

DEPARTMENT OF HEALTH AND HUMAN SERVICES**Food and Drug Administration**

21 CFR Parts 70, 74, 82, 201, and 701

[Docket Nos. 77N-0009 and 78P-0164]

Colors Additives; Proposed Use of Abbreviations for Labeling Foods, Drugs, Cosmetics, and Medical Devices**Correction**

In FR Doc. 85-13565 beginning on page 23815 in the issue of Thursday, June 6, 1985, make the following corrections:

1. On page 23816, in the first column, in the second complete paragraph, in the fifth line, "usual appear" should read "usual names appear".

2. On page 23817, in the third column, the line preceding paragraph A4 should read, "§ 82.2707a [Redesignated as § 82.2712]" and in the amendatory instruction, in the second line, "§ 82.2702a" should read "§ 82.2707a".

BILLING CODE 1505-01-M

DEPARTMENT OF THE INTERIOR**Minerals Management Service**

30 CFR Parts 210 and 218

Information Collection; Solid Minerals

AGENCY: Minerals Management Service (MMS), Interior.

ACTION: Proposed rulemaking.

SUMMARY: This proposed rule describes the information collection necessary to start up and operate the MMS's new Auditing and Financial System for solid minerals. The information to be collected is required from lessees and lease operators to provide comprehensive sales and royalty data on coal and other solid minerals produced from leased Federal and Indian lands. The data is used to document payments, to maintain royalty accounts, and for audits.

DATES: Comments must be received on or before 12 noon EST July 22, 1985. The proposed effective date of this rule would be June 20, 1985—see discussion of effective date in supplementary information.

ADDRESS: Comments should be mailed 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. Geary Keeton and Mr. Billie Clark of the Minerals Management Service, Lakewood, Colorado.

The Department of the Interior (DOI) is charged by law with the responsibility for the collection and evaluation of royalty payments on minerals produced from leased Federal and Indian lands. The Royalty Management Program is administered by the Department's Minerals Management Service (MMS).

To fulfill its legal responsibilities, the MMS is using two comprehensive integrated accounting systems, the Auditing and Financial System (PAAS). The AFS is a revenue accounting system which monitors royalties and related information reported by the leasees or operators of record who are required to pay rentals and royalties. The PAAS is a production accounting system which monitors minerals production and disposition from the source to the point of royalty determination. These systems are designed to implement the 1982 recommendation of the Linowes Commission on Fiscal Accountability of the Nation's Energy Resources, and depart substantially from the previous Royalty Accounting System (RAS) they are replacing. In addition to providing the controls and capabilities of modern accounting systems, these new systems embody the "modified Internal Revenue Service (IRS) concept" of accepting royalty and sales information as correct subject to audit. The two systems operate independently, but at the same time information from AFS is compared with information from PAAS to assure that minerals produced on Federal and Indian lands are properly accounted for and that appropriate royalties on those minerals are paid.

In concert with the MMS Royalty Management responsibilities, the Bureau of Land Management (BLM) is responsible for the verification of production upon which royalties are payable. This rule does not revise the BLM production verification responsibility.

In response to the Linowes Commission report, Congress enacted the Federal Oil and Gas Royalty Management Act of 1982, 30 U.S.C. 1701 *et seq.* That Act requires the Secretary of the Interior to ". . . establish a comprehensive inspection, collection and fiscal and production accounting and auditing system to provide the capability to accurately determine oil

and gas royalties, interest, fines, penalties, fees, deposits, and other payments owed, and to collect and account for such amounts in a timely manner." 30 U.S.C. 1711(a). For solid minerals, the Act requires the Secretary to "study the question of the adequacy or royalty management for coal, uranium and other energy and nonenergy minerals . . ." 30 U.S.C. 1752(a). Such a study was undertaken and a conclusion was reached that in order to comply with the intent of Congress to provide adequate controls to accurately determine royalties and other amounts due, the AFS and PAAS systems should be extended to cover solid minerals royalty management in addition to oil and gas. An examination of existing laws regarding solid minerals royalty management concluded that new legislation is not required to extend PAAS and AFS to cover solid minerals.

