

Dated: September 28, 1995.

Susan G. Esserman,

Assistant Secretary for Import Administration.

[FR Doc. 95-24805 Filed 10-4-95; 8:45 am]

BILLING CODE 3510-DS-P

Export Trade Certificate of Review

ACTION: Notice of Application.

SUMMARY: The Office of Export Trading Company Affairs, International Trade Administration, Department of Commerce, has received an application for an Export Trade Certificate of Review. This notice summarizes the conduct for which certification is sought and requests comments relevant to whether the Certificate should be issued.

FOR FURTHER INFORMATION CONTACT: W. Dawn Busby, Director, Office of Export Trading Company Affairs, International Trade Administration, (202) 482-5131. This is not a toll-free number.

SUPPLEMENTARY INFORMATION: Title III of the Export Trading Company Act of 1982 (15 U.S.C. 4001-21) authorizes the Secretary of Commerce to issue Export Trade Certificates of Review. A Certificate of Review protects the holder and the members identified in the Certificate from state and federal government antitrust actions and from private, treble damage antitrust actions for the export conduct specified in the Certificate and carried out in compliance with its terms and conditions. Section 302(b)(1) of the Act and 15 CFR 325.6(a) require the Secretary to publish a notice in the Federal Register identifying the applicant and summarizing its proposed export conduct.

Request for Public Comments

Interested parties may submit written comments relevant to the determination of whether a Secretary of Commerce should issue a Certificate to the applicant. An original and five (5) copies of such comments should be submitted no later than 20 days after the date of this notice to: Office of Export Trading Company Affairs, International Trade Administration, Department of Commerce, Room 1800H, Washington, D.C. 20230. Information submitted by any person is exempt from disclosure under the Freedom of Information Act (5 U.S.C. 552). Comments should refer to this application as "Export Trade Certificate of Review, application number 95-00006."

Summary of the Application

Applicant: Water and Wastewater Equipment, Manufacturers Association (WWEMA), 101 E. Holly Ave., Suite 14, Sterling, Virginia 22170. Contact: Randolph J. Stayin. Telephone: (202) 289-1313.

Application No.: 95-00006.

Date Deemed Submitted: September 21, 1995.

Members (in addition to applicant): See Attachment I.

WWEMA seeks a Certificate to cover the following specific Export Trade, Export Markets, and Export Trade Activities and Methods of Operations.

Export Trade

Products

Machinery, equipment, instrumentation, chemicals, supplies, systems, accessories, turnkey systems, and software development (as these items are used in the treatment of water and/or wastewater).

Services

A. Identification, conceptual prefeasibility, and feasibility assessments of residential, commercial, industrial, and municipal Products and water and/or wastewater treatment facilities for homeowners, businesses, companies, utilities, or foreign government entities;

B. Engineering and architectural services related to Products and/or to turnkey contracts that substantially incorporate Products;

C. Design and installation of water and/or wastewater treatment facilities and/or Products;

D. Project and construction management of water and/or wastewater treatment facilities;

E. Arranging or offering financing for investments in water and/or wastewater treatment facilities and/or Products, including lease, loan, shared savings arrangements, guaranteed lease or loans, and third party financing;

F. Providing bonded performance guarantees that guarantee a certain level of water and/or wastewater treatment as a result of the installation of water and/or wastewater treatment Products;

G. Servicing, training, and other services related to the sale, use, installations, maintenance monitoring, rehabilitation, or upgrading of Products or to projects that substantially incorporate Products;

H. All other services related to water and/or wastewater treatment.

Export Trade Facilitation Services (as they relate to the Export of Products and Services)

Consulting; international market research; insurance; legal assistance; accounting assistance; services related to compliance with foreign customs requirements; trade documentation and freight forwarding; communication and processing of export orders and sales leads; warehousing; foreign exchange; financing; liaison with U.S. and foreign government agencies, trade associations and banking institutions; taking title to goods; marketing and trade promotion; trade show participation; coordination and negotiation of the terms and conditions of participation in trade promotion activities such as trade shows, expositions, exhibitions, conferences or similar events; and negotiations with providers of transportation, insurance, exhibits and lodging in connection with such trade promotion opportunities.

