

authority to investigate violations of the 1984 Act. 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 of the 1984 Act or regulations issued thereunder.¹

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 Hsueh L. "Frank" Wu and I Chen "Jenny" Chiang, individually and doing business as Prestige Forwarding Co., violated section 19(d) of the 1984 Act, 46 U.S.C. app. § 1718(d), and the Commission's forwarder regulations at 46 CFR Part 510, by obtaining ocean freight forwarder compensation on shipments for which the Prestige Forwarding did not furnish freight forwarding services nor provide the necessary certification to the carrier entitling the forwarder to receive such compensation;

(2) Whether Frank Wu and Jenny Chiang, individually and doing business as Prestige Forwarding Co., violated section 10(a)(1) of the 1984 Act, 46 U.S.C. app. § 1709(a)(1), and the Commission's forwarder regulations at 46 CFR Part 510, by allowing shippers to obtain transportation for property at less than the rates or charges otherwise applicable by unjust or unfair device or means of rebating or remitting to such shippers a portion of the forwarder compensation earned on their respective shipments;

(3) Whether, in the event violations of sections 10(a)(1) and 19(d) of the 1984 Act and 46 CFR Part 510 are found, civil penalties should be assessed against Frank Wu and Jenny Chiang and, if so, the amount of penalties to be assessed;

(4) Whether, in the event violations of sections 10(a)(1) and 19(d) of the 1984 Act and 46 CFR Part 510 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 Hsueh L. "Frank" Wu and I Chen "Jenny" Chiang are designated Respondents 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 February 16, 2000, and the final decision of the Commission shall be issued by June 15, 2000.

Bryant L. VanBrakle,

Secretary.

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FEDERAL MARITIME COMMISSION

[Docket No. 99-02]

Pacific Champion Express Co., Ltd.—Possible Violations of Section 10(b)(1) of the Shipping Act of 1984; Order of Investigation and Hearing

Pacific Champion Express Co., Ltd. ("Pacific Champion"), also doing business as PCS Line, as a tariffed and bonded non-vessel-operating common carrier ("NVOCC") located at 5th Floor, No. 7, Section 2 Nan King East Road, Taipei, Taiwan. Pacific Champion holds itself out as an NVOCC pursuant to its ATFI tariff FMC No. 011283-002, effective July 29, 1993. Pacific Champion currently maintains an NVOCC bond, No. 8941012, in the amount of \$50,000 with the Washington International Insurance Company, located in Schaumburg, Illinois.

Pacific Champion was established in 1981 by Roger Tsai who is also Managing Director of the company and owns 63% of the company stock. Pacific Champion is a private, limited stock company, registered in Taiwan on July 16, 1981 under business registration number 12340449. Other principals in the company include Frances Huan, Manager, and Michael Lin, Administrative Manager.

Section 10(b)(1), 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. It appears that Pacific Champion did not charge the rates set forth in its tariff on at least thirty-six (36) shipments for the time period September 30, 1997 to February 10, 1998. For these same shipments, Pacific Champion also failed to charge a \$45 documentation fee required per its tariff rules. Furthermore, for nine of the 36 shipments, Pacific Champion failed to charge the minimum bill of lading charge per its tariff rules.

It also appears that Pacific Champion continues to provide service as an NVOCC under a tariff which contains only three rates, one each for Cargo NOS, regular service; Cargo NOS, premium service; and Cargo NOS, superior service. Therefore, unless all shipments have been rated at one of these Cargo NOS rates, Pacific Champion may have continued to violate section 10(b)(1) subsequent to February 10, 1998.

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

¹ 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).

\$5,000 for other violations.¹ Section 13 further provides that a common carrier's tariff may be suspended for violations of section 10(b)(1) for a period not to exceed one year, while section 23 of the 1984 Act, 46 U.S.C. app. 1721 provides for a similar suspension in the case of violations of section 10(a)(1) of the 1984 Act.

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

(1) Whether Pacific Champion Express Co., Ltd., violated, and continues to violate, 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 NVOCC tariff;

(2) Whether, in the event violations of section 10(b)(1) of the 1984 Act are found, civil penalties should be assessed against Pacific Champion Express Co., Ltd., and, if so, the amount of penalties to be assessed;

(3) Whether, in the event violations of section 10(b)(1) of the 1984 Act are found, the tariff of Pacific Champion Express Co., Ltd., should be suspended; and

(4) 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 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 Pacific Champion Express Co., Ltd. is designated as Respondent in this proceeding.

¹ The maximum penalties are raised by 10 percent for violations occurring after November 7, 1996. See *Inflation Adjustment of Civil Monetary Penalties*, 27 S.R.R. 809 (1996).

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 all 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 all 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 February 16, 2000 and the final decision of the Commission shall be issued by June 15, 2000.

By the Commission.
Bryant L. VanBrakle,
Secretary.
[FR Doc. 99-4233 Filed 2-19-99; 8:45 am]
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FEDERAL MARITIME COMMISSION

Sunshine Act Meeting

AGENCY HOLDING THE MEETING: Federal Maritime Commission.

TIME AND DATE: 10:00 a.m.—February 25, 1999.

PLACE: 800 North Capitol Street, N.W., First Floor Hearing Room, Washington, D.C.

STATUS: Open.

MATTER(S) TO BE CONSIDERED: 1. Docket No. 98-30—Service Contracts Subject to the Shipping Act of 1984—Consideration of Comments, 2. Docket No. 98-26—Ocean Common Carrier and Marine Terminal Operator Agreements Subject to the Shipping Act of 1984—Consideration of Comments.

CONTACT PERSON FOR MORE INFORMATION:
Bryant L. VanBrakle, Secretary, (202) 523-5725.

Bryant L. VanBrakle,
Secretary.
[FR Doc. 99-4475 Filed 2-18-99; 3:16 pm]
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FEDERAL RESERVE SYSTEM

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Board of Governors of the Federal Reserve System

SUMMARY: *Background.* On June 15, 1984, the Office of Management and Budget (OMB) delegated to the Board of Governors of the Federal Reserve System (Board) its approval authority under the Paperwork Reduction Act, as per 5 CFR 1320.16, to approve of and assign OMB control numbers to collection of information requests and requirements conducted or sponsored by the Board under conditions set forth in 5 CFR 1320 Appendix A.1. Board-approved collections of information are incorporated into the official OMB inventory of currently approved collections of information. Copies of the OMB 83-Is and supporting statements and approved collection of information instruments are placed into OMB's public docket files. The Federal Reserve may not conduct or sponsor, and the respondent is not required to respond to, an information collection that has been extended, revised, or implemented on or after October 1, 1995, unless it displays a currently valid OMB control number.

Request for comment on information collection proposal.

The following information collection, which is being handled under this delegated authority, has received initial Board approval and is hereby published for comment. At the end of the comment period, the proposed information collection, along with an analysis of comments and recommendations received, will be submitted to the Board for final approval under OMB delegated authority. Comments are invited on the following:

a. Whether the proposed collection of information is necessary for the proper performance of the Federal Reserve's functions; including whether the information has practical utility;

b. The accuracy of the Federal Reserve's estimate of the burden of the proposed information collection, including the validity of the methodology and assumptions used;