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 an 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 terms of an APO is a violation which is subject to sanction.

This administrative review and this notice are in accordance with sections 751 (a)(1) and (f) of the Tariff Act (19 U.S.C. 1675(a)(1)) and 19 CFR 353.28.

Dated: January 6, 1998.

Robert S. LaRussa,

Assistant Secretary for Import Administration.

[FR Doc. 98–801 Filed 1–13–98; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–351–605]

Frozen Concentrated Orange Juice From Brazil: Preliminary Results of Antidumping Duty Administrative Review; Termination 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; termination in part; and intent to revoke in part.

SUMMARY: In response to timely requests from three producer/exporters, Branco Peres Citrus, S.A. (Branco Peres), CTM Citrus, S.A. (CTM) (formerly Citro-pectina), and Citrovita, S.A., the Department of Commerce (the Department) is conducting an administrative review of the antidumping duty order on frozen concentrated orange juice (FCOJ) from Brazil. This review covers the period May 1, 1993, through April 30, 1994. Since Citrovita timely withdrew its request for review in accordance with 19 CFR 353.22(a)(5), and no other party requested a review of Citrovita, we are terminating the review with respect to this firm.

For these results, we preliminarily determine the dumping margins for Branco Peres and CTM to be 0.52 percent and zero, respectively. Moreover, we do not intend to revoke the order with respect to CTM because, although CTM submitted a timely request for revocation, it has not met the necessary requirements. We invite interested parties 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: January 14, 1998.

FOR FURTHER INFORMATION CONTACT: Fabian Rivelis or Irina Itkin, Office 5, Office of AD/CVD Enforcement, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, D.C. 20230; telephone: (202) 482–3853 or (202) 482–0656, respectively.

SUPPLEMENTARY INFORMATION:

Background

On May 5, 1987, the Department published in the **Federal Register** (52 FR 16426) the antidumping duty order on FCOJ from Brazil. On May 4, 1994, the Department published a notice of ''Opportunity to Request an Administrative Review'' of this antidumping duty order for the period May 1, 1993, through April 30, 1994. We received timely requests for review from three respondents: Branco Peres, Citrovita, and CTM. In addition, CTM submitted a timely request for revocation of the antidumping duty order, accompanied by the certification required by 19 CFR 353.25(b)(1) of the Department's regulations.

On June 15, 1994, the Department published a notice of initiation (59 FR 30770) covering Branco Peres and CTM. On July 15, 1994, we published a notice of initiation covering Citrovita (59 FR 36161), which we had inadvertently omitted from the June initiation notice. Because Citrovita subsequently withdrew its request for review in a timely manner, the Department is terminating the review of Citrovita for this period.

Applicable Statute and Regulations

The Department is conducting this administrative review in accordance with section 751 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.

Scope of the Review

The merchandise covered by this review is frozen concentrated orange juice from Brazil. The merchandise is currently classifiable under item 2009.11.00 of the Harmonized Tariff Schedule of the United States (HTSUS). The HTSUS item number is provided for convenience and for customs purpose. The written description remains dispositive.

Period of Review

The review period is May 1, 1993, through April 30, 1994.

Verification

As provided in section 776(b) of the Act, we verified information provided by one respondent, CTM, using standard verification procedures, including on-site inspection of the manufacturer's facilities, examination of relevant sales and financial records, and selection of original documentation containing relevant information. Our verification results are outlined in the public version of the verification report.

United States Price

In calculating the United States price (USP), we used purchase price as defined in section 772 of the Act because all of Branco Peres's and CTM's sales to the first unrelated purchaser took place prior to importation to the United States and exporter's sales price methodology was not otherwise indicated.

We calculated purchase price based on the packed FOB or C&F price to the first unrelated trading company/wholesale distributor because respondents had knowledge that their sales to these unrelated parties were destined for the United States. We made deductions from USP, where appropriate, for foreign inland freight, Brazilian brokerage and handling expenses, ocean freight, and insurance, in accordance with section 772(d)(2) of the Act.

Foreign Market Value

In order to determine whether there were sufficient sales of FCOJ in the home market to serve as a viable basis for calculating foreign market value (FMV), we compared each respondent's volume of FCOJ to the volume of third-country sales, in accordance with section 773(a)(1)(B) of the Act and 19 CFR 353.48(a). We found that the home market was not viable for either

respondent. Based on each respondent's questionnaire response, we selected the Netherlands as the appropriate third-country market for each respondent, in accordance with 19 CFR 353.49(b).

A. Branco Peres

In accordances with 19 CFR 353.49(a)(1), we calculated FMV for Branco Peres based on third-country FOB sales or offers for sale. If a contemporaneous third country sale was available, we based FMV on the third country sale. Where contemporaneous third-county sales were not available, we based FMV on the applicable minimum export price [1] (MEP) as a third-country offer for sale.[2] We made deductions, where appropriate, for foreign inland freight, port expenses, and insurance. In cases where FMV was based on the MEP, we used the weighted average of the charges and the adjustments reported for actual third-country sales.

