

considerations for the transportation of Owens' cargo between the United States and New Zealand. The terms of this arrangement were not filed with the Commission until August 20, 1997, when they were filed in the tariff of South Seas Steamship Co., Ltd.

Section 10(a)(1) of the Shipping Act of 1984 ("1984 Act"), 46 USC app. 1709(a)(1), prohibits any person from knowingly and willfully, directly or indirectly, by means of false billing, false classification, false weighing, false report of weight, false measurement, or by any other unjust or unfair device or means, obtaining or attempting to obtain ocean transportation for property at less than the rates or charges that would otherwise be applicable. Owens may have violated section 10(a)(1) of the 1984 Act by entering into and utilizing off-tariff agreements for ocean transportation. These arrangements appear to have given the NVOCC, Owens, ocean transportation rates which were less than the applicable tariff rates and may have provided Owens with various untariffed services and benefits for at least three years and involving hundreds of shipments.

Under section 13 of the 1984 Act, 46 USC app. 1712, a person is subject to a civil penalty of not more than \$25,000 for each knowing and willful violation of the 1984 Act, and not more than \$5,000 for each other type of violation.<sup>4</sup> In addition, section 23 of the 1984 Act, 46 USC app. 1721, provides that a common carrier's tariff may be suspended for violations of section 10(a)(1) of the 1984 Act.

Now therefore, *It is ordered*, That pursuant to sections 10, 11, 13, 14 and 23 of the 1984 Act, 46 USC app. 1709, 1710, 1712, 1713 and 1721, an investigation is instituted to determine:

(1) whether Owens Refrigerated Freight Limited violated section 10(a)(1) of the 1984 Act between March 15, 1994 and August 19, 1997, by knowingly and willfully, directly or indirectly obtaining or attempting to obtain ocean transportation at less than the rates and charges otherwise applicable by means of agreements whose terms were not filed in the applicable tariff(s) or essential terms publication(s) with the Commission;

(2) whether, in the event violations of section 10(a)(1) of the 1984 Act are found, civil penalties should be assessed against Owens Refrigerated Freight Limited and, if so, the amount of penalties to be assessed;

(3) whether, in the event violations of section 10(a)(1) of the 1984 Act are found, the tariff of Owens Refrigerated Freight Limited should be suspended or canceled; and 4) whether, in the event violations are found, an appropriate cease and desist order should be issued against Owens Refrigerated Freight Limited.

*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 CFR 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 Owens Refrigerated Freight Limited 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 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, DC 20573, in accordance with Rule 118 of the Commission's Rules of Practice and

Procedure, 46 CFR 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 October 1, 1999 and the final decision of the Commission shall be issued by January 31, 2000.

By the Commission.

**Joseph C. Polking,**  
Secretary.

[FR Doc. 98-26815 Filed 10-6-98; 8:45 am]

BILLING CODE 6730-01-P

## FEDERAL RESERVE SYSTEM

### Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR Part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The application also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act. Unless otherwise noted, nonbanking activities will be conducted throughout the United States.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than October 31, 1998.

**A. Federal Reserve Bank of Dallas**  
(W. Arthur Tribble, Vice President) 2200 North Pearl Street, Dallas, Texas 75201-2272:

1. *Chaparall Bancshares, Inc.*, Richardson, Texas, and Chaparall Bancshares of Delaware, Inc., Dover, Delaware; to acquire up to 75 percent of

<sup>4</sup>The \$25,000 and \$5,000 penalties have been increased to \$27,500 and \$5,500, respectively, effective November 7, 1996. See Inflation Adjustment of Civil Monetary Penalties, 27 SRR 809 (1996), and 46 CFR Part 506.

the voting shares of Van Alstyne Financial Corporation, Van Alstyne, Texas, and thereby indirectly acquire The First National Bank of Van Alstyne, Van Alstyne, Texas.

**B. Federal Reserve Bank of San Francisco** (Maria Villanueva, Manager of Analytical Support, Consumer Regulation Group) 101 Market Street, San Francisco, California 94105-1579:

1. *East West Bancorp, Inc.*, San Marino, California; to become a bank holding company by acquiring 100 percent of the voting shares of East-West Bank, San Marino, California.

Board of Governors of the Federal Reserve System, October 1, 1998.

**Robert deV. Frierson,**

*Associate Secretary of the Board.*

[FR Doc. 98-26836 Filed 10-6-98; 8:45 am]

BILLING CODE 6210-01-F

## FEDERAL RESERVE SYSTEM

### Formations of, Acquisitions by, and Mergers of bank Holding Companies; Formations of, Acquisitions by, and Mergers of Bank Holding Companies; Correction

This notice corrects a notice (FR Doc. 98-26074) published on pages 52273 and 52274 of the issue for Wednesday, September 30, 1998.

