

while en route from the point of destination of imported cargo to a point where export cargo is to be loaded or to an exterior port of departure by a reasonably direct route to, or nearer to, the place of such loading or departure.

(2) Neither use as enumerated in paragraph (f)(1)(i) or (ii) of this section constitutes a diversion to unpermitted point-to-point local traffic within the United States or a withdrawal of an instrument in the United States from its use as an instrument of international traffic under this section.

(g)(1) Except as provided in paragraph (j) of this section, a container (as defined in Article 1 of the Customs Convention on Containers) that is designated as an instrument of international traffic is deemed to remain in international traffic provided that the container exits the U.S. within 365 days of the date on which was admitted under this section. An exit from the U.S. in this context means a movement across the border of the United States into a foreign country where either:

(i) All merchandise is unladen from the container; or

(ii) Merchandise is laden aboard the container (if the container is empty).

(2) The person who filed the application for release under paragraph (a)(1) of this section is responsible for keeping and maintaining such records, otherwise generated and retained in the ordinary course of business, as may be necessary to establish the international movements of the containers. Such records shall be made available for inspection by Customs officials upon reasonable notice.

(3) If the container does not exit the U.S. within 365 days of the date on which it is admitted under this section, such container shall be considered to have been removed from international traffic, and entry for consumption must be made within 10 business days after the end of the month in which the container is deemed removed from international traffic. When entry is required under this section, any containers considered removed from international traffic in the same month may be listed on one entry. Such entry may be made at any port of entry. Under 19 U.S.C. 1484(a)(1)(B), the importer of record is required, using reasonable care, to complete the entry by filing with Customs the declared value, classification and rate of duty applicable to the merchandise. The importer of record must use the value of the container as determined in accordance with section 402, Tariff Act of 1930 (19

U.S.C. 1401a), as amended by the Trade Agreements Act of 1979 (TAA).

* * * * *

George J. Weise,

Commissioner of Customs.

Approved: June 25, 1997.

John P. Simpson,

Deputy Assistant Secretary of the Treasury.

[FR Doc. 97-20648 Filed 8-5-97; 8:45 am]

BILLING CODE 4820-02-P

DEPARTMENT OF THE TREASURY

31 CFR Part 27

Departmental Offices; Civil Penalty Assessment for Misuse of Department of the Treasury Names, Symbols, Etc.

AGENCY: Departmental Offices, Treasury.

ACTION: Interim rule.

SUMMARY: This interim rule sets forth the procedures by which civil penalties may be imposed for violations of the statutory prohibition against misuse of Department of the Treasury names, symbols, titles, abbreviations, initials, seals, or badges. Section 333(c) of title 31, United States Code, authorizes the Secretary of the Treasury to impose these civil penalties. These regulations are being promulgated to ensure that persons assessed a civil penalty under section 333(c) are accorded due process.

Published in the proposed rules section of this **Federal Register**, is a notice of proposed rulemaking inviting comments on the interim rule for a 60-day period following the publication date of this interim rule.

EFFECTIVE DATE: The interim regulations are effective August 6, 1997.

FOR FURTHER INFORMATION CONTACT: Karen Wehner, Senior Advisor, Office of Enforcement, 202-622-0300 (not a toll-free call).

SUPPLEMENTARY INFORMATION:

Introduction

This document sets forth an interim rule implementing 31 U.S.C. 333(c), which authorizes the Secretary of the Treasury to impose a civil penalty on any person who violates 31 U.S.C. 333(a), which prohibits the misuse of Department of the Treasury names, symbols, etc. Section 333(c) was enacted by title III, section 312(l)(1) of the Social Security Independence and Program Improvements Act of 1994, Pub. L. 103-296 (August 15, 1994).

Background

Section 333(a) of title 31, United States Code, prohibits, in connection with any advertisement, solicitation,

business activity, or product, the unauthorized use (1) of the words, abbreviations, initials, symbols, or emblems of Treasury or any of its components; (2) the titles of any officer or employee of the Treasury or any of its components; or (3) the words "United States Savings Bond" or the name of any other obligation issued by the Treasury. This prohibition extends to colorable imitations of words, titles, abbreviations, initials, symbols, and emblems. Section 333(b) provides that the prohibition applies regardless of whether the violator has used a disclaimer of affiliation with the United States Government or any agency thereof.

