

FEDERAL MARITIME COMMISSION**Notice of Agreement(s) Filed**

The Federal Maritime Commission hereby gives notice of the filing of the following agreement(s) pursuant to section 5 of the Shipping Act of 1984.

Interested parties may inspect and obtain a copy of each agreement at the Washington, D.C. Office of the Federal Maritime Commission, 800 North Capitol Street, NW., 9th Floor. Interested parties may submit comments on each agreement to the Secretary, Federal Maritime Commission, Washington, DC 20573, within 10 days after the date of the Federal Register in which this notice appears. The requirements for comments are found in § 572.603 of Title 46 of the Code of Federal Regulations. Interested persons should consult this section before communicating with the Commission regarding a pending agreement.

Agreement No.: 232-011170-006.

Title: RO-Ro Chartering Agreement.

Parties: Wilhelmsen Lines AB NOSAC ANS.

Synopsis: The proposed modification deletes language from Article 5.3 which provides authority for the parties to discuss and agree upon rates.

Agreement No.: 232-011401-002.

Title: TMM/H-L Space Charter and Sailing Agreement.

Parties: Transportacion Maritima Mexicana, S.A. de C.V. Hapag-Lloyd AG.

Synopsis: The proposed amendment would delete the authority of the parties to agree to charge rates and other items fixed by conferences of which they are members. The parties have requested a shortened review period.

Dated: September 6, 1996.

By order of the Federal Maritime Commission.

Joseph C. Polking,
Secretary.

[FR Doc. 96-23272 Filed 9-11-96; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM**Change in Bank Control Notices; Formations of, Acquisitions by, and Mergers of Bank Holding Companies; Correction**

This notice corrects a notice (FR Doc. 96-22743) published on pages 47127 and 47128 of the issue for September 6, 1996.

Under the Federal Reserve Bank of Dallas heading, the entry for Rayford

Holley Reily, Groveton, Texas, is revised to read as follows:

A. Federal Reserve Bank of Dallas (Genie D. Short, Vice President) 2200 North Pearl Street, Dallas, Texas 75201-2272:

1. *Rayford Holley Reily*, Livingston, Texas; to acquire an additional 5 percent, for a total of 28.82 percent, and Martha Lou Reily, also of Livingston, Texas, to acquire an additional .21 percent, for a total of 1.22 percent, of the voting shares of Citizens State Financial Corporation, Corrigan, Texas, and thereby indirectly acquire Citizens State Bank, Corrigan, Texas, and First Bank, Groveton, Texas.

Comments on this application must be received by September 19, 1996.

Board of Governors of the Federal Reserve System, September 6, 1996.

Jennifer J. Johnson,

Deputy Secretary of the Board.

[FR Doc. 96-23325 Filed 9-11-96; 8:45 am]

BILLING CODE 6210-01-F

Caisse Nationale de Credit Agricole, S.A. and Banque Indosuez; Application to Engage in Nonbanking Activities

Caisse Nationale de Credit Agricole, S.A., Paris, France (CNCA), has given notice pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) (BHC Act) and § 225.23(a)(2) of the Board's Regulation Y (12 CFR 225.23(a)(2)) to retain its interest in Daniel Breen & Company, L.P., Houston, Texas (DBC), and thereby engage indirectly in providing investment advisory services pursuant to § 225.25(b)(4) of Regulation Y, and its interest in Indosuez Carr Futures, Inc., Chicago, Illinois (ICF), and thereby engage indirectly in acting as a futures commission merchant (FCM) and providing related investment advisory services for financial futures contracts and options on futures contracts pursuant to § 225.25(b)(18) and (19) of Regulation Y. CNCA and Banque Indosuez, Paris, France (BI) (together, Notificants) also have given notice pursuant to section 4(c)(8) of the BHC Act and § 225.23(a)(2) of Regulation Y to acquire 100 percent of the voting shares of Breen Trust Company, Houston, Texas (BTC) and thereby engage indirectly in providing trust services pursuant to § 225.25(b)(3) of Regulation Y, and pursuant to section 4(c)(8) and § 225.23(a)(3) of Regulation Y to engage indirectly through ICF in acting as a FCM and providing related investment advisory services for non-financial futures contracts and options on non-financial futures contracts.

Notificants propose to conduct the activities of DBC and BTC on a nationwide basis and the activities of ICF on a worldwide basis.

Section 4(c)(8) of the BHC Act provides that a bank holding company may, with Board approval, engage in any activity that the Board, after due notice and opportunity for hearing, has determined by order or regulation to be so closely related to banking or managing or controlling banks as to be a proper incident thereto. This statutory test requires that two separate tests be met for an activity to be permissible for a bank holding company. First, the Board must determine that the activity is, as a general matter, closely related to banking. Second, the Board must find in a particular case that the performance of the activity by the applicant bank holding company may reasonably be expected to produce public benefits that outweigh possible adverse effects.

