

### Cash-Deposit Requirements

To calculate the cash-deposit rate for each respondent (*i.e.*, each exporter and/or manufacturer included in these reviews), we divided the total dumping margins for each company by the total net value of that company's sales of merchandise during the review period subject to each order.

To derive a single deposit rate for each respondent, we weight-averaged the EP and CEP deposit rates (using the EP and CEP, respectively, as the weighting factors). To accomplish this when we sampled CEP sales, we first calculated the total dumping margins for all CEP sales during the review period by multiplying the sample CEP margins by the ratio of total days in the review period to days in the sample weeks. We then calculated a total net value for all CEP sales during the review period by multiplying the sample CEP total net value by the same ratio. Finally, we divided the combined total dumping margins for both EP and CEP sales by the combined total value for both EP and CEP sales to obtain the deposit rate.

We will direct CBP to collect the resulting percentage deposit rate against the entered customs value of each of the exporter's entries of subject merchandise entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice. Entries of parts incorporated into finished bearings before sales to an unaffiliated customer in the United States will receive the respondent's deposit rate applicable to the order.

Furthermore, the following deposit requirements will be effective upon publication of this notice of final results of administrative reviews for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the date of publication, as provided by section 751(a)(1) of the Act: (1) The cash-deposit rates for the reviewed companies will be the rates shown above except that, for firms whose weighted-average margins are less than 0.5 percent and, therefore, *de minimis*, the Department will not require a deposit of estimated antidumping duties; (2) for previously reviewed or investigated companies not listed above, the cash-deposit rate will continue to be the company-specific rate published for the most recent period; (3) if the exporter is not a firm covered in this review, a prior review, or the original less-than-fair-value (LTFV) investigation but the manufacturer is, the cash-deposit rate will be the rate established for the most recent period for the

manufacturer of the merchandise; (4) the cash-deposit rate for all other manufacturers or exporters will continue to be the "All Others" rate for the relevant order made effective by the final results of review published on July 26, 1993. *See Antifriction Bearings (Other Than Tapered Roller Bearings) and Parts Thereof From France, et al: Final Results of Antidumping Duty Administrative Reviews and Revocation in Part of an Antidumping Duty Order*, 58 FR 39729 (July 26, 1993). For ball bearings from Italy, *see Antifriction Bearings (Other Than Tapered Roller Bearings) and Parts Thereof From France, et al; Final Results of Antidumping Duty Administrative Reviews, Partial Termination of Administrative Reviews, and Revocation in Part of Antidumping Duty Orders*, 61 FR 66472, 66521 (December 17, 1996). These rates are the "All Others" rates from the relevant LTFV investigation.

These deposit requirements shall remain in effect until publication of the final results of the next administrative reviews.

This notice serves as a reminder to importers of their responsibility under 19 CFR 351.402(f) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during these review periods. Failure to comply with this requirement could result in the Department's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of doubled antidumping duties.

This notice also serves as a reminder to parties subject to administrative protective order (APO) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Timely notification of the return or destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO are sanctionable violations. We are issuing and publishing these determinations in accordance with sections 751(a)(1) and 777(i) of the Act.

Dated: September 8, 2004.

**James J. Jochum,**  
*Assistant Secretary for Import Administration.*

### Appendix

#### Comments and Responses

1. Offsetting Margins with Above-Normal-Value Transactions
2. Model-Match Methodology
3. Adverse Facts Available
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## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-570-803]

#### **Heavy Forged Hand Tools, Finished or Unfinished, With or Without Handles, From the People's Republic of China: Final Results of Antidumping Duty Administrative Reviews, Final Partial Rescission of Antidumping Duty Administrative Reviews, and Determination Not To Revoke in Part**

