

final decision of the Commission shall be issued by March 9, 1998.

Joseph C. Polking,

Secretary.

[FR Doc. 96-29143 Filed 11-13-96; 8:45 am]

BILLING CODE 6730-01-M

**[Docket No. 96-21]**

**Royal Venture Cruise Line, Inc.; Order of Investigation**

This proceeding is being instituted in response to the request of Royal Venture Cruise Line, Inc. ("Royal Venture") for a hearing in response to a Federal Maritime Commission ("Commission") Notice of Intent to Deny Royal Venture's application for a Certificate of Financial Responsibility of Non-Performance ("Certificate"). Section 3 of Public Law 89-777, 46 U.S.C. app. 817e, provides that no person in the United States may arrange, offer, advertise, or provide passage on a vessel having berth or stateroom accommodations for fifty or more passengers, which is to embark passengers at a United States port, to receive a Certificate for the vessel.<sup>1</sup>

Royal Venture is a Georgia corporation which maintains an office in Clearwater, FL. Anastassios Kiriakidis ("Kiriakidis") is the Chairman of Royal Venture. Kiriakidis, on behalf of Royal Venture, filed an application with the Commission to obtain a Certificate for the *Sun Venture*, a vessel with berth or stateroom accommodations for fifty or more passengers, for 2-day cruises to nowhere and 5-day cruises to Mexico from Tampa, FL. The Certificate was to be secured by an Escrow Agreement pursuant to the Commission's regulations at 46 CFR 540.5(b). The First Bank National Association, New York, New York, was named as the Escrow Agent for the Escrow Agreement. The Commission approved the application and notified Royal Venture on April 19, 1996, that a Certificate would be issued upon confirmation that an initial deposit of \$303,000 had been deposited by Royal Venture in the escrow account.<sup>2</sup> Even though the application was approved in April, 1996, Royal Venture has yet to notify the Commission that it has made the initial deposit of \$303,000 in Escrow Account.

In June, 1996, it came to the attention of the Commission's staff that Royal Venture apparently had circulated a brochure to the travel industry for

cruises from Tampa on the *Sun Venture*. As a result of learning this information, the Commission's staff on July 1, 1996, sent Royal Venture a warning letter advising Royal Venture that a Certificate had not been issued, and that Royal Venture should immediately cease any activity which involved arranging, offering, advertising or providing passage on the *Sun Venture*. In response, Royal Venture acknowledged that brochures for its planned cruises on the *Sun Venture* had been distributed to travel agents at a trade show in Tampa, and stated that Royal Venture would not sell passages or collect any money for passages on the *Sun Venture* until a Certificate for the vessel was issued.

In August, 1996, the Commission's staff learned that travel agents in the Tampa area had been promoting Royal Venture's proposed cruises on the *Sun Venture* and that a series of advertisements for the vessel had appeared in Tampa area newspapers. Another warning letter was sent by the Commission's staff to Royal Venture on August 23, 1996. Thereafter, information was obtained by the Commission's staff that indicated Royal Venture, through travel agents, had confirmed reservations or otherwise arranged for the sale of passages for cruises on the *Sun Venture* and that Royal Venture was holding deposits or fares for the passages.

In order to verify this information and determine the extent of Royal Venture's activities, a member of the Commission's staff met with Kiriakidis at Royal Venture's office in Clearwater, FL on September 11, 1996. At the meeting, Kiriakidis admitted that Royal Venture had advertised its planned service on the *Sun Venture* but took the position that the firm had not confirmed reservations or otherwise sold passages on the *Sun Venture*. His position was that Royal Venture had only obtained "indications of interest" for cruises and any deposits or fares which had been sent, unsolicited, to Royal Venture were promptly returned. This position appeared to be contrary to the information developed by the Commission's staff. Thus, the Commission, by Order of Investigation served September 25, 1996,<sup>3</sup> instituted a proceeding to determine if Royal Venture and Kiriakidis had violated the provisions of section 3 of Public Law 89-777 and (or) Part 540.3 of the Commission's regulations, and, if so, whether a civil penalty should be assessed, the amount thereof, and

whether a cease and desist order should be issued.

