

record procedures are being updated to correspond to the current statutes and rules for those items as related to the USPTO.

The Privacy Act system of records notice, "COMMERCE/PAT-TM-5 Non-Registered Persons Rendering Assistance to Patent Applicants," was previously published at 65 FR 19868 (April 13, 2000). The amended system of records notice is published in its entirety below.

#### COMMERCE/PAT-TM-5

##### SYSTEM NAME:

Non-Registered Persons Rendering Assistance to Patent Applicants.

##### SECURITY CLASSIFICATION:

Unclassified.

##### SYSTEM LOCATION:

Office of Enrollment and Discipline, United States Patent and Trademark Office, 600 Dulany Street, Alexandria, VA 22314.

##### CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons other than registered attorneys or agents who have offered or rendered, for payment, various services to inventors, patent applicants, and patentees.

##### CATEGORIES OF RECORDS IN THE SYSTEM:

Declarations of assistance received and other reports or complaints, including names and addresses, of persons rendering services, and information obtained and used for investigatory and law enforcement purposes.

##### AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

35 U.S.C. 2.

##### PURPOSE(S):

To carry out the duties of the USPTO under 35 U.S.C. 2(b)(2)(D), in particular, the enrollment and recognition of individuals to practice as attorneys and agents before the USPTO in patent, trademark, and other non-patent matters; and to maintain complaints, reports, and other information on persons other than registered attorneys or agents who have offered services to inventors, patent applicants, and patentees.

##### ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Providing notice to patent applicants regarding whether or not the persons from whom assistance was received are registered to practice before the USPTO. Used for investigatory purposes. Also, see Prefatory Statement of General

Routine Uses Nos. 1-5, 8-10, and 13, as found at 46 FR 63501-63502 (December 31, 1981).

##### DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Not applicable.

##### POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

##### STORAGE:

Paper records in file folders, microfilm, and machine-readable storage media.

##### RETRIEVABILITY:

Filed alphabetically by name.

##### SAFEGUARDS:

Records are located in lockable metal file cabinets or in metal file cabinets in secured rooms or secured premises with access limited to those whose official duties require access. Electronic files are stored in secured premises with access limited to those whose official duties require access.

##### RETENTION AND DISPOSAL:

Records retention and disposal is in accordance with the unit's Record Control Schedule.

##### SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Enrollment and Discipline, United States Patent and Trademark Office, Mail Stop OED, P.O. Box 1450, Alexandria, VA 22313-1450.

##### NOTIFICATION PROCEDURE:

Information may be obtained from the Director, Office of Enrollment and Discipline, United States Patent and Trademark Office, Mail Stop OED, P.O. Box 1450, Alexandria, VA 22313-1450. Requester should provide name, address, date of application, and record sought, pursuant to the inquiry provisions appearing in 37 CFR part 102 subpart B.

##### RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to the same address as stated in the notification section above.

##### CONTESTING RECORD PROCEDURES:

The rules for access, for contesting contents, and for appealing initial determinations by the individual concerned appear in 37 CFR part 102 subpart B.

##### RECORD SOURCE CATEGORIES:

Patent applicants who have received and paid for services by the individuals on whom the records are maintained.

##### EXEMPTIONS CLAIMED FOR THE SYSTEM:

Pursuant to 5 U.S.C. 552a(k)(2), all investigatory materials in the record

which meet the criteria in 5 U.S.C. 552a(k)(2) are exempted from the notice, access, and contest requirements (under 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H), and (I), and (f) of the agency regulations because of the necessity to exempt this information and material in order to accomplish the law enforcement function of the agency, to prevent subjects of investigations from frustrating the investigatory process, to prevent the disclosure of investigative techniques, to fulfill commitments made to protect the confidentiality of sources, to maintain access to sources of information, and to avoid endangering these sources and law enforcement personnel.

Dated: November 9, 2005.

