

facility will be 178 MW. Electric power produced by the facility will be sold to PECO Energy Company. Construction of the facility commenced on March 8, 1996. The facility is expected to commence commercial operation by December 8, 1997.

*Comment date:* January 23, 1997, in accordance with Standard Paragraph E at the end of this notice.

#### Standard Paragraph

E. Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 18 CFR 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Linwood A. Watson, Jr.,

*Acting Secretary.*

[FR Doc. 97-843 Filed 1-13-97; 8:45 am]

BILLING CODE 6717-01-P

## ENVIRONMENTAL PROTECTION AGENCY

[FRL-5676-2]

### Notice of Disclosure of Confidential Business Information Obtained Under the Comprehensive Environmental Response, Compensation and Liability Act to EPA Contractor Dynamac, Osage Iron and Metals Superfund Site, Kansas City, Kansas

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice; request for comments.

**SUMMARY:** EPA hereby complies with the requirements of 40 CFR 2.301(h) and 40 CFR 2.310(h) for authorization to disclose to its contractor, Dynamac of Rockville, Maryland, cost recovery support documentation for the Osage Iron and Metals Superfund Site, Kansas City, Kansas. This disclosure includes Confidential Business Information (CBI) which has been submitted to EPA Region 7, Superfund Division. Dynamac's principal office is 2275 Research Boulevard, Suite 500, Rockville, Maryland 20850.

**FOR FURTHER INFORMATION CONTACT:** Jeffrey G. Weatherford, P.E., Superfund Division, Environmental Protection Agency, 726 Minnesota Avenue, Kansas City, Kansas 66101, (913) 551-7695.

#### SUPPLEMENTARY INFORMATION:

Notice of Required Determinations, Contract Provisions and Opportunity to Comment

The Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA), as amended (commonly known as "Superfund"), requires the establishment of an administrative record upon which the President shall base the selection of a response action. CERCLA also requires the maintenance of many other records. EPA has entered into ESS Contract No. 68-W4-0039 for management of those records. EPA Region 7 has determined that disclosure of CBI to Dynamac is necessary in order that the contractor may carry out the work requested under the above contract with EPA. The contract complies with all requirements of 40 CFR 2.301(h)(2)(ii) and 40 CFR 2.310(h). EPA Region 7 will require that each Dynamac employee working on cost recovery work sign a written agreement that he or she:

(1) Shall use the information only for the purpose of carrying out the work required by the contract;

(2) Shall refrain from disclosing the information to anyone other than EPA without the prior written approval of each affected business or of an EPA regional office; and

(3) Shall return to EPA all copies of the information and any contracts or extracts therefrom (a) upon completion of the contract, (b) upon request of the EPA, or (c) whenever the information is no longer required by Dynamac for performance of work requested under the contract. These non-disclosure statements shall be maintained on file with the EPA Region 7 Project Officer for Dynamac. Dynamac employees will be provided technical direction from their respective EPA contract management staff.

EPA hereby advises affected parties that they have ten (10) working days to comment pursuant to 40 CFR 2.301(h)(2)(iii) and 40 CFR 2.310(h). Comments should be sent to: Jeffrey G. Weatherford, P.E., Environmental Protection Agency, Region 7, 726 Minnesota Avenue, Kansas City, Kansas 66101.

Dated: December 23, 1996.

Dennis Grams,

*Regional Administrator.*

[FR Doc. 97-875 Filed 1-13-97; 8:45 am]

BILLING CODE 6560-50-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. pap. 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.

American Freight Liners, Inc., One World Trade Center, Suite #4667, New York, NY 10048, Officers: Denzil C. Fernando, President, Sasanka D. Ariyawansa, Vice President  
S.L.M.L. Export Inc. d/b/a Scully & Co. Inc., 12777 Jones Road, Suite 310, Houston, TX 77070-4621, Officers: Sharon Lerner, President, Linda Givens, Vice President  
Noral Cargo International, Inc., 4745 NW 72nd Avenue, Miami, FL 33166, Officers: Norma E. Garcia, President, Carlos Garcia, Vice President  
SR International Logistics, LLC, 12373 West 60th Place, Arvada, CO 80004, Officer: Russell E. Steele, Manager  
Neal Brothers, Inc., 9871 Highway 78, Ladson, SC 29456, Officers: David Kenneth Neal, President, Christopher Brindley Warburton, Vice President  
Panamerican All Trading Services, Corp., 5461 N.W. 72nd Avenue, Miami, FL 33166, Officers: Jorge Murillo, President, Adriana P. Orozco, Secretary  
Trans World Shipping Co. Import/Export, 300 W. Glenoaks Blvd., Glendale, CA 91202 Vartan Nazerian Edward Melkonian Partnership

Dated: January 9, 1997.

