telephone: (202) 482–1756 or (202) 482–3853, respectively.

## **Amendment to the Final Determination**

We are amending the final determination of sales at less than fair value of stainless steel bar from Spain to reflect the correction of ministerial errors made in the margin calculations in that determination. We are publishing this amendment to the final determination in accordance with 19 CFR 353.28(c).

## **Case History and Amendment of the Final Determination**

In accordance with section 735(d) of the Tariff Act of 1930, as amended (the Act), on December 28, 1994, the Department of Commerce (the Department) published its final determination that stainless steel bar from Spain was being sold at less than fair value (59 FR 66931). Subsequent to the final determination, we received ministerial error allegations by both petitioners and respondents in this investigation.

On January 12, 1995, petitioners made a timely allegation that the Department made ministerial errors in its final determination. First, they alleged that the Department made two incorrect adjustments to the reported differencein-merchandise (difmer) data for respondent Roldan, S.A. (Roldan). Petitioners alleged that, in order to correct a discrepancy in Roldan's reported variable manufacturing costs for certain U.S. and home market sales, the Department increased the variable cost of manufacture (COM) for difmer purposes by adding to the home market difmer costs reported by Roldan when, in fact, the home market difmer adjustment should have been subtracted.

Furthermore, petitioners argued that the Department should not have made a similar difmer adjustment to Roldan's reported variable COM for U.S. sales because the discrepancy was confined to Roldan's home market variable COM data.

Respondent agreed with petitioner that the Department should have subtracted, rather than added, from its difmer data in order for it to correspond to its COP data. However, respondent argued that the petitioners were incorrect in their assertion that the discrepancy was confined only to Roldan's home market sales data. Consequently, respondent argued that the adjustment should have been made to the difmer data of both U.S. and home market sales.

We agree that this error constitutes a ministerial error as defined by Section

751(f) of the Tariff Act of 1930, as amended (the Act), which states that a 'ministerial error' is "an error in addition, subtraction or other arithmetic function, clerical error resulting from inaccurate copying, duplication, or the like, and any other type of unintentional error which the Secretary considers ministerial." We agree that the Department made a mathematical error when adjusting the respondent's difmer information. Furthermore, we agree with the respondent that this adjustment should have been made to its U.S. difmer information as well as its home market difmer information. We made the proper adjustments in our margin calculations and the resulting margin did not change from the margin calculated for the final determination.

Second, petitioners noted that the Department did not calculate margins for several of Roldan's U.S. sales that did not have product matches or constructed value data. Petitioners argued that the Department should have used the highest non-aberrational margin calculated for individual sales to calculate margins for these sales.

Respondent stated that the Department correctly deleted the sales for which there were no product matches from the margin calculation.

We have analyzed the information submitted by Roldan and have concluded that the Department made a "ministerial error" under Section 751(f) of the Act. We inadvertently omitted these sales in our concordance before they could be matched to the appropriate home market products. We have corrected this problem and calculated a margin for the sales in question.

On January 13, 1995, Acenor, S.A. (Acenor), a mandatory respondent that withdrew from the investigation, and Roldan, made timely allegations that the Department made ministerial errors in its final determination. Acenor alleged that its deposit rate was based on data presented in a sales below cost of production (COP) allegation which was determined to be invalid by the Department.

Petitioners argued that because Acenor was no longer an interested party in the investigation, the firm of George V. Egge Jr., P.C. could no longer represent itself as counsel for Acenor and submit a ministerial error allegation on its behalf. Petitioners further suggested that if the Department were to modify the best information available (BIA) rate applied to Acenor, it should have used the highest individual margin calculated in the preliminary determination using Acenor's own data.

We disagree with petitioners that Acenor is no longer an interested party. The fact that Acenor decided to withdraw from further participation does not change the fact that they are a named respondent who participated substantially throughout most of the investigation. We also disagree with respondent that the Department made a ministerial error in calculationg its BIA rate. We determine that this issue is methodological and was improperly raised as a ministerial error under Section 751(f) of the Act.

Roldan claimed that over half of its U.S. sales were improperly matched to home market sales made at a different level of trade. Petitioners argued that Roldan's argument is not a ministerial error allegation and should be rejected. We agree with petitioners that this allegation is not ministerial in nature, but rather a methodological question.

On January 19, 1995, petitioners commented on respondent's allegation and on January 20, 1995, respondent commented on petitioners' allegation.

## **Scope of Order**

The product covered by this order is stainless steel bar (SSB). SSB means articles of stainless steel in straight lengths that have been either hot-rolled. forged, turned, cold-drawn, cold-rolled or otherwise cold-finished, or ground, having a uniform solid cross section along their whole length in the shape of circles, segments of circles, ovals, rectangles (including squares), triangles, hexagons, octagons or other convex polygons. SSB includes cold-finished SSBs that are turned or ground in straight lengths, whether produced from hot-rolled bar or from straightened and cut rod or wire, and reinforcing bars that have indentations, ribs, grooves, or other deformations produced during the rolling process.

Except as specified above, the term does not include stainless steel semi-finished products, cut length flat-rolled products (*i.e.*, cut length rolled products which if less than 4.75 mm in thickness have a width measuring at least 10 times the thickness, or if 4.75 mm or more in thickness having a width which exceeds 150 mm and measures at least twice the thickness), wire (*i.e.*, cold-formed products in coils, of any uniform solid cross section along their whole length, which do not conform to the definition of flat-rolled products), and angles, shapes and sections.

The SSB subject to this order is currently classifiable under subheadings 7222.10.0005, 7222.10.0050, 7222.20.0005, 7222.20.0045, 7222.20.0075, and 7222.30.0000 of the Harmonized Tariff Schedule of the