

March 7, 1997, and related determinations.

**EFFECTIVE DATE:** March 25, 1997.

**FOR FURTHER INFORMATION CONTACT:** Magda Ruiz, Response and Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646-3260.

**SUPPLEMENTARY INFORMATION:** The notice of a major disaster for the State of Tennessee, is hereby amended to include Categories C through G under the Public Assistance program in those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of March 7, 1997:

The counties of Carroll, Cheatham, Dyer, Houston, Lauderdale, Madison, Obion, Stewart, and Weakley for Categories C through G under the Public Assistance program (already designated for Individual Assistance, Hazard Mitigation, and Categories A and B under the Public Assistance program). (Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance.)

**Lacy E. Suiter,**

*Executive Associate Director, Response and Recovery Directorate.*

[FR Doc. 97-8666 Filed 4-3-97; 8:45 am]

BILLING CODE 6718-02-P

## FEDERAL FINANCIAL INSTITUTIONS EXAMINATION COUNCIL

### U.S. Government Guaranteed Loans and Sale Premiums; Rescission of Policy Statement

**AGENCY:** Federal Financial Institutions Examination Council (FFIEC).

**ACTION:** Rescission of policy statement.

**SUMMARY:** FFIEC has rescinded its policy statement on the Sale of U.S. Government Guaranteed Loans and Sale Premiums (Policy Statement), issued on November 29, 1979. The Policy Statement provided guidance to insured depository institutions purchasing or selling loans guaranteed by the U.S. government. The FFIEC rescinded the Policy Statement because it is outdated.

**DATES:** This Policy Statement was rescinded effective December 5, 1996.

**FOR FURTHER INFORMATION CONTACT:** Federal Deposit Insurance Corporation (FDIC): William A. Stark, Assistant Director, (202/898-6972), Kenton Fox, Senior Capital Markets Specialist, (202/898-7119), Division of Supervision; Jamey Basham, Counsel, (202/898-7265), Legal Division, Federal Deposit Insurance Corporation, 550 17th Street, NW., Washington, DC 20429.

Office of Thrift Supervision (OTS): Donna Deale, Manager, (202/906-7488),

Supervision Policy, Office of Thrift Supervision, 1700 G Street, NW., Washington, DC 20552.

Office of the Comptroller of the Currency (OCC): Tom Rollo, National Bank Examiner, (202/874-5070), Office of the Chief National Bank Examiner, Office of the Comptroller of the Currency, 250 E Street SW., Washington, DC 20219.

Board of Governors of the Federal Reserve System (FRB): Susan Meyers, Senior Securities Analyst, (202/452-2781), Division of Banking Supervision and Regulation, Board of Governors of the Federal Reserve System, 20th and C Streets NW., Washington, DC 20551.

**SUPPLEMENTARY INFORMATION:** FFIEC consists of representatives from the FDIC, OTS, OCC, FRB, and National Credit Union Administration (NCUA). FFIEC developed the Policy Statement to provide general supervisory guidance to insured depository institutions that originate, purchase, or sell loans guaranteed by the U.S. government. The Policy Statement also provided guidance on the accounting treatment of servicing fees and premiums associated with these loans. FFIEC originally adopted the Policy Statement on November 29, 1979, and the Federal Home Loan Bank Board (the OTS' predecessor), FDIC, OCC, and FRB federal banking agencies) each adopted the Policy Statement shortly thereafter. FFIEC adopted certain amendments to the Policy Statement on March 22, 1985, which were subsequently adopted by the federal banking agencies.

On December 5, 1996, FFIEC voted to rescind the Policy Statement. Since the Policy Statement was adopted, the market in government-guaranteed loans has become well established, and insured depository institutions have gained experience in dealing in this market. The supervisory guidance contained in the Policy Statement, which is very general in nature, is no longer necessary. Additionally, the accounting guidance in the Policy Statement is adequately addressed in the Instructions for Preparing Reports of Condition and Income and the Consolidated Statement of Condition of the Thrift Financial Report, and subsequent accounting pronouncements including Financial Accounting Standards Board Statement 91, Accounting for Nonrefundable Fees and Costs Associated with Originating or Acquiring Loans and Initial Direct Costs of Leases.