**AGENCY:** Import Administration, International Trade Administration, Department of Commerce.

**ACTION:** Notice of final results of antidumping duty administrative reviews.

**SUMMARY:** On March 10, 2004, the Department of Commerce (the Department) published the preliminary results of the administrative reviews of the antidumping duty orders on heavy forged hand tools (HFHTs) from the People's Republic of China (PRC). These reviews cover HFHTs exported to the United States by multiple PRC manufacturers/exporters during the period February 1, 2002 through January 31, 2003. We provided interested parties with an opportunity to comment on the preliminary results of review. After analyzing the comments received, we made two changes in the margin calculations: (1) We are no longer applying total adverse facts available (AFA) to sales of products covered by the bars/wedges order made by Shandong Machinery Import & Export Corporation (SMC) and are instead calculating a margin using the reported sales and factors of production (FOP) data, and (2) we have applied partial AFA to SMC for its failure to report a FOP for finish coating. The final weighted-average dumping margins for the reviewed firms are listed below in the section entitled "Final Results of Review." We will instruct U.S. Customs and Border Protection (CBP) to assess

antidumping duties on all appropriate entries.

**DATES:** Effective September 15, 2004.

**FOR FURTHER INFORMATION CONTACT:**

Thomas Martin or Mark Manning, Office of AD/CVD Enforcement, Office 4, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 482-3936 and (202) 482-5253, respectively.

**SUPPLEMENTARY INFORMATION:**

**Background**

On March 10, 2004, the Department published in the **Federal Register** the preliminary results of the antidumping administrative reviews of HFHTs from the PRC. *See Heavy Forged Hand Tools, Finished or Unfinished, With or Without Handles, From the People's Republic of China: Preliminary Results of Administrative Reviews, Preliminary Partial Rescission of Antidumping Duty Administrative Reviews, and Determination Not To Revoke in Part*, 69 FR 11371 (March 10, 2004) (*Preliminary Results*). In response to the Department's invitation to comment on the *Preliminary Results* of these reviews, the petitioner, Ames True Temper, and the respondents filed case briefs on April 16, 2004 and rebuttal briefs on April 21, 2004. The respondents in these reviews are Shangdong Huarong Machinery Co., Ltd. (Huarong), Liaoning Machinery Import & Export Corporation and Liaoning Machinery Import & Export Corporation, Ltd. (LMC/LIMAC), SMC, and Tianjin Machinery Import & Export Corporation (TMC). No interested party requested a public hearing in these reviews.

**Scope of Review**

The products covered by these administrative reviews are HFHTs comprising the following classes or kinds of merchandise: (1) Hammers and sledges with heads over 1.5 kg (3.33 pounds) (hammers/sledges); (2) bars over 18 inches in length, track tools and wedges (bars/wedges); (3) picks and mattocks (picks/mattocks); and (4) axes, adzes and similar hewing tools (axes/adzes).

HFHTs include heads for drilling hammers, sledges, axes, mauls, picks and mattocks, which may or may not be painted, which may or may not be finished, or which may or may not be imported with handles; assorted bar products and track tools including wrecking bars, digging bars, and tampers; and steel woodsplitting wedges. HFHTs are manufactured through a hot forge operation in which

steel is sheared to required length, heated to forging temperature, and formed to final shape on forging equipment using dies specific to the desired product shape and size. Depending on the product, finishing operations may include shot blasting, grinding, polishing and painting, and the insertion of handles for handled products. HFHTs are currently provided for under the following Harmonized Tariff Schedule of the United States (HTSUS) subheadings: 8205.20.60, 8205.59.30, 8201.30.00, and 8201.40.60. Specifically excluded from these investigations are hammers and sledges with heads 1.5 kg. (3.33 pounds) in weight and under, hoes and rakes, and bars 18 inches in length and under.

The Department has issued four conclusive scope rulings regarding the merchandise covered by these orders: (1) On August 16, 1993, the Department found the "Max Multi-Purpose Axe," imported by the Forrest Tool Company, to be within the scope of the axes/adzes order; (2) on March 8, 2001, the Department found "18-inch" and "24-inch" pry bars, produced without dies, imported by Olympia Industrial, Inc. and SMC Pacific Tools, Inc., to be within the scope of the bars/wedges order; (3) on March 8, 2001, the Department found the "Pulaski" tool, produced without dies by TMC, to be within the scope of the axes/adzes order; and (4) on March 8, 2001, the Department found the "skinning axe," imported by Import Traders, Inc., to be within the scope of the axes/adzes order.

