

TIME/DATE: 10:30 am–1:00 pm—
Thursday September 26, 1996.

STATUS: Open.

ADDRESS: Old Post Office Building,
Room 527, 1100 Pennsylvania Avenue,
N.W., Washington, D.C. 20506.

FOR FURTHER INFORMATION CONTACT: Isa
Bauerlein, Special Assistant to the
Director, Institute of Museum Services,
1100 Pennsylvania Avenue, N.W., Room
510, Washington, D.C. 20506—(202)
606–8536.

SUPPLEMENTARY INFORMATION: The
National Museum Services Board is
established under the Museum Services
Act, Title II of the Arts, Humanities, and
Cultural Affairs Act of 1976, Public Law
94–462. The Board has responsibility for
the general policies with respect to the
powers, duties and authorities vested in
the Institute under the Museum Services
Act.

The meeting of Thursday, September
26 will be open to the public.

If you need special accommodations
due to a disability, please contact:
Institute of Museum Services, 1100
Pennsylvania Avenue, N.W.,
Washington, D.C. 20506—(202) 606–
8536—TDD (202) 606–8636 at least
seven (7) days prior to the meeting date.

AGENDA

- I. Chairman's Welcome and Approval of
Minutes
- II. Director's Report
- III. Appropriations Report
- IV. Legislative/Public Affairs Report
- V. IMS Programs Report

Dated: August 19, 1996.

Linda Bell,

*Director of Policy, Planning and Budget,
National Foundation on the Arts and the
Humanities, Institute of Museum Services.*

[FR Doc. 96–22065 Filed 8–26–96; 11:48 am]

BILLING CODE 7036–01–M

DEPARTMENT OF COMMERCE

International Trade Administration

[A–834–805]

Notice of Preliminary Determination of Sales at Less Than Fair Value and Postponement of Final Determination: Beryllium Metal and High Beryllium Alloys from Kazakstan

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

EFFECTIVE DATE: August 28, 1996.

FOR FURTHER INFORMATION CONTACT:
Dorothy Tomaszewski or Ellen
Grebach, Office of Antidumping
Investigations, Import Administration,
International Trade Administration,
U.S. Department of Commerce, 14th

Street and Constitution Avenue, N.W.,
Washington, D.C. 20230; telephone:
(202) 482–0631 or (202) 482–3773,
respectively.

The Applicable Statute

Unless otherwise indicated, all
citations to the Tariff Act of 1930 ("the
Act") are references to the provisions
effective January 1, 1995, the effective
date of the amendments made to the Act
by the Uruguay Rounds Agreements
Act.

Preliminary Determination

We preliminarily determine that
beryllium metal and high beryllium
alloys ("beryllium") from Kazakstan are
being, or are likely to be, sold in the
United States at less than fair value
("LTFV"), as provided in section 733 of
the Act. The estimated margins are
shown in the "Suspension of
Liquidation" section of this notice.

Case History

Since the initiation of this
investigation on April 3, 1996 (61 FR
15770, April 9, 1996), the following
events have occurred:

On April 26, 1996, a cable was sent
to the U.S. embassy in Kazakstan
requesting the identification of
Kazakstan producers and exporters of
beryllium exported to the United States.
On May 3, 1996, a letter of appearance
was filed on behalf of the Kazak Joint-
Stock Company of Atomic Energy and
Industry ("KATEP") and the Joint-Stock
Company of Ulba Metallurgical Plant
("Ulba"). The Department of Commerce
("the Department") received a response
from the U.S. Embassy on May 8, 1996,
identifying the same companies named
in the May 3, 1996, letter of appearance.
The record indicates that during the POI
these companies were the only
companies licensed to export beryllium
from Kazakstan and that Ulba is the
only beryllium producer in Kazakstan.
The companies did not request that
separate, exporter-specific dumping
margins be calculated.

