

Iron mechanical transfer drive components subject to this investigation are those not less than 4.00 inches (101 mm) in the maximum nominal outer diameter.

Unfinished iron mechanical transfer drive components (*i.e.*, blanks or castings) possess the approximate shape of the finished iron mechanical transfer drive component and have not yet been machined to final specification after the initial casting, forging or like operations. These machining processes may include cutting, punching, notching, boring, threading, mitering, or chamfering.

Subject merchandise includes iron mechanical transfer drive components as defined above that have been finished or machined in a third country, including but not limited to finishing/machining processes such as cutting, punching, notching, boring, threading, mitering, or chamfering, or any other processing that would not otherwise remove the merchandise from the scope of the investigation if performed in the country of manufacture of the iron mechanical transfer drive components.

Subject iron mechanical transfer drive components are covered by the scope of the investigation regardless of width, design, or iron type (*e.g.*, gray, white, or ductile iron). Subject iron mechanical transfer drive components are covered by the scope of the investigation regardless of whether they have non-iron attachments or parts and regardless of whether they are entered with other mechanical transfer drive components or as part of a mechanical transfer drive assembly (which typically includes one or more of the iron mechanical transfer drive components identified above, and which may also include other parts such as a belt, coupling and/or shaft). When entered as a mechanical transfer drive assembly, only the iron components that meet the physical description of covered merchandise are covered merchandise, not the other components in the mechanical transfer drive assembly (*e.g.*, belt, coupling, shaft).

For purposes of this investigation, a covered product is of "iron" where the article has a carbon content of 1.7 percent by weight or above, regardless of the presence and amount of additional alloying elements.

The merchandise covered by this investigation is currently classifiable under Harmonized Tariff Schedule of the United States ("HTSUS") subheadings 8483.30.8090, 8483.50.6000, 8483.50.9040, 8483.50.9080, 8483.90.3000, 8483.90.8080. Covered merchandise may also enter under the following HTSUS subheadings: 7325.10.0080, 7325.99.1000, 7326.19.0010, 7326.19.0080, 8431.31.0040, 8431.31.0060, 8431.39.0010, 8431.39.0050, 8431.39.0070, 8431.39.0080, and 8483.50.4000. These HTSUS subheadings are provided for convenience and customs purposes. The written description of the scope of the investigation is dispositive.

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## DEPARTMENT OF COMMERCE

### International Trade Administration

#### North American Free Trade Agreement, Article 1904; NAFTA Panel Reviews; First Request for Panel Review

**AGENCY:** NAFTA Secretariat, United States Section, International Trade Administration, Department of Commerce.

**ACTION:** Notice of first request for panel review.

**SUMMARY:** On November 18, 2015, Irving Paper Limited filed a First Request for Panel Review with the United States Section of the NAFTA Secretariat pursuant to Article 1904 of the North American Free Trade Agreement. Also, on November 18, 2015, additional Requests for Panel Review were filed on behalf of Resolute FP Canada Inc., Port Hawkesbury Paper LP, the Government of Canada and the Governments of the Provinces of British Columbia, Ontario, New Brunswick, Nova Scotia and Québec. Panel Review was requested of the U.S. Department of Commerce's final affirmative countervailing duty determination regarding Supercalendered Paper from Canada. This determination was published in the **Federal Register** (80 FR 63535), on October 20, 2015. The NAFTA Secretariat has assigned Case Number USA-CDA-2015-1904-01 to this request.

**FOR FURTHER INFORMATION CONTACT:** Paul Morris, United States Secretary, NAFTA Secretariat, Suite 2061, 14th and Constitution Avenue NW., Washington, DC 20230, (202)-482-5438.

**SUPPLEMENTARY INFORMATION:** Chapter 19 of the North American Free Trade Agreement ("Agreement") established a mechanism to replace domestic judicial review of final determinations in antidumping and countervailing duty cases involving imports from a NAFTA country with review by independent binational panels. When a Request for Panel Review is filed, a panel is established to act in place of national courts to review expeditiously the final determination to determine whether it conforms to the antidumping or countervailing duty law of the country that made the determination.

