

- (1) U.S. Postal Service mail;
- (2) Personal delivery made pursuant to the law of the State in which the service is effected; or
- (3) Private mailing service (e.g., United Parcel Service, or Federal Express), with signature and date upon delivery, acknowledging the addressee of record's receipt of the official correspondence document.

(b) *Selection of addressee of record information.* (1) We will address official correspondence to the party shown on the most recently received Form MMS-4444 for the type of correspondence at issue. The company or reporting entity is responsible for notifying MMS of any name or address changes on Form MMS-4444. The addressee of record in a part 290, subpart B, appeal will be the person or representative making the appeal.

(2) If we do not receive addressee of record information from you on Form MMS-4444, we may use the individual name and address, position title, or department name and address in our database, based on previous formal or informal communications or correspondence for the type of official correspondence at issue. Alternately, we may obtain contact information from public records and send correspondence to:

- (i) The registered agent;
- (ii) Any corporate officer; or
- (iii) The addressee of record shown in the files of any State Secretary; Corporate Commission; Federal or state agency that keeps official records of business entities or corporations; or other appropriate public records for individuals, business entities, or corporations.

(c) *Dates of service.* Except as provided in paragraph (d) of this section, MMS considers official correspondence as served on the date that it is received at the address of record. A receipt, signed and dated by any person at that address, is evidence of service and of the date of service. If official correspondence is served in more than one manner and the dates differ, the date of the earliest service is used<sup>[smc1]</sup>.

(d) *Constructive service.* If we cannot make delivery to the addressee of record after making a reasonable effort, we deem official correspondence

as constructively served 7 days after the date that we mail the document. This provision covers situations such as those where no delivery occurs because:

- (1) The addressee of record has moved without filing a forwarding address;
- (2) The forwarding order has expired;
- (3) Delivery was expressly refused; or
- (4) The document was unclaimed and the attempt to deliver is substantiated by either:
  - (i) The U.S. Postal Service;
  - (ii) A private mailing service, as described in this section; or
  - (iii) The person who attempted to make delivery using some other method of service.

#### **§ 218.560 How do I submit Form MMS-4444?**

A copy of Form MMS-4444 and instructions may be obtained from MMS. It will also be posted on the MMS Web site. Submit the completed, signed form to the address designated on the Form MMS-4444 instructions.

#### **§ 218.580 When do I submit Form MMS-4444?**

Initially, you must submit MMS Form-4444 by November 29, 2006, and subsequently, within 2 weeks of any change of your address.

## **PART 219—DISTRIBUTION AND DISBURSEMENT OF ROYALTIES, RENTALS, AND BONUSES**

### **Subpart A—General Provision [Reserved]**

### **Subpart B—Oil and Gas, General [Reserved]**

### **Subpart C—Oil and Gas, Onshore**

Sec.

- 219.100 Timing of payment to States.
- 219.101 Receipts subject to an interest charge.
- 219.102 Method of payment.
- 219.103 Payments to Indian accounts.
- 219.104 Explanation of payments to States and Indian tribes.
- 219.105 Definitions.

AUTHORITY: Section 104, Pub. L. 97-451, 96 Stat. 2451 (30 U.S.C. 1714).

SOURCE: 49 FR 37347, Sept. 21, 1984, unless otherwise noted.

**§ 219.100**

**30 CFR Ch. II (7-1-07 Edition)**

**Subpart A—General Provisions  
[Reserved]**

Revenue Management, P.O. Box 5760,  
Denver, Colorado 80217-5760.

**Subpart B—Oil and Gas, General  
[Reserved]**

[57 FR 41868, Sept. 14, 1992, as amended at 58  
FR 64903, Dec. 10, 1993; 67 FR 19112, Apr. 18,  
2002]

**Subpart C—Oil and Gas, Onshore**

**§ 219.103 Payments to Indian accounts.**

**§ 219.100 Timing of payment to States.**

A State's share of mineral leasing revenues shall be paid to the State not later than the last business day of the month in which the U.S. Treasury issues a warrant authorizing the disbursement, except for any portion of such revenues which is under challenge and placed in a suspense account pending resolution of a dispute.

Mineral revenues received from Indian leases shall be transferred to the appropriate Indian accounts managed by the Bureau of Indian Affairs (BIA) for allotted and tribal revenues. These accounts are specifically designated Treasury accounts. Revenues shall be transferred to the Indian accounts at the earliest practicable date after such funds are received, but in no case later than the last business day of the month in which revenues are received by the MMS.

**§ 219.101 Receipts subject to an interest charge.**

(a) Subject to the availability of appropriations, the Minerals Management Service (MMS) shall pay the State its proportionate share of any interest charge for royalty and related monies that are placed in a suspense account pending resolution of matters which will allow distribution and disbursement. Such monies not disbursed by the last business day of the month following receipt by MMS shall accrue interest until paid.

