

**FEDERAL MARITIME COMMISSION**

[Docket No. 03-01]

**Hual As v. Puerto Rico Ports Authority; Notice of Filing of Complaint and Assignment**

HUAL AS ("Complainant") has filed a complaint against the Puerto Rico Ports Authority ("Respondent"). Complainant states that its roll-on/roll-off ("RO/RO") vessels call at ports and terminals operated by Respondent in San Juan, Puerto Rico, and that it leases port area land from Respondent. Although some of the vehicles Complainant discharges at San Juan are destined for Puerto Rico, most are discharged for subsequent transshipment throughout the Caribbean.

Complainant states that Respondent's marine terminal operator tariff sets forth wharfage rates for varying categories of commodities. Complainant states that the tariff provides: (1) That wharfage is assessed only on the inbound movement of cargo transferred from one vessel to another at Respondent's facilities without change in form or content; and (2) a 15-day free-time period for non-containerized cargo paying only incoming wharfage originally manifested for transshipment to other ports without change in form or content. Complainant states that the tariff does not set forth wharfage rates for transshipped motor vehicles.

Complainant asserts that Respondent has charged it wharfage for transshipped automobiles at a \$6.0629 "Motor Vehicle" rate rather than at the \$1.0860 "Transshipment" rate, and that Respondent charges it wharfage on both inbound and outbound movements. Complainant states that, because there is no specific rate in the tariff for transshipped automobiles, and given the tariff's rates for transshipped cargoes, the tariff's structure and language is vague and ambiguous and Respondent's practice of assessing the higher automobile wharfage rate against transshipped automobiles in contrast to other transshipped cargo is an unreasonable practice violative of section 10(d)(1) of the Shipping Act of 1984 ("Shipping Act"), 46 U.S.C. app. § 1909(d)(1). Complainant further contends that assessing the higher automobile rate against transshipped cargoes when the tariff establishes lower rates governing transshipped cargo generally confers unreasonable preference and advantage upon those shippers paying the lower tariff rate and unduly and unreasonably prejudices and disadvantages Complainant in violation of section 10(d)(4) of the

Shipping Act, 46 U.S.C. app. § 1909(d)(4). Finally, Complainant asserts that Respondent's assessment of wharfage for inbound and outbound automobile movements is inconsistent with the express terms of its tariff and that Respondent has thus engaged in unreasonable practices violative of section 10(d)(1) of the Shipping Act, 46 U.S.C. app. § 1909(d)(1).

Complainant asks the Commission to issue an order finding Respondent to have violated sections 10(d)(1) and 10(d)(4) of the Shipping Act and directing Respondent to cease and desist from continued violations of the Shipping Act, including assessment of and pursuance of claims against Complainant for non-payment of disputed wharfage charges. Complainant also seeks recovery of the amounts it paid that exceed the governing tariff rate for transshipped cargo, reparations in amounts to be proved at trial, interest and reimbursement of attorneys' fees.

This proceeding has been assigned to the office of Administrative Law Judges. Hearing in this matter, if any is held, shall commence within the time limitations prescribed in 46 CFR 502.61, and only after consideration has been given by the parties and the presiding officer to the use of alternative forms of dispute resolution, such as those described in Subpart U of the Commission's Rules of Practice and Procedure, 46 CFR §§ 502.401-502.411.

The hearing, if any, shall include oral testimony and cross-examination in the discretion of the presiding officer only 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. Pursuant to the further terms of 46 CFR 502.61, the initial decision of the presiding officer in this proceeding shall be issued by January 30, 2004, and the final decision of the Commission shall be issued by June 1, 2004.

**Bryant L. VanBrakle,**  
*Secretary.*

[FR Doc. 03-3016 Filed 2-6-03; 8:45 am]

BILLING CODE 6730-01-P

**FEDERAL MARITIME COMMISSION****Notice of Meeting**

**TIME AND DATE:** 10 a.m.—February 11, 2003.

**PLACE:** 800 North Capitol Street, NW., First Floor Hearing Room, Washington, DC.

**STATUS:** A portion of the meeting will be open to the public and the remainder of the meeting will be closed.

**MATTERS TO BE CONSIDERED:** The Portion Open to the public:

1. Docket No. 99-13—The Content of Ocean Common Carrier and Marine Terminal Operator Agreements Subject to the Shipping Act of 1984.

2. Proposed Revisions to the Information Form and Monitoring Report Regulations for Carrier Agreements Under 46 CFR part 535.

1. The Portion Closed to the public: Proposed Revisions to the Commission's Regulations Regarding the Filing of Agreements Minutes Under 46 CFR part 535.

**CONTACT PERSON FOR MORE INFORMATION:** Bryant L. VanBrakle, Secretary, (202) 523-5725.

**Bryant L. VanBrakle,**  
*Secretary.*

[FR Doc. 03-3102 Filed 2-6-03; 8:45 am]

BILLING CODE 6730-01-M

**FEDERAL RESERVE SYSTEM****Change in Bank Control Notices; Acquisition of Shares of Bank or Bank Holding Companies**

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. The notices also will be available for inspection at the office of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than February 21, 2003.

