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#### SUPPLEMENTARY INFORMATION:

##### Background

On February 18, 2003, the Department published the preliminary results of the administrative review of the antidumping duty order on potassium permanganate from the PRC. See *Potassium Permanganate from the People's Republic of China: Preliminary Results of Antidumping Duty Administrative Review*, 68 FR 7768 (February 18, 2003) (*Preliminary Results*). We invited parties to comment on our preliminary results of review.

Since the publication of the preliminary results, the following events have occurred. On March 10, 2003, Groupstars submitted publicly available surrogate value information regarding manganese ore.<sup>1</sup> In March, April and May of 2003 Groupstars and Carus Chemical Company, the petitioner, submitted new factual information. The Department accepted this information. See memorandum from John Conniff, International Trade Compliance Analyst, to the File concerning Submission of technical information by Carus Chemical Company dated April 16, 2003 and memorandum from John Conniff, International Trade Compliance Analyst, to Thomas F. Futtner, Acting Office Director, concerning Submission of Untimely Filed Factual Information by the Petitioner and the Respondent, dated July 30, 2003. The petitioner and the respondent submitted case briefs on May 7, 2003 and rebuttal briefs on May 12, 2003. On July 24, 2003, the Department held a public hearing that had been requested by the petitioner.

On June 11, 2003, the Department extended the time limit for completion of the final results until no later than August 17, 2003. See *Potassium Permanganate from the People's Republic of China: Extension of Time Limit for the Final Results of Antidumping Duty Administrative Review*, 68 FR 34907 (June 11, 2003). The Department has conducted this administrative review in accordance with section 751 of the Tariff Act of 1930, as amended (the Act).

##### Scope of the Review

Imports covered by this review are shipments of potassium permanganate, an inorganic chemical produced in free-flowing, technical, and pharmaceutical grades. During the review period, potassium permanganate was

classifiable under item 2841.61.0000 of the Harmonized Tariff Schedule of the United States (HTSUS).<sup>2</sup> Although the HTSUS subheading is provided for convenience and customs purposes, our written description of the scope of the order is dispositive.

##### Period of Review

The POR is January 1, 2001 through December 31, 2001.

##### Analysis of Comments Received

All issues raised in the case briefs and the rebuttal briefs submitted by parties to this administrative review are contained in the *Issues and Decision Memorandum* from Holly A. Kuga, Acting Deputy Assistant Secretary, to Jeffrey May, Acting Assistant Secretary (*Issues and Decision Memorandum*). The *Issues and Decision Memorandum* is dated concurrently with this notice and hereby adopted by this notice. A list of the issues which the parties have raised is attached to this notice as an Appendix. Parties can find a complete discussion of all issues raised in this administrative review, and the corresponding recommendations, in the *Issues and Decision Memorandum* which is on file in the Central Records Unit, room B-099 of the main Department of Commerce building. In addition, a complete version of the *Issues and Decision Memorandum* can be accessed directly on the Web at <http://ia.ita.doc.gov>. The paper copy and electronic version of the *Issues and Decision Memorandum* are identical in content.

##### Changes Since the Preliminary Results—Use of Total Adverse Facts Available

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 for submission of the information, or in the form and manner requested, (C) significantly impedes a proceeding under the antidumping statute, or (D) provides information that cannot be verified, the Department shall use, subject to section 782(d) of the Act, facts otherwise available in reaching the applicable determination. Because Groupstars was unable to support its response with accurate and reliable records, we have determined that Groupstars' response is not verifiable and the use of total facts available is appropriate. See section 776(a)(2)(D) of

the Act. For a complete discussion of our analysis, see the accompanying *Issues and Decision Memorandum* at Comment 1. Moreover, because Groupstars has never established its entitlement to a separate rate in a prior segment of this proceeding, and the Department has determined that the record in the instant review is unreliable and thus not verifiable, we have not granted Groupstars a separate rate.

In selecting from among the facts otherwise available, section 776(b) of the Act provides that if the Department finds that an interested party failed to cooperate by not acting to the best of its ability to comply with a request for information, the Department may use an inference that is adverse to the interests of the party. The Act provides that an adverse inference may include reliance on information derived from the petition, a final determination in an antidumping investigation or review, or any other information placed on the record. See section 776(b)(1)–(4) of the Act. The Department's examination of the instant record shows that Groupstars has repeatedly submitted inconsistent, inaccurate and incomplete information in this review and has withheld information from the Department. This demonstrates that the respondent has failed to cooperate to the best of its ability pursuant to section 776(b) of the Act. Therefore, the use of adverse facts available is appropriate.

Because it is appropriate to assign Groupstars a dumping margin based on adverse facts available and deny the company a separate rate, for these final results, we have assigned the PRC entity, including Groupstars, a dumping margin of 128.94 percent, which is the highest margin calculated for any party in this proceeding and the current PRC-wide rate. For a complete discussion of our analysis, see the accompanying *Issues and Decision Memorandum* at Comment 1.

##### Final Results of Review

Exporter/Manufacturer	Margin (percent)
PRC-Wide Rate .....	128.94

##### Cash Deposit Requirements

The following cash deposit requirements will be effective upon publication of this notice of final results of administrative review for all shipments of potassium permanganate from the PRC entered, or withdrawn from warehouse, for consumption on or after the date of publication, as provided by section 751(a)(1) of the Act: (1) For

<sup>1</sup> Groupstars refers to Groupstars Holding Inc. and the entities that it directly or indirectly owns (including Groupstars Jinan).

<sup>2</sup> The scope reflects the HTSUS subheading currently in effect which differs from the HTSUS subheading used in the prior segment of this proceeding.