Under Article 1904 of the Agreement, which came into force on January 1, 1994, the Government of the United States, the Government of Canada, and the Government of Mexico established *Rules of Procedure for Article 1904 Binational Panel Reviews* ("Rules"). These Rules were published in the **Federal Register** on February 23, 1994

(59 FR 8685) and subsequently amended on April 10, 2008 (73 FR 19458).

A first Request for Panel Review was filed with the United States Section of the NAFTA Secretariat, pursuant to Article 1904 of the Agreement, on November 18, 2015, requesting a panel review of the determination and order described above.

The Rules provide that:

(a) A Party or interested person may challenge the final determination in whole or in part by filing a Complaint in accordance with Rule 39 within 30 days after the filing of the first Request for Panel Review (the deadline for filing a Complaint is December 18, 2015);

(b) a Party, investigating authority or interested person that does not file a Complaint but that intends to appear in support of any reviewable portion of the final determination may participate in the panel review by filing a Notice of Appearance in accordance with Rule 40 within 45 days after the filing of the first Request for Panel Review (the deadline for filing a Notice of Appearance is January 4, 2016); and

(c) the panel review shall be limited to the allegations of error of fact or law, including the jurisdiction of the investigating authority, that are set out in the Complaints filed in panel review and the procedural and substantive defenses raised in the panel review.

Dated: November 19, 2015.

**Paul Morris,**

*United States Secretary, NAFTA Secretariat.*

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-549-822]

#### Notice of Initiation and Preliminary Results of Antidumping Duty Changed Circumstances Review: Certain Frozen Warmwater Shrimp From Thailand

**AGENCY:** Enforcement and Compliance, International Trade Administration, Department of Commerce.

**SUMMARY:** In response to a request by Thai Union Group Public Co., Ltd. (Thai Union Group), a producer/exporter of certain frozen warmwater shrimp (shrimp) from Thailand, and pursuant to section 751(b) of the Tariff Act of 1930, as amended (the Act), 19 CFR 351.216, and 19 CFR 351.221(c)(3)(ii), the Department of Commerce (the Department) is initiating a changed circumstances review (CCR) of the antidumping duty (AD) order on shrimp from Thailand with regard to Thai

Union Group. Based on the information received, we preliminarily determine that Thai Union Group is the successor-in-interest to Thai Union Frozen Products Public Co., Ltd. (Thai Union Frozen) for purposes of determining AD liability. Interested parties are invited to comment on these preliminary results.

**DATES:** *Effective Date:* November 25, 2015.

**FOR FURTHER INFORMATION CONTACT:** Dennis McClure or Elizabeth Eastwood, AD/CVD Operations, Office II, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482-5973 or (202) 482-3874, respectively.

**SUPPLEMENTARY INFORMATION:**

**Background**

On February 1, 2005, the Department published in the **Federal Register** an AD order on certain frozen warmwater shrimp from Thailand.<sup>1</sup> On September 17, 2015, Thai Union Group, a producer/exporter of Thai shrimp covered by this order, changed its name from Thai Union Frozen to Thai Union Group. On October 5, 2015, Thai Union Group requested that the Department conduct an expedited changed circumstances review under section 751(b) of the Act, 19 CFR 351.216(c), and 19 CFR 351.221(c)(3)(ii).<sup>2</sup> In this request, Thai Union Group asked the Department to determine that it is the successor-in-interest to Thai Union Frozen and, accordingly, to assign it the cash deposit rate of the Thai Union group of companies, of which Thai Union Frozen is a part.<sup>3,4</sup> On October 8, 2015, we issued a supplemental questionnaire to Thai Union Group, to which the company responded on October 21, 2015.<sup>5</sup>

<sup>1</sup> See *Notice of Amended Final Determination of Sales at Less Than Fair Value and Antidumping Duty Order: Certain Frozen Warmwater Shrimp from Thailand*, 70 FR 5145 (February 1, 2005).

