

temporary site-specific relief from the criteria associated with the federal aquatic life use designation.

Date of Rule: October 9, 1997

Reference: 62 FR 52926

EPA withdrew from Federal Regulation (National Toxics Rule) the arsenic human health water quality criteria applicable to Idaho.

Dated: September 30, 1998.

Tudor T. Davies,

Director, Office of Science and Technology.

[FR Doc. 98-26887 Filed 10-6-98; 8:45 am]

BILLING CODE 6560-50-U

FEDERAL COMMUNICATIONS COMMISSION

Notice of Public Information Collections Submitted to OMB for Emergency Review and Approval

October 1, 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 proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Pub. L. 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 estimates; (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. The Commission is seeking emergency approval for this information collection by October 23, 1998 under the provisions of 5 CFR 1320.13.

DATES: Written comments should be submitted on or before October 21, 1998.

ADDRESSES: Direct all comments to Les Smith, Federal Communications Commission, Room 234, 1919 M St., NW, Washington, DC 20554 or via

internet to lesmith@fcc.gov and Timothy Fain, OMB Desk Officer, 10236 NEOB 725 17th Street, NW, Washington, DC 20503 or fain_t@a1.eop.gov.

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

SUPPLEMENTARY INFORMATION:

OMB Approval No.: 3060-0600.

Title: Application to Participate in an FCC Auction.

Form No.: FCC 175 and FCC 175-S.

Type of Review: Revision of an existing collection.

Respondents: Business or other for profit; Not-for-profit institutions; State, Local or Tribal Government.

Number of Respondents: 12,400.

Estimate Hour Per Response: the time for completing the FCC 175 and providing the required Identity/Ownership Information is .75 hours per response. The estimated time for completing the FCC 175-S is .25 hours per response.

Total Annual Burden: 15,600 hours.

Estimated Total Annual Costs: \$3,120,00. The Commission assumes most respondents will hire an attorney at approximately \$200 per hour to prepare the required information. There are not additional costs associated with these requirements.

Frequency of Response: On occasion.

Needs and Uses: The information will be used by the Commission to determine if the applicant is legally, technically, and financially qualified to participate in an FCC auction. The rules and requirements are designed to ensure that the competitive bidding process is limited to serious qualified applicants and deter possible abuses of the bidding and licensing process. The Commission plans to use this form for all upcoming auctions and reauctions.

Federal Communications Commission.

Shirley S. Suggs,

Chief, Publications Branch.

[FR Doc. 98-26849 Filed 10-6-98; 8:45 am]

BILLING CODE 6712-01-P

FEDERAL MARITIME COMMISSION

[Docket No. 98-18]

Owens Refrigerated Freight Limited Possible Violations of Section 10(a)(1) of the Shipping Act of 1984; Order of Investigation and Hearing

Owens Refrigerated Freight Limited ("Owens") is a tariffed and bonded non-vessel-operating common carrier ("NVOCC") located at 100 Carlyle

Street, P.O. Box 1044, Christ Church, New Zealand. Between April 8, 1994 and February 11, 1997, Owens maintained an effective tariff in the Commission's Automated Tariff Filing and Information System ("ATFI") under the name Cooltainer Services Limited. (ATFI Tariff No. 012483-001) Since February 12, 1997, Owens has maintained its current tariff under the name, Owens Refrigerated Freight Limited (ATFI Tariff No. 014596-001). A NVOCC bond of \$50,000 issued by Washington International Insurance Company (Bond No. 56065) has covered Owens' operations since April 8, 1994.¹ Owens is the refrigerated freight division of a publicly traded New Zealand corporation, Owens Group Limited.² According to its Directors' Report published on the Internet, Mr. Russell J. Hunter is the Group General Manager of Owens and, according to ATFI, he is the contact person for Owens' tariff filing. Owens' resident agent in the United States is NORAM Agencies Limited ("Noram"), 801 Second Ave., #419, Seattle, WA 98104.³

Between March 15, 1994 and August 19, 1997, Owens is believed to have entered into and participated in arrangements which allowed Owens 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. In March 1994, Owens entered into an agreement with a common carrier, Ocean Management, Inc. ("OMI"), in which Owens obtained certain ocean transportation rates and other special transportation considerations from OMI for the transportation of Owens' cargo between the United States and Australia. The terms of this arrangement were not filed with the Commission. The agreement between OMI and Owens appears to have continued until March 1, 1997, when Owens and OMI entered into a service contract which was filed with the Commission and became effective on March 1, 1997.

In November 1996, Owens entered into another agreement with an ocean common carrier, South Seas Steamship Co., Ltd., in which Owens obtained certain ocean transportation rates and other special transportation

¹ Washington International Insurance Company is located at Suite 500, 300 Park Blvd., Itasca, IL 60143-2625.

² In addition to the refrigerated freight division, Owens Group Limited has operating divisions for specialized transport, ship agency, container services, international freight, etc.

³ According to ATFI, Noram has been Owens' resident agent in the United States since July 28, 1995. Prior to that time, Owens apparently did not designate a resident agent in its NVOCC tariff.

considerations for the transportation of Owens' cargo between the United States and New Zealand. The terms of this arrangement were not filed with the Commission until August 20, 1997, when they were filed in the tariff of South Seas Steamship Co., Ltd.

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. Owens may have violated section 10(a)(1) of the 1984 Act by entering into and utilizing off-tariff agreements for ocean transportation. These arrangements appear to have given the NVOCC, Owens, ocean transportation rates which were less than the applicable tariff rates and may have provided Owens with various untariffed services and benefits for at least three years and involving hundreds of shipments.

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.⁴ 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 Owens Refrigerated Freight Limited violated section 10(a)(1) of the 1984 Act between March 15, 1994 and August 19, 1997, 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 agreements 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 Owens Refrigerated Freight 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 Owens Refrigerated Freight 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 Owens Refrigerated Freight 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 Owens Refrigerated Freight 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 October 1, 1999 and the final decision of the Commission shall be issued by January 31, 2000.

By the Commission.

Joseph C. Polking,
Secretary.

[FR Doc. 98-26815 Filed 10-6-98; 8:45 am]

BILLING CODE 6730-01-P

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 October 31, 1998.

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

1. *Chaparall Bancshares, Inc.*, Richardson, Texas, and Chaparall Bancshares of Delaware, Inc., Dover, Delaware; to acquire up to 75 percent of

⁴The \$25,000 and \$5,000 penalties 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.