

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 83.537, Community Disaster Loans; 83.538, Cora Brown Fund Program; 83.539, Crisis Counseling; 83.540, Disaster Legal Services Program; 83.541, Disaster Unemployment Assistance (DUA); 83.542, Fire Suppression Assistance; 83.543, Individual and Family Grant (IFG) Program; 83.544, Public Assistance Grants; 83.545, Disaster Housing Program; 83.548, Hazard Mitigation Grant Program)

Robert J. Adamcik,

Deputy Associate Director, Response and Recovery Directorate.

[FR Doc. 00-166 Filed 01-04-00; 8:45 am]

BILLING CODE 6718-02-P

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.: 201-200063-019.

Title: NYSA-ILA Tonnage Assessment Agreement.

Parties: New York Shipping Association, Inc., International Longshoremen's Association.

Synopsis: The proposed amendment increases certain tonnage assessment rates.

Dated: December 30, 1999.

By order of the Federal Maritime Commission.

Bryant L. VanBrakle,

Secretary.

[FR Doc. 00-215 Filed 1-4-00; 8:45 am]

BILLING CODE 6730-01-P

FEDERAL MARITIME COMMISSION

Ocean Transportation Intermediary License Applicants

Notice is hereby given that the following applicants have filed with the Federal Maritime Commission applications for licenses as Non-Vessel Operating Common Carrier and Ocean Freight Forwarder—Ocean Transportation Intermediaries pursuant to section 19 of the Shipping Act of 1984 as amended (46 U.S.C. app. 1718 and 46 CFR 515).

Persons knowing of any reason why any of the following applicants should not receive a license are requested to contact the Office of Freight Forwarders, Federal Maritime Commission, Washington, D.C. 20573.

Non-Vessel-Operating Common Carrier Ocean Transportation Intermediary Applicants

Optimodal, Inc., One Rollins Plaza, 2200 Concord Pike, Wilmington, DE 19803. Officers: Greg C. Snyder, Vice President (Qualifying Individual), Gerrard J. Trippitelli, President.

Globe.Com Lines, Inc., 10990 Roe Avenue, Overland Park, KS 66211. Officers: Peter Brown, President (Qualifying Individual), William F. Martin, Jr., Vice President.

First Forward International Services, Inc., d/b/a First Forward Container Line, 440 Unit B South Hindry Avenue, Inglewood, CA 90301. Officer: Nicholas A. Schiele, CEO (Qualifying Individual).

Stolt-Nielsen Transportation Group Inc., 15635 Jacintoport Blvd., Houston, TX 77015-6534. Officer: Michael W. Kramer, Sen. Vice President (Qualifying Individual).

Pisces Shipping, Inc. d/b/a Pisces Container Lines, 2428 S. 4th Avenue, North Riverside, IL 60546. Officer: Kannan S. Iyer, President (Qualifying Individual).

Non-Vessel-Operating Common Carrier and Ocean Freight Forwarder Transportation Intermediary Applicants

Sea Gate Logistics, Inc., 182-11 150th Road, Suite 205, Jamaica, NY 11413. Officers: Vi Hung Vuong, President (Qualifying Individual), Renbo Lee, Secretary.

Touchstone Shipping & Logistics, Inc., d/b/a JBS Transport Line, 17314 S.H. 249, Suite 320, Houston, TX 77064. Officers: Julia Gale Bench, President (Qualifying Individual), Rebecca V. Swartz, Vice President.

U.S. Rim Inc. d/b/a U.S. Rim Shipping, 9420 Telstar Ave., Suite 205, El Monte, CA 91731. Officers: Dorothy Sung, Chief Financial Officer (Qualifying Individual), Hui Zhu, CEO.

Ocean Freight Forwarders—Ocean Transportation Intermediary Applicants

ATE Logistics, Inc., 46 N. Lively Blvd., Elk Grove Village, IL 60007. Officers: Patricia Lynch, Asst. Vice President, (Qualifying Individual), Robert W. Noonan, President.

Dated: December 30, 1999.

Bryant L. VanBrakle,
Secretary.