On May 15, 1996, the Department sent
its antidumping questionnaire to the
Embassy of Kazakstan, with a request
that it be transmitted to all companies
that produce beryllium for export to the
United States and to all companies that
were engaged in selling beryllium to the
United States during the period of
investigation. A copy of the
questionnaire was also sent to Ulba and
KATEP. The Department received
responses to the questionnaire from
Ulba and KATEP during June and July.

On April 29, 1996, the United States
International Trade Commission ("ITC")
notified the Department of its
affirmative preliminary determination.

On June 18, 1996, the Department
provided interested parties with the
opportunity to submit published,
publicly-available information for the
Department to consider when valuing
the factor inputs. Petitioner, Brush
Wellman Inc., and respondents
submitted information on July 23 and
July 30, 1996. Additional comments
from petitioner and respondents were
received on August 6, 1996.

Postponement of Final Determination

Pursuant to section 735(a)(2)(A) of the
Act, on August 14, 1996, respondents
requested that, in the event of an
affirmative preliminary determination
in this investigation, the Department
postpone its final determination until
135 days after the date of publication of
the determination in the Federal
Register. Pursuant to 19 CFR 353.20(b),
because (1) our preliminary
determination is affirmative, (2) the
respondents account for a significant
proportion of exports of the subject
merchandise, and (3) no compelling
reasons for denial exist, we are granting
respondents' request and postponing the
final determination.

Scope of Investigation

The scope of this investigation is
beryllium metal and high beryllium
alloys with a beryllium content equal to
or greater than 30 percent by weight,
whether in ingot, billet, powder, block,
lump, chunk, blank, or other
semifinished form. These are
intermediate or semifinished products
that require further machining, casting
and/or fabricating into sheet, extrusions,
forgings or other shapes in order to meet
the specifications of the end user.
Beryllium and high beryllium alloys
within the scope of this investigation
are classifiable under the Harmonized
Tariff Schedule of the United States
("HTSUS") 8112.11.6000, 8112.11.3000,
7601.20.9075, and 7601.20.9090.
Although the HTSUS subheading is
provided for convenience and customs
purposes, our written description of the
scope of this investigation is dispositive.

Period of Investigation

The period of investigation ("POI") is
July 1, 1995, through December 31,
1995.

Separate Rates

Respondents made no claim for
receiving a separate rate; therefore, the
Department did not address this issue.

Fair Value Comparisons

To determine whether sales of
beryllium from Kazakstan to the United
States by Ulba were made at less than
fair value, we compared the Export

Price ("EP") to the NV, as specified in the "Export Price" and "Normal Value" sections of this notice.

Export Price

We calculated EP in accordance with section 772(a) of the Act, because the subject merchandise was sold directly to the first unaffiliated purchaser in the United States prior to importation. Although respondents, Ulba and KATEP, reported that they have a U.S. subsidiary, Beryllium Metals International Ltd. ("BMI"), calculation of constructed export price ("CEP") under section 772(b) is not otherwise warranted for purposes of the preliminary determination based on the facts of this investigation. It has been the Department's longstanding and well-recognized practice that a transaction will be considered an export price sale, despite the involvement of an affiliate in the United States where: (1) the merchandise in question was shipped directly from the manufacturer to the unrelated buyer, without being introduced into the physical inventory of the related selling agent; (2) this was the customary commercial channel for sales of this merchandise between the parties involved; and (3) the related selling agent in the United States acted only as a processor of documentation and a communication link with the unrelated buyer. See, e.g., *Final Determination of Sales at Less Than Fair Value: Large Newspaper Printing Presses and Components Thereof, Whether Assembled or Unassembled, From Germany* (61 FR 38166, 38175, July 23, 1996). The facts in the present case indicate that the merchandise is not taken into the physical inventory of the U.S. subsidiary. Because there has only been one sale, we conclude that there is no "customary commercial channel." Therefore, we are disregarding this criterion for purposes of this preliminary determination. Finally, because of the limits on BMI's authority to finalize sales, it appears that BMI is acting solely as a processor of documentation and communications link. Therefore we conclude that the sale in question is properly characterized as an EP sale. However, the issue of whether the reported U.S. sale should be treated as CEP will be further examined at verification.