Technology Rights

Patents, trademarks, service marks, trade names, copyrights (including neighboring rights); trade secrets; know-how; technical expertise; utility models (including petty patents); computer modeling; semiconductor mask works; industrial designs; computer software protection associated with Products, Services, industrial designs, first die proofs, design of die block impressions, inserts, and Export Trade Facilitation Services.

Export Markets

The Export Markets include all parts of the world except the United States (the 50 states of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, and the Trust Territory of the Pacific Islands).

Export Trade Activities and Methods of Operation

A. To engage in Export Trade, in the Export Markets, WWEMA and/or one or more of its Members may:

1. Engage in joint selling arrangements for the sale of Products and/or Services in the Export Markets, such as joint marketing, joint negotiation, joint offering, joint bidding, and joint financing; and allocate sales resulting from such arrangements.

2. Establish export prices of Products and/or Services by the Members in Export Markets.

3. Discuss and reach agreements relating to the interface specifications and engineering of Products and/or

Services required by specific export customers, potential export customers, or Export Markets.

4. Refuse to quote prices for, or to market or sell, Products and/or Services in Export Markets;

5. Solicit non-Member Suppliers to sell such non-Member Suppliers' Products and/or Services, or offer such non-Member Suppliers' Export Trade Facilitation Services through the certified activities of WWEMA and/or its Members.

6. Coordinate with respect to:

(a) The development of water and/or wastewater treatment projects in Export Markets, including project identification, scientific and technical assessment, transportation and/or delivery, engineering, design, maintenance, monitoring, construction and delivery, installation and construction, project ownership, project operation, and transfer of project ownership;

(b) The installation and servicing of Products in Export Markets, including establishment of joint warranty, service, and training centers in such markets; and

(c) The operation of and maintenance services for water and/or wastewater treatment facilities, parts warehousing, and support services related to the foregoing.

7. License associated Technology Rights in conjunction with the sale of Products, but in all instances, the terms of such licenses shall be determined solely by negotiations between the licensor Member and the export customer without coordination with WWEMA or any other Member.

8. Engage in joint promotional activities aimed at developing existing or new Export Markets. Such promotional activities may include advertising, demonstrating, field trips, trade missions, reverse trade missions, and conferences.

9. Agree on the frequency, level of, duration, or other terms and conditions of participation in joint Export Trade Promotion activities conducted in Export Markets. Such activities may include trade shows for the purpose of promoting the industry's Products in Export Markets.

10. Enter into agreements wherein WWEMA and/or one or more Members acts in certain Export Markets as the Members' exclusive or non-exclusive Export Intermediary. The Export Intermediary shall be responsible for coordinating the level of participation and joint export trade promotion and facilitation activities by WWEMA and its Members, as well as for negotiating agreements with foreign government

agencies, corporations, or trade associations concerning terms and conditions of participation, transportation, insurance, lodging, local transportation, and food services in connection with such joint promotional activities. When acting as an Export Intermediary, WWEMA shall make its services available to any Member on non-discriminatory terms.

11. Agree to refuse to attend any specific trade show, exposition, exhibition, or conference conducted in the Export Markets.

12. Establish and operate jointly owned subsidiaries or other joint venture entities owned exclusively by Members for the purposes of engaging in the Export Trade Activities and Methods of Operation herein, other than the licensing of associated Technology Rights pursuant to subparagraph (7) above. WWEMA and/or one or more of its Members may establish and operate joint ventures for operations in Export Markets with non-Members, including public-sector foreign corporations and other foreign government entities, and/or private sector foreign entities such as corporations. Non-Members engaging in such activities shall not receive protection under this Certificate of Review.

13. Enter into exclusive arrangements with an Export Intermediary, which arrangement may provide that such Export Intermediary may not represent any non-Member Supplier of Products and/or Services in specified Export Markets.

14. Agree not to export independently into specified Export Markets, either directly or through any other Export Intermediary or other party.

15. Agree that any information obtained pursuant to this Certificate shall not be provided to any non-Member.

16. For the transportation of Products, act as a shippers' association to negotiate favorable transportation rates and other terms for the transportation of Products with individual common carriers and individual shipping conferences.

