

the date of issuance of the final rule and not later than two years after the date of issuance. This final rule is an informational appendix and imposes no requirements. Thus, preparation of a federalism assessment is not warranted.

Regulatory Flexibility Act

I certify that this final rule will not have a significant economic impact on a substantial number of small entities. This rule applies to shippers and carriers of hazardous materials, some of which are small entities; however, there is no economic impact.

Paperwork Reduction Act

There are no new information requirements in this final rule.

List of Subjects in 49 CFR Part 107

Administrative practices and procedure, Hazardous materials transportation, Packaging and containers, Penalties, Reporting and recordkeeping requirements.

In consideration of the foregoing, 49 CFR part 107 is amended as follows:

PART 107—HAZARDOUS MATERIALS PROGRAM PROCEDURES

1. The authority citation for part 107 continues to read as follows:

Authority: 49 U.S.C. 5101–5127, 44701; 49 CFR 1.45 and 1.53.

2. Appendix A is added to subpart D of part 107 to read as follows:

Appendix A to Subpart D of Part 107—Guidelines for Civil Penalties

I. This appendix sets forth the guidelines used by the Office of Hazardous Materials Safety (as of January 18, 1995) in making initial baseline determinations for recommending civil penalties. The first part of these guidelines is a list of baseline amounts or ranges for probable violations frequently cited in enforcement reports referred for action. Following the list of violations are general guidelines used by OHMS in making initial penalty determinations in enforcement cases.

II. List of Frequently Cited Violations

Violation description	Section or cite	Baseline assessment
Part 107—Requirements		
Failure to register as a carrier or shipper of hazardous material	107.608	\$1,500
Part 171—Requirements		
Failure to inform foreign shipper and U.S. forwarding agent of 49 CFR requirements applying to a shipment within the U.S.	171.12(a)	7,200
Failure to file a DOT 5800.1 Hazardous Materials Incident Report within 30 days following an unintentional release of hazardous materials in transportation.	171.16	3,100
Part 172—Requirements		
Shipping Papers (§§ 172.200–172.205):		
Failure to execute a shipping paper for a shipment of hazardous materials	172.201	5,200
Failure to follow one or more of the three approved formats for listing hazardous materials on a shipping paper.	172.201(a)(1)	1,200
Failure to include a proper shipping name in the proper shipping description	172.202	1,850
Failure to include a hazard class/division number in the proper shipping description	172.202	1,850
Failure to include the identification number in the proper shipping description	172.202	1,200
Using an incorrect identification number in the proper shipping description	172.202	1,850
Using an incorrect identification number in the proper shipping description, that changes the required response information.	172.202	2,500
Using a shipping description that is mostly correct, but includes extra or incorrect words	172.202	1,000
Using a shipping description that includes additional unauthorized information	172.202	850
Using a proper shipping description not in required sequence	172.202	500
Using a shipping description that is missing two required elements	172.202	3,100
Using a shipping description where more than two required elements are missing	172.202	4,300
Using a shipping name and hazard class that is incorrect, such that the material is misdescribed.	172.202	3,700
Using a shipping name and hazard class that is incorrect, such that a material is misclassified.	172.202	6,200
Failure to include the total quantity of hazardous material covered by a shipping description.	172.202(c)	430
The letters “RQ” are not used in the shipping description to identify materials that are hazardous substances.	172.203(c)(2)	500
Failure to include a required technical name in parentheses for a listed generic or “n.o.s.” material.	172.203(k)	1,200
Failure to list an exemption number as part of the required shipping description	172.203(a)	1,200
Failure to include the required shipper’s certification on a shipping paper	172.204(a)	1,800
Failure to execute the required shipper’s certification on a shipping paper	172.204	1,000
Emergency Response Information Requirements (§§ 172.600–172.604):		
Providing or listing incorrect emergency response information with or on a shipping paper (if significant difference in response).	172.602	2,600
Providing or listing incorrect emergency response information with or on a shipping paper (if no significant difference in response).	172.602	1,300
Failure to include an emergency response telephone number on a shipping paper	172.604	2,600
Failure to have the emergency response telephone number monitored while a hazardous material is in transportation.	172.604	1,300
Listing a fraudulent emergency response telephone number on a shipping paper	172.604	3,700