Section 333(c) provides that Secretary of the Treasury may impose a civil penalty on any person who violates section 333(a), in an amount not to exceed \$5,000 for each use of material in violation of section 333(a), unless the use is in a broadcast or telecast, in which case the penalty shall not exceed \$25,000 for each use. Section 333(c) imposes a three-year statute of limitation within which the Secretary of the Treasury may assess civil penalties, beginning on the date of the violation of section 333(a). Section 333(c) also imposes a two-year statute of limitation within which the Secretary of the Treasury may commence a civil action to recover any civil penalty imposed under section 333(c), beginning on the date the civil penalty was assessed.

Section 333(d) sets forth criminal penalties for knowing violations of 333(a). However, section 333(d)(3) provides that no criminal proceeding may be commenced under its provisions if a civil penalty previously has been assessed for that violation under section 333(c). Similarly, section 333(c)(4) provides that no civil penalty may be assessed under its provisions for a violation if a criminal proceeding has been commenced for that violation under section 333(d).

These regulations implement the authority of the Secretary of the Treasury under section 333(c) to impose a civil penalty on any person who violates section 333(a). The regulations also ensure that any person assessed with a civil penalty pursuant to section 333(c) is accorded due process in the civil penalty proceeding. Specifically, the regulations provide that any person assessed with a civil penalty pursuant to section 333(c): (1) Shall receive a notice of assessment citing the statutory provisions which allegedly have been violated, the factual basis for the allegation, the amount of any proposed civil monetary penalty and/or any other proposed civil or equitable remedy; (2)

shall have the opportunity to provide a written response to the notice of assessment requesting that the civil monetary penalty not be imposed, why the penalty should be in a lesser amount than proposed and or why the terms of a proposed civil or equitable remedy should be modified; (3) if it is determined that a violation has occurred, shall receive a final notice citing the statutory provisions found to have been violated, the facts warranting this conclusion, an analysis of why the facts and violations justify imposing a civil monetary penalty, the amount of penalty being imposed and/or the terms of any civil or equitable remedy imposed; and (4) is advised of the right to judicial review pursuant to 5 U.S.C. 701 et seq. of any penalty or remedy imposed. The regulations detail the time frames for issuing a notice of assessment, filing a written response to the notice, issuing a final notice of assessment and commencing a civil action to recover or enforce any penalty or remedy imposed.

The regulations also cite a nonexclusive list of factors which may be considered in determining whether to assess or impose a civil penalty pursuant to section 333(c).

Administrative Procedure Act

The Treasury Department for good cause finds that notice of these regulations, and public procedure thereon, is contrary to the public interest and, therefore, is issuing these regulations as an interim rule, without notice and public procedure under 5 U.S.C. 553(b), and without being subject to the effective date limitation in § 553(d). See 5 U.S.C. § 553(b)(B). Providing notice of these regulations and an opportunity for public procedure thereon is contrary to the public interest because the purposes of section 333 and these regulations are to protect the public from commercial activities that convey the false impression that they are associated with or approved, endorsed, sponsored or authorized by the Department of the Treasury, and to ensure that persons alleged to have engaged in any such activity are accorded due process.

Executive Order 12866

It has been determined that this interim rule is not a significant regulatory action as defined in E.O. 12866. Therefore, a regulatory assessment is not required.

Regulatory Flexibility Act

The provisions of the Regulatory Flexibility Act do not apply because no notice of proposed rulemaking is

required by 5 U.S.C. 553 or any other law. Accordingly, a regulatory flexibility analysis is not required.

Drafting Information

The principal author of this document is Abigail Roth, Attorney-Advisor, Office of the Assistant General Counsel (Enforcement). However, other personnel in the Departmental Offices contributed to this document both as to substance and style.

List of Subjects in 31 CFR Part 27

Administrative practice and procedure, Penalties.

For the reasons set out in the preamble, Title 31, Subtitle A, Part 27 of the Code of Federal Regulations is added to read as follows:

PART 27—CIVIL PENALTY ASSESSMENT FOR MISUSE OF DEPARTMENT OF THE TREASURY NAMES, SYMBOLS, ETC.

