

meetings. Experts Panel action will be restricted to those issues specifically listed in this notice and to any issues arising after publication of this notice requiring emergency action under Section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the group's intent to take final action to address the emergency.

### Special Accommodations

The meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Ms. Carolyn Porter at (503) 820-2280 at least 5 days prior to the meeting date.

Dated: September 1, 2004.

**Alan D. Risenhoover,**

*Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.*

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**BILLING CODE 3510-22-S**

## COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

### Determination and Non-Designation under the Textile and Apparel Commercial Availability Provisions of the United States-Caribbean Basin Trade Partnership Act

August 31, 2004.

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

**ACTION:** Committee decision not to revoke its prior designation regarding certain coated fusible interlining fabrics.

**SUMMARY:** The Committee received a petition alleging that certain coated, fusible interlining fabrics, which had been determined by the Committee not to be available in commercial quantities in a timely manner, were in fact available from the domestic industry. The petition requested that the Committee revoke its previous designation making apparel from such fabric eligible for duty-free treatment under the commercial availability provision of the CBTPA. Subsequently, the Committee determined that the subject fabrics, detailed below, both classified under item 5903.90.2500 of the Harmonized Tariff Schedule of the United States (HTSUS), for use in apparel articles, can be supplied by the domestic industry in commercial quantities in a timely manner. However, the Committee has determined that revoking the designation of these fabrics under the commercial availability provision of the CBTPA would have an

adverse impact on a significant component of the U.S. textile industry. Therefore, the Committee has decided not to revoke the previous designation regarding these fabrics, and apparel from such fabric will continue to be eligible for duty-free treatment under the commercial availability provision of the CBTPA.

### FOR FURTHER INFORMATION CONTACT:

Richard P. Stetson, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482-3400.

### SUPPLEMENTARY INFORMATION:

**Authority:** Section 211 of the Caribbean Basin Trade Partnership Act (CBTPA), amending Section 213(b)(2)(A)(v)(II) of the Caribbean Basin Economic Recovery Act (CBERA); Presidential Proclamation 7351 of October 2, 2000; Executive Order No. 13191 of January 17, 2001.

### Background

The commercial availability provision of the CBTPA provides for duty-free and quota-free treatment for apparel articles that are both cut (or knit-to-shape) and sewn or otherwise assembled in one or more beneficiary CBTPA country from fabric or yarn that is not formed in the United States or a beneficiary CBTPA country if it has been determined that such yarns or fabrics cannot be supplied by the domestic industry in commercial quantities in a timely manner and certain procedural requirements have been met. In Presidential Proclamation 7351, the President proclaimed that this treatment would apply to apparel articles from fabrics or yarn designated by the appropriate U.S. government authority in the **Federal Register**.

In Executive Order 13191, the President authorized the Committee to determine whether yarns or fabrics cannot be supplied by the domestic industry in commercial quantities in a timely manner.

On April 22, 2003, following a determination that certain coated, fusible interlinings, detailed in the Annex to this notice, could not be supplied by the domestic industry in commercial quantities in a timely manner under the CBTPA, the Committee designated apparel from these fabrics as eligible for duty-free treatment under the CBTPA (68 FR 19788).

On April 16, 2004, the Chairman of the Committee 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 the Committee revoke its previous designation regarding these fabrics. On April 21, 2004, the Committee requested

public comments on the petition (67 FR 244). On May 9, 2004, the Committee and the U.S. Trade Representative (USTR) sought the advice of the Industry Trade Advisory Committee for Textiles and Clothing and the Industry Trade Advisory Committee for Distribution Services regarding the proposed action.

On May 24, 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 (Congressional Committees) regarding the proposed action. On May 28, 2004, the U.S. International Trade Commission provided advice regarding the proposed action. Based on the information and advice received and its understanding of the industry, the Committee determined that the fabrics set forth in the petition can be supplied by the domestic industry in commercial quantities in a timely manner.

On June 16, 2004, as required by the CBTPA, the Committee and USTR submitted a report to the Congressional Committees that set forth the action proposed, the reasons for such action, and the advice obtained. A period of 60 calendar days since this report was submitted has expired and during this period the House Ways and Means Committee provided additional advice. On August 4, the Committee received a letter from Chairman William M. Thomas and Ranking Democrat Charles B. Rangel of the Committee on Ways and Means expressing strong concern about revocation, noting the adverse affects such a decision could have on U.S. textile manufacturers and on the economy of the Dominican Republic. The letter also drew the Committee's attention to the Committee on Ways and Means' reports on the United States - Australia Free Trade Agreement Implementation Act and the United States Morocco Free Trade Agreement Implementation Act; in both reports, the Committee on Ways and Means expressed its view that "once an item is designated as being in short supply under trade preference programs, the item is permanently designated as such unless otherwise provided for by the statute implementing the trade preference program."

Based on the advice from a broad spectrum of the domestic industry and the House Ways and Means Committee, the Committee has decided not to revoke its April 22, 2003 designation. Such a revocation would, as a result of the reliance on the Committee's prior designation, have an adverse impact on a significant component of the U.S. textile industry. The Committee will not

revoke its previous designation regarding these fabrics.

Apparel articles from these fabrics remain eligible for quota-free and duty-free treatment under the textile and apparel commercial availability provisions of the CBTPA.

