

**U.S. DEPARTMENT OF THE INTERIOR
MINERALS MANAGEMENT SERVICE**

NTL No. 97-5N

Effective Date: October 7, 1997

NOTICE TO LESSEES (NTL) AND OPERATORS OF FEDERAL OIL, GAS, AND
SULPHUR LEASES IN THE OUTER CONTINENTAL SHELF

**Outer Continental Shelf (OCS) Civil Penalties Program
Revised Assessment Matrix**

The purpose of this notice is to provide updated information on the OCS Civil Penalties Program. This NTL replaces the assessment matrix provided in NTL No. 96-7N. The Oil Pollution Act of 1990 requires the Secretary of the Interior to adjust the maximum civil penalty to reflect any increases in the Consumer Price Index.

On August 8, 1997, MMS published new regulations implementing the civil penalty provisions of the OCS Lands Act. Written in "plain English," the new question-and-answer format provides a better understanding of the OCS civil penalty process. The new rule increased the maximum civil penalty to \$25,000 per day per violation. The assessment matrix below, revised to reflect the increased maximum penalty, will apply to incidents of non-compliance issued on or after October 7, 1997:

**GENERALIZED MATRIX FOR CIVIL PENALTY
ASSESSMENTS IN \$/DAY/VIOLATION
OCTOBER 1997**

Enforcement Code	Category A	Category B	Category C
W	\$3,000 - 15,000	\$5,000 - 20,000	\$10,000 - 25,000
C	\$5,000 - 15,000	\$10,000 - 20,000	\$15,000 - 25,000
S	\$10,000 - 15,000	\$15,000 - 20,000	\$20,000 - 25,000

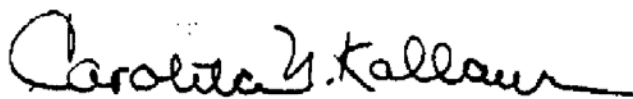
Note: W=Warning, C=Component Shut-in, and S=Facility Shut-in

<u>Category A</u>	<u>Category B</u>	<u>Category C</u>
<p>Threat of injury to humans.</p> <p>Threat of harm or damage to the marine or coastal environment, including mammals, fish, and other aquatic life.</p> <p>Threat of pollution.</p> <p>Threat of damage to any mineral deposit or property.</p> <p>First civil penalty.</p>	<p>Injury to humans involving incapacitation of less than 72 hours.</p> <p>Minor harm or damage to the marine or coastal environment, including mammals, fish, and other aquatic life.</p> <p>Pollution caused liquid hydrocarbon spillage under 200 BBL during a period of 30 days.</p> <p>Minor damage to any mineral deposit or property.</p> <p>Civil penalty history.</p>	<p>Serious injury to humans or loss of human life. Injury caused incapacitation over 72 hours.</p> <p>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 endangered/threatened species.)</p> <p>Pollution caused liquid hydrocarbon spillage of over 200 BBL during a period of 30 days.</p> <p>Serious damage to any mineral deposit or property.</p> <p>Civil penalty history.</p>

Additional factors considered within each category range:

- 1) Record of compliance.
- 2) Financial benefit derived by the company from the violation(s).
- 3) Severity of the violation(s).
- 4) Precedents set by similar cases.

Additional information about this program can be found on the MMS worldwide web home page, <http://www.mms.gov>.



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 for Offshore Minerals Management