

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.*

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## 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 Noshoba 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.*

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## 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