

comments. The final results are unchanged from those presented in the preliminary results.

**EFFECTIVE DATE:** March 31, 1995.

**FOR FURTHER INFORMATION CONTACT:** Matthew Blaskovich or Zev Primor, Office of Antidumping Compliance, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone (202) 482-5831/4114.

**SUPPLEMENTARY INFORMATION:**

**Background**

On June 18, 1991, the Department published in the **Federal Register** the antidumping duty order on sparklers from the PRC (56 FR 27946). On June 7, 1993, the Department published a notice in the **Federal Register** notifying interested parties of the opportunity to request an administrative review of sparklers from the PRC (58 FR 31941). On June 28, 1993, the petitioners requested, in accordance with 19 CFR 353.22(a), that we conduct an administrative review of exports to the United States by Guangxi, for the period June 1, 1992, through May 31, 1993. Guangxi had received a separate rate in the final determination of sales at less than fair value (LTFV). We published a notice of initiation of the antidumping administrative review on July 21, 1993 (58 FR 39007). On October 18, 1994, the Department published in the **Federal Register** the preliminary results of its administrative review of the antidumping duty order on sparklers from the PRC. The Department has now completed that review in accordance with section 751 of the Tariff Act of 1930, as amended (the Act).

**Scope of the Review**

The products covered by this administrative review are sparklers from the PRC. Sparklers are fireworks, each comprising a cut-to-length wire, one end of which is coated with a chemical mix that emits bright sparks while burning. Sparklers are currently classifiable under subheading 3604.10.00 of the *Harmonized Tariff Schedules* (HTS). The HTS subheadings are provided for convenience and customs purposes. The written description remains dispositive as to the scope of this proceeding. The period of review (POR) was June 1, 1992, through May 31, 1993.

**Best Information Available**

On February 22, 1994, we mailed Guangxi a questionnaire explaining the review procedures. The questionnaire, which covered exports to the United

States for the POR, was due on April 14, 1994. We did not receive a response by the due date and, thus, asked Skypak International Express (TNT) to trace the mailing and verify Guangxi's receipt of the document. On May 4, 1994, TNT's delivery office in Hong Kong confirmed that the questionnaire was accepted by a representative of Guangxi on March 3, 1994. Because we have received no response and have not been contacted by Guangxi, we determine that Guangxi is an uncooperative respondent. 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 Guangxi's United States entries 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. 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, Slip Op. 93-1049* (Fed. Cir. June 22, 1993); *see also Krupp Stahl Ag. et al. v. the United States, Slip Op. 93-84* (CIT May 26, 1993)). Given that Guangxi did not respond to the Department's questionnaire, we find that Guangxi has not cooperated in this 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 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)).

We are using as BIA the highest rate established in the remand of the LTFV final determination (58 FR 53708, July 29, 1993), which was 93.54 percent.

**Final Results of the Review**

We invited interested parties to comment on the preliminary results. We received no comments. The final results are therefore unchanged from those presented in the preliminary results, and we determine that a margin of 93.54 percent exists for Guangxi for the period June 1, 1992, through May 31, 1993.

Furthermore, the following deposit requirements will be effective upon publication of this notice of final results of administrative review for all shipments of the subject merchandise 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 rate as stated above; (2) for PRC exporters not covered in this review, a prior review, or the original LTFV investigation, the cash deposit rate will be the PRC country-wide rate of 93.54 percent, the rate established in the remand of the LTFV final determination; and (3) the cash deposit rate for non-PRC exporters will be the rate established for that firm if a separate rate has been 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.

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

This notice also serves as a final 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.

Dated: March 16, 1995.

**Susan G. Esserman,**  
Assistant Secretary for Import Administration.

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[A-583-806]

**Certain Small Business Telephone Systems and Subassemblies Thereof from Taiwan: Final Results of Antidumping Duty Administrative Review**

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

**EFFECTIVE DATE:** March 31, 1995.

**FOR FURTHER INFORMATION CONTACT:** David J. Goldberger or Lou Apple, Office of Antidumping Investigations, Import

Administration, International Trade Administration, Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230; telephone: (202) 482-4136 or (202) 482-1769, respectively.

#### SUPPLEMENTARY INFORMATION:

##### Background

Since the publication of our preliminary results on December 28, 1994 (59 FR 66912), the following events have occurred:

We gave interested parties an opportunity to comment on the preliminary results. No comments were received.

