FEDERAL MARITIME COMMISSION

Security for the Protection of the Public Indemnification of Passengers for Nonperformance of Transportation; Notice of Issuance of Certificate (Performance)

Notice is hereby given that the following have been issued a Certificate of Financial Responsibility for Indemnification of Passengers for Nonperformance of Transportation pursuant to the provisions of Section 3, Pub. L. 89–777 (46 U.S.C. 817(e)) and the Federal Maritime Commission's implementing regulations at 46 CFR Part 540, as amended:

Compagnie des Iles du Ponant (d/b/a Classical Cruises), 60 Boulevard du Marechal Juin, 44100 Nantes, France, Vessel: LE LEVANT

Cunard Line Limited (d/b/a Seabourn Cruise Line), 55 Francisco Street, Suite 710, San Francisco, CA 94133, Vessels: SEABOURN LEGEND, SEABOURN PRIDE and SEABOURN SPIRIT

Holland America Line-Westours Inc. (d/b/a Holland America Line) and Holland America Line N.V., 300 Elliott Avenue West, Seattle, WA 98119, Vessels: VOLENDAM and ZAANDAM

Cunard Line Limited (d/b/a Cunard), 6100 Blue Lagoon Drive, Suite 400, Miami, FL, 33126, Vessels: QUEEN ELIZABETH 2, ROYAL VIKING SUN, SEA GODDESS I, SEA GODDESS II and VISTAFJORD

Peter Deilmann Reederei GmbH & Co., and Schiffahrtsgesellschaft MS ''DEUTSCHLAND'' GmbH & Co., Am Hafensteig 17–19, D–23730 Neustadt in Holstein, Germany, Vessel: DEUTSCHLAND

Premier Cruises Ltd., Ulysses Cruises, Inc. (d/b/a Premier Cruises), and Premier Operations Ltd., 901 South America Way, Pier 7, Miami, FL 33132–2073, Vessel: ISLANDBREEZE

Premier Cruises Ltd., Ulysses Cruises, Inc. (d/b/a Premier Cruises), Seabreeze Ltd Inc. and Premier Operations Ltd., 901 South America Way, Pier 7, Miami, FL 33132–2073, Vessel: SEABREEZE I

Radisson Seven Seas Cruises, Inc., 600 Corporate Drive, Suite 410, Fort Lauderdale, FL 33334, Vessel: SEVEN SEAS NAVIGATOR

Premier Cruises Ltd., Ulysses Cruises, Inc. (d/b/a Premier Cruises), Premier Cruises Lines, Ltd. and Premier Operations Ltd., 901 South America Way, Pier 7, Miami, FL 33132–2073, Vessel: OCEANIC

Princess Cruises, Inc., Princess Cruise Lines, Inc. and The Peninsular and Oriental Steam Navigation Company, 10100 Santa Monica Blvd., Suite 1800, Los Angeles, CA 90067, Vessel: SEA PRINCESS

Silversea Cruises, Ltd. and Silver Cloud Shipping Company S.A., 110 East Broward Blvd., Fort Lauderdale, FL 33301, Vessel: SILVER CLOUD and SILVER WIND

Dated: January 19, 1999.

Bryant L. VanBrakle,

Secretary.

[FR Doc. 99–1434 Filed 1–21–99; 8:45 am]

BILLING CODE 6730–01–M

FEDERAL MARITIME COMMISSION

Ocean Freight Forwarder License Applicants

Notice is hereby given that the following applicants have filed with the Federal Maritime Commission applications for licenses as ocean freight forwarders pursuant to section 19 of the Shipping Act of 1984 (46 U.S.C. app. 1718 and 46 CFR 510).

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.

Certified Transportation Group, 195 Oval Drive, Islandia, NY 11722, Officers: William McNamara, President, Joseph McNamara, Vice President

Dated: January 15, 1999.

Bryant L. VanBrakle,

Secretary.

[FR Doc 99–1391 Filed 1–21–99; 8:45 am]

BILLING CODE 6730–01–M

FEDERAL MARITIME COMMISSION

Ocean Freight Forwarder License; Applicants

Notice is hereby given that the following applicants have filed with the Federal Maritime Commission applications for licenses as ocean freight forwarders pursuant to section 19 of the Shipping Act of 1984 (46 U.S.C. app. 1718 and 46 CFR 510).

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.

Safcomar, Inc., One Exchange Place, Suite 402, Jersey City, NJ 07302, Officers: Hugo Roppel, President, Christian Pochon, Vice President

Conex Global Logistics Services, Inc., 550 S. Alameda Street, Compton, CA 90221, Officers: Michael W. Keller, President, Shigehiro Uchida, Exec. Vice President

FTS International, Inc., 145–38A 157th Street, Jamaica, NY 11413, *Officer:* Shlomo Greenberg, President

Dated: January 15, 1999.

