

*Summary Agenda:* No substantive discussion of the following items is anticipated. These matters will be resolved with a single vote unless a member of the Board of Directors requests that an item be moved to the discussion agenda.

Disposition of minutes of previous Board of Directors' meetings.

Reports of actions taken pursuant to authority delegated by the Board of Directors.

*Discussion Agenda:*

Memorandum and resolution re: Final Statement of Policy for Section 19 of the Federal Deposit Insurance Act.

Memorandum and resolution re: Amendments to Part 362—Activities and Investments of Insured State Banks; Part 303—Applications, Requests, Submittals, Delegations of Authority, and Notices Required to be Filed by Statute or Regulation; and Section 337.4—Securities Activities of Subsidiaries of Insured State Banks: Bank Transactions with Affiliated Securities Companies.

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550—17th Street, NW, Washington, DC.

The FDIC will provide attendees with auxiliary aids (e.g., sign language interpretation) required for this meeting. Those attendees needing such assistance should call (202) 416-2449 (Voice); (202) 416-2004 (TTY), to make necessary arrangements.

Requests for further information concerning the meeting may be directed to Mr. Robert E. Feldman, Executive Secretary of the Corporation, at (202) 898-6757.

Dated: September 22, 1998.

Federal Deposit Insurance Corporation.

**Robert E. Feldman,**  
*Executive Secretary.*

[FR Doc. 98-25854 Filed 9-23-98; 2:02 pm]

BILLING CODE 6714-01-M

## FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA-1244-DR]

### New York; Amendment No. 3 to Notice of a Major Disaster Declaration

**AGENCY:** Federal Emergency  
Management Agency (FEMA).

**ACTION:** Notice.

**SUMMARY:** This notice amends the notice of a major disaster for the State of New York, (FEMA-1244-DR), dated September 11, 1998, and related determinations.

**EFFECTIVE DATE:** September 17, 1998.

**FOR FURTHER INFORMATION CONTACT:**  
Madge Dale, 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 New York, is hereby amended to include the following areas among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of September 11, 1998.

Orleans County for Categories A and B under the Public Assistance program.

Onondaga County for Categories C through G under the Public Assistance program (already designated for Categories A and B and Individual Assistance).

Cayuga, Monroe, Fulton, and Oneida Counties for Individual Assistance (already designated for Categories A and B under the Public Assistance program).

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 83.537, Community Disaster Loans; 83.538, Cora Brown Fund Program; 83.539, Crisis Counseling; 83.540, Disaster Legal Services Program; 83.541, Disaster Unemployment Assistance (DUA); 83.542, Fire Suppression Assistance; 83.543, Individual and Family Grant (IFG) Program; 83.544, Public Assistance Grants; 83.545, Disaster Housing Program; 83.548, Hazard Mitigation Grant Program.)

**Lacy E. Suiter,**

*Executive Associate Director, Response and Recovery Directorate.*

[FR Doc. 98-25714 Filed 9-24-98; 8:45 am]

BILLING CODE 6718-02-P

## FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA-1244-DR]

### New York; Amendment No. 2 to Notice of a Major Disaster Declaration

**AGENCY:** Federal Emergency  
Management Agency (FEMA).

**ACTION:** Notice.

**SUMMARY:** This notice amends the notice of a major disaster for the State of New York, (FEMA-1244-DR), dated September 11, 1998, and related determinations.

**EFFECTIVE DATE:** September 14, 1998.

**FOR FURTHER INFORMATION CONTACT:**  
Madge Dale, 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 New York, is hereby amended to include Individual Assistance in those areas determined to have been adversely

affected by the catastrophe declared a major disaster by the President in his declaration of September 11, 1998.

Herkimer and Ontario for Categories A and B (debris removal and emergency protective measures) under the Public Assistance program.