B. CTM

In accordance with 19 CFR 353.49(a)(1), we calculated FMV for CTM based on third-country FOB and CIF sales. An analysis of CTM's questionnaire response reveals that it did not set prices for export sales based on MEPs. Therefore, we did not use the minimum export price methodology described above with respect to CTM. Where there was no contemporaneous Dutch sale to compare to a U.S. sale, we based FMV on a contemporaneous sale to another third country, Belgium. Because we did not request CTM to submit constructed value information, we find that use of this sale is appropriate as a reasonable surrogate for constructed value.

We made deductions, where appropriate, for foreign inland freight, port expenses, ocean freight, and insurance. In accordance with section 773(a)(1) of the Act, we deducted, where applicable, third-country packing expenses and added U.S. packing. We made circumstance-of-sale adjustments, where appropriate, for differences in credit expenses and commissions.

Currency Conversion

No certified rates of exchange, as furnished by the Federal Reserve Bank of New York, were available for the POR. In place of the official certified rates, we used the daily official exchange rates for the Brazilian currency published by the Central Bank of Brazil which were provided by CTM in its August 29, 1994, response and verified by the Department.

Preliminary Results of Review

We preliminarily determine that the following margins exist for the period May 1, 1993 through April 30, 1994:

Manufacturer/ exporter	Review period	Percent margin
Branco Peres	5/1/93–4/30/94	0.52
CTM	5/1/93–4/30/94	.00

The Department does not intend to revoke the antidumping duty order with respect to CTM because CTM has not demonstrated three consecutive years of sales at not less than FMV (see Notice of Final Results of Antidumping Duty Administrative Review: Frozen Concentrated Orange Juice from Brazil (62 FR 5798 (February 7, 1997))).

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 case briefs, may be filed not later than 37 days after the date of publication. Copies of case briefs and rebuttal briefs must be served on interested parties in accordance with 19 CFR 353.38(c). 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 any event, not later than the date the case briefs are due, under 19 CFR 353.38(c). The Department will publish the final results of this administrative review, which will include the results of its analysis of issues raised in any such case briefs.

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. We have calculated a company-specific duty assessment rate based on the ratio of the total amount of AD duties calculated for the examined sales made during the POR to the total value of subject merchandise entered during the POR. The rate will be assessed uniformly on all entries of that particular company made during the POR. The Department will issue appraisement instructions directly to the Customs Service.

Furthermore, the following deposit requirements will be effective for all shipments of FCOJ 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 Act: (1) Because a subsequent administrative review of Branco Peres has been completed, the cash deposit rate for this company will continue to be the rate calculated in the administrative review (see Frozen Concentrated Orange Juice from Brazil: Final Results of Antidumping Duty Administrative Review (62 FR 29328 (May 30, 1997))); (2) the cash deposit rate for CTM will be the calculated margin in the final results of this administrative review; (3) 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; (4) if the exporter is not a firm covered in this review, a prior review, or the original less-than-fair-value (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 (5) for all other producers and/or exporters of this merchandise, the cash deposit rate will be 1.96 percent, the ''all others'' rate from 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 Act (19 U.S.C. 1675(a)(1)) and 19 CFR 353.22.

[1] The minimum export price is a floor price set by the Carteira do Comercio Exterior de Banco do Brasil (CACEX), the export department of the Bank of Brazil. Minimum export prices are based on the price of FCOJ on the New York Cotton Exchange. Because the price movements of FCOJ on the futures market are irregular, the minimum export price may remain the same or change several times within a month.

[2] Since Branco Peres's prices are linked to the MEP, we followed the methodology used in the sixth review where comparison periods were based on a change in the minimum export price throughout the continuum of the POR. See Notice of Final Results of Antidumping Duty Administrative Review: Frozen Concentrated Orange Juice from Brazil (62 FR 5798 (February 7, 1997)).

Dated: January 8, 1998.

Robert S. LaRussa,

Assistant Secretary for Import Administration.

[FR Doc. 98–946 Filed 1–13–98; 8:45 am]

BILLING CODE 3510–DS–M

DEPARTMENT OF COMMERCE

International Trade Administration

[C–122–404]

Live Swine From Canada; Final Results of Countervailing Duty Administrative Review

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

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

SUMMARY: On September 9, 1997, the Department of Commerce published in the **Federal Register** its preliminary results of administrative review of the countervailing duty order on live swine from Canada for the period April 1, 1995 through March 31, 1996 (62 FR 47460). The Department has now completed that administrative review in accordance with section 751(a) of the Tariff Act. For information on the net subsidy, please see the *Final Results of Review* section of this notice. We will instruct the Customs Service to assess countervailing duties as detailed in the *Final Results of Review* section of this notice.