This proposed rulemaking, therefore, would serve to implement the recommendation of the solid minerals royalty management study by placing solid minerals under the AFS. A separate rulemaking would also place solid minerals under the PAAS.

Under the AFS, solid mineral payors would be required to submit data on Form MMS-4014 and Form MMS-4030. These two forms replace several forms previously required for the RAS. The forms replaced include forms 9-373A for coal, 9-368 for phosphate, 9-128a through 9-128d for sodium and potassium, and 9-1146 for silica sands.

This rule would require payors to submit on Form MMS-4014 with every payment to provide the MMS with specific information on the royalties due and being paid. The MMS would use the sales and royalty data on Form MMS-4014 to identify the payor and the lease subaccounts, to maintain the lease accounts on a monthly basis, to reconcile or audit the accounts, to distribute payments to States and Indians, and to correlate lump sum payments with the appropriate subaccount charge entries.

At the time of conversion to AFS from RAS, payors also would be required to complete a separate Form MMS-4030 for each Federal or Indian lease on which production or minimum royalties are paid. This form provides specific information on who pays rent, minimum royalties, advance royalties, and production royalties; it identifies revenue sources and selling arrangements for the lease, and provides necessary information to assure that AFS covers all interests in the lease for all products. The MMS would use this information to establish a static,

automated data base that reduces the amount of information payors must provide routinely. The MMS also would use the information to assign a unique Accounting Identification (AID) number to each royalty source within the lease. The MMS would then send confirmation letters to the payors to provide the AID numbers, which are needed to complete the Report of Sales and Royalty Remittance for Solid Minerals (Form MMS-4014). The information which would be required by the form would correspond with the payors' own sales or contract-level records and enable the payors to simply transfer figures from their own record to Form MMS-4104. A new Form MMS-4030 would be required to be submitted only when there is a change in the information previously submitted.

This proposed rulemaking would amend 30 CFR Part 210 by revising § 210.10 of Subpart A and by adding §§ 210.200, 210.201, 210.202, and 210.203 to subpart E. Section 218.56 of 30 CFR Part 218, Subpart B would be redesignated as § 218.40 of Subpart A and amended by this rulemaking. This action is being taken so that assessments for late or incorrect reports and failure to report may be applied to both fluid and solid mineral AFS reporting.

Because MMS already is in the process of implementing the AFS and phasing out the RAS, the effective date of the final rule is proposed to be retroactive to the date this proposed rule is published. It is important to the accounting requirements of solid minerals royalties and to a smoother and more equitable transition from RAS to AFS that the Form MMS-4014 and Form MMS-4030 be used without significant delay. MMS therefore expects payors to begin using the new forms immediately. This obligation would become formalized when the final rule is adopted retroactively. However, the effective date proposed herein is only a proposal—the rule published today is not yet effective.

Executive Order 12291 Federal Regulations

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

The regulatory burden on industry due to the information collection requirements for Form MMS-4014 and Form MMS-4030 is estimated to be approximately \$14,450. Therefore, a regulatory impact analysis is not required.

Regulatory Flexibility Act

Some portion of the approximately \$14,450 cost burden to industry would fall on the small businesses that are among the potential respondents. Since the total cost to the public is quite small, and because the MMS provides special training and assistance to small organizations, there would be no significant economic effect on small entities. 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 under §§ 210.10, 210.200, 210.201, and 210.202 have been submitted to the Office of Management and Budget (OMB) under 44 U.S.C. 3504(h). These sections require the use of Forms MMS-4014 and Form MMS-4030. Both forms have been approved and granted OMB clearance number 1010-0064. Special forms or reports which occasionally would be required under provisions of § 210.203 involve less than 10 respondents annually and consequently do not require OMB approval.

National Environmental Policy Act of 1969

The Department of Interior has determined that this proposed rulemaking does not constitute a major Federal action significantly affecting the quality of the human environment; therefore, preparation of an environmental impact statement is not required.

List of Subjects

30 CFR Part 210

Government contracts, Reporting and record keeping requirements, Minerals royalties, Continental shelf, Public lands-mineral resources, Geothermal energy.

