

approximately 30 minutes (0.5 hours) for an invention promoter or promotion firm to prepare and submit a response to a complaint.

*Estimated Total Annual Respondent Burden Hours:* 38 hours per year.

*Estimated Total Annual Respondent Cost Burden:* \$5,830 per year. The USPTO expects that complaints will be prepared by paraprofessionals or

independent inventors. Using the average of the paraprofessional rate of \$90 per hour and the estimated rate of \$30 per hour for independent inventors, the USPTO estimates that the average rate for preparing the complaints will be approximately \$60 per hour. The USPTO expects that the responses to the complaints will be prepared by attorneys or invention promoters. Using

the average of the professional rate of \$304 per hour for associate attorneys in private firms and the estimated rate of \$100 per hour for invention promoters, the USPTO estimates that the average rate for preparing the responses to the complaints will be \$202 per hour. Therefore, the respondent cost burden for this collection will be \$5,830 per year.

Item	Estimated time for response (minutes)	Estimated annual responses	Estimated annual burden hours
Complaint Regarding Invention Promoter .....	15	50	13
Responses to the Complaints .....	30	50	25
Total .....	.....	100	38

*Estimated Total Annual Non-hour Respondent Cost Burden:* \$740. There are no capital start-up or maintenance costs or filing fees associated with this information collection. However, the public may incur postage costs when submitting a complaint or a response to a complaint by mail to the USPTO. The USPTO estimates that the first-class postage cost for a mailed complaint will be 39 cents. Promotion firms may choose to send responses to complaints using overnight mail service at an estimated cost of \$14.40 per response. Therefore, the total annual (non-hour) respondent cost burden for this collection in the form of postage costs is estimated to be \$740 per year.

#### IV. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, e.g., the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: June 6, 2006.

**Susan K. Brown,**

*Records Officer, USPTO, Office of the Chief Information Officer, Architecture, Engineering and Technical Services, Data Architecture and Services Division.*

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**BILLING CODE 3510-16-P**

#### COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

##### Determination Under the Textile and Apparel Commercial Availability Provision of the Dominican Republic-Central America-United States Free Trade Agreement (CAFTA-DR Agreement)

June 8, 2006.

**AGENCY:** The Committee for the Implementation of Textile Agreements.

**ACTION:** Determination to add a product in unrestricted quantities to Annex 3.25 of the CAFTA-DR Agreement.

**DATES:** *Effective Date:* June 13, 2006.

**SUMMARY:** The Committee for the Implementation of Textile Agreements (CITA) has determined that certain 100% cotton flannel fabrics, as specified below, are not available in commercial quantities in a timely manner in the CAFTA-DR region. The product will be added to the list in Annex 3.25 of the CAFTA-DR in unrestricted quantities.

##### FOR FURTHER INFORMATION CONTACT:

Richard Stetson, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482-2582.

*For Further Information On-Line:*

<http://web.ita.doc.gov/tacgi/>

*CaftaReqTrack.nsf. Reference number:* 6.2006.05.02.Fabric.ST&RforBWA.

**SUPPLEMENTARY INFORMATION:** *Authority:* Section 203(o)(4) of the Dominican

Republic-Central America-United States Free Trade Agreement Implementation Act (CAFTA-DR Act); the Statement of Administrative Action (SAA), accompanying the CAFTA-DR Act; Presidential Proclamations 7987 (February 28, 2006) and 7996 (March 31, 2006).

The CAFTA-DR Agreement provides a list in Annex 3.25 for fabrics, yarns, and fibers that the Parties to the CAFTA-DR Agreement have determined are not available in commercial quantities in a timely manner in the territory of any Party. Articles that otherwise meet the rule of origin to qualify for preferential treatment are not disqualified because they contain one of the products on the Annex 3.25 list.

The CAFTA-DR Agreement provides that the list in Annex 3.25 may be modified pursuant to Article 3.25(4)-(6). The CAFTA-DR Act states that the President will make a determination on whether additional fabrics, yarns, and fibers are available in commercial quantities in a timely manner in the territory of any Party. The CAFTA-DR Act requires the President to establish procedures governing the submission of a request and providing opportunity for interested entities to submit comments and supporting evidence before making a determination. In Presidential Proclamations 7987 and 7996, the President delegated to CITA the authority under section 203(o)(4) of the CAFTA-DR Act for modifying the Annex 3.25 list. On February 23, 2006, CITA published interim procedures it would follow in considering requests to modify the Annex 3.25 list. (71 FR 9315)

On May 2, 2006, the Chairman of CITA received a request from Sandler, Travis, & Rosenberg, P.A. on behalf of B\*W\*A for certain 100% cotton napped flannel fabrics, of the specifications

detailed below. On May 4, 2006, CITA notified interested parties of, and posted on its Web site, the accepted petition and requested that interested entities provide, by May 16, 2006, a response advising of its objection to the request or its ability to supply the subject product, and rebuttals to responses by May 22, 2006.

No interested entity filed a response advising of its objection to the request or its ability to supply the subject product.

In accordance with Section 203(o)(4) of the CAFTA–DR Act, and its procedures, as no interested entity submitted a response objecting to the request or expressing an ability to supply the subject product, CITA has determined to add the specified fabrics to the list in Annex 3.25 of the CAFTA–DR Agreement.

The subject fabrics are added to the list in Annex 3.25 of the CAFTA–DR Agreement in unrestricted quantities.

#### Specifications

*HTS Subheading:* 5208.43.00.

*Fiber Content:* 100% Cotton.

*Average Yarn Number:* 84 to 86 metric warp and filling (49 to 51 English).

*Thread Count:* 39 to 66 warp ends per centimeter  $\times$  27 to 39 filling picks per centimeter (99 to 168 warp ends per inch  $\times$  68 to 99 filling picks per inch).