**Period of Review**

The period of review (POR) is February 1, 2002 through January 31, 2003.

**Rescission of Review**

We preliminarily rescinded these reviews with respect to Zhenjiang All Joy Light Industrial Products & Textiles; Linshu Jinrun Ironware & Tools Co., Ltd.; Jinhua Runhua Foreign Trade Co., Ltd.; Tian Rui International Trade Co., Ltd.; Jinhua Twin-Star Tools Co., Ltd.; Jinma, Ltd.; Hebei Machinery Import & Export Corporation; Chenzhou Estar Enterprises Ltd.; China National Machinery Import & Export Corporation; and Ningbo Tiangong Tools Co., Ltd., which reported that they did not sell merchandise subject to any of the four HFHT antidumping orders during the POR. We also preliminarily rescinded the review of Huarong and LMC/LIMAC with respect to the hammers/sledges and picks/mattocks orders, since Huarong and LMC/LIMAC reported that they made no shipments of subject

hammers/sledges and picks/mattocks during the POR.

The Department reviewed CBP data, which supports the claims that these companies did not export subject merchandise during the POR. Furthermore, no party has placed evidence on the record demonstrating that these companies exported the merchandise identified above during the POR. We received comments on these preliminary rescissions from the petitioner, Huarong, and LMC/LIMAC. After analyzing these comments we continue to find that it is appropriate to rescind these reviews. For a discussion of these comments, *see* Memorandum from Jeffrey May, Deputy Assistant Secretary for Import Administration, to James J. Jochum, Assistant Secretary for Import Administration, "Issues and Decision Memorandum for the Twelfth Administrative Review of the Antidumping Duty Orders on Heavy Forged Hand Tools from the People's Republic of China," dated concurrently with this notice (Issues and Decision Memorandum). Therefore, in accordance with 19 CFR 351.213(d)(3) and consistent with the Department's practice, we are rescinding these administrative reviews with respect to the companies and merchandise identified above.

**Determination To Not Revoke in Part**

We preliminarily determined that SMC does not qualify for revocation of the order on hammers/sledges under 19 CFR 351.222(b) and (e) because SMC did not ship hammers/sledges produced by its supplier to the United States in commercial quantities during the three consecutive years under consideration. Furthermore, we preliminarily determined that LMC/LIMAC does not qualify for revocation of the order on bars/wedges under 19 CFR 351.222(b) and (e) because the Department preliminarily found that the use of AFA was warranted with respect to LMC/LIMAC's sales of bars/wedges during the POR. The petitioner, SMC, and LMC/LIMAC submitted comments on these preliminary determinations not to revoke in part. After analyzing these comments, we continue to find that, pursuant to 19 CFR 351.222(b) and (e), SMC does not qualify for revocation of the order on hammers/sledges and LMC/LIMAC does not qualify for revocation of the order on bars/wedges. For a discussion of these comments, *see* Issues and Decision Memorandum.

**Analysis of Comments Received**

All issues raised in the case and rebuttal briefs by parties to these administrative reviews are addressed in

the Issues and Decision Memorandum, which is hereby adopted by this notice. A list of the issues that parties have raised is attached to this notice as an appendix. Parties can find a complete discussion of all issues raised in these reviews, and the corresponding recommendations, in the Issues and Decision Memorandum that is on file in the Central Records Unit, room B-099 of the main Department of Commerce building. In addition, the Issues and Decision Memorandum can be accessed directly on Import Administration's Web site at <http://ia.ita.doc.gov>. The paper copy and the electronic version of the Issues and Decision Memorandum are identical in content.

