

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Request for Public Comment on Short Supply Petition under the North American Free Trade Agreement (NAFTA)

<DATE>August 11, 2009.</DATE>

AGENCY:

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 articles of apparel and clothing accessories, not knitted or crocheted made from certain yarn-dyed poplin fabric.

SUMMARY:

On August 5, 2009, the Chairman of CITA received a request from Sorini Samet & Associates LLC, on behalf of Cintas Corporation (Cintas), alleging that certain yarn-dyed poplin fabric, as specified below, classified under subheading 5513.31 of the Harmonized Tariff Schedule of the United States (HTSUS), cannot be supplied by the domestic industry in commercial quantities in a timely manner and requesting that CITA consider whether the North American Free Trade Agreement (NAFTA) rule of origin for articles of apparel and clothing accessories, not knitted or crocheted, classified under HTSUS Chapter 62, should be modified to allow the use of certain non-North American yarn-dyed poplin fabric, as specified below. The President may proclaim a modification to the NAFTA rules of origin 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 certain yarn-dyed poplin fabric, as specified below, can be supplied by the domestic industry in commercial quantities in a timely manner. Comments must be submitted by (INSERT DATE 30 DAYS FROM DATE OF PUBLICATION) to the Chairman, Committee for the Implementation of Textile Agreements, Room 3001, United States Department of Commerce, Washington, DC 20230.

FOR FURTHER INFORMATION CONTACT:

Maria Dybczak, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482-3651.

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. See Section 202(q) of the NAFTA Implementation Act. 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. NAFTA Implementation Act, SAA, H. Doc. 103-159, Vol. 1, at 491 (1993). 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. SAA at 491. 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. See section 202(q) of the NAFTA Implementation Act.

CITA is soliciting public comments regarding this request, particularly with respect to whether the certain yarn-dyed poplin fabric, as specified below, can be supplied by the domestic industry in commercial quantities in a timely manner. Comments must be received no later than (INSERT DATE 30 DAYS FROM DATE OF PUBLICATION). 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 the specified yarn-dyed poplin fabric 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 stating that it produces the fabric 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 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 3001 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.

Specifications: Certain Poplin Fabric

<GPOTABLE COLS="1" OPTS="L0,i1,tp9,p1,7/8" CDEF="xl140">
HTSUS: 5513.31

Fabric Type: Yarn-Dyed Plaid Poplin

Fiber Content: 64-67% polyester, 33 to 36% cotton

Yarn Size:

<ENT I="02">Warp: Ring spun 49/1 to 53/1 metric; 64 to 67% polyester, 33 to 36% cotton

<ENT I="02">Filling: Ring spun 49/1 to 53/1 metric; 64 to 67% polyester, 33 to 36% cotton

Thread Count: 34.5 to 38 ends x 21 to 23 picks per centimeter

Weave Type: Plain

Fabric Weight: 127 to 140 grams per square meter

Fabric Width: 156 to 170 centimeters, cuttable

Coloration: Warp stripes, filling yarns dyed multiple colors

Finishing Process: Moisture management (see performance criteria), pre-cure permanent press, 10% mechanical stretch in filling direction

Performance Criteria: Moisture management test method is AATCC Test Method 79-2007, and the pass/fail standard is 10 seconds.

Janet E. Heinzen,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc.090000 Filed 00009; 8:45 am]BILLING CODE 3510DS

[FR Doc. 2009-19556 Filed 08/13/2009 at 8:45 am; Publication Date: 08/14/2009]