

accordance with section 776(c) of the Act, we examined the key elements of the calculations of export price and normal value upon which the petitioner based its margins for the petition, to the extent practicable. *See Certain Cut-to-Length Carbon Steel Plate from Mexico: Final Results of Antidumping Duty Administrative Review*, 64 FR 76, 84 (January 4, 1999) ("CTL Plate from Mexico").

The "all others" rate from the investigation, which we are using in this review as adverse facts available, is the average of the rates applied to each original respondent in the investigation. In the investigation, the Department applied the highest rate obtained from the petition margins to each respondent based upon a determination by the Department to use the best information available. *See Final Determination of Sales at Less Than Fair Value: Certain Stainless Steel Wire Rods from India*, 58 FR 54110, 54111 (October 20, 1993). In this case, the U.S. prices in the petition were based on quotes to U.S. customers which were obtained through market research. *See* Petition for the Imposition of Antidumping Duties, December 29, 1993. We were able to corroborate the U.S. prices in the petition, which were used as the basis of the 48.80 percent rate, by comparing these prices to publicly available information based on IM-145 import statistics from the U.S. International Trade Commission's website for HTS numbers 7221.00.0005, 7221.00.0015, 7221.00.0030, 7221.00.0045, and 7221.00.0075. We noted that the average reported customs unit value for these products for the period of December 1, 2000 through November 30, 2001 was lower than all of the U.S. prices cited in the petition, which ranged from \$1.92 per kilogram to \$2.51 per kilogram (Quoted Price) or \$1.73 per kilogram to \$2.36 per kilogram (Adjusted Price), thus corroborating the petitioner's U.S. price.

The normal values used in the petition were based on actual price quotations obtained through market research. The Department examined the normal values from the petition and attempted to corroborate the normal values used in the petition, which were based on actual price quotations obtained through market research. For a complete discussion of the Department's corroboration analysis for normal value, *see Corroboration Memorandum for Panchmahal Steel Limited, for the final results of the 2000-2001 Administrative Review of Stainless Steel Wire Rods from India*, from Stephen Bailey to The File, dated May 8, 2003. The parties did not present information during the course of this administrative review and

the Department is not aware of other independent sources of information that would enable it to further examine the NV calculations in the petition.

With respect to the relevance aspect of corroboration, however, the Department will consider information reasonably at its disposal as to whether there are circumstances that would render data used as facts available not relevant. Where circumstances indicate that the selected data are not appropriate as adverse facts available, the Department will disregard the data and use alternate data as facts available. *See Fresh Cut Flowers from Mexico: Preliminary Results and Termination in Part of Antidumping Duty Administrative Review*, 60 FR 49577, 49579 (September 26, 1995), (where the Department disregarded the highest dumping margin as best information available because the margin was based on another company's uncharacteristic business expense resulting in an unusually high margin).

Furthermore, in corroborating the petition rate, in this review, we found that certain individual transactions from a particular company had margins higher than the petition rate.

Thus, we find that the 48.80 percent rate that the Department is using for this review does have probative value. This rate is relevant for Panchmahal because we are not aware of any circumstances that would render this rate inappropriate and there is nothing on the record of the petition or this administrative review which calls into question the validity of this rate.

The implementing regulation for section 776 of the Act, codified at 19 CFR 351.308(d), states, "(t)he fact that corroboration may not be practicable in a given circumstance will not prevent the Secretary from applying an adverse inference as appropriate and using the secondary information in question." Additionally, the SAA at 870 states specifically that, where "corroboration may not be practicable in a given circumstance," the Department may nevertheless apply an adverse inference. The SAA at 869 emphasizes that the Department need not prove that the facts available are the best alternative information. Therefore, based on our efforts, described above, to corroborate information contained in the petition and in accordance with 776(c) of the Act, we consider the margins in the petition to be corroborated to the extent practicable for purposes of this final determination. *See CTL Plate from Mexico* (regarding the normal values contained in the petition, although the Department was provided no useful information by the parties and was

unaware of other independent sources of information that would permit further corroboration of the margin calculation in the petition, the Department found that their efforts corroborated information contained in the petition to the extent practicable).

### Analysis of Comments Received

All issues raised in the case and rebuttal briefs by parties to this administrative review are addressed in the "Issues and Decision Memorandum" ("Decision Memorandum") from Barbara Tillman, Acting Deputy Assistant Secretary, Import Administration, to Joseph A. Spetrini, Acting Assistant Secretary for Import Administration, dated May 8, 2003, which is hereby adopted by this notice. A list of the issues which parties have raised and to which we have responded, all of which are in the *Decision Memorandum*, is attached to this notice as an Appendix. Parties can find a complete discussion of all issues raised in this review and the corresponding recommendations in the *Decision Memorandum*, which is on file in the Central Records Unit, Room B-099 of the main Department building. In addition, a complete version of the *Decision Memorandum* can be accessed directly on the Web at <http://ia.ita.doc.gov/frn/index.html>. The paper copy and electronic version of the *Decision Memorandum* are identical in content.

### Sales Below Cost

We disregarded sales that failed the cost test for Mukand and the Viraj Group during the course of the review. We initiated a sales below the cost of production investigation with respect to Panchmahal. *See* the Department's June 11, 2002 letter to Panchmahal initiating sales below cost of production investigation; *Preliminary Results*. However, because Panchmahal was unable to provide the Department with a complete cost database, the Department could not conduct the dumping analysis, including the sales below cost investigation. For a complete discussion of Panchmahal's incomplete cost information see Comment 1 of the *Decision Memorandum*.

### Changes Since the Preliminary Results

Based on our analysis of comments received, we have made changes in the margin calculations for the Viraj Group and Mukand. The changes to the margin calculations are listed below:

The Viraj Group

- The Department has revised the Viraj Group's total cost of manufacturing to reflect the actual direct material cost