[FR Doc. 00-216 Filed 1-4-00; 8:45 am]

BILLING CODE 6730-01-P

FEDERAL MARITIME COMMISSION

Fact Finding Investigation No. 23—Ocean Common Carrier Practices in the Transpacific Trades; Order Discontinuing Proceeding

On September 21, 1998, pursuant to the Shipping Act of 1984, 46 U.S.C. app. 1701 *et seq.* ("Act"), the Federal Maritime Commission ("Commission") commenced this nonadjudicatory fact finding proceeding to investigate allegations that ocean common carriers in the eastbound Transpacific trades were engaging in activities that may be in violation of certain provisions of the Act. Commissioner Delmond J.H. Won was appointed as Investigative Officer and was authorized to hold hearings and to utilize compulsory processes, including subpoenas, to obtain relevant testimony and documents. Commissioner Won conducted an expedited investigation and submitted a confidential Report and Recommendations ("Report") to the Commission on January 5, 1999.

A summary of Commissioner Won's Report was released to the public on March 12, 1999. Generally, as indicated by the summary, the Investigative Officer concluded that evidence cited in the Report corroborates allegations that carriers in the eastbound Transpacific trades, faced with shortages of space during the peak 1998 holiday shipping season, refused to carry low rated cargo at applicable contract rates, targeted the cargo of non-vessel-operating common carriers ("NVOCCs") for rate and space discrimination, and imposed significant and sudden increases in rates and charges. Among other things, the Report concludes that space was allocated in many instances on the basis of profit to the carrier without regard to existing service contracts; and that bookings were often rejected unless the shipper agreed to significantly increased rates or charges. Large, reliable contract shippers were said generally to have received preferential space allocations.

By order dated April 14, 1999, the Commission determined to pursue certain of the Report's findings through further investigation and enforcement action under sections 8, 10 and 11 of the Act, as appropriate. Accordingly, the Commission instituted a show cause proceeding in Docket No. 99-05, ANERA and Its Members, Opting Out of

Service Contracts. That proceeding has now been completed with an Order being issued today which finds the opt out practice reflected in the Asia North America Eastbound Rate Agreement's ("ANERA") 1998 service contracts and tariff publication in violation of section 8 of the 1984 Act and section 514.17(c)(2) of the Commission's regulations, 46 CFR 514.17(c)(2).

In addition, certain issues were referred to the Commission's Bureau of Enforcement ("BOE") for further investigation. To facilitate such further investigation, the Commission continued this fact finding proceeding to assist in developing additional evidence concerning the activities of specified ocean common carriers during the period July 1, 1998 to November 1, 1998 in the eastbound Transpacific trades. The Commission directed that the continued investigation focus on carrier activities involving refusal to provide vessel space or equipment to shippers at rates in existing service contracts; demanding or charging rates higher than those in applicable tariffs or service contracts; subjecting any particular NVOCC or NVOCC traffic generally to an unreasonable refusal to deal, or to undue or unreasonable prejudice or disadvantage, or unjustly discriminatory rates or charges; and transporting cargo for, or soliciting service contracts from, individual members of shippers' associations at rates higher than those found in existing contracts of the applicable associations. The Commission designated Vern W. Hill, Director, BOE, as the Investigative Officer for the continued phase of this proceeding.

Among the matters the Commission referred to BOE for further enforcement action as appropriate was the failure of ANERA to file minutes of certain important meetings at which issues of importance to this fact finding investigation were discussed. On September 9, 1999, BOE entered into a compromise agreement with ANERA and its members under which a civil penalty of \$55,000 was collected for failure to file three such minutes of conference meetings, including the meetings at which ANERA discussed and agreed to adopt the opt out procedure for service contracts.

On October 18, 1999, the Investigative Officer submitted a confidential Second Report and Recommendations to the Commission, a summary of which is being released simultaneously with this Order. Among other things, the Investigative Officer recommended that this fact finding proceeding be terminated. He expressed confidence that any further need for compulsory

process to support BOE's continuing investigations could be provided by other means.

As the report summary indicates, the response of the shipping public to requests for cooperation in the ongoing investigation was generally disappointing. BOE, in coordination with the Investigative Officer, sent numerous letters soliciting further information from shippers and members of shippers' associations which were identified in carrier documents as having had problems obtaining space, or as being pressured to pay higher rates during last year's peak season. BOE contacts with numerous proprietary shippers and consignees, NVOCCs, and shippers' association produced few responses and little further evidence. Nevertheless, the wealth of information and carrier documents produced in the course of the initial phase of this Fact Finding Investigation continue to be examined for additional leads.

