

lack of available data related to e-business infrastructure investment. Such data are critical for evaluating productivity growth, changes in industrial capacity, and current economic developments. Rapid advances in Information and Communication Technology (ICT) equipment have resulted in these assets having short useful lives and being replaced much more quickly than other types of equipment. Companies are expensing the full cost of such assets during the current annual period rather than capitalizing the value of such assets and expensing the cost over two or more years. In some cases this is due not only to the short useful life of the asset, but also to the fact that companies have varying dollar levels for capitalization.

The Annual Capital Expenditures Survey (ACES) (OMB Project 0607-0782) currently collects summary data on business capital expenditures annually and detailed data on types of structures and equipment every five years. The fact that the ACES program does not include non-capitalized expenditures for e-business infrastructure and infrequently collects detailed data on types of structures and equipment creates serious data gaps. To fill these gaps and as a supplement to the ACES survey, the Census Bureau created the Information and Communication Technology Survey (ICTS). The ICTS uses the ACES sampling, follow-up and estimation methodologies including mailing to the same employer companies.

Data users tell us that they need comprehensive and consistent data on investment by all private nonfarm businesses in capitalized and non-capitalized ICT equipment and software. The objectives of the ICTS are:

(a) To provide estimates of capitalized and non-capitalized ICT equipment expenditures for all private nonfarm sectors of the economy at 3-digit and selected 4-digit North American Industry Classification System (NAICS) levels;

(b) To base the survey on a probability sample that yields measures of statistical reliability of the survey estimates;

(c) To establish an annual enterprise level data series with the level of detail, coverage and quality which was previously unavailable;

(d) To provide detail data on capitalized and non-capitalized ICT expenditures for estimating the national income and product accounts, estimating the productivity of U.S. industries, evaluating fiscal and monetary policy, and conducting

research using capitalized and non-capitalized expenditures data; and

(e) To provide industry analysts with necessary data for market analysis, economic forecasting, product development, and business planning.

This request is for a continuation of a currently approved collection covering the 2007-2009 ICTS (conducted in fiscal years 2008-2010). The only change from the previous ICTS is the incorporation of the 2007 North American Industry Classification System (NAICS) into the 2009 ICTS. For both the 2007 and 2008 ICTS, data will be collected and published based on the 2002 NAICS. Beginning with the 2009 ICTS, however, we will collect and publish data based on the 2007 NAICS. Industries will comprise 3-digit and selected 4-digit NAICS codes.

The annual ICTS survey collects data on two categories of non-capitalized expenses (purchases; and operating leases and rental payments), for four types of information and communication technology equipment and software (computers and peripheral equipment; ICT equipment, excluding computers and peripherals; electromedical and electrotherapeutic apparatus; and computer software, including payroll associated with software development). The survey also collects capital expenditures data on the four types of ICT equipment and software cited above. Only nonfarm, non-governmental companies, organizations, and associations operating in the United States are included in this survey.

To collect data, the Census Bureau will rely primarily on mail out/mail back survey forms. Employer companies will be mailed one of three forms based on their diversity of operations, i.e. the number of industries in which they have payroll. All employer forms will have the 3-digit or selected 4-digit NAICS industries imprinted on the form to minimize the need for industry self coding. Companies will be asked to report data for industries in which they operate and incurred capitalized and non-capitalized expenditures.

Companies that operate in only one industry will receive an ICT-1(S) form. These companies will not be asked to report ICT expenditures by industry, this will eliminate the need for industry self coding. Companies that operate in more than one, but less than nine industries will receive an ICT-1(M) form. Companies that operate in nine or more industries will receive an ICT-1(L) form.

