

Minerals Management Service, Interior

§ 210.10

PART 210—FORMS AND REPORTS

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Subpart A—General Provisions

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AUTHORITY: 5 U.S.C. 301 *et seq.*; 25 U.S.C. 396, 2107; 30 U.S.C. 189, 190, 359, 1023, 1751(a); 31 U.S.C. 3716, 9701; 43 U.S.C. 1334, 1801 *et seq.*; and 44 U.S.C. 3506(a).

§ 210.10 Information collection.

(a) *Forms*—This section identifies required MMS Minerals Revenue Management forms for reporting sales and royalties, production information, claiming a processing or transportation allowance, or claiming a reward for providing original information. The information collection requirements associated with the forms identified in this section have been approved by OMB under 44 U.S.C. 3501 *et seq.* The forms, filing dates, and approved OMB clearance numbers are summarized below:

Form No., name, and filing date	OMB No.
MMS-2014—Report of Sales and Royalty Remittance—Due by the end of first month following production month for royalty payment and for rentals no later than anniversary date of the lease	1010-0022
MMS-3160—Monthly Report of Operations—Due by the 15th day of the second month following the production month	1010-0040
MMS-4025—Oil and Gas Payor Information Form—Due 30 days after issuance of a new lease or change to an existing lease	1010-0033
MMS-4051—Facility and Measurement Information Form and Supplement—Due at the request of MMS during the initial conversion of the facility and measurement device operators	1010-0040
MMS-4053—First Purchaser Report—Due at the request of MMS	1010-0040
MMS-4054—Oil and Gas Operations Report—Due by the 15th day of the second month following the production month	1010-0040
MMS-4055—Gas Analysis Report—Due by the 15th day of the second month following the production month	1010-0040
MMS-4056—Gas Plant Operations Report—Due by the 15th day of the second month following the production month	1010-0040
MMS-4058—Production Allocation Schedule Report—Due by the 15th day of the second month following the production month	1010-0040
MMS-4070—Application of the Purchase of Royalty Oil—Due prior to the date of sale in accordance with the instructions in the Notice of Availability of Royalty Oil	1010-0042
MMS-4109—Gas Processing Allowance Summary Report—Initial report due within 3 months following the last day of the month for which an allowance is first claimed, unless a longer period is approved by MMS	1010-0075
MMS-4110—Oil Transportation Allowance Report—Initial report due within 3 months following the last day of the month for which an allowance is first claimed, unless a longer period is approved by MMS	1010-0061
MMS-4280—Application for Reward for Original Information—Due when a reward is claimed for information provided which may lead to the recovery of royalty or other payments owed to the United States	1010-0076

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Form No., name, and filing date	OMB No.
MMS-4292—Coal Washing Allowance Report—Due prior to or at the same time that the allowance is first reported on Form MMS-4430 and annually thereafter if the allowance does not change	1010-0074
MMS-4293—Coal Transportation Allowance Report—Due prior to or at the same time that the allowance is first reported on Form MMS-4430 and annually thereafter if the allowance does not change	1010-0074
MMS-4295—Gas Transportation Allowance Report—Initial report due within 3 months following the last day of month for which an allowance is first claimed unless a longer period is approved by MMS	1010-0075
MMS-4377—Stripper Royalty Rate Reduction Notification—Due for each 12-month qualifying period that a reduced royalty rate is granted by the Bureau of Land Management	1010-0090
MMS-4430—Solid Minerals Production and Royalty Report—Due by the end of the month following the month of production or sale and for other lease financial obligations no later than the payment date specified in your lease	1010-0120
Facility Data—Due monthly or as requested for specific solid mineral products and lease types; see § 210.204	1010-0120
Sales Contracts—Due semi-annually or as requested on certain solid mineral products and lease types; see § 210.203	1010-0120
Sales Summaries—Due monthly or as requested for specific solid mineral products and lease types; see § 210.202	1010-0120

The information required on the forms identified in the table above is being collected by the Department of the Interior to meet its congressionally mandated accounting and auditing responsibilities relating to Federal and Indian mineral royalty management. The purpose of the forms and the estimated public reporting burden associated with each form are described in paragraph (c) of this section. With the exception of Forms MMS-4109, MMS-4110, MMS-4280, MMS-4292, MMS-4293, and MMS-4295, the forms are mandatory. Information on Forms MMS-4109, MMS-4110, MMS-4292, MMS-4293, and MMS-4295 is required to receive a benefit. Information required on Form MMS-4280 must be provided voluntarily to claim a reward. Information collected relative to production, royalties, and other payments due the Government from activities on leased Federal or Indian land is authorized by the Federal Oil and Gas Royalty Management Act of 1982, 30 U.S.C. 1701 *et seq.* for oil and gas production, and by 30 U.S.C. 189, 30 U.S.C. 359, and 30 U.S.C. 396d for solid mineral production.

(b) *MMS mailing addresses*—This paragraph identifies the MMS address(es) to be used for requesting forms and/or for mailing completed forms to MMS.

(1) Requests for Forms MMS-2014 or MMS-4070 should be addressed to the Minerals Management Service, Minerals Revenue Management, P.O. Box 5760, Denver, Colorado 80217-5760. The completed Form MMS-2014 should be mailed to the Minerals Management Service, Minerals Revenue Management, P.O. Box 5810, Denver, Colorado 80217-5810. The address to which a completed Form MMS-4070 should be mailed will be identified in a FEDERAL REGISTER Notice of Availability of Royalty Oil. (See 30 CFR 208.5.)