We calculated EP based on packed, CIF U.S. port prices to unaffiliated purchasers in the United States, as appropriate. We made deductions from the starting price, where appropriate, for foreign inland freight, international freight, and foreign brokerage and handling. Additionally, for three reported sales observations, respondents

noted that following the shipment of the subject merchandise, the price was adjusted downward from the originally invoiced unit price. For purposes of the preliminary determination, we are treating this change in price as a post-sale price discount to gross unit price.

Normal Value

A. Nonmarket Economy Country Status

The Department has treated Kazakhstan as a nonmarket economy country ("NME") in all past antidumping investigations (see, e.g., *Final Determinations of Sales at Less Than Fair Value: Ferrosilicon from Kazakhstan and Ukraine; and Postponement of Final Determination; Ferrosilicon from the Russian Federation* 58 FR 13050 (March 9, 1993)). Because neither respondents nor petitioner have challenged such treatment, we will continue to treat Kazakhstan as a NME in this investigation, in accordance with section 771(18)(C) of the Act.

When the Department is investigating imports from a NME, section 773(c)(1) of the Act directs us to base normal value ("NV") on the NME producer's factors of production, valued in a comparable market economy that is a significant producer of comparable merchandise.

B. Surrogate Country Selection

Section 773(c)(4) of the Act requires the Department to value the NME producer's factors of production, to the extent possible, in one or more market economy countries that: (1) are at a level of economic development comparable to that of the NME and (2) are significant producers of comparable merchandise. The Department has determined that Peru, Ecuador, Algeria, Colombia, and Tunisia are countries comparable to Kazakhstan in terms of overall economic development (see June 10, 1996, *Memorandum from David Mueller, Director, Office of Policy, to Gary Taverman, Division I Director, Office of Antidumping Investigations*).¹

¹ Respondents propose that the analysis of comparable levels of economic development should be based on per-capita purchasing power parity ("PPP"). However, it is important to note that it is the Department's longstanding practice in selecting surrogate countries to rely on market-exchange-rate-based, per-capita income as an indicator of economic development (see, e.g., *Final Determination of Sales at Less Than Fair Value: Antidumping Duty Investigation of Bicycles from the People's Republic of China*, 61 FR 19026, April 30, 1996; *Final Determination of Sales at Less Than Fair Value: Antidumping Duty Investigation of Steel Pipe from Romania*, 61 FR 24274, May 14, 1996). While arguments for relying on PPP per capita income have been considered (see, e.g., *Final Determination of Sales at Less Than Fair Value: Antidumping Duty Investigation of Manganese Metal from the People's Republic of China*, November 6, 1995, 60 FR 56048), the Department

Because none of these five countries satisfies the second statutory requirement for the selected surrogate country to be a significant producer of comparable merchandise, respondents proposed India as the appropriate surrogate country in this investigation. According to respondents, India and Kazakhstan are at a similar level of economic development based on per-capita PPP; India is "likely to be" a producer of beryllium metal; and, India is a significant producer of titanium and zirconium, which respondents deem comparable to beryllium metal in terms of physical characteristics and end use.

Petitioner proposed Brazil as the appropriate surrogate country in which to value the factors of production. Petitioner notes that Brazil and Kazakhstan both experienced negative gross domestic product growth and both countries produce beryl ore, the primary input, used in the production of beryllium.

Based on information on the record of this investigation, the only producers of beryllium (excluding waste and scrap) are the United States, Kazakhstan, and the People's Republic of China. Further, the staff of the U.S. Geological Survey and the Department's Metals Division have stated that it is not possible to identify any merchandise truly comparable to beryllium in terms of similar production process or production inputs. Even though petitioner's surrogate country choice, Brazil, is a significant producer of beryl ore, an input in producing beryllium, information on the record indicates that this ore cannot be considered to be merchandise comparable to beryllium. Moreover, Brazil's 1993 per-capita annual income was \$2930 versus \$1560 for Kazakhstan. Although the record contains market reports which make passing reference to production of beryllium metal in respondents' surrogate country choice, India, the Department has been unable to confirm such production. See August 21, 1996, *Memorandum to File; and Preliminary Determination of Beryllium Metal and High Beryllium Alloys from Kazakhstan, Calculation Memorandum*, August 21, 1996 ("Calculation Memorandum").

