

instructions directly to the Customs Service.

Furthermore, the following deposit requirements will be effective for all shipments of silicon metal from Brazil entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results of this administrative review, as provided by section 751(a)(1) of the Tariff Act: (1) The cash deposit rates for the reviewed companies will be those rates established in the final results of this review; (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 LTFV 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; and (4) if neither the exporter nor the manufacturer is a firm covered in this or any previous review conducted by the Department, the cash deposit rate will be 91.06 percent, the "all others" rate established in the LTFV investigation.

These cash 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 Tariff Act (19 U.S.C. 1675 (a)(1)) and 19 CFR 353.22.

Dated: August 27, 1996.

Robert S. LaRussa,
Acting Assistant Secretary for Import Administration.

[FR Doc. 96-22680 Filed 9-4-96; 8:45 am]

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[A-351-806]

Silicon Metal from Brazil; Preliminary Results of Antidumping Administrative Review; Intent Not To Revoke in Part

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

ACTION: Notice of preliminary results of the antidumping duty administrative review; intent not to revoke in part.

SUMMARY: The Department of Commerce (the Department) is conducting an administrative review of the antidumping duty order on silicon metal from Brazil in response to requests by respondents Eletrosilex Belo Horizonte (Eletrosilex), Companhia Ferroligas Minas Gerais—Minasligas (Minasligas), Companhia Brasileira Carbureto de Cálcio (CBCC), and RIMA Industrial S/A (RIMA). We also received a request for a review of the same four companies and Camargo Corrêa Metais (CCM) from a group of four domestic producers of silicon metal (the petitioners). The four domestic producers are American Silicon Technologies, Elkem Metals Company, Globe Metallurgical, Inc., and SKW Metals & Alloys, Inc. This review covers sales of this merchandise during the period July 1, 1994, through June 30, 1995.

We do not intend to revoke the order with respect to RIMA, CBCC, or Minasligas. RIMA and CBCC submitted requests for revocation, but in the final results of our most recently completed administrative review of this order they both had margins that were greater than *de minimis*. As a result, they have not had three consecutive years with zero or *de minimis* dumping margins, and therefore do not qualify for revocation. Minasligas also submitted a request for revocation. We do not intend to revoke the order with respect to this company at the completion of this administrative review because at this time we intend to revoke the order with respect to this company at the completion of the third administrative review, covering the period immediately preceding the period covered by this administrative review.

We have preliminarily determined that sales have been made below normal value (NV). Interested parties are invited to comment on these preliminary results. Parties who submit argument are requested to submit with the argument (1) a statement of the issue and (2) a brief summary of the argument.

EFFECTIVE DATE: September 5, 1996.

FOR FURTHER INFORMATION CONTACT:

Fred Baker or John Kugelman, Office of AD/CVD Enforcement, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone (202) 482-2924.

SUPPLEMENTARY INFORMATION

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

The Department published in the Federal Register the antidumping duty order on silicon metal from Brazil on July 31, 1991 (56 FR 36135). On July 3, 1995, we published in the Federal Register (60 FR 34511) a notice of opportunity to request an administrative review of the antidumping duty order on silicon metal from Brazil covering the period July 1, 1994, through June 30, 1995.

In accordance with 19 CFR 353.22(a)(1), Eletrosilex, Minasligas, CBCC, and RIMA requested that we conduct an administrative review of their sales. Petitioners requested that we conduct an administrative review of the sales of Eletrosilex, Minasligas, CBCC, RIMA, and CCM. We published a notice of initiation of this antidumping duty administrative review on August 16, 1995 (60 FR 42500). On April 25, 1996, the Department published in the Federal Register its notice extending the deadline in this review (61 FR 18375). The Department is conducting this administrative review in accordance with section 751 of the Act.