Sec.

- 27.1 Purpose.
- 27.2 Definitions.
- 27.3 Assessment of civil penalties.
- 27.4 Factors to be considered.
- 27.5 Initial Notice of Assessment.
- 27.6 Written response.
- 27.7 Final Notice of Assessment.
- 27.8 Judicial review.

Authority: 31 U.S.C. 321, 333.

§ 27.1 Purpose.

(a) The regulations in this part implement the provisions of 31 U.S.C. 333(c), which authorizes the Secretary of the Treasury to assess a civil penalty against any person who has misused the words, titles, abbreviations, initials, symbols, emblems, seals, or badges of the Department of the Treasury or any subdivision thereof in violation of 31 U.S.C. 333(a), in accordance with that section and this part.

(b) The regulations in this part do not apply to the extent that the Secretary or his/her designee has specifically authorized the person to manufacture, produce, sell, possess, or use the words, titles, abbreviations, initials, symbols, emblems, seals, or badges by written contract, agreement, or letter.

§ 27.2 Definitions.

(a) The term "assessing official" means:

- (1) The head of a bureau or other subdivision of the Department of the Treasury who has been delegated the authority to assess civil penalties under 31 U.S.C. 333(c); or
- (2) An officer or employee of a bureau or subdivision at the grade of GS-15 or above to whom such authority has been redelegated by the head of such bureau or subdivision.

(b) The term "broadcast" or "telecast" mean widespread dissemination by electronic transmission or method, whether audio and/or visual.

(c) The term "civil penalty" means:

- (1) A civil monetary penalty; and
- (2) Any other civil or equitable remedy deemed necessary to rectify the potential for a continued misuse or harm from an activity found to have been in violation of 31 U.S.C. 333 or this part.

(d) The term "date of offense" means the later of—

- (1) The date that the misuse occurred;
- (2) The date that the misuse had the effect of conveying the false impression that the activity was associated with or approved, endorsed, sponsored or authorized by the Department or any of its subdivisions or officers or employees; or

(3) If the violation is a continuing one, the date on which the misuse of the words, titles, abbreviations, initials, symbols, emblems, seals, or badges protected by this part last occurred.

(e) The term "days" means calendar days, unless otherwise stated.

(f) The term "person" means an individual, partnership, association, corporation, company, business, firm, manufacturer, or any other organization or institution.

§ 27.3 Assessment of civil penalties.

(a) *General Rule.* An assessing official may impose a civil penalty on any person—

(1) Who uses in connection with, or as a part of, any advertisement, solicitation, business activity, or product, whether alone or with other words, letters, symbols, or emblems;

(i) The words "Department of the Treasury," "United States Secret Service," "United States Customs Service," "Internal Revenue Service," "Bureau of Alcohol, Tobacco and Firearms," "Bureau of the Public Debt," "Bureau of Engraving and Printing," "Comptroller of the Currency," "Federal Law Enforcement Training Center," "Financial Crimes Enforcement Network," "United States Mint," or the name of any service, bureau, office, or other subdivision of the Department of the Treasury;

(ii) The titles "Secretary of the Treasury," "Treasurer of the United States," "Director of the Secret Service," "Commissioner of Customs," "Commissioner of Internal Revenue," "Director, Bureau of Alcohol, Tobacco and Firearms," "Commissioner of the Public Debt," "Director of the Bureau of Engraving and Printing," "Comptroller of the Currency," "Director of the Federal Law Enforcement Training

Center," "Director of the Financial Crimes Enforcement Network," "Director of the United States Mint," or the title of any other officer or employee of the Department of the Treasury or subdivision thereof;

(iii) The abbreviations or initials of any entity or title referred to in paragraph (a)(1)(i) or (a)(1)(ii) of this section, including but not limited to "USSS," "USCS," "IRS," "ATF," or "BATF," "BPD," "FLETC," "FINCEN" or "FinCEN," and "SBMO";

(iv) The words "United States Savings Bond," including any variation thereof, or the name of any other security, obligation, or financial instrument issued by the Department of the Treasury or any subdivision thereof;

