For further information contact Tom Derenge, Office of Engineering and Technology, at (202) 418–2451.

Federal Communications Commission.

**Shirley S. Suggs,**

*Chief, Publication Branch.*

[FR Doc. 97–14747 Filed 6–5–97; 8:45 am]

**BILLING CODE 6712–01–P**

## FEDERAL MARITIME COMMISSION

**[Docket No. 97–10]**

## Apex Maritime Co., Inc., Possible Violations of Section 10(a)(1) of the Shipping Act of 1984 and 46 CFR 510.22(i); Order of Investigation and Hearing

Apex Maritime Co., Inc. (''Apex'') is a tariffed and bonded non-vessel-operating common carrier (''NVOCC'') and a licensed ocean freight forwarder located at 206 Utah Avenue, South San Francisco, CA 94080. Apex currently holds itself out as an NVOCC pursuant to its Automated Tariff Filing and Information System (''ATFI'') tariff, FMC No. 008937–002, effective November 30, 1993. Apex's NVOCC bond, No. 0074, is in the amount of $50,000 and was issued by American Motorists Insurance Company, located in New York. In addition, Apex maintains its ocean freight forwarder license, FMC No. 3338.

The Federal Maritime Commission's (''Commission'') rules, at 46 CFR 510.22(i), provide that ''(n)o licensee shall render, or offer to render, any freight forwarding service free of charge or at a reduced fee in consideration of receiving compensation from a common carrier or for any other reason.'' [1] Between January 1, 1993 and April 30, 1997, Apex appears to have provided freight forwarding services free of charge or at reduced fees to certain preferred shippers in violation of 46 CFR 510.22(i). In 1993, Apex provided freight forwarding services to certain customers but apparently failed to charge forwarding fees for those services. In 1994, Apex provided forwarding services to certain customers but failed to charge forwarding fees for those services until contacted by the Commission. After being contacted by the Commission, Apex seems to have charged these shippers reduced forwarding fees for their 1994 shipments.

In addition, it appears that Apex, in concert with Topocean Consolidation services Ltd. of Taiwan (''Topocean Taiwan''), obtained or attempted to obtain ocean transportation for cargo at less than the applicable rates in violation of section 10(a)(1) of the 1984 Act, 46 U.S.C. 1709(a)(1), by means of misdescription of commodities for numerous shipments transported by ocean common carriers between September 1, 1995 and April 30, 1997. Section 10(a)(1) of the 1984 Act prohibits any person 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, to obtain or attempt to obtain ocean transportation for property at less than the rates or charges that would otherwise be applicable.

It appears that the misdescribed shipments originated in Taiwan or Hong Kong, and were discharged at or via United States west coast ports. In each of these instances, Topocean Taiwan usually was listed as shipper on the ocean carrier's bill of lading, and the destination agent, Apex, acted as the consignee or notify party. Each shipment generally reflects that Topocean Taiwan ''house'', or NVOCC, bill of lading, which correctly describes the commodity shipped, was issued for tender by the ultimate consignee to Apex upon arrival of the cargo at destination. The commodity descriptions on the NVOCC bills of lading do not match the commodity descriptions set forth on the ocean common carriers' bills of lading. According to the ocean common carriers' tariffs and service contracts, the commodities described in the NVOCC's bills of lading.

It further appears that the ocean common carriers rated the commodities in accordance with the inaccurate descriptions, while Apex accepted delivery of the cargo and paid ocean freight to the ocean common carriers on the basis of the lower rates attributable to the inaccurate commodity descriptions. Contemporaneous with the payment of freight, Apex issued arrival notices to the U.S. importers, which correctly described the commodity based on actual contents shipped. The resulting profit on these shipments would be divided equally between Apex and Topocean Taiwan. Thus, Apex appears to have increased its profits on these shipments because of the misdescriptions. Therefore, it seems that Apex obtained or attempted to obtain ocean transportation for property at less than the applicable rates in violation of section 10(a)(1) of the 1984 Act.

Between September 1, 1995 and April 30, 1997, Apex, in concert with Topocean Taiwan, appears to have obtained or attempted to obtain ocean transportation for property at less than the applicable rates by means of false cargo measurements.

Between September 1, 1995 and April 30, 1997, it appears that Apex, in concert with Topocean Taiwan, knowingly and willfully obtained or attempted to obtain ocean transportation for property at less than the applicable rates in violation of section 10(a)(1) of the 1984 Act by means of false cargo measurements. In each instance, the ocean common carrier substituted a larger container for the container presumably requested by Topocean Taiwan. In accordance with the ocean common carrier's ''equipment substitution'' rule, the ocean freight for the requested container would be charged if the cargo's measurement did not exceed that which could be loaded into the requested container. The shipment record indicates that the substituted container was loaded beyond the cubic capacity of the requested container, but the ocean common carrier's bill of lading shows a cargo measurement which is less than that which could have been loaded into the requested container. As a result, Apex paid the ocean freight for the requested containers rather than the higher ocean freight for the substituted containers.

