

Houston, Texas and 14023 South Post Oak Road, Houston, Texas. AIT is owned by Owen Anderson ("Mr. Anderson"). An assumed name certificate for Anderson International Transport, 4939 West Orem Drive, Houston, Texas was filed by Mr. Anderson on February 18, 2005, in Harris County, Texas. AIT is not incorporated.

Based on evidence available to the Commission, it appears that Mr. Anderson and AIT have knowingly and willfully provided transportation services as a non-vessel operating common carrier ("NVOCC") in the United States without obtaining an ocean transportation intermediary ("OTI") license from the Commission, without providing proof of financial responsibility and without publishing a tariff showing its rates and charges. It appears that Mr. Anderson and AIT have originated a minimum of fifteen ocean export shipments during the period January 5, 2005 through October 19, 2006.

Section 8(a) of the 1984 Act, 46 U.S.C. 40501, requires an NVOCC to maintain open to public inspection in an automated tariff system, tariffs showing its "rates, charges, classifications, rule, and practices." The Commission's regulations at 46 CFR 520.3 affirm this statutory requirement by directing each NVOCC to notify the Commission, prior to providing transportation services of the location and publisher of its tariffs by filing Form FMC-1. Section 19 of the 1984 Act, 46 U.S.C. 40901 and 40902, prohibits any person from acting as an OTI<sup>1</sup> in the United States prior to being issued a license from the Commission and obtaining a valid bond, proof of insurance, or other surety in a form and amount determined by the Commission to ensure financial responsibility. The Commission's regulations at 46 CFR 515.21 mandate that the bond, proof of insurance, or other surety evidencing the financial responsibility of an OTI shall be in the amount of \$50,000 for freight forwarders and \$75,000 for NVOCCs.

Furthermore, pursuant to section 13 of the 1984 Act, 46 U.S.C. 41107, a party is subject to a civil penalty of not more than \$30,000 for each violation knowingly and willfully committed, and not more than \$6,000 for other violations.<sup>2</sup> Each shipment is a separate violation.

<sup>1</sup> An ocean transportation intermediary is defined by section 3(17) of the 1984 Act, 46 U.S.C. 40102(17), as either a freight forwarder or a non-vessel-operating common carrier.

<sup>2</sup> These penalty amounts reflect an adjustment for inflation pursuant to the Commission's regulations at 46 CFR Part 506.

*Now therefore, it is ordered*, That pursuant to section 11(c) of the 1984 Act, 46 U.S.C. 41302, an investigation is instituted to determine:

(1) Whether Owen Anderson and Anderson International Transport violated section 8 of the 1984 Act and the Commission's regulations at 46 CFR Part 520 by operating as an NVOCC without publishing tariffs showing rates and charges;

(2) whether Owen Anderson and Anderson International Transport violated sections 19(a) and (b) of the 1984 Act and the Commission's regulations at 46 CFR Part 515 by operating as an OTI in the U.S. foreign trades without obtaining a license from the Commission and without providing proof of financial responsibility in the form of surety bonds;

(3) whether, in the event one or more violations of the 1984 Act or the Commission's regulations are found, civil penalties should be assessed and, if so, the amount of the penalties to be assessed; and

(4) whether, in the event violations are found, appropriate cease and desist orders should be issued against Owen Anderson and Anderson International Transport;

*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 Owen Anderson and Anderson International Transport are designated as Respondents 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 the 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 this Commission in this proceeding, include 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 March 21, 2008 and the final decision of the Commission shall be issued by July 21, 2008.

By the Commission.

**Bryant L. VanBrakle**,  
Secretary.

[FR Doc. E7-15176 Filed 8-3-07; 8:45 am]

BILLING CODE 6730-01-P

## FEDERAL MARITIME COMMISSION

[Docket No. 07-07]

### Order of Investigation and Hearing; Embarque Puerto Plata, Corp. and Embarque Puerto Plata Inc. d/b/a Embarque Shipping and Embarque El Millon Corp., Estebaldo Garcia, Ocean Sea Line, Maritza Gil, Mateo Shipping Corp. and Julio Mateo—Possible Violations of Sections 8(a) and 19 of the Shipping Act of 1984 and the Commission's Regulations at 46 CFR Parts 515 and 520

Embarque Puerto Plata, Corp. was incorporated in the State of New York on November 17, 1992, and subsequently dissolved by proclamation. Embarque Puerto Plata Inc. was incorporated in the State of New York on April 28, 2005. Embarque Puerto Plata, Corp. and Embarque Puerto Plata Inc. ("Embarque") listed its office address as 1426 Cromwell Avenue, Bronx, New York 10451. Recent indications, however, are that Embarque is currently operating at 381

East 169th Street, Bronx, New York 10456 by utilizing the different business names of Embarque Shipping and Embarque El Millon Corp. The principals of Embarque are Estebaldo Garcia and Hayda Garcia. Based on evidence available to the Commission, it appears that Embarque and Estebaldo Garcia have knowingly and willfully provided transportation services as a non-vessel operating common carrier ("NVOCC") in the United States from at least May 2005 to the present without obtaining an ocean transportation intermediary ("OTI") license from the Commission, without providing proof of financial responsibility, and without publishing a tariff showing its rates and charges.