(2) Requests for Forms MMS-4025 should be addressed to the Minerals Management Service, Minerals Revenue Management, P.O. Box 5760, Denver, Colorado 80217-5760. The completed forms should be mailed to the same address.

(3) Requests for Forms MMS-3160, MMS-4051, MMS-4052, MMS-4053, MMS-4054, MMS-4055, MMS-4056, MMS-4057, MMS-4058, or MMS-4061 should be addressed to the Minerals Management Service, Minerals Revenue Management, P.O. Box 17110, Denver, Colorado 80217-0110. The completed forms should be mailed to the same address.

(4) Requests for processing or transportation allowance forms (Forms MMS-4109, MMS-4110, MMS-4292, MMS-4293, or MMS-4295) should be addressed to the Minerals Management Service, Minerals Revenue Management, P.O. Box 25165, Denver, Colorado 80225-0165. The completed allowance forms should be mailed to the Minerals Management Service, Minerals Revenue Management, P.O. Box 5200, Denver, Colorado 80217-5200.

(5) Requests for Form MMS-4280 should be addressed to the Minerals Management Service, Minerals Revenue Management, P.O. Box 25165, Denver, Colorado 80225-0165. The completed form should be mailed to the same address. (See 30 CFR 218.57(b)).

(6) If you are not reporting Form MMS-4430 electronically, you may request blank copies of the form by calling 1-888-201-6416. You must submit completed Forms MMS-4430 to the address given in §210.201(c).

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(7) If you are not reporting solid minerals sales contracts, sales summaries, and facility data electronically, you must submit paper copies to the address given in §210.202(c).

(8) Reports for oil, gas, and geothermal leases sent by special courier or overnight mail (excluding U.S. Postal Service Express Mail) should be addressed to: Minerals Management Service, Minerals Revenue Management, Building 85, Room A-614, Denver Federal Center, Denver, Colorado 80225.

(c) *Purpose of forms and estimated public reporting burden*—This paragraph describes the purpose of the information being collected and the estimated public reporting burden associated with the OMB approved forms identified in paragraph (a) of this section.

(1) *MMS-2014*—Used monthly to report lease-related transactions essential for royalty management to determine the correct royalty amount due, reconcile or audit data, and distribute payments to appropriate accounts. Public reporting burden for paper submission is estimated to average 7 minutes to complete each line item on the form, including the time necessary to assemble data, calculate value and royalty, and enter data on the form. Companies reporting electronically may average 2 minutes to complete each line item on the form. Comments submitted relative to this information collection should reference the information collection titled Report of Sales and Royalty Remittance, OMB Control Number 1010-0022.

(2) *MMS-3160*—Used by onshore oil and gas lease operators to report monthly oil and gas production to MMS. Public reporting burden for paper submission is estimated to average 15 minutes per form, including the time necessary to assemble data, ensure that production and disposition numbers are accurate, and enter data on the form. Companies reporting electronically may average 7.5 minutes per month to complete the form. Comments submitted relative to this information collection should reference the information collection titled PAAS Oil and Gas Reports, OMB Control Number 1010-0040.

(3) *MMS-4025*—This form is used to establish a data base of payor accounts

for oil and gas leases on Federal or Indian lands, reporting changes in payor accounts, and notifying MMS of the products on which royalties will be paid. Public reporting burden is estimated to average 30 minutes per form, including time spent reading instructions, completing, and mailing the form. Comments submitted relative to this information collection should reference Paperwork Reduction Project 1010-0033.

(4) *MMS-4051*—Used to establish a reference data base identifying the facilities where oil and gas production is stored or processed and the metering points where production is measured for sale or transfer. Public reporting burden is estimated to average 30 minutes per form for facility operators to review and update the data base. Comments submitted relative to this information collection should reference Paperwork Reduction Project 1010-0040.

(5) *MMS-4053*—Designed as an audit tool to be used to confirm sales data. Public reporting burden is estimated to average 30 minutes per form, including time spent reading instructions, completing, and mailing the form. Comments submitted relative to this information collection should reference Paperwork Reduction Project 1010-0040.

(6) *MMS-4054*—This three-part form identifies all oil and gas lease production from Federal and Indian lands. MMS uses information from this form to track oil and gas from the point of production to the point of first sale or other disposition. Respondents will generally not use all three parts of the form. Public reporting burden for paper submission is estimated to average 30 minutes per month, including the time necessary to assemble data, ensure that production and disposition numbers are accurate, and enter data on the form. Companies reporting electronically may average 15 minutes per month to complete the form. Comments submitted relative to this information collection should reference the information collection titled PAAS Oil and Gas Reports, OMB Control Number 1010-0040.

(7) *MMS-4055*—This report identifies the separate components of natural gas production. It is submitted quarterly or semiannually by lease operators

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when gas production is processed before royalty value has been determined. Public reporting burden is estimated to average 15 minutes per form including time required gathering data, completing, and mailing the form. Comments submitted relative to this information collection should reference Paperwork Reduction Project 1010-0040.