Despite the failure of many shippers and other industry participants to respond to the Investigating Officers' invitations to participate in the various stages of this proceeding, the Commission nevertheless is convinced that the effort as a whole has had salutary effects. By identifying and investigating carrier behavior of concern to the numerous parties who complained informally to the Commission, the Fact Finding brought public focus and attention to these activities. The most egregious behavior may have been abated during the early stages of this proceeding. In addition, ANERA and the Transpacific Westbound Rate Agreement have suspended all operations under their agreements, including rate-setting activities and the use of collective service contracts. The Commission actions completed thus far, including the civil penalty settlement and the decision in Docket No. 99-05, have addressed some of the concerns that activities engaged in during the 1998 peak shipping season contravened carrier duties under the Shipping Act of 1984 and may be expected to deter similar future activities. The suspension of ANERA as well as changes in service contract practices already occurring as a result of the Ocean Shipping Reform Act of 1998 also render it unlikely that similar abuses will recur.

The Commission has determined to adopt the Investigative Officer's recommendations. BOE will continue to pursue the possibility of enforcement action against certain ocean common carriers which have been identified by their own documents, as well as by a limited number of shippers, as refusing

space or service or demanding rates higher than those set forth in existing service contracts. If compulsory process becomes necessary to support such further investigations, it can be provided by section 15 orders or in the context of a formal adjudicatory proceeding.

Therefore, it is Ordered, That the Investigative Officer's Second Report and Recommendations is accepted by the Commission;

It is Further Ordered, That the record developed in this proceeding shall continue to be available to the Commission's Bureau of Enforcement. To the extent that documents and information comprising this record were obtained under assurances of confidentiality, such documents and information will continue to be held confidential unless and until their use becomes necessary in an adjudicatory proceeding or other Commission action. BOE shall obtain authority from the Commission before utilizing any such document or information in a public proceeding or in any other manner which would disclose such documents or information to persons other than the person who produced it or Commission employees.

It Is Further Ordered, That this non-adjudicatory investigation into practices of ocean common carriers in the Transpacific trades is discontinued; and

It Is Further Ordered, That notice of this Order be published in the **Federal Register**.

By the Commission.*

Ronald D. Murphy,
Assistant Secretary.

Concurring Statement of Commissioner Delmond J.H. Won

While I agree generally that the Commission's efforts in this proceeding has had some salutary effects, I do not share the same degree of confidence that my colleagues feel that our actions and changes wrought by OSRA will deter similar abuses from recurring.

I had earlier expressed publicly my preference for the Commission to have initiated enforcement action against the carriers in their collective capacity rather than against individual lines only. This preference was based on indications that much of the behavior identified in the investigation—such as refusals to provide space under existing service contracts and discriminatory behavior directed toward NVOCCs—may have resulted from concerted

*Commissioner Joseph E. Brennan did not participate in this proceeding. Commissioner Delmond J.H. Won's concurring statement attached.

actions taken by parties to agreements filed with the Commission.

It is my opinion that the Commission's early decision to limit the scope of those enforcement efforts to individual, rather than concerted carrier activity fell short in addressing the more substantive issue raised in this proceeding—that being the possibility of discussion agreements engaging in market distorting behavior.

I fully understand the reluctance of shipper complainants to come forward on the record in such enforcement proceedings, and hat this reluctance hampers our enforcement bureau's ability to identify and prosecute violations. In this case, I believe enforcement was made more difficult because the Commission's chosen course of action may have inadvertently created an impression of taking a "hands off" approach to the complaints of unreasonable, collective carrier behavior, further discouraging shippers from undertaking the expenses and commercial risks attended to the Commission's processes.

I continue to believe that given the impact on the flow of commerce caused by TSA's collective behavior, more aggressive enforcement action on the part of the Commission would have been more appropriate.

[FR Doc. 00-214 Filed 1-4-00; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

[Docket No. 1054]

Federal Reserve Bank Services

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Notice.

SUMMARY: The Board has approved the fee schedules for Federal Reserve priced services and electronic connections and a private sector adjustment factor (PSAF) for 2000 of \$192.6 million. These actions were taken in accordance with the requirements of the Monetary Control Act of 1980, which requires that, over the long run, fees for Federal Reserve priced services be established on the basis of all direct and indirect costs, including the PSAF.

DATES: The new fee schedules become effective April 3, 2000.

