

This proceeding has been assigned to the office of Administrative Law Judges. Hearing in this matter, if any is held, shall commence within the time limitations prescribed in 46 CFR 502.61, and only after consideration has been given by the parties and the presiding officer to the use of alternative forms of dispute resolution. The hearing shall include oral testimony and cross-examination in the discretion of the presiding officer only upon 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 matter in issue is such that an oral hearing and cross-examination are necessary for the development of an adequate record. Pursuant to the further terms of 46 CFR 502.61, the initial decision of the presiding officer in this proceeding shall be issued by April 17, 1997, and the final decision of the Commission shall be issued by August 15, 1997.

Joseph C. Polking,

Secretary.

[FR Doc. 96-9885 Filed 4-22-96; 8:45 am]

BILLING CODE 6730-01-M

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.

RMG International Inc., 755 Bradfield, Houston, TX 77060, Officers: Robert M. Goodsir, President, Michael K. Freeman, Vice President

Smile Enterprises Co., 500 Carson Plaza Drive, #125, Carson, CA 90746, Se Il Cha, Sole Proprietor

Dated: April 18, 1996.

Joseph C. Polking,

Secretary.

[FR Doc. 96-9956 Filed 4-22-96; 8:45 am]

BILLING CODE 67301-01-M

[Docket No. 96-08]

Longrow Shipping Limited; Possible Violations of Sections 8 and 10(b)(1) of the Shipping Act of 1984 and Commission Rule 514.1(e)(1); Order of Investigation and Hearing

This proceeding is instituted pursuant to sections 3, 8, 10, 11 and 13 of the Shipping Act of 1984 ("1984 Act"), 46 USC app. 1702, 1707, 1709, 1710 and 1712, and the Federal Maritime Commission's ("Commission") regulations governing the tariffing of non-vessel-operating common carriers, 46 CFR Part 514.

Longrow Shipping Limited ("Longrow") is a non-vessel-operating common carrier ("NVOCC") incorporated in Hong Kong in 1991. Its receiving agent in the United States and agent for service of process is Pan-Pacific Express Corporation in California. Longrow currently maintains a tariff, effective July 17, 1994, in the Commission's Automated Tariff Filing and Information System. It holds an NVOCC surety bond, issued on May 26, 1994, in the amount of \$50,000.

It appears that between May 30 and July 16, 1994, Longrow may have operated as a NVOCC without an effective tariff. During this time, Longrow held itself out as a NVOCC providing ocean transportation from Hong Kong to the United States in its dealings with at least five shippers and one ocean common carrier. Section 8 of the 1984 Act, 46 USC app. 1707, provides that no common carrier may provide service in the United States foreign trade unless the carrier first has filed a tariff with the Commission showing all of its rates, charges and practices. Section 8 also states that no new rates may become effective earlier than 30 days after filing at the Commission. In promulgating this statutory provision, Commission rule 514.9(b)(9)(i)(A), 46 CFR 514.9(b)(9)(i)(A), explains that "[n]ew tariffs * * * shall * * * be filed to become effective not earlier than 30 days after the date of filing." According to the records maintained by the Commission's Bureau of Tariffs, Certification and Licensing, Longrow did not have an effective tariff until July 17, 1994. Commission rule 514.1(e)(1), 46 CFR 514.1(e)(1), provides that "[o]perating without an effective tariff on file with the Commission * * * is unlawful." Therefore, it would appear and Longrow, by providing and holding out to the public to provide transportation by water of cargo for compensation and by contracting as a shipper in relation to a common carrier

for the transportation of cargo of other persons, may have acted as a NVOCC without an effective tariff, in violation of section 8 of the 1984 Act and Commission rule 514.1(e)(1).

After Longrow's tariff became effective, Longrow transported between July 17, 1994 and February 21, 1995, at least twenty (20) shipments from Hong Kong to the United States. For those shipments, Longrow appears to have charged rates other than those shown in Longrow's tariff. Pursuant to section 10(b)(1), 46 USC app. 1709(b)(1), the 1984 Act maintains that a common carrier is prohibited from charging, demanding, collecting or receiving greater, less or different compensation for transportation of property than the rates shown in its tariffs or service contracts. This prohibition is reiterated in Commission rule 514.1(e)(1) which states that "charging rates not in conformance with such a tariff is lawful." Therefore, Longrow may have violated section 10(b)(1) of the 1984 Act and Commission rule 514.1(e)(1) by charging rates other than those shown in its tariff between July 17, 1994 and February 21, 1995.

Section 11 of the 1984 Act, 46 USC app. 1710, sets forth the Commission's authority to investigate any conduct that may be in violation of the 1984 Act. In the event violations are found, section 13 of the 1984 Act, 46 USC app. 1712, provides that the Commission may assess civil penalties for violations of the 1984 Act and the regulations issued thereunder.

Now therefore it is ordered, That pursuant to sections 3, 8, 10, 11, and 13 of the 1984 Act, 46 USC app. 1702, 1707, 1709, 1710, and 1712, an investigation is hereby instituted to determine:

(1) Whether Longrow Shipping Limited violated section 8 of the 1984 Act and Commission rule 514.1(e)(1), by providing common carrier services without an effective tariff filed at the Commission between May 30, 1994 and July 16, 1994;

(2) Whether Longrow Shipping Limited violated section 10(b) of the 1984 Act and Commission rule 514.1(e)(1), by failing to charge the rates shown in its tariff between July 17, 1994 and February 21, 1995;

(3) Whether, in the event Longrow Shipping Limited violated sections 8 and 10(b) of the 1984 Act and Commission rule 514.1(e)(1), civil penalties should be assessed and, if so, the amount of such penalties;

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