

from FMV with respect to Nihon was affirmed because, consistent with 19 C.F.R. 353.56, these expenses were demonstrated to be direct expenses. Similarly, the Department's remand determination not to deduct the expenses from FMV associated with Onoda purchase price transactions was affirmed because these expenses were indirect expenses. With respect to Onoda's exporter's sales price comparisons, the court affirmed the Department's decision not to deduct these from FMV, but to include them in the pool of home market indirect expenses to offset indirect expenses in the U.S. market.

By order dated May 18, 1994, the CIT vacated and dismissed the May 25, 1993, remand with regard to the following issues: (1) The recalculation of United States Price for Onoda's sales through Lone Star Northwest's Oregon division; (2) the articulation of the Department's underlying reasoning regarding every element of 19 U.S.C. 1677(16)(B) (1988) in its product comparison analysis; and (3) the conducting of a substantive investigation of the service stations used by Onoda in its home market distribution system.

On July 5, 1994, the Department submitted its Final Results of Redetermination Pursuant To Court Remand for Nihon. On September 8, 1994, the Department submitted its Final Results of Redetermination Pursuant to Court Remand with regard to Onoda and the "All Others" rate. The parties subsequently filed comments upon the results of the Department's remand determinations. The Department responded to the parties' comments on January 6, 1995, requesting that the CIT again remand this action in order to provide the Department an opportunity to reexamine the calculation of Nihon's margin by taking into account the October 3, 1990, Supplemental Response submitted by Nihon during the original investigation. By order dated January 19, 1995, the CIT sustained the Department's remand determination with respect to the calculation of Onoda's margin, and ordered this action remanded to the Department for reconsideration of its calculation of Nihon's margin. The Department submitted its Final Results of Redetermination Pursuant To Court Remand on February 16, 1995, that determined a recalculated weighted-average antidumping duty rate of 69.89 percent for Nihon, and 70.23 percent for "All Others." Pursuant to the September 8, 1994, Final Results of Redetermination Pursuant to Court

Remand, the revised weighted-average antidumping rate for Onoda is 70.52 percent. The CIT, in Nihon, affirmed all redeterminations and dismissed this action on March 28, 1995.

#### Suspension of Liquidation

In its decision in *Timken Co. v. United States*, Court No. 89-1489 (January 4, 1990) (*Timken*), the Federal Circuit held that the Department must publish a notice of a decision of the CIT or the Federal Circuit which is not "in harmony" with the Department's determination. Publication of this notice fulfills this obligation. The Federal Circuit also held that in such a case, the Department must suspend liquidation until there is a "conclusive" decision in the action. The option of appealing this decision is being weighed, and a "conclusive" decision can not be reached until the opportunity to appeal expires, or any appeal is decided by the Federal Circuit. Therefore, the Department will continue to suspend liquidation pending the expiration of the period to appeal or pending a final decision of the Federal Circuit if *Nihon* is appealed.

Date: May 4, 1995.

**Paul L. Joffe,**

*Deputy Assistant Secretary for Import Administration.*

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BILLING CODE 3510-DS-P

#### [C-412-811]

#### **Certain Hot-Rolled Lead and Bismuth Carbon Steel Products From the United Kingdom; Preliminary Results of Countervailing Duty Administrative Review**

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

**ACTION:** Notice of Preliminary Results of Countervailing Duty Administrative Review.

**SUMMARY:** The Department of Commerce (the Department) is conducting an administrative review of the countervailing duty order on certain hot-rolled lead and bismuth carbon steel products from the United Kingdom. We have preliminarily determined the net subsidy to be 20.33 percent *ad valorem* for Allied Steel and Wire Limited (ASW Limited) and 7.03 percent *ad valorem* for all other companies for the period September 17, 1992 through December 31, 1992. We have preliminarily determined the net subsidy to be 20.33 percent *ad valorem* for ASW Limited, 2.68 percent *ad valorem* for United

Engineering Steels (UES), and 9.76 percent *ad valorem* for all other companies for the periods January 1, 1993 through January 14, 1993, and March 22, 1993 through December 31, 1993. If the final results remain the same as these preliminary results of administrative review, we will instruct U.S. Customs to assess countervailing duties as indicated above.

