

Ruling: Accepted and Incorporated

Certificate of Service

I hereby certify that I have served the foregoing *decision and order* to the following persons as indicated:

Mi-Yong, Kim, Esq., Senior Attorney, Office of Chief Counsel for Industry and Security, U.S. Department of Commerce, Room H-3839, 14th Street & Constitution Avenue, NW., Washington, DC 20230, (by Federal Express (overnight delivery));

Jason Liao, In c/o Jennifer Zhong, 3370 Monroe Street, Santa Clara, CA 95051, (by Federal Express (overnight delivery)).

Done and dated this 5th day of April, 2004, Alameda, California.

Cindy J. Roberson,

Paralegal Specialist to the Hon. Parlen L. McKenna.

[FR Doc. 04-12181 Filed 5-27-04; 8:45 am]

BILLING CODE 3910-JT-M

DEPARTMENT OF COMMERCE

International Trade Administration

Export Trade Certificate of Review

ACTION: Notice of Issuance of an Export Trade Certificate of Review, Application No. 04-00001.

SUMMARY: The Department of Commerce has issued an Export Trade Certificate of Review to Gold Star Exporters Ltd. ("GOLD STAR"). This notice summarizes the conduct for which certification has been granted.

FOR FURTHER INFORMATION CONTACT:

Jeffrey Anspacher, Director, Office of Export Trading Company Affairs, International Trade Administration, by telephone at (202) 482-5131 (this is not a toll-free number), or by E-mail at oetca@ita.doc.gov.

SUPPLEMENTARY INFORMATION: Title III of the Export Trading Company Act of 1982 (15 U.S.C. Sections 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 (2004).

The Office of Export Trading Company Affairs ("OETCA") is issuing this notice pursuant to 15 CFR 325.6(b), which requires the Department of Commerce to publish a summary of the 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

All products.

2. Services

All services.

3. Technology Rights

Technology Rights, including, but not limited to: patents, trademarks, copyrights, and trade secrets that relate to Products and Services.

4. Export Trade Facilitation Services (as They Relate to the Export of Products, Services, and Technology Rights)

Export Trade Facilitation Services, including, but not limited to, professional services and assistance relating to government relations; state and federal export programs; foreign trade and business protocol; consulting; market research and analysis; collection of information on trade opportunities; marketing; negotiations; joint ventures; shipping and export management; export licensing; advertising; documentation and services related to compliance with customs requirements; insurance and financing; trade show exhibitions; organizational development; management and labor strategies; transfer of technology; transportation services and the formation of shippers' associations.

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

GOLD STAR may:

1. Establish sale prices, minimum sale prices, target sale prices and/or minimum target sale prices, and other terms of sale in Export Markets; for Products, Services, Technology Rights and/or licensing of Technology Rights;

2. Conduct marketing and distribution of Products, Services, Technology Rights, and Licensing in Export Markets. Collect the information on trade opportunities in the Export Markets and distribute such information to export clients, Suppliers, and export intermediaries;

3. Conduct promotion of Products, Services, Technology Rights and licensing;

4. Set quantities of Products, Services, Technology Rights, and licensing to be sold based on needs in the Export Markets and on information from in-country and domestic sources;

5. Allocate geographic areas or countries in Export Markets and/or customers in Export Markets among Suppliers, distributors and/or sales representatives for the sale and/or distribution of Products, Services, Technology Rights, and/or licensing;

6. Refuse to quote prices for Products, Services, Technology Rights and/or licensing to or for any customers in the Export Markets, or any countries or geographical areas in the Export Markets;

7. Enter into exclusive and non-exclusive agreements appointing one or more export intermediaries for the distribution of Products, Services, Technology Rights and licensing with price, quantity, territorial and/or customer restrictions as provided above;

8. Enter into exclusive and/or non-exclusive agreements for the export of Products, Services, Technology Rights and licensing with price, quantity, territorial and/or customer restrictions as provided above;

9. Allocate export orders among Suppliers;

10. Negotiate, enter into, and/or manage exclusive and non-exclusive licensing agreements for the export of Technology Rights;

