compared Eletrosilex's home market prices to the COP of the month of payment.

Final Results of Review

As a result of our analysis of the comments received, we determine that the following margins exist for the period July 1, 1992, through June 30, 1993:

Manufacturer/Exporter	Margin (percent)
CBCC	16.81
Minasligas	0.00
Eletrosilex	0.00
RIMA	31.60

The Department shall determine, and the Customs Service shall assess, antidumping duties on all appropriate entries. Individual differences between USP and FMV may vary from the percentages stated above. The Department will issue appraisement instructions directly to the Customs Service.

Furthermore, the following deposit requirements will be effective upon publication of these final results of review for all shipments of silicon metal from Brazil entered, or withdrawn from warehouse, for consumption on or after the publication date, as provided by section 751(a)(1) of the Tariff Act, and will remain in effect until the final results of the next administrative review:

(1) The cash deposits rates for the reviewed companies will be those rates listed above; (2) for previously reviewed or investigated companies not listed above, the cash deposit rate will continue to be the company-specific rate published for the most recent period; (3) if the exporter is not a firm covered in this review, a prior review, or the original LTFV investigation, but the manufacturer is, the cash deposit rate will be the rate established for the most recent period for the manufacture of the merchandise; and (4) if neither the exporter nor the manufacturer is a firm covered by 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.

This notice serves as a final reminder to importers of their responsibility under 19 CFR 353.26 to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

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

This 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. 96–22679 Filed 9–4–96; 8:45 am]

BILLING CODE 3510–DS–M

[A–351–806]

Silicon Metal From Brazil; Preliminary Results of Antidumping Duty Administrative Review, Intent To Revoke in Part, and Intent Not To Revoke in Part

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

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

SUMMARY: In response to requests from petitioners and five respondents, the Department of Commerce (the Department) has conducted an administrative review of the antidumping duty order on silicon metal from Brazil. This review covers five manufacturers/exporters and the period July 1, 1993, through June 30, 1994. The review indicates that one of the companies had a margin during the period of review, and that three of the companies had no margins during the period for review. Our review also indicates that one company had no shipments during the period of review.

We intend to revoke the order for Companhia Ferroligas Minas Gerasis—Minasligas (Minasligas). We have preliminarily determined that Minasligas has not sold the subject merchandise at less than foreign market value (FMV) in this review and for at least three consecutive administrative review periods, and that it is not likely that Minasligas will sell the subject merchandise at less than FMV in the future. Minasligas has also submitted a certification that it will not sell to the United States at less than FMV in the future, and has agreed in writing to its immediate reinstatement in the order if the Secretary concludes under 19 CFR § 353.22(f) that subsequent to revocation Minasligas sold the merchandise at less than FMV.

We do not intend to revoke the order with respect to Companhia Brasileira Carbureto de Cálcio (CBCC). CBCC submitted an untimely request for revocation. Furthermore, in the final results of our most recently completed administrative review of this order, CBCC had a margin that was greater than *de minimis.* Therefore, CBCC does not qualify for revocation.

We have preliminarily determined that sales have been made below the FMV for one company. If these preliminary results are adopted in our final results of administrative review, we will instruct U.S. Customs to assess antidumping duties equal to the difference between United States price (USP) and the FMV.

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

EFFECTIVE DATE: September 5, 1996.

FOR FURTHER INFORMATION CONTACT: Fred Baker or John Kugelman, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 482–5253.

Applicable Statute: 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.

SUPPLEMENTARY INFORMATION:

Background

On July 31, 1991, the Department published in the Federal Register (56 FR 36135) the antidumping duty order on silicon metal from Brazil. On July 1, 1994, the Department published (59 FR 33951) a notice of ''Opportunity to Request an Administrative Review'' of this antidumping duty order for the period July 1, 1993, through June 30, 1994. We received timely requests for review from CBCC, Minasligas, Eletrosilex Belo Horizonte (Eletrosilex), Rima Industrial S.A. (RIMA), and Camargo Corrêa Metais S.A. (CCM). We also received a request for review of the same five manufacturers/exporters of

silicon metal from a group of four domestic producers of silicon metal (the petitioners). The four domestic producers are American Silicon Technologies, Elkem Metals Co., Globe Metallurgical, Inc., and SKW Metals and Alloys, Inc.

On August 24, 1994, the Department published a notice of initiation (59 FR 43537) covering the five manufacturers/exporters named above.

The Department has now completed the preliminary results of this review in accordance with section 751 of the Tariff Act of 1930, as amended (the Tariff Act).

In accordance with 19 CFR 353.25(a) we have preliminarily determined to revoke the antidumping duty order for Minasligas. Minasligas submitted a request in accordance with 19 CFR 353.25(b) to revoke the order with respect to its sales of silicon metal in the United States. Minasligas's request was accompanied by the required certifications which state that it has not sold silicon metal in the United States at less than FMV for at least three consecutive years, including the subject review period, and that it will not do so in the future. Minasligas has also agreed in writing to its immediate reinstatement in the order if the Secretary concludes under 19 CFR § 353.22(f) that subsequent to revocation Minasligas sold the merchandise at less than FMV. Since we preliminarily determine that Minasligas has not sold the subject merchandise at less than FMV for at least three consecutive years, and because we believe that it is not likely that Minasligas will sell the subject merchandise at less than FMV in the future, we intend to revoke the order with respect to Minasligas.

