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 also serves as a reminder to parties subject to administrative protective orders (APOs) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 353.34(d)(1). Timely written notification of the return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

This new shipper administrative review and notice are in accordance with section 751(a)(2)(B) of the Act (19 U.S.C. 1675(a)(2)(B)) and 19 CFR 353.22(h).

Dated: March 27, 1996.

Susan G. Esserman,

Assistant Secretary, for Import Administration.

[FR Doc. 96–8516 Filed 4–5–96; 8:45 am]

BILLING CODE 3510–DS–P

[A–570–804]

Sparklers From the People's Republic of China; Preliminary Results of Antidumping Duty Administrative Review

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

ACTION: Notice of preliminary results of antidumping duty administrative review

SUMMARY: In response to a request by the petitioners, the Elkton Sparkler Company and the Diamond Sparkler Company, the Department of Commerce (the Department) is conducting an administrative review of the antidumping duty order on sparklers from the People's Republic of China (PRC). This review covers one manufacturer, Guangxi Native Produce Import and Export Corporation, Beihai Fireworks and Firecrackers Branch (Guangxi), of the subject merchandise, and the review period June 1, 1994, through May 31, 1995.

Guangxi failed to submit a response to our questionnaire. As a result, we have preliminarily determined to use facts otherwise available for cash deposit and appraisement purposes.

Interested parties are invited to comment on these preliminary results.

Parties who submit argument in this proceeding are requested to submit with the argument (1) a statement of the issue and (2) a brief summary of the argument.

EFFECTIVE DATE: April 8, 1996.

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, N.W., Washington, DC 20230; telephone: (202) 482–5831/4114.

SUPPLEMENTARY INFORMATION:

Background

On June 6, 1995, the Department published in the Federal Register (60 FR 29821) a notice of ''Opportunity to Request an Administrative Review'' of the antidumping duty order on sparklers from the PRC. On June 20, 1995, the petitioners requested, in accordance with 19 CFR 353.22 (a), that we conduct an administrative review of Guangxi for the period June 1, 1994, through May 31, 1995. We initiated the review on August 16, 1995 (60 FR 42501).

The initiation notice indicated that the review would cover Guangxi and conditionally all other exporters of this merchandise. The Department is now conducting this review in accordance with section 751 of the Tariff Act of 1930, as amended by the Uruguay Round Agreements Act (the Tariff 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 review covers Guangxi and the period June 1, 1994, through May 31, 1995.

Use of Facts Available

On September 7, 1995, we mailed Guangxi and the Chinese Chamber of Commerce, Guangxi Province (CCC), a questionnaire seeking information necessary to conduct a review of any shipments of the subject merchandise made to the United States during the period of review (POR). While Guangxi was required to respond to this questionnaire, we requested that the CCC forward the questionnaire to any PRC manufacturers which, according to our criteria, should be entitled to receive a separate antidumping duty rate. In addition, a short questionnaire was sent to the CCC (which forwarded our questionnaires to the China Chamber of Commerce of Importers & Exporters of Food Stuffs, Native Produce & Animal by Products), the Embassy of the People's Republic of China, and the (Chinese) Ministry of Foreign Trade and Economic Cooperation. This questionnaire sought to ascertain whether Guangxi or any other PRC manufacturer shall be entitled to a separate rate by demonstrating both de jure and de facto absence of central government control with respect to exports.

The questionnaires were due on November 7, 1995. We did not receive a response from any party. As a result of Guangxi failing to submit a response to our questionnaire, the necessary information to issue preliminary results for the POR is not on the record. The Department finds that, in not responding to the questionnaire, Guangxi failed to cooperate by not acting to the best of its ability to comply with a request for information from the Department. Therefore, we must base our preliminary results on facts otherwise available (section 776(a) of the Tariff Act).

Where the Department must base the entire dumping margin for a respondent in an administrative review on the facts available because that respondent failed to cooperate, section 776(b) authorizes the Department to use an inference adverse to the interests of that respondent in choosing the facts available. Section 776(b) also authorizes the Department to use as adverse facts available information derived from the petition, the final determination, a previous administrative review, or other information placed on the record. Accordingly, in this case, we preliminarily assign to Guangxi a margin of 93.54 percent, the margin calculated in the remand of the less-than-fair-value (LTFV) final determination (*See Sparklers from the People's Republic of China: Adverse Decision and Amendment to Final Determination of Sales at Less Than Fair Value and Antidumping Duty Order in Accordance with Decision Upon Remand*, 58 FR 40624 (July 29, 1993)).

Because information from prior segments of the proceeding constitutes secondary information, section 776(c) provides that the Department shall, to the extent practicable, corroborate that secondary information from independent sources reasonable at its disposal. The Statement of

Administrative Action (SAA) provides that ''corroborate'' means simply that the Department will satisfy itself that the secondary information it uses has probative value.