30 CFR Part 218

Government contracts, Mineral royalties, Continental shelf, Public lands-mineral resources, Coal, Geothermal energy.

Chapter II, Title 30, Subchapter A, Parts 210 and 218 of the Code of Federal Regulations are proposed to be amended as set forth below.

Dated: May 1, 1985.

J. Steven Griles,
Deputy Assistant Secretary for Land and Minerals Management.

1. The authority for Parts 210 and 218 continues to read in part as follows:

Authority: * * * Mineral Leasing Act of 1920, as amended. (30 U.S.C. 181 *et seq.*); the

Mineral Leasing Act for Acquired Lands, as amended (30 U.S.C. 351-359); the Tribal Land Mineral Leasing Act of 1938 (25 U.S.C. 396a, *et seq.*); the Allotted Indian Land Mineral Leasing Act of 1909 (25 U.S.C. 396); the Indian Mineral Development Act of 1982 (25 U.S.C. 2102), the Federal Oil and Gas Royalty Management Act of 1982 (30 U.S.C. 1701 *et seq.*) * * *

PART 210—[AMENDED]

1a. 30 CFR Part 210, Subpart A, is amended by adding Form MMS-4014 and Form MMS-4030 to the table in § 210.10 so that it reads as follows:

§ 210.10 Information collection.

Form No., Name, and filing date	OMB No.
MMS-4025—Payor information form—due 30 days after issuance of a new lease or a change to an existing lease	1010-0033
MMS-2014—Report of sales and royalty remittance—due by the end of month following production month for royalty payments and for rentals no later than anniversary date of the lease	1010-0022
MMS-4030—Solid minerals payor information form—due 30 days after issuance of a new lease or change to an existing account established by an earlier form	1010-0064
MMS-4014—Report of sales and royalty remittance—solid minerals—due by end of month following sales or production month (unless lease terms specify otherwise) and for rentals no later than the date specified in the lease terms	1010-0064

* * * * *

2. 30 CFR Part 210 is amended by adding Subpart E, consisting of §§ 210.200, 210.201, 210.202, and 210.203 to read as follows:

Subpart E—Solid Minerals, General

- Sec.
- 210.200 Required recordkeeping.
 - 210.201 Solid minerals payor information form.
 - 210.202 Report of sales and royalty remittance—solid minerals.
 - 210.203 Special forms and reports.
- * * * * *

Subpart E—Solid Minerals, General

§ 210.200 Required recordkeeping.

Information required by the Minerals Management Service (MMS) shall be filed using the forms prescribed in this subpart, copies of which are available from MMS at the following address: Minerals Management Service, P.O. Box 25165, Mail Stop 653, Denver, CO 80225. Instructions on the completion of these forms are provided in the Payor Handbook—Solid Minerals, available from MMS. Records and supporting data submitted may be maintained in hardcopy, microfilm, microfiche, or other recorded media that is readily available and readable.

§ 210.201 Solid minerals payor information form.

A Solid Minerals Payor Information Form (Form MMS-4030) must be submitted to MMS for each Federal and Indian solid minerals lease on which royalties, including minimum or advance royalties, are paid. The Form MMS-4030 shall identify the payor of rent, minimum royalty, advance royalty and production royalty, and identify revenue sources and selling arrangements for all lease products. The completed form must be filed by each royalty payor no later than 30 days after conversion to the Auditing and Financial System (AFS). In addition, the form must be filed no later than 30 days after the occurrence of any of the following:

- (a) Assignment of all or any part of the lease.
- (b) Adoption of a new mining method.
- (c) Production of a new product.
- (d) A change in a selling arrangement.
- (e) Execution of an operating agreement.
- (f) Execution of a joint venture or cooperative agreement.

§ 210.202 Report of sales and royalty remittance—solid minerals.

A completed Report of Sales and Royalty Remittance—Solid Minerals (Form MMS-4014) must accompany all payments of rents (other than first year) and royalties for Federal and Indian solid minerals leases. The Form MMS-4014 shall identify the payor and the lease subaccounts, contain production, sales, and royalty data, and identify the time period applicable to the data. Completed forms are due at the end of the month following the production or sales period as applicable. Unless the lease terms specify otherwise, all reports and payments are due monthly. The Form MMS-4014 for rental payments are due no later than the rental payment date specified in the lease terms.

