

and Ottumwa, Iowa) (MM Docket No. 97-130).

*Number of Petitions Filed:* 1.

*Subject:* Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Martin, Tiptonville and Trenton, Tennessee) (MM Docket No. 96-204; RM-8876 and RM-9015).

*Number of Petitions Filed:* 1.

Federal Communications Commission.

**Magalie Roman Salas,**

*Secretary.*

[FR Doc. 98-33871 Filed 12-22-98; 8:45 am]

BILLING CODE 6712-01-M

## FEDERAL MARITIME COMMISSION

[Docket No. 98-31]

### Publication of Inactive or Inaccurate Ocean Common Carrier Tariffs

#### Order to Show Cause

This proceeding is instituted pursuant to sections 8 and 11 of the Shipping Act of 1984 ("1984 Act"), 46 U.S.C. app. 1707 and 1710, and the Commission's regulations governing the filing and publication of tariffs of ocean common carriers, 46 CFR Part 514.

Section 8 of the 1984 Act, 46 U.S.C. app. 1707, provides that an ocean common carrier holding out to provide service in the United States foreign trades must file and maintain a tariff with the Federal Maritime Commission showing all of the carrier's rates, charges and practices. According to a review of records maintained by the Commission's Bureau of Tariffs, Certification and Licensing, a tariff has been filed with the Commission in the Automated Tariff Filing and Information System (ATFI) in the name of the those ocean common carriers identified in schedule A. Such tariffs purport to identify the rates and port ranges within which these carriers hold out to furnish vessel-operating common carrier services to the public.

It has come to the attention of the Commission that those ocean common carriers identified in Schedule A do not appear to currently operate any vessels in the trades in which they have published tariffs. A review of respected publications which survey the maritime industry, such as Lloyd's Register, Containerisation International and Fairplay, fails to identify any vessels currently owned or operated by the above listed carriers. Of similar import, access to commercial trade databases such as PIERS likewise fails to furnish any indicia that these carriers are

currently furnishing vessel-operating services to the public.<sup>1</sup>

The Commission previously has found that the maintenance of common carrier tariffs absent a present intention to furnish those services held out in such tariffs is contrary to the purposes of the Shipping Act and the Commission's tariff regulations. In Docket No. 80-77, Failure of Vessel Operating Common Carriers in the Foreign Commerce of the United States to Comply With the Certification Filing requirements of Section 21(b) of the Shipping Act, 1916, the Commission held that:

[C]arriers not actively carrying cargo or clearly committed to commence carrying cargo between ports named in a tariff at the rates stated therein are not common carriers by water within the meaning of Section 18(b) and their tariffs in such unserved trades are subject to cancellation. See Publication of Inactive Tariffs, 20 FMC 433, (1978). The Commission will, therefore, cancel the tariffs of the Appendix B carriers as contrary to Section 18(b) and the Commission's tariff filing regulations (46 CFR Part 536), but will take no further action against them.

21 SRR 706, 707 (1978). See also, Publication of Inactive Tariffs By Independent Carriers, 17 SRR 471 (1977) in which the Commission concluded that tariff cancellations were necessary to serving important public purposes:

It is misleading to the public, potentially unfair to competing carriers, and an administrative burden upon our staff for "paper" tariffs to be kept on file, available for possible use if it should suit the narrow purposes of the person issuing them to quickly enter the trade, but otherwise describing a nonexistent service. We construe such a situation as contravening the implicit requirements of Shipping Act section 18(b), subsections (1) through (3), which necessitates the prompt submission of accurate information concerning the services offered by a common carrier, including the suspension of all or any part of the operations described by its published tariffs. [Citations omitted.]

