

II.—LIST OF FREQUENTLY CITED VIOLATIONS—Continued

Violation description	Section or cite	Baseline assessment
18. Marking a "+" sign on a cylinder without determining the average or minimum wall stress by calculation or reference to CGA Pamphlet C-5.	173.302a(b)	\$2,000 to \$4,000.
19. Marking a cylinder in or on the sidewall when not permitted by the applicable specification.	180.213(b)	\$6,000 to \$10,800.
20. Failure to maintain legible markings on a cylinder	180.213(b)(1)	\$800.
21. Marking a DOT 3HT cylinder with a steel stamp other than a low-stress steel stamp.	180.213(c)(2)	\$6,000 to \$10,800.
22. Improper marking of the RIN or retest date on a cylinder.	180.213(d)	\$800.
23. Marking an FRP cylinder with steel stamps in the FRP area of the cylinder such that the integrity of the cylinder is compromised.	Applicable Exemption	\$6,000 to \$10,800.
24. Failure to maintain current copies of 49 CFR, DOT exemptions, and CGA Pamphlets applicable to inspection, retesting, and marking activities.	180.215(a)	\$600 to \$1,200.
25. Failure to keep complete and accurate records of cylinder reinspection and retest.	180.215(b).	
a. No records kept .....	.....	\$4,000.
b. Incomplete or inaccurate records .....	.....	\$1,000 to \$3,000.
26. Failure to report in writing a change in name, address, ownership, test equipment, management, or retester personnel.	171.2(c) & (e), Approval Letter	\$600 to \$1,200.

Carrier Requirements

A. Incident Notification:		
1. Failure to give immediate notification of a reportable hazardous materials incident.	171.15	\$3,000.
2. Failure to file a written hazardous material incident report within 30 days following an unintentional release of hazardous materials in transportation (or other reportable incident).	171.16	\$500 to \$2,500.
B. Shipping Papers:		
Failure to retain shipping papers for 375 days after a hazardous material (or 3 years for a hazardous waste) is accepted by the initial carrier.	174.24(b), 175.30(a)(2), 176.24(b), 177.817(f).	\$1,000.
C. Stowage/transportation Requirements:		
1. Transporting packages of hazardous material that have not been secured against movement.	Various	\$3,000.
2. Failure to properly segregate hazardous materials	Various	\$7,500 and up.
3. Transporting explosives in a motor vehicle containing metal or other articles or materials likely to damage the explosives or any package in which they are contained, without segregating in different parts of the load or securing them in place in or on the motor vehicle and separated by bulkheads or other suitable means to prevent damage.	177.835(i)	\$5,200.
4. Transporting railway track torpedoes outside of flagging kits, in violation of DOT-E 7991.	171.2(b) & (e)	\$7,000.
5. Transporting Class 7 (radioactive) material having a total transport index greater than 50.	177.842(a)	\$5,000 and up.
6. Transporting Class 7 (radioactive) material without maintaining the required separation distance.	177.842(b)	\$5,000 and up.
7. Failure to comply with requirements of an exemption authorizing the transportation of Class 7 (radioactive) material having a total transportation index of 50.	171.2(b) & (e).	
a. Failure to have the required radiation survey record.	.....	\$5,000.
b. Failure to have other required documents .....	.....	\$500 each.
c. Other violations .....	.....	\$5,000 and up.

■ 15. In part IV of appendix A to subpart D of part 107, under Section IV.C. ("Penalty Increases for Multiple Counts"), the words in the first sentence "up to \$25,000 (\$27,500 for a violation occurring after January 21, 1997)" are

revised to read: "up to \$32,500 (\$27,500 for a violation occurring after January 21, 1997, and before October 1, 2003)."

■ 16. In part IV of appendix A to subpart D of part 107, the text to Section IV.E.

entitled "Penalty Increases for Prior Violations" is revised to read as follows:

The baseline penalty presumes an absence of prior violations. If prior violations exist, generally they will serve to increase a proposed penalty.