In response to the Department's request for information RIMA submitted to the Department a list of U.S. sales made during the POR. However, based upon information from U.S. Customs, we have determined that none of RIMA's U.S. sales made during this POR entered U.S. customs territory during the POR. Therefore, we have determined to treat RIMA as a non-shipper for this review.

Scope of the 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 a higher aluminum content 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, 1993, through June 30, 1994. This review involves five manufacturers/exporters of Brazilian silicon metal.

Use of Best Information Available (BIA)

Because CBCC failed to produce information requested at verification to substantiate significant portions of its response, in accordance with section 776(c) of the Act, we have preliminarily determined that the use of BIA is appropriate. For these preliminary results we applied the following two-tier BIA analysis in choosing what to apply as BIA:

1. When a company refuses to cooperate with the Department or otherwise significantly impedes these proceedings, it assigns that company first-tier BIA, which is the higher of:

(a) The highest of the rates found for any firm for the same class or kind of merchandise in the same country of origin in the less-than-fair-value investigation (LTFV) or prior administrative review; or

(b) The highest rate found in the present administrative review for any firm for the same class or kind of merchandise from the same country or origin.

2. When a company substantially cooperates with our requests for information including, in some cases, verification, but fails to provide the information requested in a timely manner or in the form required, it assigns to that company second-tier BIA, which is the higher of:

(a) The firm's highest rate (including the ''all others'' rate) of the same class or kind of merchandise from a prior administrative review or, if the firm has never before been investigated or reviewed, the all others rate from the LTFV investigation; or

(b) The highest calculated rate in this review for the class or kind of merchandise for any firm from the same country of origin.

See Allied-Signal Aerospace Co. v. United States, 28 F.3d 1188, 1189, 1190 n.2 (CAFC 1994).

CBCC cooperated with the Department by responding to the Department's questionnaires. However, we determined at verification that this company could not substantiate significant portions of its responses. Therefore, we have determined to apply second-tier BIA to CBCC for those sales for which we were unable to verify sales or cost information. (*See* Use of BIA memorandum to Joseph Spetrini, Deputy Assistant Secretary, Enforcement Group Three.) The second-tier BIA rate we have assigned to CBCC is 87.79 percent. This rate is CBCC's rate from the LTFV investigation. Accordingly, the rate we have assigned to CBCC for this review reflects the weighted-average rate for those sales for which we did not apply BIA and those sales for which we did apply BIA.

Verification

As provided in section 776(b) of the Tariff Act, we verified information provided by Minasligas, CCM, RIMA, and CBCC by using standard verification procedures, including onsite inspection of the manufacturers' facilities, the examination of relevant sales and financial records, and selection of original documentation containing relevant information. Our verification results are outlined in the public versions of the verification reports.

United States Price

In calculating USP, we used purchase price as defined in section 772 of the Tariff Act. Purchase price was based on the packed, F.O.B. or C&F price to the first unrelated purchaser in the United States.

We made deductions from USP, where appropriate, for foreign inland freight, ocean freight, foreign inland insurance, brokerage and handling, and export taxes. We made an addition to USP, where appropriate, for duty drawback. These adjustments were 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 final results of the second administrative review of this case published concurrently with this notice.

No other adjustments were claimed or allowed.

Foreign Market Value (FMV)

In order to determine whether there were sufficient sales of silicon metal in the home market to serve as a viable basis for calculating FMV, we compared the volume of each respondent's home market sales to the volume of its third-country sales, in accordance with section 773(a)(1)(B) of the Tariff Act. In each case we found that the respondent's sales of silicon metal in the home market constituted at least five percent of its sales to third-country markets. Thus, we based FMV on sales in the home market. *See* 19 C.F.R. 353.46(a).

Due to the existence of sales below the cost of production (COP) in the last completed review of Eletrosilex, Minasligas, and CBCC, and the LTFV investigation of CCM, the Department determined that it had reasonable grounds to believe or suspect that sales below the COP may have occurred during this review. Accordingly, the Department initiated a COP investigation to determine whether Eletrosilex, Minasligas, CBCC, and CCM made sales during the POR at prices below their respective cost of productions within the meaning of section 773(b) of the Act.

Calculation of COP

We calculated each respondent's COP based on the sum of each respondent's reported cost of materials, fabrication, selling, general, and administrative (SG&A) expenses, and home market packing expenses in accordance with 19 CFR 353.51(c). We made an adjustment to COP, where applicable, for revenue received from the sale of by-products produced while producing silicon metal. Because the Brazilian economy was hyperinflationary during the period of review (POR), we instructed respondents to follow our longstanding methodology for hyperinflationary economies, including the use of replacement costs. (*See Silicon Metal from Brazil, Final Results of Antidumping Duty Administrative Review*, 59 FR 42806 (August 19, 1994).)