<sup>2</sup> See Letter from Thai Union Group, Re: "Frozen Warmwater Shrimp from Thailand: Request for Expedited Changed Circumstances Review," dated October 5, 2015 (Thai Union CCR Request).

<sup>3</sup> *Id.*

<sup>4</sup> This group consists of Thai Union Frozen, Thai Union Seafood Co., Ltd., Pakfood Public Company Limited, Okeanos Co. Ltd., Okeanos Food Co., Ltd., Asia Pacific (Thailand) Co., Ltd., Chaophraya Cold Storage Co. Ltd., and Takzin Samut Co. Ltd. (collectively, "Thai Union").

<sup>5</sup> See Letter from Thai Union Group, Re: "Frozen Warmwater Shrimp from Thailand: Changed Circumstances Review Supplemental Questionnaire Response," dated October 21, 2015 (CCR Supplemental Questionnaire Response).

**Scope of the Order**

The scope of this order includes certain frozen warmwater shrimp and prawns, whether wild-caught (ocean harvested) or farm-raised (produced by aquaculture), head-on or head-off, shell-on or peeled, tail-on or tail-off,<sup>6</sup> deveined or not deveined, cooked or raw, or otherwise processed in frozen form.

The frozen warmwater shrimp and prawn products included in the scope of this order, regardless of definitions in the Harmonized Tariff Schedule of the United States (HTSUS), are products which are processed from warmwater shrimp and prawns through freezing and which are sold in any count size.

The products described above may be processed from any species of warmwater shrimp and prawns. Warmwater shrimp and prawns are generally classified in, but are not limited to, the Penaeidae family. Some examples of the farmed and wild-caught warmwater species include, but are not limited to, whiteleg shrimp (*Penaeus vannamei*), banana prawn (*Penaeus merguensis*), fleshy prawn (*Penaeus chinensis*), giant river prawn (*Macrobrachium rosenbergii*), giant tiger prawn (*Penaeus monodon*), redspotted shrimp (*Penaeus brasiliensis*), southern brown shrimp (*Penaeus subtilis*), southern pink shrimp (*Penaeus notialis*), southern rough shrimp (*Trachypenaeus curvirostris*), southern white shrimp (*Penaeus schmitti*), blue shrimp (*Penaeus stylirostris*), western white shrimp (*Penaeus occidentalis*), and Indian white prawn (*Penaeus indicus*).

Frozen shrimp and prawns that are packed with marinade, spices or sauce are included in the scope of this order. In addition, food preparations, which are not "prepared meals," that contain more than 20 percent by weight of shrimp or prawn are also included in the scope of this order.

Excluded from the scope are: (1) Breaded shrimp and prawns (HTSUS subheading 1605.20.10.20); (2) shrimp and prawns generally classified in the Pandalidae family and commonly referred to as coldwater shrimp, in any state of processing; (3) fresh shrimp and prawns whether shell-on or peeled (HTSUS subheadings 0306.23.00.20 and 0306.23.00.40); (4) shrimp and prawns in prepared meals (HTSUS subheading 1605.20.05.10); (5) dried shrimp and prawns; (6) canned warmwater shrimp and prawns (HTSUS subheading 1605.20.10.40); (7) certain battered shrimp. Battered shrimp is a shrimp-

<sup>6</sup> "Tails" in this context means the tail fan, which includes the telson and the uropods.

based product: (1) That is produced from fresh (or thawed-from-frozen) and peeled shrimp; (2) to which a "dusting" layer of rice or wheat flour of at least 95 percent purity has been applied; (3) with the entire surface of the shrimp flesh thoroughly and evenly coated with the flour; (4) with the non-shrimp content of the end product constituting between four and ten percent of the product's total weight after being dusted, but prior to being frozen; and (5) that is subjected to IQF freezing immediately after application of the dusting layer. When dusted in accordance with the definition of dusting above, the battered shrimp product is also coated with a wet viscous layer containing egg and/or milk, and par-fried.

