

yarns that are supplied by the domestic industry in commercial quantities in a timely manner are substitutable for this yarn for purposes of the intended use. Comments must be received no later than **June 13, 2005**. 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, N.W., Washington, DC 20230.

If a comment alleges that this yarn 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 yarn stating that it produces the yarn 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 generally considers specific details, such as quantities and lead times for providing the subject product as business confidential. However, information such as the names of domestic manufacturers who were contacted, questions concerning the capability to manufacture the subject product, and the responses thereto should be available for public review to ensure proper public participation in the process. If this is not possible, an explanation of the necessity for treating such information as business confidential must be provided. 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, N.W., Washington, DC 20230. Persons submitting comments on a request are encouraged to include a non-confidential version and a non-confidential summary.

**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 Provision of the U.S. - Caribbean Basin Trade Partnership Act (CBTPA)**

May 24, 2005.

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

**ACTION:** Designation.

**EFFECTIVE DATE:** May 27, 2005.

**SUMMARY:** CITA has determined that certain colored, open-end spun yarns, ranging in size from 6/1 to 18/1 English count (10.16/1 to 30.47/1 metric) of a blend of reclaimed and reprocessed cotton and not less than 35 percent nor more than 49 percent by weight of Outlast licensed phase change acrylic staple fibers, produced under license from Outlast, classified in subheadings 5206.11.00.00 and 5206.12.00.00 of the Harmonized Tariff Schedule of the United States (HTSUS), for use in chief weight cotton sweaters, cannot be supplied by the domestic industry in commercial quantities in a timely manner under the CBTPA. CITA hereby designates chief weight cotton sweaters, made from knit fabrics formed in the United States or an eligible beneficiary CBTPA country from such yarns, that are both cut and sewn or otherwise assembled in one or more eligible CBTPA beneficiary country as eligible to enter free of quotas and duties under HTSUS subheading 9820.11.27, provided all other yarns used in the referenced apparel articles are U.S. formed and all other fabrics used in the referenced apparel articles are U.S. formed from yarns 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:**

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

#### **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 countries from fabric or yarn that is not formed in the United States 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 such apparel articles from fabrics or yarns designated by the appropriate U.S. government authority in the **Federal Register**. In Executive Order No. 13191, the President authorized CITA to determine whether yarns or fabrics cannot be supplied by the domestic industry in commercial quantities in a timely manner.

On January 14, 2005, CITA received a request alleging that certain colored, open end spun yarns, of a blend of reclaimed and reprocessed cotton and not less than 35 percent nor more than 49 percent by weight of Outlast licensed phase change acrylic staple fibers, described above, for use in chief weight cotton sweaters, cannot be supplied by the domestic industry in commercial quantities in a timely manner under the CBTPA. It requested that such apparel articles, made from knit fabrics formed in the United States or an eligible beneficiary CBTPA country of such yarns, be eligible for preferential treatment under the CBTPA. On January 25, 2005, CITA requested public comment on the petition. See *Request for Public Comments on Commercial Availability Petition under the United States - Caribbean Basin Trade Partnership Act (CBTPA)* (70 FR 3251, published on January 25, 2005). On February 10, 2005, CITA 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. On February 10, 2005, CITA 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 (collectively, the Congressional Committees). On February 25, 2005, the U.S. International Trade Commission provided advice on the request.

Based on the information and advice received and its understanding of the industry, CITA determined that the yarns set forth in the request cannot be supplied by the domestic industry in commercial quantities in a timely manner. On March 15, 2005, CITA and USTR submitted a report to the Congressional Committees that set forth the action proposed, the reasons for such action, and advice obtained. A period of 60 calendar days since this report was submitted has expired, as required by the CBTPA.

CITA hereby designates chief weight cotton sweaters that are both cut and sewn or otherwise assembled in one or more eligible beneficiary CBTPA beneficiary country, from knit fabrics formed in the United States or a beneficiary CBTPA country, from the yarns specified below, as eligible to enter free of quotas and duties under HTSUS subheading 9820.11.27, provided all other yarns used in the referenced apparel articles are U.S. formed and all other fabrics used in the referenced apparel articles are U.S. formed from yarns wholly formed in the United States, subject to the special rules for findings and trimmings, certain interlinings and de minimis fibers and yarns under section 211(vii) of the CBTPA, and that such articles are imported directly into the customs territory of the United States from an eligible CBTPA beneficiary country. The knit fabric used in the chief weight cotton sweaters is made from colored, open-end spun yarns, ranging in size from 6/1 to 18/1 English count (10.16/1 to 30.47/1 metric) of a blend of reclaimed and reprocessed cotton and not less than 35 percent nor more than 49 percent by weight of Outlast licensed phase change acrylic staple fibers, produced under license from Outlast, classified in HTSUS subheadings 5206.11.0000 and 5206.12.0000.

