

Signed at Washington, DC, this 28th day of February 1995.

**Susan G. Esserman,**

*Assistant Secretary of Commerce for Import Administration, Chairman, Committee of Alternates Foreign-Trade Zones Board.*

[FR Doc. 95-5562 Filed 3-7-95; 8:45 am]

BILLING CODE 3510-DS-P

**[Order No. 734]**

**Foreign-Trade Zones Board;  
Expansion of Foreign-Trade Zone 21  
Charleston, SC, Area**

Pursuant to its authority under the Foreign-Trade Zones Act of June 18, 1934, as amended (19 U.S.C. 81a-81u), the Foreign-Trade Zones Board (the Board) adopts the following Order:

Whereas, an application from the South Carolina State Ports Authority, grantee of Foreign-Trade Zone No. 21, requesting authority to expand its general-purpose zone at sites in the Charleston and Georgetown Customs port of entry areas, and requesting authority to use zone procedures for the installation of foreign audio components into automobiles within FTZ 21, was filed by the Foreign-Trade Zones (FTZ) Board on September 14, 1993 (Docket 50-93, 58 FR 50330, 9/27/93) (amended, 8/9/94, 49 FR 40519; and, 11/10/94, 59 FR 56034);

Whereas, notice inviting public comment was given in the **Federal Register** and the application has been processed pursuant to the FTZ Act and the Board's regulations; and,

Whereas, the Board has found that the requirements of the Act and the regulations are satisfied, and that the proposal is in the public interest;

Now, Therefore, the Board hereby orders:

The grantee is authorized to expand its zone and conduct processing activity under zone procedures as requested in the application, as amended, subject to the Act and the Board's regulations, including § 400.28.

Signed at Washington, DC, this 28th day of February 1995.

**Susan G. Esserman,**

*Assistant Secretary of Commerce for Import Administration, Alternate Chairman, Foreign-Trade Zones Board.*

[FR Doc. 95-5563 Filed 3-7-95; 8:45 am]

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**[Order No. 727]**

**Foreign-Trade Zones Board; Grant of Authority for Subzone Status; Smithkline Beecham Corporation (Pharmaceuticals) Bristol, TN**

Pursuant to its authority under the Foreign-Trade Zones Act of June 18, 1934, as amended (19 U.S.C. 81a-81u), the Foreign-Trade Zones Board (the Board) adopts the following Order:

Whereas, by an Act of Congress approved June 18, 1934, an Act "To provide for the establishment . . . of foreign-trade zones in ports of entry of the United States, to expedite and encourage foreign commerce, and for other purposes," as amended (19 U.S.C. 81a-81u) (the Act), the Foreign-Trade Zones Board (the Board) is authorized to grant to qualified corporations the privilege of establishing foreign-trade zones in or adjacent to U.S. Customs ports of entry;

Whereas, the Board's regulations (15 CFR Part 400) provide for the establishment of special-purpose subzones when existing zone facilities cannot serve the specific use involved;

Whereas, an application from the Industrial Board of Blount County, Tennessee, grantee of Foreign-Trade Zone 148, for authority to establish special-purpose subzone status at the pharmaceutical manufacturing plant of SmithKline Beecham Corporation, in Bristol, Tennessee, was filed by the Board on November 8, 1993, and notice inviting public comment was given in the **Federal Register** (FTZ Docket 55-93, 58 FR 61065, 11-19-93); and,

Whereas, the Board has found that the requirements of the FTZ Act and Board's regulations are satisfied, and that approval of the application is in the public interest;

Now, Therefore, the Board hereby authorizes the establishment of a subzone (Subzone 148A) at the plant site of SmithKline Beecham Corporation, in Bristol, Tennessee, at the location described in the application, subject to the FTZ Act and the Board's regulations, including § 400.28.

Signed at Washington, DC, this 28th day of February 1995.

**Susan G. Esserman,**

*Assistant Secretary of Commerce for Import Administration Alternate Chairman Foreign-Trade Zones Board.*

Attest:

**John J. Da Ponte, Jr.,**

*Executive Secretary.*

[FR Doc. 95-5561 Filed 3-7-95; 8:45 am]

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**International Trade Administration,  
Commerce**

**Export Trade Certificate of Review**

**ACTION:** Notice of Issuance of an Export Trade Certificate of Review, Application No. 94-00007.

**SUMMARY:** The Department of Commerce has issued an Export Trade Certificate of Review to Florida Citrus Exports, L.C. This notice summarizes the conduct for which certification has been granted.

**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. The regulations implementing Title III are found at 15 CFR Part 325 (1993).

The Office of Export Trading Company Affairs is issuing this notice pursuant to 15 CFR 325.6(b), which requires the Secretary of Commerce to publish a summary of a Certificate in the **Federal Register**. Under Section 305(a) of the Act and 15 CFR 325.11(a), any person aggrieved by the Secretary's determination may, within 30 days of the date of this notice, bring an action in any appropriate district court of the United States to set aside the determination on the ground that the determination is erroneous.