(v) Any symbol, emblem, seal, or badge of an entity referred to in paragraph (a)(1)(i) of this section (including the design of any envelope, stationery, or identification card used by such an entity); or

(vi) Any colorable imitation of any such words, titles, abbreviations, initials, symbol, emblem, seal, or badge; and

(2) Where such use is in a manner that could reasonably be interpreted or construed as conveying the false impression that such advertisement, solicitation, business activity, or product is in any manner approved, endorsed, sponsored, or authorized by, or associated with the Department of the Treasury or any entity referred to in paragraph (a)(1)(i) of this section, or any officer, or employee thereof.

(b) *Disclaimers.* Any determination of whether a person has violated the provisions of paragraph (a) of this section shall be made without regard to any use of a disclaimer of affiliation with the United States Government or any particular agency or instrumentality thereof.

(c) *Civil Penalty.* An assessing official may impose a civil penalty on any person who violates the provisions of paragraph (a) of this section. The amount of a civil monetary penalty shall not exceed \$5,000 for each and every use of any material in violation of paragraph (a), except that such penalty shall not exceed \$25,000 for each and every use if such use is in a broadcast or telecast.

(d) *Time Limitations.* (1) Civil penalties imposed under this part must be assessed before the end of the three year period beginning on the date of offense charged.

(2) An assessing official may commence a civil action to recover or enforce any civil penalty imposed in a Final Notice of Assessment issued pursuant to § 27.7 at any time before the

end of the two year period beginning on the date of the Final Notice of Assessment. If judicial review of the Final Notice of Assessment is sought, the two year period begins to run from the date that a final and unappealable court order is issued.

(e) *Criminal Proceeding.* No civil penalty may be imposed under this part with respect to any violation of paragraph (a) of this section after a criminal proceeding on the same violation has been commenced by indictment or information under 31 U.S.C. 333(d).

§ 27.4 Factors to be considered.

The assessing official will consider relevant factors when determining whether to assess or impose a civil penalty under this part, and the amount of a civil monetary penalty. Those factors may include, but are not limited to, the following:

- (a) The scope of the misuse;
- (b) The purpose and/or nature of the misuse;
- (c) The extent of the harm caused by the misuse;
- (d) The circumstances of the misuse; and
- (e) The benefit intended to be derived from the misuse.

§ 27.5 Initial Notice of Assessment.

The assessing official shall serve an Initial Notice of Assessment by United States mail or other means upon any person believed to be in violation of § 27.3 and otherwise subject to a civil penalty. The notice shall provide the name and telephone number of an agency officer or employee who can provide information concerning the notice and the provisions of this part, and shall include the following:

- (a) A specific reference to the provisions of § 27.3 violated;
- (b) A concise statement of the facts that support the conclusion that such a violation occurred;
- (c) The amount of the penalty proposed, and/or any other proposed civil or equitable remedy;

(d) A notice informing the person alleged to be in violation of § 27.3 that he/she:

(1) May, within 30 days of the date of the notice, pay the proposed civil monetary penalty and consent to each proposed civil or equitable remedy, thereby waiving the right to make a written response under § 27.6 and to seek judicial review under § 27.8:

(i) By electronic funds transfer (EFT) in accordance with instructions provided in the notice, or

(ii) By means other than EFT only with the written approval of the assessing official;

(2) May make a written response within 30 days of the date of the notice asserting, as appropriate:

(i) Why a civil monetary penalty and/or other civil or equitable remedy should not be imposed;

(ii) Why a civil monetary penalty should be in a lesser amount than proposed; and

(iii) Why the terms of a proposed civil or equitable remedy should be modified;

(3) May be represented by an attorney or other representative, provided that a designation of representative signed by the person alleged to be in violation is received by the assessing official; and

(4) May request, within 20 days of the date of the notice, a copy of or opportunity to review any documents and/or other evidence compiled and relied on by the agency in determining to issue the notice (the assessing official reserves the right to assert privileges available under law and may decline to disclose certain documents and/or other evidence); and

(e) The Initial Notice of Assessment shall also inform the person that:

(1) If no written response is received within the time allowed in § 27.6(b), a Final Notice of Assessment may be issued without a presentation by the person;

(2) If a written response has been made and it is deemed necessary, the assessing official may request, orally or in writing, additional information from the respondent;

(3) A Final Notice of Assessment may be issued in accordance with § 27.7 requiring that the civil monetary penalty be paid and compliance with the terms of any other civil or equitable remedy;

(4) A Final Notice of Assessment is subject to judicial review in accordance with 5 U.S.C. 701 *et seq.*; and

(5) All submissions sent in response to the Initial

Notice of Assessment must be transmitted to the address specified in the notice and include the name, address, and telephone number of the respondent.