After calculating COP, we tested whether, as required by section 773(b) of the Act, the respondent's home market sales of subject merchandise were made at price below COP, over an extended period of time in substantial quantities, and whether such sales were made at prices which permit recovery of all costs within a reasonable period of time in the normal course of trade. On a model-specific basis, we compared monthly COPs to the reported home market prices. To satisfy the requirement of section 773(b)(1) of the Act that below-cost sales be disregarded only if made in substantial quantities, we applied the following methodology. If over 90 percent of the respondent's sales of a given product were at prices equal to or greater than the COP, we did not disregard any below-cost sales of that product because we determined that the below-cost sales were not made in ''substantial quantities.'' If between ten and 90 percent of the respondent's sales of a given product were at prices equal to or greater than the COP, we disregarded only the below-cost sales, provided sales of that product were also found to be made over an extended period of time. Where we found that more than 90 percent of the respondent's sales of a product were at prices below the COP, and the sales were made over an extended period of time, we disregarded all sales of that product, and calculated FMV based on CV, in accordance with section 773(b) of the Act.

In accordance with section 773(b)(1) of the Act, in order to determine whether below-cost sales had been made over an extended period of time, we compared the number of months in which below-cost sales occurred for each product to the number of months in the POR in which that product was sold. If a product was sold in three or more months of the POR, we did not exclude below-cost sales unless there were below-cost sales in at least three months during the POR. When we found that sales of a product occurred in only one or two months, the number of months in which the sales occurred constituted the extended period of time, *i.e.*, where sales of a product were made in only two months, the extended period of time was two months; where sales of a product were made in only one month, the extended period of time was one month. See *Final Determination of Sales at Less Than Fair Value*: *Certain Carbon Steel Butt-Weld Pipe Fittings from the United Kingdom*, 60 FR 10558, 10560 (February 27, 1995).

For CBCC, Minasligas, Eletrosilex, and CCM, we found that, for certain models, between 10 and 90 percent of home market sales were made at below-COP prices. Since CBCC, Minasligas, Eletrosilex, and CCM provided no indication that these sales were at prices that would permit recovery of all costs within a reasonable period of time and in the normal course of trade, we disregarded the below-cost sales of those models, if those sales were made over an extended period of time. *See* 19 CFR § 353.50.

Other than where we used BIA for CBCC, we based FMV for CBCC on constructed value (CV). In accordance with section 773(e) of the Tariff Act, it consisted of the sum of the cost of manufacture (COM) of silicom metal, home market SG&A expenses, home market profit, and the cost of export packing. The COM of silicon metal is the sum of direct material, direct labor, and variable and fixed overhead expenses. For home market SG&A expenses, we used the larger of the actual SG&A expenses reported by CBCC or 10 percent of the COM, the statutory minimum for general expenses. For home market profit we used the larger of the actual profit reported by CBCC, or the statutory minimum of eight percent of the sum of COM and SG&A expenses. *See* section 773(e)(1)(B) of the Tariff Act. We also made adjustments, where applicable, for differences between direct selling expenses incurred in the home market and the U.S. market. These direct selling expenses consisted of credit and warehousing. Finally, we made a circumstance-of-sale inflation adjustment as we did in the final results of the second administrative review of this proceeding, published concurrently with this notice.

We based FMV for Minasligas, Eletrosilex, and CCM on prices to unrelated purchasers in the home market. We calculated a monthly, weighted-average price. Where applicable, we made adjustments for post-sale inland freight. We also made adjustments, where applicable, for differences between home market and U.S. expenses for packing, credit, and warehousing.

No other adjustments were claimed or allowed.

Preliminary Results of Review

As a result of our review, we preliminarily determine that the following margins exist for the period July 1, 1993, through June 30, 1994:

Manufacturer/exporter	Margin (percent)
CBCC	57.32
Minasligas	0.00
Eletrosilex	0.00
RIMA	[1]31.60
CCM	9.29

[1] No shipments during the POR; rate is from last review in which there were shipments.

Interested parties may request a disclosure within 5 days of publication of this notice and may request a hearing within 10 days of the date of publication. Any hearing, if requested, will be held 44 days after the date of publication, or the first workday thereafter. Interested parties may submit case briefs within 30 days of the date of publication. Rebuttal briefs, limited to issues raised in the case briefs, may be filed not later than 37 days after the date of publication. The Department will publish a notice of the final results of this administrative review, which will include the results of its analysis of issues raised in any such case briefs or at a hearing.

The Department shall determine, and the Customs Service shall assess, antidumping duties on all appropriate entries. Individual differences between USP and FMV may vary from the percentages stated above. The Department will issue appraisement

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]

BILLING CODE 3510–DS–M

[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