

## COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

### Request for Public Comments on Commercial Availability Petition Under the Andean Trade Promotion and Drug Eradication Act (ATPDEA)

November 25, 2003.

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

**ACTION:** Request for public comments concerning a petition for a determination that certain viscose rayon filament yarns cannot be supplied by the domestic industry in commercial quantities in a timely manner under the ATPDEA.

**SUMMARY:** On November 24, 2003, the Chairman of CITA received a petition from Encajes, S.A. alleging that certain viscose rayon filament yarns, of the specifications detailed below, classified in subheading 5403.41.0000 of the Harmonized Tariff Schedule of the United States (HTSUS), cannot be supplied by the domestic industry in commercial quantities in a timely manner. It requests that apparel articles containing such yarns assembled in one or more ATPDEA beneficiary countries be eligible for preferential treatment under the ATPDEA. CITA hereby solicits public comments on this petition, in particular with regard to whether these yarns can be supplied by the domestic industry in commercial quantities in a timely manner. Comments must be submitted by December 16, 2003 to the Chairman, Committee for the Implementation of Textile Agreements, Room 3001, United States Department of Commerce, 14th and Constitution, NW., Washington, DC 20230.

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

#### SUPPLEMENTARY INFORMATION:

**Authority:** Section 204(b)(3)(B)(ii) of the ATPDEA, Presidential Proclamation 7616 of October 31, 2002, Executive Order 13277 of November 19, 2002, and the United States Trade Representative's Notice of Further Assignment of Functions of November 25, 2002.

**Background:** The ATPDEA 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 ATPDEA 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 ATPDEA 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. Pursuant to Executive Order No. 13277 (67 FR 70305) and the United States Trade Representative's Notice of Redelegation of Authority and Further Assignment of Functions (67 FR 71606), the President's authority to determine whether yarns or fabrics cannot be supplied by the domestic industry in commercial quantities in a timely manner under the ATPDEA has been delegated to CITA.

On November 24, 2003, the Chairman of CITA received a petition from Encajes, S.A., of Bogota, Colombia, alleging that certain viscose rayon filament yarns, of the specifications detailed below, classified in HTSUS subheading 5403.41.0000, cannot be supplied by the domestic industry in commercial quantities in a timely manner and requesting quota- and duty-free treatment under the ATPDEA for apparel articles that are cut, or knit to shape, and sewn in one or more ATPDEA beneficiary countries containing such yarns.

1. Viscose Filament Yarn  
DTEX 166/40 Bright Centrifugal  
Tenacity, cN/tex, min.—142.0  
Elongation at rupture, %—18.0—24.0  
Elongation at rupture variation factory,  
% max.—8.1  
Twist direction—S
2. Viscose Filament Yarn  
DTEX 330/60 Bright Centrifugal  
Tenacity, cN/tex, min.—142.0  
Elongation at rupture, %—18.0—24.0  
Elongation at rupture variation factor, %  
max.—8.1  
Twist direction—S

CITA is soliciting public comments regarding this request, particularly with respect to whether these yarns can be supplied by the domestic industry in commercial quantities in a timely manner. Also relevant is whether other yarns that are supplied by the domestic industry in commercial quantities in a timely manner are substitutable for the yarn for purposes of the intended use. Comments must be received no later than December 16, 2003. 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, NW., Washington, DC 20230.

If a comment alleges that these yarns 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 of the yarns stating that it produces the yarns 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 3100 in the Herbert Hoover Building, 14th and Constitution Avenue, NW., Washington, DC 20230. Persons submitting comments on a request are encouraged to include a non-confidential version and a non-confidential summary.

#### D. Michael Hutchinson,

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

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## DEPARTMENT OF DEFENSE

### Department of Army, Corps of Engineers

#### Notice of Availability; Final Environmental Impact Statement

**AGENCY:** U.S. Army Corps of Engineers, Department of Defense (DoD).

**ACTION:** Announcement of Final Environmental Impact Statement (FEIS) availability.

**SUMMARY:** The King Cove Health and Safety Act (Section 353) of the Omnibus Consolidated and Emergency Supplemental Appropriations Act of 1999 (Public Law 105-277) provided the Aleutians East Borough (AEB) with \$20 million to construct a year-round marine-road transportation system between the Cities of King Cove and Cold Bay Alaska on the Alaska Peninsula. AEB proposes a 150-acre project consisting of a 17.2-mile access road, two hovercraft ramps and terminals located on the Northeast Corner of Cold Bay and Cross Wind Cove on the west side of Cold Bay, and a hovercraft. The Corps of Engineers, Alaska District has evaluated the AEB's permit application under the authority of Section 10 of the Rivers and Harbors Act and Section 404 of the Clean Air

Act. The EIS describes five alternatives that satisfy the purpose and needs for the proposed project. The alternatives are: (1) Northeast Corner Cold Bay—Hovercraft; (3) Lenard Harbor—Hovercraft; (4) Lenard Harbor—Ferry; (5) Lenard Harbor—Helicopter; and (6) the Isthmus Road alternative. Alternative 2 is the No Action Alternative. Alternative 6 was included in the Draft Environmental Impact Statement (DEIS) for comparison purposes only and cannot be selected for authorization by the decision-maker. Alternatives 1, 3, 4, and 5 would be constructed primarily on King Cove Corporation surface lands. Alternative 1 requires a USFWS compatibility determination on Native corporation owned lands within the Izembek National Wildlife Refuge, and no construction or operations would occur within the Congressionally designated Wilderness Area. Currently, Alternatives 3 and 4 are designated as the Environmentally Preferable Alternatives. The Corps of Engineers will use the EIS, public review process, and consideration of comments received, as a basis for the permit decision.

