

## COMMISSION ON CIVIL RIGHTS

### Agenda and Notice of Public Meeting of the Border Project Subcommittee of the Arizona State Advisory Committee

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a meeting of the Border Project Subcommittee of the Arizona State Advisory Committee will convene at 12 p.m. and adjourn at 4 p.m., on March 5, 2004 at the Radisson Hotel, 181 West Broadway, Tucson, Arizona 85701. The purpose of the meeting is to develop and plan, as part of the 4-State joint border project, a border hearing in Nogales, Arizona.

Persons desiring additional information, or planning a Presentation to the Committee, should contact Thomas V. Pilla, Civil Rights Analyst of the Western Regional Office, 213-894-3437 (TDD/213-894-3435). Hearing-impaired persons who will attend the meeting and require the services of a sign language interpreter should contact the Regional Office at least ten (10) working days before the scheduled date of the meeting.

The meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission.

Dated at Washington, DC, February 5, 2004.

Ivy L. Davis,

Chief, Regional Programs Coordination Unit.  
[FR Doc. 04-3729 Filed 2-19-04; 8:45 am]

BILLING CODE 6335-01-U

## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-570-886]

### Notice of Amended Preliminary Determination of Sales at Less Than Fair Value: Polyethylene Retail Carrier Bags from the People's Republic of China

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

**ACTION:** Notice of amended preliminary antidumping duty determination of sales at less than fair value: Polyethylene Retail Carrier Bags from the People's Republic of China.

**EFFECTIVE DATE:** February 20, 2004.

**FOR FURTHER INFORMATION CONTACT:** Kristin Case (United Wah) or Thomas Schauer (Rally Plastics), Import Administration, International Trade Administration, U.S. Department of

Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230; telephone: (202) 482-3174 and (202) 482-0410, respectively.

### SUPPLEMENTARY INFORMATION:

#### Significant Ministerial Error

The Department of Commerce (the Department) is amending the preliminary determination of sales at less than fair value in the antidumping duty investigation of polyethylene retail carrier bags from the People's Republic of China (PRC) to reflect the correction of significant ministerial errors it made in the margin calculations regarding Dongguan Huang Jiang United Wah Plastic Bag Factory (United Wah) and Rally Plastics Company, Limited (Rally Plastics), pursuant to 19 CFR 351.224(g)(1) and (g)(2). A ministerial error is defined as an error in addition, subtraction, or other arithmetic function, clerical error resulting from inaccurate copying, duplication, or the like, and any other similar type of unintentional error which the Secretary considers ministerial. See 19 CFR 351.224(f). A significant ministerial error is defined as an error, the correction of which, singly or in combination with other errors, would result in (1) a change of at least five absolute percentage points in, but not less than 25 percent of, the weighted-average dumping margin calculated in the original (erroneous) preliminary determination or (2) a difference between a weighted-average dumping margin of zero or *de minimis* and a weighted-average dumping margin of greater than *de minimis* or vice versa. See 19 CFR 351.224(g). We are publishing this amendment to the preliminary determination pursuant to 19 CFR 351.224(e). As a result of this amended preliminary determination, we have revised the antidumping rates for two respondents, Rally Plastics and United Wah. See discussion below.

We have also revised the antidumping rate for the following parties: Beijing Lianbin Plastics and Printing Company Limited (Beijing Lianbin); Dongguan Zhongqiao Combine Plastic Bag Factory (Dongguan Zhongqiao); Good-in Holdings Limited (Good-in Holdings); Guangdong Esquel Packaging Company, Limited (Guangdong Esquel); Nan Sing Plastics, Limited (Nan Sing); Ningbo Fanrong Plastic Products Company Limited (Ningbo Fanrong); Ningbo Huansen Plastics Company, Limited (Ningbo Huansen); Rain Continent Shanghai Company Limited (Rain Continent); Shanghai Dazhi Enterprise Development Company, Limited (Shanghai Dazhi); Shanghai Fangsheng