#### Facts Available

In the *Preliminary Results*, we based the dumping margins for the respondents Huarong, LMC/LIMAC, SMC, and TMC on total AFA for their sales of merchandise subject to certain HFHTs orders pursuant to sections 776(a) and 776(b) of the Tariff Act of 1930, as amended (the Act). See *Preliminary Results*, 69 FR at 11375. We continue to apply total AFA to Huarong, LMC/LIMAC, and TMC because these respondents significantly impeded our ability to (1) Complete the review of the bars/wedges order, pursuant section 751 of the Act, and (2) impose the correct antidumping duties, as mandated by section 731 of the Act. Huarong, LMC/LIMAC, and TMC participated in an "agent" sales scheme whereby one PRC company allowed another PRC company to enter subject merchandise under the

first company's invoices. In addition, we continue to apply total AFA to certain respondents that failed to provide sales and FOP information that was requested by the Department in the reviews of the axes/adzes (Huarong, LMC/LIMAC, and SMC), bars/wedges (TMC), and picks/mattocks (SMC) antidumping orders. Lastly, we continue to find that the companies that constitute the PRC-wide entity, including Jiangsu Guotai International Group Huatai Import & Export Company, Ltd., which did not establish its entitlement to a separate rate, failed to provide certain requested information. For this reason, we continue to find that, in accordance with sections 776(a)(2)(A), (B), and (C) of the Act, it is appropriate to base the PRC-wide margin in these reviews on total AFA.

As in the *Preliminary Results*, we are assigning as AFA the PRC-wide rates published in the most recently completed administrative reviews of the HFHTs orders. See *Heavy Forged Hand Tools, Finished or Unfinished, With or Without Handles, From the People's Republic of China: Final Results of Antidumping Duty Administrative Review of the Order on Bars and Wedges*, 68 FR 53347 (September 10, 2003) (*11th Review Final Results*). As AFA, we are assigning the sales of (1) Axes/adzes made by Huarong, LMC/LIMAC, and SMC the current PRC-wide rate of 55.74 percent; (2) bars/wedges made by Huarong, LMC/LIMAC, and TMC the current PRC-wide rate of 139.31 percent; and (3) picks/mattocks

made by SMC the current the PRC-wide rate of 98.77 percent. Although we are applying total AFA to the PRC-wide entity for all four classes or kinds of subject merchandise in this review, the rates assigned to this entity have not changed from the *11th Review Final Results*.

A complete explanation of the selection, corroboration, and application of AFA can be found in the *Preliminary Results*. See *Preliminary Determination*, 69 FR at 11375-11380. The Department received comments and rebuttal comments with regard to certain aspects of our selection and application of AFA. See *Issues and Decision Memorandum*, at Comments 17-21. Based on our analysis of the comments received, we have made one change in our application of AFA from the *Preliminary Results*. For the final results, the Department will not apply AFA to SMC's sales of bars/wedges. See *Issues and Decision Memorandum*, at Comment 18. Other than this change, nothing has changed since the *Preliminary Results* that would affect the Department's selection, corroboration, and application of facts available for the above-referenced companies and orders. Accordingly, for the final results, we continue to apply AFA as noted above.

#### Final Results of Review

We determine that the following weighted-average percentage margins exist for the period February 1, 2002, through January 31, 2003:

Manufacturer/Exporter	Margin (percent)
Shandong Huarong Machinery Corporation Limited (Huarong):	
Axes/Adzes .....	55.74
Bars/Wedges .....	139.31
Liaoning Machinery Import & Export Corporation (LMC)/Liaoning Machinery Import & Export Corporation Ltd. (LIMAC):	
Axes/Adzes .....	55.74
Bars/Wedges .....	139.31
Shandong Machinery Import & Export Corporation (SMC):	
Axes/Adzes .....	55.74
Bars/Wedges .....	5.40
Hammers/Sledges .....	0.02
Picks/Mattocks .....	98.77
Tianjin Machinery Import & Export Corporation (TMC):	
Axes/Adzes .....	10.49
Bars/Wedges .....	139.31
Hammers/Sledges .....	6.46
Picks/Mattocks .....	4.76
PRC-Wide Entity:	
Axes/Adzes .....	55.74
Bars/Wedges .....	139.31
Hammers/Sledges .....	27.71
Picks/Mattocks .....	98.77

