

regulations, including Section 400.28, and to the Board's standard 2,000-acre activation limit for the overall general-purpose zone project, to sunset provisions that would terminate authority on April 30, 2013, for existing Sites 1–15 and 24 and on April 30, 2015, for Sites 16, 17, 18, 21 and 23 where no activity has occurred under FTZ procedures before those dates, and to a five-year time limit (to April 30, 2015) for Site 22 (subject to extension upon review).

Signed at Washington, DC, this 1<sup>st</sup> day of April 2010.

**Ronald K. Lorentzen,**

*Deputy Assistant Secretary for Import Administration Alternate Chairman Foreign-Trade Zones Board.*

ATTEST:

**Andrew McGilvray,**

*Executive Secretary.*

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**BILLING CODE 3510-DS-S**

## DEPARTMENT OF COMMERCE

### International Trade Administration

#### Request for Nominations for the Industry Trade Advisory Committees (ITACs)

**AGENCY:** International Trade Administration, Manufacturing and Services.

**ACTION:** Request for nominations.

**SUMMARY:** On February 17, 2010, the Secretary of Commerce and the United States Trade Representative (the USTR) renewed the charters of the 16 Industry Trade Advisory Committees (ITACs) and the Committee of Chairs of the ITACs for a four-year term to expire on February 17, 2014. The ITACs provide detailed policy and technical advice, information, and recommendations to the Secretary and the USTR regarding trade barriers, negotiation of trade agreements, and implementation of existing trade agreements affecting industry sectors; and perform other advisory functions relevant to U.S. trade policy matters as may be requested by the Secretary and the USTR or their designees. There are currently opportunities for membership on each ITAC. Nominations will be accepted for current vacancies and those that occur throughout the remainder of the charter term, which expires on February 17, 2014.

**DATES:** Appointments will be made on a rolling basis. For that reason, nominations will be accepted through February 17, 2014.

**ADDRESSES:** Submit nominations to Ingrid V. Mitchem, Director, Industry Trade Advisory Center, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Room 4043, Washington, DC 20230.

**FOR FURTHER INFORMATION CONTACT:** Ingrid V. Mitchem, Director, Industry Trade Advisory Center, (202) 482-3268.

Recruitment information also is available on the International Trade Administration Web site at: <http://www.trade.gov/itac>.

**SUPPLEMENTARY INFORMATION:** Pursuant to the Federal Advisory Committee Act, as amended (5 U.S.C. App.) and section 135 of the Trade Act of 1974, as amended (19 U.S.C. 2155), the Secretary of Commerce (the Secretary) and the United States Trade Representative (USTR) have renewed the charters of 16 Industry Trade Advisory Committees (ITACs) and the Committee of Chairs of the ITACs. The Secretary and the USTR welcome nominations for the ITACs listed below:

Industry Trade Advisory Committees on:

- (ITAC 1) Aerospace Equipment
- (ITAC 2) Automotive Equipment and Capital Goods
- (ITAC 3) Chemicals, Pharmaceuticals, Health/Science Products and Services
- (ITAC 4) Consumer Goods
- (ITAC 5) Distribution Services
- (ITAC 6) Energy and Energy Services
- (ITAC 7) Forest Products
- (ITAC 8) Information and Communications Technologies, Services, and Electronic Commerce
- (ITAC 9) Nonferrous Metals and Building Materials
- (ITAC 10) Services and Finance Industries
- (ITAC 11) Small and Minority Business
- (ITAC 12) Steel
- (ITAC 13) Textiles and Clothing
- (ITAC 14) Customs Matters and Trade Facilitation
- (ITAC 15) Intellectual Property Rights
- (ITAC 16) Standards and Technical Trade Barriers

#### Background

Section 135 of the Trade Act of 1974, as amended (19 U.S.C. 2155), directed the establishment of a private-sector trade advisory system to ensure that U.S. trade policy and trade negotiation objectives adequately reflect U.S. commercial and economic interests. Section 135(a)(1) directs the President to:

Seek information and advice from representative elements of the private sector and the non-Federal governmental sector with respect to—

(A) Negotiating objectives and bargaining positions before entering into a trade agreement under [Subchapter I of the Trade Act of 1974 (19 U.S.C. 2111–2241) and section 2103 of the Bipartisan Trade Promotion Authority Act of 2002 (19 U.S.C. 3803)];

(B) The operation of any trade agreement once entered into, including preparation for dispute settlement panel proceedings to which the United States is a party; and

(C) Other matters arising in connection with the development, implementation, and administration of the trade policy of the United States \* \* \*

Section 135(c)(2) of the 1974 Trade Act provides that:

