

Bureau collects and compiles this information in accordance with a joint project agreement between the National Science Foundation (NSF) and the Census Bureau. The NSF publishes the results in its publication series. Five data items in the survey provide interim statistics collected in the Census Bureau's economic censuses. These items (total company sales, total employment, total expenditures for research and development conducted within the company, federally-funded expenditures for research and development conducted within the company, and total expenditures and federally-funded expenditures for research and development within the company by state) are collected on a mandatory basis under the authority of Title 13, United States Code. Responses to all other data collected are voluntary.

Survey of Plant Capacity Utilization

The Survey of Plant Capacity Utilization is designed to measure the use of industrial capacity. The survey collects information on actual output and estimates of potential output in terms of value of production. These data are the basis for calculating rates of utilization of full production capability and use of production capability under national emergency conditions.

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 45, the OMB approved the 2003 Annual Surveys under the following OMB control numbers: Current Industrial Reports—0607–0392, 0607–0395, and 0607–0476; Annual Survey of Manufactures—0607–0449; Survey of Industrial Research and Development—3145–0027; and Survey of Plant Capacity Utilization—0607–0175. We will provide copies of each form upon written request to the Director, U.S. Census Bureau, Washington, DC 20233–0001.

Based upon the foregoing, I have directed that the Annual Surveys in the Manufacturing Area be conducted for the purpose of collecting these data.

Dated: January 21, 2005.

Charles Louis Kincannon,

Director, U.S. Census Bureau.

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DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Docket 5–2005]

Foreign-Trade Zone 40—Cleveland, OH, Area Application for Expansion

An application has been submitted to the Foreign-Trade Zones (FTZ) Board (the Board), by the Cleveland-Cuyahoga County Port Authority, grantee of Foreign-Trade Zone 40, requesting authority to expand its zone in the Cleveland, Ohio, area, within the Cleveland Customs port of entry. The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a–81u), and the regulations of the Board (15 CFR part 400). It was formally filed on January 19, 2005.

FTZ 40 was approved on September 29, 1978 (Board Order 135, 43 FR 46886, 10/11/78) and expanded in June 1982 (Board Order 194, 47 FR 27579, 6/25/82); April 1992 (Board Order 574, 57 FR 13694, 4/17/92); February 1997 (Board Order 870, 62 FR 7750, 2/20/97); June 1999 (Board Order 1040, 64 FR 33242, 6/22/99); April 2002 (Board Order 1224, 67 FR 20087, 4/15/02); August 2003 (Board Order 1289, 68 FR 52384, 9/3/03; Board Order 1290, 68 FR 52384, 9/3/03; and, Board Order 1295, 68 FR 52383, 9/3/03); March 2004 (Board Order 1320, 69 FR 13283, 3/22/04 and Board Order 1322, 69 FR 17642, 4/5/04); and, September 2004 (Board Order 1351, 69 FR 56038, 9/17/04).

The general-purpose zone project currently consists of the following sites in the Cleveland, Ohio, area: *Site 1* consists of 1,339 acres in Cleveland, which includes the Port of Cleveland complex (Site 1A–94 acres), the Cleveland Bulk Terminal (Site 1B–45 acres), and the Tow Path Valley Business Park (Site 1C–1,200 acres); *Site 2* (175 acres)—the IX Center in Brook Park, adjacent to Cleveland Hopkins International Airport; *Site 3* consists of 2,263 acres, which includes the Cleveland Hopkins International Airport Complex (Site 3A–1,727 acres), the Snow Road Industrial Park in Brook Park (Site 3B–42 acres), and the Brook Park Road Industrial Park (Site 3C–322 acres) in Brook Park, and the Cleveland Business Park (Site 3D–172 acres) in Cleveland; *Site 4* (450 acres)—Burke Lakefront Airport, 1501 North Marginal Road, Cleveland; *Site 5* (298 acres)—Emerald Valley Business Park, Cochran Road and Beaver Meadow Parkway, Glenwillow; *Site 6* (17 acres)—within the Collinwood Industrial Park, South Waterloo (South Marginal) Road and East 152nd Street, Cleveland; *Site 7*

