

DEPARTMENT OF COMMERCE

International Trade Administration

[A-533-828]

Notice of Final Determination of Sales at Less Than Fair Value: Prestressed Concrete Steel Wire Strand from India

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

EFFECTIVE DATE: December 8, 2003.

SUMMARY: We determine that prestressed concrete steel wire strand (PC strand) from India is being sold, or is likely to be sold, in the United States at less than fair value (LTFV), as provided in section 735 of the Tariff Act of 1930, as amended (the Act). The estimated margins of sales at LTFV are shown in the *Continuation of Suspension of Investigation* section of this notice.

FOR FURTHER INFORMATION CONTACT: Tisha Loeper-Viti or Martin Claessens at (202) 482-7425 and (202) 482-5451, respectively; Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230.

SUPPLEMENTARY INFORMATION:**Case History**

The preliminary determination in this investigation was published on July 17, 2003. *See Notice of Preliminary Determination of Sales at Less Than Fair Value: Prestressed Concrete Steel Wire Strand from India*, 68 FR 42389 (July 17, 2003) (*Preliminary Determination*). Since the publication of the *Preliminary Determination*, the following events have occurred:

On July 31, 2003, Tata Iron and Steel Co. Ltd. (TISCO), the sole respondent in this investigation, requested that the Department of Commerce (the Department) postpone its final determination and fully extend the provisional measures by 60 days. On August 18, 2003, the Department published in the **Federal Register** the postponement of the final determination for PC strand from India. *See Notice of Postponement of Final Antidumping Duty Determinations and Extension of Provisional Measures: Prestressed Concrete Steel Wire Strand From Brazil, India, and the Republic of Korea*, 68 FR 49436 (August 18, 2003).

Scope of Investigation

For purposes of this investigation, PC strand is steel strand produced from wire of non-stainless, non-galvanized steel, which is suitable for use in prestressed concrete (both pretensioned

and post-tensioned) applications. The product definition encompasses covered and uncovered strand and all types, grades, and diameters of PC strand. The merchandise under 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.

Period of Investigation

The period of investigation is January 1, 2002, through December 31, 2002.

Facts Available

In the preliminary determination, we based the dumping margin for the mandatory respondent, TISCO, on adverse facts available pursuant to sections 776(a) and 776(b) of the Act. The use of adverse facts available was warranted in this investigation because TISCO failed to provide the detailed cost information requested by the Department. *See Preliminary Determination*, 68 FR at 42390. The failure of the respondent to supply the requested information significantly impedes this proceeding because the Department cannot accurately determine a margin for this party. Furthermore, the respondent did not give an explanation for its failure to supply such information, nor propose alternatives. Therefore, we found that TISCO failed to cooperate by not acting to the best of its ability. We assigned TISCO the highest margin stated in the notice of initiation. *See Notice of Initiation of Antidumping Duty Investigations: Prestressed Concrete Steel Wire Strand From Brazil, India, the Republic of Korea, Mexico, and Thailand*, 68 FR 9050 (February 27, 2003). We corroborated this margin in the preliminary determination and we continue to find this margin corroborated, pursuant to section 776(c) of the Act. *See Memorandum regarding Corroboration of Data Contained in the Petition for Assigning Facts Available Rates*, dated July 10, 2003. A complete explanation of both the selection and application of facts available can be found in the *Preliminary Determination*. *See Preliminary Determination*, 68 FR at 42390-91. Nothing has changed since the preliminary determination was issued that would affect the Department's selection and application of facts available.

No interested parties have commented since the publication of the preliminary determination on the use of adverse facts available in this investigation, or

on the choice of the facts available margin. Accordingly, for the final determination, we are continuing to use the highest margin stated in the notice of initiation for TISCO. The "All Others" rate remains unchanged as well.

Analysis of Comments Received

We received no comments from interested parties in response to our preliminary determination in this investigation. We did not hold a hearing because none was requested.

Continuation of Suspension of Liquidation

In accordance with section 735(c)(1)(B) of the Act, we are directing the U.S. Customs and Border Protection (CBP) to continue to suspend liquidation of all entries of PC strand exported from India that are entered, or withdrawn from warehouse, for consumption on or after the date of the *Preliminary Determination*. The CBP shall continue to require a cash deposit or the posting of a bond based on the estimated dumping margins shown below.

It is generally the Department's practice to decrease the required antidumping duty cash deposit rate by any export subsidies found in a companion countervailing duty investigation based on the presumption that if a respondent benefitted from an export subsidy program, such a subsidy contributed to the lower-priced sales of subject merchandise. This is done to avoid double-application of duties to counteract the same situation. However, in this investigation, TISCO has not cooperated with the Department and has not acted to the best of its ability in providing the Department with necessary information. This has prevented the Department from making its normal determination of whether the subsidies in question may have affected the calculation of the dumping margin. As indicated above, TISCO's margin is based on total adverse facts available, taken from the petition. Insofar as the dumping margin for TISCO is not a calculated margin, there is no way to determine the portion of the dumping margin which is attributable to export subsidies. For that reason, unlike in the preliminary determination, we have not subtracted the amount of any export subsidy from that margin. The suspension of liquidation instructions will remain in effect until further notice.

We determine that the following dumping margins exist: