

file in room B-099 of the Central Records Unit of the Main Commerce Building (CRU). *See also* "Use of Adverse Facts Available" section, below.

On April 25, 2003, we informed the GOI that its April 21, 2003, partial questionnaire response was incomplete and unusable for purposes of calculating a countervailing duty rate, and we again extended the deadline for submitting a complete questionnaire response until April 30, 2003. On April 28, 2003, the GOI submitted another partial questionnaire response. However, the GOI did not file any more submissions and thus did not meet the April 30, 2003, deadline for filing a complete questionnaire response. On May 23, 2003, in a second attempt to obtain the information we requested in the initial questionnaire, we issued a supplemental questionnaire to the GOI. The GOI's supplemental questionnaire response was due on June 6, 2003. The GOI did not submit a response to the supplemental questionnaire. *See* "Use of Adverse Facts Available" section, below.

As of April 7, 2003, which was the original deadline for the submission of responses to the initial questionnaire, we had not received any responses from any Indian producers/exporters of the subject merchandise. On April 14, 2003, we spoke with a law firm which had entered an appearance in the investigation on behalf of Tata Inc. (importer of subject merchandise) and Tata SSL Ltd. (producers/exporters of subject merchandise) and inquired whether the law firm intended to file a response on these companies' behalf. The law firm informed us that it had not submitted any responses on behalf of Tata Inc. and Tata SSL Ltd. because the companies were proceeding with the investigation on a *pro se* basis. *See* Memorandum to the file from Robert Copyak, Financial Analyst, concerning Conversation with Former Counsel to Tata (April 24, 2003). On April 15, 2003, on the basis of their recent change to *pro se* status, we granted Tata Inc. and Tata SSL Ltd. an extension until April 30, 2003, to file a response to the initial questionnaire.

On April 16, 2003, we spoke with a company official who stated that the companies never received the initial questionnaire. *See* Memorandum to the File from Alicia Kinsey, International Trade Analyst, concerning April 16, 2003 Conversation with Tata Official (April 24, 2003). On April 21, 2003, we spoke with the GOI official who had been coordinating the GOI's involvement in the investigation. He explained that the GOI had not

distributed a copy of the initial questionnaire to Tata Inc. and Tata SSL Ltd. Subsequently, the Department provided Tata Inc. and Tata SSL Ltd. an electronic version of the questionnaire. *See* Memorandum to the File from Alicia Kinsey, International Trade Analyst, concerning Conversation with Government of India Official (April 24, 2003). *See also* "Use of Adverse Facts Available" section, below.

On April 29, 2003, Tata Inc. and Tata SSL Ltd. requested another extension of the deadline for submitting responses to our initial questionnaire. On April 30, 2003, we extended the deadline to May 7, 2003. On May 7, 2003, respondents' former counsel again entered an appearance on behalf of Tata Inc. and Tata SSL Ltd.. On May 8, 2003, Tata Iron and Steel Company Limited (Wire Division) (TISCO), which recently acquired Tata SSL Ltd., submitted a response to the initial questionnaire. Although the submission was filed one day after the deadline, we accepted it as timely because the company informed us that the delay was the fault of the courier. However, we returned the submission to TISCO for correction and re-submission because it was improperly filed and was not served on interested parties. *See* Memorandum to the File from Robert Copyak and Alicia Kinsey, Case Analysts, through Melissa Skinner, Office Director, concerning Acceptance and Request for Correction and Re-submission of the May 8, 2003, Questionnaire Response Submitted by TISCO (May 23, 2003). TISCO corrected its May 8, 2003, submission and re-submitted it on May 28, 2003. On May 29, 2003, we issued a supplemental questionnaire to TISCO, and TISCO submitted a timely response on June 12, 2003.

On June 16, 2003, petitioners submitted a letter urging the Department to use facts available for purposes of the preliminary determination. *See* "Use of Adverse Facts Available" section, below. On June 23, 2003, respondent's counsel contacted a Department official to inform the Department that respondent's counsel had received a tax return requested in our initial and supplemental questionnaires to TISCO; we informed respondents' counsel that if they were to submit the tax return, it would be rejected by the Department as untimely filed. *See* Memorandum to the File from Robert Copyak, Financial Analyst, through Jim Terpstra, Program Manager regarding Conversation with Garvey Schubert Barer, Counsel for Tata Iron and Steel Company Limited (Wire Division) (June 23, 2003).

Extension of Time Limit for Preliminary Determination

On April 7, 2003, we published in the **Federal Register** an extension of the due date for this preliminary determination from April 28, 2003, to June 30, 2003. *See Prestressed Concrete Steel Wire Strand from India: Extension of Time Limit for Preliminary Determination in Countervailing Duty Investigation*, 68 FR 16783 (April 7, 2003).

Scope of the Investigation

The merchandise subject to this investigation is prestressed concrete steel wire (PC strand), which is steel strand produced from wire of non-stainless, non-galvanized steel, which is suitable for use in prestressed concrete (both pre-tensioned and post-tensioned) applications. The product definition encompasses covered and uncovered strand and all types, grades, and diameters of PC strand.

The merchandise under this investigation is currently classifiable under subheadings 7312.10.3010 and 7312.10.3012 of the Harmonized Tariff Schedule of the United States (HTSUS). Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the merchandise under investigation is dispositive.

In the scope section of the *Initiation Notice* for this investigation, the Department encouraged all parties to submit comments regarding product coverage by March 19, 2003. Petitioners filed comments regarding product coverage on June 13, 2003. These comments were submitted too late for consideration in this preliminary determination. The Department will examine these comments for the Final Determination.

Injury Test

Because India is a "Subsidy Agreement Country" within the meaning of section 701(b) of the Tariff Act of 1930, as amended (the Act), the International Trade Commission (ITC) is required to determine whether imports of the subject merchandise from India materially injure or threaten material injury to a U.S. industry. On March 21, 2003, the ITC published its preliminary determination finding that there is a reasonable indication that an industry in the United States is being materially injured, or threatened with material injury, by reason of imports of subject merchandise from India. *See Prestressed Concrete Steel Wire Strand from Brazil, India, Korea, Mexico, and Thailand*, 68 FR 13952 (March 21, 2003).