The products covered by this order are currently classified under the following HTSUS subheadings: 0306.17.00.03, 0306.17.00.06, 0306.17.00.09, 0306.17.00.12, 0306.17.00.15, 0306.17.00.18, 0306.17.00.21, 0306.17.00.24, 0306.17.00.27, 0306.17.00.40, 1605.21.10.30, and 1605.29.10.10. These HTSUS subheadings are provided for convenience and for customs purposes only and are not dispositive, but rather the written description of the scope of this order is dispositive.<sup>7</sup>

**Initiation and Preliminary Results of Changed Circumstances Review**

Pursuant to section 751(b)(1)(A) of the Act and 19 CFR 351.216(d), the Department will conduct a CCR upon receipt of a request from an interested party for a review of an AD order which shows changed circumstances sufficient to warrant a review of the order. The information submitted by Thai Union Group supporting its claim that it is the successor-in-interest to Thai Union Frozen demonstrates changed circumstances sufficient to warrant such a review.<sup>8</sup>

In accordance with the above-referenced regulation, the Department is

<sup>7</sup> On April 26, 2011, the Department amended the antidumping duty order to include dusted shrimp, pursuant to the U.S. Court of International Trade (CIT) decision in *Ad Hoc Shrimp Trade Action Committee v. United States*, 703 F. Supp. 2d 1330 (CIT 2010) and the U.S. International Trade Commission determination, which found the domestic like product to include dusted shrimp. See *Certain Frozen Warmwater Shrimp from Brazil, India, the People's Republic of China, Thailand, and the Socialist Republic of Vietnam: Amended Antidumping Duty Orders in Accordance with Final Court Decision*, 76 FR 23277 (April 26, 2011); see also *Ad Hoc Shrimp Trade Action Committee v. United States*, 703 F. Supp. 2d 1330 (CIT 2010) and *Frozen Warmwater Shrimp from Brazil, China, India, Thailand, and Vietnam* (Investigation Nos. 731-TA-1063, 1064, 1066-1068 (Review), USITC Publication 4221, March 2011).

<sup>8</sup> See 19 CFR 351.216(d).

initiating a CCR to determine whether Thai Union Group is the successor-in-interest to Thai Union Frozen. When it concludes that expedited action is warranted, the Department may publish the notice of initiation and preliminary results for a CCR concurrently.<sup>9</sup> We determined that expediting this CCR is warranted because we have the information necessary to make a preliminary finding already on the record, in accordance with our practice.<sup>10</sup>

In determining whether one company is the successor-in-interest to another, the Department examines a number of factors including, but not limited to, changes in management, production facilities, supplier relationships, and customer base.<sup>11</sup> While no single factor or combination of these factors will necessarily provide a dispositive indication of a successor-in-interest relationship, the Department will generally consider the new company to be the successor to the previous company if the new company's resulting operation is not materially dissimilar to that of its predecessor.<sup>12</sup> Thus, if the evidence demonstrates that, with respect to the production and sale of the subject merchandise, the new company operates as the same business entity as the prior company, the Department will assign the new company the cash deposit rate of its predecessor.<sup>13</sup>

In its October 5 and October 21, 2015, submissions, Thai Union Group provided information to demonstrate