The ICTS is an important part of the Federal Government's effort to improve and supplement ongoing statistical

programs. The Bureau of Economic Analysis (BEA), Federal Reserve Board, Bureau of Labor Statistics and industry analysts use these data to evaluate productivity and economic growth prospects. In addition, the ICTS provides improved source data significant to BEA's estimate of the investment component of Gross Domestic Product, capital stock estimates, and capital flow tables. Other Federal agencies, private industry organizations, and academic researchers use the survey results for analyzing and studying: Past and current economic performance; Short-term economic forecasts; Productivity; Long-term economic growth; Tax policy; Capacity utilization; Business fixed capital stocks and capital formation; International competitiveness and trade policy; Market research; and Financial analysis.

*Affected Public:* Business or other for-profit organizations; Not-for-profit institutions.

*Frequency:* Annually.

*Respondent's Obligation:* Mandatory.

*Legal Authority:* Title 13 U.S.C.

Sections 182, 224 & 225.

*OMB Desk Officer:* Brian Harris-Kojetin, (202) 395-7314.

Copies of the above information collection proposal can be obtained by calling or writing Diana Hynek, Departmental Paperwork Clearance Officer, (202) 482-0266.

Department of Commerce, Room 6625, 14th and Constitution Avenue, NW., Washington, DC 20230 (or via the Internet at [dhynek@doc.gov](mailto:dhynek@doc.gov)).

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to Brian Harris-Kojetin, OMB Desk Officer either by fax (202-395-7245) or e-mail ([bharrisk@omb.eop.gov](mailto:bharrisk@omb.eop.gov)).

Dated: November 2, 2007.

**Gwellnar Banks,**

*Management Analyst, Office of the Chief Information Officer.*

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BILLING CODE 3510-07-P

## DEPARTMENT OF COMMERCE

### Bureau of Industry and Security

[Docket Nos. 04-BIS-15]

**In the Matters of: S.P. Equipamentos de Protecao ao Trabalho Ltda., Rua Visconde de Inhauma, 386-Saude 04146-030 Sao Paulo, Brazil, Respondent; Decision and Order on Petition to Set Aside Default Order**

On February 26, 2007, the Acting Under Secretary of Commerce for

Industry and Security issued a Final Decision and Order, pursuant to his authority under Section 766.22 of the Export Administration Regulations (hereinafter "Regulations"), in which he affirmed the findings of fact and conclusions of law as recommended by an Administrative Law Judge (ALJ) that Respondent was in default on an administrative proceedings initiated against it under the Regulations.

Respondent has petitioned me to set aside the default order using my authority under Section 366.7(b) of the Regulations. For the reasons stated below, I grant the Petition.

The relevant facts in this matter are as follows. In a charging letter filed on September 13, 2004, the Bureau of Industry and Security ("BIS") alleged that Respondent committed two violations of the Regulations,<sup>1</sup> issued under the Export Administration Act of 1979, as amended (50 U.S.C. app 2401-2420 (2000)).<sup>2</sup>

On September 13, 2004, BIS mailed the notice of issuance of the charging letter by registered to the Respondent at its last known address. The file indicates that the notice of issuance of a charging letter was received by the Respondent on or about September 24, 2004, and counsel, who no longer represents the Respondent, filed a Notice of Appearance on February 7, 2005. Respondent, or its former counsel, did not file an answer to the charging letter with the ALJ, as required by Section 766.6 of the Regulations, but there is evidence in the file that the opposing counsel engaged in settlement negotiations regarding these charges for about one year before BIS filed a Motion for Default Order on or about November 9, 2006. The former counsel for the Respondent states in a declaration to accompany this Petition that counsel did not receive notice of the BIS decision to file a Motion for Default Order, nor was counsel served with the motion that was filed.

On January 31, 2007, based on the record before him, the ALJ issued a recommended decision in which he found that the Respondent was in

default. On February 26, 2007, the Acting Under Secretary for Industry and Security issued a Final Decision and Order affirming the ALJ's recommended decision, and imposing a ten-year denial of Respondent's export privileges.

On September 7, 2007, Respondent filed its Petition asserting among other things, that good cause exists to set aside the default. On October 24, 2007, BIS filed a response to the Petition in which it did not oppose the finding that good cause exists to set aside the default.

