

18. A record from this system may be disclosed to the Department of Labor (DOL) and the Department of Health and Human Services (HHS) to conduct an authorized computer matching program in compliance with the Privacy Act of 1974, as amended, to match the FCC's debtor records with the records of DOL and HHS to obtain names, name controls, names of employers, addresses, dates of birth, and TINs. The DCIA requires all Federal agencies to obtain taxpayer identification numbers from each individual or entity doing business with the agency, including applicants and recipients of licenses, grants, or benefit payments; contractors; and entities and individuals owing fines, fees, or penalties to the agency. The FCC will use TINs in collecting and reporting any delinquent amounts resulting from doing business with applicants and licensees.

19. If the FCC decides or is required to sell a delinquent nontax debt pursuant to 31 U.S.C. 3711(i), information in this system of records may be disclosed to purchasers, potential purchasers, and contractors engaged to assist in the sale or to obtain information necessary for potential purchasers to formulate bids and information necessary for purchasers to pursue collection remedies.

20. If the FCC has current and delinquent collateralized nontax debts pursuant to 31 U.S.C. 3711(i)(4)(A), certain information in this system of records on its portfolio of loans, notes and guarantees, and other collateralized debts will be reported to Congress based on standards developed by the Office of Management and Budget, in consultation with Treasury.

21. A record from this system may be disclosed to Treasury in order to request a payment to individuals owed money by the FCC.

22. A record from this system may be disclosed to the National Archives and Records Administration or to the General Services Administration for records management inspections conducted under 44 U.S.C. 2904 and 2906.

In each of these cases the FCC will determine whether such use of the records is compatible with the purpose for which the records were collected.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

All records will be stored and accessed electronically. Records that are submitted to the FCC on paper will be scanned or keyed into the computer system as appropriate. Paper records

submitted to the FCC will be archived after being entered into ULS. Tape backups of records will be periodically created. Records of prior licensees will be archived.

**RETRIEVAL:**

Records may be retrieved by searching electronically using a variety of parameters including name, a licensee's unique identifier, call sign, file number, etc. Paper records which contain TINs will not be available for Public Inspection. A primary purpose of the system is to provide easy access to the information.

**SAFEGUARDS:**

Records (other than TINs and materials which are afforded confidential treatment under 47 CFR 0.459) are accessible to the public. Access to certain records may be available on the internet. Access to other records will be available using a web browser on the Commission wide area network. The ability to enter and change individual records will be protected by passwords issued to applicants and licensees. Records will be protected from unauthorized changes by passwords and other computer security measures within the agency. TINs reported to the agency as requested on appropriate forms will not be available to the public. (The agency cannot be responsible for the disclosure of TINs by applicants in attachments to applications or pleadings in situations where confidentiality is not requested.) Each applicant or licensee will be given a unique identifier generated by the ULS after such applicant or licensee provides its TIN to the agency. These identifiers will be used within the agency and by the public to obtain information on the licenses held by particular individuals or entities. These identifiers will be used in lieu of tracking by TINs so that the agency can avoid unnecessary disclosure of TINs. Within the agency, access to TINs will be available only to those persons whose jobs require such access (e.g., FCC staff who report debt information to the U.S. Department of Treasury).

**RETENTION AND DISPOSAL:**

Records will be actively maintained as long as an individual remains a licensee. Paper records will be archived after being keyed or scanned into the system. Electronic records will be backed up on tape. Electronic and paper records will be maintained for at least eleven years.

**SYSTEM MANAGER(S) AND ADDRESS:**

Chief, Wireless Telecommunications Bureau, FCC, 2025 M Street, N.W., Washington, D.C. 20554.

**NOTIFICATION PROCEDURE:**

Address inquiries to the system manager. In order to identify a specific record please indicate name, address, type of record as well as file number or call sign where applicable.

**RECORD ACCESS PROCEDURES:**

Information regarding procedures for accessing records can be found at the FCC Web site <www.fcc.gov> or by calling 888-CALL-FCC.

**CONTESTING RECORD PROCEDURES:**

Individuals wishing to request amendment of their records should contact the system manager indicated above.

An individual requesting amendment must also follow the FCC Privacy Act regulations regarding verification of identity and amendment of records (47 CFR 0.556 and 0.557).

**RECORD SOURCE CATEGORIES:**

The individual to whom the information applies.

Federal Communications Commission,

**Shirley S. Suggs,**

*Chief, Publications Branch.*

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**FEDERAL COMMUNICATIONS COMMISSION**

[Report No. 2308]

**Petitions for Reconsideration and Clarification of Action in Rulemaking Proceedings**

December 7, 1998.

Petitions for reconsideration and clarification have been filed in the Commission's rulemaking proceedings listed in this Public Notice and published pursuant to 47 CFR Section 1.429(e). The full text of these documents are available for viewing and copying in Room 239, 1919 M Street, N.W., Washington, D.C. or may be purchased from the Commission's copy contractor, ITS, Inc. (202) 857-3800. Oppositions to these petitions must be filed by January 7, 1999. See Section 1.4(b)(1) of the Commission's rules (47 CFR 1.4(b)(1)). Replies to an opposition must be filed within 10 days after the time for filing oppositions has expired.

*Subject:* Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations, (Galesburg, Illinois

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]

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## 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;