

regulations or directives issued by the Secretary of Homeland Security.

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■ 10. In § 107.221, revise paragraph (e) to read as follows:

**§ 107.221 Determination.**

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(e) A determination under this section constitutes an administrative finding of whether a particular requirement of a State or political subdivision thereof or Indian tribe is preempted under the Federal hazardous materials transportation law, or whether preemption is waived.

**§ 107.315 [Amended]**

■ 11. In § 107.315, in paragraphs (c) and (d), the words “Financial Operations Division (AMZ–320), Federal Aviation Administration, Mike Monroney Aeronautical Center, P.O. Box 25880, Oklahoma City, OK 73125” are revised to read: “Financial Operations Division (AMZ–120), Federal Aviation Administration, Mike Monroney Aeronautical Center, P.O. Box 25082, Oklahoma City, OK 73125”.

**§ 107.329 [Amended]**

■ 12. In § 107.329, in paragraphs (a) and (b), the words “\$25,000 (\$27,500 for a violation occurring after January 21,

1997) and not less than \$250 for each violation.” are revised to read: “\$32,500 and not less than \$275 for each violation. (For a violation that occurred after January 21, 1997, and before October 1, 2003, the maximum and minimum civil penalties are \$27,500 and \$250, respectively.)”

**Subpart D, Appendix A [Amended]**

■ 13. In part I of appendix A to subpart D of part 107, the parenthetical phrase “(as of January 18, 1997)” is revised to read: “(as of October 1, 2003)”.

■ 14. Appendix A to subpart D of part 107 is amended by revising the List of Frequently Cited Violations (Part II) to read as follows:

**II.—LIST OF FREQUENTLY CITED VIOLATIONS**

Violation description	Section or cite	Baseline assessment
<b>General Requirements</b>		
A. Registration requirements: Failure to register as an offeror or carrier of hazardous material and pay registration fee.	107.608, 107.612 .....	\$1,000 + \$500 each additional year.
B. Training requirements:		
1. Failure to provide initial training to hazmat employees (general awareness, function-specific, safety, and security awareness training):	172.702.	
a. more than 10 hazmat employees .....	.....	\$700 and up each area.
b. 10 hazmat employees or fewer .....	.....	\$400 and up each area.
2. Failure to provide recurrent training to hazmat employees (general awareness, function-specific, safety, and security awareness training).	172.702.	
a. more than 10 hazmat employees .....	.....	\$400 and up each area.
b. 10 hazmat employees or fewer .....	.....	\$250 and up each area.
3. Failure to provide in depth security training (when a security plan is required).	172.702.	
a. no security plan developed .....	.....	included in penalty for no security plan \$2,500.
b. security plan developed but employee not trained.		
4. Failure to create and maintain training records .....	172.704.	
a. more than 10 hazmat employees .....	.....	\$800 and up.
b. 10 hazmat employees or fewer .....	.....	\$500 and up.
C. Security plans:		
1. Failure to develop a security plan; failure to adhere to security plan.	172.800..	
a. No security plan at all; no adherence .....	.....	\$6,000 and up.
b. Incomplete security plan or incomplete adherence (one or more of three required elements missing).	.....	\$2,000 and up for each element.
2. Failure to update a security plan to reflect changing circumstances.	172.802(b) .....	\$2,000 and up.
3. Failure to put security plan in writing; failure to make all copies identical.	172.800(b) .....	\$2,000 and up.
D. Notification to a foreign shipper: Failure to provide information of HMR requirements applicable to a shipment of hazardous materials within the United States, to a foreign offeror or forwarding agent at the place of entry into the U.S.	171.12(a) .....	\$1,500 to \$7,500 (corresponding to violations by foreign offeror or forwarding agent).
E. Expired Exemption: Offering or transporting a hazardous material, or otherwise performing a function covered by an exemption, after expiration of the exemption.	171.2(a), (b), (c), Various .....	\$1,000 + \$500 each additional year.

**Offeror Requirements—All hazardous materials**

A. Undeclared Shipment: Offering for transportation a hazardous material without shipping papers, package markings, labels, or placards.	172.200, 172.300, 172.400, 172.500 ....	\$15,000 and up.
B. Shipping Papers:		