(8) *MMS-4056*—Submitted monthly by gas plant operators to identify components and disposition of natural gas from Federal and Indian leases. Public reporting burden is estimated to average 30 minutes per form, including time required gathering data, completing, and mailing the form. Comments submitted relative to this information collection should reference Paperwork Reduction Project 1010-0040.

(9) *MMS-4058*—Submitted monthly by operators of the facilities and measurement points where production from a Federal or Indian lease is commingled with production from other sources before it is measured for royalty determination. The data reported is used to determine whether sales reported by lessees are reasonable. Public reporting burden is estimated to average 15 minutes per form, including time required gathering data, completing, and mailing the form. Comments submitted relative to this information collection should reference Paperwork Reduction Project 1010-0040.

(10) *MMS-4070*—After publication in the Federal Register of a Notice of Availability of Royalty Oil, refiners interested in the purchase of royalty oil should submit their applications using this form. The information collected is used by MMS to determine if the applicant meets eligibility requirements to contract to purchase the oil. Public reporting burden is estimated to average 1 hour per form, including time required gathering data, completing, and mailing the form. Comments submitted relative to this information collection should reference Paperwork Reduction Project 1010-0042.

(11) *MMS-4109*—Used to claim an allowance for the reasonable, actual costs of removing hydrocarbon and nonhydrocarbon elements or compounds from the gas streams. Public reporting burden varies depending on the type of contract involved. Under an

arm's-length contract, burden is estimated to average 1 hour for the submission of page 1 and schedule 1 of the form requiring the lessee's name and address, payor code, plant name, accounting identification number, product code, and selling arrangement. Nonarm's-length contract claims require completion of all pages of the form including calculations of allowable operating and maintenance costs, overhead, depreciation, and return on undepreciated capital investment. Public reporting burden is estimated to average 10 hours to complete the entire form. Comments submitted relative to this information collection should reference Paperwork Reduction Project 1010-0075.

(12) *MMS-4110*—Used to claim an allowance for expenses incurred by a lessee in transporting oil from the lease site to a point remote from the lease where value is determined. Public reporting burden varies depending on the type of contract involved. Under an arm's-length contract, burden is estimated to average 2 hours for the submission of page 1 and schedule 1 of the form requiring the lessee's name and address, payor code, accounting identification number, product code, and selling arrangement. Nonarm's-length contract claims require completion of all pages of the form including calculations of allowable operating and maintenance costs, overhead, depreciation, and return on undepreciated capital investment. Public reporting burden is estimated to average 5 hours to complete the entire form. Comments submitted relative to this information collection should reference Paperwork Reduction Project 1010-0061.

(13) *MMS-4280*—This form is used to claim a reward for information leading to the recovery of payments owed to the United States from oil and gas leases on Federal land or the Outer Continental Shelf. Claimants must provide name, address, Social Security number, and a brief description of the violation being reported. Public reporting burden is estimated to average 30 minutes to complete this form. Comments submitted relative to this information collection should reference Paperwork Reduction Project 1010-0076.

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(14) *MMS-4292*—This form is used to claim an allowance for the reasonable, actual costs incurred to wash coal. Public reporting burden varies depending on the type of contract involved. Under an arm's-length contract, burden is estimated to average 1 hour for the submission of page 1 of the form requiring the lessee's name and address, payor code, accounting identification number, product code, and selling arrangement. Nonarm's-length contract claims require completion of all pages of the form including calculations of allowable operating and maintenance costs, overhead, depreciation, and return on undepreciated capital investment. Public reporting burden is estimated to average 40 hours to complete the entire form. Comments submitted relative to this information collection should reference Paperwork Reduction Project 1010-0074.

(15) *MMS-4293*—Used to claim an allowance for the reasonable, actual costs of transporting coal to a sales point or a washing facility remote from the mine or lease. Public reporting burden varies depending on the type of contract involved. Under an arm's-length contract, burden is estimated to average 1 hour for the submission of page 1 of the form requiring the lessee's name and address, payor code, accounting identification number, product code, and selling arrangement. Nonarm's-length contract claims require completion of all pages of the form including calculations of allowable operating and maintenance costs, overhead, depreciation, and return on undepreciated capital investment. Public reporting burden is estimated to average 40 hours to complete the entire form. Comments submitted relative to this information collection should reference Paperwork Reduction Project 1010-0074.

(16) *MMS-4295*—This form is used to claim an allowance for the reasonable, actual costs of transporting gas from the lease to the point of first sale. Public reporting burden varies depending on the type of contract involved. Under an arm's-length contract, burden is estimated to average 1 hour for the submission of page 1 and schedule 1 of the form requiring the lessee's name and address, payor code, accounting identi-

fication number, product code, and selling arrangement. Nonarm's-length contract claims require completion of all pages of the form including calculations of allowable operating and maintenance costs, overhead, depreciation, and return on undepreciated capital investment. Public reporting burden is estimated to average 3 hours to complete the entire form. Comments submitted relative to this information collection should reference Paperwork Reduction Project 1010-0075.

(17) *MMS-4377*—This form must be submitted by operators of stripper oil properties to notify MMS of reduced royalty rates granted by the Bureau of Land Management under 43 CFR 3103.4-1 for each 12-month qualifying period. Reporting burden is estimated to require an average of 30 minutes per form to supply the operator name, lease and agreement numbers, calculated and current royalty rate, and the period covered. Comments submitted relative to this information collection should reference Paperwork Reduction Project 1010-0090.