Ocean Sea Line,<sup>1</sup> located at 146 West 170th Street, Bronx, New York 10452 was incorporated in New York on November 1, 2000 and dissolved by proclamation on June 30, 2004. Maritza Gil indicated in correspondence with the Commission that she is the president of Ocean Sea Line and owns 100% of the company stock. From at least September 2003 to the present, it appears Ocean Sea Line knowingly and willfully provided ocean transportation services as a freight forwarder with respect to numerous shipments without obtaining an OTI license from the Commission and without providing proof of financial responsibility. Since Ocean Sea Line is no longer a valid New York corporation, Ms. Gil appears to be operating Ocean Sea Line as a sole proprietorship.

Mateo Shipping, Corp. ("Mateo Shipping") was incorporated in the State of New York on July 12, 2004. The business office of Mateo Shipping is located at 1441 Ogden Avenue, Bronx, New York 10452. In correspondence with the Commission, Julio Mateo represented himself to be the President of Mateo Shipping, as well as owner of 50% of the capital stock. Based on evidence available to the Commission, it appears that Mateo Shipping and Julio Mateo have knowingly and willfully provided transportation services as an NVOCC from at least October, 2005 through the present without obtaining an OTI license, without providing proof of financial responsibility and without publishing a tariff showing its rates and charges.

Section 8(a) of the 1984 Act, 46 U.S.C. 40501(a), requires an NVOCC to maintain open to public inspection in an automated tariff system, tariffs showing its "rates, charges, classifications, rules, and practices."

The Commission's regulations at 46 CFR 520.3 affirm this statutory requirement by directing each NVOCC to notify the Commission, prior to providing transportation services, of the location and publisher of its tariffs by filing Form FMC-1.

Furthermore, section 19(a) of the 1984 Act states that no person in the United States may act as an ocean transportation intermediary unless that person holds a license issued by the Commission. 46 U.S.C. 40901. Section 19(b)(1) of the 1984 Act further requires all persons acting as ocean transportation intermediaries to furnish a bond, proof of insurance, or other surety in a form and amount determined by the Commission to insure financial responsibility. 46 U.S.C. 40902. The Commission's regulations at 46 CFR 515.21 restate this obligation and mandate that the bond, proof of insurance, or other surety evidencing the financial responsibility of an OTI shall be in the amount of \$50,000 for freight forwarders and \$75,000 for NVOCCs.

Pursuant to section 13 of the 1984 Act, 46 U.S.C. 41107(a), a party is subject to a civil penalty of not more than \$30,000 for each violation knowingly and willfully committed, and not more than \$6,000 for other violations.<sup>2</sup> Each shipment is a separate violation.

*Now therefore, it is ordered,* That pursuant to section 11(c) of the 1984 Act, 46 U.S.C. 41302(a), an investigation is instituted to determine:

(1) Whether Embarque Puerto Plata, Corp. and Embarque Puerto Plata Inc. d/b/a Embarque Shipping and Embarque El Millon Corp., Estebaldo Garcia, Mateo Shipping, and Julio Mateo violated section 8 of the Act and the Commission's regulations at 46 CFR 520 by operating as NVOCCs without publishing tariffs showing their rates and charges;

(2) whether Embarque Puerto Plata, Corp. and Embarque Puerto Plata Inc. d/b/a Embarque Shipping and Embarque El Millon Corp., Estebaldo Garcia, Ocean Sea Line, Maritza Gil, Mateo Shipping, and Julio Mateo violated sections 19(a) and (b) of the 1984 Act and the Commission's regulations at 46 CFR Part 515 by operating as OTIs in the United States trades without obtaining licenses from the Commission and without providing proof of financial responsibility;

(3) whether, in the event one or more violations of the Act or the

Commission's regulations are found, civil penalties should be assessed and, if so, the amount of the penalties to be assessed; and

(4) whether, in the event violations are found, appropriate cease and desist orders should be issued against Embarque Puerto Plata, Corp. and Embarque Puerto Plata Inc. d/b/a Embarque Shipping and Embarque El Millon Corp., Estebaldo Garcia, Ocean Sea Line, Maritza Gil, Mateo Shipping, and Julio Mateo;

*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 Embarque Puerto Plata, Corp. and Embarque Puerto Plata Inc. d/b/a Embarque Shipping and Embarque El Millon Corp., Estebaldo Garcia, Ocean Sea Line, Maritza Gil, Mateo Shipping and Julio Mateo are designated as Respondents 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 the 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 this Commission in this proceeding, including notice of the time and place of hearing or prehearing conference, shall be served on the parties of record;

<sup>1</sup> The company is listed as Ocean SeaLine in New York State corporate records.

