

**UNITED STATES DEPARTMENT OF THE INTERIOR
MINERALS MANAGEMENT SERVICE**

NTL No. 2007-N02

Effective Date: March 30, 2007

**NOTICE TO LESSEES AND OPERATORS OF FEDERAL
OIL AND GAS AND SULPHUR LEASES IN THE OUTER CONTINENTAL SHELF**

Revised Assessment Matrix

The purpose of this NTL is to provide updated information on the OCS Civil Penalties Program. This NTL replaces the assessment matrix provided in NTL No. 2004-N01. The Oil Pollution Act of 1990 (OPA 90) requires the Secretary of the Interior to adjust the maximum civil penalty to reflect any increases in the Consumer Price Index.

In accordance with OPA 90 and the Office of Management and Budget guidelines, MMS has increased the maximum amount of the civil penalty to \$35,000 per day per violation. The assessment matrix below, revised to reflect the increased maximum penalty, will apply to any violation occurring on or after March 30, 2007.

**Civil Penalty Assessment Table
March 30, 2007
(Based on the August 2006 Consumer Price Index)**

GENERALIZED TABLE FOR CIVIL PENALTY ASSESSMENTS IN \$/DAY/VIOLATION			
Enforcement Code	Category A	Category B	Category C
W	\$3,000 – 35,000 (\$10,000)*	\$5,000 – 35,000 (\$15,000)*	\$10,000 – 35,000 (\$20,000)*
C	\$5,000 – 35,000 (\$15,000)*	\$10,000 – 35,000 (\$20,000)*	\$15,000 – 35,000 (\$25,000)*
S	\$10,000 – 35,000 (\$20,000)*	\$15,000 – 35,000 (\$25,000)*	\$20,000 – 35,000 (\$30,000)*

Note: W = Warning, C = Component Shut-in, and S = Facility Shut-in;
* = Starting Point for Assessment

<u>Category A</u>	<u>Category B</u>	<u>Category C</u>
<ul style="list-style-type: none"> • Threat of injury to humans. • Threat of harm or damage to the marine or coastal environment, including mammals, fish, and other aquatic life (threat may or may not involve endangered/threatened species). • Threat of pollution. • Threat of damage to any mineral deposit or property. 	<ul style="list-style-type: none"> • Injury to humans involving incapacitation of less than 72 hours. • Minor harm or damage to the marine or coastal environment, including mammals, fish, and other aquatic life (harm to aquatic life did not involve an endangered/threatened species). • Pollution caused by liquid hydrocarbon spillage of less than 200 bbl during a period of 30 days. • Minor damage to any mineral deposit or property. 	<ul style="list-style-type: none"> • Serious injury to humans or loss of human life. Injury caused incapacitation of 72 hours or more. • Serious harm or damage to the marine or coastal environment, including mammals, fish, and other aquatic life (harm to aquatic life involved numerous individuals <u>or</u> involved one or more members of an endangered/threatened species). • Pollution caused by liquid hydrocarbon spillage of 200 bbl or more during a period of 30 days. • Serious damage to any mineral deposit or property.

When using this table, the Reviewing Officer should use the starting point for the initial assessment. He/she should then consider these additional factors within each category range:

1. Record of compliance (annual performance review data [3 years], and District Office summary).
2. Severity of the violation(s).
3. Precedents set by similar cases.
4. Civil Penalty Case History

“Additional factors” 1 and 4 can be used to raise the penalty amount within the Category.

“Additional factors” 2 and 3 can raise or lower the penalty amount within the Category.

The MMS Technical Information Management System’s civil penalty component provides the Reviewing Officer additional information for determining the civil penalty history of the violator.

Additional information about this program can be found on the MMS home page at:

<http://www.mms.gov>.

Paperwork Reduction Act of 1995 Statement:

This NTL does not impose any information collection requirements be submitted to MMS subject to the Paperwork Reduction Act of 1995.

Contacts:

If you have any questions regarding this NTL, please contact Joanne McCammon of the Safety and Enforcement Branch by calling (703) 787-1292 or by email at joanne.mccammon@mms.gov.

Dated

Chris Oynes
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Offshore Minerals Management