§ 27.6 Written response.

(a)(1) A person served with an Initial Notice of Assessment may make a written response explaining why the civil penalty should not be imposed, explaining why a civil monetary penalty should be in a lesser amount than proposed and/or explaining why the terms of a proposed civil or equitable remedy should be modified. The written response must provide:

(i) A reference to and specifically identify the Initial Notice of Assessment involved;

(ii) The full name of the person charged;

(iii) If not a natural person, the name and title of the head of the organization charged; and

(iv) If a representative of the person charged is filing the written response, a copy of the duly executed designation as representative.

(2) The written response must admit or deny each violation of § 27.3 charged in the Initial Notice of Assessment. Any charge not specifically denied will be presumed to be admitted. Where a charge is denied, the respondent shall specifically set forth the legal or factual basis upon which the charge is denied. If the basis of the written response is that the person charged is not the person responsible for the misuse(s) charged, the written response must set forth sufficient information to allow the agency to determine the truth of such an assertion. The written response should include any and all documents and/or other information that the respondent believes should be a part of the administrative record on the matter.

(b) *Time.* (1) Except as provided in paragraph (b)(2) of this section, any written response made under this paragraph must be received not later than 30 days after the date of the Initial Notice of Assessment.

(2) If a request for documents or other evidence is made pursuant to § 27.5(d)(4), the written response must be received not later than 20 days after the date of the Department's response to the request.

(3)(i) In computing the number of days allowed for filing a written response under this paragraph, the first day counted is the day after the date of the Initial Notice of Assessment. If the last date on which the response is required to be filed by this paragraph is a Saturday, Sunday or Federal holiday, the response will be due on the next weekday after that date.

(ii) If a response is transmitted by United States mail, it will be deemed timely filed if postmarked on or before the due date.

(4) The assessing official may extend the period for making a written response under paragraphs (b)(1) and (b)(2) for good cause shown. Generally, failure to obtain representation in a timely manner will not be considered good cause.

(c) *Filing.* A written response will be considered filed on the date received at the address specified in the Initial Notice of Assessment. The response may be sent by personal delivery, United States mail or commercial delivery. At the discretion of the assessing official, filing may be accomplished by facsimile or any other method deemed appropriate.

(d) The assessing official will fully consider the facts and arguments submitted by the respondent in the written response and any other documents filed pursuant to this paragraph in determining whether to issue a Final Notice of Assessment under § 27.7, the appropriate amount of the civil monetary penalty imposed and the terms of any other appropriate civil or equitable remedy.

§ 27.7 Final Notice of Assessment.

(a) In making a final determination whether to impose a penalty, the assessing official shall take into consideration all available information in the administrative record on the matter, including all information provided in or with a written response timely filed by the respondent and any additional information provided pursuant to § 27.5(e)(2). The assessing official will determine whether:

(1) The facts warrant a conclusion that no violation has occurred; or

(2) The facts warrant a conclusion that one or more violations have occurred; and

(3) The facts and violations found justify the conclusion that a civil penalty should be imposed.

(b) If the assessing official determines that no violation has occurred, the official shall promptly send a letter indicating that determination to the person served with an Initial Notice of Assessment and to any designated representative of such person.

(c)(1) If it has been determined that a violation has occurred, the assessing official shall issue a Final Notice of Assessment to the person served with an Initial Notice of Assessment and to any designated representative of such person.

