

error, Thyssen argues that BIA is improper because the errors, for this and other Richburg sales, related solely to the summary worksheet provided to the Department at verification and did not affect the veracity of the data submitted in the database. Thyssen notes that the Department did not find an error in quantity during the sales trace of one observation that appeared as an addition on the summary list, and that the quantity observed for another sales trace observation corresponded to the corrected quantity in Thyssen's June 13, 1995, submission. Petitioners counter by noting that examples of sales with correct quantity information do not negate the pervasive errors throughout the whole group of sales in question.

For the third quantity/price invoice cited by petitioners, Thyssen argues that it did report the changes in U.S. Sales Verification Exhibit 24A1 and 24A3.

Thyssen claims that it also identified at verification as requiring correction the four quantity/price observations to which the Department chose to apply BIA in its preliminary results, two of which were listed in its column of changes entitled "Deletion of Duplicate Invoices." The other two were listed in the column of changes entitled "Misc. Corrections." Petitioners counter that a worksheet indicating an invoice "change" does not constitute sufficient notice to the Department because it does not identify the type or number of "changes" made to these invoices.

Regarding the quantity/price invoice for which the Department added an extra zero, Thyssen argues that it had identified this invoice as a "change," and provided the Department with corrected information immediately upon discovery of the summary worksheet error.

Regarding the other three Richburg invoices which petitioner argues should be included in the BIA dataset, Thyssen again argues that BIA is not appropriate for the sales in question because the errors related solely to the summary worksheet provided to the Department at verification.

Thyssen concludes that the Department should treat Thyssen's clerical mistakes in the same manner as petitioners have suggested the Department should correct the Department's own clerical errors. Thyssen argues that the limited burden of correcting the mistakes is far outweighed by the preference for accuracy in final dumping determinations, and that it would be both paradoxical and a clear abuse of discretion for the Department to punish Thyssen for its attempt to create as

error-free and as accurate a margin calculation as possible.

*Department's Position:* The Department is not applying BIA to the first quantity/price invoice in question. That invoice is referred to on page 9 of the U.S. Sales Verification report as having an error in reported actual weight. The Department did not instruct Thyssen to make the correction to that invoice in its post-verification database; however, applying BIA to the invoice in question because Thyssen unilaterally corrected an error amounting to roughly two-tenths of one percent that the Department identified at verification, would be inappropriate.

The Department is applying BIA to the second quantity/price invoice in question, as it did for other Richburg Division invoices which Thyssen attempted to correct at U.S. verification. As noted in the Department's June 16, 1995, analysis memorandum, Thyssen provided a number of changes to the U.S. sales database with respect to sales from Richburg, but some of these changes differed from those provided at verification; differences included incorrect quantities, deletion of non-existing invoices or portions thereof, and incorrect shipping dates. The numerous errors and inconsistencies in Thyssen's presentation of changes involving Richburg sales created doubts about the observations in question. The errors in Thyssen's proposed changes only became apparent after verification, when Thyssen submitted its post-verification database on May 22, 1995. Furthermore, the fact that the verification report seems to indicate that a sale was reported accurately is not dispositive, and we agree with petitioners that the numerous errors called into question the reliability of the Richburg observations as a whole.

Regarding the third quantity/price invoice in question, the Department agrees with Thyssen that it provided the appropriate changes to the Department at verification in U.S. Sales Verification Exhibit 24A1 and 24A3.

We are applying BIA to the four quantity/price observations, consistent with our preliminary results, because there was no indication in the correction exhibits provided by Thyssen at the U.S. verification that quantity and/or price of these observations would be changed in Thyssen's final tape submission. These observations differ from the first quantity/price change observation cited by petitioners as inappropriately left out of the Department's BIA dataset. The latter observation involved an extremely small error precisely identified during a sales trace at verification, while the former

four observations involve previously unidentified and unexplained changes to quantity and/or price. We note that for one of these four invoices, as noted by petitioners, we inadvertently included an extra zero in the invoice number, and have corrected this error.

Regarding the other three Richburg invoices cited by petitioners, we are including these in the BIA dataset, in accordance with the explanation above regarding the Richburg observation changes presented at verification.

Thyssen's general argument that the burden to correct its mistakes is limited is unfounded. The mistakes in question are of such nature that the accuracy of the observations involved is called into question. It is unclear whether the "corrected" data actually are correct, and the Department cannot be expected to take the steps necessary (i.e., an additional verification) to make that determination. Thyssen had numerous opportunities to correct its mistakes. One such opportunity was at the beginning of verification, when Thyssen did in fact provide lengthy lists of changes. Review of these corrections proved very time consuming, particularly when errors in the "corrections" were discovered. Any changes that were not authorized by the Department prior to Thyssen's final tape submission, or that were not clearly explained as resulting from such an authorized change, were rightfully subject to adverse BIA.

*Comment 22:* Thyssen argues that the Department incorrectly applied a 16.56 percent BIA margin to all U.S. observations relating to several shipments of steel covered by a single order. Thyssen contends that the Department believes the data provided in Thyssen's post-verification database submission did not reflect the changes provided to the Department at verification. Those changes involved Thyssen's attempt to update its database to account for what previously had been unshipped balances. Thyssen contends that, in its June 13, 1995, submission, it advised the Department of a typographical error in the relevant correction sheet provided at verification, and that the actual quantity shipped and the actual unshipped balances were correctly reported in the United States database.

Petitioners argue that the Department properly applied BIA to this order, for which information was inaccurately reported.

*Department's Position:* We disagree with Thyssen. After reviewing these data issues at verification, and after allowing Thyssen to provide a post-verification submission to clarify