remaining series of meetings or portions thereof will be open to the public.

A copy of the Notice of Determination to close meetings or portions of meetings of the Committee is available for public inspection and copying in the Central Reference and Records Inspection Facility, Room 6020, U.S. Department of Commerce, Washington, D.C. 20230. For further information or copies of the minutes, contact Lee Ann Carpenter on (202) 482–2583.

Dated: February 4, 1997.

Kathleen M. Grove,

Acting Director, Technical Advisory Committee Unit.

[FR Doc. 97–3127 Filed 2–6–97; 8:45 am]

BILLING CODE 3510–DT–M

International Trade Administration

[A–351–605]

Notice of Final Results of Antidumping Duty Administrative Review: Frozen Concentrated Orange Juice From Brazil

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

SUMMARY: In response to timely requests from the respondents, Branco Peres Citrus, S.A. (Branco) and CTM Citrus S.A., formerly Citropectina (CTM), the Department of Commerce (the Department) has conducted an administrative review of the antidumping order on frozen concentrated orange juice from Brazil. The review covers merchandise exported to the United States by these two respondents during the period of May 1, 1992, through April 30, 1993.

EFFECTIVE DATE: February 7, 1997.

FOR FURTHER INFORMATION CONTACT: John Brinkmann or Greg Thompson Office of Antidumping Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230; telephone: (202) 482–5288 or (202) 482–3003, respectively.

SUPPLEMENTARY INFORMATION:

Case History

On August 14, 1995, the Department published in the Federal Register the preliminary results of its 1992–93 administrative review of the antidumping duty order on Frozen Concentrated Orange Juice (FCOJ) from Brazil (60 FR 41874). On August 25, 1995, both respondents submitted case briefs. The petitioners submitted a rebuttal brief on August 29, 1995. There was no request for a hearing. The Department has now conducted this review in accordance with section 751 of the Tariff Act of 1930, as amended (the Tariff Act). The final margins for Branco and CTM are listed below in the section ''Final Results of Review.''

Applicable Statute and Regulations

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

Imports covered by this review are shipments of FCOJ from Brazil. The merchandise is currently classifiable under item 2009.11.00 of the Harmonized Tariff Schedule of the United States (HTSUS). Although the HTSUS subheading is provided for convenience and Customs purposes, our written description of the scope of this review is dispositive.

Fair Value Comparisons

We compared the United States price (USP) to the foreign market value (FMV), as specified in the ''United States Price'' and ''Foreign Market Value'' sections of this notice.

United States Price

We calculated USP according to the methodology described in our preliminary results.

Foreign Market Value (FMV)

As stated in the preliminary results, we found that the home market was not viable for either respondent and based FMV on third country FOB sales or offers for sale.

We calculated FMV according to the methodology described in our preliminary results.

Interested Party Comments

Comment 1: Packing Cost for Branco

Branco contends that the Department mistakenly added U.S. packing costs to the third-country price used to calculate foreign market value.

The petitioners contend that the Department adjusted the prices to make an accurate comparison of net prices, and that the Department should continue with this approach in the final results.

Department Position

We agree with the petitioners. It is Department practice to compare ex-factory packed prices. In order to adjust for differences in packing expenses, the Department subtracts the comparison market packing from the FMV and adds U.S. packing to the FMV (*see Final Results of Antidumping Administrative Review Roller Chain, Other Than Bicycle, from Japan*, 60 FR 62387–89, December 6, 1995).

Comment 2: Use of Shorter Periods

In the preliminary results, we confirmed that there is a direct linkage between respondents' prices in this review period and the minimum export price (MEP) which is based on the price of FCOJ on the New York Cotton Exchange (NYCE) futures market. Given the price volatility of the MEP during this review period, we adopted the methodology used in past FCOJ reviews of using FMV periods that are shorter than a month. Insofar as the fluctuations in the MEP reached up to 51% in a given month for this review period, we determined that it was necessary for comparison periods to be based on any change in the MEP throughout the continuum of the period of review (POR).

CTM states that the Department has retroactively defined the time periods for price-to-price comparisons. The respondent further states that this approach was not well considered, and urges the Department to rely on monthly weighted average comparisons.

The petitioners contend that the MEP has been used as a tool to define shorter FMV comparison periods in three prior administrative reviews of FCOJ. The petitioners further contend that this methodology should, in theory, be a more accurate measure of whether less-than-fair-value pricing has occurred in this volatile commodity market.

Department Position

We agree with the petitioners that changes in the MEP have been used in past reviews to establish FMV comparison periods shorter than one month, and that using the MEP should, in theory, be a more accurate measure in a volatile market. The Department first used shorter FMV periods in the third review because a severe freeze in Florida had a dramatic effect on the price for FCOJ on the NYCE futures market and, thus, the MEP. In that review, shorter FMV periods were defined by changes of ten percent in the MEP in a given month. While the same methodology was used in the fourth and fifth reviews, the reason for using it was not discussed. In the sixth review, we have continued to use the MEP to determine shorter FMV periods, however, we have refined the methodology in the following manner. First, since FCOJ commodity prices on the NYCE fluctuate on a continuum, unrelated to the starting and ending of

months, we based the periods on changes throughout the review period and not just changes in a given month. Second, we believe that comparison periods based on any change in the MEP, as opposed to a ten percent change, provide us with a more accurate analysis, given the significant price fluctuations in this review period. For further discussion of this issue, see the preliminary results concurrence memorandum, dated August 8, 1995.