Interested parties are invited to comment on these preliminary results.

**EFFECTIVE DATE:** May 10, 1995.

**FOR FURTHER INFORMATION CONTACT:** Dana Mermelstein, Melanie Brown or Christopher Cassel, Office of Countervailing Compliance, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230; telephone: (202) 482-2786.

#### **SUPPLEMENTARY INFORMATION:**

##### **Background**

On March 22, 1993, the Department published in the **Federal Register** (58 FR 15327) the countervailing duty order on certain hot-rolled lead and bismuth carbon steel products from the United Kingdom. On March 4, 1994, the Department published a notice of "Opportunity to Request an Administrative Review" (59 FR 10368) of this countervailing duty order. We received a timely request for review from UES, a respondent company.

We initiated the review, covering the period September 17, 1992 through December 31, 1993, on April 15, 1994 (59 FR 18099). The review covers two manufacturers/exporters of the subject merchandise and fifteen programs.

##### **Applicable Statute and Regulations**

The Department is conducting this administrative review in accordance with section 751(a) of the Tariff Act of 1930, as amended (the Act). Unless otherwise indicated, all citations to the statute and to the Department's regulations are in reference to the provisions as they existed on December 31, 1994. However, references to the Department's Countervailing Duties; Notice of Proposed Rulemaking and Request for Public Comments, (54 FR 23366; May 31, 1989) (Proposed Regulations), are provided solely for further explanation of the Department's countervailing duty practice. Although the Department has withdrawn the particular rulemaking proceeding pursuant to which the Proposed Regulations were issued, the subject matter of these regulations is being considered in connection with an ongoing rulemaking proceeding which,

among other things, is intended to conform the Department's regulations to the Uruguay Round Agreements Act. See 60 FR 80; Jan. 3, 1995.

#### Scope of the Review

Imports covered by this review are hot-rolled bars and rods of non-alloy or other alloy steel, whether or not descaled, containing by weight 0.03 percent or more of lead or 0.05 percent or more of bismuth, in coils or cut lengths, and in numerous shapes and sizes. Excluded from the scope of this review are other alloy steels (as defined by the Harmonized Tariff Schedule of the United States (HTSUS) Chapter 72, note 1 (f)), except steels classified as other alloy steels by reason of containing by weight 0.4 percent or more of lead or 0.1 percent or more of bismuth, tellurium, or selenium. Also excluded are semi-finished steels and flat-rolled products. Most of the products covered in this review are provided for under subheadings 7213.20.00.00 and 7214.30.00.00 of the HTSUS. Small quantities of these products may also enter the United States under the following HTSUS subheadings: 7213.31.30.00, 60.00; 7213.39.00.30, 00.60, 00.90; 7214.40.00.10, 00.30, 00.50; 7214.50.00.10, 00.30, 00.50; 7214.60.00.10, 00.30, 00.50; and 7228.30.80. Although the HTSUS subheadings are provided for convenience and for Customs purposes, our written description of the scope of this proceeding is dispositive.

#### Best Information Available for ASW Limited

During the investigation, ASW Limited, an exporter of the subject merchandise, withdrew from participation, and consequently received a rate based entirely on best information available (BIA). Section 776(c) of the Act requires the Department to use BIA "whenever a party or any other person refuses or is unable to produce information requested in a timely manner and in the form required, or otherwise significantly impedes an investigation \* \* \*".

In this review, ASW Limited did not respond to the Department's two requests for information; therefore, we are assigning ASW Limited a rate based on BIA. The rate we are applying is 20.33 percent *ad valorem*. This rate reflects the rate ASW received in the investigation (see Final Affirmative Countervailing Duty Determination: Certain Hot-Rolled Lead and Bismuth Carbon Steel Products from the United Kingdom (58 FR 6237, 6243; January 27, 1993)) (*Lead Bar*). To this rate we added

the rate calculated for UES in this review for the Inner Urban Areas Act program, since this program was not examined by the Department during the investigation.

#### Calculation Methodology for Assessment and Cash Deposit Purposes

For each year, 1992 and 1993, we calculated the net subsidy on a country-wide basis by first calculating the subsidy rate for each company subject to the administrative review. We then weight-averaged the rate received by each company using as the weight the company's share of total UK exports to the United States of subject merchandise. To determine the value of ASW's exports based on BIA (see Best Information Available for ASW Limited, above), we subtracted the value of UES' exports of subject merchandise to the United States from the total value of U.S. imports of subject merchandise as reported in the U.S. IM-146 import statistics.