(2) The President shall establish such sectoral or functional advisory committees as may be appropriate. Such committees shall, insofar as is practicable, be representative of all industry, labor, agricultural, or service interests (including small business interests) in the sector or functional areas concerned. In organizing such committees, the United States Trade Representative and the Secretaries of Commerce, Labor, Agriculture, the Treasury, or other executive departments, as appropriate, shall—

(A) Consult with interested private organizations; and

(B) Take into account such factors as—

(i) Patterns of actual and potential competition between United States industry and agriculture and foreign enterprise in international trade,

(ii) The character of the nontariff barriers and other distortions affecting such competition,

(iii) The necessity for reasonable limits on the number of such advisory committees,

(iv) The necessity that each committee be reasonably limited in size, and

(v) In the case of each sectoral committee, that the product lines covered by each committee be reasonably related.

Pursuant to this provision, the Department of Commerce (Commerce) and the Office of the USTR (USTR) have established and co-administer 16 ITACs, the Committee of Chairs of the ITACs, and the Industry Trade Advisory Center.

#### Functions

The duties of the ITACs are to provide the President, through the Secretary and the USTR, with detailed policy and technical advice, information, and recommendations regarding trade barriers, negotiation of trade agreements, and implementation of existing trade agreements affecting industry sectors; and perform other advisory functions relevant to U.S. trade policy matters as may be requested by the Secretary and the USTR or their designees. The ITACs provide nonpartisan, industry input in the development of trade policy objectives. The ITACs' efforts have assisted the United States in putting forward unified positions when it negotiates trade agreements.

The ITACs address market-access problems; barriers to trade; tariff levels; discriminatory foreign procurement practices; and information, marketing, and advocacy needs of their industry sector. Thirteen ITACs provide advice and information on issues that affect specific sectors of U.S. industry. Three ITACs focus on cross-cutting, functional issues that affect all industry sectors: customs matters and trade facilitation (ITAC 14); intellectual property rights (ITAC 15); and standards and technical trade barriers (ITAC 16). In addition to members appointed exclusively to these three ITACs, ITACs 1–13 each may select a member to represent their ITAC on each of these three cross-cutting ITACs so that a broad range of industry perspectives is represented. Other trade policy issues, *e.g.*, government procurement, subsidies, etc., may be addressed in *ad hoc* working groups created by the ITACs.

Each ITAC meets an average of six times a year in Washington, DC. Some ITACs meet more often depending on the work of a particular committee.

The members, all of whom come from the private sector, serve in a representative capacity presenting the views and interests of a U.S. entity or U.S. organization and its subsector in their respective industry sectors; they are, therefore, not Special Government Employees. Members serve at the discretion of the Secretary and the USTR.

Members serve without compensation and are responsible for all expenses incurred to attend the meetings. ITAC members are appointed jointly by the Secretary and the USTR. Each ITAC elects a chairperson from the membership of the ITAC, and that chairperson serves on the Committee of Chairs of the ITACs.

Appointments are made following the re-chartering of each ITAC and periodically throughout the four-year charter term. Appointments expire at the end of the ITACs' charter terms, in this case, February 17, 2014.

Appointments to all ITACs are made without regard to political affiliation.

### Eligibility and Application Process

[**Note:** USTR and Commerce are currently reviewing the composition of the ITACs. USTR and Commerce issued a **Federal Register** notice on April 27, 2010 (75 FR 22121) requesting public comments as part of this review. USTR and Commerce may issue a supplemental **Federal Register** notice seeking additional nominations to the ITACs following the conclusion of this review process.]

The following eligibility requirements must be met:

1. The applicant must be a U.S. citizen;
2. The applicant must not be a full-time employee of a U.S. governmental entity;
3. The applicant must not be a federally-registered lobbyist;
4. The applicant must not be registered with the Department of Justice under the Foreign Agents Registration Act;
5. The applicant must be able to obtain and maintain a security clearance; and
6. The applicant must represent either:
  - a. A U.S. entity that is directly engaged in the import or export of goods or services or that provides services in direct support of the international trading activities of other entities; *or*
  - b. A U.S. organization that: Trades internationally; represents members who trade internationally; consistent with the needs of a Committee; or represents members who have a demonstrated interest in international trade.

For eligibility purposes, a "U.S. entity" is a for-profit firm engaged in commercial, industrial, or professional activities that is incorporated in the United States (or an unincorporated U.S. firm with its principal place of business in the United States) that is controlled by U.S. citizens or by other U.S. entities. An entity is not a U.S. entity if 50 percent plus one share of its stock (if a corporation, or a similar ownership interest of an unincorporated entity) is known to be controlled, directly or indirectly, by non-U.S. citizens or non-U.S. entities.

