771(4)(B) of the Act (19 U.S.C. 1677(4)(B)).

(6) A list of all known and currently operating U.S. importers of the Subject Merchandise and producers of the Subject Merchandise in each Subject Country that currently export or have exported Subject Merchandise to the United States or other countries after 1998.

(7) If you are a U.S. producer of the Domestic Like Product, provide the following information on your firm's operations on that product during calendar year 2003 (report quantity data in short tons and value data in U.S. dollars, f.o.b. plant). If you are a union/worker group or trade/business association, provide the information, on an aggregate basis, for the firms in which your workers are employed/which are members of your association.

(a) Production (quantity) and, if known, an estimate of the percentage of total U.S. production of the Domestic Like Product accounted for by your firm's(s') production;

(b) The quantity and value of U.S. commercial shipments of the Domestic Like Product produced in your U.S. plant(s); and

(c) The quantity and value of U.S. internal consumption/company transfers of the Domestic Like Product produced in your U.S. plant(s).

(8) If you are a U.S. importer or a trade/business association of U.S. importers of the Subject Merchandise from any Subject Country, provide the following information on your firm's(s') operations on that product during calendar year 2003 (report quantity data in short tons and value data in U.S. dollars). If you are a trade/business association, provide the information, on an aggregate basis, for the firms which are members of your association.

(a) The quantity and value (landed, duty-paid but not including antidumping duties) of U.S. imports and, if known, an estimate of the percentage of total U.S. imports of Subject Merchandise from each Subject Country accounted for by your firm's(s') imports;

(b) The quantity and value (f.o.b. U.S. port, including antidumping duties) of U.S. commercial shipments of Subject Merchandise imported from each Subject Country; and

(c) The quantity and value (f.o.b. U.S. port, including antidumping duties) of U.S. internal consumption/company transfers of Subject Merchandise imported from each Subject Country.

(9) If you are a producer, an exporter, or a trade/business association of producers or exporters of the Subject Merchandise in any Subject Country, provide the following information on your firm's(s') operations on that product during calendar year 2003 (report quantity data in short tons and value data in U.S. dollars, landed and duty-paid at the U.S. port but not including antidumping duties). If you are a trade/business association, provide the information, on an aggregate basis, for the firms which are members of your association.

(a) Production (quantity) and, if known, an estimate of the percentage of total production of Subject Merchandise in each Subject Country accounted for by your firm's(s') production; and

(b) The quantity and value of your firm's(s') exports to the United States of Subject Merchandise and, if known, an estimate of the percentage of total exports to the United States of Subject Merchandise from each Subject Country accounted for by your firm's(s') exports.

(10) Identify significant changes, if any, in the supply and demand conditions or business cycle for the Domestic Like Product that have occurred in the United States or in the market for the Subject Merchandise in each Subject Country after 1998, and significant changes, if any, that are likely to occur within a reasonably foreseeable time. Supply conditions to consider include technology; production methods; development efforts; ability to increase production (including the shift of production facilities used for other products and the use, cost, or availability of major inputs into production); and factors related to the ability to shift supply among different national markets (including barriers to importation in foreign markets or changes in market demand abroad). Demand conditions to consider include end uses and applications; the existence and availability of substitute products; and the level of competition among the Domestic Like Product produced in the United States, Subject Merchandise produced in each Subject Country, and such merchandise from other countries.

(11) (Optional) A statement of whether you agree with the above definitions of the Domestic Like Product and Domestic Industry; if you disagree with either or both of these definitions, please explain why and provide alternative definitions.

Authority: These reviews are being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to section 207.61 of the Commission's rules.

By order of the Commission.

Issued: September 23, 2004.

Marilyn R. Abbott,

Secretary to the Commission.

[FR Doc. 04–22130 Filed 9–30–04; 8:45 am]

BILLING CODE 7020–02–P

JUDICIAL CONFERENCE OF THE UNITED STATES

Meeting of the Judicial Conference Advisory Committee on Rules of Evidence

AGENCY: Judicial Conference of the United States, Advisory Committee on Rules of Evidence.