(18) *MMS-4430*—Submitted monthly to report production from and royalty due on all Federal and Indian solid minerals leases (see §210.201). MMS uses the data to distribute payments to appropriate recipients and to determine if lessees properly paid lease obligations. Public reporting burden is estimated to be 20 minutes per month per reporter. Comments relating to this information collection should reference OMB Control Number 1010-0120.

(19) *Facility data*—Submitted monthly by operators of wash plant, refining, ore concentration, or other processing facilities for specific solid minerals produced from specific Federal and Indian lease types or when otherwise requested by MMS (see §210.204). MMS uses the data to assure that Federal or Indian lease processed production (the output of process plants) is consistent with the input of raw production. Public reporting burden is estimated to be approximately 15 minutes per reporter per month to compile in-house formatted information and submit that information electronically. Comments relating to this information collection should reference OMB Control Number 1010-0120.

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(20) *Sales contracts*—Submitted semi-annually by producers of specific solid mineral products on specific Federal and Indian lease types or when otherwise requested by MMS (see §210.203). MMS uses contracts, agreements and contract amendments for compliance purposes including, but not limited to, identifying valuation issues and establishing selling arrangement relationships. Public reporting burden is estimated to be 2 hours per reporter per year to compile and submit contracts and contract amendments. Comments relating to this information collection should reference OMB Control Number 1010-0120.

(21) *Sales summaries*—Submitted monthly by producers of specific solid minerals from specific Federal and Indian lease types or when otherwise requested by MMS (see §210.202). The MMS uses these data for compliance purposes including, but not limited to, assuring that sales volumes and values are properly attributed or allocated to Federal or Indian leases. Public reporting burden is estimated to be 15 minutes per month for each reporter to compile in-house formatted sales information and submit that information electronically. Comments relating to this information collection should reference OMB Control Number 1010-0120.

(d) *Comments on burden estimates.* Send comments on the accuracy of this burden estimate or suggestions on reducing this burden to the Minerals Management Service, Attention: Information Collection Clearance Officer, (OMB Control Number 1010-0120 (insert appropriate OMB Control Number), Mail Stop 4230, 1849 C Street, NW., Washington, DC 20240. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB Control Number.

[57 FR 41864, Sept. 14, 1992, as amended at 64 FR 38122, July 15, 1999; 66 FR 45769, Aug. 30, 2001]

§210.20 When is electronic reporting required?

(a) You must submit Forms MMS-2014 and MMS-4054 to MMS electronically. You must begin reporting electronically according to the following timetable unless you qualify for the ex-

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ceptions to electronic reporting listed in §210.22:

If you report the following number of lines each month on a required form	Then, you must submit that form electronically beginning
(1) 6 or more	November 1, 1999.
(2) 4-5	November 1, 2000.
(3) 1-3	November 1, 2001.

(b) See §218.40(c) for the definition of a royalty report line on Form MMS-2014 and §216.40(c) for the definition of a production report line on Form MMS-4054; and

(c) For purposes of this part, multiple submissions of the same form in one month equals one form.

[64 FR 38122, July 15, 1999]

§210.21 How do you report electronically?

(a) You may use any of the following electronic media types, unless MMS instructs you differently:

(1) *Electronic Data Interchange (EDI)*¹—The inter-organizational, computer-to-computer exchange of structured information in a standard, machine-processable format;

(2) *Electronic Mail (e-mail)*¹—Any communication service used to electronically transmit and store messages and attach files. MMS has three electronic file options:

(i) *Template*—MMS-provided software that generates blank forms on a personal computer to assist companies in preparing MMS regulatory reports (this option is not available for Form MMS-4054);

(ii) *Comma Separated Values (CSV)*—A file format where attribute fields are separated by commas; and

(iii) *American Standard Code for Information Interchange (ASCII)*—A file format of fixed-length records with fixed-length attribute fields;

(3) *Reporter-Prepared Diskette (3½ inch)*—A data storage medium used to transmit report data using one of the following file formats:

- (i) Template;
- (ii) CSV; and
- (iii) ASCII;

¹MMS has developed security measures, authentication procedures, and automated acknowledgments for this electronic media type.

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(4) Magnetic or Cartridge Tape—A data storage medium used to transmit report data in an ASCII file format.

(b) MMS prefers that you use the media types in the order presented in paragraph (a) of this section to the extent it is cost effective and practical. As technology changes, MMS will consider other media types and the order of MMS preference may change. Refer to our electronic commerce brochure for the most current reporting options. You can receive a copy of our brochure by calling your MMS representative or by accessing our Internet site at www.rmp.mms.gov.

(c) Before you may begin reporting electronically:

(1) You must submit an electronic sample of your report for MMS approval using the MMS-supplied electronic reporting guidelines;

(2) MMS must notify you that your sample report has been approved;

(3) MMS must assign you a sender identification number and security code for any EDI transmissions; and

(4) MMS must assign you an originating address and compression software password for any e-mail transmissions.

[64 FR 38123, July 15, 1999]

§ 210.22 What are the exceptions to the electronic reporting requirements?