**FOR FURTHER INFORMATION CONTACT:** Mr. Leroy Phillips, Regulatory Branch, U.S. Army Corps of Engineers, P.O. Box 6898, Elmendorf, AFB 99506-6898; by telephone at (907) 753-2712; (800) 478-2712 (In Alaska); or by Fax at (907) 753-5567. Additional information including a complete copy of the Public Notice, Executive Summary, FEIS and Appendices are available on the project web site: [www.kingcoveaccesses.com](http://www.kingcoveaccesses.com).

**SUPPLEMENTARY INFORMATION:** The U.S. Army Corps of Engineers, Alaska District is the lead Federal agency with the U.S. Fish and Wildlife Service as a cooperating agency for this FEIS. During the Scoping process (February 16 to June 22, 2001) over 12,331 comments were received, with over 12,000 comments and opinions provided by e-mail. Many of these scoping comments expressed an objection to a road through the Izembek National Wildlife Refuge Wilderness Area. Twenty-eight alternatives were preliminary considered during the scoping and the alternative development phase of the EIS process. Six alternatives were selected for further evaluation. The proposed action (Alternative 1, Northeast Corner Cold Bay (NeCB) / Hovercraft) and two alternatives (Alternative 3, Lenard Harbor / Hovercraft; and Alternative 4, Lenard Harbor / Ferry) were selected for detailed evaluation that incorporates a marine-road link design in compliance

with Section 353 cited above. The required "no action" alternative is presented as Alternative 2. The two remaining alternatives are not in compliance with section 353; hence the \$20 million Federal appropriations would not be available for project construction. These are an air-road link alternative (Alternative 5, Lenard Harbor / Helicopter) and an all road alternative (Alternative 6, Isthmus Road). The all road alternative (Alternative 6) is not a practicable alternative for evaluation under the section 404(b)(1) Guidelines (40 CFR 230) for the Clean Water Act and cannot be authorized by the District Engineer. If an application is received by the USFWS under Title XI of ANCSA, a separate EIS would be required, with approval required by the Secretary of Interior, The President and Congress. No significant adverse impacts were identified for Alternatives 1, 3, 4 and 5. Significant beneficial impacts were noted for each action alternative centering on human and social resources with the ability to enhance safe, reliable and efficient emergency medical transport for King Cove residents and seasonal workers. For Alternatives 1, 3, 4 and 5 with the incorporation and implementation of mitigation measure, impacts to threatened and endangered or listed species (Steller's eider, Steller sea lion and Northern sea otter) were preliminarily determined not likely to adversely affect these species. For the same alternatives and incorporation of mitigation measures, determinations of would not likely impact Essential Fish Habitat, and Habitats of Particular Concern were concluded.

Notice of Availability of the DEIS and the Department of Army Corps of Engineers Public Notice were published on August 8, 2003. The comment period on these documents was open until September 23, 2003. There were 6,391 comments received during this period. Of these: three were Federal agencies, two State of Alaska agencies, six Native governments, 14 local governments, 19 non-governmental organizations, 38 people testified at the public hearings, 150 individual letters, and the rest of the comments were primarily form emails generated from two non-governmental organization promotions. Verbal testimony was received during the public hearings held in Cold Bay, Alaska on August 25, 2003, in King Cove Alaska on August 26, 2003, and in Anchorage, Alaska on September 10, 2003. After a review of the comments it was determined that the Commentors concerns were the same as those

expressed during the above referenced scoping period. The District Engineer has determined that the issues identified by the commentors were properly addressed in the DEIS. Therefore, the FEIS would be in the form of the "abbreviated" document in accordance with procedures outlined in 40 CFR 1503.4(c).

*Comment Period:* Comments on the FEIS should be received by the Corps of Engineers, Alaska District (address above) by December 31, 2003 or 30-days from the publication date within the **Federal Register**, which ever is later.

**Kevin D. Morgan,**

*North Section Chief, Regulatory, Corps of Engineers Alaska District.*

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## DEPARTMENT OF DEFENSE

### Department of the Navy

#### Meeting of the Chief of Naval Operations (CNO) Executive Panel

**AGENCY:** Department of the Navy, DoD.

**ACTION:** Notice of closed meeting.

**SUMMARY:** The CNO Executive Panel is to report the recommendations of the Expeditionary Strike Study Group to the Chief of Naval Operations. This meeting will consist of discussions relating to Expeditionary Strike capabilities as a context to broader U.S. national capabilities and strategic planning. This meeting will be closed to the public.

**DATES:** The meeting will be held on Friday, December 5, 2003, from 12 to 1 p.m.

**ADDRESSES:** The meeting will be held at the Chief of Naval Operations dining room, Room 4E641, 2000 Navy Pentagon, Washington, DC 20350-2000.

**FOR FURTHER INFORMATION CONTACT:** Commander Kevin Wilson, CNO Executive Panel, 4825 Mark Center Drive, Alexandria, VA 22311, (703) 681-4906 or Mr. Mark Miller, CNO Executive Panel, (703) 681-4924.

**SUPPLEMENTARY INFORMATION:** Pursuant to the provisions of the Federal Advisory Committee Act (5 U.S.C. App. 2), these matters constitute classified information that is specifically authorized by Executive Order to be kept secret in the interest of national defense and are, in fact, properly classified pursuant to such Executive Order.

Accordingly, the Secretary of the Navy has determined in writing that the public interest requires that all sessions of the meeting be closed to the public