made deductions, where appropriate, for foreign inland freight and Brazilian port charges.

## 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 FMV, we compared each respondents' volume of home market sales of FCOJ to the volume of third country sales in accordance with section 773(a)(1)(B) of the Act. We found that the home market was not viable for either of the respondents. Based on each respondent's questionnaire response, we selected the Netherlands and Germany as the appropriate third country markets for Branco and CTM, respectively, in accordance with 19 CFR 353.49(b) (see November 2, 1993, submission (page three and exhibit B) and November 24,

1993, submission (page four)). In accordance with 19 CFR 353.49(a)(1), we calculated FMV for both respondents 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 country sales were not available, we based FMV on the applicable minimum export price i as a third country offer for sale. (See Preliminary Results Concurrence Memorandum, dated June 27, 1995.) We made deductions, where appropriate, for foreign inland freight, port charges and storage. In accordance with section 773(a)(1) of the Act, we deducted, as appropriate, third country packing costs and added U.S. packing costs (packing costs were not incurred on bulk sales). We made circumstance-of-sale adjustments, where appropriate, for differences in commission and credit expenses. The values used for these adjustments varied depending on whether an actual third country sale or third country offer for sale was used. For actual third country sales, we used the reported transaction-specific amounts. For third country offers for sale, we relied on weighted-average POR values of reported third-country

Since Branco's and CTM's prices are linked to the minimum export price, we used FMV periods shorter than a month

(see Preliminary Results Concurrence Memorandum, dated June 27, 1995). These shorter periods were used because the price volatility of minimum export prices within POR months was significant enough to have artificially increased or decreased dumping margins (see Frozen Concentrated Orange Juice from Brazil: Final Results of Antidumping Duty Administrative Review and Revocation of Order in Part, (59 FR 53137, October 21, 1994)). Periods were created based on a change in the minimum export price throughout the continuum of the POR (see Preliminary Results Concurrence Memorandum, dated June 27, 1995).

## **Preliminary Results of the Review**

As a result of this review, we preliminarily determine the dumping margins to be:

Manufacturer/ exporter	Time period	Margin (per- cent)
Branco	5/1/92-4/30/93 5/1/92-4/30/93	2.52 0.98

Individual differences between USP and FMV may vary from the percentages stated above. Upon completion of this administrative review, the Department will issue appraisement instructions directly to the U.S. Customs Service.

Furthermore, the following deposit requirements will be effective for all shipments of FCOJ 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) The cash deposit rate for the reviewed company will be that established in the final results of this administrative 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 such a firm, the cash deposit rate will be the rate established for the most recent period for the manufacturer of

On May 25, 1993, the Court of International Trade (CIT) in Floral Trade Council v. United States, Slip Op. 93–79, and Federal-Mogul Corporation v. United States, Slip Op. 93–83, decided that once an "all others" rate is established for a company, it can only be changed through an administrative review. The Department has determined that in order to implement these decisions, it is appropriate to reinstate

the original "all others" rate from the LTFV investigation (or that rate as amended for correction of clerical errors or as a result of litigation) in proceedings governed by antidumping duty orders for the purposes of establishing cash deposits in all current and future administrative reviews. Because this proceeding is governed by an antidumping duty order, the "all others" rate for the purposes of this review will be 1.96 percent *ad valorem*, the "all others" rate established in the LTFV investigation (52 FR 8324, March 17, 1987).

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.

## **Public Comment**

Interested parties who wish to request a hearing must submit a written request to the Assistant Secretary for Import Administration, U.S. Department of Commerce, Room B–099, within ten days of publication. Requests should contain: (1) The party's name, address and telephone number; (2) the number of participants; and (3) a list of the issues to be discussed.

In accordance with 19 CFR 353.38, case briefs or other written comments in at least ten copies must be submitted to the Assistant Secretary no later than August 25, 1995, and rebuttal briefs no later than August 29, 1995. A public hearing, if requested, will be held on August 31, 1995, at 10:00 am at the U.S. Department of Commerce, in Room 1851, 14th Street and Constitution Avenue, NW, Washington, DC 20230. Parties should confirm by telephone the time, date, and place of the hearing 48 hours prior to the scheduled time. In accordance with 19 CFR 353.38(b), oral presentations will be limited to issues raised in the briefs. The Department will publish a notice of final results of this administrative review, including an analysis of issues raised in any written comments.

This result is published pursuant to section 751(a)(1) of the Act and 19 CFR 353.22.

<sup>&</sup>lt;sup>1</sup> The minimum export price is a floor price set by the Carteira do Comércio Exterior do 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. It should be noted that during the POR of this sixth review, both Branco and CTM sold FCOJ at the minimum export price.