ACTION: Notice of open meeting.

SUMMARY: The Advisory Committee on Rules of Evidence will hold a one-day meeting. The meeting will be open to public observation but not participation.

DATES: January 15, 2005.

TIME: 8:30 a.m. to 5 p.m.

ADDRESSES: Clift Hotel, 495 Geary Street, San Francisco, California.

FOR FURTHER INFORMATION CONTACT: John K. Rabiej, Chief, Rules Committee Support Office, Administrative Office of the United States Courts, Washington, DC 20544, telephone (202) 502–1820.

Dated: September 23, 2004.

John K. Rabiej,

Chief, Rules Committee Support Office.

[FR Doc. 04–22095 Filed 9–30–04; 8:45 am]

BILLING CODE 2210–55–M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. 04–9]

Gabriel Sagun Orzame, M.D. Revocation of Registration

On October 7, 2003, the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration (DEA), issued an Order to Show Cause to Gabriel Sagun Orzame, M.D. (Respondent) notifying him of an opportunity to show cause as to why DEA should not revoke his DEA Certificate of Registration, AO1690367, under 21 U.S.C. 824(a)(3) and (a)(4), and deny any pending applications for renewal or modification of that registration. Specifically, the Order to Show Cause alleged in relevant part, the following:

1. Effective November 17, 2002, the State of Michigan, Department of Consumer and Industry Services, Board of Medicine Disciplinary Subcommittee (Board), revoked the Respondent's

medical licensure privileges in that state.

2. This revocation of license was based upon the Respondent's conviction for altered records (one count of recklessly placing false information in the medical chart) in violation of MCL 750.492(a)(I)(b), a misdemeanor. Appeals of the Board's revocation order have been denied up through the Michigan Supreme Court.

3. A criminal complaint from which the above charge stems is based upon a Michigan State Police investigation for which the Respondent was charged with one count of conspiracy, three counts of delivery and thirty-two counts of delivery of a controlled substance prescription form. Four undercover officers made undercover visits to the Respondent's office and he never performed examinations on them. Nevertheless, the Respondent provided prescriptions for controlled substances for the undercover officers and for other persons who were not there.

4. As a result of the actions taken by the Board, the Respondent is currently without authority to handle controlled substances in the State of Michigan, the state in which he is registered with DEA.

By letter dated October 24, 2003, the Respondent, through his legal counsel, timely requested a hearing in this matter. As part of his hearing request, the Respondent further asserted that he ''* * * still has a license to practice medicine, and is licensed by the State of New York to prescribe medication.'' On October 31, 2003, the presiding Administrative Law Judge Gail A. Randall (Judge Randall) issued to counsel for DEA as well as the Respondent an Order for Prehearing Statements.

On November 19, 2003, counsel for DEA filed Government's Prehearing Statement and Motion for Summary Disposition. In its motion, the Government recited, among other things, an allegation outlined in the Order to Show Cause regarding the November 17, 2002, revocation of the Respondent's Michigan medical license. With regard to this allegation, the Government argued in relevant part that the Respondent is currently without authority to handle controlled substances in the State of Michigan. The Government further argued that the Respondent's licensure status in New York is of no consequence since he is not registered with DEA in that state. Therefore, the Government requested that the Administrative Law Judge grant its Motion for Summary Disposition and recommend that Respondent's DEA Certificate of Registration be revoked based on his lack of state authorization to handle controlled substances in Michigan.

On December 11, 2003, the Respondent filed his Response to Government's Motion for Summary Disposition. In his response, the Respondent argued that his medical license was suspended in the State of Michigan because of a mistaken guilty plea to a state misdemeanor charge related to the prohibition on health care providers placing inaccurate information in a patient file. The Respondent reiterated that he remains licensed to practice medicine in New York, and further requested that the DEA proceedings be stayed for 90 days so that he can establish professional residency in New York.

