

203(c) and (d) of the ATPA (19 U.S.C. 3202(c) and (d)), resulting in the enumeration of such country in U.S. note 1 to subchapter XXI of Chapter 98 of the HTSUS.

**Philip J. Martello,**

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

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## COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

### Request for Public Comment on Commercial Availability Request under the North American Free Trade Agreement (NAFTA)

May 25, 2004.

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

**ACTION:** Request for Public Comments concerning a request for modification of the NAFTA rules of origin for sanitary articles made from tri-lobal rayon staple fiber.

**SUMMARY:** On May 18, 2004 the Chairman of CITA received a request from Procter & Gamble alleging that tri-lobal rayon staple fiber (38 mm, 3.3 decitex), classified under the Harmonized Tariff Schedule of the United States (HTSUS) subheading 5504.10, cannot be supplied by the domestic industry in commercial quantities in a timely manner and requesting that CITA consider whether the NAFTA rule of origin for sanitary articles classified under HTSUS 5601.10.20 should be modified to allow the use of non-North American staple fiber of the type described above.

The President may proclaim a modification to the NAFTA rules of origin, inter alia, only after reaching an agreement with the other NAFTA countries on the modification. CITA hereby solicits public comments on this request, in particular with regard to whether tri-lobal rayon staple fiber of the type described above can be supplied by the domestic industry in commercial quantities in a timely manner. Comments must be submitted by June 28, 2004 to the Chairman, Committee for the Implementation of Textile Agreements, Room 3001, United States Department of Commerce, Washington, D.C. 20230.

**FOR FURTHER INFORMATION CONTACT:** Martin J. Walsh, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482-2818.

### SUPPLEMENTARY INFORMATION:

**Authority:** Section 204 of the Agricultural Act of 1956, as amended (7 USC 1854); Section 202(q) of the North American Free Trade Agreement Implementation Act (19 USC 3332(q)); Executive Order 11651 of March 3, 1972, as amended.

### BACKGROUND:

Under the North American Free Trade Agreement (NAFTA), NAFTA countries are required to eliminate customs duties on textile and apparel goods that qualify as originating goods under the NAFTA rules of origin, which are set out in Annex 401 to the NAFTA. The NAFTA provides that the rules of origin for textile and apparel products may be amended through a subsequent agreement by the NAFTA countries. In consultations regarding such a change, the NAFTA countries are to consider issues of availability of supply of fibers, yarns, or fabrics in the free trade area and whether domestic producers are capable of supplying commercial quantities of the good in a timely manner. The Statement of Administrative Action (SAA) that accompanied the NAFTA Implementation Act stated that any interested person may submit to CITA a request for a modification to a particular rule of origin based on a change in the availability in North America of a particular fiber, yarn or fabric and that the requesting party would bear the burden of demonstrating that a change is warranted. The SAA provides that CITA may make a recommendation to the President regarding a change to a rule of origin for a textile or apparel good. The NAFTA Implementation Act provides the President with the authority to proclaim modifications to the NAFTA rules of origin as are necessary to implement an agreement with one or more NAFTA country on such a modification.

On May 18, 2004 the Chairman of CITA received a request from Procter & Gamble alleging that tri-lobal rayon staple fiber (38mm, 3.3 decitex), classified under the HTSUS subheading 5504.10, cannot be supplied by the domestic industry in commercial quantities in a timely manner and requesting that CITA consider whether the NAFTA rule of origin for sanitary articles classified under HTSUS 5601.10.20 should be modified to allow the use of non-North American staple fiber of the type described above.

CITA is soliciting public comments regarding this request, particularly with respect to whether the rayon staple fiber described above, classified in HTSUS sub-heading 5504.10, can be supplied by the domestic industry in commercial

quantities in a timely manner. Comments must be received no later than June 28, 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, NW., Washington, DC 20230.

If a comment alleges that tri-lobal rayon staple fiber 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 staple fiber stating that it produces the staple fiber that is in 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 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, NW., Washington, DC 20230. Persons submitting comments on a request are encouraged to include a non-confidential version and a non-confidential summary.

**Philip J. Martello,**

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

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## DEPARTMENT OF DEFENSE

### Office of the Secretary

#### Submission for OMB Review; Comment Request

**AGENCY:** Office of the Secretary, DoD.

**ACTION:** Notice.

The Department of Defense has submitted to OMB for clearance, the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

**DATES:** Consideration will be given to all comments received by June 28, 2004.

*Title, Form, and OMB Number:* Automated Repatriation Tracking System; DD Form 2585; OMB Number 0704-0334.

*Type of Request:* Extension.