consists of 193 acres in Strongsville, which includes the Strongsville Industrial Park (Site 7A–174 acres) and the Progress Drive Business Park (Site 7B–19 acres); *Site 8* (13 acres)—East 40th Street between Kelley & Perkins Avenues (3830 Kelley Avenue), Cleveland; *Site 9* (4 acres)—within the Frane Properties Industrial Park, 2399 Forman Road, Morgan Township; *Site 10* (60 acres)—within the Solon Business Park, Solon; *Site 11* (170 acres, 2 parcels)—within the 800-acre Harbour Point Business Park, Baumhart Road, at the intersections of U.S. Route 6 and Ohio Route 2, Vermilion; and, *Temporary Site* (11 acres)—3 warehouse locations: 29500 Solon Road (250,000 sq. ft.), 30400 Solon Road (110,000 sq. ft.), and 31400 Aurora Road (117,375 sq. ft.) located within the Solon Business Park in Solon (expires 4/1/05). Several applications are currently pending with the Board to expand FTZ 40: Dockets 19–04, 20–04, 25–04 and 59–04.

The applicant is now requesting authority to expand the general-purpose zone to include an additional site in the area: *Proposed Site 14* (448 acres)—Taylor Woods Commerce Park bounded by Cleveland Street to the north, Taylor Parkway to the south, Race Road to the east and State Route 57 to the west located in the Cities of Elyria and North Ridgeville (Lorain County). The proposed expansion site will be used for general warehousing and distribution activities. (A pending application to reorganize FTZ 40 (Docket 20–2004) proposes to consolidate and renumber the FTZ sites, and under this plan the Taylor Woods Commerce Park would become proposed Site 12.)

No specific manufacturing authority is being requested at this time. Such requests would be made to the Board on a case-by-case basis.

In accordance with the Board's regulations, a member of the FTZ Staff has been designated examiner to investigate the application and report to the Board.

Public comment on the application is invited from interested parties. Submissions (original and 3 copies) shall be addressed to the Board's Executive Secretary at one of the following addresses:

1. *Submissions via Express/Package Delivery Services:* Foreign-Trade Zones Board, U.S. Department of Commerce, Franklin Court Building—Suite 4100W, 1099 14th Street, NW., Washington, DC 20005; or,

2. *Submissions via the U.S. Postal Service:* Foreign-Trade Zones Board, U.S. Department of Commerce, FCB—Suite 4100W, 1401 Constitution Avenue, NW., Washington, DC 20230.

The closing period for their receipt is March 28, 2005. Rebuttal comments in response to material submitted during the foregoing period may be submitted during the subsequent 15-day period (to April 11, 2005).

A copy of the application and accompanying exhibits will be available during this time for public inspection at address Number 1 listed above, and at the U.S. Department of Commerce Export Assistance Center, 600 Superior Avenue East, Suite 700, Cleveland, OH 44114.

Dennis Puccinelli,

Executive Secretary.

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DEPARTMENT OF COMMERCE

Bureau of Industry and Security

Action Affecting Export Privileges; Vladimir Alexanyan; In the Matter of: Vladimir Alexanyan, 934 Mercedes Avenue, Los Altos, CA 94022, Respondent; Order Relating to Vladimir Alexanyan

The Bureau of Industry and Security, United States Department of Commerce ("BIS") has notified Vladimir Alexanyan ("Alexanyan") of its intention to initiate an administrative proceeding against Alexanyan pursuant to Section 766.3 of the Export Administration Regulations (currently codified at 15 CFR parts 730-774 (2004)) ("Regulations"),¹ and section 13(c) of the Export Administration Act of 1979, as amended (50 U.S.C. app. §§ 2401-2420 (2000)) ("Act"),² by issuing a proposed charging letter to Alexanyan that alleged that Alexanyan, as President of Valtex International Corporation ("Valtex"), in his individual capacity, committed eight

¹ The charged violations 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 2004 Regulations set forth the procedures that apply to this matter.

² 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 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)), as extended by the Notice of August 6, 2004 (69 FR 48763 (August 10, 2004)), has continued the Regulations in effect under the IEEPA.

violations of the Regulations.

