

Dated: April 16, 1998.

Thomas C. Voltaggio,

Acting Regional Administrator, Region III.

[FR Doc. 98-11417 Filed 4-28-98; 8:45 a.m.]

BILLING CODE 6560-50-F

FEDERAL COMMUNICATIONS COMMISSION

Notice of Public Information Collection(s) Submitted to OMB for Review and Approval

April 22, 1998.

SUMMARY: The Federal Communications Commission, as part of its continuing effort to reduce paperwork burden invites the general public and other Federal agencies to take this opportunity to comment on the following information collection(s), as required by the Paperwork Reduction Act of 1995, Public Law 104-13. An agency may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act (PRA) that does not display a valid control number. Comments are requested concerning (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimate; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology.

DATES: Written comments should be submitted on or before May 29, 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 Judy Boley, Federal Communications Commission, Room 234, 1919 M St., NW., Washington, DC 20554 or via internet to jboley@fcc.gov.

FOR FURTHER INFORMATION CONTACT: For additional information or copies of the information collection(s), contact Judy Boley at 202-418-0214 or via internet at jboley@fcc.gov.

SUPPLEMENTARY INFORMATION:
OMB Control No.: 3060-0806.

Title: Universal Service - Schools and Libraries Universal Service Program.
Form No.: FCC Forms 470 and 471.
Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit; not-for-profit institutions; state, local or tribal governments.

Number of Respondents: 60,000.

Estimated Time Per Response: 6 hours.

Frequency of Response: On occasion reporting requirement and recordkeeping requirement.

Cost to Respondents: N/A.

Total Annual Burden: 660,000 hours.

Needs and Uses: The Commission adopted rules providing support for all telecommunications services, Internet access, and internal connections for all eligible schools and libraries. To participate in the program, schools and libraries must submit a description of the services desired to the Administrator via FCC Form 470. FCC Form 471 is submitted by schools and libraries that have ordered telecommunications services, Internet access, and internal connections. The purpose of this information is to help determine which schools are eligible for the greater discounts. These requirements are designed to help schools and libraries avoid the waste that might arise from requests for services that the schools and libraries would be unable to use for the educational purposes intended. Applicants will be able to electronically file or fax their submissions. Copies of the forms are available via the Administrator's website.

Federal Communications Commission.

Magalie Roman Salas,

Secretary.

[FR Doc. 98-11349 Filed 4-28-98; 8:45 am]

BILLING CODE 6712-01-F

FEDERAL MARITIME COMMISSION

Notice of Agreement(s) Filed

The Commission hereby gives notice of the filing of the following agreement(s) under the Shipping Act of 1984.

Interested parties can review or obtain copies of agreements at the Washington, DC offices of the Commission, 800 North Capitol Street, N.W., Room 962. Interested parties may submit comments on an agreement to the Secretary, Federal Maritime Commission, Washington, DC 20573, within 10 days of the date this notice appears in the **Federal Register**.

Agreement No.: 202-009548-050

Title: United States Atlantic and Gulf Ports/Eastern Mediterranean and North African Freight Conference

Parties:

Farrell Lines, Inc.

Waterman Steamship Corporation

Synopsis: The proposed amendment would clarify the authority of the Agreement with respect to European inland rates and delete the requirement that the members post a financial guarantee. It also provides for the election of a Chairman and the employment of a Secretary and makes a number of administrative changes to the Agreement to accommodate the above modifications.

Agreement No.: 202-010424-038

Title: Dominican Republic Agreement

Parties:

NPR, Inc. d/b/a/ Navieras

Sea-Land Service, Inc.

Crowley American Transport, Inc.

A.P. Moller-Maersk Line

Del Line, LLC.

Sea-Board Marine, Ltd.

Tecmarine Lines, Inc.

Tropical Shipping and Construction Co., Ltd.

Synopsis: The proposed amendment would require a unanimous vote for all actions under the Agreement, except an amendment to the Agreement, which requires a vote of unanimous less one. The amendment also authorizes the member lines to enter into individual service contracts.

Dated: April 23, 1998.

By Order of the Federal Maritime Commission.

Joseph C. Polking,

Secretary.

[FR Doc. 98-11322 Filed 4-28-98; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL MARITIME COMMISSION

[Docket No. 98-06]

Sea-Land Service Inc. Possible Violations of Sections 10(b)(1), 10(b)(4) and 19(d) of the Shipping Act of 1984; Order of Investigation and Hearing

Sea-Land Service Inc. ("Sea-Land") is a vessel-operating common carrier with offices at 6000 Carnegie Boulevard, Charlotte, North Carolina. Sea-Land provides regular liner services, *inter alia*, between the United States West Coast ports and points and ports and points in the Far East and currently operates as many as 21 containerships in its Transpacific services. Further shipping services are furnished by Sea-Land worldwide both directly and through participation in reciprocal

space charter agreements with Maersk, P&O Nedlloyd and others. As relevant herein, Sea-Land operates as a member of the Transpacific Westbound Rate Agreement ("TWRA"), and participates in the tariffs and service contracts established by that conference.

Through interviews and on-site examinations of shipping records maintained by World Pacific Container (USA) Inc. ("World Pacific") and other non-vessel-operating common carriers ("NVOCCs") providing services in the outbound trades from the U.S. West Coast to the Far East, it appears that World Pacific and competing NVOCCs in the Los Angeles area were actively engaged in equipment substitution malpractices on shipments transported by Sea-Land. Due in substantial part to the actions of its Los Angeles sales representatives, Sea-Land has been substantially implicated in the subject malpractices with respect to cargoes destined for the Far East during 1997 and thereafter.

Shipment records of World Pacific and other NVOCCs reflects the near-routine abuse of the TWRA equipment substitution rules as a means by which Sea-Land apparently furnishes an NVOCC with a larger container while still assessing the per-container rates normally applied only to a container of smaller capacity. The NVOCC then loads the container beyond the cubic capacity of the container initially requested, and obtains the financial benefits of paying the freight rate applicable to the smaller box. The above equipment substitution malpractices occur both in conjunction with, and independent of, shipments on which the commodity has been misdescribed.

It is alleged that representatives of Sea-Land solicited cargo on the basis that the carrier would substitute 40-foot container equipment for 20-foot container equipment in order to secure the patronage of World Pacific and other NVOCCs as shipper clients of Sea-Land. Key to this rate malpractice is the understanding that the NVOCC would be required to misdeclare the cubic measurement of the shipment. In practice, World Pacific and other NVOCCs would meet this requirement by routinely declaring the cargo measurements at 25 cubic meters ("CBM"), equivalent to the maximum capacity utilization of a 20-foot container under TWRA rules. Cargo weights, however, were generally correctly declared and shown on the master bill of lading, thus indicating a significant variance between the loading characteristics of the cargo as declared, and the actual commodity and cubic

measurements of the goods physically loaded within the substituted container.

In addition, it appears that Sea-Land subsequently made payment of freight forwarder compensation on many of these same NVOCC shipments, with such compensation being paid to ITL Shipping Co. ("ITL Shipping") as the forwarder on behalf of World Pacific. ITL Shipping did not then possess a valid ocean freight forwarder's license, its license having been revoked effective March 27, 1997.¹ If further appears that ITL Shipping had not provided any certification to Sea-Land claiming entitlement to forwarder compensation upon World Pacific's shipments, nor had ITL Shipping in fact performed services of any kind with respect to securing the cargo or preparing the documentation thereon. Sea-Land allegedly issued forwarder compensation checks automatically to any party shown in the forwarder box of the master bill of lading, without regard to specific requirements for the submission to or receipt by Sea-Land of the forwarder's certification. It is further alleged that Sea-Land had reason to know that no forwarder compensation was payable in any event inasmuch as all details of booking the shipment or preparing or processing the ocean bill of lading were conducted by Sea-Land directly with the NVOCC shipper. In additional instances, it appears that forwarder compensation payments were made by Sea-Land to other forwarders in circumstances in which such forwarders did not perform the requisite forwarding services or were otherwise known to be related to the shipper NVOCC.

It is well-established law that a carrier is charged with a responsibility of reasonably diligent inquiry and exercise of care to ensure its compliance with the shipping statutes. *Prince Line v. American Paper Exports Inc.*, 55 F.2d 1053 (2d Cir., 1932). In the case of the subject instances of equipment substitution, it is clear that Sea-Land agreed to furnish a larger container and to apply the equipment substitution rule to the freight rate advantage of the involved NVOCC, with no apparent regard for the NVOCC's subsequent misdeclaration and abuse of the equipment substitution rule. A carrier's persistent failure, moreover, to inform or attempt to inform itself of any false billings through those normal business resources available to the carrier such as weighing or measuring, inquiries of shippers or importers, reference to those

"marks and numbers" shown on the bills of lading or other means, may reflect that carrier's attempt to keep itself in ignorance of the false billings concerned. *Rates From Japan to United States*, 2 USMC 426, 434 (1940); *Rates From United States to Philippine Islands*, 2 USMC 535, 542 (1941).

Section 10(b)(1) of the 1984 Act, 46 U.S.C. app. § 1709(b)(1), prohibits a common carrier from charging, collecting or receiving greater, less or different compensation for the transportation of property than the rates and charges set forth in its tariff. Section 10(b)(4) of the 1984 Act, 46 U.S.C. app. § 1709(b)(4), prohibits any common carrier from allowing any person by means of false billings, false classification, false weighing, false report of weight, false measurement, or by any other unjust or unfair device or means, to obtain ocean transportation for property at less than the rates or charges that would otherwise be applicable. Section 19(d) of the 1984 Act, 46 U.S.C. app. § 1718(d), provides that a carrier may compensate an ocean freight forwarder only when it has received certification that such forwarder possesses a valid license and that specified services relating to securing the shipment and preparing the documentation thereon have been performed by the forwarder. Under section 13 of the 1984 Act, 46 U.S.C. app. § 1712, a person is subject to a civil penalty of not more than \$25,000 for each violation knowingly and willfully committed, and not more than \$5,000 for other violations.² Section 13 further provides that a common carrier's tariffs may be suspended for violations of sections 10(b)(1) or 10(b)(4) for a period not to exceed one year.