(2) The assessing official may, in his/her discretion:

(i) Impose a civil monetary penalty and/or any civil or equitable remedy deemed necessary to rectify the potential for a continued misuse or harm from the violation(s);

(ii) Not impose a civil monetary penalty and/or civil or equitable remedy; or

(iii) Impose a civil monetary penalty and/or civil or equitable remedy and condition payment of the civil monetary penalty on the violator's future compliance with 31 U.S.C. 333, this part and any civil or equitable remedy contained in the Final Notice of Assessment. If a civil monetary penalty is imposed, the assessing official shall determine the appropriate amount of the penalty in accordance with 31 U.S.C. 333(c)(2).

(3) The Final Notice of Assessment shall:

(i) Include:

(A) A specific reference to the provisions of § 27.3 found to have been violated;

(B) A concise statement of the facts warranting a conclusion that a violations has occurred;

(C) An analysis of how the facts and violation(s) justify the conclusion that a civil monetary penalty and/or civil or equitable remedy should be imposed; and

(D) The amount of each civil monetary penalty imposed, a statement as to how the amount of each penalty was determined, and the terms of any civil or equitable remedy deemed necessary to rectify the potential for a continued misuse or harm from the violation(s); and

(ii) Inform the person that:

(A) Payment of a civil monetary penalty imposed by the Final Notice of Assessment must be made within 30 days of the date of the notice, and that any civil or equitable remedy imposed must be complied with as provided in the Final Notice of Assessment;

(B) Payment of a civil monetary penalty imposed by the Final Notice of Assessment shall be by EFT in accordance with instructions provided in the notice, unless the assessing official has given written approval to have payment made by other means;

(C) payment of a civil monetary penalty imposed by the Final Notice of Assessment constitutes consent by the person to comply with the terms of any civil or equitable remedy contained in the notice;

(D) If payment of a civil monetary penalty imposed by the Final Notice of Assessment has been waived on the condition that the person comply with the terms of any civil or equitable remedy contained in the notice or comply in the future with 31 U.S.C. 333 and this part, failure by the person to so comply will make the civil monetary penalty payable on demand;

(E) If a civil monetary penalty is not paid within 30 days of the date of the Final Notice of Assessment (or on demand under paragraph (C)(3)(ii)(D) of this section), or if a civil or equitable remedy is not complied with in accordance with the terms of the notice, a civil action to collect the penalty or enforce compliance may be commenced at any time within two years of the date of the Final Notice of Assessment; and

(F) Any civil monetary penalty and civil or equitable remedy imposed by the Final Notice of Assessment may be subject to judicial review in accordance with 5 U.S.C. 70 et seq.

§ 27.8 Judicial review.

A final Notice of Assessment issued under this party may be subject to judicial review pursuant to 5 U.S.C. 701 et seq.

Dated: July 18, 1997.

Raymond W. Kelly,

Under Secretary for Enforcement.

[FR Doc. 97-20646 Filed 8-5-97; 8:45 am]

BILLING CODE 4810-25-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[WA61-7136, WA64-7139a; FRL-5869-8]

Approval and Promulgation of Implementation Plans: Washington

AGENCY: Environmental Protection Agency.

ACTION: Direct final rule.

SUMMARY: Environmental Protection Agency (EPA) approves in part several minor revisions to the state of Washington Implementation Plan (SIP). Pursuant to section 110 (a) of the Clean Air Act (CAA), the Director of the Washington Department of Ecology (WDOE) submitted two requests to EPA dated November 25, 1996 and April 7, 1997 to revise the SIP for certain regulations of a local air pollution control agency, the Puget Sound Air Pollution Control Agency (PSAPCA).

DATES: This action is effective on October 6, 1997 unless adverse or critical comments are received by September 5, 1997. If the effective date is delayed, timely notice will be published in the **Federal Register**.

ADDRESSES: Written comments should be addressed to: Ms. Montel Livingston, SIP Manager, Office of Air Quality (OAQ-107), EPA, 1200 Sixth Avenue, Seattle, Washington 98101.

Documents which are incorporated by reference are available for public inspection at the Air and Radiation Docket and Information Center, Environmental Protection Agency, 401 M Street, SW, Washington, D.C. 20460. Copies of material submitted to EPA may be examined during normal business hours at the following locations: EPA, Region 10, Office of Air Quality (OAQ-107), 1200 Sixth Avenue, Seattle, Washington 98101, and WDOE, P.O. Box 47600, Olympia, Washington 98504.