B. WWEMA and/or one or more of its Members may exchange and discuss the following types of information as they relate solely to Export Trade and Export Markets:

1. Information (other than information about the cost, output, capacity, inventories, domestic prices, domestic sales, domestic orders, terms of domestic marketing or sale, or United States business plans, strategies or methods) that is already generally available to the trade or public.

2. Information about sales and marketing efforts for Export Markets, activities and opportunities for sales of Products and Services in Export Markets, selling strategies for Export Markets, pricing in Export Markets, projected demands in Export Markets (quality and quantity), customary terms of sale in Export Markets, the types of Products available from competitors for sale in particular Export Markets and the prices for such Products, customer specifications for Products in Export Markets, and market strengths and economic and business conditions in Export Markets.

3. Information about the export prices, quality, quantity, sources, available capacity, and delivery dates of Products available from Members for export, provided however that exchanges of information and discussions as to Product quantity, sources, available capacity to produce, and delivery dates must be on a transaction-by-transaction basis and involve only those Members who are participating or have genuine interest in participating in each such transaction.

4. Information about terms and conditions of contracts for sales in Export Markets to be considered and/or bid on by WWEMA and/or its Members.

5. Information about joint bidding, joint selling, or joint servicing arrangements for Export Markets and allocation of sales resulting from such arrangements among the Members.

6. Information about expenses specific to exporting to, and within Export Markets, including without limitation, transportation, intermodal shipments, insurance, inland freight to port, port storage, commissions, export sales, documentation, financing, customs, duties, and taxes.

7. Information about U.S. and foreign legislation, regulations and policies and executive actions affecting the sales of Products and/or Services in the Export Markets, such as U.S. Federal and State programs affecting the sales of Products and/or Services in the Export Markets or foreign policies that would affect the sale of Products and/or Services.

8. Information about WWEMA's and/or its Members' export operations, including without limitation, sales and distribution networks established by WWEMA or its Members in Export Markets, and prior export sales by Members (including export price information).

C. WWEMA and/or one or more of its Members may meet to engage in the activities described in paragraphs A through B above.

D. WWEMA and/or one or more of its Members may refuse to provide Export

Trade Facilitation Services to non-Members or refuse to participate in other activities described in paragraphs A through B above.

E. WWEMA and/or one or more of its Members may forward to the appropriate individual Member requests for information received from a foreign government or its agent (including private pre-shipment inspection firms) concerning that Member's domestic or export activities (such as prices and/or costs). If such Member elects to respond with respect to domestic activities, it shall respond directly to the requesting foreign government or its agent with respect to such information.

Definitions

1. "Export Intermediary" means a person who acts as a distributor, sales representative, sales or marketing agent, or broker, or who performs similar functions, including providing or arranging for the provision of Export Trade Facilitation Services.

2. "Member" means a person who has membership in WWEMA and who has been certified as a "Member" within the meaning of Section 325.2(1) of the Regulations.

3. "Supplier" means a person who produces, provides, or sells a Product, Service, and/or Export Trade Facilitation Service, whether a Member or non-Member.

Dated: September 29, 1995.

W. Dawn Busby,

Director, Office of Export Trading Company Affairs.

Attachment I

WWEMA Member Companies

ABB Kent Meters, Inc., Ocala, Florida
 A.O. Smith Harvestore Products, Inc., DeKalb, Illinois
 Bailey-Fischer & Porter Company, Warminster, Pennsylvania
 Capital Controls Co., Inc., Colmar, Pennsylvania
 CBI Walker, Inc., Aurora, Illinois
 Door-Oliver Incorporated, Milford, Connecticut
 Enviroquip, Austin, Texas
 G.A. Industries, Inc., Mars, Pennsylvania
 Galaxy Environmental Corp., Warminster, Pennsylvania
 General Signal Pump Group, North Aurora, Illinois
 Gorman-Rupp Company (The), Mansfield, Ohio
 Hycor Corporation, Lake Bluff, Illinois
 I. Kruger, Inc., Cary, North Carolina
 Infilco Degremont Inc., Richmond, Virginia
 ITT Flygt Corporation, Trumbull, Connecticut
 JCM Industries, Inc., Nash, Texas
 Komline-Sanderson, Peapack, New Jersey
 Parkson Corporation, Fort Lauderdale, Florida
 Patterson Pump Co., Toccoa, GA