MMS will allow the following grace periods and exceptions to the electronic reporting requirements in § 210.20:

(a) If you become a new MMS reporter after any of the dates you are required to submit electronic reports under § 210.20(a), you have 3 months from the day your first report is due to begin reporting electronically;

(b) If you exceed the maximum number of lines you are allowed to report on paper under § 210.20(a), you have 3 months from the last day of the month in which you exceeded the line limit to begin reporting electronically;

(c) You are not required to report electronically if you report only rent, minimum royalty, or other annual obligations on the Form MMS-2014; and

(d) You are not required to report electronically if you are a small business as defined by the U.S. Small Business Administration, and you have no

computer, no resources to purchase a computer or contract with an electronic reporting service, nor access to a computer at a local library or other public facility.

[64 FR 38123, July 15, 1999]

Subpart B—Oil, Gas, and OCS Sulfur—General

AUTHORITY: The Federal Oil and Gas Royalty Management Act of 1982 (30 U.S.C. 1701 *et seq.*).

SOURCE: 49 FR 37345, Sept. 21, 1984, unless otherwise noted.

§ 210.50 Required recordkeeping.

Information required by the MMS shall be filed using the forms prescribed in this subpart, which are available from MMS. Records may be maintained in microfilm, microfiche, or other recorded media that is easily reproducible and readable.

§ 210.51 Payor information form.

The Payor Information Form (Form MMS-4025) must be filed for each Federal or Indian lease on which royalties are paid. Where specifically determined by MMS, Form MMS-4025 is also required for all Federal leases on which rent is due. The completed form must be filed by the party who is making the rent or royalty payment (payor) for each revenue source. Form MMS-4025 must be filed no later than 30 days after issuance of a new lease or a modification to an existing lease which changes the paying responsibility on the lease.

§ 210.52 Report of sales and royalty remittance.

(a) You must submit a completed Form MMS-2014 (Report of Sales and Royalty Remittance) to MMS with:

(1) All royalty payments; and,

(2) Rents on nonproducing leases, where specified.

(b) When you submit Form MMS-2014 data electronically, you must not submit the form itself.

(c) Completed Forms MMS-2014 for royalty payments are due by the end of the month following the production month.

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(d) Where applicable, completed Forms MMS-2014 for rental payments are due no later than the anniversary date of the lease.

(e) This section does not prohibit you from making early payments voluntarily.

[64 FR 38123, July 15, 1999]

§ 210.53 Reporting instructions.

(a) Specific guidance on how to prepare and submit required information collection reports and forms to MMS is contained in an MMS "Oil and Gas Payor Handbook," a "Production Accounting and Auditing System Reporter Handbook," and a "PAAS Onshore Oil and Gas Reporter Handbook." The Payor Handbook is available from the Minerals Management Service, Royalty Management Program, P.O. Box 5760, Denver, Colorado 80217-5760. The Reporter Handbooks are available from the Minerals Management Service, Royalty Management Program, P.O. Box 17110, Denver, Colorado 80217-0110.

(b) Royalty payors or production reporters should refer to these handbooks for specific guidance with respect to oil and gas reporting requirements. If additional information is required, the payor or reporter should contact the MMS at the above address. The appropriate telephone numbers are listed in the handbooks.

[51 FR 45882, Dec. 23, 1986, as amended at 53 FR 16412, May 9, 1988; 57 FR 41867, Sept. 14, 1992; 58 FR 64902, Dec. 10, 1993]

§ 210.54 Definitions.

Terms used in this subpart shall have the same meaning as in 30 U.S.C. 1702.

[49 FR 37345, Sept. 21, 1984. Redesignated at 51 FR 45882, Dec. 23, 1986]

§ 210.55 Special forms or reports.

(a) MMS may require you to submit additional information, forms, or reports other than those specifically referred to in this subpart. MMS will give you instructions for providing such information or filing such reports or forms. MMS will make requests for additional information, forms, or reports under this section in conformity with the Paperwork Reduction Act of 1995,

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44 U.S.C. 3501, and other applicable laws.

(b) If you file a Form MMS-4025, Payor Information Form (PIF) under § 210.51, you must provide the following information to MMS upon request for each PIF:

(1) The AID number for the lease;

(2) The name, address, Taxpayer Identification Number (TIN), and phone number of the person for whom you are reporting and paying royalties or making other payments under the PIF;

(3) Whether the person you named in paragraph (b)(2) of this section with respect to the lease for which you filed the PIF is a:

(i) Lessee of record (record title owner);

(ii) Operating rights owner (working interest owner); or

(iii) Operator;

(4) The name, address, and phone number of the individual to contact for the person you named in paragraph (b)(2) of this section;

(5) Your TIN; and

(6) Whether you are the Designee of the person you named in paragraph (b)(2) of this section under 30 U.S.C. 1712(a), and, if so:

(i) The date your designation became effective; and

(ii) The date your designation terminates, if applicable; and

(iii) A copy of the written designation;

(c) If you have been identified under paragraph (b)(2) of this section, you must provide the following information to MMS upon request:

(1) Confirmation that you are the person identified under paragraph (b)(2) of this section;

(2) Confirmation that the person identified in paragraph (b)(6) of this section is your designee; and

(3) A designation under § 218.52 of this title if the person identified in paragraph (b)(6) of this section is not your Designee, and if you are not reporting and paying royalties and making other payments to MMS.

