

collection techniques or other forms of information technology.

**DATES:** Written comments should be submitted on or before December 24, 1998. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

**ADDRESSES:** Direct all comments to Les Smith, Federal Communications Commission, Room 234, 1919 M St., N.W., Washington, DC 20554 or via the Internet to lesmith@fcc.gov.

**FOR FURTHER INFORMATION CONTACT:** For additional information or copies of the information collections contact Les Smith at 202-418-0217 or via the Internet at lesmith@fcc.gov.

**SUPPLEMENTARY INFORMATION:**

*OMB Approval Number:* 3060-0774.

*Title:* Federal-State Joint Board on Universal Service, CC Doc. No. 96-45 (47 C.F.R. §§ 36.611-36.612 and 47 C.F.R. Part 54).

*Type of Review:* Extension of a currently approved collection.

*Respondents:* Businesses or other for-profit entities; Individuals or households; Not-for-profit institutions; and State, Local or Tribal Government.

*Number of Respondents:* 5,565,451.

*Estimated Time per Response:* 5 mins. up to 100 hours (0.3 hours on avg.).

*Frequency of Response:*

Recordkeeping; On occasion reporting requirements; Third party disclosure.

*Total Annual Burden:* 1,785,570 hours.

*Total Annual Cost:* None.

*Needs and Uses:* Congress directed the Commission to implement a new set of universal service support mechanisms that are explicit and sufficient to advance the universal service principles enumerated in Section 254 of the Telecommunications Act of 1996 and such other principles as the Commission believes are necessary and appropriate for the protection of the public interest, convenience and necessity, and are consistent with the Act. In the Report and Order issued in CC Docket No. 96-45, the Commission adopts rules that are designed to implement the universal service provisions of Section 254. Specifically, the Order addresses: (1) Universal service principles; (2) services eligible for support; (3) affordability; (4) carriers eligible for universal service support; (5) support mechanisms for rural, insular, and high cost areas; (6) support for low-income consumers; (7) support for schools, libraries, and health care providers; (8) interstate subscriber line charge and common line cost recovery;

and (9) administration of support mechanisms. The reporting and recordkeeping requirements contained in CC Docket No. 96-45 are designed to implement Section 254. The reporting and recordkeeping are necessary to ensure the integrity of the program. All the collections are necessary to implement the Congressional mandate for universal service. The reporting and recordkeeping requirements are necessary to verify that the carriers and other respondents are eligible to receive universal service support.

Federal Communications Commission.

**Magalie Roman Salas,**

*Secretary.*

[FR Doc. 98-31277 Filed 11-23-98; 8:45 am]

BILLING CODE 6712-01-P

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## FEDERAL MARITIME COMMISSION

### Ocean Freight Forwarder License Applicants

#### Correction

In the **Federal Register** Notice published November 10, 1998 (63 FR 63054) the reference to Fola S. Jinaou, President is corrected to read:

"Fola S. Jinadu, President"

Dated: November 18, 1998.

**Joseph C. Polking,**

*Secretary.*

[FR Doc. 98-31320 Filed 11-23-98; 8:45 am]

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## FEDERAL MARITIME COMMISSION

[Docket No. 98-20]

### Refrigerated Container Carriers Pty. Limited; Possible Violations of Section 10(a)(1) of the Shipping Act of 1984

#### Order of Investigation and Hearing

Refrigerated Container Carriers Pty. Limited ("RCC") is a tariffed and bonded non-vessel-operating common carrier ("NVOCC") located at Ste. 77, 89-97 Jones Street, Ultimo, NSW 2007, Sydney, Australia. Since 1991, RCC has filed a NVOCC tariff with the Federal Maritime Commission ("Commission"). RCC's current tariff in the Commission's Automated Tariff Filing and Information System ("ATFI") has been effective since May 27, 1994. (ATFI Tariff No. 010847-002) RCC also has a NVOCC bond of \$50,000 issued by Washington International Insurance Company (Bond No. 894-0093) which has been effective since April 15, 1991. RCC's current resident agent for service of process in

the United States is The Roanoke Agency, Inc.<sup>1</sup>

Between February 14, 1994 and September 11, 1996, RCC is believed to have entered into and participated in an arrangement which allowed RCC to obtain ocean transportation for property at less than the rates or charges that would be otherwise applicable for shipments between Australia/New Zealand and the United States. On February 14, 1994, RCC entered into an agreement with a common carrier, Ocean Management, Inc. ("OMI"), in which RCC obtained certain ocean transportation rates and other special transportation considerations from OMI for the transportation of RCC's cargo between the United States and Australia. The terms of this arrangement were not filed with the Commission. The agreement between OMI and RCC appears to have continued until the arrangement apparently was terminated by OMI on September 11, 1996. This arrangement appears to have given the NVOCC, RCC, ocean transportation rates which were less than the applicable tariff rates and may have provided RCC with various untariffed services and benefits for more than two years and involving hundreds of shipments.

Section 10(a)(1) of the Shipping Act of 1984 ("1984 Act"), 46 USC app. 1709(a)(1), prohibits any person from knowingly and willfully, directly or indirectly, by means of false billing, false classification, false weighing, false report of weight, false measurement, or by any other unjust or unfair device or means, obtaining or attempting to obtain ocean transportation for property at less than the rates or charges that would otherwise be applicable. RCC may have violated section 10(a)(1) of the 1984 Act by entering into and utilizing an off-tariff arrangement to obtain ocean transportation for RCC's property at less than the rates or charges that would otherwise be applicable.