### Cash Deposit Requirements

The following deposit requirements will be effective upon publication of the final results of these administrative reviews for all shipments of HFHTs from the PRC entered, or withdrawn from warehouse, for consumption on or after the publication date of this notice, as provided for by section 751(a)(1) of the Act: (1) The cash deposit rates for the reviewed companies named above will be the rates for those firms established in the final results of these administrative reviews; (2) for any previously reviewed or investigated PRC or non-PRC exporter, not covered in these reviews, with a separate rate, the cash deposit rate will be the company-specific rate established in the most recent segment of these proceedings; (3) for all other PRC exporters, the cash deposit rates will be the PRC-wide rates established in the final results of these reviews; and (4) the cash deposit rate for any non-PRC exporter of subject merchandise from the PRC who does not have its own rate will be the rate applicable to the PRC exporter that supplied the non-PRC exporter. These deposit requirements, when imposed, shall remain in effect until publication of the final results of the next administrative reviews.

### The PRC-Wide Cash Deposit Rates

The current PRC-wide cash deposit rates are 55.74 percent for Axes/Adzes, 139.31 percent for Bars/Wedges, 27.71 percent for Hammers/Sledges, and 98.77 percent for Picks/Mattocks. These rates are unchanged from the most recently completed administrative review. See *11th Review Final Results*. These deposit requirements shall remain in effect until publication of the final results of the next administrative reviews.

### Assessment Rates

Upon completion of these administrative reviews, the Department will determine, and CBP shall assess, antidumping duties on all appropriate entries. In accordance with 19 CFR 351.212(b)(1), for the respondents receiving calculated dumping margins, we calculated importer-specific per-unit duty assessment rates based on the ratio of the total amount of the dumping duties calculated for the examined sales to the total quantity of those same sales. These importer-specific per-unit rates will be assessed uniformly on all entries of each importer that were made during the POR. In accordance with 19 CFR 351.106(c)(2), we will instruct CBP to liquidate without regard to antidumping duties any entries for which the

importer-specific assessment rate is *de minimis* (i.e., less than 0.5 percent *ad valorem*). In testing whether any importer-specific assessment rate is *de minimis*, we used the reported data to calculate the freight on board at the port of export (FOB) price of U.S. sales and used this FOB price as an estimate for the entered value. For all shipments of subject merchandise for the four antidumping orders covering HFHTs from the PRC, exported by the respondents and imported by entities not identified by the respondents in their questionnaire responses, we will instruct CBP to assess antidumping duties at the cash deposit rate in effect on the date of the entry. Lastly, for the respondents receiving dumping rates based upon AFA, the Department, upon completion of these reviews, will instruct CBP to liquidate entries according to the AFA *ad valorem* rate. The Department will issue appraisement instructions directly to CBP upon the completion of the final results of these administrative reviews.

### Reimbursement of Duties

This notice also serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of doubled antidumping duties.

### Administrative Protective Orders

This notice also serves as a reminder to parties subject to administrative protective order (APO) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305. Timely written notification of return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

These final results of administrative reviews are issued and published in accordance with sections 751(a)(1) and 777(i)(1) of the Act.

Dated: September 7, 2004.

**James J. Jochum,**  
Assistant Secretary for Import  
Administration.

### Appendix—Issues in Decision Memorandum

#### Part I—Surrogate Value Issues

Comment 1: The Department should use hexagonal steel bar as a surrogate for certain FOP.

Comment 2: The Department should value marine insurance at 110 percent of invoice value.

Comment 3: The Department did not apply the proper surrogate value for railroad rails.

Comment 4: The Department should value pallets using hot- and cold-rolled sheet/strip because respondents' claims regarding the use of scrap metal for pallet manufacturing are unsupported.

Comment 5: The Department should recalculate the finished weight of shipped goods.