[62 FR 42066, Aug. 5, 1997]

**Subpart C—Federal and Indian Oil
[Reserved]**

**Subpart D—Federal and Indian
Gas [Reserved]**

Subpart E—Solid Minerals, General

SOURCE: 66 FR 45771, Aug. 30, 2001, unless otherwise noted.

§ 210.200 What is the purpose of this subpart?

This subpart explains your reporting requirements if you produce coal or other solid minerals from Federal or Indian leases. Included are your requirements for reporting production, sales, and royalties.

§ 210.201 How do I submit Form MMS-4430, Solid Minerals Production and Royalty Report?

(a) *What to submit.* (1) You must submit a completed Form MMS-4430 for—

- (i) Production of all coal and other solid minerals from any Federal or Indian lease;
- (ii) Sale of any such mineral;
- (iii) Any such mineral held in stockpile or inventory; and
- (iv) Payment of rents (other than those for which you receive from MMS a Courtesy Notice as defined in § 218.51(a) of this chapter), minimum royalty, deferred bonus, advance royalty, minimum royalty payable in advance, settlements, recoupments, and other financial obligations.

(2) You must submit a completed Form MMS-4430 for any product you sell from a remote storage site. If you sell from five or fewer remote storage sites, you must report sales from each site on separate Forms MMS-4430. If you sell from more than five remote storage sites, you must total the data from all sites and report the summarized data on one Form MMS-4430.

(3) Instructions for completing and submitting Form MMS-4430 are available on our Internet reporting web site or you may contact us toll free at 1-888-201-6416.

(b) *When to submit.* (1) Unless your lease terms specify a different frequency for royalty payments, you must submit your Form MMS-4430 on or before the end of the month following the month in which you produce any solid mineral, sell any solid mineral, or hold any solid mineral production in stock-

pile or inventory. However, if the last day of the month falls on a weekend or holiday, your Form MMS-4430 is due on the next business day.

(2) If your lease terms specify a different frequency for royalty payment, then you must submit your Form MMS-4430 on or before the date on which you must pay royalty under the terms of the lease.

(3) You must submit your Form MMS-4430 for payment of rents (other than those for which you receive from MMS a Courtesy Notice as defined in § 218.51(a) of this chapter), minimum royalty, deferred bonus, advance royalty, minimum royalty payable in advance, settlements, recoupments, and other financial obligations on or before the date on which you must pay those obligations under the terms of the lease.

(4) If the information on a previously reported Form MMS-4430 is no longer correct, you must submit a revised Form MMS-4430 by the last day of the month in which you learn that the previously reported information is no longer correct, except when the last day of the month falls on a weekend or holiday. If the last day of the month falls on a weekend or holiday, your revised Form MMS-4430 is due on the first business day of the following month.

(c) *How to submit.* (1) You must submit Form MMS-4430 electronically using our Internet reporting web site unless you meet the conditions in paragraph (c)(2). We will provide written instructions and a valid login and password before you begin reporting.

(2) You are not required to report electronically if you are a small business as defined by the U.S. Small Business Administration (13 CFR 121.201) and you have no computer, no plans to purchase a computer, and no contract with an electronic reporting service.

(3) If you do not report electronically, you must submit the completed Form MMS-4430 to us at one of the following addresses, unless MMS publishes notice in the FEDERAL REGISTER giving a different address:

- (i) *For U.S. Postal Service regular mail or Express Mail:* Minerals Management

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Service, Minerals Revenue Management, P.O. Box 5810, Denver, Colorado 80217-5810; or

(ii) *For courier service or overnight mail (excluding Express Mail):* Minerals Management Service, Minerals Revenue Management, Building 85, Denver Federal Center, Room A-614, Denver, Colorado 80225.

[66 FR 45771, Aug. 30, 2001; 66 FR 50827, Oct. 5, 2001]

§ 210.202 How do I submit sales summaries?

(a) *What to submit.* (1) You must submit sales summaries for all coal and other solid minerals produced from Federal and Indian leases and for any remote storage site from which you sell Federal or Indian solid minerals. You do not have to submit a sales sum-

mary for those months in which you do not sell any Federal or Indian production.

(2) If you sell from five or fewer remote storage sites, you must submit a sales summary for each site. If you sell from more than five remote storage sites, you may total the data from all sites and submit the summarized data as one sales summary. The details you report on the sales summary are for the same sales reported on Form MMS-4430.

(3) Use the following table to determine the time frames for submitting sales summaries and the data elements you must include. Your submitted sales summaries must include the following data but may be internally generated documents from your own records. You do not need to re-format them before submitting them to us:

