

2002, the Department issued antidumping duty questionnaires to Isibars, Venus, Viraj and Mukand. We received timely responses from Isibars, Venus and Viraj (collectively, "respondents"). Mukand did not file a timely response to our questionnaire (see "Facts Available" section below for further details). We issued supplemental questionnaires to the respondents and received responses from September 2002 to February 2003.

On October 11, 2002, the petitioners submitted a timely allegation that Viraj made sales below the cost of production ("COP"). We found that the petitioners' allegation provided a reasonable basis to believe or suspect that sales in the home market by Viraj had been made at prices below the COP. On November 6, 2002, pursuant to section 773(b) of the Tariff Act of 1930, as amended effective January 1, 1995 ("the Act") by the Uruguay Round Agreements Act ("URAA"), we initiated an investigation to determine whether Viraj made home market sales during the POR at prices below the COP, within the meaning of section 773(b) of the Act (see Memorandum from Team to Susan Kuhbach, Director, AD/CVD Enforcement Office 1, "Allegation of Sales Below the Cost of Production for Viraj Impoexpo Ltd.," dated November 6, 2002). Accordingly, we notified Viraj that it must respond to Section D of the antidumping duty questionnaire.

On October 16, 2002, the Department found that because several of the respondents in this proceeding had outstanding supplemental questionnaires and the Department required time to review and analyze the responses once they were received, it was not practicable to complete this review within the time allotted. Accordingly, we published an extension of time limit for the completion of the preliminary results of this review to no later than February 28, 2003, in accordance with section 751(a)(3)(A) of the Act and 19 CFR 351.213(h)(2). See *Stainless Steel Bar from India; Extension of Time Limit for the Preliminary Results of the Antidumping Duty Administrative Review*, 67 FR 64870 (October 22, 2002).

Scope of the Order

Imports covered by this review are shipments of 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 these reviews is currently classifiable under subheadings 7222.11.00.05, 7222.11.00.50, 7222.19.00.05, 7222.19.00.50, 7222.20.00.05, 7222.20.00.45, 7222.20.00.75, and 7222.30.00.00 of the *Harmonized Tariff Schedule of the United States* ("HTSUS"). Although the HTSUS subheadings are provided for convenience and customs purposes, our written description of the scope of this review is dispositive.

Facts Otherwise Available

Section 776(a)(2) of the Act provides that the Department shall apply "facts otherwise available" if, *inter alia*, a respondent (A) withholds information that has been requested; (B) fails to provide information within the deadlines established, or in the form or manner requested by the Department, subject to subsections (c)(1) and (e) of Section 782; (C) significantly impedes a proceeding; or (D) provides information that cannot be verified.

Section 782(e) of the Act further provides that the Department shall not decline to consider information that is submitted by an interested party and that is necessary to the determination but does not meet all the applicable requirements established by the Department if (1) the information is submitted by the deadline established for its submission; (2) the information can be verified; (3) the information is not so incomplete that it cannot serve as a reliable basis for reaching the applicable determination; (4) the interested party has demonstrated that it acted to the best of its ability in providing the information and meeting the requirements established by the Department with respect to the

information; and (5) the information can be used without undue difficulties.

On May 22, 2002, the Department issued the antidumping duty questionnaire to Mukand. The first page of the questionnaire established a due date of June 28, 2002, for Mukand's response. In addition, the cover letter to the questionnaire instructed Mukand to formally request an extension of time in writing before the due date if it was unable to respond to the questionnaire within the specified time limit. On August 2, 2002, Mukand submitted a letter to the Department stating that it did not believe it was required to respond to the Department's questionnaire. Mukand's letter also stated that Mukand had made no shipments of the subject merchandise to the United States during the POR. However, the Department examined shipment data furnished by the Customs Service and found that there were U.S. shipments of subject merchandise from Mukand during the POR.

Mukand's August 2, 2002 letter was the first and only communication the Department received from Mukand relating to this administrative review. Mukand did not request an extension of time to respond to the Department's questionnaires prior to the June 28, 2002 response deadline nor did Mukand, at any time, inform the Department that it was having difficulties submitting the requested information. (See section 782(c) of the Act.) Lastly, Mukand's statement that it had no shipments of subject merchandise to the United States during the POR appears inconsistent with U.S. customs data; in addition, Mukand's letter was submitted well after the June 28, 2002 questionnaire response due date. Therefore, on August 21, 2002, the Department sent Mukand a letter explaining that its August 2, 2002 submission was being returned, that all other copies had been destroyed in accordance with 19 CFR 351.302(d)(2), and that none of the information in the August 2, 2002 submission would be considered in this administrative review (see Letter to Mukand Ltd., "Administrative Review of Stainless Steel Bar from India," which is available in the Department's Central Records Unit, Room B-099).

Because Mukand did not respond to the Department's antidumping duty questionnaire within the deadline for submission of such information, the use of facts otherwise available is appropriate and in accordance with section 776(a)(2)(B) of the Act. The Department applies adverse facts available "to ensure that the party does not obtain a more favorable result by