

investigation, (5) responses to the Commission's questionnaire, (6) argument and information in prehearing briefs, (7) testimony and argument at the hearing, (8) argument and information in posthearing briefs, and information in response to Commissioner or staff questions and (9) final comments, though without submission of new factual data, after posthearing briefs have been submitted. (Petitioners have an initial additional opportunity to provide factual information in the form of the petition filed at the beginning of the investigation.)

The Commission understands the desire for parties to have "one more opportunity" to make their case, and particularly the desire to rebut factually the latest iteration of other parties' arguments or the latest data submissions by other parties or other persons. However, in light of the statutory deadlines in these investigatory proceedings, which the Commission cannot extend, adding another brief or opportunity for more factual submissions late in the investigative process would create problems in light of the need for the Commission and staff to evaluate, summarize, and consider the information and argument provided. The Commission also needs to allot sufficient time before the impending statutory deadline to write an opinion that explains its determination(s).

In light of this concern, the Commission wishes to restate its current practice and to clarify that normally no new factual information volunteered by a party after the filing of its posthearing brief will be considered by the Commission unless the information is in response to a specific request for that information by a Commissioner or member of the Commission staff. If a party comes into possession of some highly relevant fact that was not available for submission to the Commission earlier, it must seek leave to file such new factual information, justifying both why the "new" factual information could not have been submitted at an earlier date (normally, because it would represent such a recent occurrence that it could not have been provided earlier), and why the new information is sufficiently significant to warrant adding to the factual record of the case this late.

Such requests for leave will not be routinely granted. Simply wishing to rebut or respond to a factual assertion made in another party's posthearing brief is not a sufficient justification, nor is, for example, the proffered submission of a "new" affidavit that could have been provided at an earlier stage of the proceeding (unless the

affidavit was specifically requested by a Commissioner or Commission staff).¹ In the past, the Commission has only on rare instances "reopened" the factual record on its own initiative to allow consideration of (and party comment on) late developments. For example, it did so in response to a significant correction by the Commerce Department of its final determination that resulted in the exclusion from its affirmative determination of a major subject exporter, and in response to a modification by the President of import relief measures under section 201 of the Trade Act of 1974 that potentially had a major effect on conditions of competition for the domestic industry.

Questionnaires

While questionnaires for specific investigations reflect the unique issues pertinent to individual investigations, the following are among the changes the Commission has made to its "generic" questionnaires:

- A checklist will be provided with U.S. producer and importer questionnaires to assist recipients in providing complete responses.
- When requesting capacity figures, questionnaires will request that capacity be allocated between products produced on the same equipment.
- Foreign producers will be requested to supply the basis for any projections of capacity, production, shipments, and inventories.
- In five-year review questionnaires to foreign producers, a question will be added seeking a comparison of prices in the U.S. with prices for the same product in foreign markets.
- Purchaser questionnaires will be mailed to purchasers listed in lost sale/revenue allegations by domestic producers. Also, purchasers listed in lost sales/revenue allegations by domestic producers will be asked whether the purchaser switched from a domestic supplier to a subject import supplier, or obtained a price reduction from a domestic supplier based on subject import competition during the period of investigation,

¹ It is well-recognized that agencies need to provide some cut-off for submissions so "the debate does not go on indefinitely." *Avesta AB v. United States*, 689 F. Supp. 1173, 1188 (Ct. Int'l Trade 1988). See also *Cheflene Corp. v. United States*, 219 F. Supp. 2d 1303, 1308, n. 5 (Ct. Int'l Trade 2002); *General Motors Corp. v. United States*, 827 F. Supp. 774, 781–783 (Ct. Int'l Trade 1993) (upholding the Commission's reliance on data submitted late in the proceeding when other parties were not allowed to respond, noting "material injury investigations are not adversarial in a formal sense, and it is ultimately ITC's responsibility to evaluate the data it gathers.").

even if the specific lost sale/revenue allegation could not be confirmed.

The Commission has also completed an internal review of its questionnaires, which resulted in the elimination of redundant or marginally relevant questions, and the revision of some ambiguous questions to clarify the data being sought. The Commission is also including a question in all questionnaires seeking comment on any changes that the recipient believes may improve the clarity, ease of response, or usefulness of the questionnaire.

Staff Reports

Reports will now include (in Chapter 1) a description of the major firms supplying the market for the product(s) at issue. In investigations involving multiple countries, it was suggested that the Commission report import pricing data on a weight-averaged cumulated basis in assessing the degree of underselling by subject imports. The Commission has decided to add this aggregated data, but will continue to provide country-specific pricing data as well in its reports.

Staff reports will also include more detailed information concerning lost sale/revenue allegations.

By Order of the Commission.

Issued: November 1, 2004.

Marilyn R. Abbott,

Secretary to the Commission.

[FR Doc. 04–24703 Filed 11–4–04; 8:45 am]

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DEPARTMENT OF JUSTICE

Coordinating Council on Juvenile Justice and Delinquency Prevention

[OJP (OJJDP) Docket No. 1410]

Notice of Meeting

AGENCY: Coordinating Council on Juvenile Justice and Delinquency Prevention.

ACTION: Notice of meeting.

SUMMARY: The Coordinating Council on Juvenile Justice and Delinquency Prevention (Council) is announcing the December 3, 2004, meeting of the Council.

DATES: Friday, December 3, 2004, 9 a.m.–12 p.m.