For the above reasons, the Policy Statement has been rescinded. Each of the federal banking agencies will take appropriate action in connection with the rescission of the Policy Statement.

Dated at Washington, DC, this 31st day of March, 1997.

Federal Financial Institutions Examination Council,

**Joe M. Cleaver,**

*Executive Secretary.*

[FR Doc. 97-8569 Filed 4-3-97; 8:45 am]

BILLING CODE 6210-01-P FRB, 6720-01-P OTS, 6714-01-P FDIC, 4810-33-P OCC

## FEDERAL MARITIME COMMISSION

### Notice of Agreement(s) Filed

The Commission hereby gives notice of the filing of the following agreement(s) under the Shipping Act of 1984.

Interested parties can review or obtain copies of agreements at the Washington, DC offices of the Commission, 800 North Capitol Street, N.W., Room 962. Interested parties may submit comments on an agreement to the Secretary, Federal Maritime Commission, Washington, DC 20573, within 10 days of the date this notice appears in the **Federal Register**.

**Agreement No.:**

202-011259-012.

**Title:**

United States/Southern and Eastern Africa Conference.

**Parties:**

Empresa De Navegacao Internacional (Navinter) Lykes Bros. Steamship Co., Inc. Mediterranean Shipping Company S.A. Safbank Line, Ltd. (Safbank) Wilhelmsen Lines A/S.

**Synopsis:**

The proposed amendment restates the Agreement and deletes Eastern Africa from the geographic scope of the Agreement. It also makes changes to the Agreement's name and various Agreement articles to reflect this change. The parties have requested a shortened review period.

By Order of the Federal Maritime Commission.

Dated: April 1, 1997.

**Joseph C. Polking,**

*Secretary.*

[FR Doc. 97-8634 Filed 4-3-97; 8:45 am]

BILLING CODE 6730-01-M

[Docket No. 97-06]

**Shipman International (Taiwan) Ltd.; Possible Violations of Sections 8, 10(a)(1) and 10(b)(1) of the Shipping Act of 1984 and 46 C.F.R. Part 514**

### Order of Investigation and Hearing

Shipman International (Taiwan) Ltd. ("Shipman International") is a tariffed

and bonded non-vessel-operating common carrier (NVOCC) located at 4th Floor, No. 89, Lane 155, Tun Hwa North Road, Taipei, Taiwan. Shipman International has held itself out as an NVOCC pursuant to its ATFI tariff FMC No. 004, filed September 5, 1993.<sup>1</sup>

Shipman International currently maintains an NVOCC bond, No. NVOC0143, in the amount of \$50,000 with the American Motorists Insurance Company, 2 World Trade Center, New York, New York 10048. Pursuant to Rule 24 of its NVOCC tariff, Shipman International's tariff publisher, Distribution Publications Inc., serves as the U.S. resident agent for purposes of receiving service of process on behalf of Shipman International.

It appears that Shipman International, acting as shipper in relation to an ocean common carrier, misdescribed the commodity on numerous shipments transported by an ocean common carrier between December 1, 1995, and December 31, 1996.<sup>2</sup> The shipments primarily originated in Taiwan, and were destined for Los Angeles and other U.S. ports and points. In each of these instances, Shipman International was listed as shipper on the ocean carrier's bill of lading, while Shipman International destination agents in the U.S. acted as the consignee or notify party. Each shipment generally reflects that a Shipman International "house", or NVOCC, bill of lading was issued for tender by the ultimate consignee to Shipman International's agent upon arrival of the cargo at destination, which correctly describes the commodity shipped.

It further appears that the ocean common carrier rated the commodities in accordance with the inaccurate description furnished by Shipman International while the U.S. consignees of Shipman International's shipments accepted delivery of the cargo and made payment to the ocean common carrier on the basis of the lower rate attributable to the inaccurate commodity description shown on the bill of lading. Contemporaneous with

the payment of any freight due to the ocean common carrier, Shipman International's agents in the U.S. also would issue arrival notices and obtain payment of the NVOCC's freight charges from the U.S. importer, in each case correctly describing the commodity based on actual contents shipped.