that it is the successor-in-interest to Thai Union Frozen. Thai Union Group states that the company's management, production facilities and customer/supplier relationships have not changed as a result of the corporate name change. To support its claims, Thai Union Group submitted the following documents: (1) Resolutions passed at a board of directors' meeting for the company as well as shareholder meeting minutes, demonstrating approval of the name change;<sup>14</sup> (2) a letter announcing the company's name change to its customers and suppliers;<sup>15</sup> (3) two affidavits, both dated September 2015, from the Thai Ministry of Commerce's Department of Business Development, certifying that the directors and other business information appearing in the Thai company register for Thai Union Group and Thai Union Frozen are identical;<sup>16</sup> (4) a list showing the management of Thai Union Frozen before, and Thai Union Group after, the name change;<sup>17</sup> (5) a list showing the Board of Directors of Thai Union Frozen before, and Thai Union Group after, the name change;<sup>18</sup> (6) Thai Union Frozen's 2014 audited financial statements;<sup>19</sup> (7) a list of the suppliers of Thai Union Frozen before, and Thai Union Group after, the name change;<sup>20</sup> and (8) a list of the customers of Thai Union Frozen before, and Thai Union Group after, the name change.<sup>21</sup>

Based on the evidence on the record, we preliminarily find that Thai Union Group is the successor-in-interest to Thai Union Frozen. We find that Thai Union Group operates as the same business entity as Thai Union Frozen and that its Board of Directors, management, production facilities, supplier relationships, and customers have not changed as a result of its name change. Thus, we preliminarily find that Thai Union Group should receive the same antidumping duty cash-deposit rate with respect to the subject merchandise as Thai Union Frozen, its predecessor company.<sup>22</sup>

Should our final results remain the same as these preliminary results, we will instruct U.S. Customs and Border Protection to suspend entries of subject merchandise produced or exported by Thai Union Group at Thai Union Frozen's cash deposit rate, effective on the publication date of our final results.

#### Public Comment

Interested parties may submit case briefs and/or written comments not later than 14 days after the publication of this notice.<sup>23</sup> Rebuttal briefs, which must be limited to issues raised in case briefs, may be filed not later than five days after the deadline for filing case briefs.<sup>24</sup> Parties who submit case briefs or rebuttal briefs in this changed circumstance review are requested to submit with each argument: (1) A statement of the issue; (2) a brief summary of the argument; and (3) a table of authorities. Interested parties who wish to comment on the preliminary results must file briefs electronically using Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at <http://access.trade.gov>. An electronically-filed document must be received successfully in its entirety by the Department's electronic records system, ACCESS, by 5 p.m. Eastern Time on the date the document is due.

Interested parties that wish to request a hearing, or to participate if one is requested, must submit a written request to the Assistant Secretary for Enforcement and Compliance, filed electronically via ACCESS, within 14 days of publication of this notice.<sup>25</sup> Parties will be notified of the time and date of any hearing, if requested.<sup>26</sup>

Consistent with 19 CFR 351.216(e), we intend to issue the final results of this changed circumstance review no later than 270 days after the date on which this review was initiated, or

(August 28, 2014) (corrected by *Certain Frozen Warmwater Shrimp From Thailand: Notice of Correction to the Final Results of the 2012–2013 Antidumping Duty Administrative Review*, 79 FR 62099 (October 16, 2014)). We note that Thai Union Frozen is also a respondent in the current 2014–2015 administrative review of this antidumping duty order. See *Certain Frozen Warmwater Shrimp From India and Thailand: Notice of Initiation of Antidumping Duty Administrative Reviews*, 80 FR 16634 (March 30, 2015). At the conclusion of this CCR, if we determine that Thai Union Group is the successor-in-interest to Thai Union Frozen, we will assign Thai Union Group an updated cash deposit rate based on the final results of that review.

<sup>23</sup> See 19 CFR 351.309(c)(ii).

<sup>24</sup> See 19 CFR 351.309(d).

<sup>25</sup> See 19 CFR 351.310(c); see also 19 CFR 351.303 for general filing requirements.

<sup>26</sup> See 19 CFR 351.310.

<sup>9</sup> See 19 CFR 351.221(c)(3)(ii); see also *Certain Pasta From Italy: Initiation and Preliminary Results of Antidumping Duty Changed Circumstances Review*, 80 FR 33480, 33480–41 (June 12, 2015) (*Pasta From Italy Preliminary Results*) (unchanged in *Certain Pasta From Italy: Final Results of Changed Circumstances Review*, 80 FR 48807) (August 14, 2015) (*Pasta From Italy Final Results*).