Absent information on a market economy country which produces beryllium and is at a level of economic development comparable to that of Kazakhstan, the Department selected Peru as the primary surrogate country based on its comparable level of economic development for purposes of this investigation. Peru and Kazakhstan

continues to rely primarily on exchange-rate-based per capita income for surrogate country selection in this investigation.

share approximately the same per-capita annual income.

Accordingly, where possible, we have calculated NV using Peruvian prices based on POI data to value Ulba's factors of production. The sources of individual surrogate factor prices are discussed under the "Normal Value" section, below.

C. Factors of Production

In accordance with section 773(c) of the Act, we calculated NV based on factors of production reported by Ulba (the sole Kazakhstan producer of beryllium). To calculate NV, the reported unit factor quantities were multiplied by publicly available Peru values, where possible. Because respondents ceased production of subject merchandise at the end of 1989, reported unit factor quantities are based on 1989 records. According to the staff of the U.S. Geological Survey, no known changes to the technology of producing the subject merchandise have taken place in Kazakhstan (see August 21, 1996, *Memorandum to File*). Therefore, in this investigation, the use of reported factor quantities based on 1989 records is appropriate.

Where Peru values were not available for certain of the factors, we used values from other countries. The selection of the surrogate values applied in this determination was based on the quality and contemporaneity of the data. As appropriate, we adjusted input prices to make them delivered prices. For those values not contemporaneous with the POI, we adjusted for inflation using wholesale price indices or, in the case of labor rates, consumer price indices, published in the International Monetary Fund's *International Financial Statistics*. (For further discussion, see *Calculation Memorandum*.)

Petitioner has suggested that the Department should base surrogate country selection and factor valuation on data from the year of production of the beryllium that was actually sold during the POI. We do not agree with petitioner's position. It has been the Department's practice to value factors of production in the time period contemporaneous to the date of sale of the subject merchandise (i.e., the POI) to reflect the value of that merchandise during the POI. (See, for example, *Final Determination: Antidumping Duty Investigation of Pure and Alloy Magnesium from the Russian Federation*, 61 FR 16440 (March 30, 1995); and *Final Determination: Antidumping Duty Investigation of Pure Magnesium from Ukraine*, 61 FR 16432 (March 30, 1995).) The fact that the subject merchandise sold during the POI was not produced in the POI does not

affect the choice of time period for valuing the factors. Therefore, all factor values from the surrogate country are based on POI data.

To value beryllium concentrate, the primary material input, we used the 1995 world market price provided by the U.S. Geological Survey. For all other reported direct material inputs and packing materials (the specific identities of which are business proprietary), we used 1994 *UN Trade Statistics* data—the latest available information—for Peru, except for one material input, where we used data from Colombia. Three of the reported material inputs were determined not to be direct material inputs in the production of subject merchandise and, therefore, have been treated as part of the factory overhead cost. (For further discussion, see *Calculation Memorandum*.)

To value direct skilled, direct unskilled, and packing labor, we used the 1994 wage rate—the latest available information—for the manufacturing sector in Peru published in the International Labor Organization's 1995 *Yearbook of Labour Statistics*. Because we cannot determine if the labor values from this source were for skilled or unskilled workers, we, in accordance with the Department's practice in past NME cases, applied a single earnings rate to all reported labor factors (see *Preliminary Determination of Sales at Less Than Fair Value: Polyvinyl Alcohol from the PRC*, (60 FR 52647, October 10, 1995) and *Preliminary Determination of Sales at Less Than Fair Value: Steel Pipe from Romania*, 60 FR 61532 (November 30, 1995)). Further, because this earnings rate is exclusive of benefits, we increased the amount reported to include employer-paid benefits based on information reflected in publicly available information in Price Waterhouse's 1994 publication, *Doing Business in Peru*.