The Regulations provide me with the authority to set aside a default order. Section 766.7(b)(1) of the Regulations states: "[U]pon petition filed by a respondent against whom a default order has been issued, which petition is accompanied by an answer meeting the requirements of § 766.6(b) of this part, the Under Secretary may, after giving all parties an opportunity to comment, and for good cause shown, set aside the default and vacate the order entered thereon and remand the matter to the administrative law judge for further proceedings."

The Petition and its supporting materials justify a finding that good cause exists to grant this Petition and there is no opposition to this finding.

Accordingly, I find good cause has been shown to set aside the Final Decision and Order, dated February 26, 2007, and the Order is hereby vacated and this matter is remanded to the ALJ for further proceedings.

This Order, which constitutes the final agency action on this Petition, is effective immediately.

Dated: November 5, 2007.

**Mario Mancuso,**

*Under Secretary for Industry and Security*  
[FR Doc. 07-5590 Filed 11-7-07; 8:45 am]

**BILLING CODE 3510-DT-M**

## DEPARTMENT OF COMMERCE

### International Trade Administration

#### The President's Export Council: Meeting of the President's Export Council

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

**ACTION:** Notice of an Open Meeting.

**SUMMARY:** The President's Export Council (PEC) will hold a full Council meeting to discuss topics related to export expansion. The meeting will include discussion of trade priorities and initiatives, PEC subcommittee activity, and proposed letters of

recommendation to the President. The PEC was established on December 20, 1973, and reconstituted May 4, 1979, to advise the President on matters relating to U.S. trade. It was most recently renewed by Executive Order 13446.

*Date:* December 4, 2007.

*Time:* 10 a.m. (EST).

*Location:* U.S. Department of Commerce, Room 4830, 1401 Constitution Avenue, NW., Washington, DC, 20230. Because of building security, all non-government attendees must pre-register. Please RSVP to the PEC Executive Secretariat no later than November 30, 2007, to J. Marc Chittum, President's Export Council, Room 4043, 1401 Constitution Avenue, NW., Washington, DC 20230, telephone (202) 482-1124, or e-mail [Marc.Chittum@mail.doc.gov](mailto:Marc.Chittum@mail.doc.gov).

This program will be physically accessible to people with disabilities. Seating is limited and will be on a first come, first served basis. Requests for sign language interpretation, other auxiliary aids, or pre-registration, should be submitted no later than June 1, 2007, to J. Marc Chittum, President's Export Council, Room 4043, 1401 Constitution Avenue, NW., Washington, DC 20230, telephone (202) 482-1124, or e-mail [Marc.Chittum@mail.doc.gov](mailto:Marc.Chittum@mail.doc.gov).

**FOR FURTHER INFORMATION, CONTACT:** The President's Export Council Executive Secretariat, Room 4043, Washington, DC, 20230 (Phone: 202-482-1124), or visit the PEC Web site, <http://www.trade.gov/pec>.

Dated: November 1, 2007.

**J. Marc Chittum,**

*Executive Secretary, President's Export Council.*

[FR Doc. E7-21921 Filed 11-7-07; 8:45 am]

**BILLING CODE 3510-DR-P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### Proposed Information Collection; Comment Request; Southwest Region Gear Identification Requirements

**AGENCY:** National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Notice.

**SUMMARY:** The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information

<sup>1</sup> The violations charged occurred in 2002. The Regulations governing the violations at issue are found in the 2002 version of the Code of Federal Regulations (15 CFR parts 730-774 (2002)). The 2007 Regulations establish the procedures that apply to this matter.

<sup>2</sup> 50 U.S.C. app. §§ 2401-2420 (2000). 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 15, 2007 (72 FR 46137 (Aug. 16, 2007)), has continued the Regulations in effect under the International Emergency Economic Powers Act (50 U.S.C. 1701-1706 (2000)) ("IEEPA").