

ORIGINAL

(S E R V E D)
(OCTOBER 21, 1999)
(FEDERAL MARITIME COMMISSION)

FEDERAL MARITIME COMMISSION

DOCKET NO. 99 - 20

GSTAAD, INC. AND SERGIO LEMME
POSSIBLE VIOLATIONS OF SECTION 10(a)(1)
OF THE SHIPPING ACT OF 1984

ORDER OF INVESTIGATION AND HEARING

Respondent Gstaad, Inc. ("Gstaad") is a tariffed and bonded non-vessel-operating common carrier ("NVOCC") based in Miami, Florida. Gstaad furnishes transportation services, including NVOCC services, inter alia, from ports in the United States to ports in South America.

Respondent Sergio Lemme is President and Treasurer of Gstaad.

It appears that Sergio Lemme and Gstaad received rebates from one or more ocean common carriers providing service to South America. Mr. Lemme entered into an agreement whereby Gstaad would pay the applicable rates and charges at the time of the shipment, but receive a rebate for the difference between the applicable rate and a lower agreed upon rate. It also appears that Sergio Lemme and Gstaad entered into at least one service contract which

required Gstaad to make shipments pursuant to the contract as a NVOCC. However, Mr. Lemme and Gstaad knowingly and willfully allowed other shippers to make shipments under the contract to obtain the lower contract rates even though Gstaad did not perform any transportation functions or assume any NVOCC obligations with respect to the shipments.

Section 10 (a)(1) of the Shipping Act of 1984 Act prohibits any person knowingly and willfully, directly or indirectly, by any unjust device or means from obtaining or attempting to obtain ocean transportation at less than the rates or charges that would otherwise be applicable.

NOW THEREFORE, IT IS ORDERED, That pursuant to sections 10, 11, 13, and 19¹ of the 1984 Act, 46 U.S.C. app. 1709, 1710, 1712 and 1718, an investigation is instituted to determine:

1) Whether Gstaad and Sergio Leeme violated section 10(a)(1) of the 1984 Act by obtaining or attempting to obtain ocean transportation of property at less than the rates and charges shown in applicable tariffs or service contracts;

2) Whether, in the event violations of section 10(a)(1) of the 1984 Act are found, civil penalties should be assessed against Gstaad and Sergio Lemme and, if so, the amount of such penalties;

3) Whether, in the event violations of section 10(a)(1) of the 1984 Act are found, the Commission should cancel or suspend any or all tariffs of Gstaad, and,

4) Whether, in the event violations of section 10(a)(1) of the 1984 Act are found, the Commission should revoke Gstaad's license to operate as an Ocean Transportation Intermediary

¹Section 23 of the 1984 Act, 46 U.S.C. app. 1721, which was applicable at the time of the alleged violations, was replaced on May 1, 1999, by section 19 (b) pursuant to the Ocean Shipping Reform Act of 1998, Pub. L. 105-258.

5) Whether, in the event violations of section 10(a)(1) of the 1984 Act are found, an appropriate cease and desist order should be issued

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 in compliance with Rule 6.1 of the Commission's Rules of Practice and Procedure, 46 C.F.R. 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 Gstaad, Inc. and Sergio Lemme 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 parties of record;

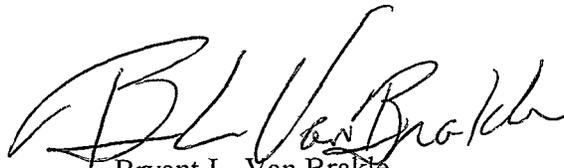
IT IS FURTHER ORDERED, That other persons having an interest in participating in this proceeding may file petitions for leave to intervene in accordance with Rule 72 of the Commission's Rules of Practice and Procedure, 46 C.F.R. 502.72;

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 time and place of any 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, D.C. 20573, in accordance with Rule 118 of the Commission's Rules of Practice and Procedure, 46 C.F.R. 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, 46 C.F.R. 502.6 1, the initial decision of the Administrative Law Judge shall be issued by October 23, 2000, and the final decision of the Commission shall be issued by February 20, 2001.

