

meaningful and alerts an agency to the reviewer's position and contentions. *Vermont Yankee Nuclear Power Corp. v. NRDC*, 435 U.S. 519, 553 (1978). Also, environmental objections that could be raised at the draft EIS stage but that are not raised until after completion of the final EIS may be waived or dismissed by the courts. *City of Angoon v. Hodel*, 803 F.2d 1016, 1022 (9th Cir. 1986) and *Wisconsin Heritages, Inc. v. Harris*, 490 F. Supp. 1334, 1338 (E.D. Wis. 1980). Because of these court rulings, it is very important that those interested in this proposed action participate by the close of the 45 day comment period so that substantive comments and objections are made available to the Forest Service at a time when it can meaningfully consider them and respond to them in the final EIS.

To assist the Forest Service in identifying and considering issues and concerns on the proposed action, comments on the draft EIS should be as specific as possible. It is also helpful if comments refer to specific pages or chapters of the draft statement. Comments may also address the adequacy of the draft EIS or the merits of the alternatives formulated and discussed in the statement. Reviewers may wish to refer to the Council on Environmental Quality Regulations for implementing the procedural provisions of the National Environmental Policy Act at 40 CFR 1503.3 in addressing these points.

Dated: November 7, 2005.

**Paul Hart,**

*Acting Forest Supervisor.*

[FR Doc. 05-22595 Filed 11-14-05; 8:45 am]

BILLING CODE 3410-11-M

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## DEPARTMENT OF COMMERCE

### Bureau of the Census

[Docket Number 051102289-5289-01]

#### Service Annual Survey for 2005

**AGENCY:** Bureau of the Census, Commerce.

**ACTION:** Notice of determination.

**SUMMARY:** In accordance with Title 13, United States Code (U.S.C.), Sections 182, 224, and 225, the Bureau of the Census (Census Bureau) has determined that limited financial data (revenue, expenses, and the like) for selected service industries are needed to provide a sound statistical basis for the formation of policy by various governmental agencies. These data also apply to a variety of public and business needs. To obtain the desired data, the

Census Bureau announces the administration of the 2005 Service Annual Survey (SAS).

**ADDRESSES:** The Census Bureau will furnish report forms to respondents included in the survey, and additional copies are available upon written request to the Director, Census Bureau, Washington, DC 20233-0101.

**FOR FURTHER INFORMATION CONTACT:** Ron Farrar, Chief, Health and Consumer Services Branch, Service Sector Statistics Division, on (301) 763-6782.

**SUPPLEMENTARY INFORMATION:** The Census Bureau conducts surveys necessary to furnish current data on subjects covered by the major censuses authorized by Title 13, U.S.C. The SAS provides continuing and timely national statistical data each year. Data collected in this survey are within the general scope, type, and character of those inquiries covered in the economic census.

The Census Bureau needs reports only from a limited sample of service sector firms in the United States. The SAS now covers all or some of the following nine sectors: Transportation and Warehousing; Information; Finance and Insurance; Real Estate and Rental and Leasing; Professional, Scientific, and Technical Services; Administrative and Support and Waste Management and Remediation Services; Health Care and Social Assistance; Arts, Entertainment, and Recreation; and Other Services. The probability of a firm's selection is based on its revenue size (estimated from payroll); that is, firms with a larger payroll will have a greater probability of being selected than those with smaller ones. We are mailing report forms to the firms covered by this survey and require their submission within 30 days after receipt. These data are not publicly available from nongovernment or other government sources.

Based upon the foregoing, the Census Bureau is conducting the 2005 SAS for the purpose of collecting these data.

Notwithstanding any other provision of law, no person is required to respond to, nor shall a person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the Paperwork Reduction Act (PRA) unless that collection of information displays a current valid Office of Management and Budget (OMB) control number. In accordance with the PRA, 44 U.S.C., Chapter 35, the OMB approved the SAS under OMB Control Number 0607-0422.

Dated: November 9, 2005.

