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June 27, 2006

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PUBLIC VERSION

Mr. James C. Leonard III, Chairman
Committee for the Implementation of
Textile Agreements
U.S. Department of Commerce
14th Street & Constitution Avenue, N.W.
Room H3001A
Washington, D.C. 20230

Re: **OTEXA File No. 11.2006.06.06: Rebuttal Submission**

**Request under the Commercial Availability Provision of the Dominican
Republic-Central America-United States Free Trade Agreement
Implementation Act**

**Woven 100 Percent Cotton Napped (Flannel) Fabrics
Classifiable Under HTS Subheading 5208.52.30, 5208.52.40, and 5209.51.60**

Dear Mr. Leonard:

This will reply to the June 8 correspondence you received from Mr. Al Dinunzio, representing Liztex NYC, Inc., regarding our request for a determination of the commercial

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availability in the DR-CAFTA region of certain woven 100% cotton napped (flannel) fabrics. Mr. Dinunzio's comments on behalf of Liztex objecting to our request should be dismissed by the Committee for the following reasons:

- Mr. Dinunzio is Liztex' sales representative in New York. He does not say whether he has ever seen a sample of the fabrics in question or discussed their characteristics with personnel at Liztex' weaving facility in Guatemala, who were sent a sample. The written description of the fabric such as we provided in our original request cannot fully substitute for the actual appearance and characteristics of the fabric. Indeed, after we provided a sample to those individuals who expressed initial interest in supplying it, *none of them has responded that their firm could in fact make it.*
- Liztex has had a fabric sample in its hands since April 7 and has never contacted B*W*A or us since that date with an expression of interest in supplying such fabric.
- Liztex has demonstrated no history of production of such fabrics.
- Even if Liztex is capable of making the fabrics in question to B*W*A's specifications -- itself a questionable proposition -- it is simply not possible for Liztex to now weave the several types of greige styles, make the necessary printing screens, print and nap the fabrics and deliver them to B*W*A's assembly plant in El Salvador by the date specified in our request. The time for Liztex to respond to our inquiry was on or immediately after April 7, not June 8.
- Mr. Dinunzio writes "... we spin, weave, print, brush (nap) and finish fabrics....." Brushing and napping are not synonymous and not substitutable, one for the other. The subject fabrics *must* (emphasis added) be napped, not brushed.
- Mr. Dinunzio speaks, in general terms, to Liztex' production equipment and product line, but does not offer any assurance or proof that Liztex can make the fabrics which B*W*A requires. As noted in our original request, Carlisle Print Works, one of the oldest, most experienced and most capable fabric printers in the United States, after receiving a sample, replied that it could not, in fact, produce such a fabric. This speaks volumes.
- Further, B*W*A cannot use Liztex fabric because Guatemala has not yet implemented the DR-CAFTA agreement and there is no indication that it will by the time B*W*A needs the subject fabric in its assembly plant.

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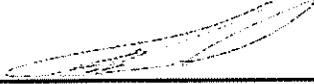
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For these reasons, we respectfully ask the Committee to reject Mr. Dinunzio's comments and render a determination favorable to B*W*A in accordance with the procedures set forth in your March 21, 2006 *Federal Register* notice. Thank you for your consideration.

Sincerely,

SANDLER, TRAVIS & ROSENBERG, P.A.



Thomas G. Travis
Managing Partner



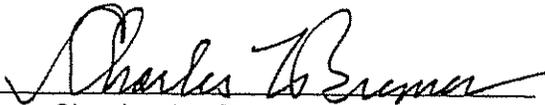
Ronald J. Sorini, President
Trade Negotiations and Legislative Affairs

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Due Diligence Certification

I, Charles V. Bremer, of Sandler, Travis & Rosenberg, P.A. (STR), counsel or representative to B*W*A, certify that

- (1) I have read the attached submission, and
- (2) based on the information collected by me and made available to me by Andrew Lerner of B*W*A, I have no reason to believe that this submission contains any material misrepresentation or omission of fact.


Charles V. Bremer

I, Andrew Lerner, President, currently employed by B*W*A, certify that I

- (1) have read the attached submission, and
- (2) the information contained in this submission is, to the best of my knowledge, complete and accurate