Coloured Packaging Company Limited (Shanghai Fangsheng); Shanghai Jingtai Packaging Material Company, Limited (Shanghai Jingtai); Shanghai Light Industrial Products Import and Export Corporation (Shanghai Light Industrial); Shanghai Minmetals Development Limited (Shanghai Minmetals); Shanghai New Ai Lian Import and Export Company Limited (Shanghai New Ai Lian); Shanghai Overseas International Trading Company, Limited (Shanghai Overseas); Shanghai Yafu Plastics Industries Company Limited (Shanghai Yafu); Weihai Weiquan Plastic and Rubber Products Company, Limited (Weihai Weiquan); Xiamen Xingyatai Industry Company, Limited (Xiamen Xingyatai); Xinhui Henglong; Nantong Huasheng Plastic Products Company, Limited. The change in the rates is appropriate because we are amending some of the preliminary company-specific rates on which we based the average for these companies, as discussed below. See Memorandum to Richard Rimlinger from Kristin Case, *Analysis for the Amended Preliminary Determination of Polyethylene Retail Carrier Bags from the People's Republic of China (PRC): Calculation of PRC-Wide Rate Based on Adverse Facts Available and the Non-Adverse Margin for Respondents Not Selected for Analysis*, dated February 12, 2004.

#### Ministerial-Error Allegation

On January 26, 2004, the Department published its affirmative preliminary determination in this proceeding. See *Notice of Preliminary Determination of Sales at Less Than Fair Value and Postponement of Final Determination: Polyethylene Retail Carrier Bags from the People's Republic of China*, 69 FR 3544 (*Preliminary Determination*).

The Department received timely allegations of ministerial errors in the *Preliminary Determination* from the Polyethylene Retail Carrier Bag Committee and its members (the petitioners), Hang Lung Plastic Manufactory (Hang Lung), and Zhongshan Dongfeng Hung Wai Plastic Bag Manufactory (Zhongshan). The Department has reviewed its preliminary calculations and agrees that some of the errors which the parties alleged are ministerial errors within the meaning of 19 CFR 351.224(f).

The petitioners alleged ministerial errors with respect to Rally Plastics, United Wah, and Ming Pack. With respect to Rally Plastics, the petitioners alleged three ministerial errors: (1) the Department should have valued the recycled scrap input reported by Rally Plastics, (2) the Department should not have converted Rally Plastics' reported

international freight because it was reported in U.S. dollars, (3) the Department should have inflated the surrogate-value figure for electricity. With respect to United Wah, the petitioners alleged three ministerial errors: (1) the Department should not have converted United Wah's reported international freight because it was reported in U.S. dollars, (2) the Department should use the quantity variable reported in the U.S. sales database rather than the quantity variable reported in the factors-of-production database, (3) the Department should have inflated the surrogate-value figure for electricity.

We agree with all of the petitioners' ministerial-error allegations concerning Rally Plastics and United Wah. Because correction of these errors results in a change of at least five absolute percentage points in, but not less than 25 percent of, the weighted-average dumping margin calculated in the original (erroneous) preliminary determination, we have determined that these ministerial errors are "significant ministerial errors" pursuant to 19 CFR 351.224(g)(1) and (g)(2). Accordingly, we are amending the *Preliminary Determination* to reflect the correction of these significant ministerial errors made in the margin calculations for Rally Plastics and United Wah in that determination, pursuant to 19 CFR 351.224(e).

With respect to Ming Pak, the petitioners alleged three ministerial errors: (1) the Department should have valued the antiblocking additive usage reported by Ming Pak, (2) the Department should have included amounts for virgin resin that are consumed in the production of recycled scrap used to produce the subject merchandise, (3) the Department should have inflated the surrogate-value figure for electricity, (4) the Department should have included two U.S. sales transactions that it did not include in its margin calculation.

We do not agree that we made a clerical error with respect to valuing Ming Pak's recycled scrap. The petitioners allege that we omitted a resin component in our calculation of the surrogate value for Ming Pak's recycled scrap. This was not inadvertent. As we stated in the preliminary determination, "Ming Pak reported the use of recycled resin scrap in the production of its subject merchandise. Because the scrap represented the re-use of purchased raw materials, we only valued the labor and electricity used to recycle the scrap when valuing this input." See *Preliminary Determination*, 69 FR at

3550. Therefore, the alleged omission was intentional and a ministerial-error amendment is not appropriate.

Furthermore, while we agree with the other errors raised by the petitioners with respect to Ming Pak, we find that correction of the alleged errors would increase the margin from 32.19 percent to 32.59 percent. Because the errors alleged do not result in a change of at least five absolute percentage points in the weighted-average dumping margin calculated in the original (erroneous) preliminary determination, we are not amending our preliminary determination with respect to Ming Pak.

Hang Lung alleged that the Department made a ministerial error by not converting its reported foreign-inland-freight expenses from Hong Kong dollars into U.S. dollar values. We reviewed this allegation and found that we inadvertently had not converted the Hong Kong dollar-denominated freight values to U.S. dollar values. Hang Lung's preliminary margin was *de minimis* and, with this correction, the margin remains *de minimis*. Therefore, we are not amending our preliminary determination with respect to Hang Lung.

Zhongshan alleged three ministerial errors: (1) the Department used the incorrect sales figure for allocating usage of plates, cellulose tape, and solvent, (2) the Department allocated cellulose tape usage to all U.S. sales rather than only to sales of printed bags, (3) the Department included the variable for the value of color master in addition to the usage rate for color master.

We agree with Zhongshan's allegations. We find, however, that correction of the alleged errors would reduce the margin from 57.09 percent to 52.82 percent. Because the errors alleged do not result in a change of at least five absolute percentage points in the weighted-average dumping margin calculated in the original (erroneous) preliminary determination nor at least 25 percent of the margin calculated, we are not amending our preliminary determination with respect to Zhongshan.

The collection of bonds or cash deposits and suspension of liquidation will be revised accordingly and parties will be notified of this determination, in accordance with section 733(d) and (f) of the Tariff Act of 1930, as amended, (the Act).

#### Amended Preliminary Determination

As a result of our correction of ministerial errors in the Preliminary Determination, we have determined that

the following weighted-average dumping margins apply:

Exporter and Producer	Weighted-average percent margin
Hang Lung .....	0.12
United Wah .....	25.41
Nantong .....	18.43
Rally Plastics .....	18.56
Glopak .....	4.45
Ming Pak .....	32.19
Zhongshan .....	57.09
Beijing Lianbin .....	18.43
Dongguan Zhongqiao .....	18.43
Good-in Holdings .....	18.43
Guangdong Esquel .....	18.43
Nan Sing .....	18.43
Ningbo Fanrong .....	18.43
Ningbo Huansen .....	18.43
Rain Continent .....	18.43
Shanghai Dazhi .....	18.43
Shanghai Fangsheng .....	18.43
Shanghai Jingtai .....	18.43
Shanghai Light Industrial .....	18.43
Shanghai Minmetals .....	18.43
Shanghai New Ai Lian .....	18.43
Shanghai Overseas .....	18.43
Shanghai Yafu .....	18.43
Weihai Weiquan .....	18.43
Xiamen Xingyatai .....	18.43
Xinhui Henglong .....	18.43
PRC-wide Rate .....	80.52

The PRC-wide rate has not been amended and applies to all entries of the subject merchandise except for entries from exporters/producers that are identified individually above. Moreover, the margins for Hang Lung, Glopak, and Zhongshan have not been amended. Further, because the Department's investigation focused on companies which exported their own merchandise, these rates are applicable to companies which manufacture and export their own merchandise.

#### International Trade Commission Notification

In accordance with section 733(f) of the Act, we have notified the ITC of our amended preliminary determination. If our final determination is affirmative, the ITC will determine before the later of 120 days after the date of the preliminary determination or 45 days after our final determination whether the domestic industry in the United States is materially injured, or threatened with material injury, by reason of imports, or sales (or the likelihood of sales) for importation, of the subject merchandise.

This determination is issued and published in accordance with sections 733(f) and 777(i)(1) of the Act and 19 CFR 351.224(e).

Dated: February 13, 2004.

**Jeffrey May,**

*Acting Assistant Secretary for Import Administration.*

[FR Doc. 04-3743 Filed 2-19-04; 8:45 am]

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

[Doc. No. 040205039-4039-01, I.D. 012804A]

#### Whaling Provisions: Aboriginal Subsistence Whaling Quotas

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Notification of aboriginal subsistence whaling quota.

**SUMMARY:** NMFS announces the aboriginal subsistence whaling quota for bowhead whales, and other limitations deriving from regulations adopted at the 2002 Special Meeting of the International Whaling Commission (IWC). For 2004, the quota is 75 bowhead whales struck. This quota and other limitations will govern the harvest of bowhead whales by members of the Alaska Eskimo Whaling Commission (AEWC).

**DATES:** Effective February 20, 2004.

**ADDRESSES:** Office of Protected Resources, National Marine Fisheries Service, 1315 East West Highway, Silver Spring, MD 20910.

**FOR FURTHER INFORMATION CONTACT:** Chris Yates, (301) 713-2322.

**SUPPLEMENTARY INFORMATION:** Aboriginal subsistence whaling in the United States is governed by the Whaling Convention Act (16 U.S.C. 916 *et seq.*). Regulations that implement the Act, found at 50 CFR 230.6, require the Secretary of Commerce (Secretary) to publish, at least annually, aboriginal subsistence whaling quotas and any other limitations on aboriginal subsistence whaling deriving from regulations of the IWC.

At the 2002 Special Meeting of the IWC, the Commission set quotas for aboriginal subsistence use of bowhead whales from the Bering-Chukchi-Beaufort Seas stock. The bowhead quota was based on a joint request by the United States and the Russian Federation, accompanied by documentation concerning the needs of two Native groups: Alaska Eskimos and Chukotka Natives in the Russian Far East.

This action by the IWC thus authorized aboriginal subsistence whaling by the AEWC for bowhead whales. This aboriginal subsistence harvest is conducted in accordance with a cooperative agreement between NOAA and the AEWC.

The IWC set a 5-year block quota of 280 bowhead whales landed. For each of the years 2003 through 2007, the number of bowhead whales struck may not exceed 67, except that any unused portion of a strike quota from any year, including 15 unused strikes from the 1998 through 2002 quota, may be carried forward. No more than 15 strikes may be added to the strike quota for any one year. At the end of the 2003 harvest, there were 15 unused strikes available for carry-forward, so the combined strike quota for 2004 is 82 (67 + 15).

This arrangement ensures that the total quota of bowhead whales landed and struck in 2004 will not exceed the quotas set by the IWC. Under an arrangement between the United States and the Russian Federation, the Russian natives may use no more than seven strikes, and the Alaska Eskimos may use no more than 75 strikes.

NOAA is assigning 75 strikes to the Alaska Eskimos. The AEWC will allocate these strikes among the 10 villages whose cultural and subsistence needs have been documented in past requests for bowhead quotas from the IWC, and will ensure that its hunters use no more than 75 strikes.

#### Other Limitations

The IWC regulations, as well as the NOAA rule at 50 CFR 230.4(c), forbid the taking of calves or any whale accompanied by a calf.

NOAA rules (at 50 CFR 230.4) contain a number of other prohibitions relating to aboriginal subsistence whaling, some of which are summarized here. Only licensed whaling captains or crew under the control of those captains may engage in whaling. They must follow the provisions of the relevant cooperative agreement between NOAA and a Native American whaling organization. The aboriginal hunters must have adequate crew, supplies, and equipment. They may not receive money for participating in the hunt. No person may sell or offer for sale whale products from whales taken in the hunt, except for authentic articles of Native handicrafts. Captains may not continue to whale after the relevant quota is taken, after the season has been closed, or if their licenses have been suspended. They may not engage in whaling in a wasteful manner.

Dated: February 13, 2004.

**Rebecca Lent,**

*Deputy Assistant Administrator for Regulatory Programs*

[FR Doc. 04-3755 Filed 2-19-04; 8:45 am]

BILLING CODE 3510-22-S

## COMMODITY FUTURES TRADING COMMISSION

### Sunshine Act Meeting

**TIME AND DATE:** 11 a.m., Friday, March 5, 2004.

**PLACE:** 1155 21st St., NW., Washington, DC, Room 1012.

**STATUS:** Closed.

**MATTERS TO BE CONSIDERED:** Surveillance Matters.

**FOR FURTHER INFORMATION CONTACT:** Jean A. Webb, 202-418-5100.

**Jean A. Webb,**

*Secretary of the Commission.*

[FR Doc. 04-3785 Filed 2-18-04; 9:40 am]

BILLING CODE 6351-01-M

## COMMODITY FUTURES TRADING COMMISSION

### Sunshine Act Meeting

**TIME AND DATE:** 11 a.m., Friday, March 12, 2004.

**PLACE:** 1155 21st St., NW., Washington, DC, Room 1012.

**STATUS:** Closed.

**MATTERS TO BE CONSIDERED:** Surveillance Matters.

**FOR FURTHER INFORMATION CONTACT:** Jean A. Webb, 202-418-5100.

**Jean A. Webb,**

*Secretary of the Commission.*

[FR Doc. 04-3786 Filed 2-18-04; 9:40 am]

BILLING CODE 6351-01-M

## COMMODITY FUTURES TRADING COMMISSION

### Sunshine Act Meeting

**TIME AND DATE:** 11 a.m., Friday, March 19, 2004.

**PLACE:** 1155 21st St., NW., Washington, DC, Room 1012.

**STATUS:** Closed.

**MATTERS TO BE CONSIDERED:** Surveillance Matters.

**FOR FURTHER INFORMATION CONTACT:** Jean A. Webb, 202-418-5100.

**Jean A. Webb,**

*Secretary of the Commission.*

[FR Doc. 04-3787 Filed 2-18-04; 9:40 am]

BILLING CODE 6351-01-M