The above course of conduct by Royal Venture also appears to bring into question the issuance of a Certificate to Royal Venture based on an Escrow Agreement. When a passenger vessel operator relies upon an Escrow Agreement to establish its financial responsibility, the Commission must have accurate, credible and reliable information concerning the collection of passenger deposits and fares to ensure the protection of passengers and the integrity of the Escrow Agreement. The Commission's experience thus far with Royal Venture and its Chairman creates doubts as to whether information to be provided by Royal Venture under the terms of the Escrow Agreement could be relied upon. Accordingly, pursuant to the Commission's Regulations at 46 CFR 540.8, a Notice of Intent to Deny Royal Venture's Application for a Certificate was sent to Royal Venture on October 3, 1996. Part 540.8(b) of the Commission's regulations provides that a Certificate may be denied, revoked, suspended, or modified for making any willfully false statement to the Commission in connection with an application for a Certificate, circumstances whereby the party does not qualify as financially responsible in accordance with the requirements of the Commission, or failure to comply with or respond to lawful inquiries, rules, regulations or orders of the Commission. Royal Venture was given 20 days to request a hearing, to be held in accordance with the Commission's Rules of Practice and Procedure, to show that the intended denial should not take place. By letter received October 22, 1996, Royal Venture requested a hearing on the intended denial.

Now therefore it is ordered, That pursuant to section 3 of Public Law 89-777 and 46 CFR Part 540, a proceeding is instituted to determine whether Royal Venture's application for a Certificate should be denied for: (1) making any willfully false statement to the Commission in connection with an application for a Certificate; (2) circumstances whereby Royal Venture does not qualify as financially responsible in accordance with the requirements of the Commission; and (or), (3) failure to comply with or respond to lawful inquiries, rules, regulations or orders of the Commission.

It is further ordered, That this matter be assigned for public hearing before an Administrative Law Judge ("Presiding Officer") of the Commission's Office of Administrative Law Judges at a date and place to be determined by the Presiding Officer in compliance with Rule 61 of

<sup>1</sup> A Certificate is issued pursuant to the Commission's regulations at 46 CFR Part 540.

<sup>2</sup> Royal Venture was also informed that it would have to file a signed original copy of the Escrow Agreement with the Commission.

<sup>3</sup> Docket No. 96-16, *Royal Venture Cruise Line, Inc. and Anastassios Kiriakidis-Possible Violations of Passenger Vessel Certification Requirements*.

the Commission's Rules of Practice and Procedure, 46 CFR 502.61. The Hearing shall include oral testimony and cross-examination at the discretion of the Presiding Officer only after consideration has been given by the parties and the Presiding Officer to the use of alternative forms of dispute resolution, and 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;

*It is further ordered*, That Royal Venture Cruise Line, Inc. is designated 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 copies be served upon all 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 future notices, orders, 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;

*It is further ordered*, That pursuant to Rule 61 of the Commission's Rules of Practice and Procedure, 46 CFR 502.61, the initial decision of the Presiding Officer shall be issued by September 25, 1997 and the final decision of the Commission shall be issued by January 25, 1998.

By the Commission.  
Joseph C. Polking,  
Secretary.  
[FR Doc. 96-29144 Filed 11-13-96; 8:45 am]  
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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 November 27, 1996.

A. Federal Reserve Bank of Kansas City (John E. Yorke, Senior Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

*I. W. Newton Male Revocable Trust, and W. Newton Male, Trustee*, both of Augusta, Kansas; to acquire an additional 2.50 percent, for a total of 25.65 percent, of the voting shares of Prairie Capital, Inc., Augusta, Kansas, and thereby indirectly acquire The Prairie State Bank, Augusta, Kansas.

Board of Governors of the Federal Reserve System, November 7, 1996.

William W. Wiles,

Secretary of the Board.

[FR Doc. 96-29137 Filed 11-13-96; 8:45 am]

BILLING CODE 6210-01-F

### 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. Once the application has

been accepted for processing, it will also 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, including whether the acquisition of the nonbanking company can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices" (12 U.S.C. 1843). Any request for a hearing must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal. 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 December 6, 1996.

A. Federal Reserve Bank of Atlanta (Zane R. Kelley, Vice President) 104 Marietta Street, N.W., Atlanta, Georgia 30303:

*1. Regions Financial Corporation*, Birmingham, Alabama; to merge with Allied Bankshares, Inc., Thomson, Georgia, and thereby indirectly acquire Allied Bank of Georgia, Thomson, Georgia; Bank of Morgan County, Madison, Georgia; and The Bank of Millen, Millen, Georgia.

Board of Governors of the Federal Reserve System, November 7, 1996.

William W. Wiles,

Secretary of the Board.

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