Scope of Review

The merchandise covered by this review is silicon metal from Brazil containing at least 96.00 percent but less than 99.99 percent silicon by weight. Also covered by this review is silicon metal from Brazil containing between 89.00 and 96.00 percent silicon by weight but which contains more aluminum than the silicon metal containing at least 96.00 percent but less than 99.99 percent silicon by weight. Silicon metal is currently provided for under subheadings 2804.69.10 and 2804.69.50 of the Harmonized Tariff Schedule (HTS) as a chemical product, but is commonly referred to as a metal. Semiconductor grade silicon (silicon metal containing by weight not less than 99.99 percent silicon and provided for in subheading 2804.61.00 of the HTS) is not subject to the order. HTS item

numbers are provided for convenience and for U.S. Customs purposes. The written description remains dispositive as to the scope of product coverage.

The review period is July 1, 1994, through June 30, 1995. This review involves four manufacturers/exporters of Brazilian silicon metal.

Use of Facts Available

As explained in the preliminary results of the third administrative review (covering the period July 1, 1993 through June 30, 1994), none of the RIMA's sales made during the third period of review (POR) entered U.S. customs territory during the third POR. Therefore, we treated RIMA as a non-shipper for the third administrative review. In these preliminary results of the fourth POR (covering the period July 1, 1994 through June 30, 1995), we included all of RIMA's sales made during the third POR that entered U.S. customs territory during the fourth POR. We also included in these preliminary results of review all of RIMA's U.S. sales during the fourth POR for which RIMA's U.S. customers made at least one import of silicon metal manufactured by RIMA. This policy is consistent with that outlined in the Department's response to comment 1 of the final results of the second administrative review.

For these reasons, because some of RIMA's sales included in this review were made during the prior POR, we conducted two separate verifications of RIMA. The first of these verifications covered RIMA's sales made during the third POR; the second covered RIMA's sales made during the fourth POR. We found that at RIMA's third review verification, RIMA was unable to substantiate significant portions of its responses.

Section 776(a) of the Act requires that the Department use the facts otherwise available when necessary information is not on the record or an interested party withholds requested information, fails to provide such information in a timely manner, significantly impedes a proceeding, or provides information that cannot be verified. In addition, section 776(b) permits the Department to use "adverse inferences" in determining facts available where a party does not cooperate to the best of its ability. In this case, as explained above, we determined at RIMA's verification covering sales from the third POR that RIMA could not substantiate significant portions of its response. (See Use of Facts Available Memorandum to Joseph Spetrini, Deputy Assistant Secretary, Enforcement Group III.) For this reason, we have resorted to the facts otherwise available pursuant to section 776(2).

However, the sales during the third POR were comparatively few in number. Therefore, we are not using total facts available. We do find, however, that RIMA did not cooperate to the best of its ability with respect to the third review sales. Therefore, we have determined to apply "adverse inferences" pursuant to section 776(b) for RIMA's third review sales.

Section 776(b) of the Act authorizes the Department to use as facts otherwise available information derived from the petitioner, the final determination, a previous administrative review, or other information placed on the record. The rate we have assigned to RIMA for its third review sales is 91.06 percent, which is the highest rate ever assigned to RIMA in any previous review. The rate we have calculated for RIMA for this review reflects the weighted-average rate for those sales for which we did not apply facts available (its fourth review sales and those sales for which we did apply facts available (its third review sales)).

Because the facts available information which we used in this review constitutes secondary information, we are required under section 776(c) of the Act to corroborate, to the extent practicable, the facts available from independent sources reasonably at our disposal. The Statement of Administrative Action (SAA) provides that "corroborate" means simply that the Department will satisfy itself that the secondary information to be used 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 relies upon a calculated dumping margin from a prior segment of the proceeding as facts available, 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 facts available, the Department will disregard the margin and determine an appropriate margin (see *e.g.*, *Fresh-Cut*

Flowers from Mexico: Final Results of Antidumping Duty Administrative Review (61 FR 6812, February 22, 1996), where the Department disregarded the highest margin in that case as adverse facts available because the margin was based on another company's uncharacteristic business expense resulting in an unusually high margin). In this case, for those sales for which we have used facts available we have used the highest rate ever calculated for RIMA in a previous review because there is not evidence on the record indicating that it is not appropriate as facts available.

United States Price

In calculating United States Price (USP) we used export price (EP), as defined in section 772(b) of the Act, because the subject merchandise was first sold to unrelated purchasers prior to the date of importation into the United States.

