

Dated: November 13, 1989.

Karen Willson,

*Acting Chief, Branch of Permits, U.S. Office of Management Authority.*

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### Minerals Management Service

#### Assessments for Incorrect or Late Reports and Failure to Report

November 1, 1989.

**AGENCY:** Minerals Management Service (MMS), Interior.

**ACTION:** Notice of assessment rates.

**SUMMARY:** The Minerals Management Service (MMS) has existing regulations at 30 CFR 216.40 and 218.40 which provide for assessments in the nature of liquidated damages for incorrect or late reports and failure to report production and royalty information by payors, operators, or lessees on Federal and Indian leases. The regulations require that the assessment amount (rate) for each violation will be established periodically based on MMS's experience with costs and improper reporting and that a Notice of the established assessment rate will be published in the *Federal Register*. This Notice establishes the assessment rate in accordance with the regulations.

**EFFECTIVE DATE:** The assessment rates established in this Notice will apply to reports received on or after January 1, 1990. These rates will remain in effect until a subsequent Notice is published in the *Federal Register* which changes the assessment rates.

**FOR FURTHER INFORMATION CONTACT:** Dennis C. Whitcomb, Chief, Rules and Procedures Branch, Minerals Management Service, P.O. Box 25165, MS-652, Building 85, Denver Federal Center, Denver, Colorado, telephone (303) 231-3432.

**SUPPLEMENTARY INFORMATION:** The purpose of this Notice is to inform the public of assessment rates for incorrect and late reports and failure to report production and royalty information to the MMS automated Production Accounting and Auditing System (PAAS) and the Auditing and Financial System (AFS) on Federal and Indian leases pursuant to established regulations. The regulations at 30 CFR 216.40 and 218.40 were amended by the *Federal Register* Notice published July 22, 1987 (52 FR 27593), which provides that the assessment would be a variable amount not to exceed \$10 per day for each late report or \$10 per day for each erroneous report. Prior to that Notice, the regulations fixed the assessments at

\$10 per day for each late report and \$10 per day for each erroneous report. A report is defined at 30 CFR 216.40(c) and 218.40(c) as each line of required production or royalty information. The AFS assessment rates have not changed from the *Federal Register* Notice published on July 22, 1987, (52 FR 27593).

#### Nonrespondent Exceptions

Paragraph (a) at 30 CFR 216.40 and 218.40 provides that an assessment of an amount not to exceed \$10 per day may be charged for each production or royalty report not received by MMS by the designated due date. This includes both late reports and failure to report which are classified by MMS as "nonrespondent exceptions" will be \$10 per month under AFS. The rates were established by MMS for PAAS on non-respondent reports will be \$3 per month. The rate established by MMS for "nonrespondent exceptions" will per month under AFS. The rates were established based on a study of the actual costs associated with the effort to resolve the exceptions and the number of lines on the report involved with the exception. These rates will be assessed for each line item of production or royalty information that is due at MMS on or after the effective date of this Notice, received late by MMS, or not reported to MMS. The total assessment shall not exceed \$10,000 per operator or payor code per report month.

#### Erroneous Reporting

##### PAAS

Paragraph (b) at 30 CFR 216.40 provides that an assessment of an amount not to exceed \$10 per day may be charged for each production report under the PAAS received by the designated due date but which is incorrectly completed. Based on actual costs incurred to correct erroneous reports, MMS has established an assessment of \$10 per line each month for erroneous reports made to PAAS.

The rates may be assessed for each operator caused incorrect line item of production information received by MMS after the effective date of this Notice. The total assessment shall not exceed \$10,000 per operator code per report month for reports made to the PAAS.

##### AFS

Paragraph (b) at 30 CFR 218.40 provides that an assessment of an amount not to exceed \$10 per day may be charged for each royalty report received by the designated due date but which is incorrectly completed. Based on actual costs incurred to correct

erroneous reports, MMS has established the following assessment rate schedule for erroneous royalty reporting.

1-100 lines in error—\$5.00 per line each month

101-500 lines in error—\$8.00 per line each month

Over 500 lines in error—\$10.00 per line each month

A reduced rate of \$3 per line each month will be assessed for erroneous lines caused by a header error, or for erroneous lines caused by the same error which is repeated on every line of a royalty report.

The rates were established based on a study of the actual costs associated with the effort to resolve the exceptions, the number of lines on the report involved with the exception, and the type of error on the report.

These rates will be assessed for each incorrect line item of royalty information received by MMS after the effective date of this Notice. The total assessment shall not exceed \$10,000 per payor code per report month for reports made to the AFS.

Dated: November 13, 1989.

Jerry D. Hill,

*Associated Director for Royalty Management.*

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### National Park Service

#### Chesapeake and Ohio Canal National Historical Park Commission; Meeting

Notice is hereby given in accordance with Federal Advisory Committee Act that a meeting will be held Saturday, December 9, 1989 at the Kennedy Center, Washington, DC. The Commission was established by Pub. L. 91-664 to meet and consult with the Secretary of the Interior on general policies and specific matters related to the administration and development of the Chesapeake and Ohio Canal National Historical Park.

The members of the Commission are as follows:

Mrs. Sheila Rabb Weidenfield, Chairman, Washington, DC.  
Mrs. Dorothy Tappe Grotos, Arlington, Virginia  
Mr. Samuel S.D. Marsh, Bethesda, Maryland  
Mr. James F. Scarpelli, Sr., Cumberland, Maryland  
Ms. Elise B. Heinz, Arlington, Virginia  
Professor Charles P. Pound, Jr., Chantilly, Virginia  
Captain Thomas F. Hahn, Shepherdstown, West Virginia  
Mr. Rockwood H. Foster, Washington, DC.  
Mr. Barry A. Passett, Washington, DC.  
Mrs. Jo Reynolds, Potomac, Maryland