

## 2. Export Trade Facilitation Services (as They Relate to the Export of Products)

Communication and processing of export orders; inspection, fumigation and stevedoring; transportation; freight forwarding and trade documentation; insurance; billing of foreign buyers; collection of letters of credit and other financial instruments.

### B. 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).

### C. Export Trade Activities and Methods of Operation

To engage in Export Trade in the Export Markets, The Connell Company may:

- (i) solicit orders from foreign purchasers;
- (ii) receive information on a one-to-one basis from individual Suppliers regarding inventories and near-term production schedules for the purpose of determining the availability of Products for purchase and export;
- (iii) confer from time to time, on a one-to-one basis, with individual Suppliers regarding a potential purchase by The Connell Company with regard to the quantities, price, delivery schedule, and other pertinent matters pertaining thereto;
- (iv) allocate export sales among individual Suppliers, provided that The Connell Company does not intentionally disclose to any Supplier any information about other Suppliers' sales to The Connell Company for export;
- (v) enter into purchase agreements with one or more Suppliers for the purchase of Products in the United States, and sales agreements with one or more foreign purchasers for the sale of Products in the Export Markets;
- (vi) refuse to purchase from one or more Suppliers for reasons The Connell Company deems fit; and
- (vii) as the single buyer of Products, coordinate schedules for delivery of Products to the dock among Suppliers; allocate dock space; allocate Products to various vessels; coordinate stevedoring from the inland trucks to the dock and from the dock to the vessels; arrange for inspection by both U.S. and foreign inspection services; arrange for fumigation of the Products; arrange for various documentation regarding the cargo; and provide for other Export

Trade Facilitation Services as they relate to the export of Products.

### D. Terms and Conditions of Certificate

1. In engaging in the above Export Trade Activities and Methods of Operation, The Connell Company will not intentionally disclose, directly or indirectly, to any Supplier any information about any other Supplier's costs, production, capacity, inventories, domestic prices, domestic sales, or U.S. business plans, strategies, or methods that is not already generally available to the trade or public.

2. The Connell Company will comply with requests made by the Secretary of Commerce on behalf of the Secretary of Commerce 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 of Commerce 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.

### E. Definitions

"Supplier" means a person that produces, provides, or sells Products.

### F. Protection Provided by Certificate

The Certificate protects The Connell Company, its directors, officers, and employees acting on its behalf, from private treble damage actions and government 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.

### G. 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.

### H. Other Conduct

Nothing in the Certificate prohibits The Connell Company from engaging in conduct not specified in the Certificate, but such conduct is subject to the normal application of the antitrust laws.

### I. Disclaimer

The issuance of the Certificate of Review to The Connell Company 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 or by the Attorney General concerning either (a) the viability or quality of the business plans of The Connell Company or (b) the legality of such business plans of The Connell Company 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 Fed. Reg. 1786 (January 11, 1985).

Dated: November 21, 1995.

W. Dawn Busby,

Director, Office of Export Trading Company Affairs.

[FR Doc. 95-29283 Filed 11-30-95; 8:45 am]

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## National Oceanic and Atmospheric Administration

[I.D. 112195A]

### Mid-Atlantic Fishery Management Council; Meeting

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

**ACTION:** Notice of public meeting.

**SUMMARY:** The Mid-Atlantic Fishery Management Council's Surf Clam and Ocean Quahog Industry Advisory Committee will hold a public meeting.

**DATES:** The meeting will be held on December 12, 1995, from 10:00 a.m. until 5:00 p.m.

**ADDRESSES:** The meeting will be held at the Doubletree Guest Suites Philadelphia International Airport, 4101 Island Avenue, Philadelphia, PA; telephone: (215) 365-6600.

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

**FOR FURTHER INFORMATION CONTACT:** David R. Keifer, Executive Director; telephone: (302) 674-2331.

**SUPPLEMENTARY INFORMATION:** The purpose of the meeting is to discuss the overfishing definition for Surf Clams and Ocean Quahogs.

### Special Accommodations

This meeting is 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 date.

Dated: November, 24, 1995.

Richard H. Schaefer,  
*Director, Office of Fisheries Conservation and Management, National Marine Fisheries Service.*

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## COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

### Procurement List Addition

**AGENCY:** Committee for Purchase From People Who Are Blind or Severely Disabled.

**ACTION:** Addition to the procurement list.

**SUMMARY:** This action adds to the Procurement List a service to be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities.