**Susan K. Brown,**

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

[FR Doc. 05-22716 Filed 11-15-05; 8:45 am]

BILLING CODE 3510-16-P

## DEPARTMENT OF COMMERCE

### Patent and Trademark Office

#### Privacy Act of 1974; System of Records

**AGENCY:** United States Patent and Trademark Office, Commerce.

**ACTION:** Notice of amendment of Privacy Act system of records.

**SUMMARY:** In accordance with the requirements of the Privacy Act of 1974, as amended, the United States Patent and Trademark Office (USPTO) is amending the system of records listed under "COMMERCE/PAT-TM-2 Complaints, Investigations and Disciplinary Proceedings Relating to Registered Patent Attorneys and Agents." This action is being taken to update the Privacy Act notice. We invite the public to comment on the amendments noted in this publication.

**DATES:** Written comments must be received no later than December 16, 2005. The amendments will become effective as proposed on December 16, 2005, unless the USPTO receives comments that would result in a contrary determination.

**ADDRESSES:** You may submit written comments by any of the following methods:

- E-mail: [Steve.Hanson@uspto.gov](mailto:Steve.Hanson@uspto.gov).
- Fax: (571) 273-4097, marked to the attention of Steve Hanson.
- Mail: Steve Hanson, Office of Enrollment and Discipline, United States Patent and Trademark Office,

Mail Stop OED, P.O. Box 1450,  
Alexandria, VA 22313-1450.

All comments received will be available for public inspection at the USPTO Public Search Facility, Madison East Building—1st Floor, 600 Dulany Street, Alexandria, VA 22314.

**FOR FURTHER INFORMATION CONTACT:** Director, Office of Enrollment and Discipline, United States Patent and Trademark Office, Mail Stop OED, P.O. Box 1450, Alexandria, VA 22313-1450, (571) 272-4097.

**SUPPLEMENTARY INFORMATION:** The United States Patent and Trademark Office (USPTO) is giving notice of an amendment to a system of records that is subject to the Privacy Act of 1974. This system of records maintains information on complaints, investigations, and disciplinary proceedings involving attorneys and agents practicing, registered to practice, or excluded from practicing before the USPTO. The Privacy Act notice is being updated with current address information for the system location and system manager. The authority for maintenance of the system and rule references for the notification procedure and contesting record procedures are being updated to correspond to the current statutes and rules for those items as related to the USPTO. The descriptions of retrievability and safeguards have also been revised to indicate that the relevant electronic database for this system of records is password protected and accessible only by authorized staff members of the USPTO Office of Enrollment and Discipline.

The Privacy Act system of records notice, "COMMERCE/PAT-TM-2 Complaints, Investigations and Disciplinary Proceedings Relating to Registered Patent Attorneys and Agents," was previously published at 65 FR 19868 (April 13, 2000). The amended system of records notice is published in its entirety below.

#### COMMERCE/PAT-TM-2

##### SYSTEM NAME:

Complaints, Investigations and Disciplinary Proceedings Relating to Registered Patent Attorneys and Agents.

##### SECURITY CLASSIFICATION:

Unclassified.

##### SYSTEM LOCATION:

Office of Enrollment and Discipline, United States Patent and Trademark Office, 600 Dulany Street, Alexandria, VA 22314; Office of the Solicitor, United States Patent and Trademark Office, 600 Dulany Street, Alexandria, VA 22314.

##### CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Attorneys and agents registered to practice before the United States Patent and Trademark Office (USPTO) in patent cases, attorneys practicing before the USPTO in trademark cases, attorneys appearing before the USPTO, and excluded or suspended attorneys and agents.

##### CATEGORIES OF RECORDS IN THE SYSTEM:

Complaints and information obtained during investigations and quasi-judicial disciplinary proceedings.

##### AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

35 U.S.C. 2.

##### PURPOSE(S):

To carry out the duties of the USPTO under 35 U.S.C. 2(b)(2)(D), in particular, the enrollment and recognition of individuals to practice as attorneys and agents before the USPTO in patent, trademark, and other non-patent matters; and to aid the enforcement of statutes and regulations regarding the conduct of attorneys and agents admitted to practice before the USPTO.

##### ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

See Prefatory Statement of General Routine Uses Nos. 1-5, 8-10, and 13, as found at 46 FR 63501-63502 (December 31, 1981). Dissemination of information concerning the complaint, investigation, or disciplinary proceeding may be made to the complainant and to persons who can reasonably be expected to provide information needed in connection with the complaint, investigation, or disciplinary proceeding. Notice of filing of a disciplinary complaint may be publicly disclosed. Upon a final order reprimanding, suspending, or excluding an attorney or agent, the records in this system may be publicly disclosed.

##### DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Not applicable.

##### POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

###### STORAGE:

Paper records in file folders, microfilm, and machine-readable storage media.

###### RETRIEVABILITY:

Filed alphabetically by name or registration number. Summary of records maintained in a searchable database available only to authorized staff members of the Office of Enrollment and Discipline.

##### SAFEGUARDS:

Records are located in lockable metal file cabinets or in metal file cabinets in secured rooms or secured premises with access limited to those whose official duties require access. Electronic files are stored in secured premises with access limited to those whose official duties require access. The electronic files are password protected.

##### RETENTION AND DISPOSAL:

Records retention and disposal is in accordance with the unit's Record Control Schedule.

##### SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Enrollment and Discipline, United States Patent and Trademark Office, Mail Stop OED, P.O. Box 1450, Alexandria, VA 22313-1450.

##### NOTIFICATION PROCEDURE:

Information may be obtained from the Director, Office of Enrollment and Discipline, United States Patent and Trademark Office, Mail Stop OED, P.O. Box 1450, Alexandria, VA 22313-1450. Requester should provide name, address, date of application, and record sought, pursuant to the inquiry provisions appearing in 37 CFR Part 102 Subpart B.

##### RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to the same address as stated in the notification section above.

##### CONTESTING RECORD PROCEDURES:

The rules for access, for contesting contents, and for appealing initial determinations by the individual concerned appear in 37 CFR Part 102 Subpart B.

##### RECORD SOURCE CATEGORIES:

Subject individuals, clients of same, registered attorneys and agents, witnesses in disciplinary proceedings, court opinions, and individuals furnishing information.

##### EXEMPTIONS CLAIMED FOR THE SYSTEM:

Pursuant to 5 U.S.C. 552a(k)(2), all investigatory materials in the record which meet the criteria in 5 U.S.C. 552a(k)(2) are exempted from the notice, access, and contest requirements (under 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H), and (I), and (f) of the agency regulations because of the necessity to exempt this information and material in order to accomplish the law enforcement function of the agency, to prevent subjects of investigations from frustrating the investigatory process, to prevent the disclosure of investigative techniques, to fulfill commitments made to protect the confidentiality of sources,

to maintain access to sources of information, and to avoid endangering these sources and law enforcement personnel.

Dated: November 9, 2005.

**Susan K. Brown,**

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

[FR Doc. 05-22717 Filed 11-15-05; 8:45 am]

BILLING CODE 3510-16-P

## COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

### Request for Public Comments on Commercial Availability Request under the African Growth and Opportunity Act (AGOA)

November 14, 2005.

**AGENCY:** Committee for the Implementation of Textile Agreements (CITA)

**ACTION:** Request for public comments concerning a request for a determination that certain 100 percent nylon flat filament yarn cannot be supplied by the domestic industry in commercial quantities in a timely manner under the AGOA.

**SUMMARY:** On November 9, 2005 the Chairman of CITA received a petition from Shibani Inwear alleging that certain 100 percent nylon flat filament yarn, classified in subheading 5402.41.9040 of the Harmonized Tariff Schedule of the United States (HTSUS), cannot be supplied by the domestic industry in commercial quantities in a timely manner. The petition requests that certain knit apparel articles made of such yarn be eligible for preferential treatment under the AGOA. CITA hereby solicits public comments on this request, in particular with regard to whether such fabrics can be supplied by the domestic industry in commercial quantities in a timely manner. Comments must be submitted by December 1, 2005 to the Chairman, Committee for the Implementation of Textile Agreements, Room 3001, United States Department of Commerce, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

**FOR FURTHER INFORMATION CONTACT:** Anna Flaaten, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482-3400.

**SUPPLEMENTARY INFORMATION:**

**Authority:** Section 112(b)(5)(B) of the AGOA; Presidential Proclamation 7350 of October 2, 2000; Section 1 of Executive Order No. 13191 of January 17, 2001.