Following a Government response objecting to the Respondent's request for stay, on February 4, 2004, Judge Randall issued her Opinion and Recommended Decision of the Administrative Law Judge (Opinion and Recommended Decision). As part of her recommended ruling, Judge Randall granted the Government's Motion for Summary Disposition and found that the Respondent lacked authorization to handle controlled substances in Michigan, the jurisdiction in which he is registered with DEA. In granting the Government's motion, Judge Randall also recommended that the Respondent's DEA registration be revoked and any pending applications for modification or renewal be denied. No exceptions were filed by either party to Judge Randall's Opinion and Recommended Decision, and on March 15, 2004, the record of these proceedings was transmitted to the Office of the DEA Deputy Administer.

The Deputy Administrator has considered the record in its entirety and pursuant to 21 CFR 1316.67, hereby issues her final order based upon findings of fact and conclusions of law as hereinafter set forth. The Deputy Administrator adopts, in full, the Opinion and Recommended Decision of the Administrative Law Judge.

The Deputy Administrator finds that the Respondent currently possesses DEA Certificate of Registration AO1690367, and is registered to handle controlled substances at a location in Benton Harbor, Michigan. The Deputy Administrator further finds that effective November 17, 2002, the Board revoked Respondent's license to practice medicine in Michigan. While the Respondent has presented evidence of his medical license in New York, there is no evidence before the Deputy Administrator that the Respondent has applied for, or has been granted resinstatement of his Michigan medical license, the state where he holds a DEA registration. Accordingly, the Deputy Administrator also finds it reasonable to infer that Respondent is also without authorization to handle controlled substances in that state.

DEA does not have statutory authority under the Controlled Substances Act to issue or maintain a registration if the applicant or registrant is without state authority to handle controlled substances in the state in which he conducts business. *See* 21 U.S.C. 802(21), 823(f) and 824(a)(3). This prerequisite has been consistently upheld. *See Kanwaljit S. Serai, M.D.,* 68 FR 48943 (2003); *Dominick A. Ricci, M.D.,* 58 FR 51104 (1993); *Bobby Watts, M.D.,* 53 FR 11919 (1988).

Here, it is clear that the Respondent is not currently licensed to handle controlled substances in Michigan. Therefore, he is not entitled to maintain that registration. Because the Respondent is not entitled to a DEA registration in Michigan due to his lack of state authorization to handle controlled substances, the Deputy Administrator concludes that it is unnecessary to address whether his registration should be revoked based upon the other grounds asserted in the Order to Show Cause. *See Cordell Clark, M.D.,* 68 FR 48942 (2003); *Nathaniel-Aikens-Afful, M.D.,* FR 16871 (1997); *Sam F. Moore, D.V.M.,* 58 FR 14428 (1993).

In further support of his continued registration with DEA, Respondent argues that consideration should be given to his state licensure to practice medicine in New York. The Deputy Administrator agrees with Judge Randall that the Respondent's status as a practitioner is a state other than Michigan has no bearing on this matter. The Deputy Administrator also agrees with the argument forwarded by the Government that Respondent's assertions regarding his licensure status in New York are without merit ''and ultimately irrelevant'' since Respondent's DEA Certificate of Registration is for a Michigan address, and he is currently not authorized to handle controlled substances in that state, *See, Layfe Robert Anthony, M.D.,* 67 FR 35582 (2002).

Accordingly, the Deputy Administrator of the Drug Enforcement Administration, pursuant to the authority vested in her by 21 U.S.C. 823 and 824 and 28 CFR 0.100(b) and 0.104, hereby orders that DEA Certificate of Registration, AO1690367, issued to Gabriel Sagun Orzame, M.D., be, and it hereby is, revoked. The Deputy Administrator further orders that any

pending applications for renewal or modification of such registration be, and they hereby are, denied. This order is effective November 1, 2004.

Dated: September 8, 2004.

Michele M. Leonhart,

Deputy Administrator.

[FR Doc. 04–21964 Filed 9–30–04; 8:45 am]

BILLING CODE 4410–09–M

DEPARTMENT OF LABOR

Employment and Training Administration

Supplemental Guidance for Labor Certification Process for Temporary Employment of Nonimmigrant Workers in the United States (H–2B Workers); Fiscal Year (FY) 2005

AGENCY: Employment and Training Administration (ETA), Department of Labor (DOL).

