



UNITED STATES DEPARTMENT OF COMMERCE
Chief Information Officer

Washington, D.C. 20230

July 17, 2009

Mr. Alex Hunt
Chief, Information Policy Branch
Office of Information and Regulatory Affairs
Office of Management and Budget
Washington, DC 20503

Dear Mr. Hunt:

The International Trade Administration (ITA), U.S. Department of Commerce, requests an emergency review of the information collection, Interim Procedures for Considering Requests under the Commercial Availability Provision of the United States - Peru Trade Promotion Agreement.

The United States and Peru negotiated the US-Peru Trade Promotion Agreement (the Agreement), effective on February 1, 2009. Under the textile provisions of the Agreement, fabric, yarn, and fiber produced in Peru or the United States and traded between the two countries are entitled to duty-free tariff treatment. The Agreement also lists specific fabrics, yarns, and fibers that the two countries agreed are not available in commercial quantities in a timely manner from producers in Peru or the United States. These commercially unavailable fabrics, yarns, and fibers are also entitled to duty-free treatment despite not being produced in Peru or the United States. The list of commercially unavailable fabrics, yarns, and fibers may be changed pursuant to the commercial availability provision of the Agreement. Under this provision, interested entities from Peru or the United States have the right to request that a specific fabric, yarn, or fiber be added to, or removed from, the list of commercially unavailable fabrics, yarns, and fibers.

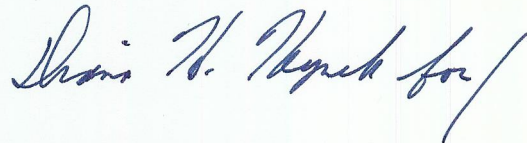
Chapter 3, Article 3.3, paragraph 7 of the Agreement requires that the President “promptly publish” procedures for parties to exercise the right to make requests related to commercially unavailable fabrics, yarns, and fibers. The President delegated the responsibility for publishing the procedures and administering commercial availability requests to the Committee for the Implementation of Textile Agreements (CITA), which issues procedures and acts on requests through ITA’s Office of Textiles and Apparel (OTEXA). Thus, these procedures should have been published by OTEXA promptly after February 1, 2009. The publication of the procedures was delayed as a result of the President’s January 20, 2009 memorandum, in which executive agencies were directed to refrain from publishing any interim or final rules or regulations until such time as the officials appointed by the President were in place and able to review all proposed rules and regulations, unless the agency obtained a waiver from the Office of Management and Budget (OMB). The appointed officials are still not in place within ITA to review proposed rules and regulations. However, ITA has received permission from Commerce officials to publish the procedures after fulfilling the necessary Paperwork Reduction Act requirements.

The procedures will facilitate the transmission of requests; allow the market to indicate the availability of the supply of products; make available information regarding the requests for products and offers received for those products; ensure wide participation by interested parties; allow for careful review and consideration of information provided to substantiate requests and responses; and provide timely public dissemination of information used by CITA in making commercial availability determinations.

To date, no interested party has exercised its right to request that a fabric, yarn, or fiber be added to, or removed from the list of commercially unavailable fabrics, yarns, and fibers. If an interested party submits a request, however, CITA will still be bound by the terms of the Agreement to make the necessary determination. ITA is requesting OMB approval by August 3, 2009, in order to honor its international obligations and address the litigation risk it may face by not publishing these procedures as soon as possible.

Your assistance in handling this matter is greatly appreciated.

Sincerely,

A handwritten signature in blue ink, appearing to read "Suzanne Hilding for". The signature is written in a cursive style with a long, sweeping tail.

Suzanne Hilding