

Dated: August 8, 2005.

**Caratina L. Alston,**

*United States Secretary, NAFTA Secretariat.*

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## COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

### Denial of Commercial Availability Request under United States- Caribbean Basin Trade Partnership Act (CBTPA)

August 9, 2005.

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

**ACTION:** Denial of the request alleging  
that certain 100 percent cotton, yarn  
dyed in the warp direction, seersucker  
fabrics cannot be supplied by the  
domestic industry in commercial  
quantities in a timely manner under the  
CBTPA.

**SUMMARY:** On June 7, 2005, the  
Chairman of CITA received a petition  
from Sandler, Travis & Rosenberg, P.A.,  
on behalf of their client B\*W\*A of New  
York City, alleging that certain 100  
percent cotton, yarn dyed in the warp  
direction, plain weave double warp  
beam seersucker fabrics, of detailed  
specifications, classified in subheadings  
5208.42.30, 5208.42.40, 5208.42.50, and  
5209.41.60 of the Harmonized Tariff  
Schedule of the United States (HTSUS),  
cannot be supplied by the domestic  
industry in commercial quantities in a  
timely manner. The petition requests  
that woven shirts, blouses, and  
sleepwear of such fabrics be eligible for  
preferential treatment under the CBTPA.  
CITA has determined that the subject  
fabrics can be supplied by the domestic  
industry in commercial quantities and  
in a timely manner and, therefore,  
denies the request.

**FOR FURTHER INFORMATION CONTACT:**  
Richard Stetson, International Trade  
Specialist, Office of Textiles and  
Apparel, U.S. Department of Commerce,  
(202) 482-3400.

#### SUPPLEMENTARY INFORMATION:

**Authority:** Section 211(a) of the CBTPA  
amending Section 213(b)(2)(A)(v)(II) of the  
Caribbean Basin Economic Recovery Act  
(CBERA); Section 6 of Executive Order No.  
13191 of January 17, 2001; Presidential  
Proclamation 7351 of October 2, 2000.

#### Background:

The CBTPA provides for quota- and  
duty-free treatment for qualifying textile  
and apparel products. Such treatment is  
generally limited to products

manufactured from yarns and fabrics  
formed in the United States or a  
beneficiary country. The CBTPA also  
provides for quota- and duty-free  
treatment for apparel articles that are  
both cut (or knit-to-shape) and sewn or  
otherwise assembled in one or more  
beneficiary countries from fabric or yarn  
that is not formed in the United States,  
if it has been determined that such  
fabric or yarn cannot be supplied by the  
domestic industry in commercial  
quantities in a timely manner. In  
Executive Order No. 13191 (66 FR  
7271), CITA has been delegated the  
authority to determine whether yarns or  
fabrics cannot be supplied by the  
domestic industry in commercial  
quantities in a timely manner under the  
CBTPA. On March 6, 2001, CITA  
published procedures that it will follow  
in considering requests (66 FR 13502).

On June 7, 2005, the Chairman of  
CITA received a petition from Sandler,  
Travis & Rosenberg, P.A., on behalf of  
their client B\*W\*A of New York City,  
alleging that certain 100 percent cotton,  
yarn dyed in the warp direction, plain  
weave double warp beam seersucker  
fabrics, of detailed specifications,  
classified in HTSUS subheadings  
5208.42.30, 5208.42.40, 5208.42.50, and  
5209.41.60, cannot be supplied by the  
domestic industry in commercial  
quantities in a timely manner. The  
petition requests that woven shirts,  
blouses, and sleepwear of such fabrics  
be eligible for preferential treatment  
under the CBTPA.

On June 13, 2005, CITA published a  
notice in the Federal Register requesting  
public comments on the petition  
particularly with respect to whether  
these fabrics can be supplied by the  
domestic industry in commercial  
quantities in a timely manner. See  
**Request for Public Comments on  
Commercial Availability Petition under  
the United States - Caribbean Basin  
Trade Partnership Act (CBTPA)**, 70 FR  
34091 (June 13, 2005). On June 29, 2005,  
CITA and USTR offered to hold  
consultations with the House Ways and  
Means Committee and the Senate  
Finance Committee, but no  
consultations were requested. We also  
requested advice from the U.S.  
International Trade Commission and the  
relevant Industry Trade Advisory  
Committees.

Based on the information and advice  
received by CITA, public comments,  
and the report from the International  
Trade Commission, CITA found that  
there is domestic production, capacity,  
and ability to supply the subject fabrics  
in commercial quantities in a timely  
manner.

On the basis of currently available  
information and our review of this  
request, CITA has determined that the  
domestic industry can supply the  
subject fabrics in commercial quantities  
in a timely manner. The request from  
B\*W\*A is denied.

**James C. Leonard III,**

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

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## COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

### Designation under the Textile and Apparel Commercial Availability Provisions of the United States- Caribbean Basin Trade Partnership Act (CBTPA)

August 9, 2005.

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

**ACTION:** Designation.

**EFFECTIVE DATE:** August 12, 2005.

**SUMMARY:** CITA has determined that  
certain 100 percent cotton, 2 x 2 twill  
weave, flannel fabrics, of ring spun and  
combed 2 ply yarns, of the  
specifications detailed below, classified  
in subheading 5208.43.0000 of the  
Harmonized Tariff Schedule of the  
United States (HTSUS), cannot be  
supplied by the domestic industry in  
commercial quantities in a timely  
manner. CITA hereby designates men's  
and boys' woven cotton shirts and  
women's and girl's woven cotton shirts  
and blouses, that are both cut and sewn  
or otherwise assembled in one or more  
eligible CBTPA beneficiary countries  
from such fabrics, as eligible for quota-  
free and duty-free treatment under the  
textile and apparel commercial  
availability provisions of the CBTPA  
and eligible under HTSUS subheadings  
9820.11.27, to enter free of quota and  
duties, provided that all other fabrics in  
the referenced apparel articles are  
wholly formed in the United States from  
yarns wholly formed in the United  
States, including fabrics not formed  
from yarns, if such fabrics are  
classifiable under HTS heading 5602 or  
5603 and are wholly formed in the  
United States.

**FOR FURTHER INFORMATION CONTACT:**  
Janet Heinzen, Office of Textiles and  
Apparel, U.S. Department of Commerce,  
(202) 482-3400.

**SUPPLEMENTARY INFORMATION:**