**§ 219.104 Explanation of payments to States and Indian tribes.**

(a) Payments to States and BIA on behalf of Indian tribes or Indian allottees discussed in this part shall be described in *Explanation of Payment* reports prepared by the MMS. These reports will be at the lease level and shall include a description of the type of payment being made, the period covered by the payment, the source of the payment, sales amounts upon which the payment is based, the royalty rate, and the unit value. Should any State or Indian tribe desire additional information pertaining to mineral revenue payments, the State or tribe may request this information from the MMS.

(b) Upon resolution, the suspended monies found due in paragraph (a) of this section, plus interest, shall be disbursed to the State under the provisions of § 219.100.

(c) Paragraph (a) of this section shall apply to revenues which cannot be disbursed to the State because the payor/lessee provided incorrect, inadequate, or incomplete information to MMS which prevented MMS from properly identifying the payment to the proper recipient.

(b) The report shall be provided to:  
(1) States not later than the 10th day of the month following the month in which MMS disburses the State's share of royalties and related monies; (2) the BIA on behalf of tribes and Indian allottees not later than the 10th day of the month following the month the funds are disbursed by MMS.

**§ 219.102 Method of payment.**

The MMS shall disburse monies to a State either by Treasury check or by Electronic Funds Transfer (EFT). Should a State prefer to receive its payment by EFT, it should request this payment method in writing to the Minerals Management Service, Minerals

(c) Revenues that cannot be distributed to States, tribes, or Indian allottees because the payor/lessee provided incorrect, inadequate, or incomplete information, preventing MMS from properly identifying the payment to the proper recipient, shall not be included in the reports until the problem is resolved.

## Minerals Management Service, Interior

## § 220.002

### § 219.105 Definitions.

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

### PART 220—ACCOUNTING PROCEDURES FOR DETERMINING NET PROFIT SHARE PAYMENT FOR OUTER CONTINENTAL SHELF OIL AND GAS LEASES

Sec.

- 220.001 Purpose and scope.
- 220.002 Definitions.
- 220.003 Information collection.
- 220.010 NPSL capital account.
- 220.011 Schedule of allowable direct and allocable joint costs and credits.
- 220.012 Overhead allowance.
- 220.013 Unallowable costs.
- 220.014 Allocation of joint costs and credits.
- 220.015 Pricing of materiel purchases, transfers, and dispositions.
- 220.020 Calculation of the allowance for capital recovery.
- 220.021 Determination of net profit share base.
- 220.022 Calculation of net profit share payment.
- 220.030 Maintenance of records.
- 220.031 Reporting and payment requirements.
- 220.032 Inventories.
- 220.033 Audits.
- 220.034 Redetermination and appeals.

AUTHORITY: Sec. 205, Pub. L. 95-372, 92 Stat. 643 (43 U.S.C. 1337).

SOURCE: 45 FR 36800, May 30, 1980, unless otherwise noted. Redesignated at 48 FR 1182, Jan. 11, 1983, and further redesignated at 48 FR 35642, Aug. 5, 1983.

#### § 220.001 Purpose and scope.

(a) This part 220 establishes accounting procedures for determining the net profit share base and calculating net profit share payments due the United States for the production of oil and gas from OCS leases.

(b) The procedures established by this part 220 apply to any OCS lease issued by the Department of the Interior under any bidding system established by § 260.110(a) of this chapter which has a net profit share component.

[45 FR 36800, May 30, 1980, as amended at 46 FR 29689, June 2, 1981. Redesignated at 48 FR 1182, Jan. 11, 1983, and at 48 FR 35642, Aug. 5, 1983]

### § 220.002 Definitions.

For purposes of this part 220:

*Allowance for capital recovery* means the amount calculated according to procedures specified in § 220.020. This amount allows a premium for risk initially undertaken by the lessee and a return on investment made during the capital recovery period. It is provided in lieu of interest on equipment and materiel charged to the NPSL capital account.

*Capital recovery period* means the period of time that begins on the date of issuance of the NPSL and ends on the last day of the month during which the sooner of the following occurs:

(1) The lessee completes the last well on the first platform specified in the development and production plan originally approved by the MMS, with any approved amendments thereto, and installation of wellhead equipment. In the event the last well is dry, then the capital recovery period shall be deemed to have ended with the determination that the last well is non-productive;

(2) The balance in the NPSL capital account changes from a debit balance to a credit balance; or

(3) The lessee, at his election, chooses to terminate the capital recovery period. A decision to terminate the capital recovery period prior to the events specified in paragraphs (a) (1) and (2) of this definition shall be communicated in writing to the Director and shall be irrevocable.

*Controllable materiel* means materiel which at the time is so classified in the Materiel Classification Manual as most recently recommended by the Council of Petroleum Accountants Societies of North America.

*Cost* means an expenditure or an accrual incurred by a lessee in conducting NPSL operations.

*Cost pool* means a grouping of costs identified with more than one OCS lease, whether the leases are NPSLs or other types of leases.

*Credit* means a payment, rebate, reimbursement to a lessee, or other reduction in cost or increase in revenue attributable to NPSL operations.

*Direct cost* means any cost listed in § 220.011 that benefits only NPSL operations.