted for properly. The form must

be filed for each facility or measurement device which handles production from any Federal and Indian lease, or federally approved agreement, through the point of first sale or the point of royalty computation, whichever is later. The completed form must be filed by the operator of the facility or measurement device on a one time only basis at the request of MMS during the conversion of facility and measurement device operators to the PAAS. Subsequent to conversion, Form MMS-4051 must be filed no later than 30 days after establishment of a new facility or measurement device, or a change to an existing facility or measurement device.

(b) The Facility and Measurement Information Form-Supplement (Form MMS-4051 Supplement) must be filed for each facility or measurement device that handles production from any Federal or Indian lease, or federally approved agreement, through the point of first sale or the point of royalty computation, whichever is later, when such facility or measurement device is operated by any party other than the operator(s) of the lease(s) or approved agreement(s) served by said facility or measurement device. The completed form must be filed by each operator of the lease(s) or federally approved agreement(s) served by said facility or measurement device if that operator is not the same party that operates said facility or measurement device. Form MMS-4051 Supplement must be filed at the request of the MMS on a one time only basis during the conversion of lease and agreement operators to PAAS.

§ 216.52 Well information report.

The Well Information Form (Form MMS-4052) is required by MMS to obtain data or confirmation of data from each lease operator, to assure that all wells are identified. Primary identification is by a number assigned by the American Petroleum Institute (API). Each well on a lease is identified by API and operator well number, producing interval, location, well status, date of first production, and producing reservoir or formation name. The form must be filed at the request of MMS for each Federal or Indian lease, or federally approved agreement, on which there exist wells that are not permanently plugged and abandoned. The completed form must be filed by the operator of the lease or agreement on a one time only basis during the conversion of lease and agreement operators to the PAAS.

§ 216.53 First purchaser report.

The First Purchaser Report (Form MMS-4053) is required by MMS to

obtain product prices from selected first purchasers of any product attributable to a Federal or Indian mineral lease. The information is used by MMS auditors to independently verify prices and quantities reported by lease operators. The report must be filed by first purchasers only upon the specific request of MMS.

§ 216.54 Oil and gas operations report.

The Oil and Gas Operations Report (Form MMS-4054) is required by MMS to identify all oil and gas lease production from Federal and Indian lands. Monthly production information will be compared with monthly data on sales and royalty from Form MMS-2014, Report of Sales and Royalty Remittance, to ensure that proper royalties are paid on the oil and gas reported as produced. The report must be filed by the operator of the lease or agreement for each Federal or Indian lease, or federally approved agreement, on which there exist wells that are not permanently plugged and abandoned. Completed Form MMS-4054 must be filed for each calendar month, beginning with the month in which drilling operations are initiated, and must be filed on or before the 15th day of the second month following the month being reported until the lease or agreement is terminated or the last well is permanently plugged or abandoned or until omission of the report is authorized by the MMS.

§ 216.55 Gas analysis report.

The Gas Analysis Report (Form MMS-4055) is required by MMS to identify the separate components of natural gas production. MMS uses the information to determine the specific natural gas liquids on which royalty is due. The report must be filed for each Federal or Indian lease, or federally approved agreement, from which gas is transferred for processing prior to the point of royalty computation. The completed form must be filed by the operator of the lease or approved agreement. The form is due either quarterly or semi-annually, as specified by MMS, and is submitted on or before the 15th day of the second month following the end of the reporting period to which the information applies.

§ 216.56 Gas plant operations report.

The Gas Plant Operations Report (Form MMS-4056) is required by MMS to identify disposition and components of natural gas from Federal and Indian leases. MMS uses the data to compute expected residue gas and natural gas liquids production and to determine royalties due. The report must be filed for each gas plant that processes gas

that originates from a Federal or Indian lease, or federally approved agreement, prior to the point of royalty computation, by the operator of the gas plant. Completed Form MMS-4056 must be filed for each calendar month, beginning with the month in which processing of gas meeting the aforementioned criteria is initiated, and must be filed on or before the 15th day of the second month following the month being reported.

§ 216.57 Fractionation plant operations report.

The Fractionation Plant Operations Report (Form MMS-4057) is required by MMS to identify the volumes of raw make transferred to the plant and of natural gas liquids produced. MMS uses the information to determine the production of specific components on which royalties are due, in conjunction with data from the Gas Plant Operations Report (Form MMS-4056). The report must be filed for each fractionation plant that fractionates raw make attributable to a Federal or Indian lease, or federally approved agreement, prior to the point of royalty computation for such lease or agreement. The completed form must be filed by the operator of the fractionation plant. Form MMS-4057 must be filed for each calendar month, beginning with the month in which fractionation of raw make meeting the aforementioned criteria is initiated, and must be filed on or before the 15th day of the second month following the month being reported.

§ 216.58 Production allocation schedule report.

The Production Allocation Schedule Report (Form MMS-4058) is required by MMS to determine whether sales reported by the lessee are reasonable in cases where such sales are from production which has been commingled. Each line identifies a lease and its delivered production and allocated sales or transfer volumes. The report must be filed for each facility or measurement device that handles production from two or more Federal or Indian, or two or more Federal or Indian or non-Federal, leases or agreements if production has been commingled prior to measurement for royalty determination. The completed form must be filed by the operator of such facility or measurement device. Form MMS-4058 must be filed for each calendar month, beginning with the month in which handling or production meeting the aforementioned criteria is initiated, and must be filed on or before the 15th day of the second month following the month being reported.