Under section 13 of the 1984 Act, 46 USC app. 1712, a person is subject to a civil penalty of not more than \$25,000 for each knowing and willful violation of the 1984 Act, and not more than \$5,000 for each other type of violation.<sup>2</sup>

<sup>1</sup> Washington International Insurance Company with its apparent affiliate, The Roanoke Agency, Inc., is located at Suite 500, 300 Park Blvd., Itasca, IL 60143-2625.

<sup>2</sup> The \$25,000 and \$5,000 penalties, originally established in the 1984 Act, have been increased to \$27,500 and \$5,500, respectively, effective November 7, 1996. See *Inflation Adjustment of Civil Monetary Penalties*, 27 SRR 809 (1996), and 46 CFR Part 506. However, in accordance with 46 CFR 506.5, these increases apply only to violations which occur after November 6, 1996. Since the alleged violations appear to have occurred prior to November 6, 1996, these increases do not apply.

In addition, section 23 of the 1984 Act, 46 USC app. 1721, provides that a common carrier's tariff may be suspended for violations of section 10(a)(1) of the 1984 Act.

*Now therefore, it is ordered,* That pursuant to sections 10, 11, 13, 14 and 23 of the 1984 Act, 46 USC app. 1709, 1710, 1712, 1713 and 1721, an investigation is instituted to determine:

(1) whether Refrigerated Container Carriers Pty. Limited violated section 10(a)(1) of the 1984 Act between February 14, 1994 and September 11, 1996, by knowingly and willfully, directly or indirectly obtaining or attempting to obtain ocean transportation at less than the rates and charges otherwise applicable by means of an agreement whose terms were not filed in the applicable tariff(s) or essential terms publication(s) with the Commission;

(2) whether, in the event violations of section 10(a)(1) of the 1984 Act are found, civil penalties should be assessed against Refrigerated Container Carriers Pty. Limited, and if so, the amount of penalties to be assessed;

(3) whether, in the event violations of section 10(a)(1) of the 1984 Act are found, the tariff of Refrigerated Container Carriers Pty. Limited should be suspended or canceled; and

(4) whether, in the event violations are found, an appropriate cease and desist order should be issued against Refrigerated Container Carriers Pty. Limited.

*It is further ordered,* That a public hearing be held in this proceeding and that this matter be assigned for hearing before an Administrative Law Judge of the Commission's Office of Administrative Law Judges at a date and place to be hereafter determined by the Administrative Law Judge in compliance with Rule 61 of the Commission's Rules of Practice and procedure, 46 CFR 502.61. The hearing shall include oral testimony and cross-examination in the discretion of the Presiding Administrative Law Judge only after consideration has been given by the parties and the Presiding Administrative Law Judge to the use of alternative forms of dispute resolution, and upon a proper showing that there are genuine issues of material fact that cannot be resolved on the basis of sworn statements, affidavits, depositions, or other documents or that the nature of the matters in issue is such that an oral hearing and cross-examination are necessary for the development of an adequate record;

*It is further ordered,* That Refrigerated Container Carriers Pty. Limited is

designated as Respondent in this proceeding;

*It is further ordered,* That the Commission's Bureau of Enforcement is designated a party to this proceeding;

*It is further ordered,* That notice of this Order be published in the **Federal Register**, and a copy be served on parties of record;

*It is further ordered,* That other persons having an interest in participating in this proceeding may file petitions for leave to intervene in accordance with Rule 72 of the Commission's Rules of Practice and Procedure, 46 CFR 502.72;

*It is further ordered,* That all further notices, orders, and/or decisions issued by or on behalf of the Commission in this proceeding, including notice of the time and place of hearing or prehearing conference, shall be served on parties of record;

*It is further ordered,* That all documents submitted by any party of record in this proceeding shall be directed to the Secretary, Federal Maritime Commission, Washington, DC 20573, in accordance with Rule 118 of the Commission's Rules of Practice and Procedure, 46 CFR 502.118, and shall be served on parties of record; and

*It is further ordered,* That in accordance with Rule 61 of the Commission's Rules of Practice and Procedure, the initial decision of the Administrative Law Judge shall be issued by November 18, 1999 and the final decision of the Commission shall be issued by March 17, 2000.

By the Commission.

**Joseph C. Polking,**

Secretary.

[FR Doc. 98-31281 Filed 11-23-98; 8:45 am]

BILLING CODE 6730-01-M

## FEDERAL MARITIME COMMISSION

### Sunshine Act Meeting

**AGENCY HOLDING THE MEETING:** Federal Maritime Commission.

**FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT:** 63 FR 64510.

**PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING:** 9:00 a.m.—November 24, 1998.

#### CHANGE IN THE MEETING:

Addition to the CLOSED portion of the meeting.

Item 2—Report on Brazilian Maritime Policies Affecting U.S.-Brazil Trades.

**CONTACT PERSON FOR MORE INFORMATION:** Joseph C. Polking, Secretary, (202) 523-5725.

**Joseph C. Polking,**

Secretary.

[FR Doc. 98-31561 Filed 11-20-98; 3:58 pm]

BILLING CODE 6730-01-M

## FEDERAL RESERVE SYSTEM

### Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 et seq.) (BHC Act), Regulation Y (12 CFR Part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The application also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act. Unless otherwise noted, nonbanking activities will be conducted throughout the United States.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than December 18, 1998.

**A. Federal Reserve Bank of Cleveland** (Paul Kaboth, Banking Supervisor) 1455 East Sixth Street, Cleveland, Ohio 44101-2566:

1. *F.N.B. Corporation*, Hermitage, Pennsylvania; to acquire 100 percent of the voting shares of Guaranty Bank and Trust Company, Venice, Florida, and thereby indirectly acquire Southwest Interim Bank No. 5, National Association, Sarasota, Florida.

**B. Federal Reserve Bank of San Francisco** (Maria Villanueva, Manager of Analytical Support, Consumer