ACTION: Notice.

SUMMARY: On March 10, 2004, the United States Citizenship and Immigration Services (CIS) announced receiving sufficient H–2B petitions to reach the FY 2004 Congressionally mandated cap of 66,000. In light of CIS' announcement, ETA published a **Federal Register** notice on May 13, 2004 to provide guidance to the public regarding ETA's processing of H–2B applications that will count against the FY 2005 cap. ETA is publishing this notice to provide additional guidance due to the number of inquiries and questions that have arisen. This notice is intended to minimize confusion and burden to employers who use the H–2B program.

DATES: This notice is effective October 1, 2004.

FOR FURTHER INFORMATION CONTACT: William Carlson, Chief, Division of Foreign Labor Certification, U.S. Department of Labor, Room C–4312, 200 Constitution Avenue, NW., Washington, DC 20210. Telephone: 202–693–3010 (this is not a toll-free number).

SUPPLEMENTARY INFORMATION: DOL has continued to process alien labor certification applications since March 10, 2004, and many employers are in possession of a valid labor certification that has not been accepted by CIS for processing. CIS has advised that their practice has been to accept the H–2B labor certifications with periods of employment that cross fiscal years so long as some portion of the employment period remains. Employers with a valid H–2B labor certification with a date of need *prior to October 1, 2004,* but that includes periods of planned employment after October 1, 2004, are encouraged to file H–2B labor certifications with CIS if some portion of the employment period remains.

ETA will continue to process new H–2B applications with dates of need within FY 2005 (that is, starting October 1, 2004 or later). For these new applications, employers must continue to follow existing filing rules, including regarding the timing of filing with the State Workforce Agency (SWA). Thus, employers must file a new H–2B application with the appropriate SWA no earlier than 120 days before the date of need and at least 60 days before the date of need.

The procedures described in this notice relate only to H–2B applications for nonimmigrant workers subject to the numerical limitation (cap) for FY 2005 and who will be engaged in temporary work to commence on or after October 1, 2004.

Signed at Washington, DC, this 28th day of September, 2004.

Emily Stover DeRocco,

Assistant Secretary, Employment and Training Administration.

[FR Doc. 04–22059 Filed 9–30–04; 8:45 am]

BILLING CODE 4510–30–P

DEPARTMENT OF LABOR

Employment Standards Administration Wage and Hour Division

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

General wage determination decisions of the Secretary of Labor are issued in accordance with applicable law and are based on the information obtained by the Department of Labor from its study of local wage conditions and data made available from other sources. They specify the basic hourly wage rates and fringe benefits which are determined to be prevailing for the described classes of laborers and mechanics employed on construction projects of a similar character and in the localities specified therein.

The determinations in these decisions of prevailing rates and fringe benefits have been made in accordance with 29 CFR part 1, by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR part 1, Appendix, as well as such additional statutes as may from time to time be enacted containing provisions for the payment of wages determined to be prevailing by the Secretary of Labor in accordance with the Davis-Bacon Act. The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public comment procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in the effective date as prescribed in that section, because the necessity to issue current construction industry wage determinations frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General wage determination decisions, and modifications and supersedeas decisions thereto, contain no expiration dates and are effective from their date of notice in the **Federal Register,** or on the date written notice is received by the agency, whichever is earlier. These decisions are to be used in accordance with the provisions of 29 CFR parts 1 and 5. Accordingly, the applicable decision, together with any modifications issued, must be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR part 5. The wage rates and fringe benefits, notice of which is published herein, and which are contained in the Government Printing Office (GPO) document entitled ''General Wage Determinations Issued Under The Davis-Bacon and Related Acts,'' shall be the minimum paid by contractors and subcontractors to laborers and mechanics.

Any person, organization, or governmental agency having an interest in the rates determined as prevailing is encouraged to submit wage rate and fringe benefit information for consideration by the Department.

Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Wage and Hour Division, Division of Wage Determinations, 200 Constitution Avenue, NW., Room S–3014, Washington, DC 20210.