

to determine the eligibility of commercial interests seeking USG advocacy support.

## II. Method of Collection

When U.S. commercial interests request USG advocacy assistance, they are either sent Form ITA-4133P or referred to the Advocacy Center's Web site from which Form ITA-4133P may be down-loaded completed, signed, and filed.

## III. Data

*OMB Number:* 0625-0220.

*Form Number:* ITA-4133P.

*Type of Review:* Regular Submission.

*Affected Public:* Commercial Interests seeking USG advocacy.

*Estimated Number of Respondents:* 200.

*Estimated Time Per Response:* 30 minutes.

*Estimated Total Annual Burden Hours:* 205.

*Estimated Total Annual Costs:* \$15,300.00 (\$9,175.00 for respondents and \$6,125.00 for federal government).

## IV. Request for Comments

Comments are invited on (a) whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and costs) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the

use of automated collection techniques or forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: January 13, 2005.

**Madeleine Clayton,**  
*Management Analyst, Office of the Chief Information Officer.*

[FR Doc. E5-197 Filed 1-19-05; 8:45 am]

**BILLING CODE 3510-FP-P**

of the first administrative review of the antidumping duty order on folding metal tables and chairs from the People's Republic of China ("PRC"), in which we determined that the cooperative respondent, Dongguan Shichang Metals Factory Co., Ltd. and Maxchief Investments, Ltd.

("Shichang"), sold subject merchandise to the United States at less than normal value during the period of review ("POR") (69 FR 75913). On December 20, 2004, we received an allegation, timely filed pursuant to section 751(h) of the Act and 19 CFR 351.224(C)(2), from Shichang that the Department made a ministerial error in its final results. The petitioner<sup>1</sup> did not comment on the alleged ministerial error.

After analyzing Shichang's submission, we have determined, in accordance with section 751(h) of the Act and 19 CFR 351.224, that we made a ministerial error in our final margin calculation for Shichang. Specifically, we incorrectly calculated the selling, general, and administrative ("SG&A") and profit financial ratios because we did not include the line item "Purchase of Traded Goods" in the denominator of these ratios. For a detailed discussion of the ministerial error, as well as the Department's analysis, see the memorandum to James C. Doyle, Office Director, from Amber Musser, analyst, dated January XX, 2005.

Therefore, in accordance with section 751(h) of the Act and 19 CFR 351.224(e), we are amending the final results of the first antidumping duty administrative review of the order on folding metal tables and chairs from the PRC. The revised dumping margin is as follows:

Exporter/manufacturer	Original final margin percentage	Revised final margin percentage
Dongguan Shichang Metals Factory Co., Ltd. and Maxchief Investments, Ltd. ....	4.27	3.30

We will notify U.S. Customs and Border Protection ("CBP") of the revised cash deposit rate for Shichang.

## Scope of the Order

The products covered by this order consist of assembled and unassembled folding tables and folding chairs made primarily or exclusively from steel or other metal, as described below:

(1) Assembled and unassembled folding tables made primarily or exclusively from steel or other metal ("folding metal tables"). Folding metal tables include square, round,

rectangular, and any other shapes with legs affixed with rivets, welds, or any other type of fastener, and which are made most commonly, but not exclusively, with a hardboard top covered with vinyl or fabric. Folding metal tables have legs that mechanically fold independently of one another, and not as a set. The subject merchandise is commonly, but not exclusively, packed singly, in multiple packs of the same item, or in five piece sets consisting of four chairs and one table. Specifically

excluded from the scope of folding metal tables are the following:

- a. Lawn furniture;
- b. Trays commonly referred to as "TV trays";
- c. Side tables;
- d. Child-sized tables;
- e. Portable counter sets consisting of rectangular tables 36" high and matching stools; and
- f. Banquet tables. A banquet table is a rectangular table with a plastic or laminated wood table top approximately 28" to 36" wide by 48" to 96" long and with a set of folding legs at each end of

<sup>1</sup> The petitioner is Meco Corporation.

the table. One set of legs is composed of two individual legs that are affixed together by one or more cross-braces using welds or fastening hardware. In contrast, folding metal tables have legs that mechanically fold independently of one another, and not as a set.

(2) Assembled and unassembled folding chairs made primarily or exclusively from steel or other metal ("folding metal chairs"). Folding metal chairs include chairs with one or more cross-braces, regardless of shape or size, affixed to the front and/or rear legs with rivets, welds or any other type of fastener. Folding metal chairs include: Those that are made solely of steel or other metal; those that have a back pad, a seat pad, or both a back pad and a seat pad; and those that have seats or backs made of plastic or other materials. The subject merchandise is commonly, but not exclusively, packed singly, in multiple packs of the same item, or in five piece sets consisting of four chairs and one table. Specifically excluded from the scope of folding metal chairs are the following:

- a. Folding metal chairs with a wooden back or seat, or both;
- b. Lawn furniture;
- c. Stools;
- d. Chairs with arms; and
- e. Child-sized chairs.

The subject merchandise is currently classifiable under subheadings 9401710010, 9401710030, 9401790045, 9401790050, 9403200010, 9403200030, 9403708010, 9403708020, and 9403708030 of the HTSUS. Although the HTSUS subheadings are provided for convenience and customs purposes, the Department's written description of the merchandise is dispositive.

These amended final results of this new shipper review and notice are in accordance with sections 751(h) and 777(i) of the Act and 19 CFR 351.224(e).

Dated: January 11, 2005.

**Joseph A. Spetrini,**  
Acting Assistant Secretary for Import Administration.

[FR Doc. E5-209 Filed 1-19-05; 8:45 am]

BILLING CODE 3510-DS-P

## CONSUMER PRODUCT SAFETY COMMISSION

[CPSC Docket No. 05-C0005]

### Polaris Industries Inc., Provisional Acceptance of a Settlement Agreement and Order

**AGENCY:** Consumer Product Safety Commission.

**ACTION:** Notice.

**SUMMARY:** It is the policy of the Commission to publish settlements which it provisionally accepts under the Consumer Product Safety Act in the **Federal Register** in accordance with the terms of 16 CFR 1118.20(e). Published below is a provisionally-accepted Settlement Agreement with Polaris Industries Inc., containing a civil penalty of \$950,000.00.

**DATES:** Any interested person may ask the Commission not to accept this agreement or otherwise comment on its contents by filing a written request with the Office of the Secretary by February 7, 2005.

**ADDRESSES:** Persons wishing to comment on this Settlement Agreement should send written comments to the Comment 05-C005, Office of the Secretary, Consumer Product Safety Commission, Washington, DC 20207.

**FOR FURTHER INFORMATION CONTACT:** Seth B. Popkin, Trial Attorney, Office of Compliance, Consumer Product Safety Commission, Washington, DC 20207; telephone (301) 504-7612.

**SUPPLEMENTARY INFORMATION:** The text of the Agreement and Order appears below.

Dated: January 13, 2005.

**Todd A. Stevenson,**  
Secretary.

### Settlement Agreement and Order

1. In accordance with 16 CFR 1118.20, Polaris Industries Inc. ("Polaris") and the staff ("Staff") of the United States Consumer Product Safety Commission ("Commission") enter into this Settlement Agreement ("Agreement"). The Agreement and the incorporated attached Order ("Order") settle the Staff's allegations set forth below.

### Parties

2. The Commission is an independent federal regulatory agency established pursuant to, and responsible for the enforcement of, the Consumer Product Safety Act, 15 U.S.C. 2051-2084 ("CPSA").

3. Polaris is a corporation organized and existing under the laws of the state of Minnesota. Its principal offices are located at 2100 Highway 55, Medina, MN 55340. Polaris designs and manufactures all terrain vehicles (ATVs) and other vehicles.

### Staff Allegations

#### Throttle Control

4. From December 1998 through July 2000, Polaris manufactured and/or sold a total of approximately 13,600 units of certain 1999 Scrambler 400, Sport 400, and Xplorer 400 ATVs, and of certain

2000 Scrambler 400 and Xplorer 400 ATVs ("400cc ATVs").

5. Each 400cc ATV is a "consumer product" that Polaris "distributed in commerce," and Polaris is a "manufacturer" of a consumer product, as those terms are defined in sections 3(a)(1), (4), (11), and (12) of the CPSA, 15 U.S.C. 2052(a)(1), (4), (11), and (12).

6. The throttle on the 400cc ATVs could stick as a result of the throttle cable becoming caught on the throttle control cover, preventing the ATVs from slowing down or stopping when riders released the throttle lever. A stuck throttle can cause an ATV rider to lose control and crash, possibly resulting in severe injury or death.

7. From December 1998 to May 2000, Polaris received 88 reports of 400cc ATV throttles that stuck as a direct or apparent result of the cable becoming caught on the throttle control cover. In 19 of the 88 reports, the stuck throttle caused crashes, other accidents, or damage, and in 7 of the 88 reports, the stuck throttle caused injuries. The injuries included, among others, a dislocated hip, a broken shoulder, and torn back muscles.

8. From September 1999 to May 2000, Polaris obtained knowledge about the 400cc ATVs' throttle defect, hazard, and risk, and Polaris made 3 engineering changes to address the defect. As of the end of September 1999, Polaris had received 47 of the 88 stuck throttle reports, it had received several reports from dealers who specifically noted the defect's characteristics, and it had begun engineering changes to address the defect. As of January 2000, Polaris had received additional reports, made 2 engineering changes, decided on a further engineering change, and successfully tested revised parts.

9. By September 30, 1999, Polaris had obtained information that reasonably supported the conclusion that the 400cc ATVs contained a defect that could create a substantial product hazard or that they created an unreasonable risk of serious injury or death. Sections 15(b)(2) and (3) of the CPSA, 15 U.S.C. 2064(b)(2) and (3), required Polaris to immediately inform the Commission of such defect or risk.

10. Polaris did not report to the Commission regarding the 400cc ATVs until May 23, 2000, thereby failing to immediately inform the Commission as required by sections 15(b)(2) and (3) of the CPSA, 15 U.S.C. 2064(b)(2) and (3). This failure violated section 19(a)(4) of the CPSA, 15 U.S.C. 2068(a)(4).

11. Polaris knowingly failed to immediately inform the Commission of the 400cc ATVs' defect or risk, as the term "knowingly" is defined in section