*Weave Type:* 3 or 4 thread twill.

*Weight:* 98 to 150 grams per square meter (2.9 to 4.4 ounces per sq. yard).

*Finish:* Of yarns of different colors, yarns are dyed with fiber reactive dyes, plaids checks and stripes, napped on both sides, pre-shrunk.

**James C. Leonard III,**

*Chairman, Committee for the Implementation of Textile Agreements.*

[FR Doc. 06–5353 Filed 6–8–06; 2:47 pm]

BILLING CODE 3510–DS–P

## COMMODITY FUTURES TRADING COMMISSION

### Boards of Trade Located Outside of the United States and the Requirement To Become a Designated Contract Market or Derivatives Transaction Execution Facility

**AGENCY:** Commodity Futures Trading Commission.

**ACTION:** Request for comment.

**SUMMARY:** The Commodity Futures Trading Commission (Commission) is publishing this request for comment in advance of a public hearing scheduled

for June 27, 2006.<sup>1</sup> The purpose of the hearing is to solicit the views of the public on how to identify and address certain issues with respect to boards of trade established in foreign countries and located outside the U.S. (foreign board of trade or FBOT). Specifically, the Commission wishes to address the point at which an FBOT that makes its products available for trading in the U.S. by permitting direct access to its electronic trading system from the U.S. (direct access) is no longer “located outside the U.S.” for purposes of section 4(a) of the Commodity Exchange Act (Act). If it is determined that the FBOT is not “located outside the U.S.” it becomes subject to section 4(a) and may be required to become a designated contract market (DCM) or derivatives transaction execution facility (DTEF).

Currently, FBOTs that wish to permit direct access do so pursuant to Commission staff no-action letters (terminal placement no-action letter) in which Commission staff represents that it will not recommend that the Commission institute enforcement action against the FBOT or its members if the FBOT, subject to certain conditions, permits direct access without becoming a DCM or DTEF. Terminal placement no-action letters state that Commission staff will examine trade volume information submitted by the FBOT, including volume generated through U.S. terminals, and any change in the nature or extent of the FBOT’s activities in the U.S., to ascertain whether such trade volume or FBOT activities might warrant reconsideration of the no-action relief because the FBOT may no longer be “located outside the U.S.” for the purposes of section 4(a) of the Act.

Terminal placement no-action letters do not, however, identify the specific circumstances when no-action relief is no longer appropriate. In order to promote regulatory clarity in this area, the Commission is considering whether to set forth objective criteria for determining when an FBOT is no longer “located outside the U.S.” for purposes of Section 4(a) of the Act. In order to foster useful discussion and provide transparency with respect to the Commission’s determinations in this area, the Commission is issuing this request for comment to solicit public views regarding issues raised herein. The Commission also believes that this request for comment should help generate and guide discussion on this

same topic at its June 27, 2006, public hearing.

**DATES:** Comments must be received by July 12, 2006.

**ADDRESSES:** Comments should be sent to the Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street, NW., Washington, DC 20581, attention: Office of the Secretariat. Comments may be sent by facsimile transmission to 202–418–5521 or, by e-mail to [secretary@cftc.gov](mailto:secretary@cftc.gov). Reference should be made to “What Constitutes a Board of Trade Located Outside of the United States.” Comments may also be submitted to the Federal eRulemaking Portal: <http://www.regulations.gov>.

#### FOR FURTHER INFORMATION CONTACT:

David P. Van Wagner, Chief Counsel, (202) 418–5481, e-mail [dvanwagner@cftc.gov](mailto:dvanwagner@cftc.gov); or Duane C. Andresen, Special Counsel, (202) 418–5492, e-mail [dandresen@cftc.gov](mailto:dandresen@cftc.gov); Division of Market Oversight, Commodity Futures Trading Commission, Three Lafayette Center, 1155 21st Street, NW., Washington, DC 20581.

#### SUPPLEMENTARY INFORMATION:

##### I. Background

Generally, under section 4(a) of the Act,<sup>2</sup> a futures contract may be executed lawfully in the U.S. only if it is traded on or subject to the rules of a board of trade that has been designated as a DCM or registered as a DTEF (for ease of reference, hereinafter referred to as DCM/DTEF registration) pursuant to section 5 or 5a of the Act,<sup>3</sup> respectively, unless the contract is either (i) traded on or subject to the rules of a board of trade, exchange or market located outside the U.S. or (ii) exempted from the Act pursuant to section 4(c).<sup>4</sup>

<sup>2</sup> 7 U.S.C. 6(a) (2002).

<sup>3</sup> 7 U.S.C. 7 and 7a (2002).

<sup>4</sup> Section 4(a) of the Act states in relevant part: [I]t shall be unlawful for any person to offer to enter into, to enter into, to execute, to confirm the execution of, or to conduct any office or business anywhere in the United States, its territories or possessions, for the purpose of soliciting or accepting any order for, or otherwise dealing in, any transaction in, or in connection with, a contract for the purchase or sale of a commodity for future delivery (other than a contract which is made on or subject to the rules of a board of trade, exchange, or market located outside the United States, its territories or possessions) unless—

(1) Such transaction is conducted on or subject to the rules of a board of trade which has been designated or registered by the Commission as a contract market or derivatives transaction execution facility for such commodity;

(2) Such contract is executed or consummated by or through a contract market; and

(3) Such contract is evidenced by a record in writing.\* \* \*

Section 4(c) of the Act provides the Commission with authority “by rule, regulation, or order” to

<sup>1</sup> See Sunshine Act Meeting Notice, 71 FR 30665 (May 30, 2006); corrected at 71 FR 32059 (June 2, 2006).