We then summed the individual companies' weight-averaged rates to determine the subsidy from all programs benefitting UK exports of subject merchandise to the United States. Since the country-wide rate calculated using this methodology was above *de minimis*, as defined by 19 CFR 355.7, for both 1992 and 1993, we proceeded to the next step and examined the net subsidy rate calculated for each company to determine whether individual company rates differed significantly from the weighted-average country-wide rate, pursuant to 19 CFR 355.22(d)(3).

For 1992, we found that ASW Limited had a significantly different net subsidy rate; therefore, this company is treated separately for assessment and cash deposit purposes for the 1992 period. All other companies are assigned the country-wide rate for this period. For 1993, we found that both ASW Limited and UES had significantly different net subsidy rates; therefore these companies are treated separately for assessment and cash deposit purposes for the 1993 period. All other companies are assigned the country-wide rate for this period.

#### Analysis of Programs

##### I. Programs Preliminarily Determined to Confer Subsidies

##### A. Allocation of Subsidies From BSC to UES

UES is a joint venture company formed in 1986 by British Steel Corporation (BSC) and Guest, Keen & Nettlefolds (GKN). In return for shares in UES, BSC contributed a major portion

of its Special Steels Business and GKN contributed its Brymbo Steel Works and its forging business. BSC was wholly owned by the Government of the United Kingdom at the time the joint venture was formed; BSC was privatized in 1988 and now bears the name British Steel plc (BS plc).

In *Lead Bar*, the Department found that BSC had received a number of subsidies prior to the 1986 sale of its Special Steels Business to UES. Further, the Department determined that the sale did not alter the effect of these previously bestowed subsidies, and thus the portion of BSC's pre-1986 subsidies which was attributable to the Special Steels Business productive unit transferred to UES (see *Lead Bar* at 6240). However, the Department modified this allocation methodology in the subsequent Remand Determination for Certain Hot-Rolled Lead and Bismuth Carbon Steel Products from the United Kingdom which was based on the privatization methodology set out in the General Issues Appendix appended to the Final Countervailing Duty Determination; Certain Steel Products from Austria (58 FR 37217, 37225; July 9, 1993) (*Certain Steel*). In *Certain Steel*, the Department stated that it can no longer be assumed that the entire amount of subsidies allocated to a certain productive unit follows it when it is sold; rather, a portion of the sales price of the productive unit represents the repayment of prior subsidies.

To calculate a rate for the subsidies that were allocated from BSC to UES, we first determined the subsidies attributable to BSC's Special Steels Business (each of these subsidies to BSC is described in detail in Sections A(1) through A(4) below). To calculate the subsidies attributable to BSC's Special Steels Business, we divided the asset value of BSC's Special Steels Business by the value of BSC's total assets. We then applied this ratio to the net present value, in the year of the spin-off, of the future benefit streams from all of BSC's prior subsidies. The future benefit streams at the time of UES' creation reflect the Department's allocation over time of prior subsidies to BSC in accordance with the declining balance methodology (see section 355.49 of the Department's *Proposed Regulations*), as well as the effect of prior spin-offs of BSC productive units.

We next estimated the portion of the purchase price which represents repayment of prior subsidies by determining the portion of BSC's net worth that was accounted for by subsidies. To do that, we divided the face value of the allocable subsidies received by BSC in each year from fiscal

year 1977/78 through fiscal year 1984/85 (the year prior to the creation of UES) by BSC's net worth in the same year. We calculated a simple average of these ratios, which was then multiplied by the purchase price of the productive unit. Thus, we determined the amount of the purchase price which represents repayment of prior subsidies. This amount was subtracted from the subsidies attributed to BSC's Special Steels Business at the time of sale to arrive at the amount of subsidies allocated to UES in 1986.