**EFFECTIVE DATE:** January 2, 1996.

**ADDRESSES:** Committee for Purchase From People Who Are Blind or Severely Disabled, Crystal Square 3, Suite 403, 1735 Jefferson Davis Highway, Arlington, Virginia 22202-3461.

**FOR FURTHER INFORMATION CONTACT:** Beverly Milkman, (703) 603-7740.

**SUPPLEMENTARY INFORMATION:** On September 15, 1995, the Committee for Purchase from People who are Blind or Severely Disabled published notice (60 F.R. 47937) of proposed addition to the Procurement List.

Comments were received from an association representing small disadvantaged businesses and from a company which was a contractor for related services at the same Government installation. The association questioned the Committee's practice of providing notice of the proposed addition to the Procurement List only in the Federal Register, and claimed, without providing any supporting information, that the proposed addition would have a severe economic impact on small businesses that support the installation. The company claimed that the addition would have a severe adverse impact on it, and also claimed that procurement regulations had been violated in connection with the current contract to provide these services to the Government.

The Committee is required by its statute, at 41 U.S.C. 47(a)(2), to follow the informal rulemaking procedure set

forth in 5 U.S.C. 553 when adding commodities and services to the Procurement List. The latter statute requires notices of proposed rulemakings to be published in the Federal Register. In addition, 44 U.S.C. 1507 provides that Federal Register notice is legally sufficient notice of a Government action to all concerned. Consequently, the Committee believes it acted as Congress intended when it gave notice of the proposal to add these services to the Procurement List.

The contracting officer for the services informed the Committee that, prior to the start of the current contract with the non-profit agency, the services being added to the Procurement List were being performed by Government personnel and were not part of the contract which the commenting contractor had with the installation. Accordingly, addition of these services to the Procurement List should have no effect on the commenting contractor or on any of the businesses represented by the commenting association because they will not lose any work they already had with this Government installation.

Award of the current contract for these and other services was not done under authority of the Committee's statute, as the services were not on the Procurement List. The Committee has been informed that the commenting contractor is pursuing its claim that procurement regulations were violated in a forum which is better equipped than the Committee to address them.

After consideration of the material presented to it concerning capability of qualified nonprofit agencies to provide the service, fair market price, and impact of the additions on the current or most recent contractor, the Committee has determined that the service listed below is suitable for procurement by the Federal Government under 41 U.S.C. 46-48c and 41 CFR 51-2.4.

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in any additional reporting, recordkeeping or other compliance requirements for small entities other than the small organizations that will furnish the service to the Government.
2. The action will not have a severe economic impact on current contractors for the service.
3. The action will result in authorizing small entities to furnish the service to the Government.
4. There are no known regulatory alternatives which would accomplish

the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 46-48c) in connection with the service proposed for addition to the Procurement List.

Accordingly, the following service is hereby added to the Procurement List: Administrative Services, Naval Air Warfare Center, Training Systems Division, Orlando, Florida.

This action does not affect current contracts awarded prior to the effective date of this addition or options exercised under those contracts.

Beverly L. Milkman,

*Executive Director.*

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BILLING CODE 6820-33-P

### Procurement List Addition

**AGENCY:** Committee for Purchase From People Who Are Blind or Severely Disabled.

**ACTION:** Addition to the procurement list.

**SUMMARY:** This action adds to the Procurement List a service to be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities.

**EFFECTIVE DATE:** January 2, 1996.

**ADDRESSES:** Committee for Purchase From People Who Are Blind or Severely Disabled, Crystal Square 3, Suite 403, 1735 Jefferson Davis Highway, Arlington, Virginia 22202-3461.

**FOR FURTHER INFORMATION CONTACT:** Beverly Milkman, (703) 603-7740.

**SUPPLEMENTARY INFORMATION:** On September 29, 1995, the Committee for Purchase from People who are Blind or Severely Disabled published notice (60 F.R. 50559) of proposed addition to the Procurement List.

After consideration of the material presented to it concerning capability of qualified nonprofit agencies to provide the service, fair market price, and impact of the additions on the current or most recent contractors, the Committee has determined that the service listed below is suitable for procurement by the Federal Government under 41 U.S.C. 46-48c and 41 CFR 51-2.4.

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in any additional reporting, recordkeeping or other compliance requirements for small entities other than the small organizations that will furnish the service to the Government.