Smith & Loveless, Inc., Lenexa, Kansas
 Temcor, Carson, California
 Vulcan Industries Inc., Missouri Valley, Iowa
 Wallace & Tiernan, Belleville, New Jersey
 Water Pollution Control Corp., Brown Deer, Wisconsin
 Zimpro Environmental, Inc., Rotschild, Wisconsin

[FR Doc. 95-24737 Filed 10-4-95; 8:45 am]

BILLING CODE 3510-DR-P

National Oceanic and Atmospheric Administration

[I.D. 092795A]

Mid-Atlantic Fishery Management Council; Meetings

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of public meetings.

SUMMARY: The Mid-Atlantic Fishery Management Council and the Atlantic States Marine Fisheries Commission's (ASMFC) Summer Flounder, Scup, and Black Sea Bass Board will hold public meetings.

DATES: The Council will meet on October 17, 1995, beginning at 6:00 p.m. The Council and ASMFC Board will meet on October 18, 1995, from 8:00 a.m. until 5:00 p.m.

ADDRESSES: The meetings will be held at the Radisson Hotel Philadelphia, 500 Stevens Drive, Philadelphia, PA; telephone: (610) 521-5900.

Council address: Mid-Atlantic Fishery Management Council, 300 S. New Street, Dover, DE 19901.

FOR FURTHER INFORMATION CONTACT:

David R. Keifer, Executive Director, Mid-Atlantic Fishery Management Council; telephone: (302) 674-2331.

SUPPLEMENTARY INFORMATION: The purpose of these meetings is to review Amendment 7 to the Northeast Multispecies FMP and prepare possible comments, and to review the Scup FMP, hear recommendations and written comments, to decide if any changes need to be made to the FMP before it is adopted.

Special Accommodations

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Joanna Davis at (302) 674-2331 at least 5 days prior to the meeting dates.

Dated: September 29, 1995.

Richard W. Surdi,

Acting Director, Office of Fisheries Conservation and Management, National Marine Fisheries Service.

[FR Doc. 95-24785 Filed 10-4-95; 8:45 am]

BILLING CODE 3510-22-F

[Docket No. 950925237-5237-01; I.D. 100295C]

RIN 0648-XX28

New Bedford Harbor Trustee Council

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice; request for restoration ideas for New Bedford Harbor.

SUMMARY: NMFS, acting as Administrative Trustee, announces the intention of the New Bedford Harbor Trustee Council (Council) to request ideas for projects to restore natural resources that have been injured by the release of hazardous substances, including polychlorinated biphenyls (PCBs), in the New Bedford Harbor, MA, environment. Of particular interest to the Council are those projects that can be conducted prior to remediation or cleanup of the harbor environment. The ideas will be reviewed against criteria established by the Council and for legal and technical applicability. If accepted, it is possible that project ideas could form the basis for a later Council request for proposals to conduct specific restoration projects.

DATES: The Council will accept project ideas through November 20, 1995.

ADDRESSES: Project ideas will be accepted at the following location: New Bedford Harbor Trustee Council, c/o National Marine Fisheries Service, 1 Blackburn Drive, Gloucester, MA 01930, or New Bedford Harbor Trustee Council, 37 N. Second Street, New Bedford, MA 02740.

FOR FURTHER INFORMATION CONTACT: Jack Terrill, Coordinator, 508-281-9136.

SUPPLEMENTARY INFORMATION:

I. Background

New Bedford Harbor is located in Southeastern Massachusetts at the mouth of the Acushnet River on Buzzards Bay. Adjacent to the harbor are the communities of Acushnet, Dartmouth, Fairhaven, and New Bedford. It is an active port frequented by both commercial and recreational fishing vessels, as well as merchant vessels delivering produce for distribution throughout the Northeast.