Comment 6: The Department should recalculate movement charges to include additional expenses.

Comment 7: The Department should value the coating on tool heads/bodies.

#### Part II—Company Specific Issues

##### 1. Huarong

Comment 8: The Department should calculate a margin and assign it to Huarong if Huarong is benefitting from the rate that it has been assigned as AFA.

##### 2. LMC/LIMAC

Comment 9: The Department should revoke the dumping order for bars/wedges produced by the Lishu factory and exported by LMC/LIMAC.

##### 3. SMC

Comment 10: The Department should apply AFA to SMC's ocean freight expense.

Comment 11: The Department should find that SMC shipped commercial quantities and revoke the hammers/sledges order with respect to SMC.

Comment 12: The Department should include sales made by SMC through an agent that are outside the POR.

##### 4. TMC

Comment 13: The Department should label a PRC supplier as an uncooperative interested party with respect to the axes/adzes and picks/mattocks it supplied to SMC and apply AFA to TMC's sales of axes/adzes, hammers/sledges, and bars/wedges produced by this PRC supplier.

Comment 14: The Department should perform a *Shakeproof* analysis for TMC, which will show market economy purchases of ocean freight services to be insignificant.

Comment 15: The Department should increase TMC's normal value (NV) to account for the commission paid to its U.S. sales office.

Comment 16: The Department should disregard the variable Style (3.21) used by TMC in reporting hammer sales.

**Part III—Issues Regarding the Use of Total AFA and Rescission of Certain Reviews**

Comment 17: The Department should not apply AFA while scope inquiries are pending.

Comment 18: The Department should not apply AFA for the failure to report cast products.

Comment 19: The Department should not apply AFA to agent sales made by Huarong, LMC/LIMAC, and TMC.

Comment 20: The Department should establish “combination” cash deposit rates and utilize “master list” assessment rates.

Comment 21: The Department should recalculate the AFA and PRC-wide rate of 139.31 percent for bars/wedges because this rate contains subsidized prices.

Comment 22: The Department should reconsider its determination to rescind the review of hammers/sledges and picks/mattocks with respect to Huarong and LMC/LIMAC.

**Part IV—Issues Regarding Assessment Instructions**

Comment 23: The Department should deny the request by Olympia Industrial Incorporated to instruct CBP to liquidate entries of scrapers and tampers.

Comment 24: The Department should correct the ministerial error in the draft assessment instructions.

[FR Doc. E4-2194 Filed 9-14-04; 8:45 am]

BILLING CODE 3510-DS-P

**DEPARTMENT OF COMMERCE****National Institute of Standards and Technology****National Construction Safety Team Advisory Committee Meeting**

**AGENCY:** National Institute of Standards and Technology, United States Department of Commerce.

**ACTION:** Notice of partially closed meeting.

**SUMMARY:** The National Construction Safety Team (NCST) Advisory Committee (Committee), National Institute of Standards and Technology (NIST), will meet Tuesday, October 5, 2004, from 8:30 a.m. to 5 p.m. and Wednesday, October 6, 2004, from 8:30 a.m. to 3 p.m. The primary purpose of this meeting is to discuss draft findings of the Federal Building and Fire Safety Investigation of the World Trade Center Disaster (WTC Investigation) and the Rhode Island Nightclub Investigation. Consequently, all of the first day and all but the last one and one-half hours of the second day will be held in closed session. The agenda may change to accommodate Committee business. The final agenda will be posted on the NIST Web site at <http://www.nist.gov/ncst>.

**DATES:** The meeting will convene on October 5, 2004, at 8:30 a.m. and will adjourn at 3 p.m. on October 6, 2004. The closed portion of the meeting is scheduled to begin on October 5 at 8:30 a.m. and to end at 1:45 p.m. on October 6, 2004. The last portion of the meeting from 2 p.m. to 3 p.m. on October 6, 2004, will be open to the public.

**ADDRESSES:** The meeting will be held in the Administration Building, Room A1038 at NIST, Gaithersburg, Maryland. Please note admittance instructions under the **SUPPLEMENTARY INFORMATION** section of this notice.