**A. Federal Reserve Bank of Atlanta**  
(Sue Costello, Vice President) 1000 Peachtree Street, N.E., Atlanta, Georgia 30303:

1. *Allen Tucker*, Palm Beach, Florida; to acquire additional voting shares of Advantage Bankshares, Inc., North Palm Beach, Florida, and thereby indirectly acquire additional voting shares of Advantage Bank, North Palm Beach, Florida.

Board of Governors of the Federal Reserve System, February 3, 2003.

**Robert deV. Frierson,**

*Deputy Secretary of the Board.*

[FR Doc. 03-3010 Filed 2-6-03; 8:45 am]

BILLING CODE 6210-01-S

## 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 (12 U.S.C. 1843). Unless otherwise noted, nonbanking activities will be conducted throughout the United States. Additional information on all bank holding companies may be obtained from the National Information Center website at [www.ffiec.gov/nic/](http://www.ffiec.gov/nic/).

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 March 3, 2003.

#### A. Federal Reserve Bank of

**Richmond** (A. Linwood Gill, III, Vice President) 701 East Byrd Street, Richmond, Virginia 23261-4528:

1. *Bank of Granite Corporation*, Granite Falls, North Carolina; to merge with First Commerce Corporation, Charlotte, North Carolina, and thereby indirectly acquire First Commerce Bank, Charlotte, North Carolina.

**B. Federal Reserve Bank of St. Louis** (Randall C. Sumner, Vice President) 411 Locust Street, St. Louis, Missouri 63166-2034:

1. *Mechanics Banc Holding Company*, Water Valley, Mississippi; to become a bank holding company by acquiring 100 percent of the voting shares of Mechanics Bank, Water Valley, Mississippi.

Board of Governors of the Federal Reserve System, February 3, 2003.

**Robert deV. Frierson,**

*Deputy Secretary of the Board.*

[FR Doc. 03-3009 Filed 2-6-03; 8:45 am]

BILLING CODE 6210-01-S

## GENERAL SERVICES ADMINISTRATION

### President's Homeland Security Advisory Council

**AGENCY:** Office of Governmentwide Policy, General Services Administration.

**ACTION:** Notice of Federal Advisory Committee Meeting.

**SUMMARY:** The President's Homeland Security Advisory Council (PHSAC or Council) will meet telephonically in an open session on Friday, February 21, 2003, from 9:30 a.m. to 11 a.m., EST. The PHSAC will meet to deliberate on the draft Statewide Template for Homeland Security, prepared by the State and Local Senior Advisory Committee and, pending discussion, approve a draft letter to the President regarding the template.

**Objectives:** The President's Homeland Security Advisory Council was established by Executive Order 13260 (67 FR 13241, March 21, 2002). The objectives of the PHSAC are to provide advice and recommendations to the President of the United States through the Assistant to the President for Homeland Security on matters relating to homeland security.

**Public Participation:** This meeting will take place via teleconference through the following call-in number: 1-888-285-4585. Interested members of the public may listen to this meeting. To ensure the appropriate number of lines, however, persons wishing to listen to the meeting must register with Cynthia Gismegian at (202) 456-1700 by 4 p.m., EST, on Thursday, February 20, 2003, to obtain the access code.

**Public Comments:** Members of the public who wish to file a written statement with the PHSAC may do so by mail to Mr. Charles Howton at the following address: President's Homeland Security Advisory Council, U.S. General Services Administration (GSA/MC, Room G-230), 1800 F St., NW., Washington, DC 20405. Comments also may be sent to Charles Howton by

e-mail at [charles.howton@gsa.gov](mailto:charles.howton@gsa.gov), or by facsimile (FAX) to (202) 273-3559.

Dated: February 5, 2003.

**James L. Dean,**

*Director, Committee Management Secretariat, Office of Governmentwide Policy, General Services Administration.*

[FR Doc. 03-3254 Filed 2-6-03; 8:45 am]

BILLING CODE 6820-34-P

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Office of the Secretary

#### Annual Update of the HHS Poverty Guidelines

**AGENCY:** Department of Health and Human Services.

**ACTION:** Notice.

**SUMMARY:** This notice provides an update of the HHS poverty guidelines to account for last (calendar) year's increase in prices as measured by the Consumer Price Index.

**EFFECTIVE DATE:** These guidelines go into effect on the day they are published (unless an office administering a program using the guidelines specifies a different effective date for that particular program).

**ADDRESSES:** Office of the Assistant Secretary for Planning and Evaluation, Room 404E, Humphrey Building, Department of Health and Human Services (HHS), Washington, DC 20201.

**FOR FURTHER INFORMATION CONTACT:** For information about how the poverty guidelines are used or how income is defined in a particular program, contact the Federal (or other) office which is responsible for that program.

For general questions about the poverty guidelines (but NOT for questions about a particular program that uses the poverty guidelines), contact Gordon Fisher, Office of the Assistant Secretary for Planning and Evaluation, Room 404E, Humphrey Building, Department of Health and Human Services, Washington, DC 20201—telephone: (202) 690-5880; persons with Internet access may visit the poverty guidelines Internet site at <http://aspe.hhs.gov/poverty>.

**For information about the Hill-Burton Uncompensated Services Program** (no-fee or reduced-fee health care services at certain hospitals and other health care facilities for certain persons unable to pay for such care), contact the Office of the Director, Division of Facilities Compliance and Recovery, Health Resources and Services Administration, HHS, Room 16C-17, Parklawn Building,