

that the unknown person who eventually delivered the service copy did not open the envelope and read the BPI. One aggravating factor was that the missing service copy was not reported to the Commission until seven days after it was missing.

IV. Investigations in Which No Breach Was Found

During 2001, the Commission completed six additional investigations in which no breach was found. One investigation was not completed, but was withdrawn by the Office of General Counsel, because the revealed information was not treated as BPI by the Commission. The reasons for a finding by the Commission of no breach included:

- (1) The information disclosed at the hearing was sufficiently changed to make it no longer confidential;
- (2) The information revealed was publicly available;
- (3) The suppliers of the BPI had consented to the use of the information in U.S. District Court litigation and, therefore, providing BPI to the district court judge for in camera inspection was not a breach;
- (4) The information was not BPI because it was a general description of the channels of distribution;
- (5) The information revealed was hypothetical and therefore not BPI; and
- (6) The Commission did not treat the information as BPI in its staff report.

Issued June 4, 2002.

By order of the Commission.

Marilyn R. Abbott,

Secretary.

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INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 303-TA-23, 731-TA-566-570, 731-TA-641 (Final) (Reconsideration) (Remand)]

Ferrosilicon From Brazil, China, Kazakhstan, Russia, Ukraine and Venezuela; Notice of Commission Determination to Conduct a Portion of the Hearing in Camera

AGENCY: U.S. International Trade Commission.

ACTION: Closure of a portion of a Commission hearing to the public.

SUMMARY: Upon request of domestic producer Elkem Metals Co., the Commission has determined to conduct a portion of its hearing in the above-captioned proceedings scheduled for June 6, 2002, in camera. See Commission rules 207.24(d), 201.13(m)

and 201.36(b)(4) (19 CFR 207.24(d), 201.13(m) and 201.36(b)(4)). The remainder of the hearing will be open to the public. The Commission has determined that the seven-day advance notice of the change to a meeting was not possible. See Commission rule 201.35(a), (c)(1) (19 CFR 201.35(a), (c)(1)).

FOR FURTHER INFORMATION CONTACT:

Marc A. Bernstein, Office of General Counsel, U.S. International Trade Commission, 500 E Street, SW, Washington, DC 20436, telephone 202-205-3087, e-mail mbernstein@usitc.gov. Hearing-impaired individuals are advised that information on this matter may be obtained by contacting the Commission's TDD terminal on 202-205-1810.

SUPPLEMENTARY INFORMATION: The Commission believes that Elkem has justified the need for a closed session. Elkem seeks a closed session to allow testimony concerning the effect domestic ferrosilicon producers' agreement to establish floor prices had on U.S. ferrosilicon prices during the Commission's original periods of investigation. Because such discussions will necessitate disclosure of business proprietary information (BPI), they can only occur if a portion of the hearing is held in camera. In making this decision, the Commission nevertheless reaffirms its belief that whenever possible its business should be conducted in public.

The hearing will include public presentations by domestic producers and by respondents, with questions from the Commission. In addition, the hearing will include an in camera session for a confidential presentation by Elkem and for questions from the Commission relating to the BPI, followed by an in camera rebuttal presentation by respondents and for questions from the Commission relating to the BPI. For any in camera session the room will be cleared of all persons except those who have been granted access to BPI under a Commission administrative protective order (APO) and are included on the Commission's APO Service list in this investigation. See 19 CFR 201.35(b)(1), (2). The time for the parties' presentations and rebuttals in the in camera session will be taken from their respective overall allotments for the hearing. All persons planning to attend the in camera portions of the hearing should be prepared to present proper identification.

Authority: The General Counsel has certified, pursuant to Commission Rule 201.39 (19 CFR 201.39) that, in her opinion, a portion of the Commission's hearing in

Ferrosilicon from Brazil, China, Kazakhstan, Russia, Ukraine, and Venezuela, Inv. Nos. 303-TA-23, 731-TA-566-570, 731-TA-641 (Final) (Reconsideration) (Remand) may be closed to the public to prevent the disclosure of BPI.

Issued: June 4, 2002.

By order of the Commission.

Marilyn R. Abbott,

Secretary.

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INTERNATIONAL TRADE COMMISSION

[Investigation No. 701-TA-416 (Final)]

Individually Quick Frozen Red Raspberries From Chile

AGENCY: International Trade Commission.

ACTION: Termination of investigation.

SUMMARY: On May 22, 2002, the Department of Commerce published notice in the **Federal Register** of a negative final determination of subsidies in connection with the subject investigation (67 FR 35961). Accordingly, pursuant to § 207.40(a) of the Commission's rules of practice and procedure (19 CFR 207.40(a)), the countervailing investigation concerning individually quick frozen red raspberries from Chile (investigation No. 701-TA-416 (Final)) is terminated.

EFFECTIVE DATE: June 3, 2002.

FOR FURTHER INFORMATION CONTACT:

Diane J. Mazur (202-205-3184), Office of Investigations, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436. Hearing-impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202-205-1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202-205-2000. General information concerning the Commission may also be obtained by accessing its internet server (<http://www.usitc.gov>). The public record for this investigation may be viewed on the Commission's electronic docket (EDISON-LINE) at <http://dockets.usitc.gov/eol/public>.

Authority: This investigation is being terminated under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to § 201.10 of the Commission's rules (19 CFR 201.10).

Issued: June 4, 2002.