

Swift, Traverse, Watonwan, Wilkin, and Yellow Medicine.
(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance)
James L. Witt,
Director.
[FR Doc. 97-2565 Filed 1-31-97; 8:45 am]
BILLING CODE 6718-02-P

[FEMA-1153-DR]

Nevada; Amendment 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 Nevada, (FEMA-1153-DR), dated January 3, 1997, and related determinations.

EFFECTIVE DATE: January 17, 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 Nevada, is hereby amended to include the Hazard Mitigation Grant program in those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of January 3, 1997:

The Independent City of Carson City and the counties of Churchill, Douglas, Lyon, Mineral, Storey, and Washoe, including the Walker River Paiute tribal lands located in Lyon, Churchill, and Mineral Counties for Hazard Mitigation assistance. (Already designated for Individual Assistance and Public Assistance).
(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance)

Lacy E. Suiter,
Executive Associate Director, Response and Recovery Directorate.
[FR Doc. 97-2564 Filed 1-31-97; 8:45 am]
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FEDERAL HOUSING FINANCE BOARD

Sunshine Act Meeting

Announcing an Open Meeting of the Board

Time and Date: 9:00 a.m. Thursday, February 6, 1997.

Place: Board Room, Second Floor, Federal Housing Finance Board, 1777 F Street, NW., Washington, DC 20006.

Status: The entire meeting will be open to the public.

Matters to be Considered During Portions Open to the Public:

- Qualified Thrift Lender Test—Interim Final Rule
- Federal Home Loan Bank of Seattle AHP First-Time Homebuyer Set-Aside Program.

Contact Person for More Information:
Elaine L. Baker, Secretary to the Board, (202) 408-2837.

Rita I. Fair,

Managing Director.

[FR Doc. 97-2702 Filed 1-30-97; 12:51 pm]

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FEDERAL MARITIME COMMISSION

[Docket No. 86-9]

A/S Ivarans Rederi v. Companhia De Navegacao Lloyd Brasileiro, et al.; Order

This case originated with the complaint of A/S Ivarans Rederi ("Ivarans") filed in 1986, which sought a cease and desist order and reparations for violations of the Shipping Act, 1916, 46 U.S.C. § 801 *et seq.* (1982) ("1916 Act"), and the Shipping Act of 1984, 46 U.S.C. app. § 1701 *et seq.* ("1984 Act"), resulting from attempts by respondent carrier members of the Brazil/U.S. Atlantic Coast Pool Agreement (FMC No. 10027) ("Respondents"), to enforce an arbitration award obtained in Brazil. The Commission's proceeding was discontinued in 1990 with the understanding that no further efforts to enforce the arbitration award would be undertaken by the parties pursuant to rulings by the U.S. Court of Appeals for the D.C. Circuit that enforcement of the arbitration award would result in violation of the 1984 Act. Nevertheless, it appears that a new effort to enforce the arbitration award is being made in Brazil by one of the original six Respondents, Companhia de Navegacao Maritima Netumar ("Netumar"). Therefore, Ivarans filed the Motion to Reinstate Complaint and for a Cease and Desist Order ("Motion") which is before us.

Background

Ivarans, a party to Agreement No. 10027, a revenue pooling agreement in the northbound Brazil/U.S. Atlantic coast trade, filed its complaint against the other members of the Agreement in 1986. In addition to Netumar and Ivarans, the Respondents and parties to the Agreement were Companhia de Navegacao Lloyd Brasileiro ("Lloyd Brasileiro"), another Brazilian-flag carrier, referred to along with Netumar and the U.S.-flag carrier (originally Moore-McCormack succeeded by United States Lines, (S.A.) Inc. ("USLSA")) as

the "National-Flag Lines," and Empresa Lineas Maritimas Argentinas, S.A. ("ELMA"), A. Bottachi S.A. de Navigacion C.F.I.I. ("Bottachi"), and Van Nievelt Goudriaan and Co., B.V. ("Hopal"), referred to as the "Non-national Flag Lines."

The Agreement divided the pool cargo among the members, assigning an 80 per cent share to the National-Flag Lines, divided equally between Brazilian and U.S.-flag lines, and a 20 per cent share to the Non-national Flag Lines; provided for a minimum number of sailings per pool period for each member carrier; established penalties for over-carriage; and provided for automatic suspension of the pool when any party or combination of parties exceeding one third of the total pool share failed to provide the minimum number of sailings.

In 1982, Moore-McCormack, then the only U.S.-flag carrier member, fell substantially short of its minimum 40 sailings. The other members of the Agreement sought substantial penalties from Ivarans which had carried a greater proportion of the trade cargo as a result of Moore-McCormack's missed sailings. Pursuant to the Agreement's provision for arbitration, an arbitration panel was assembled in Brazil. The panel ruled that the Agreement had not been suspended during the 1982 pool period. The panel found that Ivarans owed some \$1,475,017 in over-carriage penalties to be paid to the other agreement parties in proportion to their pool shares. However, the panel reasoned that, because Moore-McCormack's failure to make its sailings had been voluntary, the over-carriage penalties due Moore-McCormack's corporate successor, USLSA, should be paid instead to the remaining Agreement parties in proportion to their pool shares.

Ivarans then filed its FMC complaint, contending that the interpretation of the Agreement by the other parties and the arbitration panel was inconsistent with the Agreement's own terms and the Commission's intention in approving the Agreement and thus, enforcement of the arbitration award would result in implementation of the Agreement not in accordance with its terms in violation of the 1984 and 1916 Acts. The presiding administrative law judge ("ALJ") agreed with the arbitration panel's interpretation of the Agreement, but found that the remedy fashioned by the arbitration panel was unauthorized by the Agreement and that its implementation would result in a violation of the 1984 Act.

The Commission adopted this finding, agreeing with the ALJ that the thrust of