

## FEDERAL DEPOSIT INSURANCE CORPORATION

### Notice of Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that the Federal Deposit Insurance Corporation's Board of Directors will meet in open session at 10 a.m. on Tuesday, June 17, 2008, to consider the following matters:

**Summary Agenda:** No substantive discussion of the following items is anticipated. These matters will be resolved with a single vote unless a member of the Board of Directors requests that an item be moved to the discussion agenda.

Disposition of minutes of previous

Board of Directors' meetings;  
Summary reports, status reports, and reports of actions taken pursuant to authority delegated by the Board of Directors;

Memorandum and resolution re: Interim Final Rule; Request for Comment: Financial Education Programs that Include the Provision of Bank Products and Services.

**Discussion Agenda:**

Memorandum and resolutions re:

Interim Rule on Processing Deposit Accounts in the Event of an Insured Depository Institution Failure and Final Rule on Large-Bank Insurance Determination Modernization.

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550 17th Street, NW., Washington, DC.

This Board meeting will be Webcast live via the Internet at: <http://www.vodium.com/goto/fdic/boardmeetings.asp>. This service is free and available to anyone with the following systems requirements: <http://www.vodium.com/home/sysreq.html> (<http://www.vodium.com>). Adobe Flash Player is required to view these presentations. The latest version of Adobe Flash Player can be downloaded at <http://www.macromedia.com/go/getflashplayer>. Installation questions or troubleshooting help can be found at the same link. For optimal viewing, a high speed Internet connection is recommended. The Board meetings videos are made available on-demand approximately one week after the event.

The FDIC will provide attendees with auxiliary aids (e.g., sign language interpretation) required for this meeting. Those attendees needing such assistance should call (703) 562-6067 (Voice or TTY), to make necessary arrangements.

Requests for further information concerning the meeting may be directed

to Mr. Robert E. Feldman, Executive Secretary of the Corporation, at (202) 898-7122.

Dated: June 10, 2008.

Federal Deposit Insurance Corporation.

**Robert E. Feldman,**

*Executive Secretary.*

[FR Doc. E8-13379 Filed 6-13-08; 8:45 am]

**BILLING CODE 6714-01-P**

## FEDERAL DEPOSIT INSURANCE CORPORATION

### Notice of Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 10:30 a.m. on Tuesday, June 17, 2008, the Federal Deposit Insurance Corporation's Board of Directors will meet in closed session, pursuant to section 552b(c)(2), (c)(4), (c)(6), (c)(8), (9)(A)(ii), and (9)(B) of Title 5, United States Code, to consider matters relating to the Corporation's supervisory and corporate activities.

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550 17th Street, NW., Washington, DC.

Requests for further information concerning the meeting may be directed to Mr. Robert E. Feldman, Executive Secretary of the Corporation, at (202) 898-7122.

Dated: June 10, 2008.

Federal Deposit Insurance Corporation.

**Robert E. Feldman,**

*Executive Secretary.*

[FR Doc. E8-13380 Filed 6-13-08; 8:45 am]

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## FEDERAL MARITIME COMMISSION

[Docket No. 06-03]

### Premier Automotive Services, Inc. v. Robert L. Flanagan and F. Brooks Royster, III

Served: June 11, 2008.

*By the Commission:* Commissioners Joseph E. Brennan and Harold J. Creel, Jr.; with Commissioner Rebecca F. Dye, dissenting.

#### Order

On January 27, 2006, Premier Automotive Services, Inc. ("Premier" or "Complainant") filed a complaint against Robert L. Flanagan and F. Brooks Royster, III (collectively "Respondents" or the "Maryland State Officials") alleging that Respondents' marine terminal leasing practices violate sections 10(b)(10), 10(d)(1) and 10(d)(4)

of the Shipping Act of 1984 ("Shipping Act"), 46 U.S.C. 41102, 41104 and 41106. This proceeding is before the Commission on exceptions from an order of the Administrative Law Judge granting the Respondents' motion to dismiss.

The issue before the Commission is whether the complaint against certain named officials of the State of Maryland is within the bounds of *Ex parte Young*, 209 U.S. 123 (1908), a judicially-created exception to state sovereign immunity from suit by private parties. For the reasons set forth below, the Commission holds that this proceeding is barred by the sovereign immunity interests of the State of Maryland. Accordingly, Complainant's exceptions are denied.

#### I. Background

##### A. Parties

##### 1. Complainant

Premier is a marine terminal operator involved in the business of providing marine terminal services to common carriers engaged in U.S. foreign commerce. Premier is an import/export vehicle processor and is a tenant at the Dundalk Marine Terminal ("Dundalk Terminal") in Baltimore, MD. Premier's facilities are owned and operated by the Maryland Port Authority ("MPA"), an arm of the State of Maryland.

##### 2. Respondents

At the time the complaint was filed, Respondent Robert L. Flanagan was the Secretary of the Maryland Department of Transportation ("MDOT") and the Chairman of the Maryland Port Commission ("MPC"). The complaint was brought against Flanagan in his official capacity.

Respondent F. Brooks Royster, III was the Executive Director of the Maryland Port Authority ("MPA") at the time of the complaint. The complaint names Royster in his official capacity.<sup>1</sup> MDOT, MPC and MPA are not named as parties.

##### B. Summary of Proceedings

This proceeding was initiated by the Complainant on January 27, 2006. On February 21, 2006, Respondents filed a Motion to Dismiss and Response to Request for Commission Investigation arguing that (1) the case is barred by Constitutional principles of state sovereign immunity; (2) the Shipping Act does not authorize private complaints for injunctive relief, and (3) that the Respondents should not be held

<sup>1</sup> Pursuant to Rule 25(d) of the Federal Rules of Civil Procedure, whenever a respondent named in an official capacity no longer holds the position for which he was named in the action, the official's successor is automatically substituted as a party.