

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

NTL No. 2003-N05

Effective Date: June 6, 2003

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

**Revised Assessment Matrix**

The purpose of this notice is to provide updated information on the OCS Civil Penalties Program. This NTL supersedes the assessment matrix provided in NTL No. 97-5N. 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.

On August 8, 1997, MMS published regulations that, among other things, increased the maximum civil penalty amount to \$25,000 per day per violation. In accordance with OPA 90 and the Office of Management and Budget guidelines, MMS has again increased the maximum amount of the civil penalty to \$30,000 per day per violation. (A final rule will be published to indicate this change.) The assessment matrix below, revised to reflect the increased maximum penalty, will apply to incidents of non-compliance issued on or after May 23, 2003.

**Generalized Table for Civil Penalty  
Assessments in \$/Day/Violation  
May 2003**

<b>Enforcement Code</b>	<b>Category A</b>	<b>Category B</b>	<b>Category C</b>
<b>W</b>	\$3,000 – 20,000	\$5,000 – 25,000	\$10,000 – 30,000
<b>C</b>	\$5,000 – 20,000	\$10,000 – 25,000	\$15,000 – 30,000
<b>S</b>	\$10,000 – 20,000	\$15,000 – 25,000	\$20,000 – 30,000

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

Additional factors considered within each category range are:

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

<u>Category A</u>	<u>Category B</u>	<u>Category C</u>
<ul style="list-style-type: none"> <li>• Threat of injury to humans.</li> <li>• Threat of harm or damage to the marine or coastal environment, including mammals, fish, and other aquatic life.</li> <li>• Threat of pollution.</li> <li>• Threat of damage to any mineral deposit or property.</li> <li>• Civil penalty history.</li> </ul>	<ul style="list-style-type: none"> <li>• Injury to humans involving incapacitation of less than 72 hours.</li> <li>• Minor harm or damage to the marine or coastal environment, including mammals, fish, and other aquatic life.</li> <li>• Pollution caused liquid hydrocarbon spillage under 200 BBL during a period of 30 days.</li> <li>• Minor damage to any mineral deposit or property.</li> <li>• Civil penalty history.</li> </ul>	<ul style="list-style-type: none"> <li>• Serious injury to humans or loss of human life. Injury caused incapacitation over 72 hours.</li> <li>• 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.)</li> <li>• Pollution caused liquid hydrocarbon spillage of over 200 BBL during a period of 30 days.</li> <li>• Serious damage to any mineral deposit or property.</li> <li>• Civil penalty history.</li> </ul>

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

**Paperwork Reduction Act of 1995 Statement:** This notice does not refer to or impose any new information collection subject to the Paperwork Reduction Act of 1995.

June 6, 2003

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Dated.

[signed] Thomas A. Readinger

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Thomas A. Readinger  
Associate Director for  
Offshore Minerals Management