

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 the Committee to determine whether yarns or fabrics cannot be supplied by the domestic industry in commercial quantities in a timely manner.

On May 12, 2004 the Chairman of the Committee received a petition from Sandler, Travis, and Rosenberg, P.A., on behalf of Dillard's, Inc. of Little Rock, Arkansas and BWA, Inc. of New York, New York, that 100 percent cotton yarn-dyed woven flannel fabrics, made from 14 through 41 NM single ring-spun yarns, classified in 5208.43.00 of the HTSUS, of construction 2 X 1 twill weave, weighing 200 grams per square meter or less, for use in apparel articles excluding gloves, cannot be supplied by the domestic industry in commercial quantities in a timely manner and requesting quota- and duty-free treatment under the CBTPA for apparel articles that are both cut and sewn in one or more CBTPA beneficiary countries from such fabrics.

In response to a previous commercial availability request by the same petitioners on the subject fabrics, the Committee requested public comments on March 11, 2004 (69 FR 11596). Also in response to the previous petition, the Committee 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 regarding the proposed action on March 30, 2004. On March 29, 2004, the Committee 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 (Congressional Committees) regarding the proposed action. On April 15, 2004, the U.S. International Trade Commission provided advice regarding the proposed action. On May 6, 2004, the Committee denied the previous petition on the subject fabrics. However, new information was subsequently obtained supporting the petitioners' claim that such fabrics cannot be supplied by the domestic industry in commercial

quantities in a timely manner. Based on the information and advice received and its understanding of the industry, the Committee determined that the fabric set forth in the instant petition cannot be supplied by the domestic industry in commercial quantities in a timely manner. On June 2, 2004, the Committee 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.

The Committee hereby designates as eligible for preferential treatment under HTSUS subheading 9820.11.27, apparel articles, excluding gloves, that are both cut and sewn or otherwise assembled in one or more eligible CBTPA beneficiary countries, from 100 percent cotton yarn-dyed woven flannel fabrics, made from 14 through 41 NM single ring-spun yarns, classified in 5208.43.00 of the HTSUS, of construction 2 X 1 twill weave, weighing 200 grams per square meter or less, 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.

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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**DEPARTMENT OF DEFENSE**

**Office of the Secretary**

**Establishment of Missile Defense Advisory Committee**

**AGENCY:** Department of Defense.

**ACTION:** Notice of establishment.

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**SUMMARY:** The Missile Defense Advisory Committee (MDAC) is being established in consonance with the public interest, and in accordance with the provisions of Pub. L. 92-463, the "Federal Advisory Committee Act."

The MDAC shall provide the Department of Defense advice on all matters relating to missile defense, including system development, technology, program maturity and readiness of configurations of the ballistic Missile Defense System (BMDS) to enter the acquisition process.

The Committee shall be composed of 5-10 selected leaders from government and the private sector who are recognized authorities in defense policy, acquisition, strategy implications, capability-based requirements process, and other technical areas relating to the missile defense program. The committee will be balanced in terms of the functions to be performed, points of view to be considered and will include subject matter experts knowledgeable of BMDS programs. In addition, the committee may consult with experts in academia and industry.

**FOR FURTHER INFORMATION CONTACT:** Mrs. Phyllis Goldsmith, DoD Committee Management Officer, 703-588-8153.

Dated: August 9, 2004.

**L.M. Bynum,**

*Alternate, OSD Federal Register, Liaison Officer, Department of Defense.*

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**DEPARTMENT OF DEFENSE**

**Office of the Secretary**

**Privacy Act of 1974; System of Records**

**AGENCY:** Office of the Secretary, DoD.

**ACTION:** Notice to alter a system of records.

**SUMMARY:** The Office of the Secretary is proposing to alter a system of records notice in its inventory of records systems subject to the Privacy Act of 1974, as amended (5 U.S.C. 552a).

The Office of the Secretary is proposing to alter the existing system of records to expand the categories of records being maintained.

**DATES:** The changes will be effective on September 13, 2004, unless comments are received that would result in a contrary determination.

**ADDRESSES:** Send comments to OSD Privacy Act Coordinator, Directives and Records Division, Washington Headquarters Services, 1155 Defense Pentagon, Washington, DC 20301-1155.