§ 210.203 Special forms and reports.

The MMS may require submission of additional information on special forms or reports. When special forms or reports other than those referred to in this subpart are necessary, instructions for the filing of such forms or reports will be given by MMS. Requests for the submission of such forms will be made in conformity with the requirements of the Paperwork Reduction Act of 1980 and other applicable laws.

PART 218—(AMENDED)

3. 30 CFR Part 218 is amended by:

S-054999 0009(00)(19-JUN-85-11:23:25)

§ 218.56 [Redesignated as § 218.40]

A. Redesignating § 218.56 of Subpart B as § 218.40 of new Subpart A, General Provisions.

B. Adding paragraph (d) newly to designated § 218.40 to read as follows:

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

(d) For purposes of solid minerals sales and royalty remittance reports required for the AFTS, a report is defined as each line item on a Form MMS-4014. The line item consists of the various information, such as production code or selling arrangement code, relative to each AID.

§ 218.57 [Redesignated as § 218.56]

C. Redesignating § 218.57 of Subpart B as § 218.56.

[FR Doc. 85-14728 Filed 6-19-85; 8:45 am]

BILLING CODE 4310-MR-M

DEPARTMENT OF TRANSPORTATION**Coast Guard****33 CFR Part 117**

[CGD 7-85-23]

Drawbridge Operation Regulations; Gulf Intracoastal Waterway, FL**Correction**

In FR Doc. 85-13925 beginning on page 24238 in the issue of Monday, June 10, 1985, make the following correction:

On page 24239, first column, fourth line, "July 5, 1985" should have read "July 25, 1985".

BILLING CODE 1985-01-M

ENVIRONMENTAL PROTECTION AGENCY**40 CFR Part 180**

[OPP-300121; FRL-2793-8]

Aldrin and Dieldrin; Proposed Revocation of Tolerances**Correction**

In FR Doc. 85-5705 beginning on page 10080 in the issue of Wednesday, March 13, 1985, make the following corrections:

On page 10081, in the first column, in Table 1, in the entries for "Alfalfa" and "Beets, garden, tops", in the second column the footnotes should read "3".

BILLING CODE 1905-01-M

FEDERAL COMMUNICATIONS COMMISSION**47 CFR Part 2**

[Gen. Docket No. 85-172; RM-3975; RM-4829; FCC 85-289]

Further Sharing of the UHF Television Band by Private Land Mobile Radio Services

AGENCY: Federal Communications Commission.

ACTION: Notice of proposed rule making.

SUMMARY: The Federal Communications Commission has proposed revision of its Rules to provide additional sharing of UHF television channels by land mobile radio stations. The sharing is necessary to help accommodate future growth in private land mobile radio services in major urban areas. The action proposes that certain TV channels in each of eight major urban areas be made available for use by private radio users.

DATES: Comments are due April 11, 1986. Reply comments are due May 16, 1986.

ADDRESS: Federal Communications Commission, 2025 "M" Street, NW., Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Mr. Sam Tropea/Mr. Rodney Small, Office of Science and Technology, 2025 "M" Street, NW., Washington, D.C. 20554, (202) 653-8167/8169.

SUPPLEMENTARY INFORMATION:**List of Subjects in 47 CFR Part 2**

Frequency allocations, Radio.

Notice of Proposed Rulemaking

In the Matter of Further sharing of the UHF Television Band by Private Land Mobile Radio services. General Docket No. 85-172; RM-3975, RM-4829.

Adopted: May 31, 1985.

Released: June 10, 1985.

By the Commission: Commissioners Quello and Rivera issuing separate statements.

Introduction

1. In recognition of the Commission's responsibility to promote the most efficient use possible of the limited spectrum resource, and in order to accommodate some of the identified communications needs of the private land mobile radio services through the 1990's we are commencing a proceeding with this *Notice of Proposed Rulemaking* to provide for further sharing between the private land mobile services and the UHF television broadcast service. This proposal would make additional spectrum available to land mobile services where most