and guidelines and then reduce that penalty by 50 percent for each violation processed under this program. In no case will a penalty be less than the statutory minimum of $250.

If the recipient pays the ticket amount and states that action has been taken to correct the violation, the matter is closed and there is no further agency action. If the recipient elects to contest a ticket, that person may do so, within 45 days of receiving the ticket, by making an informal response under 49 CFR 107.317 or requesting a formal hearing under 49 CFR 107.319. In this situation, the ticket will be the functional equivalent of an NOPV, and contested matters will be handled by OCC. OCC will not be bound by the reduced penalty amount shown on the ticket and could impose a penalty as high as the unreduced proposed penalty determined under RSPA's civil penalty guidelines, which is also shown on the ticket. OCC will not seek a penalty greater than the highest penalty amount shown on the ticket.

A recipient waives the right to a hearing by failing to respond to the ticket within 45 days. Moreover, failure to respond is deemed an admission of the violation, and the reduced penalty is owed to RSPA. Unpaid penalty amounts constitute a debt owed to the United States Government.

III. Pilot Ticketing Program Evaluation

The NPRM contained a proposal for a two-year pilot program. RSPA indicated in the preamble of the final rule that, at the end of two years from May 15, 1996, it would evaluate the program in terms of cost savings, time savings, and impact on the effectiveness of its compliance program.

1. Experience Under the Program

Between June 1, 1996 and April 30, 1998, RSPA issued 380 tickets and closed 285 tickets with collection of $351,757 in civil penalties. Regarding the closed tickets, 231 of them (82%) involved one or more of the violations previously listed. Nearly half of all the closed tickets involved failure to train employees, failure to maintain records of training or both. The next most frequent violations were manufacture of unauthorized DOT specification packaging after its expiration date (8%), failure to register with RSPA (7%), and operating under an expired exemption (6%).

2. Cost Savings

RSPA has determined that, because of its streamlined approach, the ticketing program has produced significant costs savings for its compliance program and for the regulated community. A party who chooses to pay the ticket receives an immediate cost saving because the proposed penalty is half of what it would have been in a civil penalty proceeding. The ticket recipient also avoids the need to make a detailed written response to the agency (other than a statement addressing corrective action) and avoids the oral and written communications that arise during OCC processing of the case. The formal hearing process is bypassed and legal fees are avoided.

OHME and OCC realize cost savings when a party elects to pay a ticket because there is no OCC or post-ticket OHME involvement in the matter. OCC does not have to issue an NOPV, hold an informal conference, respond to a compromise offers, issue an order, participate in ALJ proceedings, draft a decision on appeal, or issue a close-out letter. OHME avoids involvement in informal conferences or ALJ proceedings and does not have to interact with the OCC on factual and technical issues.

Even where a ticket is contested, there are cost savings to OCC, which will not be required to issue an NOPV, but can rely on the ticket to have provided notice of the alleged violations to the ticket recipient. The information that OCC receives from OHME will contain the ticket, a response to the ticket (which may set forth corrective action) and possibly a compromise offer. This information allows OCC to begin processing the case in a more advanced state than would otherwise be the case and reduces the overall processing time.

3. Time Savings

As stated in the discussion of cost savings, the ticketing program has produced significant time savings in the amount of work required by OHME, OCC and the ticket recipient to process an enforcement case. In addition, the average length of time it takes to process a ticket is significantly less than the time it takes to process a case under the current procedures. To illustrate, RSPA closed 200 civil penalty cases in 1997; the average time from issuance of the Notice of Probable Violation to closure of the case was 17 months. By contrast, RSPA closed 145 tickets in 1997; the average time from issuance to closure was 1.5 months.

4. Impact on the Effectiveness of RSPA's Compliance Program

The primary means for RSPA to determine the effectiveness of its enforcement program is to conduct reinspections of companies involved in enforcement actions. Although RSPA's reinspection program with regard to civil penalties cases is extensive, RSPA only recently began to do reinspections of parties which had received tickets. Thus far, the compliance rate is over 90%.