Comment 3: Date of Sale for CTM

CTM contends that the Department incorrectly used the date of issuance of the export license as the date of sale. CTM further contends that the date of shipment is its appropriate date of sale.

The petitioners state that the use of the date of issuance of the export license is harmonious with the Department's contemporaneous sales methodology (*i.e.*, price is set as of that date regardless of when the merchandise is shipped). The petitioners also state that using this methodology allows the Department to match U.S. with third-country sales which were made under similar market pressures (*i.e.*, hyperinflation and rapid FCOJ price fluctuations in the NYCE futures market).

Department Position

We agree with the petitioners. In its September 9, 1994, submission, CTM stated that while the price for the transaction is set as of the date of issuance of the export license, the quantity is not fixed until the date of the shipment. However, after reviewing CTM's export documents and invoices for all third-country and U.S. sales made during the POR, it is clear that the terms of sale were established on the date of issuance of the export license. With one exception, a quantity difference of less than one percent, the terms of sale on the export license matched the terms on the relevant invoice. (*see* preliminary results concurrence memorandum).

Comment 4: Use of Exchange Rates for CTM

CTM contends that in converting the inland freight expense for U.S. shipments to dollars, the Department should use the exchange rate in effect on the date of payment of these expenses.

Department Position

We agree with the respondent that, on occasion, when calculating margins for hyperinflationary economies, charges and adjustments have been converted to dollars based on the exchange rate in effect on the date the charge becomes payable. However, because of the administrative burden associated with using this methodology, the Department's preference is to convert charges on the date of shipment, the closest approximation to the date the charges become payable. In this instance, the issue is moot because information concerning the dates that the charges became payable is not on the record.

Comment 5: Comparison Periods

CTM states that if the Department were to use the 90/60 rule to define comparison periods, there would be no need to use the MEP as a surrogate for establishing FMV because there would be actual sales which could be used for comparison purposes.

The petitioners state that using the 90/60 rule is inconsistent with the logic of using shorter periods in the first place—namely, to avoid distortions in margin calculation due to fluctuations in commodity prices.

Department Position

We agree with the petitioners that using the 90/60 rule would ignore the reason for using shorter periods in the first place. Furthermore, we have confirmed that there is a strict correlation between the MEP, a long-standing program established by the Brazilian FCOJ producers, and the prices to the U.S. and third-country sales of both respondents. Accordingly, we have continued to rely on the methodology used in the preliminary determination to avoid distortion in the dumping margin calculations.

Final Results of Review

As a result of our analysis of the comments received, we determine that the following weighted-average margins exist for the period of May 1, 1992 through April 30, 1993:

Manufacturer/exporter	Margin (percent)
Branco	2.52
CTM	0.98
All Others	1.96

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 percentage stated above. The Department will issue appraisement instructions directly to the Customs Service.

Furthermore, the following deposit requirement 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 Tariff Act: (1) the cash deposit rate for the reviewed companies will be as outlined above; (2) for merchandise exported by manufacturers or exporters not covered in this review but covered in previous reviews or the original less-than-fair-value (LTFV) investigation, the cash deposit rate will continue to be the rate published in the most recent final results or determination for which the manufacturer or exporter received a company-specific rate; (3) if the exporter is not a firm covered in this review, an earlier review, or the LTFV investigation, but the manufacturer is, the cash deposit rate will be that established for the manufacturer of the merchandise in the final results of this review, earlier reviews, or the LTFV investigation, whichever is the most recent; (4) the cash deposit rate for all other manufacturers or exporters will be 1.96 percent, the ''all other'' rate established in the original LTFV investigation by the Department (52 FR 8324, March 17, 1987), in accordance with the decisions of the Court of International Trade in *Floral Trade Council* v. *United States*, Slip Op. 993–79, and *Federal-Mogul Corporation* v. *United States*, Slip Op. 93–83.

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 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 in the subsequent assessment of double antidumping duties.

This notice also serves as the only 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 return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of the 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: January 31, 1997.

Robert S. LaRussa,

Acting Assistant Secretary for Import Administration.

[FR Doc. 97–3101 Filed 2–6–97; 8:45 am]

BILLING CODE 3510–DS–P

[A–201–802]

Gray Portland Cement and Clinker From Mexico; Amended Final Results of Antidumping Duty Administrative Review in Accordance With Court Decision

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

ACTION: Notice of amended final results of antidumping duty administrative review in accordance with court decision.

