DEPARTMENT OF COMMERCE

International Trade Administration

[A–301–602]

Certain Fresh Cut Flowers From Colombia: Preliminary Results and Partial Rescission of Antidumping Duty Administrative Review

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

ACTION: Notice of Preliminary Results of Antidumping Duty Administrative Review.

SUMMARY: In response to requests from interested parties, the Department of Commerce (the Department) is conducting an administrative review of the antidumping duty order on certain fresh cut flowers from Colombia for the period March 1, 1995 through February 29, 1996.

We have preliminarily determined that sales have been made below the normal value (NV) by various companies subject to this review. If these preliminary results are adopted in our final results of this administrative review, we will instruct U.S. Customs to assess antidumping duties equal to the difference between the export price (EP) or constructed export price (CEP) and the NV. We invite interested parties to comment on these preliminary results. Parties who submit arguments are requested to submit with each argument: (1) A statement of the issue; and (2) a brief summary of the argument. The deadlines for submission of argument are listed at the end of this notice. All memoranda referred to in this notice can be found in the public reading room, located in the Central Records Unit, room B–099 of the main Department of Commerce building.

EFFECTIVE DATE: April 8, 1997.

FOR FURTHER INFORMATION CONTACT: Carole Showers or Roy A. Malmrose, 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) 482–3217 or (202) 482–5414, respectively.

SUPPLEMENTARY INFORMATION:

The Applicable Statute and Regulations

Unless otherwise indicated, all citations to the Tariff Act of 1930, as amended (the Act), are references to the provisions effective January 1, 1995, the effective date of the amendments made to 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

On March 4, 1996, the Department published in the **Federal Register** a notice of ''Opportunity to Request Administrative Review'' of the antidumping duty order on certain fresh cut flowers from Colombia. *See* 61 FR 8238. In accordance with 19 CFR 353.22(c), on April 22, 1996, we initiated an administrative review of this order. *See* 61 FR 17685. On August 21, 1996, in accordance with section 751(a)(3)(A) of the Act and 19 CFR 351.213(h)(2), we extended the deadline for these preliminary results until March 31, 1997. *See* 61 FR 43229. From February 17 through March 1, 1997, we verified the responses of seven respondents. The Department has conducted this administrative review in accordance with section 751 of the Act.

Imports covered by this review are shipments of certain fresh cut flowers from Colombia (standard carnations, miniature (spray) carnations, standard chrysanthemums and pompon chrysanthemums). These products are currently classifiable under item numbers 0603.10.30.00, 0603.10.70.10, 0603.10.70.20, and 0603.10.70.30 of the Harmonized Tariff Schedule (HTS). The HTS item numbers are provided for convenience and Customs purposes. The written description remains dispositive.

The period of review is March 1, 1995 through February 29, 1996.

In this administrative review, 473 companies were either named in the initiation notice or were affiliated with a company named in the initiation notice. We have separated these companies into the following categories: companies providing full responses (selected and non-selected); companies claiming they had no shipments during the POR; companies claiming they were bankrupt without responding further; companies that did not respond at all or that submitted a response after the deadline for submission of questionnaire responses; companies to which we were unable to deliver the questionnaire (i.e., unlocatable companies); and companies for which we are rescinding this review.

Respondent Selection

Unlike past administrative reviews of this order, this one is being conducted under statutorily mandated deadlines. On September 20, 1996, the Department issued a memorandum proposing to limit the number of exporters and producers examined in this review. The memorandum also proposed specific sampling methodologies. The Department invited interested parties to comment on both the proposal to limit the number of exporters and producers and the specific sampling methodologies described in the memorandum. Comments were submitted by the Floral Trade Council, the Asociacion Colombiana de Exportadores de Flores (''Asocolflores''), the HOSA Group, and the Caicedo Group. After considering these comments, on November 21, 1996, the Department decided to limit the number of respondents examined.