We based EP on the packed, F.O.B., C.I.F., or C&F price to the first unrelated purchaser in the United States, or to unrelated trading companies who export to the United States. We made deductions from USP, where appropriate, for foreign inland freight, international freight, marine insurance, weighing and sampling charges, and brokerage and handling. We made an addition to USP, where appropriate, for duty drawback. These adjustments were made in accordance with section 772(d)(2) of the Tariff Act. We also adjusted USP for taxes in accordance with our practice as outlined in the "Consumption Tax" section of the final results of the second administrative review of this proceeding, published concurrently with this notice.

No other adjustments were claimed or allowed.

Cost of Production Analysis

In prior segments of this proceeding, we disregarded home market sales found to be below the cost of production (COP). Therefore, in accordance with section 773(b)(2)(A)(ii) of the Act, the Department has reasonable grounds to believe or suspect that sales below the COP may have occurred during the review period. Thus, pursuant to section 773(b) of the Act, in this review we initiated a COP investigation of all five respondents.

We calculated the COP based on the sum of each respondent's cost of materials and fabrication employed in producing the foreign like product, plus amounts for home market selling, general and administrative expenses (SG&A) and packing costs in accordance with section 773(b)(3) of the Act. We

relied on the home market sales and COP information provided by each respondent in its questionnaire responses.

On July 17 and 18, 1996, the petitioners filed comments about the appropriateness of using historical costs, rather than replacement costs, for two of the respondents. Although we received these comments too late in the review to consider them for these preliminary results, we intend to request information from the two respondents that will better enable us to evaluate the petitioners' argument. We will then consider using replacement costs for the final results of this review.

In determining whether to disregard home market sales made at prices below the COP, we examined (1) whether, within an extended period of time, such sales were made in substantial quantities, and (2) whether such sales were made at prices which permitted recovery of all costs within a reasonable period of time in the normal course of trade. We compared model-specific COP to the reported home market price less any applicable movement charges.

Pursuant to section 773(b) (2) (C) of the Act, where less than 20 percent of the respondents' home market sales of a given model were at prices less than COP, we did not disregard any below-cost sales of that model because we determined that the below-cost sales were not made within an extended period of time "in substantial quantities." Where 20 percent or more of a respondent's home market sales of a given model were at prices less than the COP, we disregarded the below-cost sales because we determined that the below-cost sales were made within an extended period of time in "substantial quantities," in accordance with section 773(b) (2) (B) of the Act), and because we determined that the below-cost home market sales of a given product were at prices which would not permit recovery of all costs within a reasonable period of time (in accordance with section 773(b) (2) (D) of the Act).

We found that, for certain models of silicon metal, more than 20 percent of the home market sales were at below-cost prices within the period of review and that such sales were in substantial quantities, and that sales of these models were at prices which would not permit recovery of all costs within a reasonable period of time. As a result, we excluded these below-cost sales and used the remaining above-cost sales as the basis of determining normal value if such sales existed, in accordance with section 773(b) (1) of the Act.

Normal Value (NV)

In order to determine whether there was a sufficient volume of sales in the home market to serve as a viable basis for calculating NV, we compared such of the respondents' volume of home market sales of the foreign like product to the volume of U.S. sales of the subject merchandise, in accordance with section 773(a) (1) (C) of the Act. Because each respondent's aggregate volume of home market sales of the foreign like product was greater than five percent of its aggregate volume of U.S. sales for the subject merchandise, we determined that the home market provides a viable basis for calculating NV for all respondents.

We compared the EPs of individual transactions, pursuant to section 777A(d) (2) of the Act, to the monthly weighted-average price of sales of the foreign like product. In such cases we based NV on packed, ex-factory or delivered prices to unaffiliated purchasers in the home market. Where applicable, we made adjustments to home market price for inland freight, early payment discounts, and interest revenue. To adjust for differences in circumstances of sale between the home market and the United States, we reduced home market price by an amount for home market credit and packing expenses, and increased it by U.S. packing costs and U.S. credit expenses. We increased NV, where appropriate, for bank charges and warehousing expenses incurred on U.S. sales. We decreased NV, where appropriate, by the amount of commissions paid in the home market, but limited this amount to the amount of indirect selling expenses incurred on U.S. sales, in accordance with 19 CFR § 353.56(b) (1).

