

(c) For rulemaking or adjudicatory proceedings, relevant environmental documents, comments, and responses will be a part of the administrative record.

(d) For all APHIS activity that is subject to the NEPA process, relevant environmental documents, comments, and responses will accompany proposals through the review process.

(e) The APHIS decisionmaker will consider the alternatives discussed in environmental documents in reaching a determination on the merits of proposed actions.

(f) APHIS will implement mitigation and other conditions established in environmental documentation and committed to as part of the decision-making process.

**§372.10 Supplementing environmental impact statements.**

Once a decision to supplement an environmental impact statement is 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.

**PART 380—RULES OF PRACTICE GOVERNING PROCEEDINGS UNDER CERTAIN ACTS**

**Subpart A—General**

Sec.

380.1 Scope and applicability of rules of practice.

**Subpart B—Supplemental Rules of Practice**

380.10 Stipulations.

AUTHORITY: Sec. 1, 37 Stat. 315, as amended; sec. 5, 37 Stat. 316, as amended; sec. 7, 37 Stat. 317, as amended; secs. 8 and 10, 37 Stat. 318, as amended; sec. 9, 37 Stat. 318; sec. 10, 45 Stat. 468; sec. 15, 45 Stat. 565; 56 Stat. 40, as amended; secs. 103 and 105, 71 Stat. 32, as amended; sec. 106, 71 Stat. 33; sec. 108, 71 Stat. 34, as amended; sec. 11(a), 87 Stat. 897; sec. 4, 95 Stat. 1074; 7 U.S.C. 149, 150bb 150dd, 150ee, 150gg, 154, 159–164a, 167, 16 U.S.C. 1540(a), 3373 (a) and (b), 7 CFR 2.22, 2.80, 371.2(c).

**Subpart A—General**

**§ 380.1 Scope and applicability of rules of practice.**

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:

Act of August 20, 1912, commonly known as the Plant Quarantine Act, section 10, as amended (7 U.S.C. 163, 164),

Act of January 31, 1942, as amended (7 U.S.C. 149),

Federal Plant Pest Act, section 108, as amended (7 U.S.C. 150gg),

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

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

In addition, the Supplemental Rules of Practice set forth in subpart B of this part shall be applicable to such proceedings.

[49 FR 22247, May 29, 1984]

**Subpart B—Supplemental Rules of Practice**

**§ 380.10 Stipulations.**

(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:

(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;

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

(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.

(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