For eligibility purposes, a "U.S. organization" is an organization, including trade associations and nongovernmental organizations (NGOs), established under the laws of the United States, that is controlled by U.S. citizens, by another U.S. organization (or organizations), or by a U.S. entity (or entities), as determined based on its board of directors (or comparable governing body), membership, and funding sources, as applicable. To qualify as a U.S. organization, more than 50 percent of the board of directors (or comparable governing body) and more than 50 percent of the membership of the organization to be represented must be U.S. citizens, U.S. organizations, or U.S. entities. Additionally, in order for NGOs to qualify as U.S. organizations, at least 50 percent of the NGO's annual revenue must be attributable to nongovernmental U.S. sources.

If a nominee is to represent an entity or organization with 10 percent or greater non-U.S. ownership of its shares

or equity, non-U.S. board members, non-U.S. membership, or non-U.S. funding sources, as applicable, the nominee must certify in its statement affirming its eligibility that this non-U.S. interest does not constitute control and will not adversely affect his or her ability to serve as a trade advisor to the United States.

In order to be considered for ITAC membership, a nominee should submit:

(1) Name, title, and relevant contact information of the individual requesting consideration;

(2) The ITAC for which the individual is applying for appointment;

(3) A sponsor letter on the entity's or organization's letterhead containing a brief description of why the applicant should be considered for membership on the ITAC;

(4) The applicant's personal resume demonstrating knowledge of international trade issues;

(5) An affirmative statement that the applicant meets all ITAC eligibility requirements;

(6) An affirmative statement that the applicant is not a federally registered lobbyist, and that the applicant understands that if appointed, the applicant will not be allowed to continue to serve as an ITAC member if the applicant becomes a federally registered lobbyist; and

(7) Information regarding the sponsoring entity, including the control of the entity or organization to be represented and the entity's or organization's size and ownership, product or service line, and trade activities.

Submit applications to Ingrid V. Mitchem, Director, Industry Trade Advisory Center, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Room 4043, Washington, DC 20230.

Additional requirements exist for nominations of consultants and legal advisors. The specific requirements will vary depending on the nature of the entity or organization and interests to be represented. Interested consultants and legal advisors should contact the Industry Trade Advisory Center or consult the ITAC Web Site for additional information on the submission requirements.

Applicants that meet the eligibility criteria will be considered for membership based on the following criteria: Ability to represent the sponsoring U.S. entity's or U.S. organization's and its subsector's interests on trade matters; ability to carry out the objectives of the particular ITAC (including knowledge of and experience in their industry and trade

matters relevant to the work of the ITAC); and ensuring that the ITAC is balanced in terms of points of view, demographics, geography, and entity or organization size.

This notice is issued pursuant to the Federal Advisory Committee Act (5 U.S.C., app. 2), 19 U.S.C. 2155, and 41 CFR part 102-3 relating to advisory committees.

Dated: April 28, 2010.

**Nicole Y. Lamb-Hale,**

*Assistant Secretary for Manufacturing and Services.*

[FR Doc. 2010-10495 Filed 5-4-10; 8:45 am]

**BILLING CODE P**

## COMMODITY FUTURES TRADING COMMISSION

### Order Finding That the San Juan Financial Basis Contract Traded on the IntercontinentalExchange, Inc., Does Not Perform a Significant Price Discovery Function

**AGENCY:** Commodity Futures Trading Commission.

**ACTION:** Final order.

**SUMMARY:** On October 9, 2009, the Commodity Futures Trading Commission (“CFTC” or “Commission”) published for comment in the **Federal Register**<sup>1</sup> a notice of its intent to undertake a determination whether the San Juan Financial Basis (“SNJ”) contract traded on the IntercontinentalExchange, Inc. (“ICE”), an exempt commercial market (“ECM”) under sections 2(h)(3)–(5) of the Commodity Exchange Act (“CEA” or the “Act”), performs a significant price discovery function pursuant to section 2(h)(7) of the CEA. The Commission undertook this review based upon an initial evaluation of information and data provided by ICE as well as other available information. The Commission has reviewed the entire record in this matter, including all comments received, and has determined to issue an order finding that the SNJ contract does not perform a significant price discovery function. Authority for this action is found in section 2(h)(7) of the CEA and Commission rule 36.3(c) promulgated thereunder.

**DATES:** *Effective Date:* April 28, 2010.

**FOR FURTHER INFORMATION CONTACT:** Gregory K. Price, Industry Economist, Division of Market Oversight, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street, NW., Washington, DC

20581. Telephone: (202) 418-5515. E-mail: [gprice@cftc.gov](mailto:gprice@cftc.gov); or Susan Nathan, Senior Special Counsel, Division of Market Oversight, same address. Telephone: (202) 418-5133. E-mail: [snathan@cftc.gov](mailto:snathan@cftc.gov).