Bryant L. VanBrakle

Secretary.

[FR Doc. 99–1390 Filed 1–21–99; 8:45 am]

BILLING CODE 6730–01–M

FEDERAL MARITIME COMMISSION

[Docket No. 99–01]

Direct Container Line Inc. Possible Violations of Sections 10(a)(1) and 10(b)(1) of the Shipping Act of 1984

Order of Investigation and Hearing

Respondent Direct Container Line Inc. (''DCL'') is a tariffed and bonded non-vessel-operating common carrier (''NVOCC'') based in Carson, California. DCL holds out to furnish transportation services worldwide, including NVOCC services, *inter alia*, from ports and points in the United States to the Far East. According to DCL's webpage, DCL operates 13 offices and 25 receiving terminals in the United States and Canada, with branches or subsidiaries in 86 countries worldwide. DCL claims to have over 500 employees, with over 350 based in the United States.

Through interviews and on-site examination of shipping records maintained in DCL's offices in Carson, CA and Carteret, NJ, an investigation was commenced into the possible involvement of DCL in equipment substitution malpractices involving OOCL and Maersk Line on consolidated shipments to the Far East. In all, records were reviewed of nearly one hundred shipments in which provisions of the Transpacific Westbound Rate Agreement (''TWRA'') equipment substitution rules were invoked for the purpose of providing DCL with 45′ containers while charging DCL those service contract rates applicable to 40′ equipment.

In practice, it appears that DCL met the requirements of TWRA's equipment substitution rules by misdeclaring the cargo measurements at 65 CBM or less, equivalent to the ordinary capacity utilization of a 40 foot high cube container under TWRA rules. It further appears that cargo weights also were misdeclared on the master bill of lading so as to understate the actual weights to a figure less than 21 metric tons (21,000KG), the maximum weight

permitted under TWRA Rule 2(G)(5).[1] The container manifest furnished by DCL to the ocean common carrier on consolidated shipments reflected measurements and weights consistent with those shown on the ocean common carrier's master bill of lading. DCL's charges to its own NVOCC customers, meanwhile, were calculated on the basis of the higher measurements and weights shown only on DCL's internal manifests. The house bills of lading issued by DCL to its shippers likewise reflect DCL's reliance upon the higher measurements and weights.

It is well-established law that a carrier is charged with a responsibility of reasonably diligent inquiry and exercise of care to ensure its compliance with the shipping statutes. *Prince Line* v. *American Paper Exports Inc.,* 55 F.2d 1053 (3d Cir., 1932). In the case of equipment substitution violations, it appears that DCL affirmatively sought the application of the equipment substitution rule to its own freight rate advantage, and did so without regard for the ocean common carrier's equipment substitution rule or the implication of DCL's misdeclaration of shipment weights and measurements.

In the course of its investigation, BOE sought also to examine DCL's rating of cargoes under the provisions of its NVOCC tariff. In examining copies of rated house bills of lading for these same shipments, it appears that DCL has in many instances applied LCL rates which are higher than those on file in DCL's tariff. Pertinent examples are rates for dry cell batteries, machines NOS and textiles, in which the rates charged by DCL exceed the tariff by varying amounts.[2] DCL's actions do not appear to meet the ''reasonable diligence'' standard required of carriers in satisfying their obligations under the statute.[3] *Rates From Japan to United States,* 2 USMC 426, 434 (1940); *Rates from United States to Philippine Islands,* 2 USMC 535, 542 (1941).

Section 10(a)(1) of the 1984 Act, 46 U.S.C. app. § 1709(a)(1), prohibits any person by means of false billings, 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. Section 10 (b)(1) of the 1984 Act, 46 U.S.C. app. § 1709(b)(1), prohibits a common carrier from charging, collecting or receiving greater, less or different compensation for the transportation of property than the rates and charges set forth in its tariff. Under section 13 of the 1984 Act, 46 U.S.C. app. § 1712, a person is subject to a civil penalty of not more than $25,000 for each violation knowingly and willfully committed, and not more than $5,000 for other violations.[4] Section 13 and section 23, 46 U.S.C. app. § 1721, further provide that a common carrier's tariffs may be suspended for violations of sections 10(a)(1) or 10(b)(1) for a period not to exceed one year.

Now therefore, it is ordered, That pursuant to sections 10, 11, 13 and 23 of the 1984 Act, 46 U.S.C. app §§ 1709, 1710, 1712 and 1721, an investigation is instituted to determine:

(1) whether Direct Container Line Inc. Violated Section 10(b)(1) of the 1984 Act by obtaining or attempting obtain transportation at less than the rates and charges otherwise applicable by an unjust or unfair device or means;

(2) whether Direct Container Line Inc. violated section 10(b)(1) of the 1984 Act by charging, demanding, collecting or receiving greater, less or different compensation for the transportation of property than the rates and charges shown in its tariff.

