

Authority: Section 213(b)(2)(A)(v)(II) of the Caribbean Basin Economic Recovery Act, as added by Section 211(a) of the CBTPA; Presidential Proclamation 7351 of October 2, 2000; Section 6 of 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 Presidential Proclamation 7351, the President proclaimed that this treatment would apply to apparel articles from fabrics or yarn designated by the appropriate U.S. government authority in the Federal Register. In Executive Order 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 April 6, 2005, the Chairman of CITA received a petition from Sandler, Travis, and Rosenberg, P.A., on behalf of Dillard's Inc., alleging that certain 100 percent cotton, carbon-emerized, three or four-thread twill weave fabrics, of the specifications detailed below, classified in HTSUS subheading 5208.33.0000, for use in woven cotton shirts and blouses, cannot be supplied by the domestic industry in commercial quantities in a timely manner. It requested quota- and duty-free treatment under the CBTPA for 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. On April 12, 2005, CITA requested public comment on the petition. **See Request for Public Comment on Commercial Availability Petition under the United States - Caribbean Basin Trade Partnership Act (CBTPA)**, 70 FR 19060 (April 12, 2005). On April 28, 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 April 28, 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 May 18, 2005, the U.S.

International Trade Commission provided advice on the petition.

Based on the information and advice received and its understanding of the industry, CITA determined that the fabrics set forth in the petition cannot be supplied by the domestic industry in commercial quantities in a timely manner. On May 31, 2005, CITA and USTR submitted a report to the Congressional Committees that set forth the action proposed, the reasons for such action, and the advice obtained. A period of 60 calendar days since this report was submitted has expired.

CITA hereby designates as eligible for preferential treatment under HTSUS subheading 9820.11.27, woven cotton shirts and blouses, that are both cut and sewn or otherwise assembled in one or more eligible CBTPA beneficiary countries, from certain 100 percent cotton, carbon-emerized, three or four-thread twill weave fabrics, of the specifications detailed below, classified in HTSUS subheading 5208.33.0000, not formed in the United States. The referenced apparel articles are eligible provided that all other fabrics 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, subject to the special rules for findings and trimmings, certain interlinings and de minimis fibers and yarns under section 211(b)(2)(A)(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.

Specifications:

Fiber Content:	100 percent cotton
Yarn Number:	39/1 - 41/1 metric combed ring spun warp; 39/1 - 41/1 carded ring spun filling; overall average yarn number: 38 - 40 metric
Thread Count:	43 - 45 warp ends per centimeter; 24 - 26 filling picks per centimeter; total 61 - 71 threads per square centimeter
Weave:	three or four-thread twill
Weight:	176 - 182 grams per square meter
Width:	168 - 172 centimeters
Finish:	(Piece) dyed, carbon emerized on both sides

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 DEFENSE

Department of the Army

Armed Forces Epidemiological Board; Meeting

AGENCY: Department of the Army; DoD.

ACTION: Notice of meeting.

SUMMARY: In accordance with section 10(a)(2) of Public Law 92-463, The Federal Advisory Committee Act, announcement is made of the following meeting:

Name of Committee: Armed Forces Epidemiological Board (AFEB).

Dates: September 20, 2005 (open meeting). September 21, 2005 (open meeting).

Times: 8 a.m.-5 p.m. (September 20, 2005). 8 a.m.-4:30 p.m. (September 21, 2005).

Location: The U.S. Air Force Academy, Colorado Springs, CO 80840-4475.

Agenda: The purpose of the meeting is to address pending and new Board issues, provide briefings for Board members on topics related to ongoing and new Board issues, conduct subcommittee meetings, and conduct an executive working session.

FOR FURTHER INFORMATION CONTACT:

Colonel Roger Gibson, Executive Secretary, Armed Forces Epidemiological Board, Skyline Six, 5109 Leesburg Pike, Room 682, Falls Church, VA 22041-3258, (703) 681-8012/3.

SUPPLEMENTARY INFORMATION: The entire sessions on September 20, 2005 and September 21, 2005, will be open to the public in accordance with section 552(b) of title 5, U.S.C., specifically subparagraph (1) thereof and title 5, U.S.C., appendix 1, subsection 10(d). Open sessions of the meeting will be limited by space accommodations. Any interested person may attend, appear before or file statements with the Board

at the time and in the manner permitted by the Board.

Brenda S. Bowen,

Army Federal Register Liaison Officer.

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DEPARTMENT OF DEFENSE

Department of the Army

Board of Visitors, United States Military Academy (USMA)

AGENCY: Department of the Army, DoD.

ACTION: Notice of open meeting.

SUMMARY: In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following committee meeting:

Name of Committee: Board of Visitors, United States Military Academy.

Date: Friday, September 16, 2005.

Place of Meeting: Superintendent's Conference Room, Taylor Hall, 2nd floor, Bldg 600, West Point, NY.

Start Time of Meeting: Approximately 1 p.m.

FOR FURTHER INFORMATION CONTACT:

Lieutenant Colonel Shaun T. Wurzbach, United States Military Academy, West Point, NY 10996-5000, (845) 938-4200.