Having determined the amount of BSC's previously bestowed subsidies allocable to UES with the Special Steels Business in 1986, we then determined the benefit provided to UES by these subsidies in 1992 and in 1993. To do this, we divided the subsidies allocated to UES by the net present value (in the year of the spin-off) of the future benefit streams from subsidies received by BSC prior to the spin-off. The resulting percentage for each year, which represents the portion of BSC's future benefit streams to be apportioned to UES, was then multiplied by the total benefit amount from BSC's previously bestowed subsidies that would have been allocated to BSC in 1992 and 1993 absent any spin-offs or privatization. This provides the benefits to UES in 1992 and 1993, respectively. We divided these benefit amounts by the company's total sales in 1992 and 1993, respectively, and preliminarily determine the net subsidy to be 3.76 percent *ad valorem* for 1992 and 2.68 percent *ad valorem* for 1993.

In determining the subsidies previously bestowed to BSC that were allocated to UES, we examined the following programs: equity infusions, Regional Development Grants, a National Loan Fund loan cancellation, and loans and interest rebates under ECSC Article 54.

#### (1) Equity Infusions

In every year from 1978/79 through 1985/86, BSC received equity capital from the Secretary of State for Trade and Industry pursuant to section 18(1) of the Iron and Steel Acts 1975, 1981, and 1982. According to section 18(1), the Secretary of State for the Department of Trade and Industry may "pay to the Corporation (BSC) such funds as he sees fit." The Government of the United Kingdom's equity investments in BSC were made pursuant to an agreed external financing limit which was based upon medium-term financial projections. BSC's performance was monitored by the Government of the United Kingdom on an ongoing basis and requests for capital were examined

on a case-by-case basis. The UK government did not receive any additional ownership, such as stock or additional rights, in return for the capital provided to BSC under section 18(1) since it already owned 100 percent of the company.

In Lead Bar (58 FR at 6241), the Department found BSC to be unequityworthy from 1978/79 through 1985/86, and thus determined that the Government of the United Kingdom's equity infusions were inconsistent with commercial considerations. Although, prior to the formation of UES, BSC's section 18(1) equity capital was written off in two stages (£3,000 million in 1981 and £1,000 million in 1982) as part of a capital reconstruction of BSC, the Department determined that BSC benefitted from these equity infusions, notwithstanding the subsequent write-off of equity capital. Therefore, the Department countervailed the equity investments as grants given in the years the equity capital was received. No new information or evidence of changed circumstances was presented in this review to warrant a reconsideration of that finding.

Because the Department determined in Lead Bar that the infusions are non-recurring benefits, we have allocated the benefits over the average useful life of renewable physical assets in the steel industry (15 years) in accordance with our non-recurring grant methodology (see section 355.49 of the Proposed Regulations; see also Certain Steel at 37230).

While uncreditworthiness was not specifically alleged or investigated during the investigation on lead bar, in the Final Countervailing Duty Determination; Certain Steel Products from the United Kingdom (58 FR 37393; July 9, 1993) (UK Certain Steel), the Department found that BSC was uncreditworthy from 1977/78 through 1985/86. No new information or evidence of changed circumstances was presented in this review to warrant a reconsideration of that finding. Therefore, to calculate the benefit from these grants, we have used a discount rate which includes a risk premium (see section 355.44(b)(6)(iv) of the Proposed Regulations).

After calculating the 1992 and 1993 allocation of subsidies from BSC to UES, as described above (Allocation of Subsidies From BSC to UES), we divided the subsidies allocated to UES for each year by the company's total sales of all products domestically-produced during the respective year. On this basis, we preliminarily determine the net subsidy for this program to be

3.35 percent *ad valorem* in 1992 and 2.38 percent *ad valorem* in 1993.

#### (2) Regional Development Grant Program

Regional development grants were paid to BSC under the Industry Act of 1972 and the Industrial Development Act of 1982. In order to qualify for assistance under these two Acts, an applicant had to be engaged in manufacturing and located in an assisted area. Assisted areas are older, industrial regions identified as having deep-seated, long-term problems such as high levels of unemployment, migration, slow economic growth, derelict land, and obsolete factory buildings.

Regional development grants were given for the purchase of specific assets. According to the Government of the United Kingdom, the program involved one-time grants, disbursed sometimes over several years.

BSC received regional development grants during the period between fiscal years 1978/79 and 1985/86. The Department found this program countervailable in Lead Bar (58 FR 6242), because it is limited to specific regions. No new information or evidence of changed circumstances was presented in this review to warrant a reconsideration of that finding.