EFFECTIVE DATE: January 14, 1998.

FOR FURTHER INFORMATION CONTACT: Rick Herring or Gayle Longest, Office of CVD/AD Enforcement 6, 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:

Applicable Statute and Regulations

Unless otherwise indicated, all citations to the statute are references to the provisions of the Tariff Act of 1930, as amended by the Uruguay Round Agreements Act (URAA), effective January 1, 1995 (the Act). In addition, unless otherwise indicated, all citations to the Department's regulations are to the regulations codified at 19 CFR § 355 (1997). The Department has conducted this administrative review in accordance with section 751(a) of the Act.

Background

Pursuant to 19 CFR § 355.22(a), this review should cover only those producers and/or exporters of the subject merchandise for which a review was specifically requested. However, as explained in the preliminary results, the Department of Commerce (the Department) has determined that it is not practicable to conduct a company-specific review of this order due to the large number of producers and/or exporters that requested a review. See Live Swine from Canada; Preliminary Results of Countervailing Duty Administrative Review, 62 FR 47469 (September 9, 1997) (preliminary results). Therefore, pursuant to section 777(e)(2)(B) of the Act, we are conducting a review of all producers and/or exporters of subject merchandise covered by this order on the basis of aggregate data. This review covers the period April 1, 1995, through March 31, 1996, and 31 programs.

Since the publication of the preliminary results on September 9, 1997, the following events have occurred. We invited interested parties to comment on the preliminary results. On October 23, 1997, the Government of Canada (GOC), the Government of Quebec (GOQ), and the Canadian Pork Council (CPC) (respondents) submitted case briefs. On October 30, 1997, the National Pork Producers Council (petitioner) submitted a rebuttal brief. We requested a revised brief from the GOQ because the initial case brief contained untimely new factual information. See Letter from Barbara E. Tillman to Pepper, Hamilton and Scheetz dated November 4, 1997 (public document on file in the Central Records Unit, Room B–099 of the Main Commerce Building). See also 19 CFR § 355.31(a)(1)(ii). The Department has not considered the returned new factual information for these final results of review. See 19 CFR § 355.3(a). On November 7, 1997, the GOQ submitted a revised case brief. The comments addressed in this notice are those presented in the revised case brief. At the request of the respondents, the Department held a public hearing on November 17, 1997.

Scope of the Review

The merchandise covered by this order is live swine, except U.S. Department of Agriculture certified purebred breeding swine, slaughter sows and boars, and weanlings (weanlings are swine weighing up to 27 kilograms or 59.5 pounds) from Canada. The merchandise subject to the order is classifiable under Harmonized Tariff Schedule (HTS) item numbers 0103.91.00 and 0103.92.00. The HTS item numbers are provided for convenience and customs purposes. The written description of the scope remains dispositive.

Verification

We verified information provided by the GOC and the GOQ related to their claim, pursuant to section 771(5B)(F) of the Act, for ''green box'' treatment of the programs covered by the Canada/Quebec Subsidiary Agreement on Agri-Food Development (Agri-Food Agreement). We followed standard verification procedures, including meeting with government officials, and examining relevant accounting and original source documents. Our verification results are outlined in the public version of the verification report, which is on file in the Central Records Unit.

Allocation Methodology

In the past, the Department has relied on information from the U.S. Internal Revenue Service (IRS) on the industry-specific average useful life of assets in determining the allocation period for nonrecurring grant benefits. See General Issues Appendix appended to Final Countervailing Duty Determination; Certain Steel Products from Austria, 58 FR 37063, 37226 (July 9, 1993). However, in *British Steel plc.* v. *United States*, 879 F. Supp. 1254 (CIT 1995) (*British Steel*), the U.S. Court of International Trade (the Court) ruled against this allocation methodology. In accordance with the Court's remand order, the Department calculated a company-specific allocation period for nonrecurring subsidies based on the average useful life (AUL) of non-renewable physical assets. This remand determination was affirmed by the Court on June 4, 1996. See *British Steel*, 929 F. Supp. 426, 439 (CIT 1996).

The Department has not appealed the Court's decision and, as such, we intend to determine the allocation period for nonrecurring subsidies using company-specific AUL data where reasonable and practicable. In Live Swine from Canada; Preliminary Results of Countervailing Duty Administrative Review, 62 FR 52426 (October 7, 1996) and Live Swine from Canada; Final Results of Countervailing Duty Administrative Review, 62 FR 18087 (April 14, 1997) (Swine Tenth Review Results), the Department determined that it is not reasonable or practicable to allocate nonrecurring subsidies using company-specific AUL data because it is not possible to apply a company-specific AUL in an aggregate case (such as the