(3) whether, in the event violations of sections 10 (a)(1) and 10(b)(1) of the 1984 Act are found, civil penalties should be assessed against Direct Container line and, if so, the amount of penalties to be assessed;

(4) whether, in the event violations of sections 10(a)(1) and 10(b)(1) of the 1984 Act are found, the tariff of Direct Container Line should be suspended;

(5) whether, in the event violations are found, an appropriate cease and desist order should be issued.

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 Commissions 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 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 Direct Container Line Inc. is designated a 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 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 notices of the time and place of hear 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 January 18, 2000 and the final

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[1] Rule 2(G)(5) provides, *inter alia:*

Carrier may, at its option, substitute a type of equipment other than that which was booked or ordered by the shipper or its agent, subject to the following conditions:

* * * * *

2. A 45′ container may be substituted for a 40′ container, subject to a maximum of 65 CBM and 21KT, at a rate and charges applicable to a 40′ container.

When cargo is loaded in excess of the above quantities, the applicable revenue ton or per container rate for a 45′ container will apply.

[2] The range of variance in rates appears substantial. On one shipment to Hong Kong, DCL's rate for dry cell batteries was $55 per CBM, while its tariff rate was $50/CBM; for textiles (synthetic fabrics), the rate charged by DCL was $100 per CBM (DCL's tariff rate was $70/CBM); for laundry machines DCL collected $95 per CBM (versus $51/CBM under DCL's tariff).

[3] In 1994, DCL entered into a compromise agreement with the Commission, resolving allegations of violations on section 10(b)(1) for failure to assess the rates set forth in its tariff with respect to shipments in the South American Trades. As part of its agreement, DCL represented that it had implemented measures to eliminate such practices by DCL.

[4] These penalties are increased 10 percent for any violations occurring after November 7, 1996. *See Inflation Adjustment of Civil Penalties,* 61 FR 52704 (October 8, 1996).

decision of the Commission shall be issued by May 17, 2000.

Bryant L. VanBrakle,

Secretary.

[FR Doc. 99–1389 Filed 1–21–99; 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. The notices also will 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 February 8, 1999.

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

1. The Blanchard Family Group, Russellville, Arkansas; to acquire voting shares of Clement Bancshares, Inc., Plainview, Arkansas, and thereby indirectly acquire voting shares of First State Bank, Plainview, Arkansas.

B. Federal Reserve Bank of Kansas City (D. Michael Manies, Assistant Vice President) 925 Grand Avenue, Kansas City, Missouri 64198-0001:

1. Bert D. Backard, Independence, Kansas; to acquire voting shares of First Howard Bankshares, Inc., Cherryvale, Kansas, and thereby indirectly acquire voting shares of First National Bank of Howard, Howard, Kansas, First Security Bankshares, Inc., Topeka, Kansas, I and B, Inc., Cherryvale, Kansas, and Peoples State Bank, Cherryvale, Kansas.

Board of Governors of the Federal Reserve System, January 19, 1999.

Robert deV. Frierson,

Associate Secretary of the Board.

[FR Doc. 99–1492 Filed 1–21–99; 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 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 February 15, 1999.

A. Federal Reserve Bank of New York (Betsy Buttrill White, Senior Vice President) 33 Liberty Street, New York, New York 10045-0001:

1. M&T Bank Corporation and Olympia Financial Corporation, both of Buffalo, New York; to acquire 100 percent of the voting shares of FNB Rochester Corp., Rochester, New York, and thereby indirectly acquire First National Bank of Rochester, Rochester, New York.

B. Federal Reserve Bank of Minneapolis (JoAnne F. Lewellen, Assistant Vice President) 90 Hennepin Avenue, P.O. Box 291, Minneapolis, Minnesota 55480-0291:

1. Farmers State Bancshares, Inc., Bangor, Wisconsin; to become a bank holding company by acquiring 100 of the voting shares of Farmers State Bank, Bangor, Wisconsin.

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

1. Umpqua Holdings Corporation, Roseburg, Oregon; to become a bank holding company by acquiring 100 percent of the voting shares of South Umpgua Bank, Roseburg, Oregon.

Board of Governors of the Federal Reserve System, January 15, 1999.

Robert deV. Frierson,

Associate Secretary of the Board.

[FR Doc. 99–1420 Filed 1–21–99; 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 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 February 18, 1999.

A. Federal Reserve Bank of Atlanta (Lois Berthaume, Vice President) 104 Marietta Street, N.W., Atlanta, Georgia 30303-2713:

1. Coast Community Bancshares, Inc., Biloxi, Mississippi; to retain 100 percent of the voting shares of Coast Community Bank, Biloxi, Mississippi.

2. Community Bancshares of Mississippi, Inc., Forest, Mississippi; to acquire 100 percent of the voting shares