By the Commission.


Bryant L. Van Brakle
Secretary

1777 F Street, NW, Washington, DC 20006.

FOR FURTHER INFORMATION CONTACT:

Jarlet M. Fronckowiak, Acting Deputy Director, Program Assistance Division, Office of Policy, Research and Analysis, by telephone at 202/408-2575 or by electronic mail at fronckowiakj@fhfb.gov, or Melissa L. Allen, Program Analyst, Program Assistance Division, Office of Policy, Research and Analysis, by telephone at 202/408-2524 or by electronic mail at allenm@fhfb.gov, or by regular mail at the Federal Housing Finance Board, 1777 F Street, NW, Washington, DC 20006.

SUPPLEMENTARY INFORMATION:

A. Need For and Use of Information Collection

Section 10(j) of the Federal Home Loan Bank Act (Bank Act) requires the Federal Housing Finance Board (Finance Board) to promulgate regulations under which the 12 Federal Home Loan-Banks (FHLBanks) must establish an Affordable Housing Program (AHP) to make subsidized advances to members engaged in lending for long term, low- and moderate-income, owner-occupied and affordable rental housing at subsidized interest rates! See 12 U.S.C. 1430(j). Section 10(j) also establishes the standards and requirements for making subsidized AHP advances to FHLBank members. Id. P&t 960 of the Finance Board's regulations implements the statutory requirements and authorizes the FHLBanks to make AHP funding decisions. See 12 CFR part 960.

The information collection contained in part 960 is necessary to enable and is used by the FHLBanks to determine whether an AHP applicant satisfies the statutory and regulatory requirements to receive subsidized advances or direct subsidies under the AHP. The Finance Board requires and uses the information collection, through examination of the FHLBanks, to ensure that a FHLBank's funding decisions, and the use of the funds awarded, are consistent with statutory and regulatory requirements.

The OMB number for the information collection is 3069-006. The OMB clearance for the information collection expires on December 31, 1999.

The likely respondents include applicants for AHP funding.

B. Burden Estimate

The Finance Board estimates the total annual average number of respondents at 7,462, with 2.33 responses per respondent. The estimate for the average hours per response is 6.5 hours. The

estimate for the total annual hour burden is 64,509 hours (7,462 respondents x 1.33 responses per respondent x approximately 6.5 hours per response).

C. Comment Request

In accordance with the requirements of 5 CFR 1320.8(d), the Finance Board published a request for public comments regarding this information collection in the Federal Register on June 30, 1999. See 64 FR 35158 (June 30, 1999). The 60-day comment period closed on August 30, 1999. The Finance Board received no public comments. Written comments are requested on: (1) Whether the collection of information is necessary for the proper performance of Finance Board functions, including whether the information has practical utility; (2) the accuracy of the Finance Board's estimates of the burdens of the collection of information; (3) ways to enhance the quality, utility, and clarity of the information collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Comments may be submitted to OMB in writing at the address listed above.

By the Federal Housing Finance Board,

Dated: October 15, 1999.

William W Ginsberg,
Managing Director.

[FR Doc. 99-28107 Filed 10-27-99; 8:45 am]
BILLING CODE 6725-01-P

FEDERAL MARITIME COMMISSION

Notice of Agreement(s) Filed

The Commission hereby gives notice of the filing of the following agreement(s) under the Shipping Act of 1984. Interested parties can review or obtain copies of agreements at the Washington, DC offices of the Commission, 800 North Capitol Street, N.W., Room 962. Interested parties may submit comments on an agreement to the Secretary, Federal Maritime Commission, Washington, DC 20573, within 10 days of the date this notice appears in the Federal Register.

Agreement No.: 202-011587-006.
Title: United States South Europe Conference.

Parties: A.P. Moller-Maersk Line, P&O Nedlloyd Limited, Sea-Land Service, Inc.