The Department of Commerce (the Department) has now completed this administrative review in accordance with section 751 of the Tariff Act of 1930, as amended (the Act). Unless otherwise indicated, all cites to the statute and the Department's regulations refer to the provisions as they existed on December 31, 1994.

##### Scope of the Review

Imports covered by this review are shipments of certain small business telephone systems and subassemblies thereof, currently classifiable under the following *Harmonized Tariff Schedule* (HTS) item numbers: 8504.40.0004, 8504.40.0008, 8504.40.0010, 8504.40.0015, 8517.10.0020, 8517.10.0040, 8517.10.0050, 8517.10.0070, 8517.10.0080, 8517.30.2000, 8517.30.2500, 8517.30.3000, 8517.81.0010, 8517.81.0020, 8517.90.1000, 8517.90.1500, 8517.90.3000, 8517.90.4000, and 8518.30.1000. Although HTS item numbers are provided for convenience and Customs purposes, the written description of the scope of this proceeding is dispositive.

Certain small business telephones and subassemblies thereof are telephone systems, whether complete or incomplete, assembled or unassembled, with intercom or internal calling capability and total non-blocking port capacities of between two and 256 ports, and discrete subassemblies designed for use in such systems. A subassembly is "designed" for use in a small business telephone system if it functions to its full capability only when operated as part of a small business telephone system. These subassemblies are designed as follows:

(1) Telephone sets and consoles, consisting of proprietary, corded telephone sets or consoles. A console has the ability to perform certain functions including: Answer all lines in the system, monitor the status of other

phone sets, and transfer calls. The term "telephone sets and consoles" is defined to include any combination of two or more of the following items, when imported or shipped in the same container, with or without additional apparatus: Housing, had set, cord (line or hand set), power supply, telephone set circuit cards, or console circuit cards.

(2) Control and switching equipment, whether denominated as a key service unit, control unit, or cabinet/switch. "Control and switching equipment" is defined to include the units described in the preceding sentence which consist of one or more circuit cards or modules (including backplane circuit cards) and one or more of the following items, when imported or shipped in the same container as the circuit cards or modules, with or without additional apparatus: connectors to accept circuit cards or modules and building wiring.

(3) Circuit cards and modules including power supplies. These may be incorporated into control and switching equipment or telephone sets and consoles, or they may be imported or shipped separately. A power supply converts or divides input power of not more than 2400 watts into output power of not more than 1800 watts supplying DC power of approximately 5 volts, 24 volts, and 48 volts, as well as 90 volt AC ringing capability.

The following merchandise is excluded from the scope of this order: (1) Nonproprietary industry-standard ("tip/ring") telephone sets and other subassemblies that are not specifically designed for use in covered system, even though a system may be adapted to use such nonproprietary equipment to provide some system functions; (2) telephone answering machines or facsimile machines integrated with telephone sets; and (3) adjunct software used on external data processing equipment.

##### Final Results of Review

The Department received no comments on its preliminary results of review. Therefore, the final results of our review are identical to those in the preliminary results:

Manufacturer/exporter	Margin (percent)
Bitronic Telecoms Co., Ltd. ....	6.97

The Department will instruct the U.S. Customs Service to assess antidumping duties on all appropriate entries. Furthermore, the following deposit requirements will be effective upon publication of this notice of final results of this administrative review for all

shipments of the subject merchandise entered or withdrawn from warehouse for consumption on or after the publication date, as provided by section 751(a)(1) of the Act: (1) The case deposit rate for the reviewed company will be as outlined above; (2) for previously reviewed or investigated companies not listed above, the cash deposit rate will continue to be the company-specific rate published for the most recent period; (3) if the exporter is not a firm covered in this review, a prior review, or the original less-than-fair-value investigation, but the manufacturer is, the cash deposit rate will be the rate established for the most recent period for the manufacturer of the merchandise; (4) the cash deposit rate for all other manufacturers or exporters will be 0.00 percent, the "all other" rate established in the original less-than-fair-value investigation by the Department (54 FR 42543, October 17, 1989), in accordance with the decisions of the Court of International Trade in *Floral Trade Council v. United States*, 822 F. Supp. 766 (1993), and *Federal-Mogul Corporation v. United States*, 822 F. Supp. 782 (1993).

This notice also serves as a final 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 notice serves as the only reminder to parties subject to administrative protective order (APO) of their responsibilities concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 353.34(d). Failure to comply is a violation of the APO.

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.

Dated: March 17, 1995.

**Susan G. Esserman,**  
Assistant Secretary for Import Administration.

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