Another direct result of the effectiveness of the ticketing program is the ability of RSPA personnel to spend the time saved by disposing of cases through tickets on other matters, such as outreach programs, inspection and investigation of more serious types of violations and more expeditious processing of existing enforcement cases.

IV. Conclusion

In light of the cost and time savings for all involved parties and the positive impact on the effectiveness of RSPA's hazardous materials compliance program, RSPA has decided to continue the ticketing program.

Issued in Washington, DC on May 22, 1998.

Alan I. Roberts,

Associate Administrator for Hazardous Materials Transportation.

[FR Doc. 98–14285 Filed 5–29–98; 8:45 am]

BILLING CODE 4910–60–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 971208297–8054–02; I.D. 052698A]

Fisheries of the Economic Exclusive Zone Off Alaska; Groundfish Fisheries by Vessels using Hook-and-Line Gear in the Gulf of Alaska

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Closure.

SUMMARY: NMFS is prohibiting directed fishing for groundfish by vessels using hook-and-line gear in the Gulf of Alaska (GOA), except for sablefish or demersal shelf rockfish. This action is necessary because the second seasonal bycatch allowance of Pacific halibut apportioned to hook-and-line gear targeting groundfish other than sablefish or demersal shelf rockfish in the GOA has been caught.

DATES: Effective 1200 hrs, Alaska local time (A.l.t.), May 26, 1998, until 1200 hrs, A.l.t., September 1, 1998.

FOR FURTHER INFORMATION CONTACT: Mary Furuness, 907–586–7228.

SUPPLEMENTARY INFORMATION: The groundfish fishery in the GOA exclusive economic zone is managed by NMFS according to the Fishery Management Plan for Groundfish of the Gulf of Alaska (FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson-Stevens Fishery Conservation and Management Act. Fishing by U.S. vessels is governed by regulations implementing the FMP at subpart H of 50 CFR part 600 and 50 CFR part 679.

The prohibited species bycatch mortality allowance of Pacific halibut for the hook-and-line groundfish fisheries, (defined at § 679.21(d)(4)(iii)(C)), other than sablefish or demersal shelf rockfish, was established by the Final 1998 Harvest Specifications for Groundfish for the GOA (63 FR 12027, March 12, 1998) for the second season, the period May 18, 1998, through August 31, 1998, as 15 mt.

In accordance with § 679.21(d)(7)(ii), the Administrator, Alaska Region, NMFS (Regional Administrator), has determined that the second seasonal apportionment of the 1998 Pacific halibut bycatch mortality allowance specified for the hook-and-line groundfish fisheries other than sablefish or demersal shelf rockfish in the GOA has been caught. Consequently, NMFS is prohibiting directed fishing for groundfish other than sablefish or demersal shelf rockfish by vessels using hook-and-line gear in the GOA.

Maximum retainable bycatch amounts may be found in the regulations at § 679.20(e) and (f).

Classification

This action responds to the best available information recently obtained from the fishery. It must be implemented immediately in order to prevent exceeding the second seasonal apportionment of the 1998 Pacific halibut bycatch mortality allowance specified for the GOA hook-and-line groundfish fisheries other than sablefish or demersal shelf rockfish. A delay in the effective date is impracticable and contrary to the public interest. The second seasonal bycatch allowance of Pacific halibut apportioned to hook-and-line gear targeting groundfish other than sablefish or demersal shelf rockfish in the GOA has been caught. Further delay would only result in exceeding the second seasonal apportionment. NMFS finds for good cause that the implementation of this action can not be delayed for 30 days. Accordingly, under 5 U.S.C. 553(d), a delay in the effective date is hereby waived.

This action is required by § 679.21 and is exempt from review under E.O. 12866.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: May 27, 1998.

Bruce C. Morehead,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 98–14430 Filed 5–27–98; 4:22 pm]

BILLING CODE 3510–22–F