In Lead Bar, we also determined that since each grant requires a separate application, these grants are non-recurring. Accordingly, we have calculated the benefits from this program by allocating the benefits over the average useful life of renewable physical assets in the steel industry (15 years) in accordance with our non-recurring grant methodology (see Certain Steel at 37227; see also section 355.49 of the Proposed Regulations). Since BSC was uncreditworthy from 1978/79 through 1985/86 (as discussed under Equity Infusions), we have used a discount rate which includes a risk premium (see section 355.44(b)(6)(iv) of the Proposed Regulations) to calculate the benefits from these grants. After calculating the 1992 and 1993 allocation of subsidies from BSC to UES, described above (Allocation of Subsidies From BSC to UES), we divided the subsidies allocated to UES for each year by the company's total sales in the respective year and calculated the *ad valorem* benefit for each year. On this basis, we preliminarily determine the net subsidies for this program to be 0.12 percent *ad valorem* for 1992 and 0.08 percent *ad valorem* for 1993.

### (3) National Loan Funds Loan Cancellation

In conjunction with the 1981/1982 capital reconstruction of BSC, section 3(1) of the Iron and Steel Act of 1981 extinguished certain National Loans Fund (NLF) loans, as well as the accrued interest thereon, at the end of BSC's 1980/81 fiscal year. Because this loan cancellation was provided specifically to BSC, the Department determined in Lead Bar (58 FR 6242) that it provided a countervailable benefit. No new information or evidence of changed circumstances was presented in this review to warrant a reconsideration of that finding.

We calculated the benefit for this review using our standard methodology for non-recurring grants. We allocated the benefits from this loan cancellation over the average useful life of renewable physical assets in the steel industry (15 years) (see section 355.49 of the Proposed Regulations; see also *Certain Steel* at 37230); because BSC was found to be uncreditworthy in 1981/82 (as discussed under *Equity Infusions*), we have used a discount rate which includes a risk premium (see section 355.44(b)(6)(iv) of the Proposed Regulations). After calculating the 1992 and 1993 allocation of subsidies from BSC to UES, described above (Allocation of Subsidies From BSC to UES), we divided the subsidies allocated to UES for each year by the company's total sales in the respective year and calculated the *ad valorem* benefit for each year. On this basis, we preliminarily determine the net subsidies for this program to be 0.29 percent *ad valorem* for 1992 and 0.22 percent *ad valorem* for 1993.

### (4) European Coal and Steel Community (ECSC) Article 54 Loans/Interest Rebates

The European Coal and Steel Community's (ECSC) Article 54 Industrial Investment loans are direct, long-term loans from the Commission of the European Communities to be used by the iron and steel industry for purchasing new equipment or financing modernization. The purpose of the program is to facilitate the borrowing process for companies in the ECSC, some of which may not otherwise be able to obtain loans. In *UK Certain Steel*, the Department determined that this program is limited to the iron and steel industry, and thus is countervailable to the extent that it provides loans on terms inconsistent with commercial considerations. No new information or evidence of changed circumstances was presented in this review to warrant a reconsideration of that finding.

In addition, interest rebates on Article 54 loans were granted to steel companies during the restructuring and modernization of the industry in the early 1980s. To qualify for the rebates, companies had to meet certain criteria, such as being in the process of reducing their steel production capacity or of implementing improvements in processing that would yield energy savings and improved efficiency.

The interest rebates, which were limited to a maximum of 3 percent of the total investment over a period of five years, were funded from the ECSC operational budget. While levies imposed on ECSC steel companies have provided the revenues for the operational budget since 1985, contributions by Member States supplemented the budget before that time. For this reason, the Department determined in *UK Certain Steel* that a portion of those interest rebates was countervailable. Following the same methodology in this review to determine the countervailable portion, we calculated the ratio of the contributions by Member States to the ECSC's total available funds for each year in which the rebates were given, and then multiplied this ratio by the rebate amount.

BSC received one Article 54 loan in fiscal year 76/77 and two Article 54 loans in fiscal year 77/78, all of which were provided in U.S. dollars and are still outstanding. BSC also received interest rebates during the first five years of the 76/77 loan. Because BSC qualified for the interest rebate at the time the loan was granted, we considered the rebate to constitute a reduction in the interest rate charged rather than a grant.