Section 777A(c)(2) of the Act provides the Department with the authority to determine margins by limiting its examination to a statistically valid sample of exporters or the largest volume of the subject merchandise that can reasonably be examined. This subparagraph is formulated as an exception to the general rule that each company for which a review is requested will be individually examined and receive a calculated margin. Since the resources available to the Department are limited, we found it administrably necessary to restrict the number of respondents selected for examination in order to conduct thorough and accurate analyses of responses to our questionnaires and other relevant issues within the statutory deadlines. Restricting the number of respondents for examination is consistent with other past cases involving large numbers of potential respondents, statutory deadlines and limited resources. *See*, for example, *Preliminary Determination of Sales at Less Than Fair Value: Pasta from Italy,* 61 FR 1344 (January 19, 1996) and *Preliminary Determination of Sales at Less Than Fair Value: Brake Drums and Brake Rotors from the People's Republic of China,* 61 FR 53190 (October 10, 1996).

Therefore, given the large number of producers and/or exporters involved in the review and the Department's limited resources, the Department limited its examination to the 13 groups of exporters and producers accounting for the largest volume of flowers, in accordance with section 777A(c)(2)(B) of the Act. These exporters accounted for approximately 50 percent by volume of the exports made during the POR by the companies and groups of companies that responded to our questionnaire. These 13 respondents are the Agrodex Group (''Agrodex''); Caicedo Group (''Caicedo''); Claveles Colombianos

Group (''Clavecol''); Cultivos Miramonte Group (''Cultivos Miramonte''); Floraterra Group (''Floraterra''); Flores Colon, Ltda (''Flores Colon''); Florex Group (''Florex''); Guacatay Group (''Guacatay''); HOSA Group (''HOSA''); Maxima Farms Group (''Maxima Farms''); Queens Flowers Group (''Queens''); Tinzuque Group (''Tinzuque''); and Tuchany Group (''Tuchany''). For further discussion on the issues of limiting the number of respondents and the selection of respondents, see the Memorandum from Team to Barbara R. Stafford, Deputy Assistant Secretary, Import Administration, dated November 21, 1996.

Affiliated Companies

During the course of this review, we examined closely the relationships between the selected respondents and other producers/exporters listed in our notice of initiation. Based on this examination, we concluded that one of Guacatay's importers was affiliated. Guacatay complied with our request to report sales by this importer as CEP sales.

In addition to our examination, several respondents filed responses on behalf of affiliated companies which were either not listed in the initiation notice, or were listed as independent companies in the initiation notice. On May 10, 1996, Asocolflores informed us that ''Caico'' was the same as the Caicedo Group. Therefore, while CAICO, the Caico Group and the Caicedo Group, are listed separately in our initiation notice, we are treating them as part of the same group. On October 1, 1996, respondent HOSA identified the five companies included in the HOSA Group. One of these companies, Innovacion Andina S.A., had been listed separately in our initiation. We are now listing it solely under the HOSA Group. In addition, both Agrodex and Queens submitted responses on behalf of more companies than were named in the initiation notice. We have included those companies in their respective groups.

With respect to the respondents other than the 13 selected respondents, we received the following information on affiliation. On May 10, 1996, respondents informed us that ''Agromonte Ltda'' was the same company as ''Flores Agromonte.'' Therefore, we have listed this company under its appropriate name, Flores Agromonte. In our initiation, we listed Floricola la Ramada Ltda. twice, once under the Santa Rosa Group and once by itself. Based on information received by respondents on July 19, 1996, we have now listed it only one time, under the Santa Rosa Group. Also, Agricola Benilda Ltda was mentioned twice in our initiation. It now appears only under the Aga Group. On August 5, 1996, Asocolflores informed us that Flores la Union/Santana is actually simply ''Santana'' and is a farm of Flores la Union Gomez Arago & Cia. Therefore, we are treating Santana as part of the Flores la Union Gomez Arago & Cia Group. Finally, the Bojaca Group, Floralex Group, Funza Group and Soagro Group responded on behalf of more affiliated companies than were named in the initiation notice. The companies affiliated with these groups are now listed as reported by the respondents.

Non-Selected Respondents

This is the first administrative review of any antidumping order in which the Department reviewed only the largest exporters, pursuant to section 777A(c)(2) of the Act. When, as in this case, only the largest exporters are selected and each given an individually calculated margin, there remain a number of exporters for whom an individual margin cannot be calculated. The statute is silent on how the margins should be calculated for these remaining non-selected respondents.

