

made, a notice of intent will be published. The administrative record will thereafter be open. The supplemental document will then be processed in the same fashion (exclusive of scoping) as a draft and a final statement (unless alternative procedures are approved by CEQ) and will become part of the administrative record.

(b) In addition, the Supplemental Rules of Practice set forth in subpart B of this part are applicable to such proceedings.

[66 FR 21061, Apr. 27, 2001]

PART 380—RULES OF PRACTICE GOVERNING PROCEEDINGS UNDER CERTAIN ACTS

Subpart B—Supplemental Rules of Practice

Subpart A—General

§ 380.10 Stipulations.

Sec.
380.1 Scope and applicability of rules of practice.

(a) At any time prior to the issuance of a complaint seeking a civil penalty under any of the Acts listed in §380.1, the Administrator, in his discretion, may enter into a stipulation with any person in which:

Subpart B—Supplemental Rules of Practice

(1) The Administrator or the Administrator's delegate gives notice of an apparent violation of the applicable Act, or the regulations issued thereunder, by such person and affords such person an opportunity for a hearing regarding the matter as provided by such Act;

380.10 Stipulations.

AUTHORITY: 7 U.S.C. 7701-7772 and 7781-7786; 16 U.S.C. 1540(a), 3373(a) and (b); 7 CFR 2.22, 2.80, and 371.3.

(2) Such person expressly waives hearing and agrees to pay a specified penalty within a designated time; and

Subpart A—General

§ 380.1 Scope and applicability of rules of practice.

(3) The Administrator agrees to accept the specified penalty in settlement of the particular matter involved if the penalty is paid within the designated time.

(a) The Uniform Rules of Practice for the Department of Agriculture promulgated in subpart H of part 1, subtitle A, title 7 CFR are the Rules of Practice applicable to adjudicatory administrative proceedings under the following statutory provisions:

(b) If the specified penalty is not paid within the time designated in such a stipulation, the amount of the stipulated penalty shall not be relevant in any respect to the penalty which may be assessed after issuance of a complaint.

(1) The Plant Protection Act, section 424 (7 U.S.C. 7734),

[48 FR 33468, July 22, 1983]

(2) Endangered Species Act Amendments of 1973, as amended, section 11(a), 16 U.S.C. 1540(a), and

(3) Lacey Act Amendments of 1981, as amended, section 4(a) and (b), (16 U.S.C. 3373 (a) and (b)).

PARTS 381-399 [RESERVED]