The shipment records demonstrate the Apex was cognizant that the shipments had been misdeclared as to the cubic measurement and were loaded at higher measurements only possible through the provision of a larger container. However, Apex apparently paid the ocean freight according to the inaccurate measurement shown on the ocean common carrier's bill of lading. Therefore, it appears that Apex knowingly and willfully obtained or attempted to obtain ocean transportation for property at less than the applicable rates between September 1, 1995 and April 30, 1997 in violation of section 10(a)(1).

Section 13 of the 1984 Act, 46 USC app. 1712, provides that a person is subject to a civil penalty of not more than $25,000 for each knowing and willful violation of the 1984 Act or Commission rule promulgated in accordance with the 1984 Act. Section 19(b) of the 1984 Act, 46 USC app. 1718(b), states that the Commission shall revoke or suspend an ocean freight forwarder license where the forwarder ''willfully failed to comply'' with the 1984 Act or with a lawful rule of the Commission. In addition, section 23 of the 1984 Act, 46 USC app. 1721, provides that the Commission may

[1] This Commission rule was promulgated in accordance with the Shipping Act of 1984.

suspend or cancel a NVOCC's tariff where a NVOCC has violated section 10(a)(1) of the 1984 Act.

Now therefore, it is ordered, That pursuant to sections 10, 11, 13, 14, 19 and 23 of the 1984 Act, 46 USC app. 1709, 1710, 1712, 1713, 1718 and 1721, and 46 CFR 510.22(i), an investigation is instituted to determine:

(1) Whether Apex Maritime Co., Inc. violated section 10(a)(1) of the 1984 Act between September 1, 1995 and April 30, 1997, by directly or indirectly obtaining or attempting to obtain ocean transportation at less than the rates and charges otherwise applicable by means of misdescribing the commodities actually shipped;

(2) Whether Apex Maritime Co., Inc. violated section 10(a)(1) of the 1984 Act between September 1, 1995 and April 30, 1997, by directly or indirectly obtaining or attempting to obtain ocean transportation at less than the rates and charges otherwise applicable by means of false cargo measurements;

(3) Whether Apex Maritime Co., Inc. in its capacity as an ocean freight forwarder, violated 46 CFR 510.22(i) between March 1, 1993 and April 30, 1997, by rendering freight forwarding services free of charge or at a reduced fees;

(4) Whether, in the event violations of section 10(a)(1) of the 1984 Act and 46 CFR 510.22(i) are found, civil penalties should be assessed against Apex Maritime Co., Inc. and, if so, the amount of penalties to be assessed;

(5) Whether, in the event violations of section 10(a)(1) of the 1984 Act are found, the tariff of Apex Maritime Co., Inc. should be suspended or canceled;

(6) Whether, in the event violations of 46 CFR 510.22(i) are found, the ocean freight forwarder license of Apex Maritime Co., Inc. should be suspended or revoked; and

(7) Whether, in the event violations are found, an appropriate cease and desist order should be issued against Apex Maritime Co., Inc.

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 Judge at a date and place to be hereafter determined by the 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 Apex Maritime Co., Inc. 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, order, 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 June 2, 1998 and the final decision of the Commission shall be issued by September 30, 1998.

**Joseph C. Polking,**

*Secretary.*

[FR Doc. 97–14758 Filed 6–5–97; 8:45 am]

BILLING CODE 6730–01–M

## FEDERAL RESERVE SYSTEM

### Change in Bank Control Notices; Acquisitions of Shares of Banks or Bank Holding Companies

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. Once the notices have been accepted for processing, they will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than June 23, 1997.

**A. Federal Reserve Bank of St. Louis** (Randall C. Sumner, Vice President) 411 Locust Street, St. Louis, Missouri 63102-2034:

*1. Waymon Heriot Welch, Jr.*, Memphis, Tennessee; to acquire an additional 3.14 percent, for a total of 12.76 percent, of the voting shares of Noshoba Bancshares, Inc., Memphis, Tennessee, and thereby indirectly acquire Nashoba Bank, Germantown, Tennessee.

**B. Federal Reserve Bank of Minneapolis** (Karen L. Grandstrand, Vice President) 250 Marquette Avenue, Minneapolis, Minnesota 55480-2171:

*1. Cobb Limited Partnership*, St. Croix Falls, Wisconsin; to acquire a total of 55.7 percent of the voting shares of Financial Services of St. Croix Falls, Inc., St. Croix Falls, Wisconsin, and thereby indirectly acquire First National Bank of St. Croix Falls, St. Croix Falls, Wisconsin.

**C. Federal Reserve Bank of San Francisco** (Pat Marshall, Manager of Analytical Support, Consumer Regulation Group) 101 Market Street, San Francisco, California 94105-1579:

*1. Randall M. Proctor*, Sandy, Oregon; to retain a total of 24 percent of the voting shares of CCB Financial Corporation, Sandy, Oregon, and thereby indirectly acquire Clackamas County Bank, Sandy, Oregon.

Board of Governors of the Federal Reserve System, June 3, 1997.

**Jennifer J. Johnson,**

*Deputy Secretary of the Board.*

[FR Doc. 97–14867 Filed 6–5–97; 8:45 am]

BILLING CODE 6210–01–F

## 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