We considered the loan made to BSC during its creditworthy period (*i.e.*, in BSC's 76/77 fiscal year) separately from the two loans made during its uncreditworthy period (*i.e.*, in BSC's 77/78 fiscal year). For the Article 54 loan provided when BSC was creditworthy, we used as our benchmark the average U.S. long-term commercial rate for 1977. We used this rate because we did not have information on U.S. dollar loans borrowed in the UK in 1977. To calculate the benefit from this loan we employed our long-term loan methodology (see section 355.49(c)(1) of the Proposed Regulations). We then compared the amount of interest that would have been paid on the benchmark loan to the interest paid by BSC (factoring in the interest rebate as discussed above) and found that BSC's interest payments were higher than those it would have made on the benchmark loan. Therefore, we find that

this particular loan was provided on terms consistent with commercial considerations.

For the loans provided when BSC was uncreditworthy, we used as our benchmark the highest U.S. lending rate available for long-term fixed rate loans at the time the loan was granted, plus a risk premium equal to 12 percent of the U.S. prime rate for 1977. See, *Final Affirmative Countervailing Duty Determination: New Steel Rail, Except Light Rail, from Canada* (54 FR 31991; August 3, 1989); see also, section 355.44(b)(6)(iv) of the Proposed Regulations. Again, we used a U.S. interest rate because we did not have information on U.S. dollar loans borrowed in the UK in 1977. We then compared the cost of the benchmark financing to the cost of the financing that BSC received under this program and found that the two Article 54 loans to BSC during its uncreditworthy period were provided on terms inconsistent with commercial considerations.

To calculate the benefit from these loans we used our long-term loan methodology (see section 355.49(c)(1) of the Proposed Regulations). Using this methodology and a benchmark discount rate which includes a risk premium (see section 355.44(b)(6)(iv) of the Proposed Regulations), we calculated the grant equivalent and allocated it over the life of the loans. Then we calculated the 1992 and 1993 allocation of subsidies from BSC to UES, as described above (Allocation of Subsidies From BSC to UES). We then divided the subsidies allocated to UES for each year by the company's total sales in the respective year to calculate the *ad valorem* benefit for each year. On this basis, we preliminarily determine the net subsidy for this program to be 0.0005 percent *ad valorem* for 1992 and 0.0004 percent *ad valorem* for 1993.

### B. Subsidies Provided to UES

#### Assistance Under the Inner Urban Areas Act 1978

UES received two grants under the Inner Urban Areas Act, one in 1988 and one in 1992. Under this program, the Secretary of State for the Environment provides grants to 57 local authorities in the United Kingdom for the improvement of downtrodden urban areas. The Department of the Environment (DOE) selects these areas based upon census data. The local authorities submit program plans to the DOE for evaluation. Assistance is awarded on a discretionary basis depending on the quality of the proposed scheme and the benefit to the community, by either creating jobs or

improving the environment. Under Section 5 of the Act, a private company can apply for a grant to be used for environmental improvement (i.e., beautification of industrial areas). Approximately 10 percent of the money is given to private companies.

Because assistance under the Inner Urban Areas Act is awarded only to local authorities and companies located in selected regions of the United Kingdom, we conclude that payments under this program are countervailable (see the Memorandum for Paul L. Joffe from Joseph A. Spetrini, dated May 3, 1995, Administrative Review of the Countervailing Duty Order on Certain Hot-rolled Lead and Bismuth Carbon Steel Products which is on file in the Central Records Unit, Room B-099 of the Department of Commerce) (Memorandum). Further, because receipt of these grants is based on separate applications which have to meet the required criteria, and consistent with our determinations in Certain Steel (see 58 FR at 37726-7), we determine these grants to be non-recurring. Therefore, we have calculated the benefit for the POR using our standard methodology for non-recurring grants. Both of the grants received by UES under this program were less than 0.5 percent of UES Ltd.'s total sales, and thus were allocated to the year of receipt. On this basis, we preliminarily determine the net subsidies for this program to be 0.0012 percent *ad valorem* for 1992 and zero for 1993.