11. Enter into contracts for exclusive non-exclusive shipping;

12. Exchange information on a one-on-one basis with individual Suppliers regarding inventories and near-term production schedules for the purpose of determining the availability of Products for export and coordinating export with distributors. Confidential data is private and owned by each party of a transaction;

13. GOLD STAR and its Suppliers and export intermediaries may exchange and discuss information on the following:

(a) Information about sales and marketing efforts for the Export Markets, activities and opportunities for sales of Products, Services, Technology Rights and licensing in the Export Markets, selling strategies for the Export Markets, contract and spot pricing in the Export Markets, projected demands in Export Markets for Products and Services; prices and availability of Products, Services, Technology Rights, and licensing from competitors for sale in the Export Markets, and specifications for Products, Services, Technology Rights, and licensing by customers in the Export Markets;

(b) Information about the price, quality, quantity, source, and delivery

dates of Products, Services, Technology Rights, and licensing available to export;

(c) Information about terms and conditions of contract for sale in the Export Markets to consider and/or bid on by GOLD STAR, and its Suppliers and export intermediaries;

(d) Information about joint bidding or selling arrangements for the Export Markets and allocations of sales resulting from such arrangements among Suppliers;

(e) Information about expenses specific to exporting to and within the Export Markets;

(f) Information about United States and foreign legislation and regulations, including federal marketing order programs affecting the Export Markets;

(g) Information about GOLD STAR export operations, including without limitation, sales and distribution networks established by GOLD STAR and prior export sales by GOLD STAR (including export price information); and

(h) Information about export customer credit terms and credit history.

Terms and Conditions of Certificate

1. In engaging in Export Trade Activities and Methods of Operation, GOLD STAR 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 are not already generally available to the trade or public.

2. GOLD STAR 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.

Definition

1. "Supplier" means a person who produces, provides, or sells Products, Services and/or Technology Rights.

Protection Provided by the Certificate

This Certificate protects GOLD STAR and its 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.

Effective Period of Certificate

This 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 this Certificate prohibits GOLD STAR 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 this Certificate of Review to GOLD STAR 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 GOLD STAR (b) the legality of such business plans of GOLD STAR 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 this 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 Certificate of Review (Second Edition)," 50 FR 1786 (January 11, 1985).

A copy of this certificate will be kept in the International Trade Administration's Freedom of Information Records Inspection Facility Room 4102, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230.

Effective Date: May 17, 2004.

Dated: May 25, 2004.

Jeffrey Anspacher,

Director, Office of Export Trading Company Affairs.

[FR Doc. 04-12143 Filed 5-27-04; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

The Manufacturing Council: Meeting of the Manufacturing Council

AGENCY: International Trade Administration, U.S. Department of Commerce.

ACTION: Notice of an open meeting.

SUMMARY: The Manufacturing Council will hold a full Council meeting to discuss topics related to the state of manufacturing. The Manufacturing Council is a Secretarial Board at the Department of Commerce, established by Secretary Donald L. Evans on April 7, 2004 to ensure regular communication between Government and the manufacturing sector. This will be the inaugural meeting of the Council and include discussion of the organization of the Council and the implementation of the *Manufacturing in America* report, released by the Department of Commerce in January. The Council shall also advise the Secretary on government policies and programs that affect United States manufacturing and provide a forum for discussing and proposing solutions to industry-related problems.

DATES: June 15, 2004.

Time: 2 p.m.

ADDRESSES: Latrobe, PA. (Location—TBD; Please contact the Manufacturing Council Secretariat at (202) 482-1369 or visit the Manufacturing Council Web site at: <http://www.manufacturing.gov/council.htm> for the most up-to-date information.) This program is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be submitted no later than June 8, 2004, to The Manufacturing Council, Room 2015B, Washington, DC, 20230. Seating is limited and will be on a first come, first served basis.

FOR FURTHER INFORMATION CONTACT: The Manufacturing Council Executive Secretariat, Room 2015B, Washington, DC, 20230 (Phone: 202-482-4501).

Dated: May 25, 2004.

Sam Giller,

Executive Secretary, The Manufacturing Council.

[FR Doc. 04-12204 Filed 5-27-04; 8:45 am]

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