<sup>10</sup> See, e.g., *Pasta From Italy Preliminary Results*, 80 FR at 33480–41 (unchanged in *Pasta From Italy Final Results*, 80 FR at 48807).

<sup>11</sup> See, e.g., *Notice of Initiation and Preliminary Results of Antidumping Duty Changed Circumstances Review: Certain Frozen Warmwater Shrimp From Thailand*, 75 FR 61702, 61703 (October 6, 2010) (*Shrimp From Thailand Preliminary Results*) (unchanged in *Notice of Final Results of Antidumping Duty Changed Circumstances Review: Certain Frozen Warmwater Shrimp From Thailand*, 75 FR 74684 (December 1, 2010) (*Shrimp From Thailand Final Results*)); and *Industrial Phosphoric Acid From Israel: Final Results of Antidumping Duty Changed Circumstances Review*, 59 FR 6944, 6946 (February 14, 1994).

<sup>12</sup> See *Shrimp From Thailand Preliminary Results*, 75 FR at 61703 (unchanged in *Shrimp From Thailand Final Results*, 75 FR at 74684).

<sup>13</sup> *Id.*; see also *Notice of Final Results of Changed Circumstances Antidumping Duty Administrative Review: Polychloroprene Rubber From Japan*, 67 FR 58, 59 (January 2, 2002); and *Ball Bearings and Parts Thereof from France: Final Results of Changed-Circumstances Review*, 75 FR 34688, 34689 (June 18, 2010).

<sup>14</sup> See Thai Union CCR Request, at Exhibit 1.

<sup>15</sup> *Id.*, at Exhibit 2.

<sup>16</sup> *Id.*, at Exhibit 5; and CCR Supplemental Questionnaire Response, at Exhibit 2.

<sup>17</sup> See Thai Union CCR Request, at Exhibit 3.

<sup>18</sup> *Id.*, at Exhibits 4 and 5.

<sup>19</sup> See CCR Supplemental Questionnaire Response, at Exhibit 3.

<sup>20</sup> See Thai Union CCR Request, at Exhibit 7.

<sup>21</sup> *Id.*

<sup>22</sup> Thai Union Frozen received a 1.10 percent dumping margin as part of Thai Union in the 2012–2013 administrative review of the AD order on shrimp from Thailand. See *Certain Frozen Warmwater Shrimp From Thailand: Final Results of Antidumping Duty Administrative Review, Final Determination of No Shipments, and Partial Rescission of Review; 2012–2013*, 79 FR 51306

within 45 days of publication of these preliminary results if all parties agree to our preliminary finding.

We are issuing and publishing this finding and notice in accordance with sections 751(b)(1) and 777(i)(1) of the Act and 19 CFR 351.216 and 351.221(c)(3)(ii).

Dated: November 17, 2015.

**Paul Piquado,**

*Assistant Secretary for Enforcement and Compliance.*

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## DEPARTMENT OF COMMERCE

### International Trade Administration

#### **Proposed Information Collection; Comment Request; Interim Procedures for Considering Requests and Comments from the Public Under the Commercial Availability Provision of the United States—Korea Free Trade Agreement**

**AGENCY:** International Trade Administration

**ACTION:** Notice.

**SUMMARY:** The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995.

**DATES:** Written comments must be submitted on or before January 25, 2016.

**ADDRESSES:** Direct all written comments to Jennifer Jessup, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6616, 14th and Constitution Avenue NW., Washington, DC 20230 (or via the Internet at [Jjessup@doc.gov](mailto:Jjessup@doc.gov)).

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information or copies of the information collection instrument and instructions should be directed to Maria D'Andrea, Office of Textiles and Apparel, U.S. Department of Commerce, Tel. (202) 482-1550, [Maria.D'Andrea@trade.gov](mailto:Maria.D'Andrea@trade.gov).

