

**UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF SAFETY AND ENVIRONMENTAL ENFORCEMENT**

NTL No. 2016-N05

Effective Date: July 28, 2016

NATIONAL NOTICE TO LESSEES AND OPERATORS OF FEDERAL OIL AND GAS AND
SULPHUR LEASES, OUTER CONTINENTAL SHELF (OCS)

Revised OCSLA Civil Penalty Assessment Matrix

Purpose

The purpose of this Notice to Lessees and Operators (NTL) is to provide updated information regarding BSEE's assessment of civil penalties for violations of the Outer Continental Shelf Lands Act (OCSLA). This NTL replaces NTL No. 2011-N06. Effective July 28, 2016, the maximum civil penalty amount will increase to \$42,017 per day per violation in accordance with the authorities described below. BSEE has revised the Civil Penalty Assessment Matrix below to reflect the increased maximum civil penalty amount per day per violation. The increase in the OCSLA maximum civil penalty amount and the revised Civil Penalty Assessment Matrix apply to civil penalties assessed on and after July 28, 2016, even when the associated violation(s) predates July 28, 2016.

Authority

BSEE's regulations (at 30 CFR 250.103) authorize BSEE to issue NTLs that clarify or provide more detail about certain requirements.

OCSLA directs the Secretary of the Interior to adjust the OCSLA maximum civil penalty amount at least once every three years to reflect any increase in the Consumer Price Index to account for inflation. 43 U.S.C. 1350(b)(1). The Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 (the 2015 Act) (Section 701 of Public Law 114-74), signed into law on November 2, 2015, directs BSEE to adjust the OCSLA maximum civil penalty amount through an interim final rulemaking no later than July 1, 2016, and yearly thereafter. Pursuant to OCSLA and the 2015 Act, BSEE published an interim final rulemaking on June 28, 2016 (81 FR 41801) adjusting the OCSLA maximum civil penalty amount at 30 CFR 250.1403. This adjustment to the daily, per violation OCSLA maximum civil penalty amount in turn necessitates adjustments to BSEE's Civil Penalty Assessment Matrix, reflected below.

**OCSLA Civil Penalty Assessment Matrix
July 28, 2016**

GENERALIZED MATRIX FOR OCSLA CIVIL PENALTY ASSESSMENTS IN \$/DAY/VIOLATION			
Enforcement Code	Category A	Category B	Category C
W	\$5,250 – 42,017 (\$15,750)*	\$10,500 – 42,017 (\$21,000)*	\$21,000 – 42,017 (\$26,250)*
C	\$10,500 – 42,017 (\$21,000)*	\$15,750 – 42,017 (\$26,250)*	\$31,500 – 42,017 (\$36,750)*
S	\$15,750 – 42,017 (\$26,250)*	\$21,000 – 42,017 (\$31,500)*	\$36,750– 42,017 (\$38,850)*

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>
<p>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.</p>	<p>Injury to humans that results in 1-3 days away from work or 1-3 days on restricted work or job transfer. 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 up to 50 barrels (bbls). Minor damage to any mineral deposit. Minor property damage equal to or less than \$25,000. Additional incidents required to be reported under 30 CFR 250.188, except (a)(6), (b)(1), and (b)(4).</p>	<p>Loss of human life. Injury to humans that results in more than 3 days away from work or more than 3 days on restricted work or job transfer. Serious harm or damage to the marine or coastal environment, including mammals, fish, and other aquatic life (harm to aquatic life involved numerous individuals or involved one or more members of an endangered/threatened species). Pollution caused by liquid hydrocarbon spillage of more than 50 barrels (bbls). Serious damage to any mineral deposit. Serious property damage greater than \$25,000.</p>

Civil Penalty Reviewing Officers should use the “Starting Point for Assessment” that corresponds with the appropriate violation Enforcement Code and Category as the starting point for each civil penalty assessment. The Civil Penalty Reviewing Officer should then consider the following factors when determining, within the given range, the appropriate civil penalty amount:

1. Record of compliance (utilizing 3 years of annual performance review data, and District Office summary).
2. Severity of the violation(s).
3. Precedents set by similar cases.
4. Civil penalty case history.

Factors 1 and 4 may be used to raise the penalty amount within the given range.

Factors 2 and 3 may be used to raise or lower the penalty amount within the given range.

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

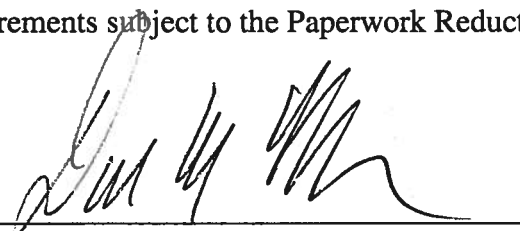
<http://www.bsee.gov>.

Contacts:

If you have any questions regarding this NTL, please call (703) 787-1326.

Paperwork Reduction Act of 1995 Statement:

This NTL imposes no information collection requirements subject to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 et seq.).



Douglas Morris
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