Under the Federal Reserve Bank of New York heading, the entry for Valley National Bancorp, Wayne, New Jersey, is revised to read as follows:

**A. Federal Reserve Bank of New York** (Betsy Buttrill White, Senior Vice President) 33 Liberty Street, New York, New York 10045-0001:

1. *Valley National Bancorp*, Wayne, New Jersey to acquire up to 9.9 percent of the voting shares of Vista Bancorp, Inc., Phillipsburg, New Jersey, and thereby indirectly acquire Phillipsburg National Bank and Trust Company, Phillipsburg, New Jersey, and Twin Rivers Community Bank, Eastern, Pennsylvania.

Comments on this application must be received by October 23, 1998.

Board of Governors of the Federal Reserve System, October 1, 1998.

**Robert deV. Frierson,**

*Associate Secretary of the Board.*

[FR Doc. 98-26836 Filed 10-6-98; 8:45 am]

BILLING CODE 6210-01-F

## 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, including the companies listed below, that engages either directly or through a subsidiary or other company, in a nonbanking activity that is listed in § 225.28 of Regulation Y (12 CFR 225.28) 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. The notice also will 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.

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 October 21, 1998.

**A. Federal Reserve Bank of Cleveland** (Paul Kaboth, Banking Supervisor) 1455 East Sixth Street, Cleveland, Ohio 44101-2566:

1. *PNC Banc Corp.*, Pittsburgh, Pennsylvania; to acquire Hilliard-Lyons, Inc., Louisville, Kentucky, and thereby indirectly acquire J.J.B. Hilliard, W.L. Lyons, Inc., and Hilliard Lyons Trust Company, both of Louisville, Kentucky, and thereby engage in underwriting and dealing in, to a limited extent, all types of debt, equity, and other securities (other than ownership interests in open-end investment companies) that a member bank may not underwrite or deal in ("bank ineligible securities" or "Tier II Securities") (See, *J.P. Morgan & Co., Inc., The Chase Manhattan Corp., Bankers Trust New York Corp., Citicorp, and Security Pacific Corp.*, 75 Fed. Res. Bull. 192 (1989) and *Citicorp*, 73 Fed. Res. Bull. 473 (1987); provide administrative services to open-end and closed-end investment companies (See *Bankers Trust New York Corp.*, 83 Fed. Res. Bull. 780 (1997); *Commerzbank AG*, 83 Fed. Res. Bull. 67 (1997); and *Mellon Bank Corporation*, 79 Fed. Res. Bull. 626 (1993); provide cash

management services (See *Societe Generale*, 84 Fed. Res. Bull. 680 (1998); provide employee benefit consulting services, pursuant to § 225.28(b)(9)(ii) of Regulation Y (See *Fifth Third Bancorp*, 84 Fed. Res. Bull. 677 (1998); provide credit and credit related services, pursuant to §§ 225.28(b)(1) and (2) of Regulation Y; provide trust company services, pursuant to § 225.28(b)(5) of Regulation Y; provide financial and investment advice, pursuant to § 225.28(b)(6) of Regulation Y; provide securities brokerage, riskless principal, private placement, and other agency transactional services, pursuant to § 225.28(b)(7) of Regulation Y; in investment transactions as principal, including underwriting and dealing in government obligations and money market instruments and investing and trading activities, pursuant to § 225.28(b)(8) of Regulation Y.

Board of Governors of the Federal Reserve System, October 1, 1998.

**Robert deV. Frierson,**

*Associate Secretary of the Board.*

[FR Doc. 98-26837 Filed 10-6-98; 8:45 am]

BILLING CODE 6210-01-F

## FEDERAL TRADE COMMISSION

[File No. 981-0324]

### Medtronic, Inc.; Analysis to Aid Public Comment

**AGENCY:** Federal Trade Commission.

**ACTION:** Proposed consent agreement.

**SUMMARY:** The consent agreement in this matter settles alleged violations of federal law prohibiting unfair or deceptive acts or practices or unfair methods of competition. The attached Analysis to Aid Public Comment describes both the allegations in the draft complaint that accompanies the consent agreement and the terms of the consent order—embodied in the consent agreement—that would settle these allegations.

**DATES:** Comments must be received on or before December 7, 1998.

**ADDRESSES:** Comments should be directed to: FTC/Office of the Secretary, Room 159, 6th St. and Pa. Ave., NW, Washington DC 20580.

**FOR FURTHER INFORMATION CONTACT:** William Baer, FTC/H-374, Washington, DC 20580, (202) 326-2932 or Ann Malester, FTC/S-2308, Washington, DC 20580, (202) 326-2820.

**SUPPLEMENTARY INFORMATION:** Pursuant to Section 6(f) of the Federal Trade Commission Act, 38 Stat. 721, 15 U.S.C. 46 and Section 2.34 of the Commission's