17 SRR 471, at 472; Ghezzi Trucking Inc.—Cancellation of Inactive Tariffs, 11 SRR 598, 600 (1970). The Commission also seeks to assure that vessel-operating common carrier tariffs not be used as a

<sup>1</sup> In some instances, parties listed in Schedule A are identified as shippers or consignees of cargo physically transported on the vessels of others. Such commercial operations may be indicative of service as a non-vessel-operating common carrier (NVOCC). Under section 23 of the 1984 Act, 46 USC app. 1721, each NVOCC must secure and file with the Commission a bond covering its financial responsibility for its transportation-related activities. If the NVOCC is not domiciled in the United States, it must also designate and maintain a person in the United States to serve as legal agent for the receipt of judicial and administrative process.

means or device by which to circumvent the bonding requirements applicable to NVOCCs.

*Now therefore, it is ordered* that pursuant to section 11 of the Shipping Act of 1984, the entities listed in Schedule A to this Order are directed to show cause why the Commission should not cancel their tariffs currently on file with the Commission, for failure to provide service as vessel-operating common carriers in accordance with the routes and rates set forth therein;

*It is further ordered* that this proceeding is limited to the submission of facts and memoranda of law;

*It is further ordered* that any person having an interest and desiring to intervene in this proceeding shall file a petition for leave to intervene in accordance with Rule 72 of the Commission's Rules of Practice and Procedure, 46 CFR 502.72. Such petition shall be accompanied by the petitioner's memorandum of law and affidavits of fact, if any, and shall be filed no later than the day fixed below;

*It is further ordered* that the entities listed in Schedule A to this Order are named as Respondents in this proceeding. Affidavits of fact and memoranda of law shall be filed by Respondents and any intervenors in support of Respondents no later than January 19, 1999;

*It is further ordered* that the Commission's Bureau of Enforcement be made a party to this proceeding;

*It is further ordered* that reply affidavits and memoranda of law shall be filed by the Bureau of Enforcement and any intervenors in opposition to Respondents no later than February 18, 1999;

*It is further ordered* that rebuttal affidavits and memoranda of law shall be filed by Respondents and intervenors in support no later than March 5, 1999;

*It is further ordered* that:

(a) Should any party believe that an evidentiary hearing is required, that party must submit a request for such hearing together with a statement setting forth in detail the facts to be proved, the relevance of those facts to the issues in this proceeding, a description of the evidence which would be adduced, and why such evidence cannot be submitted by affidavit;

(b) Should any party believe that an oral argument is required, that party must submit a request specifying the reasons therefore and why argument by memorandum is inadequate to present the party's case; and

(c) Any request for evidentiary hearing or oral argument shall be filed no later than February 18, 1999;

*It is further ordered* that notice of this Order to Show Cause be published in the **Federal Register**, and that a copy thereof be served upon each Respondent at its last known address;

*It is further ordered* that all documents submitted by any party of record in this proceeding shall be filed in accordance with Rule 118 of the Commission's Rules of Practice and Procedure, 46 CFR 502.118, as well as being mailed directly to all parties of record;

*Finally, it is ordered* that pursuant to the terms of Rule 61 of the Commission's Rules of Practice and Procedure, 46 CFR 502.61, the final decision of the Commission in this proceeding shall be issued by April 19, 1999.

By the Commission.  
**Joseph C. Polking**,  
Secretary.

SCHEDULE A—LISTING OF OCEAN COMMON CARRIERS

Name and address	Tariff No.
Cheong Fung Shipping Ltd., Room 701, Conic Investment Building, 13 Hok Yuen Street, Hunghom, Kowloon, Hong Kong, PRC	011281-002
Golden Seals Shipping Inc, 4 Orchard Drive, Saddle River, New Jersey 07458 ..	014889-001
Rich Sky Shipping Ltd., 1704-5 Alliance Building, 130-136 Connaught Road, Central Hong Kong, PRC ..	011025-003
Chonggam International Ltd., 20 <sup>th</sup> Floor, Bangkok Bank Building, 18 Bonham Strand West, Sheung Wan, Hong Kong, PRC .....	013736-001
Shekou Intermodal Forwarders Ltd., 8 <sup>th</sup> Floor, SCT Building, Jetty No. 3, Shekou, Shenzhen, PRC ..	012822-001
Topitz International Ltd., Room B, 18 <sup>th</sup> Floor, Yue On Comm. Building, 385-387 Lockhart Road, Wanchai, Hong Kong, PRC .....	012084-001
Triple Shipping Ltd., 12/B, Shun Point Comm. Building, 5-11 Thomson Road, Wanchai, Hong Kong, PRC .....	012446-001
Trinity Marine Services Ltd., Room 1212, Cheung Sha Wan Plaza, Tower II, 833 Cheung Sha Wan Road, Kowloon, Hong Kong, PRC	011707-002
Long Trend Ltd., Room 2009-2010, 20 <sup>th</sup> Floor, Fortress Tower, 250 King's Road, North Point, Hong Kong, PRC .....	012029-002, 012029-003