§ 216.61 API well number change report.

The API Well Number Change Report (Form MMS-4061) is required to notify MMS when a well with a temporary identification number is assigned a permanent American Petroleum Institute (API) well number. The report gives the existing well number and producing interval and the new well number and producing interval. MMS uses the information to change the identification of the well in its data base. The report must be filed for each instance where there is a change to an existing API well number and/or the MMS assigned producing interval code within the PAAS, on which an Oil and Gas Operations Report (Form MMS-4054) has been filed. The completed form must be filed by the operator of the Federal and Indian lease, or federally approved agreement, on which the well resides. Form MMS-4061 must be filed at least 10 days prior to the submission of an Oil and Gas Operations Report containing the new API well number and/or the MMS assigned producing interval code.

Subpart C—Oil and Gas, Onshore [Reserved]**Subpart D—Oil, Gas, and Sulphur, Offshore [Reserved]****Subpart E—Solid Minerals, General****§ 216.200 [Reserved].****§ 216.201 Mine information report.**

The Mine Information Form (Form MMS-4050) is required by MMS to identify the mine, the products recovered, the leases that make up the mine, and the mining methods used on each lease. The form must be filed for each mine that includes Federal and Indian leases in its approved mining plan. The completed form must be filed by the operator of the mine/lease(s). Form MMS-4050 must be filed at the request of the MMS on a one time only basis during the conversion of the mine-lease(s) to the PAAS.

§ 216.202 Facility and measurement information report.

The Facility and Measurement Information Form (Form MMS-4051) is required by MMS to identify (1) the scales and meters that measure production at each mine and (2) storage and secondary processing facilities. The form must be filed for each facility or measurement device which handles production from any Federal and Indian lease, or federally approved agreement, through the point of first sale or the point of royalty computation, whichever is applicable.

The completed form must be filed by the operator of the facility or measurement device. Form MMS-4051 must be filed at the request of the MMS on a one time only basis during the conversion of facility and measurement device operators to the PAAS. Subsequent to conversion, Form MMS-4051 must be filed no later than 30 days after establishment of a new facility or measurement device, or a change to any existing facility or measurement device that handles production from any Federal or Indian lease, or federally approved agreement, through the point of first sale or royalty computation, whichever is applicable.

§ 216.203 Solid minerals operation report.

The Solid Minerals Operation Report (Form MMS-4059) is required by MMS to identify, for each lease and lease product, the beginning inventory, quantity produced, processing losses, net production, quality of production, type of disposition, quantity disposed of, identification of the processing facility, and ending inventory. For mines whose production is sold after secondary processing or from remote storage the form identifies the lease or development contract credited with an allocated part of the production, the product and quantity sold, and the facility from which it was sold. The report must be submitted by all Federal and Indian lease operators of producing mines or inactive mines that are part of an approved mine plan. Form MMS-4059 must be filed for the same period established for payment in the lease terms, unless a different reporting frequency is established by an MMS authorized official, and on or before the 15th day of the second month following the period being reported until all the leases within a mine are terminated or until omission of the report is authorized by the MMS.

§ 216.204 Solid minerals facility report.

The Solid Minerals Facility Report (Form MMS-4060) is required by MMS to identify for each mineral processed by a mineral processing facility the mine and measuring point from which a mineral was received, the type of product received, and the quantity and quality of inputs and outputs. The report is also used by MMS to identify, for each product and its source mine, the beginning inventory, raw materials received during the reporting period, amount of production, type of disposition, quantity sold or transferred, the facility or measuring point to which it is transferred, and ending inventory. MMS uses this information to insure that lease production is accurately

tracked from the mine to the point of royalty determination, when royalty is determined after secondary processing. The information obtained is compared with that from the Solid Minerals Operation Report (Form MMS-4059) for that purpose. The report must be filed by operators of secondary processing facilities that handle Federal and Indian solid minerals production on which royalty has not yet been determined. The report period is monthly, unless a longer period is specified in the lease document, or otherwise approved by the MMS. It must be filed on or before the 15th day of the second month following the period being reported.

Subpart F—Coal [Reserved]**Subpart G—Other Solid Minerals [Reserved]****Subpart H—Geothermal Resources [Reserved]****Subpart I—Indian Lands [Reserved]**

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Office of Surface Mining Reclamation and Enforcement**30 CFR Part 935****Reopening and Extension of Public Comment Period on Proposed Amendment to the Ohio Permanent Regulatory Program**

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

ACTION: Reopening and extension of public comment period.

SUMMARY: By letters dated July 26 and August 24, 1984, Ohio submitted program amendments to OSM consisting of proposed rules of procedure for the Ohio Reclamation Board of Review (RBR). OSM published notices in the Federal Register on August 9 and September 13, 1984, announcing receipt of the amendments (49 FR 31912 and 49 FR 35961). The public comment periods ended September 10 and 28, 1984, respectively.

OSM's review of Ohio's proposed amendments identified concerns relating to the RBR's procedures concerning the findings of fact and the conclusions of law and to the awarding of cost and expenses. OSM notified Ohio about its concerns on February 12, 1985 and on February 27, 1985, Ohio responded by revising the proposed amendments.