## II. Program Preliminarily Determined Not to Confer Subsidies

### Article 55 Assistance

UES received Article 55 assistance between 1989 and 1992 for a project involving multi-oxygen lances. Under Article 55 of the ECSC Treaty, assistance is made available to "promote technical and economic research relating to the production and increased use of coal and steel and to occupational safety in the coal and steel industries." Since the end of 1986, this program has been funded solely through levies on steel producing companies.

Because the results of the research conducted under Article 55 are made publicly available, we find this program

to be not countervailable (see Memorandum). Moreover, we note that to the extent that Article 55 assistance is funded solely by levies on steel companies, we would find no benefit.

## III. Programs Preliminarily Determined Not To Be Used

We also examined the following programs and preliminarily determine that exporters of certain hot-rolled lead and bismuth carbon steel products from the United Kingdom did not use them during the review period (see Memorandum; see also Memorandum For the File, ECSC Article 56(2)(b) from the Team, dated March 3, 1995, which is on file in the Central Records Unit, Room B-099 of the Department of Commerce):

- (A) New Community Instrument Loans
- (B) ECSC Article 54 Loan Guarantees
- (C) NLF Loans
- (D) ECSC Conversion Loans
- (E) European Regional Development Fund Aid
- (F) Article 56 Rebates
- (G) Regional Selective Assistance
- (H) ECSC Article 56(b)(2) Redeployment Aid
- (I) BRITE/EuRAM II

### Preliminary Results of Review

In accordance with 19 CFR 355.22(b)(1), an administrative review "normally will cover entries or exports of merchandise during the most recently completed reporting year of the government of the affected country." However, because this is the first administrative review of this countervailing duty order, in accordance with 19 CFR § 355.22(b)(2), it covers the period, and the corresponding entries, "from the date of suspension of liquidation \* \* \* to the end of the most recently completed reporting year of the government of the affected country." This period is September 17, 1992 through December 31, 1993. Because the reporting year of the Government of the United Kingdom is the calendar year, we calculated a separate net subsidy for each year, 1992 and 1993.

Furthermore, during the 1993 calendar year, certain entries were not subject to suspension of liquidation. The Department issued its preliminary

affirmative countervailing duty determination in the investigation on September 17, 1992 (57 FR 42974). On October 16, 1992, in accordance with section 705(a)(1) of the Tariff Act of 1930, as amended (the Act), we aligned the final determination with the final determination in the companion antidumping duty investigation of the same merchandise (57 FR 48020; October 21, 1992). On November 6, 1992, at the request of respondents, we postponed both final determinations until January 11, 1993 (57 FR 53691; November 12, 1992), and on January 11, 1993, we postponed for a second time both determinations until January 19, 1993 (58 FR 4981; January 19, 1993).

Pursuant to section 705 of the Act and Article 5.3 of the GATT Subsidies Code, we cannot require suspension of liquidation for more than 120 days without the issuance of a countervailing duty order. Therefore, the Department instructed Customs to terminate the suspension of liquidation of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after January 15, 1993. The Department reinstated suspension of liquidation and required cash deposits of estimated countervailing duties of entries made on or after March 22, 1993, the date of the publication of the countervailing duty order. Merchandise entered on or after January 15, 1993 and before March 22, 1993 is to be liquidated without regard to countervailing duties.

For the period September 17, 1992 through December 31, 1992, we preliminarily determine the net subsidy to be 20.33 percent *ad valorem* for ASW Limited and 7.03 percent *ad valorem* for all other companies. For the periods January 1, 1993 through January 14, 1993, and March 22, 1993 through December 31, 1993, we preliminarily determine the net subsidy to be 20.33 percent *ad valorem* for ASW Limited, 2.68 percent *ad valorem* for United Engineering Steels (UES), and 9.76 percent *ad valorem* for all other companies.

