

1 The Railroad Commission of Texas (Commission) adopts amendments to §3.16, relating to Log
2 and Completion or Plugging Report, without changes to the proposed text as published in the December
3 4, 2015, issue of the *Texas Register* (40 TexReg 8710). The amendments reflect changes in Texas
4 statutes relating to confidentiality of well logs.

5 House Bill 878 (83rd Legislature, Regular Session, 2013) amended Texas Natural Resources
6 Code §91.552 and §91.553 to streamline the procedures for requesting a period of confidentiality for a
7 well log. The Commission has been complying with the HB 878 procedures for requesting
8 confidentiality, and adopts amendments to §3.16(d) to conform the rule's requirements to the statutory
9 requirements. Amendments are also adopted to subsections (a) and (c) to change the term "basic electric
10 log" to "electric log," which is the term used in the applicable statutes.

11 The Commission received no comments on the proposed amendments.

12 The Commission adopts the amendments to §3.16 pursuant to Texas Natural Resources Code
13 §§91.551 - 91.556 (electric logs); specifically §91.552, which requires the Commission to establish
14 criteria for filing electric logs, and §91.553, which contains the requirements for requesting log
15 confidentiality. The Commission also adopts the amendments pursuant to Texas Natural Resources Code
16 §81.051 and §81.052, which provide the Commission with jurisdiction over all persons owning or
17 engaged in drilling or operating oil or gas wells in Texas and the authority to adopt all necessary rules for
18 governing and regulating persons and their operations under Commission jurisdiction; Texas Natural
19 Resources Code §§85.201, 85.202, 86.041, and 86.042, which require the Commission to adopt and
20 enforce rules and orders for the conservation and prevention of waste of oil and gas, and specifically for
21 drilling of wells, preserving a record of the drilling of wells, and requiring records to be kept and reports
22 to be made; and Texas Natural Resources Code §141.011 and §141.012, which authorize the Commission
23 to regulate the exploration, development, and production of geothermal energy and associated resources
24 and to make and enforce rules associated therewith.

1 Texas Natural Resources Code §§81.051, 81.052, 85.201, 85.202, 86.041, 86.042, 91.551 -
2 91.556, 141.011, and 141.012 are affected by the adopted amendments.

3 Statutory Authority: §§81.051, 81.052, 85.201, 85.202, 86.041, 86.042, 91.551 - 91.556,
4 141.011, and 141.012.

5 Cross-reference to statutes: Texas Natural Resources Code §§81.051, 81.052, 85.201, 85.202,
6 86.041, 86.042, 91.551 - 91.556, 141.011, and 141.012.

7
8 §3.16. Log and Completion or Plugging Report.

9 (a) Definitions. The following words and terms, when used in this section, shall have the
10 following meanings, unless the context clearly indicates otherwise:

11 (1) Electric [~~Basic electric~~] log--A density, sonic, or resistivity (except dip meter) log run
12 over the entire wellbore.

13 (2) - (4) (No change.)

14 (b) (No change.)

15 (c) Electric [~~Basic electric~~] logs. Except as otherwise provided in this section, not later than the
16 90th day after the date a drilling operation is completed, the operator shall file with the commission a
17 legible and unaltered copy of an [~~a basic~~] electric log, except that where a well is deepened, a legible and
18 unaltered copy of an [~~a basic~~] electric log shall be filed if such log is run over a deeper interval than the
19 interval covered by an [~~a basic~~] electric log for the well already on file with the commission. In the event
20 an [~~a basic~~] electric log, as defined in this section, has not been run, subject to the commission's approval,
21 the operator shall file a lithology log or gamma ray log of the entire wellbore. In the event no log has
22 been run over the entire wellbore, subject to the commission's approval, the operator shall file the log
23 which is the most nearly complete of the logs run. An electric log shall be filed with the commission
24 electronically in a digital format acceptable to the commission, when the commission has the

1 technological capability to receive the electronic filing. Nothing in this subsection requires an operator to
2 run an electric log in conjunction with the drilling or deepening of a well.

3 (d) Delayed filing based on confidentiality. Each log filed with the commission shall be
4 considered public information and shall be available to the public during normal business hours. If the
5 operator of a well desires a log to be confidential, on or before the 90th day after the date a drilling
6 operation is completed, the operator must submit to the Oil and Gas Division in Austin a written request
7 for a delayed filing of the log. If a well is drilled on land submerged in state water, when filing such a
8 request, the operator must retain the log and may delay filing such log for five years beginning from the
9 date the drilling operation was completed. For any other well [~~When filing such a request~~], the operator
10 must retain the log and may delay filing such log for three years [~~one year~~] beginning from the date the
11 drilling operation was completed. [~~The operator of such well may request an additional filing delay of~~
12 ~~two years, provided the written request is filed prior to the expiration date of the initial confidentiality~~
13 ~~period. If a well is drilled on land submerged in state water, the operator may request an additional filing~~
14 ~~delay of two years so that a possible total delay of five years may be obtained. A request for the~~
15 ~~additional two-year filing delay period must be in writing and be filed with the commission prior to the~~
16 ~~expiration of the first two-year filing delay.~~] Logs must be filed with the commission within 30 days after
17 the expiration of the [final] confidentiality period[, ~~except that an operator who fails to timely file with~~
18 ~~the commission a written request under this subsection for an extension of the period of log~~

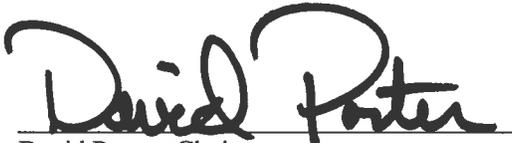
1 ~~confidentiality shall file the log with the commission immediately after the conclusion of the period for~~
2 ~~filing the request].~~

3 (e) (No change.)

4 This agency hereby certifies that the rules as adopted have been reviewed by legal counsel and
5 found to be a valid exercise of the agency's legal authority.

6 Issued in Austin, Texas, on February 3, 2016.

7 Filed with the Office of the Secretary of State on February 3, 2016.



David Porter, Chairman



Christi Craddick, Commissioner



Ryan Simon, Commissioner

ATTEST:



Secretary of the Commission



Haley Cochran
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