#### SUPPLEMENTARY INFORMATION:

##### I. Introduction

The CFTC Reauthorization Act of 2008 (“Reauthorization Act”)<sup>2</sup> significantly broadened the CFTC’s regulatory authority with respect to ECMs by creating, in section 2(h)(7) of the CEA, a new regulatory category—ECMs on which significant price discovery contracts (“SPDCs”) are traded—and treating ECMs in that category as registered entities under the CEA.<sup>3</sup> The legislation authorizes the CFTC to designate an agreement, contract or transaction as a SPDC if the Commission determines, under criteria established in section 2(h)(7), that it performs a significant price discovery function. When the Commission makes such a determination, the ECM on which the SPDC is traded must assume, with respect to that contract, all the responsibilities and obligations of a registered entity under the Act and Commission regulations, and must comply with nine core principles established by new section 2(h)(7)(C).

On March 16, 2009, the CFTC promulgated final rules implementing the provisions of the Reauthorization Act.<sup>4</sup> As relevant here, rule 36.3 imposes increased information reporting requirements on ECMs to assist the Commission in making prompt assessments whether particular ECM contracts may be SPDCs. In addition to filing quarterly reports of its contracts, an ECM must notify the Commission promptly concerning any contract traded in reliance on the exemption in section 2(h)(3) of the CEA that averaged five trades per day or more over the most recent calendar quarter, and for which the exchange sells its price information regarding the contract to market participants or industry publications, or whose daily closing or settlement prices on 95 percent or more of the days in the most recent quarter were within 2.5 percent of the contemporaneously determined closing, settlement or other daily price of another contract.

Commission rule 36.3(c)(3) established the procedures by which the

Commission makes and announces its determination whether a particular ECM contract serves a significant price discovery function. Under those procedures, the Commission will publish notice in the **Federal Register** that it intends to undertake a determination whether the specified agreement, contract or transaction performs a significant price discovery function and to receive written views, data and arguments relevant to its determination from the ECM and other interested persons. Upon the close of the comment period, the Commission will consider, among other things, all relevant information regarding the subject contract and issue an order announcing and explaining its determination whether or not the contract is a SPDC. The issuance of an affirmative order signals the effectiveness of the Commission’s regulatory authorities over an ECM with respect to a SPDC; at that time such an ECM becomes subject to all provisions of the CEA applicable to registered entities.<sup>5</sup> The issuance of such an order also triggers the obligations, requirements and timetables prescribed in Commission rule 36.3(c)(4).<sup>6</sup>

##### II. Notice of Intent To Undertake SPDC Determination

On October 9, 2009, the Commission published in the **Federal Register** notice of its intent to undertake a determination whether the SNJ contract performs a significant price discovery function and requested comment from interested parties.<sup>7</sup> Comments were received from Industrial Energy Consumers of America (“IECA”), Working Group of Commercial Energy Firms (“WGCEF”), Platts, ICE, Economists Incorporated (“EI”), Natural Gas Supply Association (“NGSA”),

<sup>5</sup> Public Law 110-246 at 13203; *Joint Explanatory Statement of the Committee of Conference*, H.R. Rep. No. 110-627, 110 Cong., 2d Sess. 978, 986 (Conference Committee Report). See also 73 FR 75888, 75894 (Dec. 12, 2008).

<sup>6</sup> For an initial SPDC, ECMs have a grace period of 90 calendar days from the issuance of a SPDC determination order to submit a written demonstration of compliance with the applicable core principles. For subsequent SPDCs, ECMs have a grace period of 30 calendar days to demonstrate core principle compliance.

<sup>7</sup> The Commission’s Part 36 rules establish, among other things, procedures by which the Commission makes and announces its determination whether a specific ECM contract serves a significant price discovery function. Under those procedures, the Commission publishes a notice in the **Federal Register** that it intends to undertake a determination whether a specified agreement, contract or transaction performs a significant price discovery function and to receive written data, views and arguments relevant to its determination from the ECM and other interested persons.

<sup>2</sup> Incorporated as Title XIII of the Food, Conservation and Energy Act of 2008, Public Law No. 110-246, 122 Stat. 1624 (June 18, 2008).

<sup>3</sup> 7 U.S.C. 1a(29).

<sup>4</sup> 74 FR 12178 (Mar. 23, 2009); these rules became effective on April 22, 2009.

<sup>1</sup> 74 FR 52188 (October 9, 2009).