**FOR FURTHER INFORMATION CONTACT:** Stephen Cauffman, National Construction Safety Team Advisory Committee, National Institute of Standards and Technology, 100 Bureau Drive, MS 8611, Gaithersburg, Maryland 20899-8611. Mr. Cauffman's e-mail address is [stephen.cauffman@nist.gov](mailto:stephen.cauffman@nist.gov) and his phone number is (301) 975-6051.

**SUPPLEMENTARY INFORMATION:** The Committee was established pursuant to Section 11 of the National Construction Safety Team Act (15 U.S.C. 7310 *et seq.*). The Committee is composed of nine members appointed by the Director of NIST who were selected for their technical expertise and experience, established records of distinguished professional service, and their knowledge of issues affecting teams established under the NCST Act. The Committee will advise the Director of NIST on carrying out investigations of building failures conducted under the authorities of the NCST Act that became law in October 2002 and will review the procedures developed to implement the NCST Act and reports issued under section 8 of the NCST Act. Background information on the NCST Act and information on the NCST Advisory Committee is available at <http://www.nist.gov/ncst>.

Pursuant to the Federal Advisory Committee Act, 5 U.S.C. app. 2, notice is hereby given that the National Construction Safety Team (NCST) Advisory Committee (Committee), National Institute of Standards and Technology (NIST), will meet Tuesday, October 5, 2004, from 8:30 a.m. to 5 p.m. and Wednesday, October 6, 2004, from 8:30 a.m. to 3 p.m. at NIST headquarters in Gaithersburg, Maryland.

The primary purpose of this meeting is to present draft findings of the Federal Building and Fire Safety Investigation of the World Trade Center Disaster (WTC Investigation) and the Rhode Island Nightclub Investigation. The Assistant Secretary for Administration, with the concurrence of

the General Counsel, formally determined on August 2, 2004, that portions of the meeting of the National Construction Safety Team Advisory Committee that involve discussions regarding the proprietary information and trade secrets of third parties, data and documents that may also be used in criminal cases or lawsuits, matters the premature disclosure of which would be likely to significantly frustrate implementation of a proposed agency action, and data collection status and the issuance of subpoenas may be closed in accordance with 5 U.S.C. 552b(c)(4), (5), (9)(B), and (10) respectively. Consequently, all of the first day and all but the last one and one-half hours of the second day will be held in closed session. The agenda may change to accommodate Committee business. The final agenda will be posted on the NIST Web site at <http://www.nist.gov/ncst>.

Individuals and representatives of organizations who would like to offer comments and suggestions related to the Committee's affairs, the WTC Investigation, or the Rhode Island Investigation are invited to request a place on the agenda. On October 6, 2004, approximately one-half hour will be reserved for public comments, and speaking times will be assigned on a first-come, first-served basis. The amount of time per speaker will be determined by the number of requests received, but is likely to be 5 minutes each. Questions from the public will not be considered during this period. Speakers who wish to expand upon their oral statements, those who had wished to speak but could not be accommodated on the agenda, and those who were unable to attend in person are invited to submit written statements to the National Construction Safety Team Advisory Committee, National Institute of Standards and Technology, 100 Bureau Drive, MS 8611, Gaithersburg, Maryland 20899-8611, via fax at (301) 975-6122, or electronically by e-mail to [ncstac@nist.gov](mailto:ncstac@nist.gov).

All visitors to the NIST site are required to pre-register to be admitted. Anyone wishing to attend this meeting must register by close of business Friday, October 1, 2004, in order to attend. Please submit your name, time of arrival, e-mail address and phone number to Stephen Cauffman and he will provide you with instructions for admittance. Non-U.S. citizens must also submit their country of citizenship, title, employer/sponsor, and address. Mr. Cauffman's e-mail address is [stephen.cauffman@nist.gov](mailto:stephen.cauffman@nist.gov) and his phone number is (301) 975-6051.