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

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

The Commission received no comments on the proposed amendments.

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

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

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

§3.16. Log and Completion or Plugging Report.

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

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

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

(b) (No change.)

(c) Electric [Basic-electric] logs. Except as otherwise provided in this section, not later than the
90th day after the date a drilling operation is completed, the operator shall file with the commission a
legible and unaltered copy of an [a-basic] electric log, except that where a well is deepened, a legible and
unaltered copy of an [a-basic] electric log shall be filed if such log is run over a deeper interval than the
interval covered by an [a-basic] electric log for the well already on file with the commission. In the event
an [a-basic] electric log, as defined in this section, has not been run, subject to the commission's approval,
the operator shall file a lithology log or gamma ray log of the entire wellbore. In the event no log has
been run over the entire wellbore, subject to the commission's approval, the operator shall file the log
which is the most nearly complete of the logs run. An electric log shall be filed with the commission
electronically in a digital format acceptable to the commission, when the commission has the
technological capability to receive the electronic filing. Nothing in this subsection requires an operator to 
run an electric log in conjunction with the drilling or deepening of a well.

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

(e) (No change.)

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

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

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

David Porter, Chairman

Christi Craddick, Commissioner

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