

Respondent means a person upon whom the RSPA has served a notice of probable violation.

State means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, the Virgin Islands, American Samoa, Guam, or any other territory or possession of the United States designated by the Secretary; except that as used in 49 U.S.C. 5119, relating to uniformity of State registration and permitting forms and procedures, such term means a State of the United States and the District of Columbia.

Transports or *transportation* means any movement of property by any mode, and any loading, unloading, or storage incidental thereto.

[Amdt. 107-3, 41 FR 38170, Sept. 9, 1976, as amended by Amdt. 107-4, 43 FR 43307, Sept. 25, 1978; Amdt. 107-5, 43 FR 48642, Oct. 19, 1978; Amdt. 107-8, 46 FR 9888, Jan. 29, 1981; Amdt. 107-12, 48 FR 53711, Nov. 29, 1983; 50 FR 45730, Nov. 1, 1985; Amdt. 107-24, 56 FR 8621, Feb. 28, 1991; Amdt. 107-23, 56 FR 66157, Dec. 20, 1991; Amdt. 107-32, 59 FR 49130, Sept. 26, 1994; Amdt. 107-38, 61 FR 21094, May 9, 1996; 65 FR 58618, Sept. 29, 2000; 66 FR 45377, Aug. 28, 2001]

§ 107.5 Request for confidential treatment.

(a) If any person filing a document with the Associate Administrator claims that some or all the information contained in the document is exempt from the mandatory public disclosure requirements of the Freedom of Information Act (5 U.S.C. 552), is information referred to in 18 U.S.C. 1905, or is otherwise exempt by law from public disclosure, and if that person requests the Associate Administrator not to disclose the information, that person shall file, together with the document, a second copy of the document with the confidential information deleted. The person shall indicate each page of the original document that is confidential or contains confidential information by marking or stamping "confidential" on each page for which a claim of confidentiality is made, and may file a statement specifying the justification for the claim of confidentiality. If the person states that the information comes within the exception in 5 U.S.C. 552(b)(4) for trade secrets and commer-

cial or financial information, that person shall include a statement as to why the information is privileged or confidential. If the person filing a document does not mark or stamp a document as confidential or submit a second copy of the document with the confidential information deleted, the Associate Administrator may assume that there is no objection to public disclosure of the document in its entirety.

(b) The Associate Administrator retains the right to make its own determination with regard to any claim of confidentiality. Notice of a decision by the Associate Administrator to deny the claim, in whole or in part, and an opportunity to respond shall be given to a person claiming confidentiality of information no less than five days prior to its public disclosure.

[40 FR 48470, Oct. 15, 1975, as amended by Amdt. 107-24, 56 FR 8621, Feb. 28, 1991; Amdt. 107-38, 61 FR 21095, May 9, 1996]

§ 107.7 Service of process on non-residents of the United States.

(a) *Designation of agent for service.* When a person who is not a resident of the United States is required by this subchapter or subchapter C of this chapter to designate a permanent resident of the United States as his agent upon whom service of process may be made for him and on his behalf, the agent may be an individual, a firm, or a domestic corporation. Any number of principals may designate the same person as agent. A designation is binding on a principal even if the designation is not in compliance with all the requirements of this section, until rejected by the Associate Administrator. A designated agent may not assign performance of his functions under the designation to another person.

(b) *Form and contents of designation.* The designation shall:

- (1) Be in writing and dated;
- (2) Be made in the legal form required to make it valid and binding on the principal under the laws, corporate bylaws, or other requirements governing the making of the designation by the principal at the place and time where it is made and the person or persons signing the designation shall certify that it is so made;