**D. Michael Hutchinson,**

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

#### **Annex**

1. A knitted outer-fusible material with a fold line that is knitted into the fabric. The fabric is a 45mm wide base substrate, knitted in narrow width, synthetic fiber based (made of 49% polyester / 43% elastomeric filament / 8% nylon with a weight of 4.4 oz., a 110/110 stretch, and a dull yarn), stretch elastomeric material with an adhesive (thermoplastic resin) coating. The 45mm width is divided as follows: 34mm solid, followed by a 3mm seam allowing it to fold over, followed by 8mm of solid.

2. A knitted inner-fusible material with an adhesive (thermoplastic resin) coating that is applied after going through a finishing process to remove all shrinkage from the product. The fabric is a 40mm synthetic fiber based stretch elastomeric fusible consisting of 80% nylon type 6/20% elastomeric filament with a weight of 4.4 oz., a 110/110 stretch, and a dull yarn.

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#### **DEPARTMENT OF DEFENSE**

##### **Office of the Secretary of Defense; Proposed Collection; Comment Request**

**AGENCY:** Department of Defense, Office of the Under Secretary of Defense (Acquisition, Technology, and Logistics) / Office of the Deputy Under Secretary of Defense (Industrial Policy).

**ACTION:** Notice.

In compliance with section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Office of the Deputy Under Secretary of Defense (Industrial Policy) announces the proposed extension of a currently approved collection and seeks public comment on the provisions thereof. Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed information collection; (c)

ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

**DATES:** Consideration will be given to all comments received by November 8, 2004.

**ADDRESSES:** Interested parties should submit written comments and recommendations on the proposed information collection to: Office of the Deputy Under Secretary of Defense (Industrial Policy), Attn: Mr. Chris Gregor 3330 Defense Pentagon, Room 3E1060, Washington, DC 20301-3330; e-mail comments submitted via the Internet should be addressed to: *Christopher.Gregor@osd.mil*.

**FOR FURTHER INFORMATION CONTACT:** To request further information on this proposed information collection, or to obtain a copy of the proposal and associated collection instrument, please write to the above address or call Mr. Chris Gregor at (703) 607-4048.

*Title, Associated Form, and OMB Number:* Department of Defense Application for Priority rating for Production or Construction Equipment, DD Form 691, OMB Number 0704-0055.

*Needs and Uses:* Executive Order 12919 delegates to DoD authority to require certain contracts and orders relating to approved Defense Programs to be accepted and performed on a preferential basis. This program helps contractors acquire industrial equipment in a timely manner, thereby facilitating development and support of weapons systems and other important Defense Programs.

*Affected Public:* Business or Other for-Profit; Non-Profit Institutions; Federal Government.

*Annual Burden Hours:* 610.

*Number of Annual Respondents:* 610.

*Annual Responses to Respondent:* 1.

*Average Burden Per Response:* 1 Hour.

*Frequency:* On occasion.

#### **SUPPLEMENTARY INFORMATION:**

##### **Summary of Information Collection**

This information is used so the authority to use a priority rating in ordering a needed item can be granted. This is done to assure timely availability of production or construction equipment to meet current Defense requirements in peacetime and in case of national emergency. Without this information DoD would not be able to assess a contractor's stated requirement to obtain equipment needed for fulfillment of contractual obligations.

Submission of this information is voluntary.

Dated: September 1, 2004.

**L.M. Bynum,**

*Alternate OSD Federal Register Liaison Officer, Department of Defense.*

[FR Doc. 04-20275 Filed 9-3-04; 8:45 am]

**BILLING CODE 5001-06-M**

#### **DEPARTMENT OF DEFENSE**

##### **Office of the Secretary; Medal of Honor Flag Design Competition**

**AGENCY:** Office of the Under Secretary of Defense for Personnel and Readiness, DoD.

**ACTION:** Notice.

**SUMMARY:** In accordance with Pub. L. 107-248, Section 8143, this notice is published to collect designs from the public for a Medal of Honor Flag. The Medal of Honor is the Nation's highest military award for valor in action against an enemy force, which can be bestowed upon an individual serving in the Armed Forces of the United States. The President shall provide for presentation of the flag to each person to whom a MOH is awarded after the date of this enactment. The Medal of Honor Flag Design Committee is being established in consonance with the public interest. The committee will review and evaluate all designs submitted in response to the provision set by this law.

**DATES:** Consideration will be given to all designs submitted on or before October 22, 2004.

**ADDRESSES:** Designs shall be submitted to: Office of the Under Secretary of Defense (Personnel & Readiness), Attention: ODUSD (MPP) (OEPM), 4000 Defense Pentagon, Washington, DC 20301-4000.

**FOR FURTHER INFORMATION CONTACT:** LTC Tim Donohue, (703) 614-2798.

**SUPPLEMENTARY INFORMATION:** A panel of eight members made up of representatives from each Service (Army, Navy, Marine Corps, Air Force and Coast Guard), one Office of Secretary Defense staff, one historian, and one representative from the Medal of Honor Society, will review and evaluate all designs submitted in response to the provision set by this law. The panel will make a final recommendation on the Medal of Honor Flag to the Principal Deputy to the Under Secretary of Defense for Personnel and Readiness, once the evaluation process has been completed.