

On December 24, 2003, the Committee requested public comment on the petition (68 FR 74555). On January 9, 2004, the Committee and the U.S. Trade Representative (USTR) sought the advice of the Industry Sector Advisory Committee for Wholesaling and Retailing and the Industry Sector Advisory Committee for Textiles and Apparel. On January 9, 2004, the Committee and USTR offered to hold consultations with the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate (collectively, the Congressional Committees). On January 29, 2004, the U.S. International Trade Commission provided advice on the petition. Based on the information and advice received and its understanding of the industry, the Committee determined that the fabrics set forth in the request cannot be supplied by the domestic industry in commercial quantities in a timely manner. On February 13, 2004, the Committee and USTR submitted a report to the Congressional Committees that set forth the action proposed, the reasons for such action, and advice obtained. A period of 60 calendar days since this report was submitted has expired, as required by the CBTPA.

The Committee hereby designates as eligible for preferential treatment under subheading 9820.11.27 of the HTSUS, women's and girls' blouses, that are both cut and sewn or otherwise assembled in one or more eligible beneficiary CBTPA countries, from fabrics, classified in subheadings 5513.11 and 5513.21 of the Harmonized Tariff Schedule of the United States (HTSUS), not of square construction, containing more than 70 warp ends and filling picks per square centimeter, of average yarn number exceeding 70 metric, not formed in the United States, provided that all other fabrics are wholly formed in the United States from yarns wholly formed in the United States, including fabrics not formed from yarns, is such fabrics are classifiable under HTS heading 5602 or 5603 and are wholly formed in the United States, that are imported directly into the customs territory of the United States from an eligible beneficiary CBTPA country.

An "eligible beneficiary CBTPA country" means a country which the President has designated as a CBTPA beneficiary country under section 213(b)(5)(B) of the CBERA (19 U.S.C. 2703(b)(5)(B)) and which has been the subject of a finding, published in the Federal Register, that the country has satisfied the requirements of section 213(b)(4)(A)(ii) of the CBERA (19 U.S.C. 2703(b)(4)(A)(ii)) and resulting in the

enumeration of such country in U.S. note 1 to subchapter XX of chapter 98 of the HTS.

James C. Leonard III,
Chairman, Committee for the Implementation of Textile Agreements.

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COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Request for Public Comments on Revoking a Commercial Availability Designation under the United States-Caribbean Basin Trade Partnership Act (CBTPA)

April 21, 2004.

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

ACTION: Request for public comments concerning a request for a revocation of a CITA designation under the CBTPA regarding two patented fusible interlining fabrics, used in the construction of waistbands.

SUMMARY: On April 16, 2004 the Chairman of CITA received a petition from Hodgson Russ Attorneys, LLP, on behalf of Narroflex Inc. (Narroflex), alleging that certain ultra-fine elastomeric crochet fabrics, detailed below, can be supplied by the domestic industry in commercial quantities in a timely manner, and requesting that CITA revoke its previous designation regarding these fabrics. On April 22, 2003, following a determination that the subject fabrics could not be supplied by the domestic industry in commercial quantities in a timely manner under the CBTPA, CITA designated apparel from these fabrics as eligible for duty-free treatment under the CBTPA. CITA hereby solicits public comments on this request from Narroflex, in particular with regard to whether such fabrics can be supplied by the domestic industry in commercial quantities. Comments must be submitted by May 10, 2004 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: Richard Stetson, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482-3400.

SUPPLEMENTARY INFORMATION:

Authority: Section 213(b)(2)(A)(v)(II) of the Caribbean Basin Economic Recovery Act, as

added by Section 211(a) of the CBTPA; Section 6 of Executive Order No. 13191 of January 17, 2001.

BACKGROUND:

The CBTPA 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 CBTPA 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 CBTPA beneficiary countries from fabric or yarn that is not formed in the United States or a beneficiary country, 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 CBTPA 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 April 22, 2003, following a determination that certain ultra-fine elastomeric crochet fabrics, detailed below, could not be supplied by the domestic industry in commercial quantities in a timely manner under the CBTPA, CITA designated apparel from these fabrics as eligible for duty-free treatment under the CBTPA (68 FR 19788). On April 16, 2004, the Chairman of CITA received a petition from Hodgson Russ Attorneys, LLP, on behalf of Narroflex, alleging that these fabrics can be supplied by the domestic industry in commercial quantities in a timely manner, and requesting that CITA revoke its previous designation regarding these fabrics. This petition can be viewed online at http://otexa.ita.doc.gov/Commercial_Availability.htm.

The two fabrics at issue are:

Fusible Interlining 1 -

An ultra-fine elastomeric crochet outer-fusible material with a fold line that is knitted into the fabric. A patent is pending for this fold-line fabric.