A particular activity may be found to meet the "closely related to banking" test if it is demonstrated that banks generally have provided the proposed service, that banks generally provide services that are operationally or functionally similar to the proposed service so as to equip them particularly well to provide the proposed service, or that banks generally provide services that are so integrally related to the proposed service as to require their provision in a specialized form. *National Courier Ass'n v. Board of Governors*, 516 F.2d 1229, 1237 (D.C. Cir. 1975). In addition, the Board may consider any other basis that may demonstrate that the activity has a reasonable or close relationship to banking or managing or controlling banks. Board Statement Regarding Regulation Y, 49 FR 806 (1984).

Notificants maintain that the Board previously has determined by regulation that several of the proposed activities, when conducted within limitations established by the Board, are closely related to banking for purposes of section 4(c)(8) of the BHC Act. See 12 CFR 225.25(b)(3) (performing certain functions or activities of a trust company); 12 CFR 225.25(b)(4) (providing investment and financial advice); 12 CFR 225.25(b)(18) (providing FCM services on a discount and full-service basis); and 12 CFR 225.25(b)(19) (providing investment advice on financial futures contracts and options on financial futures contracts). See also *The Bessemer Group, Incorporated*, 82 Fed. Res. Bull. 569 (1996); *Meridian Bancorp, Inc.*, 80 Fed. Res. Bull. 736 (1994) (serving as general partner of and investing in an unregistered limited partnership).

Notificants assert that the Board has determined by order that the remaining proposed activity of ICF (acting as a FCM and providing related investment advisory services for non-financial futures contracts and options on financial futures contracts), when conducted within limitations established by the Board in previous orders, also is closely related to banking. See *J.P. Morgan & Company Incorporated*, 80 Fed. Res. Bull. 151 (1994); *Bank of Montreal*, 79 Fed. Res. Bull. 1049 (1993). Notificants have stated that they would engage in these activities in accordance with the limitations and conditions established by the Board in prior cases.

In order to approve the proposal, the Board must determine that the proposed activities "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(c)(8). Notificants state that the proposal will produce public benefits that outweigh any potential adverse effects. In particular, Notificants maintain that the proposal will enhance competition and enable it to offer its customers a broader range of services. In addition, Notificants state that the proposed activities will not result in adverse effects such as an undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices.

In publishing the proposal for comment, the Board does not take a position on issues raised by the proposal. Notice of the proposal is published solely to seek the views of interested persons on the issues presented by the notice and does not represent a determination by the Board that the proposal meets, or is likely to meet, the standards of the BHC Act.

Any comments or requests for hearing should be submitted in writing to William W. Wiles, Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than September 19, 1996. Any request for a hearing on this notice must, as required by § 262.3(e) of the Board's Rules of Procedure (12 CFR 262.3(e)), be accompanied by a statement of reasons why 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.

This notice may be inspected at the offices of the Board of Governors or the Federal Reserve Bank of Chicago.

Board of Governors of the Federal Reserve System, September 6, 1996.

Jennifer J. Johnson,

Deputy Secretary of the Board.

[FR Doc. 96-23324 Filed 9-11-96; 8:45 am]

BILLING CODE 6210-01-F

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 September 26, 1996.

A. Federal Reserve Bank of San Francisco (Kenneth R. Binning, Director, Bank Holding Company) 101 Market Street, San Francisco, California 94105:

1. *Westamerica Bancorporation*, San Rafael, California; to engage *de novo* through its subsidiary, Westamerica Commercial Credit, Inc., Fairfield, California, in making, acquiring, and servicing loans and other extensions of credit, pursuant to § 225.25(b)(1) of the Board's Regulation Y.

Board of Governors of the Federal Reserve System, September 6, 1996.

Jennifer J. Johnson

Deputy Secretary of the Board

[FR Doc. 96-23326 Filed 9-11-96; 8:45 am]

BILLING CODE 6210-01-F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 96M-0217]

Diagnostic Products Corp.; Premarket Approval of Coat-A-Count® PSA IRMA

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing its approval of the application by Diagnostic Products Corp., Los Angeles, CA, for premarket approval, under the Federal Food, Drug, and Cosmetic Act (the act), of Coat-A-Count® PSA IRMA. FDA's Center for Devices and Radiological Health (CDRH) notified the applicant, by letter of September 15, 1995, of the approval of the application.

DATES: Petitions for administrative review by October 15, 1996.

ADDRESSES: Written requests for copies of the summary of safety and effectiveness data and petitions for administrative review to the Dockets Management Branch (HFA-305), Food and Drug Administration, rm. 1-23, 12420 Parklawn Dr., Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Peter E. Maxim, Center for Devices and Radiological Health (HFZ-440), Food and Drug Administration, 2098 Gaither Rd. Rockville, MD 20850, 301-594-1294.

SUPPLEMENTARY INFORMATION: On August 10, 1993, Diagnostic Products Corp., Los Angeles, CA 90045, submitted to CDRH an application for premarket approval of Coat-A-Count® PSA IRMA. The device