

publish in the **Federal Register** notice of and the reasons for such denial.

(b) *Civil judicial penalties.*

(1) *Generally.* Any person who violates this subpart shall be subject to a civil penalty not to exceed \$25,000 per day for each violation. Each day a violation continues constitutes a separate violation.

(2) *Limitation.* A person is not liable for a civil judicial penalty under this paragraph for a violation if the person has been assessed a civil administrative penalty under paragraph (a) of this section for the violation.

(c) *Determination of amount.* In determining the amount of a civil penalty under paragraphs (a) or (b) of this section, the court or the Secretary or his delegatee shall consider the seriousness of the violation, any history of such violations, any good-faith efforts to comply with applicable requirements, the economic impact of the penalty on the violator, and other such matters as justice may require.

(d) *Criminal Penalties.*

(1) *Negligent violations.* Any person who negligently violates this subpart commits a Class A misdemeanor.

(2) *Knowing violations.* Any person who knowingly violates this subpart commits a Class D felony.

(3) *False Statements.* Any person who knowingly makes any false statement, representation, or certification in any record, report or other document filed or required to be maintained under this subpart, or who falsifies, tampers with, or knowingly renders inaccurate any testing or monitoring device or method required to be maintained under this subpart commits a Class D felony.

(e) *Awards.*

(1) The Secretary or his delegatee or the court, when assessing any fines or civil penalties, as the case may be, may pay from any fines or civil penalties collected under this section an amount not to exceed one-half of the penalty or fine collected to any individual who furnished information which leads to the payment of the penalty or fine. If several individuals provide such information, the amount shall be divided equitably among such individuals. No officer or employee of the United States, the State of Alaska or any Federally recognized Tribe who furnishes information or renders service in the performance of his or her official duties shall be eligible for payment under this paragraph (e)(1).

(2) The Secretary, his delegatee, or a court, when assessing any fines or civil penalties, as the case may be, may pay, from any fines or civil penalties collected under this section, to the State of Alaska or any Federally recognized

Tribe providing information or investigative assistance which leads to payment of the penalty or fine, an amount which reflects the level of information or investigative assistance provided. Should the State of Alaska or a Federally recognized Tribe and an individual under paragraph (e)(1) of this section be eligible for an award, the Secretary, his delegatee, or the court, as the case may be, shall divide the amount equitably.

(f) *Liability in rem.* A cruise vessel operated in violation of this subpart is liable in rem for any fine imposed under paragraph (c) of this section or for any civil penalty imposed under paragraphs (a) or (b) of this section, and may be proceeded against in the United States district court of any district in which the cruise vessel may be found.

Dated: April 18, 2001.

J.V. O'Shea,

*Captain, U.S. Coast Guard, Acting
Commander, Seventeenth Coast Guard
District.*

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[TX-101-1-7394b; FRL-6969-2]

Approval and Promulgation of Implementation Plans; Texas; Post 96 Rate of Progress Plan, Motor Vehicle Emissions Budgets (MVEB) and Contingency Measures for the Houston/Galveston (HGA) Ozone Nonattainment Area

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The EPA is proposing to give direct final approval to portions the Texas State Implementation Plan (SIP) revision submitted by the Governor of Texas on May 19, 1998 to meet the reasonable further progress requirements of the Clean Air Act (the Act). We are also approving the Motor Vehicle Emissions Budget (MVEB) established by the Reasonable Further Progress Plan, revisions to the Houston area's contingency measures and revisions to the 1990 base year emissions inventory for the Houston/Galveston nonattainment area. The EPA is proposing to take direct final action on revisions to the Texas State Implementation Plan.

In the "Rules and Regulations" section of this **Federal Register**, EPA is

approving the State's SIP revision as a direct final rule without prior proposal because the EPA views this as a noncontroversial revision and anticipates no adverse comment. The EPA has explained its reasons for this approval in the preamble to the direct final rule. If EPA receives no relevant adverse comments, the EPA will not take further action on this proposed rule. If EPA receives relevant adverse comment, EPA will withdraw the direct final rule and it will not take effect. The EPA will address all public comments in a subsequent final rule based on this proposed rule. The EPA will not institute a second comment period on this action. Any parties interested in commenting must do so at this time.

DATE: Written comments must be received by May 25, 2001.

ADDRESSES: Written comments should be addressed to Mr. Thomas H. Diggs, Chief, Air Planning Section (6PD-L), at the EPA Region 6 Office listed below. Copies of documents relevant to this action are available for public inspection during normal business hours at the following locations. Anyone wanting to examine these documents should make an appointment with the appropriate office at least two working days in advance.

Environmental Protection Agency,
Region 6, Air Planning Section (6PD-L),
1445 Ross Avenue, Dallas, Texas 75202-
2733.

Texas Natural Resource Conservation
Commission, Office of Air Quality,
12124 Park 35 Circle, Austin, Texas
78753.

FOR FURTHER INFORMATION CONTACT: Mr. Guy R. Donaldson, P.E., Air Planning Section (6PD-L), EPA Region 6, 1445 Ross Avenue, Dallas, Texas 75202-2733, telephone (214)665-6691.

SUPPLEMENTARY INFORMATION: This document concerns Post 96 Rate of Progress requirements in the Houston Galveston ozone nonattainment area. For further information, please see the information provided in the direct final action that is located in the "Rules and Regulations" section of this **Federal Register** publication.

Authority: 42 U.S.C. 7401 *et seq.*

Dated: April 5, 2001.

Jerry Clifford,

Acting Regional Administrator, Region 6.

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