### BACKGROUND:

The AGOA provides for quota- and duty-free treatment for qualifying textile and apparel products. Such treatment is generally limited to products manufactured from yarns and fabrics formed in the United States or a beneficiary country. The AGOA also provides for quota- and duty-free treatment for apparel articles that are both cut (or knit-to-shape) and sewn or otherwise assembled in one or more beneficiary countries from fabric or yarn that is not formed in the United States, if it has been determined that such fabric or yarn cannot be supplied by the domestic industry in commercial quantities in a timely manner. In Executive Order No. 13191, the President delegated to CITA the authority to determine whether yarns or fabrics cannot be supplied by the domestic industry in commercial quantities in a timely manner under the AGOA and directed CITA to establish procedures to ensure appropriate public participation in any such determination. On March 6, 2001, CITA published procedures that it will follow in considering requests. (66 FR 13502).

On November 9, 2005 the Chairman of CITA received a petition from Shibani Inwear alleging that certain nylon 66, fully drawn flat filament yarn designated 156/71 Strata, classified in HTSUS subheading 5402.41.9040, for use in certain knit apparel articles, cannot be supplied by the domestic industry in commercial quantities in a timely manner. This petition is requesting quota- and duty-free treatment under the AGOA for apparel articles that are both cut and sewn or knit-to-shape in one or more AGOA beneficiary countries from such yarns.

This petition further specifies that the yarn required is nylon 66 "fully drawn flat yarn" (FDY) designated 156/71 Strata. According to the petition, the yarn count is 156 decitex (140 denier) with 71 filaments. Out of the total number of filaments, 51 are trilobal in cross section with the remaining 20 round in cross section. The petitioner asserts that a garment knit of such yarn reflects a unique subtle luster due to light reflectance of the different cross sections of the filament components. The petitioner intends to make garments classified under HTSUS provisions 6109.90.10.65 and 6108.22.90.20, of such yarn.

CITA is soliciting public comments regarding this request, particularly with respect to whether this yarn can be supplied by the domestic industry in commercial quantities in a timely manner. Also relevant is whether other yarns that are supplied by the domestic industry in commercial quantities in a timely manner are substitutable for this yarn for purposes of the intended use. Comments must be received no later than December 1, 2005. Interested persons are invited to submit six copies of such comments or information to the Chairman, Committee for the Implementation of Textile Agreements, room 3100, U.S. Department of Commerce, 14th and Constitution Avenue, N.W., Washington, DC 20230.

If a comment alleges that this yarn can be supplied by the domestic industry in commercial quantities in a timely manner, CITA will closely review any supporting documentation, such as a signed statement by a manufacturer of the yarn stating that it produces the yarn that is the subject of the request, including the quantities that can be supplied and the time necessary to fill an order, as well as any relevant information regarding past production.

CITA will protect any business confidential information that is marked "business confidential" from disclosure to the full extent permitted by law. CITA generally considers specific details, such as quantities and lead times for providing the subject product as business confidential. However, information such as the names of domestic manufacturers who were contacted, questions concerning the capability to manufacture the subject product, and the responses thereto should be available for public review to ensure proper public participation in the process. If this is not possible, an explanation of the necessity for treating such information as business confidential must be provided. CITA will make available to the public non-confidential versions of the request and non-confidential versions of any public comments received with respect to a request in room 3100 in the Herbert Hoover Building, 14th and Constitution Avenue, N.W., Washington, DC 20230. Persons submitting comments on a request are encouraged to include a non-confidential version and a non-confidential summary.

**D. Michael Hutchinson,**

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

[FR Doc. 05-22820 Filed 11-14-05; 3:02 pm]

BILLING CODE 3510-DS-S