Non-Shippers

CCM stated that it did not have shipments during the POR, and we confirmed this information with the U.S. Customs Service. Therefore, we are treating CCM as a non-shipper for this review, and are rescinding this review with respect to this company. See *Sulfanilic Acid from the People's Republic of China; Preliminary Results and Partial Rescission of Antidumping Administrative Review*, 61 FR 29073, 29077 (June 7, 1996). The cash deposit rate for CCM will continue to be the rate established for CCM in the LTFV determination, which is the last segment of this proceeding in which the Department analyzed CCM's sales.

Preliminary Results of Review

As a result of our comparison of EP and NV, we preliminarily determine that the following weighted-average dumping margins exist for the period July 1, 1994 through June 30, 1995:

Manufacturer/exporter	Margin (percent)
CBCC	7.54
Minasligas	2.12
Eletrosilex	9.95
RIMA	3.67
CCM	¹ 93.2

¹ No shipments during the POR; margin taken from the last completed segment in which there were shipments.

Parties to the proceeding may request disclosure within 5 days of the date of publication of this notice. Any interested party may request a hearing within 10 days of publication. Any hearing, if requested, will be held 44 days after the date of publication of this notice, or the first workday thereafter. Interested parties may submit case briefs within 30 days of the date of publication of this notice. Rebuttal briefs, which must be limited to issues raised in the case briefs, may be filed not later than 37 days after the date of publication. Parties who submit argument are requested to submit with the argument (1) a statement of the issue and (2) a brief summary of the argument. The Department will publish a notice of final results of this administrative review, which will include the results of its analysis of issues raised in any such comments or at a hearing.

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

Furthermore, the following deposit rates will be effective upon publication of the final results of this administrative review for all shipments of silicon metal from Brazil entered, or withdrawn from warehouse, for consumption on or after the publication date, as provided for by section 751(a)(2)(c) of the Act: (1) The cash deposit rate for the reviewed companies will be the rate established in the final results of this review; (2) if the exporter is not a firm covered in this review, or the original LTFV 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; and (3) for all other producers and/or exporters of this merchandise, the cash deposit rate shall be 91.06 percent, the all others rate

established in the LTFV investigation (56 FR 36135, July 31, 1991).

These deposit rates, 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.

Dated: August 27, 1996.

Robert S. LaRussa,

Acting Assistant Secretary for Import Administration.

[FR Doc. 96-22681 Filed 9-4-96; 8:45 am]

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Carnegie Institution of Washington, et al.; Notice of Consolidated Decision on Applications for Duty-Free Entry of Scientific Instruments

This is a decision consolidated pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897; 15 CFR part 301). Related records can be viewed between 8:30 A.M. and 5:00 P.M. in Room 4211, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, DC.

Comments: None received. Decision: Approved. No instrument of equivalent scientific value to the foreign instruments described below, for such purposes as each is intended to be used, is being manufactured in the United States.

Docket Number: 96-021. **Applicant:** Carnegie Institution of Washington, Washington, DC 20015. **Instrument:** Mass Spectrometer, Model IMS 6F. **Manufacturer:** CAMECA, France. **Intended Use:** See notice at 61 FR 25622, May 22, 1996. **Reasons:** The foreign instrument provides a mass spectrometer with spherical ion optics for imaging and analysis of trace elements and isotopes.

Docket Number: 96-049. **Applicant:** University of California at San Diego, La Jolla, CA 92093. **Instrument:** Mass Spectrometer, Model VG Sector 54. **Manufacturer:** VG Isotech, United

Kingdom. **Intended Use:** See notice at 61 FR 30220, June 14, 1996. **Reasons:** The foreign instrument provides: (1) Seven Faraday collectors and an ion counting Daly detector, (2) thermal ionization of solid samples and (3) negative ion operation.