SUMMARY: On August 1, 1996, the Court of Appeals for the Federal Circuit (the Federal Circuit) affirmed the July 12, 1995 decision of the Court of International Trade (CIT) in *The Ad Hoc Committee of AZ–NM–TX–FL Producers of Gray Portland Cement* v. *United States,* Slip Op. 95–125 (CIT 1995) (*Ad Hoc*). In its July 12, 1995 opinion, the CIT affirmed the Department of Commerce's (the Department's) results of redetermination pursuant to remand, and prior remand determinations of the Department, of the final results of the first administrative review of the antidumping duty order on gray portland cement and clinker from Mexico. The Federal Circuit's ruling represents a ''final and conclusive'' court decision ''not in harmony'' with the Department's original determination. As a result of these remand redeterminations, the Department found a dumping margin for respondent Cemex, S.A. de C.V. (Cemex) for the period April 12, 1990 through July 31, 1991 of 61.42 percent.

EFFECTIVE DATE: February 7, 1997.

FOR FURTHER INFORMATION CONTACT: Robert James or John Kugelman, Office Eight, Antidumping and Countervailing Duty Enforcement Group III, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue N.W., Washington, DC 20230; telephone: (202) 482–5222.

SUPPLEMENTARY INFORMATION:

Background

On April 28, 1993, the Department published in the Federal Register the final results of its first administrative review of the antidumping duty order on gray portland cement and clinker from Mexico (58 FR 25803 (April 28, 1993)). In those final results the Department set forth its determination of the weighted-average margins for the two respondent companies for the period April 12, 1990 through July 31, 1991. Petitioners and Cemex subsequently filed separate complaints with the CIT challenging the final results; these complaints were later consolidated. Thereafter, the CIT published an Order and Opinion dated September 26, 1994 in *Ad Hoc Committee* v. *United States,* Ct. No. 93–05–00273, Slip Op. 94–151, remanding the Department's final results with instructions to (1) consider CEMEX's claimed deductions for pre-sale home market transportation costs under the circumstances-of-sale (COS) provision of the Department's regulations, (2) apply a value-added-tax (VAT) adjustment consistent with the methodology established in *Torrington Co.* v. *United States,* 853 F. Supp. 446 (CIT 1994), (3) reclassify certain transactions designated as exporter's sales price transactions and reconsider the selection of best information available (BIA) for certain other sales, and (4) reconsider the selection of BIA data for missing added material costs. On January 5, 1995, the Department filed its remand results with the CIT. Cemex challenged certain aspects of the Department's remand results, including our treatment of VAT.

On May 15, 1995, the CIT ordered a second remand which affirmed the Department's treatment of Cemex's pre-sale transportation expenses and its application of the so-called *Torrington* methodology for calculating VAT. The CIT, however, directed the Department to consider different VAT rates. *Ad Hoc Committee* v. *United States,* Slip Op. 95–91 (CIT May 15, 1995). The Department filed its redetermination with the Court on June 13, 1995. The CIT, on July 12, 1995, affirmed the Department's remand results and issued a judgment that Cemex's January 25, 1995 challenge on the issue of VAT methodology was untimely filed and, therefore, moot.

Cemex appealed from the CIT's July 12, 1995 decision in *Ad Hoc* affirming the Department's redetermination. This appeal challenged the CIT's ruling that Cemex had waived its right in this case to challenge Commerce's application of the *Torrington* methodology for calculating VAT, and that Cemex's pre-sale transportation expenses were not deductible in the calculation of foreign market value. Consistent with the Federal Circuit's decision in *Timken Company* v. *United States,* 893 F.2d 337 (Fed. Cir. 1990), on October 12, 1995, the Department published a ''Notice of Court Decision'' in the Federal Register which suspended liquidation of the subject merchandise entered, or withdrawn from warehouse, for consumption until there was a ''final and conclusive'' decision in this case (60 FR 53163).

On August 1, 1996, the Federal Circuit issued its decision affirming the earlier rulings of the CIT (Appeal No. 95–1485, Fed. Cir. August 1, 1996). On October 17, 1996, the Federal Circuit issued its mandate. The Federal Circuit's ruling constitutes a ''final and conclusive'' decision in this case which is ''not in harmony'' with the Department's original determination. Accordingly, we have prepared these amended final results and will proceed to issue liquidation instructions to the Customs Service.

Amended Final Results of Review

In its April 29, 1993 *Final Results of Administrative Review,* the Department calculated a weighted-average margin for Cemex for the period April 12, 1990 through July 31, 1991 of 30.74 percent. As a result of the Department's redeterminations on court remand, we have determined the weighted-average dumping margin for Cemex for the period April 12, 1990 through July 31, 1991 to be 61.42 percent. The Department will instruct the Customs Service to assess antidumping duties on all appropriate entries, and will issue appraisement instructions accordingly. This notice is published in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and 19 CFR 353.22(c)(8).

Dated: January 31, 1997.

Robert S. LaRussa,

Acting Assistant Secretary for Import Administration.

[FR Doc. 97–3102 Filed 2–6–97; 8:45 am]

BILLING CODE 3510–DS–P

[A–401–040]

Stainless Steel Plate From Sweden Antidumping Duty Administrative Review; Time Limits

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

ACTION: Notice of extension of time limits.

SUMMARY: The Department of Commerce (the Department) is extending the time limit for the preliminary results of the review of the antidumping finding on stainless steel plate from Sweden. The review covers two manufacturers/