An "eligible CBTPA beneficiary country" means a country which the President has designated as a CBTPA beneficiary country under section 213(b)(5)(B) of the CBERA (19 U.S.C. 2703(b)(5)(B)), and which has been the subject of a finding, published in the **Federal Register**, that the country has satisfied the requirements of section 213(b)(4)(A)(ii) of the CBERA (19 U.S.C. 2703(b)(4)(A)(ii)), and resulting in the enumeration of such country in U.S. note 1 to subchapter XX of Chapter 98 of the HTSUS.

**James C. Leonard III**,  
Chairman, Committee for the Implementation  
of Textile Agreements.

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## DEPARTMENT OF ENERGY

### Alaska Natural Gas Pipeline Loan Guarantee

**AGENCY:** Department of Energy.

**ACTION:** Notice of inquiry.

**SUMMARY:** The Department of Energy (DOE) is seeking comments and information from the public to assist DOE in developing a possible advance

notice of proposed rulemaking or notice of proposed rulemaking concerning the loan guarantee provisions of the "Alaska Natural Gas Pipeline Act." The Act authorizes the Secretary of Energy (Secretary) to issue Federal loan guarantees to facilitate the construction of a pipeline or liquefied natural gas project to bring natural gas from the Alaska North Slope to the continental United States.

**DATES:** Interested persons must submit written comments by July 26, 2005. Comments may be mailed to the address given in the **ADDRESSES** section below. Comments also may be submitted electronically by e-mailing them to: *bettie.corey@hq.doe.gov*. We note that e-mail submissions will avoid delay currently associated with security screening of U.S. Postal Service mail.

**ADDRESSES:** Office of the General Counsel, GC-72, Attention: Lawrence R. Oliver, U.S. Department of Energy, Forrestal Building, Room 6B-256, 1000 Independence Avenue, SW., Washington, DC 20585. DOE requires, in hard copy, a signed original and three copies of all comments.

**FOR FURTHER INFORMATION CONTACT:** Lawrence R. Oliver, Esq., Assistant General Counsel, U.S. Department of Energy, Office of the General Counsel, GC-72, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586-9507, *lawrence.oliver@hq.doe.gov*.

#### SUPPLEMENTARY INFORMATION:

##### Background

On October 13, 2004, the "Alaska Natural Gas Pipeline Act," Division C of Pub. L. 108-324 (the "Act"), was enacted as part of the Military Construction Appropriations and Emergency Hurricane Supplemental Appropriations Act, 2005. The Act, as amended, generally is intended to expedite regulatory consideration, approval and construction of a pipeline or liquefied natural gas (LNG) project that would be used to transport Alaska North Slope natural gas to the continental United States, and provide financial incentives in the form of Federal loan guarantees for construction of such a pipeline or project.

Section 116 of the Act authorizes the Secretary to enter into Federal loan guarantee agreements (LGAs) for a "Qualified Infrastructure Project" (1) with one or more holders of a final certificate issued by the Federal Energy Regulatory Commission (FERC) under either section 103(b) of the Act or section 9 of the Alaska Natural Gas Transportation Act of 1976 (15 U.S.C. 719g), and (2) with one or more owners of the Canadian portion of a "Qualified

Infrastructure Project," for up to \$18 billion total, but no more than 80 percent of the capital costs of a project. Section 114 of Title I of Division J of the Consolidated Appropriations Act, 2005 (Pub. L. 108-447) amended section 116 of the Act to add authority for the Secretary to enter into LGAs with an entity the Secretary determines is qualified to construct and operate an LNG project to transport LNG from "Southcentral Alaska to West Coast States." The Act also authorizes the Secretary to issue loan guarantee regulations. The definition of "qualified lender" in the Act does not include the Federal Financing Bank.

#### Questions for Public Comment

DOE may issue regulations implementing the Act's loan guarantee authority and is currently analyzing this authority in the context of the Act's other provisions. Since the Act is silent on many of the customary loan guarantee requirements, DOE is considering the development and issuance of regulations that would establish certain minimum requirements or terms for such LGAs. In an effort to identify issues potentially affecting implementation of the loan guarantee authority, DOE invites interested members of the public, including lending and other financial institutions, potential project sponsors, and individuals to comment, in writing, on the following questions and to provide DOE with other information or analyses potentially relevant to the development of loan guarantee regulations and the implementation of the loan guarantee provisions in the Act.

1. *Conditional Commitment.* Section 116(a)(3) of the Act provides that "[t]he authority of the Secretary to issue Federal guarantee instruments under this section for a qualified infrastructure project shall expire on the date that is 2 years after the date on which the final certificate of public convenience and necessity (including any Canadian certificates of public convenience and necessity) is issued for the project." Section 116(b)(1) of the Act provides that "[t]he Secretary may issue a Federal guarantee instrument for a qualified infrastructure project only after a certificate of public convenience and necessity \* \* \* has been issued for the project, or after the Secretary certifies there exists a qualified entity to construct and operate a liquefied natural gas project to transport liquefied natural gas from Southcentral Alaska to West Coast States."

Under these provisions the Secretary may not enter into an LGA (a negotiated document which sets forth in writing