Joseph C. Polking,

*Secretary.*

[FR Doc. 97-830 Filed 1-13-97; 8:45 am]

BILLING CODE 6730-01-M

[Docket No. 97-01]

### Alex Parsinia D/B/A Pacific International Shipping and Cargo Express; Order of Investigation

Alex Parsinia ("Parsinia") is an individual who appears to be doing business under the names Pacific International Shipping ("PIS") and Cargo Express ("CE"). It appears that from at least September 17, 1995 to the present, Parsinia has provided ocean transportation services to the public for

shipments from the United States to foreign countries. PIS and CE appear to dispatch shipments via ocean common carriers, arrange for the transportation of shipments on behalf of shippers, prepare documentation consisting of bills of lading and export documents. Shippers appear to look to PIS and CE for the delivery of shipments,<sup>1</sup> and PIS and CE appear to hold themselves out to perform transportation to the public and accept responsibility for the transportation of shipments. The shipments consist mostly of personal effects or household goods. Shipments are contracted with ocean common carriers under the names of actual shippers as well as under the names PIS and CE.

Section 19(a) of the Shipping Act of 1984 ("1984 Act"), 46 U.S.C. app. 1718(a), provides that no person may act as an ocean freight forwarder unless that person has obtained a license from the Federal Maritime Commission. Section 3(19) of the 1984 Act, 46 U.S.C. app. 1702(19), defines an ocean freight forwarder as a person in the United States that dispatches shipments from the United States to a foreign country via common carriers, books or otherwise arranges space for such shipments on behalf of shippers, and processes the documentation or performs related activities incident to those shipments. In order to obtain an ocean freight forwarder license, a forwarder must furnish to the Commission a bond to insure the financial responsibility of the forwarder, and the Commission must determine that the forwarder is qualified by experience and character to render forwarding services. According to a review of records maintained by the Commission's Bureau of Tariffs, Certification and Licensing, no ocean freight forwarder license has been issued in the name of Alex Parsinia. Therefore, it would appear that Parsinia, by dispatching shipments, by booking or otherwise arranging space for the shipments, and by processing documentation incident to ocean shipments made on behalf of others from the United States, has acted as an ocean freight forwarder without a license issued by the Commission in violation of section 19(a) of the 1984 Act.

Section 8(a) of the 1984 Act, 46 U.S.C. app. 1707(a), provides that each common carrier must file a tariff with the Commission showing all of its rates, charges, classifications, rules, and

practices. Section 3(6) of the 1984 Act, 46 U.S.C. 1702(6), in pertinent part, defines a common carrier as a person holding hold out to the public to provide transportation by water between the United States and a foreign country, that assumes responsibility for performing the transportation, and utilizes a vessel operating on the high seas for providing the transportation. Section 3(17) of the 1984 Act, 46 U.S.C. 1702(17), defines a non-vessel-operating common carrier ("NVOCC") as a common carrier that does not operate the vessels used in providing the ocean transportation and acts as the shipper in relation with the ocean common carrier. Section 23(a) of the 1984 Act, 46 U.S.C. app. 1721(a), further provides that each NVOCC must furnish to the Commission a bond, proof of insurance or other surety, *inter alia*, to insure the financial responsibility of the carrier to pay any judgment for damages arising from its transportation-related activities. According to the records maintained by the Commission's Bureau of Tariffs, Certification and Licensing, no tariff or bond has been filed with the Commission in the name of Alex Parsinia, PIS or CE. Therefore, it would appear that Parsinia, by providing ocean transportation of cargo to the public for shipments between the United States and foreign countries and by contracting as a shipper for the carriage of the cargo, has acted as a NVOCC without a tariff or bond on file with the Commission, in violation of sections 8(a) and 23(a) of the 1984 Act.

Section 11(c) of the 1984 Act, 46 U.S.C. app. 1710(c), sets forth the Commission's authority to investigate violations of the 1984 Act. In the event violations are found, section 13(a) of the 1984 Act, 46 U.S.C. app. 1712(a), provides that the Commission may assess civil penalties. Section 14(a) of the 1984 Act, 46 U.S.C. app. 1713(a), empowers the Commission to issue orders relating to violations of the 1984 Act.

Now therefore it is ordered, That pursuant to sections 8(a), 11(c), 13(a), 14(a), 19(a) and 23(a) of the 1984 Act, an investigation is hereby instituted to determine:

1. Whether Parsinia violated section 19(a) of the 1984 Act by acting as an ocean freight forwarder without a license issued by the Commission;

2. Whether Parsinia violated sections 8(a) and 23(a) of the 1984 Act by acting as a NVOCC without tariff and bond on file with the Commission;

3. Whether, in the event Parsinia violated the 1984 Act, civil penalties should be assessed against Parsinia and, if so, the amount of such penalties; and

4. 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 public hearing before an Administrative Law Judge ("Presiding Officer") of the Commission's Office of 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 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 Alex Parsinia d/b/a Pacific International Shipping and Cargo Express 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 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, 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, and comply with Subpart H of the Commission's Rules of Practice and Procedure, 46 CFR 502.111-119, 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, 46 CFR 502.61, the initial decision of the Administrative Law Judge shall be issued by January 8, 1998,

<sup>1</sup> The Commission's Office of Informal Inquiries and Complaints has received eleven complaints from shippers in regard to difficulties the shippers have encountered in obtaining the delivery of shipments turned over to Parsinia.

and the final decision of the Commission shall be issued by May 8, 1998.

By the Commission.

Joseph C. Polking,

Secretary.