In addition, during time periods prior to the cancellation of Shipman International's ATFI tariff No. 004 in August 1996 and subsequent to the filing of Shipman International's ATFI tariff No. 005 in October 1996, Shipman International appears both as shipper and as a carrier issuing its own (Shipman International) NVOCC bill of lading with respect to the commodity being shipped. The rates assessed and collected by Shipman International and its U.S. agents for these shipments, however, bear no relation to the rates set forth in Shipman International's ATFI tariffs on file with the Commission.<sup>3</sup> Since Shipman International never modified its tariff rates during these respective periods, it would appear that all shipments for which Shipman International issued its NVOCC bill of lading during the above time periods may be found to constitute violations of section 10(b)(1) of the Shipping Act of 1984 ("1984 Act").

During the period between August 24, 1996, when Shipman International canceled its tariff FMC No. 004, and October 18, 1996, when its replacement tariff FMC No. 005 became effective, it appears that Shipman International continued its business operations as an NVOCC without having an effective tariff on file for such services. During this period, Shipman International continued to act in the capacity of a shipper in relation to an ocean common carrier, to be identified on various Mitsui OSK Lines' bills of lading as the shipper for whose account the transportation was to be provided during this period, and to have such Mitsui bills of lading issued which reflect that freight charges had been prepaid to the ocean common carrier at origin. It thus appears that Shipman International operated as an NVOCC without an effective tariff on file for a period of 54 days. Each day of a

continuing violation may be treated as a separate violation of the 1984 Act.

Section 10(a)(1) of the 1984 Act, 46 U.S.C. app. § 1709(a)(1), prohibits any person knowingly and willfully, directly or indirectly, 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. Section 8 of the 1984 Act, 46 U.S.C. app. 1707, sets forth the requirement that each common carrier file and maintain with the Commission a tariff of its rates, rules and charges, while section 514.1 of the Commission's tariff regulations, 46 C.F.R. § 514.1, effectuates the above statutory mandate by prohibiting common carriers from operating without an effective tariff on file with the Commission. 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. Section 13 further provides that a common carrier's tariff may be suspended for violations of section 10(b)(1) for a period not to exceed one year, while section 23 of the 1984 Act, 46 U.S.C. app. § 1721 provides for a similar suspension for NVOCCs in the case of violations of section 10(a)(1) of the 1984 Act.

Now therefore, it is ordered, that pursuant to sections 8, 10, 11, 13, and 23 of the 1984 Act, 46 U.S.C. app. §§ 1707, 1709, 1710, 1712, and 1721, an investigation is instituted to determine:

(1) Whether Shipman International violated section 10(a)(1) of the 1984 Act by directly or indirectly obtaining transportation at less than the rates and charges otherwise applicable through the means of misdescription of the commodities actually shipped;

(2) Whether Shipman International, in its capacity as a common carrier, violated section 10(b)(1) of the 1984 Act by charging, demanding, collecting, or receiving less or different compensation for the transportation of property than the rates and charges shown in its NVOCC tariff;

(3) Whether Shipman International violated section 8 of the 1984 Act and the Commission's tariff regulations at 46 C.F.R. § 514.1 by operating as a non-vessel-operating common carrier during

<sup>1</sup> Tariff FMC No. 004 expired August 24, 1996. It was subsequently replaced by tariff FMC No. 005, effective October 18, 1996.

<sup>2</sup> Based on import data available from the PERS subsidiary of the Journal of Commerce, Shipman International has acted as shipper on over 550 inbound shipments during the twelve-month period ending November 1996, accounting for nearly 1100 TEUs of cargo. PERS reports that the primary ocean common carrier transporting cargo on behalf of Shipman International was Mitsui OSK Line, which accounted for 91% of the total tonnage moved during this period. More than 100 of these shipments originated during the 54-day period in August–October 1996 when Shipman International did not have a tariff effective for its NVOCC services.

