

Approved by Designated Federal Officer:
Andrew J. Heimert,
Executive Director & General Counsel,
Antitrust Modernization Commission.
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DEPARTMENT OF COMMERCE

Bureau of Economic Analysis

Data Sharing Activity

AGENCY: Bureau of Economic Analysis, Commerce.

ACTION: Notice of determination.

SUMMARY: The Bureau of Economic Analysis (BEA) will provide to the Bureau of Labor Statistics (BLS) data collected from several surveys that it conducts on U.S. direct investment abroad, foreign direct investment in the United States, and U.S. international trade in services for statistical purposes exclusively. In accordance with the requirement of Section 524(d) of the Confidential Information Protection and Statistical Efficiency Act of 2002 (CIPSEA), we provided the opportunity for public comment on this data-sharing action (see the March 27, 2006 edition of the *Federal Register* (71 FR 15160)). BEA will provide data collected in its surveys to link with data from BLS surveys, including the Quarterly Census of Employment and Wages, the Occupational Employment Statistics survey, and the Mass Layoff Statistics survey. The linked data will be used for several purposes by both agencies, such as to develop detailed industry-level estimates of the employment, payroll, and occupational structure of foreign-owned U.S. companies or of U.S. companies that own foreign affiliates, and to assess the adequacy of current government data for understanding the international outsourcing activities of U.S. companies. Non-confidential aggregate data (public use) and reports that have cleared BEA and BLS disclosure review will be provided to the National Academy of Public Administration (NAPA) as potential inputs into a study of off-shoring authorized by a grant to NAPA under Public Law 108-447. Disclosure review is a process conducted to verify that the data to be released do not reveal any confidential information.

FOR FURTHER INFORMATION CONTACT: Requests for additional information on this program should be directed to Obie G. Whichard, Department of Commerce, Bureau of Economic Analysis, BE-50(OC), Washington, DC 20230, via the Internet at obie.whichard@bea.gov, by

phone on (202) 606-9890, or by fax on (202) 606-5318.

SUPPLEMENTARY INFORMATION:

Background

CIPSEA (Pub. L. 107-347, Title V) and the International Investment and Trade in Services Survey Act (Pub. L. 94-472, 22 United States Code (U.S.C.) 3101-3108) allow BEA and BLS to share certain business data for exclusively statistical purposes. Section 524(d) of the CIPSEA required a *Federal Register* notice announcing the intent to share data (allowing 60 days for public comment), since BEA respondents were required by law to report the data.

On March 27, 2006 (71 FR 15160), BEA published in the *Federal Register* a notice of this proposed data-sharing activity and request for comment on the subject. BEA did not receive any public comments.

Shared Data

BEA will provide the BLS with data collected from benchmark, annual, and quarterly surveys of U.S. direct investment abroad, of foreign direct investment in the United States, and of U.S. international trade in services, as well as a survey of new foreign direct investments in the United States. BLS will use these data for statistical purposes exclusively.

Statistical Purposes for the Shared Data

Data collected in the benchmark and annual surveys of direct investment are used to develop estimates of the financing and operations of U.S. parent companies, their foreign affiliates, and U.S. affiliates of foreign companies; data collected in the quarterly direct investment surveys are used to develop estimates of transactions and positions between parents and affiliates; data collected in the new investments survey are used to develop estimates of new foreign direct investments in the United States; and data collected in the benchmark, annual and quarterly surveys of U.S. international trade in services are used to develop estimates of services transactions between U.S. companies and unaffiliated foreign parties. These estimates are published in the *Survey of Current Business*, BEA's monthly journal; in other BEA publications; and on BEA's Web site at <http://www.bea.gov/>. All data are collected under Sections 3101-3108 of Title 22, U.S.C.