The fabric is a 45mm wide base substrate, crochet knitted in narrow width, synthetic fiber based (49% polyester/43% elastane/8% nylon with a weight of 4.4 oz., a 110/110 stretch and a dull yarn), stretch elastomeric

material with adhesive coating that has the following characteristics:

- a) The 45mm is divided as follows: 34mm solid followed by a 3mm seam allowing it to fold over followed by 8mm of solid.
- b) In the length it exhibits excellent stretch and recovery properties at low extension levels.
- c) It is delivered pre-shrunk with no potential for relaxation shrinkage during high temperature washing or fusing and delivered lap laid, i.e., tension free adhesion level will be maintained or improved through garment processing temperatures of up to 350 degrees and dwell times of 20 minute durations.
- d) The duration and efficacy of the bond will be such that the adhesive will not become detached from the fabric or base substrate during industrial washing or in later garment wear or after-care of 50 home washes.

In summary, the desired fabric will be an interlining fabric with the above properties. The finished interlining fabric is a fabric that has been coated with an adhesive coating after going through a finishing process to remove all shrinkage from the product and impart a stretch to the fabric. This finishing process of imparting stretch to fabrics is patented, U.S. Patent 5,987,721.

Fusible Interlining 2 -

A fine elastomeric crochet inner-fusible material with an adhesive coating that is applied after going through a finishing process to remove all shrinkage from the product. This finishing process of imparting stretch to fabrics is patented, U.S. Patent 5,987,721.

Specifically, the fabric is a 40mm synthetic fiber based stretch elastomeric fusible (80% nylon type 6/20% spandex with a weight of 4.4 oz., a 110/110 stretch and a dull yarn), with the following characteristics:

- a) It is supplied pre-coated with an adhesive that will adhere to 100% cotton and other composition materials such as polyester/cotton blends during fusing at a temperature of 180 degrees.
- b) The adhesive is of a melt flow index which will not strike back through the interlining substrate or strike through the fabric to which it is fused and whose adhesion level will be maintained or improved through garment processing temperatures of up to 350 degrees and dwell times of 20 minute durations.
- c) The duration and efficacy of the

bond will be such that the adhesive will not become detached from the fabric or base substrate during industrial washing or in later garment wear or after-care of 50 home washes.

- d) Delivered on rolls of more than 350 yards or lap laid in boxes.

Both interlining fabrics are classifiable under 5903.90.2500, HTSUS. The adhesive coating adds approximately 25% - 30% weight to the fusible interlining 1 and adds approximately 20% - 25% weight to the fusible interlining 2.

The fusible interlining fabrics are used in the construction of waistbands in pants, shorts, skirts, and other similar products that have waistbands.

Fusible interlining 1 reinforces the twill pant fabric and also exclusively contributes to the "stretch ability" of the twill pant fabric in the waistband area. Fusible interlining 2 is used on the underside of the waistband lining fabric. This interlining reinforces the waistband lining, which is made from pocketing-type fabric, and also exclusively contributes to that fabric's "stretch ability." It also serves to "firm up" the seam area of the waistband lining so that the fabric will not rip or otherwise be damaged during the assembly/sewing process.

In describing the fabrics above, Narroflex used the trademark name "Lycra". CITA will not make a determination on a trademark name, so the term "elastomeric" has been substituted.

CITA is soliciting public comments regarding this request, particularly with respect to whether these fabrics can be supplied by the domestic industry in commercial quantities in a timely manner. Comments must be received no later than May 10, 2004. 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 these fabrics 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 fabrics stating that it produces the fabrics that are 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. Similarly, if a comment alleges that these fabrics cannot be supplied by the domestic industry in

commercial quantities in a timely manner, CITA will closely review any supporting documentation.

CITA will protect any business confidential information that is marked business confidential from disclosure to the full extent permitted by law. 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.

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DEPARTMENT OF DEFENSE

Incentive Program for Major Defense Acquisition Programs To Use Machine Tools and Other Capital Assets Produced Within the United States

AGENCY: Department of Defense.

ACTION: Request for public comments.

SUMMARY: The Department of Defense is establishing an incentive program in accordance with Section 822 of the National Defense Authorization Act for Fiscal Year 2004 and is seeking information that will assist it in identifying appropriate incentives for industry to use machine tools and other capital assets produced in the United States. It is the Department's goal to structure this incentive program and publish interim implementing regulations in the Fall of 2004.

DATES: Submit written comments to the address shown below on or before May 24, 2004.

ADDRESSES: Submit comments to: Director, Defense Procurement and Acquisition Policy, 3060 Defense Pentagon, Attn: Mr. Daniel C. Nielsen, Washington, DC 20301-3060; or by e-mail to daniel.nielsen@osd.mil.

FOR FURTHER INFORMATION CONTACT: Susan Hildner, (703) 695-4258.

SUPPLEMENTARY INFORMATION: Section 822 of the National Defense Authorization Act for Fiscal Year 2004 (Pub. L. 108-136)—Incentive Program for Major Defense Acquisition Programs to Use Machine Tools and Other Capital Assets Produced within the United States—requires the Secretary of Defense to plan and establish an