<sup>3</sup> Since filing its tariff No. 004 in the ATFI system in 1993, Shipman International has maintained a tariff consisting solely of three classes of Cargo N.O.S. rates, *i.e.* hazardous, non-hazardous and refrigerated, and a separate rate for Hardware N.O.S. Subsequent to the filing of its NVOCC tariff No. 005 in October 1996, Shipman International has maintained only three classes of Cargo N.O.S. rates. Shipman International does not publish "per container" rates, nor does it appear to charge those Cargo N.O.S. rates which it does publish, inasmuch as its rates are tariffed solely on a weight or measurement ton basis.

the period August 25, 1996 through October 18, 1996, without having a tariff for such services on file and effective with the Commission;

(4) Whether, in the event violations of sections 8, 10(a)(1) and 10(b)(1) of the 1984 Act and Commission regulations are found, civil penalties should be assessed against Shipman International and, if so, the amount of penalties to be assessed;

(5) Whether, in the event violations of sections 10(a)(1) and 10(b)(1) of the 1984 Act are found, the tariff of Shipman International should be suspended; and

(6) 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 Commission's Rules of Practice and Procedure, 46 C.F.R. § 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 Shipman International (Taiwan) Ltd. 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 C.F.R. § 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 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 C.F.R. § 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 March 31, 1998 and the final decision of the Commission shall be issued by July 29, 1998.

**Joseph C. Polking,**

*Secretary.*

[FR Doc. 97-8635 Filed 4-3-97; 8:45 am]

BILLING CODE 6730-01-M

## FEDERAL RESERVE SYSTEM

### Sunshine Act Meeting

**AGENCY HOLDING THE MEETING:** Board of Governors of the Federal Reserve System.

**TIME AND DATE:** 10:00 a.m., Wednesday, April 9, 1997.

**PLACE:** Marriner S. Eccles Federal Reserve Board Building, C Street entrance between 20th and 21st Streets, N.W., Washington, DC 20551.

**STATUS:** Closed.

#### MATTERS TO BE CONSIDERED:

1. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.

2. Any items carried forward from a previously announced meeting.

**CONTACT PERSON FOR MORE INFORMATION:** Mr. Joseph R. Coyne, Assistant to the Board; (202) 452-3204. You may call (202) 452-3207, beginning at approximately 5 p.m. two business days before this meeting, for a recorded announcement of bank and bank holding company applications scheduled for the meeting.

Dated: April 2, 1997.

**Jennifer J. Johnson,**

*Deputy Secretary of the Board.*

[FR Doc. 97-8771 Filed 4-2-97; 8:45 am]

BILLING CODE 6210-01-P

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Office of the Secretary

#### Meeting of the Secretary's Council on Health Promotion and Disease Prevention Objectives for 2010

**AGENCY:** Office of Public Health and Science, Office of Disease Prevention and Health Promotion.

**ACTION:** Secretary's Council on Health Promotion and Disease Prevention Objectives for 2010: Notice of Inaugural Meeting.

**SUMMARY:** The Department of Health and Human Services is providing notice of the first annual meeting of the Secretary's Council on Health Promotion and Disease Prevention Objectives for 2010.

**DATES:** The Council will hold its meeting on April 21, 1997 from 9:30 a.m. to approximately 4:30 p.m. E.S.T.

**ADDRESSES:** Department of Health and Human Services, Sixth floor conference room, Hubert H. Humphrey Building, 200 Independence Avenue, SW., Washington, DC 20201. The meeting is open to the public; seating is limited.

**FOR FURTHER INFORMATION CONTACT:** Ellis Davis, Office of Disease Prevention and Health Promotion, Room 738G, Hubert H. Humphrey Building, 200 Independence Avenue, SW., Washington, DC 20201, (202) 260-2873.

**SUPPLEMENTARY INFORMATION:** The Council was established by charter on September 5, 1996 to provide assistance to the Secretary and the Department of Health and Human Services in the development of health promotion and disease prevention objectives to enhance the health of Americans by 2010. The Council will meet approximately once a year and will terminate two years from its charter date, unless renewed prior to its expiration.

The Council is charged to advise the Secretary on the development on national health promotion and disease prevention goals and objectives and to provide links with States, communities, and the private sector to ensure their involvement in the process of developing these goals and objectives. The Secretary of Health and Human Services chairs the Council, with the Assistant Secretary for Health as Vice Chair. Other members include the Operating Division Heads of the Department and the former Assistant Secretaries for Health. Management and support services are provided by the Office of Disease Prevention and Health