The data set created by linking these data with the data from the above-designated BLS surveys will be used for several purposes by both agencies, such as to develop detailed industry-level estimates of the employment, payroll,

and occupational structure of foreign-owned U.S. companies or of U.S. companies that own foreign affiliates, and to assess the adequacy of current government data for understanding the international outsourcing activities of U.S. companies.

Data Access and Confidentiality

Title 22, U.S.C. 3104 protects the confidentiality of these data. The data may be seen only by persons sworn to uphold the confidentiality of the information. Access to the shared data will be restricted to specifically authorized personnel and will be provided for statistical purposes only. Any results of this research are subject to BEA disclosure protection. All BLS employees with access to these data will become BEA Special Sworn Employees—meaning that they, under penalty of law, must uphold the data's confidentiality. Selected NAPA employees will provide BEA with expertise on the aspects of the data collected in BEA surveys and in the linked data set that may relate to off-shoring; these NAPA consultants assisting with the work at BEA also will become BEA Special Sworn Employees. No confidential data will be provided to the NAPA.

Dated: June 6, 2006.

Rosemary D. Marcuss,

Acting Director, Director, Bureau of Economic Analysis.

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DEPARTMENT OF COMMERCE

Bureau of Industry and Security

[Docket No. 06-RIS-05]

Action Affecting Export Privileges; Edsons Worldwide Services, Inc.; In the Matter of: Edsons Worldwide Services, Inc., 7133 Valley View Road, Edina, MN 55439, Respondent; Order Relating to Edsons Worldwide Services, Inc.

The Bureau of Industry and Security, U.S. Department of Commerce ("BIS") has initiated an administrative proceeding against Edsons Worldwide Services, Inc. ("Edsons") pursuant to Section 766.3 of the Export Administration Regulations (currently codified at 15 CFR parts 730-774 (2006)) ("Regulations"),¹ and section

¹ The violations charged occurred during 2001. The Regulations governing the violations at issue are found in the 2001 version of the Code of Federal Regulations (15 CFR parts 730-774 (2001)). The 2006 Regulations establish the procedures that apply to this matter.

13(c) of the Export Administration Act of 1979, as amended (50 U.S.C. app. 2401–2420 (2000)) (“ACT”),² through issuance of a charging letter to Edsons that alleged that Edsons committed two violations of the Regulations. Specifically, the charges are:

1. *One Violation of 15 CFR 764.2(a)—Exporting on item subject to the Regulations without a license:* On or about January 6, 2001, Edsons engaged in conduct prohibited by the Regulations when it exported fingerprint powders classified under Export Control Classification Number (“ECCN”) 1A985 on the Commerce Control List (“CCL”) to Belarus without the license required by the U.S. Department of Commerce. Under Section 742.7 of the Regulations, a BIS export license was required for this export, but no such license was obtained.

2. *One Violation of 15 CFR 764.2(e)—Transfer of an item with knowledge that a violation would subsequently occur:* On or about January 6, 2001, Edsons transferred fingerprint powders classified under ECCN 1A985 on the CCL to Belarus with knowledge that a violation of the Regulations would occur in connection with the items. Specifically, Edsons transferred the fingerprint powders to Belarus without the license required by the U.S. Department of Commerce despite knowing that such license was required under the Regulations, and that such license would not be obtained. Edsons transferred the items after being notified by the U.S. Department of Commerce that Edsons’ application for a license to export the items had been denied.

Whereas, BIS and Edsons have entered into a Settlement Agreement pursuant to Section 766.18(b) of the Regulations whereby they agreed to settle this matter in accordance with the terms and conditions set forth therein, and

Whereas, I have approved of the terms of such Settlement Agreement;

It is therefore ordered:

First, for a period of ten years from the date on which this Order is published in the **Federal Register**, Edsons Worldwide Services, Inc., 7133 Valley View Road, Edina, MN 55439, its successors or assigns, and when acting for or on behalf of Edsons, its officers, representatives, agents, or employees