Synopsis: The proposed amendment revises the Agreement's voting requirements and makes other non-substantive changes.

By Order of the Federal Maritime Commission.

Dated: October 22, 1999.

Bryant L. VanBrakle,
Secretary.

[FR Doc. 99-28101 Filed 10-27-99; 8:45 am]
BILLING CODE 6730-01-P

FEDERAL MARITIME COMMISSION

Ocean Transportation Intermediary License Applicants

Notice is hereby given that the following applicants have filed with the Federal Maritime Commission applications for licenses as Non-Vessel Operating Common Carrier and Ocean Freight Forwarder—Ocean Transportation Intermediaries pursuant to section 19 of the Shipping Act of 1984 as amended (46 U.S.C. app. 1718 and 46 CFR 515).

Persons knowing of any reason why any of the following applicants should not receive a license are requested to contact the Office of Freight Forwarders, Federal Maritime Commission, Washington, D.C. 20573.

Non-Vessel-Operating Common Carrier Ocean Transportation Intermediary Applicants

Bayani Commercial, Inc., 526 South Jackson Street, Seattle, WA. 98104;
Officers: Yulciyo Kistler, Managing Director, (Qualifying Individual),
David O. Patacsil, President

Non-Vessel-Operating Common Carrier and Ocean Freight Forwarder Transportation Intermediary Applicants

R.A.V. Services Inc. d/b/a Interfreight Co., 2217 Sheridan Blvd., Inwood, NY 11096; Officers: Thomas Staub, President (Qualifying Individual), Robert Vandevanter, Vice President

Dated: October 22, 1999.

Bryant L. VanBrakle,
Secretary.

[FR Doc. 99-28102 Filed 10-27-99; 8:45 am]
BILLING CODE 6730-01-P

FEDERAL MARITIME COMMISSION

[Docket No. 99-20]

Gstaad, Inc. and Sergio Lemme—Possible Violation? of Sections 1 O(a)(1) of the Shipping Act of 1984; Notice of Investigation

Notice is given that the Commission, on October 21, 1999, served an Order of Investigation and Hearing on Gstaad, Inc. ("Gstaad"), a tariffed and bonded non-vessel operating common carrier

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("NVOCC"); and Sergio Lemme, President and Treasurer of Gstaad. The Order institutes a formal investigation to determine whether Gstaad and Sergio Lemme violated section 10(a)(1) of the Shipping Act of 1984, 46 U.S.C. app. section 1709(a)(1), by knowingly and willfully obtaining or attempting to obtain transportation at less than the rates and charges shown in applicable tariffs or service contracts through the receipt of rebates and the misuse of service contracts. Should violations be found, the proceeding will determine whether to impose civil penalties, suspend Gstaad's tariff, suspend or revoke its license, and issue a cease and desist order. The full text of the Order may be viewed on the Commission's home page at www.fmc.gov, or at the Office of the Secretary, Room 1046, 800 N. Capitol Street, NW, Washington, DC. Any person may file a petition for leave to intervene in accordance with 46 CFR 502.72.

Bryant L. VanBrakle,

Secretary.

[FR Doc. 99-28103 Filed 10-27-99; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Board of Governors of the Federal Reserve System

SUMMARY

Background.

On June 15, 1984, the Office of Management and Budget (OMB) delegated to the Board of Governors of the Federal Reserve System (Board) its approval authority under the Paperwork Reduction Act, as per 5 CFR 1320.16, to approve of and assign OMB control numbers to collection of information requests and requirements conducted or sponsored by the Board under conditions set forth in 5 CFR 1320. Appendix A.1. Board-approved collections of information are incorporated into the official OMB inventory of currently approved collections of information. Copies of the OMB 83-Is and supporting statements and approved collection of information instruments are placed into OMB's public docket files. The Federal Reserve may not conduct or sponsor, and the respondent is not required to respond to, an information collection that has been extended, revised, or implemented on or after October 1, 1995, unless it displays a currently valid OMB control number.