Data element	Coal	Sodium/potassium	Western phosphate	Metals	All other leases with ad valorem royalty terms	All other leases with no ad valorem royalty terms
(i) Purchaser Name or Unique Identification.	Monthly	Monthly	Monthly	Monthly	Monthly	As Requested.
(ii) Sales Units	Monthly	Monthly	Monthly	Monthly	Monthly	Monthly.
(iii) Gross Proceeds ..	Monthly	Monthly	Not Required ..	Monthly	Monthly	Not Required.
(iv) Processing or washing costs.	Monthly	Monthly	Not Required ..	Monthly	Monthly	Not Required.
(v) Transportation costs.	Monthly	Monthly	Not Required ..	Monthly	Monthly	Not Required.
(vi) Name of product type sold.	Not Required ..	Monthly	Not Required ..	Monthly	Monthly	As Requested.
(vii) Btu/lb	Monthly	Not Required ..	Not Required ..	Not Required ..	Not Required ..	Not Required.
(viii) Ash %	Monthly	Not Required ..	Not Required ..	Not Required ..	Not Required ..	Not Required.
(ix) Sulfur %	Monthly	Not Required ..	Not Required ..	Not Required ..	Not Required ..	Not Required.
(x) lbs SO ₂	Monthly	Not Required ..	Not Required ..	Not Required ..	Not Required ..	Not Required.
(xi) Moisture %	Monthly	Not Required ..	Monthly	Not Required ..	Not Required ..	Not Required.
(xii) By-product Units	Not Required ..	As Requested ..	Monthly	As Requested ..	As Requested ..	Not Required.
(xiii) P ₂ O ₅ %	Not Required ..	Not Required ..	Monthly	Not Required ..	Not Required ..	Not Required.
(xiv) Size	Not Required ..	Not Required ..	Not Required ..	Not Required ..	As Requested ..	Not Required.
(xv) Net Smelter Return data.	Not Required ..	Not Required ..	Not Required ..	Monthly	Not Required ..	Not Required.
(xvi) Other Data e.g., Royalty Calculation Worksheet.	As Requested ..	Monthly	As Requested ..	As Requested ..	As Requested ..	As Requested.

(b) *When to submit.* (1) For leases with ad valorem royalty terms (that is, leases for which royalty is a percentage of the value of production), you must

submit your sales summaries monthly at the same time you submit Form MMS-4430. You do not have to submit a sales summary for any month in which

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you did not sell Federal or Indian production.

(2) For leases with no ad valorem royalty terms (that is, leases in which the royalty due is not a function of the value of production, such as cents-per-ton or dollars-per-unit), you must submit monthly sales summaries only if we specifically request you to do so.

(c) *How to submit.* (1) You should provide the sales summary data via electronic mail where possible. We will provide instructions and the proper email address for these submissions.

(2) If you submit sales summaries by paper copy, mail them to one of the following addresses, unless MMS publishes notice in the FEDERAL REGISTER giving a different address:

(i) *For U.S. Postal Service regular mail or Express Mail:* Minerals Management Service, Minerals Revenue Management, Solid Minerals and Geothermal Compliance and Asset Management, P.O. Box 25165, MS 390G1, Denver, Colorado 80225-0165.

(ii) *For courier service or overnight mail (excluding Express Mail):* Minerals Management Service, Solid Minerals and Geothermal Compliance and Asset Management, 12600 West Colfax Avenue, Suite C-100, Lakewood, Colorado 80215.

§ 210.203 How do I submit sales contracts?

(a) *What to submit.* You must submit sales contracts, agreements, and contract amendments for the sale of all coal and other solid minerals produced from Federal and Indian leases with ad valorem royalty terms.

(b) *When to submit.* (1) For coal and metal production, you must submit the required documents semi-annually, no later than March 30 and September 30 of each year.

(2) For sodium, potassium, and phosphate production, and production from any other lease with ad valorem royalty terms, you must submit the required documents only if you are specifically requested to do so.

(c) *How to submit.* You must submit complete copies of the sales contracts and amendments to us at the applicable address given in § 210.202(c)(2), unless MMS publishes notice in the FED-

ERAL REGISTER giving a different address.

§ 210.204 How do I submit facility data?

(a) *What to submit.* (1) You must submit facility data if you operate a wash plant, refining, ore concentration, or other processing facility for any coal, sodium, potassium, metals, or other solid minerals produced from Federal or Indian leases with ad valorem royalty terms, regardless of whether the facility is located on or off the lease.

(2) You do not have to submit facility data for those months in which you do not process solid minerals produced from Federal or Indian leases and do not have any such minerals in stockpile inventory.

(3) You must include in your facility data all production processed in the facility from all properties, not just production from Federal and Indian leases.

(4) Facility data submissions must include the following minimum information:

- (i) Identification of your facility;
- (ii) Mines served;
- (iii) Input quantity;
- (iv) Input quality or ore grade (except for coal);
- (v) Output quantity; and
- (vi) Output quality or product grades.

(5) Your submitted facility data may be internally generated documents from your own records. You do not need to re-format them before submitting them to us.

(b) *When to submit.* You must submit your facility data monthly at the same time you submit your Form MMS-4430.

(c) *How to submit.* (1) You should provide the facility data via electronic mail where possible. We will provide instructions and the proper email address for these submissions before you begin reporting.

(2) If you submit facility data by paper copy, send it to the applicable address given in § 210.202(c)(2).

§ 210.205 Will I need to submit additional documents or evidence to MMS?

(a) Federal and Indian lease terms allow us to request detailed statements, documents, or other evidence necessary to verify compliance with

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lease terms and conditions and applicable rules.

(b) We will request this additional information as we need it, not as a regular submission.

§ 210.206 How will information submissions be kept confidential?

Information submitted under this part that constitutes trade secrets or commercial and financial information that is identified as privileged or confidential, or that is exempt from disclosure under the Freedom of Information Act, 5 U.S.C. 552, shall not be available for public inspection or made public or disclosed without the consent of the lessee, except as otherwise provided by law or regulation.