[FR Doc. 97-829 Filed 1-13-97; 8:45 am]

BILLING CODE 6730-01-M

## FEDERAL RESERVE SYSTEM

### Notice of Proposals To Engage in Permissible Nonbanking Activities or To Acquire Companies That Are Engaged in Permissible Nonbanking Activities

The companies listed in this notice have given notice under section 4 of the Bank Holding Company Act (12 U.S.C. 1843) (BHC Act) and Regulation Y, (12 CFR Part 225) to engage *de novo*, or to acquire or control voting securities or assets of a company that engages either directly or through a subsidiary or other company, in a nonbanking activity that is listed in § 225.25 of Regulation Y (12 CFR 225.25) or that the Board has determined by Order to be closely related to banking and permissible for bank holding companies. Unless otherwise noted, these activities will be conducted throughout the United States.

Each notice is available for inspection at the Federal Reserve Bank indicated. Once the notice 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 question whether the proposal complies with the standards of section 4 of the BHC Act, including whether consummation of the proposal 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 on this question 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, comments regarding the applications must be received at the Reserve Bank indicated

or the offices of the Board of Governors not later than January 29, 1997.

A. Federal Reserve Bank of New York (Christopher J. McCurdy, Senior Vice President) 33 Liberty Street, New York, New York 10045:

1. *Canadian Imperial Bank of Commerce*, Toronto, Canada; to engage *de novo*, through its wholly owned subsidiary, CIBC Investment Corporation, New York, New York ("Company"), in trading for its own account, for purposes other than hedging, in futures, options, and options on futures contracts based on certain securities indices and money market instruments. Canadian Imperial proposes that Company would conduct these activities throughout the world. See *Swiss Bank Corporation*, 81 Fed. Res. Bull. 185 (1995).

Board of Governors of the Federal Reserve System, January 8, 1997.

Jennifer J. Johnson,

Deputy Secretary of the Board.

[FR Doc. 97-828 Filed 1-13-97; 8:45 am]

BILLING CODE 6210-01-F

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Food and Drug Administration

[Docket No. 96N-0512]

#### Hoechst Marion Roussel, Inc., and Baker Norton Pharmaceuticals, Inc.; Terfenadine; Proposal To Withdraw Approval of Two New Drug Applications and One Abbreviated New Drug Application; Opportunity for a Hearing

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

**SUMMARY:** The Food and Drug Administration (FDA) is proposing to withdraw approval of two new drug applications (NDA's) and one abbreviated new drug application (ANDA) for drug products containing terfenadine. NDA 18-949 (Seldane) and NDA 19-664 (Seldane-D) are held by Hoechst Marion Roussel (HMR), Inc., P.O. Box 9627, Kansas City, MO 64134-0627. ANDA 74-475 is held by Baker Norton Pharmaceuticals, Inc., 4400 Biscayne Blvd., Miami, FL 33137. On July 25, 1996, FDA approved HMR's NDA 20-625 for fexofenadine hydrochloride (Allegra). Fexofenadine is the active metabolite of terfenadine that is responsible for the desired beneficial properties of terfenadine. When patients take terfenadine, parent terfenadine is ordinarily present in their blood at very

low concentrations, because the terfenadine molecule is metabolized to form fexofenadine. Fexofenadine is responsible for providing patients with essentially all the clinical benefits of taking terfenadine. If terfenadine's metabolism is inhibited, either by another drug or by intrinsic liver disease, the level of parent terfenadine can rise to levels that can cause serious side effects in people as a result of the effect of parent terfenadine on cardiac potassium channels. Inhibition of these channels causes delayed cardiac repolarization (prolonged electrocardiographic QT interval) and increases the risk of a characteristic kind of ventricular tachycardia called torsades de pointes and possibly the risk of other rhythm abnormalities. Fexofenadine hydrochloride, however, has not been shown to affect cardiac potassium channels and has been shown not to cause prolongation of the electrocardiographic QT interval, even at larger-than-recommended doses. Based on all data to date, fexofenadine hydrochloride appears to lack parent terfenadine's risk of serious cardiovascular adverse events. The basis for the proposed withdrawal of the applications is a finding that the availability of fexofenadine hydrochloride provides patients with an alternative that can provide essentially all the benefits of terfenadine, because it is identical in molecular structure to the metabolized (active) form of terfenadine, without the serious and potentially fatal risks associated with terfenadine when terfenadine's metabolism is inhibited either by another drug or by intrinsic liver disease. Because of the availability of fexofenadine hydrochloride, terfenadine is not shown to be safe for use under the conditions of use that formed the basis upon which the applications were approved.

**DATES:** A hearing request is due on February 13, 1997; data and information in support of the hearing request are due on March 17, 1997.

**ADDRESSES:** A request for hearing, supporting data, and other comments are to be identified with docket no. 96N-0512 and submitted to the Dockets Management Branch (HFA-305), Food and Drug Administration, 12420 Parklawn Dr., rm. 1-23, Rockville, MD 20857.

#### FOR FURTHER INFORMATION CONTACT:

For information on medical/scientific issues: John K. Jenkins, Center for Drug Evaluation and Research (HFD-570), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-827-