

U.S. International Trade Commission provided advice on the petitions.

Based on the information and advice received and its understanding of the industry, CITA determined that the fabrics set forth in the petitions cannot be supplied by the domestic industry in commercial quantities in a timely manner. On September 10, 2004, 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. During this 60 calendar day period, the petitioner notified CITA that it was withdrawing one of the remaining nine petitions as this fabric is no longer available from its source.

CITA hereby designates as eligible for preferential treatment under HTSUS subheading 9820.11.27, products covered by textile categories 340, 341, 347, 348, 350, 351, and 352, that are both cut and sewn or otherwise assembled in one or more eligible CBTPA beneficiary countries, from certain woven, 100 percent cotton, flannel fabrics, of the specifications detailed below, classified in the indicated HTSUS subheadings, not formed in the United States, provided that all other fabrics are wholly formed in the United States 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 112(d) of the CBTPA, and that such articles are imported directly into the customs territory of the United States from an eligible CBTPA beneficiary country.

### Specifications

**1 Fabric:** Style 4807  
HTS Subheading: 5208.32.30.40  
Fiber Content: 100% Cotton  
Weight: 152.6 g/m2  
Width: 150 centimeters cuttable  
Thread Count: 24.4 warp ends per centimeter; 15.7 filling picks per centimeter; total: 40.1 threads per square centimeter

Yarn Number: Warp: 40.6 metric, ring spun; filling: 20.3 metric, open end spun; overall average yarn number: 39.4 metric

Finish: (Piece) dyed; napped on both sides, sanforized

**2 Fabric:** Style 0443  
HTS Subheading: 5209.31.60.50  
Fiber Content: 100% Cotton  
Weight: 251 g/m2  
Width: 160 centimeters cuttable  
Thread Count: 22.8 warp ends per centimeter; 15 filling picks per centimeter; total: 37.8 threads per square centimeter

Yarn Number: Warp: 40.6 metric, ring spun; filling: 8.46 metric, open end spun; overall average yarn number: 24.1 metric

Finish: (Piece) dyed; napped on both sides, sanforized

**3 Fabric:** Style 62BV1500240  
HTS Subheading: 5209.31.60.50  
Fiber Content: 100% Cotton  
Weight: 203 g/m2  
Width: 150 centimeters cuttable  
Thread Count: 20.5 warp ends per centimeter; 17.3 filling picks per centimeter; total: 37.8 threads per square centimeter

Yarn Number: Warp: 40.6 metric, ring spun; filling: 13.5 metric, open end spun; overall average yarn number: 27.9 metric

Finish: (Piece) dyed; napped on both sides, sanforized

**4 Fabric:** Style 4697  
HTS Subheading: 5209.31.60.50  
Fiber Content: 100% Cotton  
Weight: 291.5 g/m2  
Width: 160 centimeters cuttable  
Thread Count: 23.2 warp ends per centimeter; 15 filling picks per centimeter; total: 38.2 threads per square centimeter

Yarn Number: Warp: 27.07 metric, ring spun; filling: 8.46 metric, open end spun; overall average yarn number: 20.1 metric

Finish: (Piece) dyed; napped on both sides, sanforized

**5 Fabric:** Style 62BU1600240  
HTS Subheading: 5209.31.60.50  
Fiber Content: 100% Cotton  
Weight: 291.5 g/m2  
Width: 160 centimeters cuttable  
Thread Count: 26.8 warp ends per centimeter; 16.5 filling picks per centimeter; total: 43.3 threads per square centimeter

Yarn Number: Warp: 25.46 metric, ring spun; filling: 10.16 metric, open end spun; overall average yarn number: 23.8 metric

Finish: (Piece) dyed; napped on both sides, sanforized

**6 Fabric:** Style 4237  
HTS Subheading: 5209.31.60.50  
Fiber Content: 100% Cotton  
Weight: 254 g/m2  
Width: 160 centimeters cuttable  
Thread Count: 20 warp ends per centimeter; 14.5 filling picks per centimeter; total: 34.5 threads per square centimeter

Yarn Number: Warp: 28.8 metric, ring spun; filling: 8.46 metric, open end spun; overall average yarn number: 20.1 metric

Finish: (Piece) dyed; napped on both sides, sanforized

**7 Fabric:** Style 0443A  
HTS Subheading: 5209.41.60.40  
Fiber Content: 100% Cotton  
Weight: 251 g/m2  
Width: 160 centimeters cuttable  
Thread Count: 22.8 warp ends per centimeter; 15 filling picks per centimeter; total: 37.8 threads per square centimeter

Yarn Number: Warp: 40.6 metric, ring spun; filling: 8.46 metric, open end spun; overall average yarn number: 24.1 metric

Finish: gingham check or plaid of yarns of different colors; napped on both sides, sanforized

**8 Fabric:** Style 4245  
HTS Subheading: 5209.41.60.40  
Fiber Content: 100% Cotton  
Weight: 251 g/m2  
Width: 160 centimeters cuttable  
Thread Count: 19.7 warp ends per centimeter; 11.8 filling picks per centimeter; total: 31.5 threads per square centimeter

Yarn Number: Warp: 20.3 metric, ring spun; filling: 8.46 metric, open end spun; overall average yarn number: 20.1 metric

Finish: Plaid of yarns of different colors; napped on both sides, sanforized

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.