To value electricity, we used 1995 electricity rates for industrial users in Peru, published quarterly by the Latin American Energy Organization ("OLADE"). We based the value of coal on 1994 *UN Trade Statistics* data—the latest available information—for Peru.

We were unable to find Peru data for either factory overhead or selling, general and administrative ("SG&A") expenses. Further, we considered these components of normal value to be most appropriately based on a market economy company that actually produces Beryllium. Accordingly, we based our calculation of factory overhead and SG&A expenses on petitioner's experience as reported in the petition.

With respect to profit, we were also unable to find surrogate data from Peru.

Therefore, we calculated surrogate profit using actual 1994—the latest available information—profit reported in the income statement of a metal producer in Brazil (see *Calculation Memorandum*).²

Absent any data for rail freight in Peru, we are using rail and truck freight data from Brazil (see *Calculation Memorandum*).

Kazakhstan-Wide Rate

The U.S. Embassy identified what we believe to be a complete list of producers and exporters of beryllium from Kazakhstan. We compared the respondents' sales data with U.S. import statistics for time periods including the POI and found no indication of unreported sales. Accordingly, the Kazakhstan-wide rate is based on the weighted-average margin calculated in this proceeding.

Verification

As provided in section 782(i) of the Act, we will verify all information used in making our final determination.

Suspension of Liquidation

In accordance with section 733(d) of the Act, we are directing the Customs Service to suspend liquidation of all entries of beryllium originating from Kazakhstan, that are entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice in the Federal Register. The Customs Service will require a cash deposit or posting of a bond equal to the estimated dumping margins by which the normal value exceeds the export price, as shown below. These suspension of liquidation instructions will remain in effect until further notice.

The weighted-average dumping margin is as follows:

Manufacturer/Producer/Exporter	Weighted-average margin (per cent)
Ulba Metallurgical Plant/KATEP	70.80
Kazakhstan-Wide Rate ³	70.80

²The Kazakhstan-wide rate applies to all entries of subject merchandise originating from Kazakhstan except for entries from the exporter that is identified individually above.

ITC Notification

In accordance with section 733(f) of the Act, we have notified the ITC of our determination. If our final determination is affirmative, the ITC will determine before the later of 120 days after the date of this preliminary determination or 45 days after our final

³We note that metal is the most similar product to beryllium for which we have publicly available information on profit.

determination whether these imports are materially injuring, or threaten material injury to, the U.S. industry.

Public Comment

In accordance with 19 CFR 353.38, case briefs or other written comments in at least ten copies must be submitted to the Assistant Secretary for Import Administration no later than November 20, 1996, and rebuttal briefs, no later than November 27, 1996. A list of authorities used and a summary of arguments made in the briefs should accompany these briefs. Such summary should be limited to five pages total, including footnotes. We will hold a public hearing, if requested, to afford interested parties an opportunity to comment on arguments raised in case or rebuttal briefs. At this time, the hearing is scheduled for Thursday, December 4, 1996, the time and place to be determined, at the U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230. Parties should confirm by telephone the time, date, and place of the hearing 48 hours before the scheduled time.

Interested parties who wish to request a hearing, or to participate if one is requested, must submit a written request to the Assistant Secretary for Import Administration, U.S. Department of Commerce, Room B-099, within ten days of the publication of this notice. Requests should contain: (1) the party's name, address, and telephone number; (2) the number of participants; and (3) a list of the issues to be discussed. In accordance with 19 CFR 353.38(b), oral presentations will be limited to issues raised in the briefs. If this investigation proceeds normally, we will make our final determination no later than 135 days after the publication of this notice in the Federal Register.

This determination is published pursuant to section 733(f) of the Act.

Dated: August 21, 1996.

Robert S. LaRussa,
Assistant Secretary for Import
Administration.

