

that the company-specific analysis memorandums provided the programming language demonstrating the byproduct offset was being deducted from the total normal value. In addition, our *Preliminary Determination* clearly stated that the by-product offset would be taken from normal value. "Where applicable, we deducted from each respondent's normal value the value of byproducts sold during the POI."² See *Preliminary Determination*, 68 FR at 4994. However, given the conflicting statements on the record, the fact that this is our normal practice, and that there was no explanation in the *Preliminary Determination* regarding the change, we agree that deducting the by-products from the total normal value represents an error. Therefore, for this amended preliminary determination, we are deducting each Mandatory Respondent's byproduct offset from the cost of manufacturing and not from normal value. We note that the Department will carefully revisit all aspects of this issue in the final determination.

The correction of this error in combination with the correction of the other errors would result in a margin of for 38.09% for Nam Viet and 31.45% for Agifish, while the margins of the remaining Mandatory Respondents do not change significantly, as noted below. This is more than five percentage points different from and more than 25 percent of the weighted-average dumping margin calculated in the *Preliminary Determination*.

Accordingly, the error regarding the correction of the byproduct offset alleged by the Mandatory Respondents is a significant ministerial error within the meaning of 19 CFR 351.224(g) for Nam Viet and Agifish.

We note that the correction of this error does not fulfill the requirement of a significant ministerial error within the meaning of 19 CFR 351.224(g) for CATACO and Vinh Hoan. Therefore, we are not amending our *Preliminary Determination* with regard to CATACO's and Vinh Hoan's byproduct offset. For a more detailed analysis, please see the company-specific analysis memorandums.

Comment 3: Agifish's Fish Waste Offset

Agifish argues that the Department incorrectly calculated Agifish's factor input for fish waste re-introduced in the production of the subject merchandise. Agifish asserts that rather than using the total amount of fish waste re-introduced in the company's first two production stages, the Department used only the

amount of fish waste re-introduced at one of the production stages. According to Agifish, the Department's error drastically reduced the fish waste to subject merchandise ratio. Agifish argues that this is an apparent inadvertent ministerial error because the Department, in calculating dumping margins for the other three mandatory Mandatory Respondents, used the amount of fish waste reported for all production stages.

Department's Position

We agree with Agifish that the Department incorrectly calculated Agifish's factor input for fish waste re-introduced in the production of the subject merchandise. Specifically, on January 17, 2003, Agifish submitted supplementary information indicating the amount of fish waste generated and sent to make fish feed which is re-introduced into the production process. Based on the factors of production data, we noted that the amount of fish waste generated and sent to make fish feed that Agifish indicated in its January 17, 2003 response was significantly lower than the actual amount used to make fish feed during the POI. Therefore, for the *Preliminary Determination*, we capped the amount of the fish waste offset at the actual amount of fish waste re-introduced as fish feed during the POI.

We note, however, that in capping the offset as described above, the Department neglected to give Agifish credit for a byproduct described in the calculation database as "fish flour." As the claim for this byproduct exists in the database and as there was no information on the record at the time of the preliminary determination casting doubt on the appropriateness of this claim, the Department will grant this claim. In order to value the fish flour byproduct, the Department is applying the surrogate value for fish flour. We note that the Department will revisit all aspects of this issue in the final determination.

The correction of this error in combination with the correction of the other errors would result in a margin of 31.45% for Agifish. This is more than five percentage points different from and more than 25 percent of the weighted-average dumping margin calculated in the *Preliminary Determination*. Accordingly, the error regarding the correction of the fish waste offset alleged by Agifish is a significant ministerial error within the meaning of 19 CFR 351.224(g).

Therefore, we are amending our *Preliminary Determination* with regard to Agifish's fish waste offset. For a more

detailed analysis, please see the company-specific analysis memorandums.

Comment 4: CATACO's Coal Consumption Ratio

CATACO argues that the Department incorrectly calculated CATACO's coal consumption ratio in the *Preliminary Determination*. According to CATACO, the coal consumption ratio used by the Department includes coal used in both the farming and processing stages. CATACO argues that the Department should apply CATACO's coal consumption ratio specific to only the processing stage of the production process.

Department's Position

We agree with CATACO. In our *Preliminary Determination*, we used a coal consumption ratio that was slightly higher than the coal consumption ratio that CATACO reported for the processing stage. Specifically, the coal consumption ratio we used in the *Preliminary Determination* included the amount of coal used in a stage preceding the processing stage. Consequently, the coal consumption used by the Department in the *Preliminary Determination* was overstated. Therefore, we have replaced the coal consumption ratio used in the *Preliminary Determination* with the correct coal consumption ratio reported by CATACO that is specific to only the processing stage of the production process. We note that the Department will revisit all aspects of this issue in the final determination.

However, we note that the correction of this error in combination with the other alleged errors does not change the margin by a significant amount as required by 19 CFR 351.224(g). Therefore, we are not amending our *Preliminary Determination* with regard to CATACO's coal consumption ratio.

Ministerial Error Allegations from the Petitioners

Comment 1: Agifish's and Vinh Hoan's Fish Oil Offset

The Petitioners argue that the Department erred in calculating Agifish's and Vinh Hoan's fish oil byproduct offset. The Petitioners note that the Department stated that, in accordance with its policy, it would only grant byproducts credits for the amount of fish oil generated and sold by the Mandatory Respondents. See *Memorandum from Alex Villanueva to the File regarding the Analysis of the Preliminary Determination of Certain Frozen Fish Fillets from the Socialist*

² Period of Investigation.