**D. Michael Hutchinson,**  
*Acting 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 the United States-Caribbean Basin Trade Partnership Act (CBTPA)

November 24, 2004.

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

**ACTION:** Denial of the request alleging that certain circular knit jersey fabric for use in apparel articles cannot be supplied by the domestic industry in commercial quantities in a timely manner under the CBTPA.

**SUMMARY:** On September 20, 2004, the Chairman of CITA received a petition from Sandler, Travis & Rosenberg, P.A., on behalf of Jaclyn, Inc. of New York (Jaclyn), alleging that certain circular single knit jersey fabric of the specifications detailed below, classified in subheading 6006.34.00.80 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 women's and girl's nightwear of such fabric assembled in one or more CBTPA beneficiary countries be eligible for preferential treatment under the CBTPA.

**FOR FURTHER INFORMATION CONTACT:**

Anna Flaaten, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482-3400.

**SUPPLEMENTARY INFORMATION:**

**Authority:** Section 213(b)(2)(A)(v)(II) of the Caribbean Basin Economic Recovery Act, as added by Section 211(a) of the CBTPA; Section 6 of Executive Order No. 13191 of January 17, 2001.

**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 CBTPA 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, the President delegated to CITA 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 and directed CITA to establish procedures to ensure appropriate public participation in any such determination. On March 6, 2001, CITA published procedures that it will follow in considering requests (66 FR 13502).

On September 20, 2004, the Chairman of CITA received a petition from Sandler, Travis & Rosenberg, P.A., on behalf of Jaclyn, Inc. of New York, alleging that certain circular single knit jersey fabric of the specifications detailed below, classified in subheading 6006.34.00.80 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 women's and girl's nightwear of such fabric assembled in one or more CBTPA beneficiary countries be eligible for preferential treatment under the CBTPA.

**Specifications**

Fabric Description	single knit jersey, jacquard geometric rib stitch
Petitioner Style No	4944
HTS Subheading	6006.34.00.80
Fiber Content	64% polyester staple/35.5%—35.8% cotton/0.2%—0.5% spandex
Weight	6.06 sq. meters/kg
Yarn Size	54.14 metric (32/1 English), spun, filament core
Gauge	28
Finish	(Piece) dyed and printed
Stretch Characteristics	25% from relaxed state; 90% recovery to relaxed state

On September 23, 2004, CITA published a **Federal Register** notice requesting public comments on the request, particularly with respect to whether these fabrics can be supplied by the domestic industry in commercial quantities in a timely manner. On October 14, 2004, CITA and the Office of the U.S. Trade Representative offered to hold consultations with the relevant Congressional committees. We also requested the advice of the U.S. International Trade Commission and the relevant Industry Trade Advisory Committees.

Through the ITC report and our contacts with domestic industry, we learned that there is domestic capacity and ability to supply 28-gauge circular knit fabric, which is a standard size for the U.S. industry. The ITC report and follow-up calls made by a CITA representative confirmed that there are two U.S. companies who have 28-gauge knitting machines and state they have the ability to make the subject 28-gauge fabric.

CITA has determined that the domestic industry can supply the subject fabric described above in commercial quantities in a timely manner. On the basis of currently available information and our review of this request, CITA has determined that there is domestic capacity to supply a substitutable product in commercial quantities in a timely manner. Jaclyn's request is denied.

**D. Michael Hutchinson,**

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

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**COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS**

**Designations Under the Textile and Apparel Commercial Availability Provisions of the United States-Caribbean Basin Trade Partnership Act (CBTPA)**

November 23, 2004.

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

**ACTION:** Designation.

**SUMMARY:** The Committee for the Implementation of Textile Agreements (CITA) has determined that certain woven, 100 percent cotton, flannel fabrics, of the specifications detailed below, classified in the indicated subheadings of the Harmonized Tariff Schedule of the United States (HTSUS), for use in products covered by textile categories 340, 341, 347, 348, 350, 351, and 352, cannot be supplied by the domestic industry in commercial quantities in a timely manner. CITA hereby designates such apparel articles, that are both cut and sewn or otherwise assembled in an eligible CBTPA beneficiary country, from these 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 are wholly formed in the United States from yarns wholly formed in the United States.

**EFFECTIVE DATE:** November 30, 2004.

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

**SUPPLEMENTARY INFORMATION:**

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

**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 CBTPA country 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