**Charles Louis Kincannon,**

*Director, Bureau of the Census.*

[FR Doc. 05-22599 Filed 11-14-05; 8:45 am]

BILLING CODE 3510-07-P

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## DEPARTMENT OF COMMERCE

### Bureau of the Census

[Docket Number 050728205-5287-02]

RIN 0607-AA45

#### Annual Trade Survey

**AGENCY:** Bureau of the Census, Commerce.

**ACTION:** Notice of determination.

**SUMMARY:** The Bureau of the Census (Census Bureau) is expanding the 2005 Annual Trade Survey (ATS) to include agents, brokers, and electronic markets (AGBR). The Bureau of Economic Analysis (BEA) has requested the expansion. The BEA considers this information vital to its accurate measurement of sales and value added for wholesale trade. These data are important inputs to BEA's preparation of National Income and Product accounts and its annual input-output tables.

**EFFECTIVE DATES:** The Census Bureau adopts the expanded ATS as of November 15, 2005.

**ADDRESSES:** The Census Bureau will furnish report forms to respondents included in the survey, and additional copies are available upon written request to the Director, Census Bureau, Washington, DC 20233-0101.

**FOR FURTHER INFORMATION CONTACT:** John R. Trimble, Chief, Annual Wholesale and Special Projects Branch, Service Sector Statistics Division, on (301) 763-7223 or by e-mail at [John.R.Trimble@census.gov](mailto:John.R.Trimble@census.gov).

**SUPPLEMENTARY INFORMATION:** The Census Bureau is authorized to conduct surveys necessary to furnish current data on subjects covered by the major censuses authorized by Title 13, United States Code (U.S.C.), Sections 182, 224, and 225. Reporting by AGBR offices will be mandatory and will provide continuing and timely national statistical data. Data collected in this survey will be within the general scope, type, and character of those inquiries covered in the Economic Census.

The current ATS collects data for all merchant wholesalers, including manufacturers' sales branches and offices (MSBO). The expanded survey will include a selected sample of AGBRs that facilitate sales between businesses

in the United States. These data will be a vital source for accurately measuring the sales, commissions, sales arranged for others, e-commerce, and operating expenses of these types of companies. The BEA has made repeated requests for this information. The expanded ATS will cover all sales from the wholesale sector compared to about 90 percent of sales in the present ATS sample.

Beginning with the survey year 2005, the goal will be to maximize industry coverage within our available resources. In order to establish reporting arrangements and reduce respondent burden, we will mail report forms to a sample of firms on a company basis and contact them in person, as well as by phone and mail. We will mail firms in the survey an introduction letter, report forms, and a flyer instructing them how to reply electronically. We request that forms be completed and returned 30 days after receipt. The report forms will request similar data items, but different forms will be used to accommodate wholesale distributors, MSBO, and AGR companies, as well as both large and small firms. Later, if necessary, additional mail follow-ups and telephone follow-ups will be conducted.

The primary users of these data are federal, state, and local government agencies, including the Census Bureau, the Bureau of Labor Statistics, and BEA. Other users include business firms, academics, trade associations, and research and consulting organizations.

On September 20, 2005 (70 FR 55104), the Census Bureau published in the **Federal Register** a notice and request for comments on the expansion of the ATS. We received two comments that were not responsive to the solicitation. Accordingly, the Census Bureau is adopting, without change, its proposal to include agents, broker, and electronic markets in the 2005 Annual Trade Survey.

#### Executive Order 12866

This notice has been determined to be not significant for purposes of Executive Order 12866.

#### Regulatory Flexibility Act

The Chief Counsel for Regulation of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration that this notice would not have a significant economic impact on a substantial number of small entities. The factual basis for this certification was published in the earlier notice and request for comment (09/20/05; 70 FR 55104). No comments were received regarding the economic impact of that notice. As a

result, no final regulatory flexibility analysis was prepared.

#### Paperwork Reduction Act

Notwithstanding any other provision of law, no person is required to respond to, nor shall a person be subject to a penalty for failure to comply with, a collection of information subject to requirements of the Paperwork Reduction Act (PRA) unless that collection of information displays a current valid Office of Management and Budget (OMB) control number. This notice contains a collection of information subject to the requirements of the PRA (44 U.S.C. 3501 *et seq.*). In accordance with the PRA, OMB approved on September 21, 2005, with control number 0607-0195, the collection of all information associated with this notice. We estimate the number of additional respondents to be 390 and estimate an additional 677 annual burden hours with this expanded data collection. Also, we estimate that the time for the additional responses associated with this data collection will be approximately 28 minutes. We will furnish report forms to organizations included in the survey, and additional copies will be available upon written request to the Director, U.S. Census Bureau, Washington, DC 20233-0101.

