

## § 1241.1

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AUTHORITY: 25 U.S.C. 396 *et seq.*, 396a *et seq.*, 2101 *et seq.*; 30 U.S.C. 181 *et seq.*, 351 *et seq.*, 1001 *et seq.*, 1701 *et seq.*; 43 U.S.C. 1301 *et seq.*, 1331 *et seq.*, 1801 *et seq.*

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### Subpart A—General Provisions

#### § 1241.1 What is the purpose of this part?

This part explains:

- (a) When you may receive a NONC, FCCP, or ILCP.
- (b) How ONRR assesses a civil penalty.
- (c) How to appeal a NONC, FCCP, or ILCP.

## 30 CFR Ch. XII (7–1–23 Edition)

#### § 1241.2 What leases are subject to this part?

This part applies to:

- (a) All Federal mineral leases onshore and on the OCS.
- (b) All Federally-administered mineral leases on Indian Tribal and individual Indian mineral owners' lands, regardless of the statutory authority under which the lease was issued or maintained.
- (c) All easements, rights of way, and other agreements subject to 43 U.S.C. 1337(p).

#### § 1241.3 What definitions apply to this part?

- (a) Unless specifically defined in paragraph (b) of this section, the terms in this part have the same meaning as in 30 U.S.C. 1702.

- (b) The following definitions apply to this part:

*Agent* means any individual or other person with the actual authority of, with the apparent authority of, or designated by a person subject to FOGRMA who acts or who, with apparent authority, appears to act on behalf of the person subject to FOGRMA.

*ALJ* means an Administrative Law Judge in the DCHD.

*Assessment* means a civil penalty set out in a FCCP or ILCP; it includes a dollar amount per violation for each day the violation continues. In this part "assessment" is used consistent with 30 U.S.C. 1719(k), but is distinguishable from "assessment" as defined in 30 U.S.C. 1702(19) and used in 30 U.S.C. 1702(25). Correspondence that we send to you to update you on the amount of penalties accrued or outstanding under a FCCP or ILCP we previously served on you is not an assessment.

*DCHD* means the Departmental Cases Hearings Division, Office of Hearings and Appeals.

*FCCP* means a Failure to Correct Civil Penalty Notice; it assesses a civil penalty if you fail to correct a violation identified in a NONC.

*FOGRMA* means the Federal Oil and Gas Royalty Management Act.

*IBLA* means the Interior Board of Land Appeals, Office of Hearings and Appeals.

## Natural Resources Revenue Off., Interior

## § 1241.6

*ILCP* means an Immediate Liability Civil Penalty Notice; it identifies a violation and assesses a civil penalty for the violation even if you have not been provided prior notice and an opportunity to correct the violation.

*Information* means any data that you provide to an ONRR data system, or otherwise provide to us for our official records, including, but not limited to, any report, notice, affidavit, record, data, or document that you provide to us, any document that you provide to us in response to our request, and any other written information that you provide to us.

*Knowingly or willfully* includes an act or failure to act committed with:

- (i) Actual knowledge;
- (ii) Deliberate ignorance; or
- (iii) Reckless disregard of the facts surrounding the event or violation; it requires no proof of specific intent to defraud.

*Maintains false, inaccurate, or misleading information* includes providing information to an ONRR data system, or otherwise to us for our official records, and later learning that the information that you provided was false, inaccurate, or misleading, and you do not correct that information or other information that you provided to us that you know or should know contains the same false, inaccurate, or misleading information.

*NONC* means a Notice of Noncompliance; it identifies a violation, specifies the corrective action that must be taken, and establishes the deadline for such action to avoid a civil penalty.

*Notice* means a NONC, FCCP, or ILCP, as defined in this section.

*OCS* means the Outer Continental Shelf.

*ONRR* means the Office of Natural Resources Revenue (also referred to in the regulations as “we,” “our,” and “us,” as appropriate).

*RSFA* means the Federal Oil and Gas Royalty Simplification and Fairness Act of 1996.

*Submits false, inaccurate, or misleading information* means that you provide false, inaccurate, or misleading information to an ONRR data system, or otherwise to us for our official records.

*Violation* means any action or failure to take action that is inconsistent with

the provisions of FOGPMA, RSFA, a regulation promulgated under either of those Acts, or a Federal or Indian lease as defined by FOGPMA, as amended.

*You (I)* means the recipient of a NONC, FCCP, or ILCP.

### § 1241.4 How will ONRR serve a Notice?

(a) We will serve a NONC, FCCP, or ILCP as set out in FOGPMA section 109(h) (30 U.S.C. 1719) by registered mail or personal service to the addressee of record or alternate, as identified in 30 CFR 1218.540.

(b) We will consider the Notice served on the date when it was delivered to the addressee of record or alternate, as identified in 30 CFR 1218.540.

### § 1241.5 Which ONRR enforcement actions are subject to a hearing?

Except as provided by § 1241.6, you may request a hearing on:

- (a) A NONC to contest your liability.
- (b) A FCCP to contest only the civil penalty amount, unless a request for hearing was filed under paragraph (a) of this section; in which case, the requests for hearing filed under paragraph (a) and this paragraph (b) will be combined into a single proceeding.
- (c) An ILCP to contest your liability, civil penalty amount, or both. If your hearing request does not state whether you are contesting your liability for the ILCP or the penalty amount, or both, you will be deemed to have requested a hearing only on the penalty amount.

(d) You may request a hearing even if you correct the violation identified in a Notice.

### § 1241.6 Which ONRR enforcement actions are not subject to a hearing?

You may not request a hearing on:

- (a) Your liability under an order identified in a NONC, FCCP, or ILCP if you did not appeal in a timely manner the order under 30 CFR part 1290 or you appealed in a timely manner the order under 30 CFR part 1290 but have exhausted your appeal rights.
- (b) Any correspondence that we send to you to update you on the amount of penalties accrued or outstanding under a FCCP or ILCP ONRR previously served on you.