Specifically, the charges are:

1. 15 CFR 764.2(c)—Attempted Export of Germanium Coated Polyimide Film to the People's Republic of China Without the Required Department of Commerce License: On or about October 28, 2002, Alexanyan attempted to violate the Regulations by attempting to export Germanium coated polyimide film ("film"), an item subject to the Regulations (ECCN 1A003),³ from the United States to the People's Republic of China without obtaining the Department of Commerce license required by Section 742.4 of the Regulations.

2. 15 CFR 764.2(e)—Buying an Item With Knowledge a Violation of the Regulations Would Occur: On or about September 12, 2002, Alexanyan bought the film referenced in Paragraph One with knowledge that a violation of the Regulations would occur. Specifically, Alexanyan bought the film from a U.S. manufacturer when Alexanyan knew that he would attempt to export the film to the People's Republic of China without obtaining the required Department of Commerce license.

3. 15 CFR 764.2(c)—Attempted False Statement on a Shipper's Export Declaration Concerning Authority to Export: On or about October 28, 200, in connection with the attempted export referenced in Paragraph One, Alexanyan attempted a violation of the Regulations by attempting to file or cause to be filed a Shipper's Export Declaration with the United States Government that stated the film qualified for export from the United States as G-DEST.⁴ This statement was false because, as described in Paragraph One, a Department of Commerce license was required to export this item to the People's Republic of China.

4. 15 CFR 764.2(e)—Knowingly Attempting to Make a False Statement on a Shipper's Export Declaration: On or about October 28, 2002, in connection with the transaction referenced in Paragraph One, Alexanyan engaged in conduct prohibited by the Regulations by attempting to export the film with knowledge that a violation of the Regulations would occur. Specifically, Alexanyan completed a Shipper's Export Declaration and attempted to file it with the United States Government that falsely stated the film qualified for export from the United States as G-

³ The term "ECCN" refers to an Export Control Classification Number. See Supp. 1 to 15 CFR 774.

⁴ The term "G-DEST" was a term used in pre-1997 regulations and was a provision authorizing exports of items that appeared on the Commerce Control List but that did not require a validated license. See 15 CFR 771.3 (1996).

DEST. At all times relevant hereto, Alexanyan knew that a Department of Commerce license was required to export the film to the People's Republic of China.

5. 15 CFR 764.2(c)—Attempted False Statement on a Shipper's Export Declaration Concerning Identity of Ultimate Consignee: On or about October 28, 2002, in connection with the attempted export referenced in Paragraph One, Alexanyan attempted to file or cause to be filed a Shipper's Export Declaration with the United States Government that falsely stated the true identity of the ultimate consignee. Specifically, Alexanyan attempted to file a Shipper's Export Declaration that stated the ultimate consignee was the China Great Wall Industry Corporation in the People's Republic of China. This statement was false because the actual ultimate consignee in the transaction was the Chinese Academy of Space and Technology in the People's Republic of China.

6. 15 CFR 764.2(e)—Knowingly Attempting to Make a False Statement on a Shipper's Export Declaration: On or about October 28, 2002, in connection with the attempted export referenced in Paragraph One, Alexanyan engaged in conduct prohibited by the Regulations by attempting to export the film with knowledge that a violation of the Regulations would occur. Specifically, Alexanyan completed a Shipper's Export Declaration and attempted to file it with the United States Government that falsely stated the identity of the ultimate consignee for the transaction as described in Paragraph Five. At all times relevant hereto, Alexanyan knew that the ultimate consignee for the film was the Chinese Academy of Space and Technology, not the China Great Wall Industry Corporation.

7. 15 CFR 764.2(c)—Attempting to File a Shipper's Export Declaration that Failed to Provide Required Information: On or about October 28, 2002, in connection with the attempted export referenced in Paragraph One, Alexanyan attempted to file or cause to be filed a Shipper's Export Declaration with the United States Government that failed to show the ECCN as required by Part 758 of the Regulations.

8. 15 CFR 764.2(g)—False Statement to an Office of Export Enforcement Special Agent in the Course of an Investigation: On or about November 13, 2002, in connection with an ongoing BIS, Office of Export Enforcement ("OEE") investigation concerning the transaction referenced in Paragraph One, Alexanyan made a false statement to OEE investigators. Specifically, in a