Herkimer, Madison, Onondaga, and Wayne Counties for Individual Assistance.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 83.537, Community Disaster Loans; 83.538, Cora Brown Fund Program; 83.539, Crisis Counseling; 83.540, Disaster Legal Services Program; 83.541, Disaster Unemployment Assistance (DUA); 83.542, Fire Suppression Assistance; 83.543, Individual and Family Grant (IFG) Program; 83.544, Public Assistance Grants; 83.545, Disaster Housing Program; 83.548, Hazard Mitigation Grant Program.)

**Lacy E. Suiter,**

*Executive Associate Director, Response and Recovery Directorate.*

[FR Doc. 98-25715 Filed 9-24-98; 8:45 am]

BILLING CODE 6718-02-P

## FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA-1244-DR]

### New York; Major Disaster and Related Determinations

**AGENCY:** Federal Emergency  
Management Agency (FEMA).

**ACTION:** Notice.

**SUMMARY:** This is a notice of the Presidential declaration of a major disaster for the State of New York (FEMA-1244-DR), dated September 11, 1998, and related determinations.

**EFFECTIVE DATE:** September 11, 1998.

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

**SUPPLEMENTARY INFORMATION:** Notice is hereby given that, in a letter dated September 11, 1998, the President declared a major disaster under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 *et seq.*), as follows:

I have determined that the damage in certain areas of the State of New York, resulting from severe storms and high winds on September 7, 1998, is of sufficient severity and magnitude to warrant a major disaster declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, P.L. 93-288, as amended ("the Stafford Act"). I, therefore, declare that such a major disaster exists in the State of New York.

In order to provide Federal assistance, you are hereby authorized to allocate from funds

available for these purposes, such amounts as you find necessary for Federal disaster assistance and administrative expenses.

You are authorized to provide Categories A and B (debris removal and emergency protective measures) under the Public Assistance program, and Hazard Mitigation in the designated areas, and any other forms of assistance under the Stafford Act you may deem appropriate. Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under the Stafford Act for Public Assistance or Hazard Mitigation will be limited to 75 percent of the total eligible costs.

Notice is hereby given that pursuant to the authority vested in the Director of the Federal Emergency Management Agency under Executive Order 12148, I hereby appoint Marianne C. Jackson of the Federal Emergency Management Agency to act as the Federal Coordinating Officer for this declared disaster.

I do hereby determine the following areas of the State of New York to have been affected adversely by this declared major disaster:

Categories A and B (debris removal and emergency protective measures) for the counties of Cayuga, Fulton, Madison, and Onondaga.

All counties within the State of New York are eligible to apply for assistance under the Hazard Mitigation Grant Program.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 83.537, Community Disaster Loans; 83.538, Cora Brown Fund Program; 83.539, Crisis Counseling; 83.540, Disaster Legal Services Program; 83.541, Disaster Unemployment Assistance (DUA); 83.542, Fire Suppression Assistance; 83.543, Individual and Family Grant (IFG) Program; 83.544, Public Assistance Grants; 83.545, Disaster Housing Program; 83.548, Hazard Mitigation Grant Program.)

**James L. Witt,**

*Director.*

[FR Doc. 98-25716 Filed 9-24-98; 8:45 am]

BILLING CODE 6718-02-P

## FEDERAL MARITIME COMMISSION

### Fact Finding Investigation No. 23— Ocean Common Carrier Practices in the Transpacific Trades; Order of Investigation

Pursuant to the Shipping Act of 1984, 46 U.S.C. app. 1701 *et seq.* ("Act"), the Federal Maritime Commission ("Commission") is responsible for administering a nondiscriminatory regulatory process for the common carriage of goods by water in the foreign commerce of the United States. Section 10 of the Act contains specific prohibitions against conduct which

would conflict with this system of common carriage.