#### **SUPPLEMENTARY INFORMATION:**

##### **I. Abstract**

The United States and Korea negotiated the U.S.-Korea Free Trade Agreement (the "Agreement") which was implemented into U.S. law pursuant to the United States-Korea Free Trade Agreement Implementation Act ("the Act"). Under the provisions of

the Act, textile and apparel goods must contain fibers, yarns, and fabrics produced in Korea or the United States to receive duty-free tariff treatment. The Agreement also provides for the establishment of a list of specific fibers, yarns, and fabrics that are not available in commercial quantities in a timely manner from producers in the United States. Articles containing these commercially unavailable fibers, yarns, and fabrics are also entitled to duty-free or preferential duty treatment despite not being produced in the United States.

The list of commercially unavailable fabrics, yarns, and fibers may be changed pursuant to the commercial availability provision of the Agreement and the Act. Under Section 202(o) of the Act ("the commercial availability provision"), interested entities from Korea or the United States have the right to request that a specific fiber, yarn, or fabric be added to, or removed from, the list of commercially unavailable fibers, yarns, and fabrics. This right becomes effective when the Agreement enters into force.

Section 202(o)(3)(F) of the Act requires that the President establish procedures for parties to follow when exercising the right to make these requests. The President delegated the responsibility for publishing the procedures and administering commercial availability requests to the Committee for the Implementation of Textile Agreements (CITA), which issues procedures and acts on requests through the Office of Textiles and Apparel ("OTEXA").

The intent of these procedures is to foster the trade in U.S. and Korean textile and apparel articles by allowing non-originating fibers, yarns, and fabrics to be placed on or removed from a list of items not available in commercial quantities, on a timely basis, and in a manner that is consistent with normal business practice. To this end, these procedures are intended to facilitate the transmission, on a timely basis, of requests for commercial availability determinations and offers to supply the products that are the subject of the requests; have the market indicate the availability of the supply of the subject products; make available promptly, to interested entities and parties, information received regarding the requests for products and offers to supply; ensure wide participation by interested entities and parties; provide careful scrutiny of information provided to substantiate order requests and responses of offers to supply; and provide timely public dissemination of information used by CITA in making commercial availability determinations.

For a fiber, yarn or fabric to be added to Appendix 4-B-1, an interested entity must submit to CITA a Request for a Commercial Availability Determination ("Request") which states that the subject product is not commercially available in the United States within a commercially reasonable timeframe (*i.e.*, timely). In support of its claim, the requestor must provide information to CITA regarding its attempts to source the subject product in the United States, and why it determined that the product is not available in a timely manner. Potential suppliers from the United States may submit a Response with an Offer to Supply ("Response"), asserting their capability and capacity to supply the subject product. These Responses must include information supporting the capability and capacity assertion. If the requestor disputes a responder's assertions, the requestor may submit a Rebuttal comment offering its contention, along with supporting information and documentation.

The information collected by CITA from Requests, Responses and Rebuttals will be used to determine whether the subject product is available in commercial quantities in a timely manner in the United States under the commercial availability provision of the Act. Requests, Responses, and Rebuttals must identify confidential information. Entities submitting confidential information in their Requests, Responses, or Rebuttals to CITA must submit both a public and a confidential version of their submissions. If the submissions are accepted, the public submissions or public versions of submissions will be posted on the dedicated commercial availability section of the Office of Textiles and Apparel (OTEXA)'s Web site. Business confidential information will not be shared with the public. Requestors and potential suppliers of the product named in the Request may use the public version as a basis for Responses and Rebuttals.

Each submission containing factual information for CITA's consideration must be accompanied by the appropriate certification regarding the accuracy of the factual information. With each electronic and original signed submission that contains factual information, an interested entity must file a certification of due diligence, attesting to the accuracy and authenticity of the submission. If the interested entity has legal counsel or other representative, the legal counsel or other representative must also file a certification of due diligence with each electronic and original signed submissions that contains factual