To corroborate secondary information, the Department will, to the extent practicable, examine the reliability and relevance of the information to be used. However, unlike other types of information, such as input costs or selling expenses, there are no independent sources for calculated dumping margins. The only source for margins is administrative determinations. Thus, in an administrative review, if the Department chooses as total adverse facts available a calculated dumping margin from a prior segment of the proceeding, it is not necessary to question the reliability of the margin for that time period. With respect to the relevance aspect of corroboration, however, the Department will consider information reasonably at its disposal as to whether there are circumstances that would render a margin not relevant.

Where circumstances indicate that the selected margin is not appropriate as adverse facts available, the Department will disregard the margin and determine an appropriate margin (*see e.g., Fresh Cut Flowers from Mexico; Preliminary Results of Antidumping Duty Administrative Review,* (60 FR 49567) where the Department disregarded the highest margin in that case as adverse BIA because the margin was based on another company's uncharacteristic business expense resulting in an unusually high margin). In this case, we have used the highest rate from any prior segment of the proceeding, 93.54 percent rate.

Preliminary Results of the Review

As a result of our review, we preliminarily determine that a margin of 93.54 percent exists for Guangxi for the period June 1, 1994, through May 31, 1995.

Parties to the proceeding may request disclosure within five days of the date of publication of this notice. Any interested party may request a hearing within 10 days of publication. Case briefs and/or written comments from interested parties may be submitted not later than 30 days after the date of publication. Rebuttal briefs and rebuttals to written comments, limited to issues raised in the case briefs and 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 the final results of the administrative review, including the results of its analysis of issues raised in any such written comments or at a hearing. Upon completion of this administrative review, the Department will issue appraisement instructions directly to the Customs Service.

Furthermore, the following deposit requirements will be effective upon publication of the final results of administrative review for all shipments of sparklers from the PRC, entered, or withdrawn from warehouse, for consumption on or after the publication date, as provided by section 751(a)(1) of the Tariff Act: (1) the cash deposit rate for Guangxi will be the PRC country-wide rate of 93.54 percent; (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) the cash deposit rate for any non-PRC exporter will be the rate established for that firm; and (4) the cash deposit rate for all other PRC manufacturers or exporters will be 93.54 percent. These requirements, when imposed, shall remain in effect until publication of the final results of the next administrative review.

This notice 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 Tariff Act (19 U.S.C. 1675(a)(1)) and 19 CFR 353.22.

Dated: March 28, 1996.

Susan G. Esserman,

Assistant Secretary for Import Administration

[FR Doc. 96–8511 Filed 4–5–96; 8:45 am]

BILLING CODE 3510–DS–P

[A–485–602]

Tapered Roller Bearings and Parts Thereof, Finished or Unfinished, from Romania; Preliminary Results of Antidumping Duty Administrative Review

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

ACTION: Notice of Preliminary Results of Antidumping Duty Administrative Review.

SUMMARY: In response to a request by the petitioner, The Timken Company (Timken), the Department of Commerce (the Department) is conducting an administrative review of the antidumping duty order on tapered roller bearings and parts thereof, finished or unfinished (TRBs), from Romania. The review covers shipments of the subject merchandise to the United States during the period June 1, 1994, through May 31, 1995. The review indicates the existence of dumping margins during the period of review.

We have preliminarily determined that sales have been made below normal value (NV). If these preliminary results are adopted in our final results of administrative review, we will instruct U.S. Customs to assess antidumping duties equal to the difference between the export price and the NV.

Interested parties are invited to comment on these preliminary results. Parties who submit arguments are requested to submit with each argument (1) a statement of the issue and (2) a brief summary of the argument.

EFFECTIVE DATE: April 8, 1996.

FOR FURTHER INFORMATION CONTACT: Heith Rodman or Maureen Flannery, Office of Antidumping Compliance, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington D.C. 20230; telephone: (202) 482–4733.

Applicable Statute

Unless otherwise indicated, all citations to the statute are references to the provisions effective January 1, 1995, the effective date of the amendments made to the Tariff Act of 1930 (the Act) by the Uruguay Round Agreements Act (URAA). In addition, unless otherwise indicated, all citations to the Department's regulations are to the current regulations, as amended by the interim regulations published in the Federal Register on May 11, 1995 (60 FR 25130).

Background

On June 19, 1987, the Department published in the Federal Register (52 FR 23320) the antidumping duty order on TRBs from Romania. On June 6, 1995, the Department published in the Federal Register (60 FR 29821) a notice of opportunity to request an administrative review of this antidumping duty order. On June 30, 1995, in accordance with 19 CFR 353.22(a), the petitioner requested that