During the past few weeks, the Commission has received information and allegations that ocean common carriers in the eastbound Transpacific trades have engaged in activities that may be inconsistent with their obligations as common carriers, and that may be in violation of certain section 10 prohibitions. The activities are said to include various forms of refusals of space for cargo unless the shipper agrees to significantly increase rates or charges, and/or the imposition of novel charges such as an "Additional Space Protection Surcharge" or "Container Repositioning Charge." Ocean carriers engaged in this activity appear to include conference lines as well as independents, and may include carrier actions taken individually or collectively. There are some indications that these activities are targeted solely toward small and medium sized shippers and non-vessel-operating common carriers. Large, "champion" accounts are said to be exempt from these pressures to pay additional or increased charges to obtain bookings.

The current situation in the inbound Transpacific trades is reported to be one of excess cargo and insufficient vessel space. The primary causes of this situation are said to be weak Asian economies, a strong U.S. dollar, and the holiday cargo surge. Exacerbating this inbound surplus of cargo is a significant decline in westbound shipments, causing an imbalance in cargo and in the need for carrier equipment. Nevertheless, ocean common carriers operating in U.S. trades have an obligation to treat shippers in a fair and non-discriminatory manner in the acceptance, handling and carriage of cargo. If there is insufficient space for the amount of cargo tendered, carriers may not refuse to accept cargo or bookings because of the level of revenue to be achieved by the particular shipment.

In *Banana Distributors, Inc. v. Grace Line*, 5 FMB 615, 620 (1959), the Commission was faced with a situation in which the amount of cargo exceeded the carrier's available space. The Commission found that: "Where the demand for space exceeds the supply, the law is clear: a common carrier must equitably prorate its available space among shippers. *Penna. R.R. Co. v. Puritan Coal Co.*, 237 U.S. 121 (1915); *Patrick Lumber Co. v. Calmar S.S. Corp.*, 2 U.S.M.C. 494 (1941)." *Id.* at 625. While that decision was rendered under the Shipping Act, 1916, nothing contained in the 1984 Act, or in subsequent case law, would appear to

alter this obligation of common carriers subject to regulation by the Commission to "equitably prorate" available space.

In view of these allegations and information, the Commission has determined to commence this nonadjudicatory investigation to gather facts related to recent practices by ocean common carriers in the transpacific trades. Specifically, the Investigative Officer named herein is to develop a record on various practices allegedly engaged in by ocean common carriers in recent weeks, either individually or collectively, to obtain, or attempt to obtain, higher rates or charges for carrying cargo in the inbound trades from the Far East to the United States, including:

1. Demands for rates other than those set forth in applicable tariffs or service contracts;
2. Refusals to accept cargo or provide service absent payment of higher rates;
3. Demands for renegotiation or amendment of service contracts under threat of non-acceptance of cargo;
4. Improper termination of service contracts and application of higher tariff rates;
5. Acceptance of low rated cargo as misdescribed higher rated cargo;
6. "Voluntary" rate increases;
7. Unlawful preference or discrimination by exempting large shippers or "champion accounts" from rate increases or service refusals;
8. The imposition of unreasonable increases in rates or charges; and
9. Other, similar, practices which may be violative of the Act or Commission regulations.

The Investigative Officer is to report to the Commission within the time specified herein, with recommendations for any further Commission action, including any formal adjudicatory, injunctive or rulemaking proceedings, warranted by the factual record developed in this proceeding.

Interested persons are invited and encouraged to contact the Investigative Officer named herein, at (202) 523-5721 (Phone) or (202) 523-0298 (Fax), should they wish to provide testimony or evidence, or to contribute in any other manner to the development of a complete factual record in this proceeding.

*Therefore it is ordered,* That pursuant to sections 6, 10, 11, 12 and 15 of the Shipping Act of 1984, 46 U.S.C. app. 1705, 1709, 1710, 1711 and 1714, and Part 502, Subpart R of Title 46 of the Code of Federal Regulations, 46 CFR 502.281, *et seq.*, a nonadjudicatory investigation is hereby instituted into practices of ocean common carriers in the Transpacific trades, to develop the