Now therefore, it is ordered, That pursuant to sections 10, 11, 13 and 19 of the 1984 Act, 46 U.S.C. app. §§ 1709, 1710, 1712 and 1718, an investigation is instituted to determine:

(1) Whether Sea-Land violated section 10(b)(1) of the 1984 Act by charging, demanding, collecting or receiving less or different compensation for the transportation of property than the rates and charges shown in its tariffs or service contracts;

(2) Whether Sea-Land violated section 10(b)(4) of the 1984 Act by allowing certain NVOCCs to obtain transportation at less than the rates and charges otherwise applicable by an unjust or unfair device or means;

(3) Whether Sea-Land violated section 19(d) of the 1984 Act by compensating

¹ Order of Revocation, Ocean Freight Forwarder License No. 3102, Kyung H. (Harry) Oh d/b/a ITL Shipping Company, served April 1, 1997.

² These penalties are increased 10 percent for any violations occurring after November 7, 1996. See, *Inflation Adjustment of Civil Penalties*, 61 Fed. Reg. 52704 (October 8, 1996).

an ocean freight forwarder whose license was revoked, and without requiring the forwarder to provide the necessary certification or furnish those services entitling the forwarder to such compensation;

(4) Whether, in the event violations of sections 10(b)(1), 10(b)(4) and 19(d) of the 1984 Act are found, civil penalties should be assessed against Sea-Land and, if so, the amount of penalties to be assessed;

(5) Whether, in the event violations of sections 10(b)(1) and 10(b)(4) of the 1984 Act are found, the tariff(s) of Sea-Land should be suspended;

(6) Whether, in the event violations are found, an appropriate cease and desist order should be issued.

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 Sea-Land Service Inc. is designated 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, D.C. 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 April 26, 1999 and the final decision of the Commission shall be issued by August 24, 1999.

Ronald D. Murphy,

Assistant Secretary.

[FR Doc. 98-11359 Filed 4-28-98; 8:45 am]

BILLING CODE 6730-01-M

GENERAL SERVICES ADMINISTRATION

[OMB Control No. 3090-0121]

Proposed Collection; Comment Request Entitled Contractor's Report of Sales

AGENCY: Office of Acquisition Policy, GSA.

ACTION: Notice of request for public comments regarding reinstatement to a previously approved OMB clearance 3090-0121, Contractor's Report of Sales.

SUMMARY: Under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the Office of Acquisition Policy has submitted to the Office of Management and Budget (OMB) a request to review and approve a reinstatement of a previously approved information collection requirement concerning Contractor's Report of Sales.

DATES: Comment Due Date: June 29, 1998.

ADDRESSES: Comments regarding this collection of information should be submitted to: Edward Springer, GSA Desk Officer, Room 3235, NEOB, Washington, DC, 20503 and to Marjorie Ashby, General Services Administration (MVP), 1800 F Street NW, Washington, DC, 20405.

FOR FURTHER INFORMATION CONTACT: Al Matera, Office of GSA Acquisition Policy (202) 501-1224.

SUPPLEMENTARY INFORMATION:

A. Purpose

The GSA is requesting the Office of Management and Budget (OMB) to

reinstate information collection, 3090-0121, Contractor's Report of Sales. The information is used primarily by contracting officers to estimate requirements for the subsequent year, evaluate the effectiveness of a schedule, negotiate better prices based on volume and for special reports.

B. Annual Reporting Burden

Respondents: 5,982; *annual responses:* 119,640; *average hours per response:* .30 minutes; *burden hours:* 997.

Copy of Proposal

A copy of this proposal may be obtained from the GSA Acquisition Policy Division (MVP), Room 4011, GSA Building, 1800 F Street, NW, Washington, DC, 20405 or by telephoning (202) 501-3822, or by faxing your request to (202) 501-3341.

Dated: April 20, 1998.

Ida M. Ustad,

Deputy Associate Administrator for Acquisition Policy.

[FR Doc. 98-11352 Filed 4-28-98; 8:45 am]

BILLING CODE 6820-61-M

GENERAL SERVICES ADMINISTRATION

[OMB Control No. 3090-0243]

Submission for OMB Review; Comment Request Entitled Fixed Price Contracts

AGENCY: Office of Acquisition Policy, GSA.

ACTION: Notice of request for public comments regarding reinstatement to a previously approved OMB clearance (3090-0243).

SUMMARY: Under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the Office of Acquisition Policy has submitted to the Office of Management and Budget (OMB) a request to review and approve a reinstatement of a previously approved information collection requirement concerning Fixed Price Contracts. A request for public comments was published at 63 FR 8455. No comments were received.

DATES: Comment Due Date: May 29, 1998.

ADDRESSES: Comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, should be submitted to: Edward Springer, GSA Desk Officer, Room 3235, NEOB, Washington, DC 20503, and to Marjorie Ashby, General Services