FOR FURTHER INFORMATION CONTACT: For questions regarding the fee schedules: Jeff Stehm, Assistant Director (202/452-2217); Erik Kiefel, Financial Services Analyst, Check Payments (202/721-4559); Riaz Ahmed, Assistant Financial Services Analyst, ACH Payments (202/

452-3959); Joshua Weisbrod, Assistant Financial Services Analyst, Funds Transfer and Book-Entry Securities Services (202/530-6214); Michele Raville, Information Technology Analyst (electronic connections) (202/736-5601); Donna DeCorleto, Financial Services Analyst, Noncash Collection Service (202/452-3956); or Michael Lambert, Financial Services Analyst, Special Cash Services (202/452-3376), Division of Reserve Bank Operations and Payment Systems. For questions regarding the Private Sector Adjustment Factor: Paul Bettge, Assistant Director (202/452-3174); Bill Pullen, Accountant (202/736-1947), Division of Reserve Bank Operations and Payment Systems. For users of Telecommunications Device for the Deaf (TDD) *only*, please contact Diane Jenkins (202/452-3749).

Copies of the 2000 fee schedules for the check service are available from the Board or the Reserve Banks.

SUPPLEMENTARY INFORMATION:

I. Priced Services

A. Overview

The Federal Reserve Banks continue to meet the Monetary Control Act's requirement that they recover, over the long run, their direct and indirect costs, including imputed costs and profits, of providing priced services. Over the period 1989 through 1998, the Reserve Banks recovered 99.9 percent of their total costs for providing priced services, including imputed expenses, special project costs that were budgeted for recovery, and targeted after-tax profits, or return on equity (ROE).¹

¹ These imputed costs, such as taxes that would have been paid and the return on capital that would have been earned had the services been provided by a private business firm, are referred to as the PSAF. The PSAF is based on data developed in part from a model comprising the nation's fifty largest (by asset size) bank holding companies. Based on consolidated financial data for the holding companies in the model for each of the last five years, the targeted ROE is the budgeted after-tax profit that the Federal Reserve would have earned had it been a private business firm. The ten-year recovery rate is based on the method used for the pro forma income statement for Federal Reserve priced services published in the Board's Annual Report. The pro forma income statement reflects certain costs and offsets to costs differently than do the pro forma cost and revenue performance tables used in this memorandum to set fees. For example, offsets to costs associated with the transition to and retroactive application of the Financial Accounting Standards Board's Statement of Financial Accounting Standards No. 87 (SFAS 87), pension accounting, and SFAS 106, other employee retirement benefits accounting, have not been included in this memorandum. If the modification to the PSAF calculation described in section II on the 2000 PSAF were not applied to prior periods, the ten-year recovery rate would increase to 100.7 percent. The 1998 and 1999 service line recovery data in this memorandum do not reflect the revisions to the PSAF method in order to provide

For 1999, the Reserve Banks estimate that they will recover 102.8 percent of the costs of providing priced services. They project a 99.0 percent recovery rate in 2000. The primary risk to the 2000 projection lies in the ability of the Reserve Banks to meet aggressive revenue and cost targets in the check service, particularly costs associated with its check automation standardization project.

In their 2000 fee schedules, the Reserve Banks include changes that reduce fees to depository institution customers that provide a continued economic incentive for those customers to make greater use of electronic payment services. In particular, the price index for electronic payment services (automated clearinghouse, funds transfer and net settlement, book-entry securities, and electronic check) and electronic connections is projected to decline approximately 4.9 percent in 2000. The index for paper-based payment services (check, special cash, and noncash collection) is expected to increase 3.6 percent. The overall 2000 price index for all Federal Reserve priced services is projected to increase 1.3 percent, compared with an overall decline of 1.9 percent in 1999.²

The following are changes in fee structures and levels for priced services in 2000:

- The Reserve Banks will reduce fees for Fedwire funds transfers for the fourth consecutive year. The weighted average price for a Fedwire funds transfer will decline 11.9 percent from the 1999 level. The Reserve Banks, however, will increase the surcharge for off-line Fedwire funds transfers to \$15 to reflect better the product's costs. The 2000 fee changes are expected to save customers approximately \$5.1 million next year. Including the fee changes for 2000, the price index for Fedwire funds transfers has declined approximately 49 percent since 1996.

- The Reserve Banks will reduce the fee for an on-line Fedwire book-entry securities transfer almost 17.6 percent in 2000. The Reserve Banks, however, will increase the surcharge for off-line Fedwire securities transfers to \$18 to reflect better the product's costs. The fee changes are expected to save customers approximately \$1.1 million next year. Including the fee changes for 2000, the price index for the book-entry securities service has declined about 16 percent since 1996.

a more accurate comparison against the targeted return on equity that was used for establishing prices within those services.

² These estimates are based on a chained Fisher Ideal price index. This index was not adjusted for quality changes in Federal Reserve priced services.