Subpart F—Coal [Reserved]

Subpart G—Other Solid Minerals [Reserved]

Subpart H—Geothermal Resources

SOURCE: 56 FR 57286, Nov. 8, 1991, unless otherwise noted.

§ 210.350 Definitions.

Terms used in this subpart shall have the same meaning as in 30 CFR 206.351.

§ 210.351 Required recordkeeping.

Information required by MMS shall be filed using the forms prescribed in this subpart, which are available from MMS. Records may be maintained on microfilm, microfiche, or other recorded media that are easily reproducible and readable. See subpart H of 30 CFR part 212.

§ 210.352 Payor information forms.

The Payor Information Form (Form MMS-4025) must be filed for each Federal lease on which geothermal royalties (including byproduct royalties) are paid. Where specifically determined by MMS, Form MMS-4025 is also required for all Federal leases on which rent is due. The completed form must be filed by the party who is making the rent or royalty payment (payor) for each revenue source. Form MMS-4025 must be filed no later than 30 days after

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issuance of a new lease or a modification to an existing lease that changes the paying responsibility on the lease. The Form MMS-4025 shall identify the payor of production royalty, and identify revenue sources and selling arrangements for all leased geothermal resources (including byproducts). After filing the initial form, a new Form MMS-4025 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) Production of new product;
- (c) A change in a selling arrangement;
- (d) Change in royalty rate;
- (e) Change of payor; or
- (f) Abandonment of a lease.

§ 210.353 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, MMS will give instructions for the filing of such forms or reports. 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.

§ 210.354 Monthly report of sales and royalty.

A completed Report of Sales and Royalty Remittance (Form MMS-2014) must be submitted each month once sales or utilization of production occur, even though sales may be intermittent, unless otherwise authorized by MMS. This report is due on or before the last day of the month following the month in which production was sold or utilized, together with the royalties due the United States.

§ 210.355 Reporting instructions.

(a) Specific guidance on how to prepare and submit required information collection reports and forms to MMS is contained in an MMS Oil and Gas Payor Handbook which is available from the Minerals Management Service, Royalty Management Program, P.O. Box 5760, Denver, Colorado 80217-5760.

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(b) Royalty payors should refer to this handbook for specific guidance with respect to geothermal resources reporting requirements. If additional information is required, the payor should contact the MMS at the above address. The appropriate telephone numbers are listed in the handbook.

[56 FR 57286, Nov. 8, 1991, as amended at 58 FR 64902, Dec. 10, 1993]

Subpart I—OCS Sulfur [Reserved]

PART 212—RECORDS AND FILES MAINTENANCE

Subpart A—General Provisions [Reserved]

Subpart B—Oil, Gas, and OCS Sulphur—General

Sec.

- 212.50 Required recordkeeping and reports.
- 212.51 Records and files maintenance.
- 212.52 Definitions.

Subpart C—Federal and Indian Oil [Reserved]

Subpart D—Federal and Indian Gas [Reserved]

Subpart E—Solid Minerals—General

- 212.200 Maintenance of and access to records.

Subpart F—Coal [Reserved]

Subpart G—Other Solid Minerals [Reserved]

Subpart H—Geothermal Resources

- 212.350 Definitions.
- 212.351 Required recordkeeping and reports.

Subpart I—OCS Sulfur [Reserved]

AUTHORITY: 5 U.S.C. 301 *et seq.*; 25 U.S.C. 396 *et seq.*, 396a *et seq.*, 2101 *et seq.*; 30 U.S.C. 181 *et seq.*, 351 *et seq.*, 1001 *et seq.*, 1701 *et seq.*; 31 U.S.C. 9701; 43 U.S.C. 1301 *et seq.*, 1331 *et seq.*, and 1801 *et seq.*

Subpart A—General Provisions [Reserved]

Subpart B—Oil, Gas, and OCS Sulphur—General

§ 212.50 Required recordkeeping and reports.

All records pertaining to offshore and onshore Federal and Indian oil and gas leases shall be maintained by a lessee, operator, revenue payor, or other person for 6 years after the records are generated unless the recordholder is notified, in writing, that records must be maintained for a longer period. When an audit or investigation is underway, records shall be maintained until the recordholder is released by written notice of the obligation to maintain records.

[49 FR 37345, Sept. 21, 1984]

§ 212.51 Records and files maintenance.

(a) *Records.* Each lessee, operator, revenue payor, or other person shall make and retain accurate and complete records necessary to demonstrate that payments of rentals, royalties, net profit shares, and other payments related to offshore and onshore Federal and Indian oil and gas leases are in compliance with lease terms, regulations, and orders. Records covered by this section include those specified by lease terms, notices and orders, and by the various parts of this chapter. Records also include computer programs, automated files, and supporting systems documentation used to produce automated reports or magnetic tape submitted to the Minerals Management Service (MMS).

(b) *Period for keeping records.* Lessees, operators, revenue payors, or other persons required to keep records under this section shall maintain and preserve them for 6 years from the day on which the relevant transaction recorded occurred unless the Secretary notifies the record holder of an audit or investigation involving the records and that they must be maintained for a longer period. When an audit or investigation is underway, records shall be maintained until the recordholder is released in writing from the obligation to maintain the records. Lessees, operators, revenue payors, or other persons shall maintain the records generated