Docket Number: 96-055. **Applicant:** The Pennsylvania State University, University Park, PA 16802. **Instrument:** Mass Spectrometer, Model MAT 252. **Manufacturer:** Finnigan MAT, Germany. **Intended Use:** See notice at 61 FR 30221, June 14, 1996. **Reasons:** The foreign instrument provides a multielement multicollector and an external precision of 0.15 per mil STP for gas samples as small as 100cc.

The capabilities of each of the foreign instruments described above are pertinent to each applicant's intended purposes. We know of no instrument or apparatus being manufactured in the United States which is of equivalent scientific value to any of the foreign instruments.

Frank W. Creel,

Director, Statutory Import Programs Staff.

[FR Doc. 96-22685 Filed 9-4-96; 8:45 am]

BILLING CODE 3510-DS-P

Applications for Duty-Free Entry of Scientific Instruments

Pursuant to Section 6(c) of the Educational, Scientific and Cultural Materials Importation Act of 1966 (Pub. L. 89-651; 80 Stat. 897; 15 CFR part 301), we invite comments on the question of whether instruments of equivalent scientific value, for the purposes for which the instruments shown below are intended to be used, are being manufactured in the United States.

Comments must comply with 15 CFR 301.5(a)(3) and (4) of the regulations and be filed within 20 days with the Statutory Import Programs Staff, U.S. Department of Commerce, Washington, D.C. 20230. Applications may be examined between 8:30 A.M. and 5:00 P.M. in Room 4211, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC.

Docket Number: 96-083. **Applicant:** The University of Texas at Austin, Purchasing Department, CRB 2.204, Austin, TX 78712. **Instrument:** Gas Composition Analyzer, Model Epison III. **Manufacturer:** Thomas Swan & Co., Ltd., United Kingdom. **Intended Use:** The instrument will be used to perform research into the growth of In-Al-Ga containing alloys of the compound semiconductors in the InAlGaAsPN systems using the metallorganic chemical vapor deposition process. The

instrument will permit the direct measurement and control of the vapor-phase composition of organometallic sources in the gas stream entering the reactor chamber. In addition, the instrument will be used for educational purposes in the courses EE397C and EE697C Research Problems. **Application accepted by Commissioner of Customs:** July 30, 1996.

Docket Number: 96-084. **Applicant:** Mayo Foundation, 200 First Street SW, Rochester, MN 55905. **Instrument:** IR Mass Spectrometer with Gas Sampling Inlet, Model TracerMAT. **Manufacturer:** Finnigan MAT, Germany. **Intended Use:** The instrument will be used to measure ¹³CO₂ in expired air samples collected in association with specific medical diagnostic tests. Such measurements are important for studies such as malabsorption, short bowel syndrome and the diagnosis of peptic ulcers. In addition, the instrument will be used to monitor C¹⁸O₂ in total body water studies (total energy expenditure). **Application accepted by Commissioner of Customs:** August 2, 1996.

Docket Number: 96-085. **Applicant:** National Institutes of Health, Biomedical Engineering & Instrumentation Program, Building 13, Room 3N17, Bethesda, MD 20892. **Instrument:** Electron Microscope, Model CM 120. **Manufacturer:** Philips, The Netherlands. **Intended Use:** The instrument will be used to relate the structure to the function of subcellular compartments and macromolecular assemblies in a number of biological systems. **The objectives include study of:** (a) Biosynthetic pathways in terminally-differentiated squamous epithelium, (b) slow axonal transport, (c) calcium regulation in dendrites of hippocampal neurons, (d) water regulation in protozoa and (e) virus assembly. The aim of all these projects is to understand factors that control the normal physiological states of cells and their diseased states. **Application accepted by Commissioner of Customs:** August 2, 1996.

Docket Number: 96-086. **Applicant:** The University of Tennessee, Knoxville, Department of Geological Sciences, Knoxville, TN 37996-1410. **Instrument:** IR Mass Spectrometer, Model DELTA^{plus}. **Manufacturer:** Finnigan MAT, Germany. **Intended Use:** The instrument will be used to provide light stable isotope ratios of geological and biological materials for the following investigations: (1) Stable isotope studies of pedogenic (soil-formed) minerals, (2) evolution and diagenesis of carbonate rock successions, (3) process biogeochemical studies in the Arctic