Dated: November 9, 2005.

**Charles Louis Kincannon,**

*Director, Bureau of the Census.*

[FR Doc. 05-22598 Filed 11-15-05; 8:45 am]

**BILLING CODE 3510-07-P**

## DEPARTMENT OF COMMERCE

### Bureau of Industry and Security

[05-BIS-01]

**In the Matter of: Phaedon Nicholas Criton Constan-Tatos (a.k.a. Fred Tatos) Suburban Guns (Pty) Ltd., 119 Main Road, P.O. Box 30, Plumstead 7800, Cape Town, South Africa; Respondent**

#### Decision and Order

This matter is before me upon a Recommended Decision and Order of an Administrative Law Judge ("ALJ"), as further described below.

In a Charging Letter filed on January 28, 2005, the Bureau of Industry and Security ("BIS") alleged that respondent Phaedon Nicholas Criton Constan-Tatos a.k.a. Fred Tatos ("Tatos") committed five violations of the Export Administration Regulations (the

"Regulations")<sup>1</sup>, issued under the Export Administration Act of 1979, as amended (50 U.S.C. app. sections 2401-2420 (2000)) (the "Act").<sup>2</sup> Specifically, BIS alleged that Tatos committed two violations of section 764.2(a), two violations of section 764.2(e), and one violation of section 764.2(k) of the Regulations. The Charging Letter alleged that, in violation of a denial of export privileges imposed against Suburban Guns (Pty) Ltd. ("Suburban Guns") by BIS on April 1, 1998,<sup>3</sup> Tatos twice facilitated the acquisition by Suburban Guns of shotgun screw chokes, choke tubes, and barrels, which are classified under Export Control Classification Number ("ECCN") 0A984, and of other shotgun accessories, which are designated as EAR99 items, from U.S. companies.<sup>4</sup> The Charging Letter further alleged that Tatos committed these acts in violation of the Denial Order imposed against Suburban Guns with knowledge that violations of an Order issued under the Act and the Regulations would occur. Finally, the Charging Letter alleged that Tatos made a false representation to an official of BIS during BIS's investigation of this case when he stated in an e-mail communication to a BIS Office of Export Enforcement Special Agent that Suburban Guns had not imported any items from the United States since the imposition of the Denial Order against it.

BIS's Charging Letter was served by certified mail on Tatos on January 28, 2005, and received on or about February 11, 2005. Tatos did not file an answer to BIS's Charging Letter with the ALJ.

On August 4, 2005, BIS filed a Motion for Default with the ALJ, recommending

<sup>1</sup> The charged violations occurred in 2000. The Regulations governing the violations at issue are found in the 2000 version of the Code of Federal Regulations. 15 CFR parts 730-774 (2000). The 2005 Regulations establish the procedures that apply to this matter.

<sup>2</sup> From August 21, 1994 through November 12, 2000, the Act was in lapse. During that period, the President, through Executive Order 12924, which had been extended by successive Presidential Notices, the last of which was August 3, 2000 (3 CFR, 2000 Comp. 397 (2001)), continued the Regulations in effect under the International Emergency Economic Powers Act (50 U.S.C. 1701-1706 (2000)) ("IEEPA"). On November 13, 2000, the Act was reauthorized by Pub. L. No. 106-508 (114 Stat. 2360 (2000)) and it remained in effect through August 20, 2001. Since August 21, 2001, the Act has been in lapse and the President, through Executive Order 13222 of August 17, 2001 (3 CFR, 2001 Comp. 783 (2002)), which has been extended by successive Presidential Notices, the most recent being that of August 2, 2005 (70 FR 45273, Aug. 5, 2005), has continued the Regulations in effect under IEEPA.

<sup>3</sup> Action Affecting Export Privileges; Suburban Guns (Pty) Ltd., 63 FR 15,828 (Apr. 1, 1998).

<sup>4</sup> EAR99 is a designation for items subject to the Regulations but not listed on the Commerce Control List.