<sup>2</sup> These penalty amounts reflect an adjustment for inflation pursuant to the Commission's regulations at 46 CFR part 506.

*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 July 30, 2008 and the final decision of the Commission shall be issued by December 1, 2008.

By the Commission

**Bryant L. VanBrakle**,

*Secretary.*

[FR Doc. E7-15177 Filed 8-3-07; 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 (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 August 31, 2007.

**A. Federal Reserve Bank of Cleveland** (Douglas A. Banks, Vice President) 1455 East Sixth Street, Cleveland, Ohio 44101-2566:

1. *Hometown Bancshares, Inc. Middlebourne, West Virginia*; to merge with First Community Bancorp, Inc., St. Marys, West Virginia, and thereby indirectly acquire First National Bank of St. Marys, St. Marys, West Virginia. In connection with this application, First National Bank of St. Marys, Saint Marys, West Virginia, will merge with Union Bank, Inc., Middlebourne, West Virginia.

**B. Federal Reserve Bank of Chicago** (Burl Thornton, Assistant Vice President) 230 South LaSalle Street, Chicago, Illinois 60690-1414:

1. *Capitol Bancorp, Ltd., Lansing, Michigan and Capitol Bancorp Colorado Ltd. II, Fort Collins, Colorado*; to acquire 51 percent of the voting shares of Loveland Bank of Commerce (in organization) Loveland, Colorado.

2. *Capitol Bancorp, Ltd., Lansing, Michigan and Capitol Development Bancorp Limited V, Lansing Michigan*; to acquire 51 percent of the voting shares of Bank of Feather River (in organization) Yuba City, California.

Board of Governors of the Federal Reserve System, August 1, 2007.

**Robert deV. Frierson**,

*Deputy Secretary of the Board.*

[FR Doc. E7-15186 Filed 8-3-07; 8:45 am]

BILLING CODE 6210-01-P

## GENERAL SERVICES ADMINISTRATION

[FMR Bulletin 2007-B4]

### Federal Management Regulation; Federal Real Property Profile Summary Report

**AGENCY:** General Services Administration.

**ACTION:** Notice.

**SUMMARY:** In furtherance of FMR Bulletin 2006-B4, this notice announces the Fiscal Year (FY) 2006 release of the new version of the Federal Real Property Profile (FRPP) Summary Report, which provides an overview of the U.S. Government's owned and leased real property as of September 30, 2006. The FY 2006 FRPP Summary Report is now available.

**EFFECTIVE DATE:** August 6, 2007.

**FOR FURTHER INFORMATION CONTACT:** For clarification of content, contact Stanley

C. Langfeld, Director, Regulations Management Division (MPR), General Services Administration, Washington, DC 20405; [stanley.langfeld@gsa.gov](mailto:stanley.langfeld@gsa.gov), (202) 501-1737. Please cite FMR Bulletin 2007-B4.

**SUPPLEMENTARY INFORMATION:** The FY 2006 FRPP Summary Report provides summary-level data on worldwide real property owned and leased by the Federal Government. The reported data is pulled from the FRPP inventory system, which is a centralized, comprehensive, and descriptive database of the Government's real property portfolio, developed and managed by GSA in consultation with the Federal Real Property Council (FRPC).

The FY 2006 report marks the second reporting year for the governmentwide data elements designated by the FRPC as required by Executive Order 13327. All executive branch agencies are required to submit constructed asset-level data to the FRPP on an annual basis.

The FRPP system was re-engineered in FY 2005 and further enhanced in FY 2006 to meet the FRPC's information technology requirements. Agencies can use the FRPP applications to update portfolio information online and in real time, perform historical benchmarking, produce ad hoc reports, measure performance of real property assets, and identify unneeded and underutilized assets for disposal. The goals of the database are to: 1) improve decision-making with more accurate and reliable data; 2) provide the ability to benchmark Federal real property asset performance; and 3) centralize collection of key real property data elements into one Federal inventory database.

Dated: July 25, 2007.

**Kevin Messner**,

*Acting Associate Administrator, Office of Governmentwide Policy.*

### General Services Administration

[FMR Bulletin 2007-B4]

Real Property

To: Heads of Federal Agencies  
Subject: Federal Real Property Profile Summary Report

1. *What is the purpose of this Bulletin?*

This Bulletin announces the FY 2006 release of the Federal Real Property Profile (FRPP) Summary Report, an overview of the U.S. Government's owned and leased real property as of September 30, 2006.

2. *What is the background?*