

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Extension of Period of Determination on Request for Textile and Apparel Safeguard Action on Imports from China

August 2, 2005.

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

ACTION: Notice

SUMMARY: The Committee is extending through August 31, 2005, the period for making a determination on whether to request consultations with China regarding imports of knit fabric (Category 222).

FOR FURTHER INFORMATION CONTACT: Jay Dowling, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482-4058.

SUPPLEMENTARY INFORMATION:

Authority: Section 204 of the Agriculture Act of 1956, as amended; Executive Order 11651, as amended.

Background

On November 19, 2004, the Committee received a request from the American Manufacturing Trade Action Coalition, the National Council of Textile Organizations, the National Textile Association and UNITE HERE requesting that the Committee limit imports from China of knit fabric (Category 222) due to the threat of market disruption.

The Committee determined this request provided the information necessary for the Committee to consider the request and solicited public comments for a period of 30 days. **See Solicitation of Public Comments on Request for Textile and Apparel Safeguard Action on Imports from China**, 69 FR 75516 (Dec. 17, 2004).

On December 30, 2004, the Court of International Trade preliminarily enjoined the Committee from considering or taking any further action on this request and any other requests "that are based on the threat of market disruption". **U.S. Association of Importers of Textiles and Apparel v. United States**, 350 F. Supp. 2d 1342 (CIT 2004). On April 27, 2005 the Court of Appeals for the Federal Circuit granted the U.S. government's motion for a stay and reversed that injunction. **U.S. Association of Importers of Textiles and Apparel v. United States**, Ct. No. 05-1209, 2005 U.S. App. LEXIS 12751 (Fed. Cir. June 28, 2005). Thus, CITA resumed consideration of this case.

The public comment period for this request had not yet closed when the injunction took effect on December 30, 2004. The number of calendar days remaining in the public comment period beginning with and including December 30, 2004 was 20 days. On May 9, 2005, therefore, the Committee published a notice in the **Federal Register** re-opening the comment period and inviting public comments to be received not later than May 31, 2005. **See Rescheduling of Consideration of Request for Textile and Apparel Safeguard Action on Imports from China and Solicitations of Public Comments**, 70 FR 24397 (May 9, 2005).

The Committee's Procedures, 68 FR 27787 (May 21, 2003) state that the Committee will make a determination within 60 calendar days of the close of the public comment period as to whether the United States will request consultations with China. If the Committee is unable to make a determination within 60 calendar days, it will cause to be published a notice in the **Federal Register**, including the date by which it will make a determination.

The 60 day determination period for this case expired on August 1, 2005. However, the Committee has decided to extend until August 31, 2005, the period for making a determination on this case in order to consult with the domestic textile and apparel industry and members of Congress about whether to pursue a broader agreement with China on imports of Chinese textile and apparel products to the United States. Because of these consultations, the Committee is unable to make a determination within 60 days of the close of the public comment period.

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

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COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Announcement of Extension of Period of Determination on Request for Textile and Apparel Safeguard Action on Imports from China

August 2, 2005.

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

ACTION: Notice

SUMMARY: The Committee is extending through August 31, 2005, the period for making a determination on whether to

request consultations with China regarding imports of other synthetic filament fabric (Category 620).

FOR FURTHER INFORMATION CONTACT: Jay Dowling, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482-4058.

SUPPLEMENTARY INFORMATION:

Authority: Section 204 of the Agriculture Act of 1956, as amended; Executive Order 11651, as amended.

Background

On November 8, 2004, the Committee received a request from the American Manufacturing Trade Action Coalition, the National Council of Textile Organizations, the National Textile Association, and UNITE HERE requesting that the Committee limit imports from China of other synthetic filament fabric (Category 620) due to the threat of market disruption ("threat case").

The Committee determined this request provided the information necessary for the Committee to consider the request and solicited public comments for a period of 30 days. **See Solicitation of Public Comments on Request for Textile and Apparel Safeguard Action on Imports from China**, 69 FR 70661 (Dec. 7, 2004).

On December 30, 2004, the Court of International Trade preliminarily enjoined the CITA agencies from considering or taking any further action on this request and any other requests "that are based on the threat of market disruption". **U.S. Association of Importers of Textiles and Apparel v. United States**, 350 F. Supp. 2d 1342 (CIT 2004). On April 27, 2005 the Court of Appeals for the Federal Circuit granted the U.S. government's motion for a stay and reversed that injunction. **U.S. Association of Importers of Textiles and Apparel v. United States**, Ct. No. 05-1209, 2005 U.S. App. LEXIS 12751 (Fed. Cir. June 28, 2005) Thus, CITA resumed consideration of this case.

The public comment period for this request had not yet closed when the injunction took effect on December 30, 2004. The number of calendar days remaining in the public comment period beginning with and including December 30, 2004 was 8 days. On May 9, 2005, therefore, the Committee published a notice in the **Federal Register** re-opening the comment period and inviting public comments to be received not later than May 17, 2005. **See Rescheduling of Consideration of Request for Textile and Apparel Safeguard Action on Imports from**

China and Solicitations of Public Comments, 70 FR 24397 (May 9, 2005).

On April 6, 2005, the Committee received a request from the American Manufacturing Trade Action Coalition, the National Council of Textile Organizations, the National Textile Association, and UNITE HERE requesting that the Committee limit imports from China of other synthetic filament fabric (Category 620) due to market disruption ("market disruption case"). The Committee determined that this request provided the information necessary for the Committee to consider the request and solicited public comments for a period of 30 days. **See Solicitation of Public Comment on Request for Textile and Apparel Safeguard Action on Imports from China, 70 FR 23124 (May 4, 2005).**

The Committee's Procedures, 68 FR 27787 (May 21, 2003) state that the Committee will make a determination within 60 calendar days of the close of the public comment period as to whether the United States will request consultations with China. If the Committee is unable to make a determination within 60 calendar days, it will cause to be published a notice in the **Federal Register**, including the date by which it will make a determination.

The 60 day determination period for the threat case expired on July 18, 2005 and the determination period for the market disruption case expired on August 2. However, the Committee was unable to make a determination on the threat case by July 18, 2005 and extended the determination period to July 31, 2005. **See Extension of Period of Determination on Request for Textile and Apparel Safeguard Action on Imports from China, 70 FR 42040 (July 21, 2005).** The Committee has decided to extend until August 31, 2005, the period for making a determination on these cases in order to consult with the domestic textile and apparel industry and members of Congress about whether to pursue a broader agreement with China on imports of Chinese textile and apparel products to the United States. Because of these consultations, the Committee is unable to make a determination within 60 days of the close of the public comment period.

James C. Leonard III,

Chairman, Committee for the Implementation of Textile Agreements.

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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 2, 2005.

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

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

SUMMARY: On June 1, 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, 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: Janet E. Heinzen, 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 1, 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, 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 8, 2005, CITA published a notice in the **Federal Register** requesting public comments on the petition particularly with respect to whether this fabric 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 33450 (June 8, 2005).** On June 24, 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