ADDRESSES: The meeting will take place at the Frances Perkins Department of Labor Building, Room N–4437, 200 Constitution Avenue, NW., Washington, DC. (Enter at 3rd and C Streets, NW.).

FOR FURTHER INFORMATION CONTACT: Timothy Wight, Designated Federal

Official for the Coordinating Council on Juvenile Justice and Delinquency Prevention, by telephone at 202-514-2190, or by e-mail at Timothy.Wight@usdoj.gov.

SUPPLEMENTARY INFORMATION: The Coordinating Council on Juvenile Justice and Delinquency Prevention, established pursuant to section 3(2)A of the Federal Advisory Committee Act (5 U.S.C. App. 2), will meet to carry out its advisory functions under Section 206 of the Juvenile Justice and Delinquency Prevention Act of 2002, 42 U.S.C. 5601, *et seq.* Documents such as meeting announcements, agendas, minutes, and interim and final reports will be available on the Council's Web page at <http://www.JuvenileCouncil.gov>. (You may also verify the status of the meeting at that Web address.)

Although designated agency representatives attend, the Council is composed of the Attorney General (Chair), the Secretary of Health and Human Services, the Secretary of Labor, the Secretary of Education, the Secretary of Housing and Urban Development, the Administrator of the Office of Juvenile Justice and Delinquency Prevention (Vice Chair), the Director of the Office of National Drug Control Policy, the Chief Executive Officer of the Corporation for National and Community Service, and the Assistant Secretary for Homeland Security, Immigrations and Customs Enforcement. Nine additional members are appointed by the Speaker of the House of Representatives, the Senate Majority Leader, and the President of the United States.

The agenda for this meeting will include: (a) Review of past Council actions, (b) discussion of the Final Report of the White House Task Force for Disadvantaged Youth, (c) discussion and Council recommendations regarding Federal agencies that hold juvenile offenders, nonoffenders, and undocumented juveniles, (d) the National Youth Anti-Drug Media Campaign, and (e) discussion and Council recommendations regarding youth employment training programs.

For security purposes, members of the public who wish to attend the meeting must pre-register by calling the Juvenile Justice Resource Center at 301-519-6473 (Daryel Dunston) or 301-519-5790 (Karen Boston), no later than November 23, 2004. To register online, please go to <http://www.JuvenileCouncil.gov/meetings.html>. Space is limited.

Note: Photo identification will be required for admission to the meeting.

Written Comments

Interested parties may submit written comments by November 23, 2004, to Timothy Wight, Designated Federal Official for the Coordinating Council on Juvenile Justice and Delinquency Prevention, at Timothy.Wight@usdoj.gov. The Coordinating Council on Juvenile Justice and Delinquency Prevention expects public statements presented at its meetings will not be repetitive of previously submitted statements. No oral comments will be permitted at this meeting.

Dated: November 1, 2004.

J. Robert Flores,

Vice-Chair, Coordinating Council on Juvenile Justice and Delinquency Prevention.

[FR Doc. 04-24698 Filed 11-4-04; 8:45 am]

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DEPARTMENT OF LABOR

Employment and Training Administration

[TA-W-55,789]

Boston Scientific, Murrieta, CA; Notice of Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, as amended, an investigation was initiated on October 14, 2004 in response to a worker petition filed by a company official on behalf of workers at Boston Scientific, Murrieta, California.

The petitioner has requested that the petition be withdrawn. Consequently, the investigation has been terminated.

Signed at Washington, DC this 22nd day of October, 2004.

Linda G. Poole,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E4-3028 Filed 11-4-04; 8:45 am]

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DEPARTMENT OF LABOR

Employment and Training Administration

[TA-W-55,792]

Burner Systems International, Inc., Mansfield, OH; Notice of Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, an investigation was initiated on October 14, 2004 in response to petition filed by a company official on behalf of workers at Burner Systems International, Inc., Mansfield, Ohio.

The petitioner has requested that the petition be withdrawn. Consequently, further investigation in this case would serve no purpose, and the investigation has been terminated.

Signed in Washington, DC, this 21st day of October, 2004.

Richard Church,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E4-3029 Filed 11-4-04; 8:45 am]

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DEPARTMENT OF LABOR

Employment and Training Administration

[TA-W 55,678]

C&D Technologies, LLC, Formerly CelesticaMilwaukie, OR; Notice of Termination of Investigation

Pursuant to section 221 of the Trade Act of 1974, as amended, an investigation was initiated on September 24, 2004 in response to a petition filed by a company official on behalf of workers at C&D Technologies, LLC, formerly Celestica, Milwaukie, Oregon.

The petitioner has requested that the petition be withdrawn. Consequently, the investigation has been terminated.

Signed at Washington, DC this 22nd day of October 2004.

Richard Church,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E4-3023 Filed 11-4-04; 8:45 am]

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DEPARTMENT OF LABOR

Employment And Training Administration

[TA-W-55,763]

Contractor's Engineer, LLCNeodesha, KS; Notice of Termination of Investigation

Pursuant to section 221 of the Trade Act of 1974, an investigation was initiated on October 8, 2004 in response to a petition filed by a company official on behalf of workers at Contractor's Engineer, LLC, Neodesha, Kansas (TA-W-55,763).

The petitioner has requested that the petition be withdrawn. Consequently, further investigation in this case would serve no purpose, and the investigation has been terminated.