[FR Doc. 96-21969 Filed 8-27-96; 8:45 am]

BILLING CODE 3510-DS-P

[C-559-001]

Certain Refrigeration Compressors from the Republic of Singapore: Final Results of Countervailing Duty Administrative Review

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

ACTION: Notice of final results of countervailing duty administrative review.

SUMMARY: On June 10, 1996, the Department of Commerce published the preliminary results of its administrative review of the agreement suspending the countervailing duty investigation on certain refrigeration compressors from the Republic of Singapore.

In our preliminary results of review, we preliminarily determined that the signatories to the suspension agreement complied with the terms of the suspension agreement during the period of review. We gave interested parties an opportunity to comment on our preliminary results, but we received no comments. We have not changed the margin from that presented in our preliminary results of review.

We have now completed this review, the eleventh review of this Agreement, and determine that the Government of the Republic of Singapore (GOS), Matsushita Refrigeration Industries (Singapore) Pte. Ltd. (MARIS) and Asia Matsushita Electric (Singapore) Pte. Ltd. (AMS), the signatories to the suspension agreement, have complied with the terms of the suspension agreement during the period April 1, 1993 through March 31, 1994.

EFFECTIVE DATE: August 28, 1996.

FOR FURTHER INFORMATION CONTACT: Rick Johnson or Jean Kemp, Office of AD/CVD Enforcement, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230; telephone: (202) 482-3793.

Applicable Statutes and Regulations

Unless otherwise stated, all citations to the statute and to the Department's regulations are references to the provisions as they existed on December 31, 1994.

SUPPLEMENTARY INFORMATION:

Background

On June 10, 1996, the Department of Commerce (the Department) published in the Federal Register (61 FR 29348-50) the preliminary results of its administrative review of the agreement suspending the countervailing duty investigation on certain refrigeration compressors from the Republic of Singapore (48 FR 51167; November 7, 1983). We received no comments from interested parties on our preliminary results. We have now completed this administrative review in accordance with section 751 of the Tariff Act of 1930, as amended (the Tariff Act).

Scope of the Review

Imports covered by this review are shipments of hermetic refrigeration

compressors rated not over one-quarter horsepower from Singapore. This merchandise is currently classified under *Harmonized Tariff Schedule* (HTS) item number 8414.30.40. The HTS item number is provided for convenience and Customs purposes. The written description remains dispositive.

The review period is April 1, 1993 through March 31, 1994, and includes three programs. (For the preliminary results of review notice, we received information on three additional programs: the Operational Headquarters Program, the Technical Assistance Fees/Royalty Payments Program, and the Investment Allowance Program. However, the Department found these programs to be non-countervailable in the tenth administrative review of this Agreement. See *Certain Refrigeration Compressors from Singapore; Final Results of Countervailing Duty Administrative Review*, 60 FR 10315, 10317-8 (March 13, 1996). Therefore, we did not consider these programs for the purposes of the final results of this review). The review covers one producer and one exporter of the subject merchandise, MARIS and AMS, respectively. These two companies, along with the GOS, are the signatories to the suspension agreement.

Under the terms of the suspension agreement, the GOS agrees to offset completely the amount of the net bounty or grant determined by the Department in this proceeding to exist with respect to the subject merchandise. The offset entails the collection by the GOS of an export charge applicable to the subject merchandise exported on or after the effective date of the agreement. See *Certain Refrigeration Compressors from the Republic of Singapore: Suspension of Countervailing Duty Investigation*, 48 FR 51167, 51170 (November 7, 1983).

Final Results of Review

We determine that the signatories to the suspension agreement have complied with the terms of the suspension agreement, including the payment of the provisional export charge for the review period. From April 1, 1993, through March 31, 1994, a rate of 5.52 percent was in effect.

We determine the total bounty or grant to be 2.22 percent of the f.o.b. value of the merchandise for the April 1, 1993 through March 31, 1994 review period. Following the methodology outlined in section B.4 of the agreement, the Department determines that, for the period of review, a negative adjustment may be made to the provisional export charge rate in effect. The adjustment will equal the difference between the