(“Denied Person”) may not, directly or indirectly, participate in any way in any transaction involving any commodity, software or technology (hereinafter collectively referred to as “item”) exported or to be exported from the United States that is subject to the Regulations, or in any other activity subject to the Regulations, including, but not limited to:

A. Applying for, obtaining, or using any license, License Exception, or export control document;

B. Carrying on negotiations concerning, or ordering, buying, receiving, using, selling, delivering, storing, disposing of, forwarding, transporting, financing, or otherwise servicing in any way, any transaction involving any item exported or to be exported from the United States that is subject to the Regulations, or in any other activity subject to the Regulations; or

C. Benefitting in any way from any transaction involving any item exported or to be exported from the United States that is subject to the Regulations, or in any other activity subject to the Regulations.

Second, that no person may, directly or indirectly, do any of the following:

A. Export or reexport to or on behalf of the Denied Person any item subject to the Regulations;

B. Take any action that facilitates the acquisition or attempted acquisition by the Denied Person of the ownership, possession, or control of any item subject to the Regulations that has been or will be exported from the United States, including financing or other support activities related to a transaction whereby the Denied Person acquires or attempts to acquire such ownership, possession or control;

C. Take any action to acquire from or to facilitate the acquisition or attempted acquisition from the Denied Person of any item subject to the Regulations that has been exported from the United States;

D. Obtain from the Denied Person in the United States any item subject to the Regulations with knowledge or reason to know that the item will be, or is intended to be, exported from the United States; or

E. Engage in any transaction to service any item subject to the Regulations that has been or will be exported from the United States and which is owned, possessed or controlled by the Denied Person, or service any item, of whatever origin, that is owned, possessed or controlled by the Denied Person if such service involves the use of any item subject to the Regulations that has been or will be exported from the United

States. For purposes of this paragraph, servicing means installation, maintenance, repair, modification or testing.

Third, that, to prevent evasion of this Order, BIS, after notice and opportunity for comment as provided in Section 766.23 of the Regulations, may make any person, firm, corporation, or business organization related to Edsons by affiliation, ownership, control, or position of responsibility in the conduct of trade or related services subject to the provisions of this Order.

Fourth, that this Order does not prohibit any export, reexport, or other transaction subject to the Regulations where the only items involved that are subject to the Regulations are the foreign-produced direct product of U.S.-origin technology.

Fifth, that the charging letter, the Settlement Agreement, this Order, and the record of this case as defined by Section 766.20 of the Regulations shall be made available to the public.

Sixth, that the administrative law judge shall be notified that this case is withdrawn from adjudication.

This Order, which constitutes the final agency action in this matter, is effective upon publication in the **Federal Register**.

Entered this 5th day of June, 2006.

Darryl W. Jackson,

Assistant Secretary of Commerce for Export Enforcement.

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DEPARTMENT OF COMMERCE

Bureau of Industry and Security

[Docket No. 06–BIS–06]

Action Affecting Export Privileges; Eduard Mendelevich Yamnik; In the Matter of Eduard Mendelevich Yamnik, 7133 Valley View Road, Edina, MN 55439, Respondent; Order Relating to Eduard Mendelevich Yamnik

The Bureau of Industry and Security, U.S. Department of Commerce (“BIS”) has initiated an administrative proceeding against Eduard Mendelevich Yamnik (“Yamnik”) pursuant to Section 766.3 of the Export Administration Regulations (currently codified at 15 CFR parts 730–774 (2006)) (“Regulations”),¹ and Section 13(c) of

¹ The violations charged occurred during 2001. The Regulations governing the violations at issue are found in the 2001 version of the Code of Federal Regulations (15 CFR parts 730–774 (2001)). The 2006 Regulations establish the procedures that apply to this matter.

² 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)), as extended by the Notice of August 2, 2005 (70 FR 45273, August 5, 2005), has continued the Regulations in effect under the International Emergency Economic Powers Act (50 U.S.C. 1701–1706 (2000)).