SUPPLEMENTARY INFORMATION: *Proposed Agenda:* Annual Fall Meeting of the Board of Visitors. Review of the Academic, Military and Physical Programs at the USMA. Sub Committee meetings on Academics, Military/Physical and Quality of Life to be held prior to Annual Fall Meeting.

Brenda S. Bowen,

Army Federal Register Liaison Officer.

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DEPARTMENT OF DEFENSE

Department of the Army; Corps of Engineers

Notice of Intent To Prepare a Programmatic Environmental Impact Statement for the Maintenance and Creation of Emergent Sandbar Habitat on the Upper Missouri River

AGENCY: Department of the Army, U.S. Army Corps of Engineers, DOD.

ACTION: Notice of intent.

SUMMARY: Pursuant to the National Environmental Policy Act (NEPA), the U.S. Army Corps of Engineers (Corps), DoD, Omaha District will prepare a

Programmatic Environmental Impact Statement (EIS). The EIS will evaluate potential effects to the natural, physical, and human environment that may result from implementation of a program for the mechanical maintenance and creation of emergent sandbar nesting habitat within the free-flowing reaches of the upper Missouri River from Fort Peck, MT downstream to near Sioux City, IA. The emergent sandbar habitat maintenance and creation program proceeds from a defined regulatory process wherein the Corps formally consulted with the U.S. Fish and Wildlife Service (Service), which provided a Biological Opinion (BiOp) on how the Corps may avoid placing populations of federally-listed shorebirds, the interior least tern (*Sterna antillarum*) and piping plover (*Charadrius melodus*), in jeopardy of extinction. Scientific opinion asserts that the areal extent of emergent sandbar habitat directly controls the nesting opportunities and thus the reproductive success for the Missouri River populations of these species. The implementation of this programmatic habitat management action is the Corps' response to, and demonstration of, compliance with the findings of the BiOp stemming from a formal Section 7 consultation with the Service under the Endangered Species Act. Through the findings and recommendations contained within the 2000 BiOp as amended (2003), the Service identified mechanical habitat manipulation as part of a Reasonable and Prudent Alternative (RPA) that the Corps could implement to avoid jeopardy to these two listed species. This Programmatic EIS will tier from the Missouri River Mainstem Reservoir System Master Water Control Manual Final EIS (Master Manual, March 2004), incorporating by reference the general discussions and the affected environment and will evaluate the mechanical maintenance and creation of nesting habitat for the piping plover and interior least tern. Within the Master Manual Final EIS, the Corps acknowledged the need to implement actions to ensure protection of interior least tern and piping plover, but deferred detailed discussions of how these protective measures would be implemented to a future NEPA document. This programmatic EIS is that lower tiered document.

ADDRESSES: Send written comments and suggestions concerning this proposed project to Rebecca J. Latka, CENWO-PM-AE, 106 South 15th Street Omaha, NE 68102, phone: (402) 221-4602, e-mail: rebecca.j.latka@usace.army.mil.

FOR FURTHER INFORMATION CONTACT:

Questions about the overall emergent sandbar habitat program, should be directed to Ms. Kelly Crane, Operations Project Manager, Oahe Project Office, 28563 Powerhouse Road, Pierre, SD 57501 (605) 224-5862 x3000; e-mail: kelly.a.crane@usace.army.mil.

SUPPLEMENTARY INFORMATION:

1. Public Participation

a. In August 2003, the Corps issued a public notice initiating a programmatic Environmental Assessment (EA) for this project. At that time, the Corps formally solicited comments from agencies and began to collect comments on what should be evaluated and considered in the EA. The Corps held formal scoping meetings in support of the EA in September 2004, conducting public meetings in Bismarck, ND and Yankton, SD. Based on the responses from agencies and the public, the Corps elevated the level of analysis and public review to a Programmatic EIS. The National Park Service and the U.S. Fish and Wildlife Service have agreed to participate as Cooperating Agencies for the Programmatic EIS.

b. To ensure that all issues related to the proposed program are addressed, the Corps will open an additional comment period to receive recommendations from interested agencies, local and regional stakeholders, and the public. Those providing comments are encouraged to identify areas of concern, recommend issues and potential effects to be addressed in the EIS, and suggest alternatives that should be analyzed. The comment period will extend for 30 days from the date of this Notice's publication in the **Federal Register**. The Corps anticipates that a draft Programmatic EIS will be available for public and agency review in early 2006. When the Notice of Availability appears in the **Federal Register**, the Draft Programmatic EIS will be circulated for a 45-day comment period.

c. The Corps invites full public participation to promote open communication and better decision-making. All persons and organizations that have an interest in the program are urged to participate in this NEPA process. Assistance will be provided upon request to anyone having difficulty with understanding how to participate. Public comments are welcome anytime throughout the NEPA process. Formal opportunities for public participation include: (1) During the 30-day public scoping comment period via mail, telephone or e-mail; (2) during review and comment on the Draft Programmatic EIS (approximately early