Request for comment on information collection proposal.

The following information collection, which is being handled under this delegated authority, has received initial Board approval and is hereby published for comment. At the end of the comment period, the proposed information collection, along with an analysis of comments and recommendations received, will be submitted to the Board for final approval under OMB delegated authority. Comments are invited on the following:

- whether the proposed collection of information is necessary for the proper performance of the Federal Reserve's functions, including whether the information has practical utility;
- the accuracy of the Federal Reserve's estimate of the burden of the proposed information collection, including the validity of the methodology and assumptions used;
- ways to enhance the quality, utility, and clarity of the information to be collected; and
- ways to minimize the burden of information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

DATE: Comments must be submitted on or before December 27, 1999.

ADDRESSES: Comments, which should refer to the OMB control number or agency form number, should be addressed to Jennifer J. Johnson, Secretary, Board of Governors of the Federal Reserve System, 20th and C Streets, N.W., Washington, DC 20551, or delivered to the Board's mail room between 8:45 a.m. and 5:15 p.m., and to the security control room outside of those hours. Both the mail room and the security control room are accessible from the courtyard entrance on 20th Street between Constitution Avenue and C Street, N.W. Comments received may be inspected in-room M-P-566 between 9:00 a.m. and 5:00 p.m., except as provided in section 261.14 of the Board's Rules Regarding Availability of Information, 12 CFR 261.14(a).

A copy of the comments may also be submitted to the OMB desk officer for the Board: Alexander T. Hunt, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 3208, Washington, DC 20563.

FOR FURTHER INFORMATION CONTACT: A copy of the proposed form and instructions, the Paperwork Reduction Act Submission (OMB 83-1), supporting statement, and other documents that will be placed into OMB's public docket files once approved may be requested

from the agency clearance officer, whose name appears below.

Mary M. West, Chief, Financial Reports Section (202-452-3829), Division of Research and Statistics, Board of Governors of the Federal Reserve System, Washington, DC 20551. Telecommunications Device for the Deaf (TDD) users may contact Diane Jenkins (202-452-3544), Board of Governors of the Federal Reserve System, Washington, DC 20551.

Proposal to approve under OMB delegated authority the extension for three years, without revision, of the following report:

- Report title:** Survey of Terms of Bank Lending.
- Agency form number:** FR 2028A, FR 2028B, and FR 2028S.
- OMB control number:** 7100-0061.
- Frequency:** Quarterly.
- Reporters:** commercial banks (all three reports) and U.S. branches and agencies of foreign banks (FR 2028A and FR 2028S).
- Annual reporting hours:** 8,095.
- Estimated average hours per response:** FR 2028A: 4.0; FR 2028B: 1.5; and FR 2028S: 0.1.

Number of respondents: FR 2028A: 398; FR 2028B: 250; and FR 2028S: 567. Small businesses are affected.

This information collection is voluntary (12 U.S.C. § 248(a)(2)) and is given confidential treatment (5 U.S.C. § 552(b)(4)).

Abstract: The Survey of Terms of Bank Lending provides unique information concerning the price and certain nonprice terms of loans made to businesses and farmers by commercial banks. The reports are completed for the first full business week of the mid-month of each quarter (February, May, August, and November). The FR 2028A and B collect detailed data on individual loans made during the survey week. The FR 2028S collects the prime interest rate for each day of the survey. From these sample STBL data, estimates of the terms of business and farm loans extended during the reporting week at all insured U.S. commercial banks are constructed. The estimates for business loans are published in the quarterly E-2 release, "Survey of Terms of Bank Lending," while estimates for farm loans are published in the quarterly E-15 release, "Agricultural Finance Databook."

Board of Governors of the Federal Reserve System, October 22, 1999.

Robert A. Frier, Jr.,

Associate Secretary of the Board.

[FR Doc. 99-28119 Filed 10-27-99; 8:45am]

Billing Code 6210-01-F