

§ 216.6 Definitions.

For purposes of this part:

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., communitizations, unitization, gas storage, or compensatory royalty agreements.).

Alaska Native Corporation means a corporation created pursuant to the provisions of the Alaska Native Claims Settlement Act (43 U.S.C. 1601 *et seq.*).

Associate Director means the Associate Director for Minerals Revenue Management of the MMS.

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

Federal lease means a lease concerning minerals owned by the United States and includes a lease where an Alaska Native Corporation receives all or part of the royalties accruing from that lease, and the MMS has not waived administration of that lease.

First purchaser means any entity receiving the lease production in a first transfer for value transaction.

Gas means any fluid, either combustible or noncombustible, which is extracted from a reservoir and which has neither independent shape nor volume, but tends to expand indefinitely; a substance that exists in a gaseous or rarefied state under standard temperature and pressure conditions.

Indian lease means a lease concerning lands or interest in lands of an Indian Tribe or an Indian allottee, his heirs or devisees, 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 non-mineral estate, except that such term does not include any lands subject to the provisions of section 3 of the Act of June 28, 1906 (34 Stat. 539).

Lease means any contract, profit-share arrangement, joint venture, permit, or other agreement issued or approved by the United States under a mineral leasing law that authorizes exploration for, extraction of, or removal

of oil or gas—or the land area covered by that authorization, whichever is covered by the context.

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.

Measurement device means a mechanical or electrical device that is used to measure production of oil or gas for sales, transfers, and/or royalty determination.

Mineral leasing law means any Federal law administered by the Secretary authorizing the disposition under lease of oil or gas.

Oil means any fluid hydrocarbon substance other than gas which is extracted in a fluid state from a reservoir and which exists in a fluid state under the existing temperature and pressure conditions of the reservoir. Oil includes liquefiable hydrocarbon substances such as drip gasoline or other natural condensates recovered in a liquid state from gas.

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

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.

Person means any individual, firm, corporation, association, partnership, consortium or joint venture.

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) which sometimes is transferred to a fractionation plant for further processing.

Reporter means any reporting entity required to submit a production report or form to the MMS.

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Secretary means the Secretary of the Interior or his/her designee.

[51 FR 8175, Mar. 7, 1986, as amended at 58 FR 45254, Aug. 27, 1993; 66 FR 45773, Aug. 30, 2001; 67 FR 19111, Apr. 18, 2002]

§216.10 Information collection.

The information collection requirements contained in this part have been approved by OMB under 44 U.S.C. 3501 et seq. The forms, filing date, and approved OMB clearance numbers are identified in 30 CFR 210.10.

[57 FR 41867, Sept. 14, 1992]

§216.11 Electronic reporting.

You must submit your Oil and Gas Operations Report, Form MMS-4054, in accordance with electronic reporting requirements in 30 CFR part 210.

[64 FR 38123, July 15, 1999]

§216.15 Reporting instructions.

(a) Specific guidance on how to prepare and submit required information collection reports and forms to MMS is contained in the production reporter handbook. The production reporter handbook is available from the Minerals Management Service, Minerals Revenue Management, P.O. Box 17110, Denver, Colorado 80217-0110.

(b) Production reporters should refer to the handbook for specific guidance with respect to production reporting requirements. If additional information is required, the reporter should contact the MMS at the above address. The telephone number is listed in the handbook.

[53 FR 16412, May 9, 1988, as amended at 57 FR 41867, Sept. 14, 1992; 58 FR 64903, Dec. 10, 1993; 67 FR 19111, Apr. 18, 2001]

§216.16 Where to report.

(a) All reporting forms listed in this part that are mailed or sent by U.S. Postal Service express mail should be mailed to the Minerals Management Service, Minerals Revenue Management, P.O. Box 17110, Denver, Colorado 80217-0110.

(b) Reports delivered to MMS by special couriers or overnight mail, except U.S. Postal Service express mail, shall be addressed as follows: Minerals Management Service, Minerals Revenue

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Management, Building 85, Denver Federal Center, Denver, Colorado 80225.

(c) A report is considered received when it is delivered to MMS at the addresses specified in paragraphs (a) and (b) of this section. Reports received at the MMS addresses specified in paragraphs (a) and (b) of this section after 4 p.m. mountain time are considered received the following business day.

[56 FR 20127, May 2, 1991, as amended at 57 FR 41867, Sept. 14, 1992; 58 FR 64903, Dec. 10, 1993; 67 FR 19111, Apr. 18, 2002]

§216.20 Applicability.

The requirements of this part shall apply to all oil and gas operators reporting information on Federal and Indian leases or federally-approved agreements, including leases or agreements on the OCS.

[58 FR 45254, Aug. 27, 1994, as amended at 66 FR 45773, Aug. 30, 2001]

§216.21 General obligations of the reporter.

The reporter shall submit accurately, completely and timely, 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 reporter handbook. Copies of the handbook are available from the MMS.

[51 FR 8175, Mar. 7, 1986, as amended at 67 FR 19111, Apr. 18, 2002]

§216.25 Confidentiality.

(a) Information obtained by MMS 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 of this part, information obtained from a reporter under this part relating to a minerals agreement approved pursuant to the Indian Mineral Development Act of 1982, 25 U.S.C. 2101 *et seq.*, the Tribal Leasing Act of 1938 (25 U.S.C. 396a *et seq.*), or the Allotted Indian Mineral Development Act of 1909 (25 U.S.C. 396), shall not be released without the written consent of the Indian Tribe(s) or individual Indian(s)