If the final results of this review remain the same as these preliminary results, the Department intends to instruct the Customs Service to assess the following countervailing duties:

Period	Company	Rate (percent)
September 17, 1992–December 31, 1992 .....	ASW Limited .....	20.33
	All other companies .....	7.03
January 1, 1993–January 14, 1993 .....	ASW Limited .....	20.33
	UES .....	2.68
	All other companies .....	9.76
March 22, 1993–December 31, 1993 .....	ASW Limited .....	20.33
	UES .....	2.68
	All other companies .....	9.76

The Department also intends to instruct the Customs Service to collect a cash deposit of estimated countervailing duties of 20.33 percent of the f.o.b. invoice price on all shipments of the subject merchandise from ASW Limited, 2.68 percent of the f.o.b. invoice price on all shipments of the subject merchandise from UES, and 9.76 percent of the f.o.b. invoice price on all shipments of the subject merchandise from all other companies, except Glynwed (which was excluded from the order during the original investigation), entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this review.

Interested parties may request disclosure of the calculation methodology and may request a hearing within 10 days of the date of publication. Case briefs or other written comments from interested parties may be submitted not later than 30 days after the date of publication of this notice. Rebuttal briefs and rebuttal comments, limited to issues raised in the case briefs, may be filed not later than 37 days after the date of publication. Any hearing, if requested, will be held seven days after the scheduled date for submission of rebuttal briefs. Copies of case briefs and rebuttal briefs must be served on interested parties in accordance with section 355.38(e) of the Commerce regulations.

Representatives of parties to the proceeding may request disclosure of proprietary information under administrative protective order no later than 10 days after the representative's client or employer becomes a party to the proceeding, but in no event later than the date the case briefs, under section 355.38(c), are due.

The Department will publish the final results of this administrative review including the results of its analysis of issues raised in any case or rebuttal brief or at a hearing.

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 355.22.

Dated: May 3, 1995.  
**Paul L. Joffe**,  
*Deputy Assistant Secretary for Import Administration.*  
 [FR Doc. 95-11530 Filed 5-9-95; 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, N.W., Washington, D.C.

*Docket Number: 95-028. Applicant:* University of Rhode Island, Graduate School of Oceanography, Narragansett, RI 02882. *Instrument:* Chlorophyll Fluorescence Measuring System, Model PAM 101. *Manufacturer:* Heinz Walz GmbH, Germany. *Intended Use:* The instrument will be used to perform fluorescence measurements on natural and experimental phytoplankton to ascertain characteristics of productivity. *Application Accepted by Commissioner of Customs:* April 6, 1995.

*Docket Number: 95-029. Applicant:* University of Minnesota, Department of Civil Engineering, 500 Pillsbury Drive SE, Minneapolis, MN 55455. *Instrument:* Gyrotory Compactor. *Manufacturer:* Invelop Oy, Finland. *Intended Use:* The instrument will be used for studies of typical asphalts with polymer modified binders and portions of mineral aggregates with such materials as recycled tire rubber, glass, and roofing shingles. Experiments will

be conducted to determine changes in angle and speed of gyration, axial confinement, and sample size required to most closely approximate field compaction conditions, shear resistance and in-place volumetrics. This instrument will also be used for teaching purposes in the Civil Engineering Department courses on Bituminous Mixtures (CE 5701) and Special Topics in Research (CE 8089). *Application Accepted by Commissioner of Customs:* April 7, 1995.

*Docket Number: 95-031. Applicant:* University of Maryland, Linguistics Department, 1401 Marie Mount Hall, College Park, MD 20742-7515. *Instrument:* Monocular Oculometer for the Human Eye. *Manufacturer:* Dr. Bouis, Germany. *Intended Use:* The instrument will be used to record eye movements during continuous reading of individual sentences and text in experiments involving individual subjects tested on linguistic materials. *Application Accepted by Commissioner of Customs:* April 10, 1995.

**Frank W. Creel**,  
*Director, Statutory Import Programs Staff.*  
 [FR Doc. 95-11528 Filed 5-9-95; 8:45 am]  
**BILLING CODE 3510-DS-F**

**Minority Business Development Agency**

**Solicitation of Business Development Center Applications for Charleston, SC and Brooklyn, NY**

**AGENCY:** Minority Business Development Agency, Commerce.  
**SUMMARY:** In accordance with Executive Order 11625 and 15 U.S.C. 1512, the Minority Business Development Agency (MBDA) is soliciting competitive applications from organizations to operate the Minority Business Development Center (MBDC) listed in this document.

The purpose of the MBDC Program is to provide business development services to the minority business community to help establish and maintain viable minority businesses. To