

Ceramic Station Post Insulators from Japan, 68 FR 9723 (February 28, 2003).

On February 3, 2003, and February 28, 2003, we solicited comments from interested parties regarding the criteria to be used for model-matching purposes. Petitioners provided comments on February 10, 2003, February 14, 2003, February 24, 2003, and March 18, 2003. Respondent, NGK Insulators, Ltd. (NGK), provided comments on February 10, 2003, February 14, 2003, February 21, 2003, and March 18, 2003.

On February 28, 2003, the Department issued a complete antidumping duty questionnaire to NGK.² NGK submitted its Section A questionnaire response on April 4, 2003. On April 11, 2003, the Department requested that NGK report one additional product characteristic, cantilever strength, in its Sections B and C questionnaire responses. On April 18, 2003, NGK withdrew from the antidumping duty investigation and requested that the Department return its Section A questionnaire response. On May 9, 2003, the Department removed the proprietary version of NGK's original Section A questionnaire response from the official record and returned it to NGK. The Department sent a letter to NGK certifying the removal and destruction of all proprietary copies of NGK's Section A questionnaire response. The Department retained the public version of NGK's Section A questionnaire response as part of the public record.

Period of Investigation

The period of investigation (POI) is October 1, 2001, through September 30, 2002. This period corresponds to the four most recent fiscal quarters prior to the date of the filing of the petition (i.e., December 31, 2002).

Scope of Investigation

The scope of this investigation covers station post insulators manufactured of porcelain, of standard strength, high strength, or extra-high strength,³ solid

core or cavity core, single unit or stacked unit, assembled or unassembled, and with or without hardware attached, rated at 115 kilovolts (kV) voltage class and above (550 kV Basic Impulse Insulation Level (BIL) and above), including, but not limited to, those manufactured to meet the following American National Standards Institute, Inc. (ANSI) standard class specifications: T.R.-286, T.R.-287, T.R.-288, T.R.-289, T.R.-291, T.R.-295, T.R.-304, T.R.-308, T.R.-312, T.R.-316, T.R.-362 and T.R.-391. Subject merchandise is classifiable under subheading 8546.20.0060 of the Harmonized Tariff Schedule of the United States (HTSUS) Annotated. While the HTSUS subheading is provided for convenience and customs purposes, the written description above remains dispositive as to the scope of the investigation.

Facts Available (FA)

1. Application of FA

Section 776(a)(2) of the Act provides that, if an interested party (A) withholds information requested by the Department, (B) fails to provide such information by the deadline, or in the form or manner requested, (C) significantly impedes a proceeding, or (D) provides information that cannot be verified, the Department shall use, subject to sections 782(d) and (e) of the Act, facts otherwise available in reaching the applicable determination.

Pursuant to section 782(e) of the Act, the Department shall not decline to consider submitted information if all of the following requirements are met: (1) The information is submitted by the established deadline; (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; and (5) the information can be used without undue difficulties.

On April 18, 2003, NGK notified the Department that it did not intend to participate further in the Department's investigation and requested the return of all of its business proprietary information. NGK was notified by the Department that failure to submit the requested information by the date

according to the voltage they are designed to withstand. Under the governing industry standard issued by the Institute of Electrical and Electronic Engineers (IEEE), the voltage spectrum is divided into three broad classes: "medium" voltage (i.e., less than or equal to 69 kilovolts), "high" voltage (i.e., from 115 to 230 kilovolts), and "extra-high" or "ultra-high" voltage (i.e., greater than 230 kilovolts).

specified could result in use of the FA, as required by section 776(a)(2)(B) of the Act and section 351.308 of the Department's regulations. See letters from the Department to respondent dated February 28, 2003, March 20, 2003, April 1, 2003, and April 16, 2003.

As described above, NGK withdrew its response to Section A of the Department's questionnaire, and chose not to respond to Sections B and C. Because NGK withheld information requested by the Department essential to the calculation of dumping margins, we have applied FA to calculate the dumping margin pursuant to section 776(a)(2) of the Act.

2. Selection of Adverse FA (AFA)

In selecting from among the facts otherwise available, section 776(b) of the Act authorizes the Department to use an adverse inference if the Department finds that an interested party failed to cooperate by not acting to the best of its ability to comply with the request for information. See, e.g., *Certain Welded Carbon Steel Pipes and Tubes From Thailand: Final Results of Antidumping Duty Administrative Review*, 62 FR 53808, 53819–20 (October 16, 1997). As a general matter, it is reasonable for the Department to assume that NGK possessed the records necessary for the Department to complete its investigation. Therefore, by withdrawing some of the information the Department requested, and declining to submit the remainder of the requested information, NGK failed to cooperate to the best of its ability. As NGK failed to cooperate to the best of its ability, we are applying an adverse inference pursuant to section 776(b) of the Act.

3. Corroboration of Information

Section 776(b) of the Act authorizes the Department to use as AFA information derived from the petition, the final determination from the LTFV investigation, a previous administrative review, or any other information placed on the record. In this case, we have used the dumping margin alleged in the petition as AFA.

Section 776(c) of the Act requires the Department to corroborate, to the extent practicable, secondary information used as FA. Secondary information is defined as "{i}nformation derived from the petition that gave rise to the investigation or review, the final determination concerning the subject merchandise, or any previous review under section 751 concerning the subject merchandise." See Statement of Administrative Action (SAA) accompanying the Uruguay Round

² Section A of the questionnaire requests general information concerning a company's corporate structure and business practices, the merchandise under investigation that it sells, and the manner in which it sells that merchandise in all of its markets. Section B requests a complete listing of all home market sales, or, if the home market is not viable, of sales in the most appropriate third-country market (this section is not applicable to respondents in non-market economy (NME) cases). Section C requests a complete listing of U.S. sales. Section D requests information on the cost of production (COP) of the foreign like product and the constructed value (CV) of the merchandise under investigation. Section E requests information on further manufacturing.

³ Station post insulators are manufactured in various styles and sizes, and are classified primarily