SCHEDULE A—LISTING OF OCEAN COMMON CARRIERS—Continued

Name and address	Tariff No.
SK Shipping Co. Ltd., 19 <sup>th</sup> Floor, Namsan Green Building, 267, 5-Ga, Namdaemun-Ro, Chung-gu, Seoul, Republic of Korea .....	015155-002
Chinese Glory Express Ltd., Room 1618 Hollywood Plaza, 610 Nathan Road, Kowloon, Hong Kong, PRC	015165-001
China Travel Service (Cargo) Hong Kong Ltd., 11 <sup>th</sup> Floor, China Travel Building, 77 Queen's Road, Central, Hong Kong, PRC	010895-002
Swellchief Shipping Co. Ltd., 16 <sup>th</sup> Floor, Bupa Centre, 141 Connaught Road, West, Hong Kong, PRC ....	013715-001
Intermodal Systems Ltd., Room 2302, 23 <sup>rd</sup> Floor, 118 Connaught Road West, Hong Kong, PRC ....	008006-002

[FR Doc. 98-33895 Filed 12-22-98; 8:45 am]  
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 January 15, 1999.

**A. Federal Reserve Bank of Kansas City** (D. Michael Manies, Assistant Vice President) 925 Grand Avenue, Kansas City, Missouri 64198-0001:

1. *Central Bancshares of Kansas City, Inc.*, Kansas City, Missouri; to acquire 100 percent of the voting shares of ASB Bancshares, Inc., Harrisonville, Missouri and thereby indirectly acquire Winterset State Bank, Harrisonville, Missouri.

**B. Federal Reserve Bank of Dallas** (W. Arthur Tribble, Vice President) 2200 North Pearl Street, Dallas, Texas 75201-2272:

1. *WB&T Bancshares, Inc.*, Duncanville, Texas, and *WB&T Delaware Bancshares, Inc.*, Wilmington, Delaware; to become bank holding companies by acquiring 100 percent of the voting shares of Western Bank & Trust, Duncanville, Texas.

**C. Federal Reserve Bank of San Francisco** (Maria Villanueva, Manager of Analytical Support, Consumer Regulation Group) 101 Market Street, San Francisco, California 94105-1579:

1. *Hancock Park Acquisition, L.P.*, and *Hancock Park Acquisition, L.L.C.*, both of Washington, D.C.; to acquire at least 24.99 percent of the voting shares of The Bank of Hollywood, Hollywood, California.

Board of Governors of the Federal Reserve System, December 17, 1998.

**Robert deV. Frierson**,

*Associate Secretary of the Board.*

[FR Doc. 98-33893 Filed 12-22-98; 8:45 am]

BILLING CODE 6210-01-F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

**Program Support Center; Statement of Organizations, Functions, and Delegation of Authority**

Part P, Program Support Center (PSC), of the Statement of Organization, Functions, and Delegations of Authority for the Department of Health and Human Services, Chapter P as last amended at 60 FR 51480, dated October 2, 1995 is being revised. The change is to place within the Program Support Center, the Freedom of Information Act function associated with the Public Health Service. The change is as follows:

Under Chapter PA, Office of the Director, include the following statement: