

*Republic of Vietnam: Agifish*, dated January 24, 2003 at 3, and *Memorandum from Lisa Shishido to the File regarding the Analysis of the Preliminary Determination of Certain Frozen Fish Fillets from the Socialist Republic of Vietnam: Vinh Hoan*, dated January 24, 2003 at 3. According to the Petitioners, both Agifish and Vinh Hoan sold more fish oil during the POI than they actually generated during the POI. Therefore, the Petitioners argue, based on the Department's stated policy, the Department should only have granted byproduct credits for the amount of fish oil both generated and sold during the POI, which was smaller than the amount of fish oil sold.

#### *Department's Position*

We agree with the Petitioners that the Department erred in calculating Agifish's and Vinh Hoan's fish oil byproduct offset. The Petitioners correctly note that the Department stated that, in accordance with our practice, we would only grant byproducts credits for the amount of fish oil generated and sold by the Respondent companies. Both Agifish's and Vinh Hoan's January 17, 2003 supplemental responses revealed that the amount of fish oil sold during the POI was significantly more than the total amount of fish oil generated during the same period. In our *Preliminary Determination*, we did not cap the amount of the fish oil byproduct offset at the amount of fish oil generated and sold during the POI. Therefore, we have recalculated the amount of fish oil byproduct offset used in the *Preliminary Determination* and capped that offset at the amount of fish oil generated and sold during the POI. For a more detailed explanation, please see Agifish's and Vinh Hoan's analysis memorandums.

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 oil offset alleged by Agifish is a significant ministerial error within the meaning of 19 CFR 351.224(g).

However, the correction of this error in combination with the correction of the other errors would not result in a significant ministerial error within the meaning of 19 CFR 351.224(g) for Vinh Hoan. Accordingly, we are not amending our *Preliminary Determination* with regard to Vinh Hoan's fish oil offset.

#### *Comment 2: Nam Viet's International Freight Expense*

The Petitioners argue that to value freight costs incurred by Nam Viet, on sales shipped by non-market economy carriers, the Department calculated the average rate incurred on shipments made by the market economy carriers. However, the Petitioners argue, in making the calculation, the Department incorrectly included sales values which did not incur freight costs in the denominator of its average. According to the Petitioners, by including these sales, the Department understated the ocean freight costs to be applied to those sales which were shipped on non-market economy carriers.

#### *Department's Position:*

We agree with the Petitioners that, when valuing freight costs incurred by

Nam Viet on sales shipped by non-market economy carriers, the Department incorrectly included sales which did not incur freight costs in calculating the average rate incurred on shipments made by the market economy carriers. Consequently, the average freight rate used by the Department in the *Preliminary Determination* was understated. Therefore, we have recalculated the average freight costs used in the *Preliminary Determination*, excluding those sales made by Nam Viet that were identified as FOB sales. 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 other errors would result in a margin of 38.09% for Nam Viet. 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 freight costs alleged by the Petitioners is a significant ministerial error within the meaning of 19 CFR 351.224(g). Therefore, we are amending our *Preliminary Determination* with regard to Nam Viet's average freight costs. For a more detailed analysis, please see the company-specific analysis memorandums.

As a result, we are amending the *Preliminary Determination* of the antidumping duty investigation of certain frozen fish fillets from the Socialist Republic of Vietnam to reflect the correction of the above-cited ministerial errors. The revised final weighted-average dumping margins are as follows:

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#### CERTAIN FROZEN FISH FILLETS FROM VIETNAM

Producer/manufacturer/exporter	Prelim margin	Amended prelim margin
Agifish .....	61.88	31.45
Vinh Hoan .....	37.94	37.94
Nam Viet .....	53.96	38.09
CATACO .....	41.06	41.06
Afiex .....	49.16	36.76
CAFATEX .....	49.16	36.76
Da Nang .....	49.16	36.76
Mekonimex .....	49.16	36.76
QVD .....	49.16	36.76
Viet Hai .....	49.16	36.76
Vietnam-Wide Rate .....	63.88	63.88

#### *Suspension of Liquidation*

We will instruct U.S. Customs Service to continue to require a cash deposit or

the posting of a bond equal to the weighted-average amount by which the NV exceeds EP, as indicated above.

With respect to Nam Viet and the parties receiving the Vietnam-wide rate, the Department will direct the U.S.