

under the Harmonized Tariff System (HTS) subheading 3604.10.00. The HTS subheadings are provided for convenience and customs purposes. The written description remains dispositive as to the scope of this proceeding.

Best Information Available

On July 20, 1994, we mailed Guangxi a questionnaire explaining the review procedures. In addition, a short questionnaire was sent to Guangxi, the Guangxi Zhuang Autonomous Region People's Government, the Embassy of the People's Republic of China, the Guangxi Foreign Economic Relations and Trade Commission and the Guangxi People's Government-Beijing Office. This questionnaire sought to ascertain whether Guangxi shall be entitled to a separate rate by demonstrating both *de jure* and *de facto* absence of central government control with respect to exports.

In addition, the questionnaire states:

[b]ecause we consider the PRC to be a non-market economy for the purposes of this review, we will presume that each company that exported the subject merchandise during the period of review (POR) is owned or controlled by the PRC government until evidence is placed on the record that demonstrates otherwise. Absent evidence to the contrary, we will consider a single antidumping duty rate to be appropriate for all exporters. However, if a company can demonstrate an absence of central government control with respect to pricing exports, both in law and in fact, it will be entitled to a rate separate from the rate for other PRC firms.

The questionnaires, which covered exports to the United States for the period of review (POR), were due on August 23, 1994. We did not receive a response from any party by the due date.

Furthermore, we had previously asked Skypak International Express (TNT) to trace the mailing and verify Guangxi's receipt of the document. On August 3, 1994, TNT's delivery office in Hong Kong confirmed that the questionnaire was accepted by a representative of Guangxi on August 2, 1994. Because we received no response and have not been contacted by Guangxi or any other respondent, we preliminarily determine that Guangxi is no longer entitled to a separate rate, as absence of central government control with regard to exports was not demonstrated. Therefore, in accordance with section 776(c) of the Act, we are using the best information available (BIA) as the basis for determining a dumping margin for all entries into the United States of the subject merchandise during the POR.

In determining what to use as BIA, the Department follows a two-tiered methodology whereby the Department normally assigns lower margins to those respondents who cooperate in a review, and margins based on more adverse assumptions for those respondents who do not cooperate in a review.

In accordance with our BIA methodology for uncooperative respondents, we assign as BIA the higher of: (1) the highest of the rates found for any firm for the same class or kind of merchandise in the same country of origin in the less than fair value (LTFV) investigation or prior administrative reviews; or (2) the highest rate found in this review for any firm for the same class or kind of merchandise in the same country of origin (see *Final Results of Antidumping Administrative Review: Antifriction Bearings (Other Than Tapered Roller Bearings) and Parts Thereof From France, et. al.* (57 FR 28379, June 24, 1992)).

This methodology has been upheld by the U.S. Court of Appeals for the Federal Circuit (see *Allied-Signal Aerospace Co. v. the United States*, 996 F.2d 1185 (CAFC 1993); see also *Krupp Stahl Ag. et. al. v. the United States*, 822 F. Supp. 789 (CIT 1993)). Given that *Guangxi did not respond to the Department's questionnaires, we find that Guangxi has not cooperated in this review.*

In accordance with our methodology we have used as BIA the highest rate established in the remand of the LTFV final determination (58 FR 53708, July 29, 1993), the PRC country-wide rate of 93.54 percent.

Preliminary Results of the Review

As a result of our review, we preliminarily determine the dumping margin to be the following:

Manufacturer/exporter	Time period	Margin (percent)
PRC country-wide rate	6/1/93-5/31/94	93.54

Interested parties to this proceeding may request disclosure within 5 days of publication of this notice and may request a hearing within 10 days of publication. Interested parties may submit case briefs and/or written comments not later than 30 days after the date of publication. Rebuttal briefs and rebuttals to written comments, limited to issues raised in such briefs or comments, may be filed not later than 37 days after the date of publication. Any hearing, if requested, will be held 44 days after the date of publication, or

the first workday thereafter. The Department will publish a notice of the final results of this administrative review, which will include the results of its analysis of issues raised in any briefs or comments.

Upon completion of this review, the Department shall determine, and the U.S. Customs Service shall assess, antidumping duties on all appropriate entries. The Department will issue appraisal instructions directly to the U.S. Customs Service.

Furthermore, the following deposit requirements will be effective upon publication of notice of final results of administrative review for all shipments of sparklers 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) the cash deposit rate for Guangxi will be the PRC country-wide rate as stated above; (2) for previously reviewed or investigated companies that received separate rates not listed above, the cash deposit rate will continue to be the company-specific rate published for the most recent period; (3) for all other PRC exporters, the cash deposit rate will be the PRC country-wide rate of 93.54 percent, the rate established on remand of the LTFV final determination; and (4) the cash deposit rate for any non-PRC exporter will be the rate established for that firm; if a non-PRC exporter does not have its own separate rate, the deposit rate for that firm's shipments will be the rate applicable to the PRC supplier of that exporter. In all cases, the rate applicable to a firm normally should change only as a result of a review of that firm, except in instances of change of ownership.

These deposit requirements, when imposed, shall remain in effect until publication of the final results of the next administrative review.

This notice also serves as a preliminary reminder to importers of their responsibility under 19 CFR 353.26 to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

This administrative review and notice are in accordance with section 751(a)(1) of the Act (19 U.S.C. 1675(a)(1)) and 19 CFR 353.22.