**Description of Certified Conduct**

*Export Trade*

1. *Products*  
Fresh citrus.
2. *Services*  
Inspection, quality control, marketing and promotional services.
3. *Technology Rights*  
Proprietary rights to all technology associated with Products or Services, including, but not limited to: patents, trademarks, service marks, trade names, copyrights, trade secrets, and know-how.
4. *Export Trade Facilitation Services (as they relate to the Export of Products, Services and Technology Rights)*

All export trade-related facilitation services, including, but not limited to: consulting and trade strategy; sales and marketing; export brokerage; foreign marketing research; foreign market development; overseas advertising and promotion; product research and design based on foreign buyer

and consumer preferences; communication and processing of export orders; inspection and quality control; transportation; freight forwarding and trade documentation; insurance; billing of foreign buyers; collection (letters of credit and other financial instruments); provision of overseas sales and distribution facilities and overseas sales staff; legal, accounting and tax assistance; management information systems development and application; assistance related to participation in government export assistance programs, such as the Export Enhancement and Market Promotion programs.

#### *Export Markets*

The Export Markets include all parts of the world except the United States (the fifty 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*

In connection with the promotion and sale of Members' Products, Services and/or Technology Rights into the Export Markets, FCE and/or one or more of its Members may:

1. Design and execute foreign marketing strategies for its Export Markets;
2. Prepare joint bids, establish export prices for Members' Products and Services and establish terms of sale in Export Markets in connection with potential or actual bona fide opportunities;
3. Allocate export sales, international buyers and/or export markets among Members;
4. Grant exclusive and non-exclusive sales and distribution rights for Products in designated Export Markets to foreign agents or importers ("exclusive" meaning that FCE and Members may agree not to sell Products into designated Export Markets through any other foreign distributor, and that the foreign distributor may agree to represent only FCE in the Export Markets and none of FCE's competitors);
5. Design, develop and market generic corporate labels for use in Export Markets;
6. Engage in joint promotional activities directly targeted at developing Export Markets, such as: Arranging trade shows and marketing trips;
7. Share the cost of joint promotional activities among the Members;
8. Conduct product and packaging research and development exclusively for export in order to meet foreign regulatory requirements, foreign buyer specifications, and foreign consumer preferences;
9. Negotiate and enter into agreements with governments and other foreign persons regarding non-tariff trade barriers in Export Markets;
10. Establish and operate fumigation facilities and provide specialized packing operations and other quality control procedures to be followed by Members in the export of Products into Export Markets;
11. Assist each other in maintaining the quality standards necessary to be successful in Export Markets;
12. Advise and cooperate with agencies of the U.S. Government in establishing procedures regulating the export of Members' Products, Services and/or Technology Rights into Export Markets;
13. Negotiate and enter into purchase agreements with buyers in Export Markets regarding export prices, quantities, type and quality of Products, time periods, and the terms and conditions of sale;
14. Broker or take title to Products intended for Export Markets;
15. Purchase Products from non-Member producers to fulfill specific sales obligations, provided that FCE and/or Members shall make such purchases only on a transaction-by-transaction basis and when the Members are unable to supply, in a timely manner, the requisite Products at a price competitive under the circumstances;
16. Solicit non-Member producers to become Members;
17. Jointly undertake the administrative tasks of processing export orders;
18. Procure, negotiate, contract, and administer transportation services for Products in the course of export, including overseas freight transportation, inland freight transportation from the packing house to the U.S. port of embarkment, leasing of transportation equipment and facilities, storing and warehousing, stevedoring, wharfage and handling, insurance, and freight forwarder services;
19. Arrange for trade documentation and services, customs clearance, financial instruments, and foreign exchange;
20. Arrange financing through private financial entities;
21. Bill and collect monies from foreign buyers, and arrange for or provide accounting, tax, legal and consulting services in relation to Export Trade Activities and Methods of Operation;
22. Enter into exclusive agreements with non-Members to provide Export Trade Facilitation Services;
23. Design, implement, and administer Foreign Sales Corporations as provided by the Internal Revenue Code;
24. Open and operate overseas sales and distribution offices and companies to facilitate the sales and distribution of Products into and within Export Markets;
25. Apply for and utilize applicable export assistance and incentive programs available within governmental sectors;
26. Negotiate and enter into agreements with governments and foreign persons to develop countertrade arrangements, provided that this Certificate does not protect any conduct related to the sale of goods in the United States that are imported as part of any countertrade transactions;
27. Refuse to deal with or provide quotations to other Export Intermediaries for sales of Members' Products into Export Markets;
28. Require common marking and identification of Members' Products sold in Export Markets;
29. Exchange information as necessary to carry out Export Trade Activities and Methods of Operation, including:
  - (a) Information about sales, marketing efforts, and sales strategies in Export Markets, including pricing; projected demand in Export Markets for Products; customary terms of sale; and foreign buyer and consumer product specifications;
  - (b) Information about the price, quality, quantity, source and delivery dates of Products available from the Members for export;
  - (c) Information about terms and conditions of contracts for sales in Export Markets to be considered and/or bid on by FCE and/or Members;
  - (d) Information about the terms and conditions of export orders

- necessary to process such orders;
- (e) Information about joint bidding opportunities;
- (f) Information about methods by which exports sales are to be allocated among Members;
- (g) Information about expenses specific to exporting to and within Export Markets, including transportation, transshipments, intermodal shipments, insurance, inland freight to port, port storage, commissions, export sales, documentation, financing and customs duties or taxes;
- (h) Information about U.S. and foreign legislation and regulations, including Federal marketing order programs that may affect sales to Export Markets; and
- (i) Information about FCE's or Members' export operations, including sales and distribution networks established by FCE or Members in Export Markets, and prior export sales by Members, including export price information.

*Members (Within the Meaning of § 325.2(1) of the Regulations)*

Florida Fresh Citrus Sales, Inc., Wabasso, Florida; Golden River Fruit Co., Vero Beach, Florida; Leroy E. Smith's Sons, Inc., Vero Beach, Florida; Ocean Spray Cranberries, Inc., Vero Beach, Florida; Seald-Sweet Growers, Inc., Vero Beach, Florida.

*Definitions*

1. *Export Intermediary* means a person who acts as 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 FCE and who has been certified as a "Member" within the meaning of § 325.2(1) of the Regulations, set out in Attachment A and incorporated by reference.

*Terms and Conditions of Certificate*

1. Except as provided in paragraphs 29(b) and 29(g) of the Export Trade Activities and Methods of Operation, neither FCE nor any Member shall intentionally disclose, directly or indirectly, to any other Member any information about its or any other Member's costs, production, capacity, inventories, domestic prices, domestic sales, terms of domestic marketing or sale, or U.S. business plans, strategies, or methods, unless (1) such information is already generally available to the trade or public; or (2) the information disclosed is a necessary term or

condition (e.g., price, time required to fill an order, etc.) of an actual or potential bona fide sale and the disclosure is limited to the prospective purchasing Member.

2. Each Member shall determine independently of other members the quantity of Products the Member will make available for export or sell through FCE. FCE may not solicit from any member specific quantities for export or require any member to export any minimum quantity of products.

3. Any agreements, discussions, or exchanges of information under this Certificate relating to quantities of Products available for Export Markets, product specifications or standards, export prices, product quality or other terms and conditions of export sales (other than export financing) shall be in connection only with actual or potential bona fide export transactions or opportunities and shall include only those Members participating or having a genuine interest in participating in such transactions or opportunities; provided that FCE and/or the Members may discuss standardization of Products and Services for purposes of making bona fide recommendations to foreign governmental or private standard-setting organizations.

4. Meetings at which FCE allocates export sales among Members and establishes export prices shall not be open to the public.

5. Participation by a Member in any Export Trade Activity or Method of Operation under this Certificate shall be entirely voluntary as to that Member, subject to the honoring of contractual commitments for sales of Products, Services or Technology Rights in specific export transactions. A Member may withdraw from coverage under this Certificate at any time by giving written notice to FCE, a copy of which FCE shall promptly transmit to the Secretary of Commerce and the Attorney General.

6. FCE and the Members will comply with requests made by the Secretary of Commerce on behalf of the Secretary or the Attorney General for information or documents relevant to conduct under the Certificate. The Secretary of Commerce will request such information or documents when either the Attorney General or the Secretary believes that the information or documents are required to determine that the Export Trade, Export Trade Activities and Methods of Operation of a person protected by this Certificate of Review continue to comply with the standards of section 303(a) of the Act.

*Protection Provided by Certificate*

The Certificate protects FCE and its directors, officers, and employees acting on its behalf, as well as its Members, and their directors, officers, and employees acting on their behalf, from private treble damage actions and governmental criminal and civil suits under U.S. federal and state antitrust laws for the export conduct specified in the Certificate and carried out during its effective period in compliance with its terms and conditions.

*Effective Period of Certificate*

The Certificate continues in effect from the effective date indicated below until it is relinquished, modified or revoked as provided in the Act and the Regulations.

*Other Conduct*

Nothing in the Certificate prohibits FCE and its Members from engaging in conduct not specified in this Certificate, but such conduct is subject to the normal application of the antitrust laws.

*Disclaimer*

The issuance of the Certificate of Review to FCE by the Secretary of Commerce with the concurrence of the Attorney General under the provisions of the Act does not constitute, explicitly or implicitly, an endorsement or opinion by the Secretary of Commerce or the Attorney General concerning either (a) the viability or quality of the business plans of FCE or its Members or (b) the legality of such business plans of FCE or its Members under the laws of the United States (other than as provided in the Act) or under the laws of any foreign country.

The application of the Certificate to conduct in Export Trade where the United States Government is the buyer or where the United States Government bears more than half the cost of the transaction is subject to the limitations set forth in Section V.(D.) of the "Guidelines for the Issuance of Export Trade Certificates of Review (Second Edition)," 50 FR 1786 (January 11, 1985) ("Guidelines").

Dated: February 23, 1995.

**W. Dawn Busby,**

*Director, Office of Export Trading Company Affairs.*

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