FOR FURTHER INFORMATION CONTACT: Lisa Jacobsen, Office of Air Quality (OAQ-107), EPA, Seattle, Washington 98101, (206) 553-6917.

SUPPLEMENTARY INFORMATION:

I. Background

Two submittals from WDOE dated November 26, 1996 and April 7, 1997, were sent to EPA and consisted of minor amendments to PSAPCA Regulations I, II, and III.

The November 26, 1996 minor revisions were adopted by PSAPCA on September 12, 1997 after meeting public participation requirements on July 11, 1996 and October 10, 1996 and become state effective on October 31, 1997.

Regulation I, section 3.11, Civil Penalties, is amended in accordance with state law to adjust maximum penalty amounts for inflation and section 3.23, Alternate Means of Compliance, is amended to clarify alternate means of compliance. Sections 5.02, 5.03, 5.05, 5.07, 6.03, and 6.04 are amended to include updates reflecting state law regarding registration and to adjust the fees covering the program costs. A new § 7.09, General Reporting Standards, adds applicable reporting requirements to the operating permits section. Section 5.08, Shut Down Sources; and 5.11, Registration of Oxygenated Gasoline Blenders, were repealed because they are no longer needed. On October 11, 1996, EPA formally redesignated the Central Puget Sound CO nonattainment area to attainment, and approved a maintenance plan which will ensure that the Central Puget Sound area remains in attainment for CO. The maintenance plan removes the requirement for oxygenated fuel during the CO season but incorporates the requirement for the use of oxygenated fuel as a contingency measure in the event of a violation of the CO national ambient air quality standard.

Regulation II, section 2.09, the elimination of the oxygenated gasoline contingency measure and fee schedule, was approved by EPA in an earlier action (62 FR 23363-23365) on April 30, 1997.

Regulation III section 4.03 is amended to clarify existing language and to increase fees to cover the costs of administering the program.

The April 7, 1997 submittal was adopted by PSAPCA after meeting public participation requirements on December 12, 1996 and became state effective January 15, 1997.

Regulation I, section 5.03 was amended to clarify the registration requirements. Section 6.04 was amended for clarification of the Notice of Construction.

Regulation III, sections 1.11, 2.01, and 2.05 were amended for clarification of

requirements when dealing with Toxic Air Contaminants.

II. Summary of Action

EPA is, by today's action, approving the following revisions submitted by WDOE on November 26, 1996 and April 7, 1997 as amendments to the regulations of PSAPCA and for inclusion into the SIP:

Regulation I

- Section 3.11, Civil Penalties
- Section 3.23, Alternate Means of Compliance
- Section 5.02, Definitions and Components of Registration Program
- Section 5.03, Registration Required
- Section 5.05, General Requirements for Registration
- Section 5.07, Registration Fees
- Section 6.03, Notice of Construction
- Section 6.04, Notice of Construction Review Fees
- Section 7.09, General Reporting Requirements

Regulation III

- Section 1.11, Reporting Requirements
- Section 2.01, Applicability
- Section 2.05, Sources of Toxic Air Contaminants

EPA approves the following deletions from the SIP:

Regulation I

- Section 5.08, Shut Down Sources
- Section 5.11, Registration of Oxygenated Gasoline Blenders

The EPA is publishing this action without prior proposal because the Agency views this as a noncontroversial amendment and anticipates no adverse comments. However, in a separate document in this **Federal Register** publication, the EPA is proposing to approve the SIP revision should adverse or critical comments be filed. This action will be effective October 6, 1997 unless, by September 5, 1997, adverse or critical comments are received.

If the EPA receives such comments, this action will be withdrawn before the effective date by publishing a subsequent document that will withdraw the final action. All public comments received will be addressed in a subsequent final rule based on this action serving as a proposed rule. The EPA will not institute a second comment period on this action. Any parties interested in commenting on this action should do so at this time. If no such comments are received, the public is advised that this action will be effective October 6, 1997.

Nothing in this action should be construed as permitting or allowing or establishing a precedent for any future