In this ninth review, we face the unusual situation of having requested full responses from all firms prior to our decision to review only the largest. We have assigned the non-selected, cooperative respondents a weighted-average margin based on the calculated margins of selected respondents, excluding any *de minimis* margins and margins based on facts available. Given the unique circumstances of this case, using the weighted-average margin is most consistent with the general structure of the statute. Further, although this is clearly not a nonmarket economy case, we have faced analogous situations in certain NME investigations where we were unable to examine all of the respondents. The methodology employed here is the same as that which we have used in those NME investigations. *See,* e.g., *Preliminary Determination of Sales at Less Than Fair Value: Honey from the People's Republic of China,* 60 FR 14725 (March 20, 1995) and *Preliminary Determination of Sales at Less Than Fair Value: Brake Drums and Brake Rotors from the People's Republic of China,* 61 FR 53190 (October 10, 1996). The firms in question are listed under ''Non-Selected Respondents'' in the *Preliminary Results of Review* section below.

No Shipments

We received responses from 64 firms indicating that they did not ship during the POR. We reviewed information from Customs listing all companies who had entries of subject merchandise during the POR. Since 40 of the companies that stated they had no shipments also did not appear on Customs data as having entries during the POR, we preliminarily determine that they did not ship during the POR. Consistent with our practice in previous reviews of this order, for those companies that did not ship during the POR which had previously been reviewed or investigated, their cash deposit rate will continue to be the company-specific rate published for the most recently reviewed period. For those companies that did not ship during the POR and which had not been previously reviewed or investigated, their cash deposit rate will be the ''all-others'' rate. These 40 firms are listed under ''No Shipments'' in the *Preliminary Results of Review* section below. For those 24 companies which stated that they had not shipped during the POR, but which did appear on the Customs data as having entries during the POR, we preliminarily determine that these companies have failed to cooperate with the proceeding. Therefore, we are applying an adverse facts available rate of 76.60 percent to these companies. We will, however, seek further information from these respondents and from Customs to determine whether these entries during the POR actually related to sales outside of the POR. These 24 companies are included under ''Non-Respondents'' in the *Preliminary Results of Review* section below.

Unlocatable Companies

We initiated reviews for 116 firms which could not be located in spite of our requests for assistance from such diverse sources as the Floral Trade Council (''FTC''), Asocolflores, the American Embassy in Bogota, and the U.S. Customs Service. Therefore, we were unable to conduct administrative reviews for these firms. Consistent with our practice in past administrative reviews of this order, we will assess duties on these firms in the following manner. For those unlocatable companies that were examined in a previous review, we will assess duties based on their company-specific rate from the most recent review. If we have not previously conducted a review of an unlocatable company, duties equal to the ''all others'' rate of 3.53 percent from the Less-Than-Fair-Value (LTFV) investigation will be assessed. The firms

in question are listed under ''Unlocatable'' in the *Preliminary Results of Review* section below.

Rescissions

Subsequent to the publication of our initiation notice, we received timely withdrawals of review requests from Agricola La Montana and My Flowers. Because there were no other requests for review for these companies from any other interested parties, we are rescinding this review with respect to these two companies in accordance with 19 CFR 351.213(d)(1). In addition, we received information on the record that Flower Factory, Hill Crest Gardens, Sunbelt Florals, and Eldorado Trading Corp were importers and not producers/exporters. Consequently, we are terminating the review with respect to these four firms.

Request To Preserve Revocation Eligibility

Under the current regulations, as amended by the interim regulations published in the **Federal Register** on May 11, 1995, the Department may revoke an order in part if: (1) One or more producers or resellers covered by the order have sold the merchandise at not less than foreign market value for a period of at least three consecutive years; (2) it is not likely that those persons will in the future sell the merchandise at less than foreign market value; and (3) the producers or resellers agree in writing to their immediate reinstatement in the order if the Department determines, subsequent to their revocation, that they have sold subject merchandise at less than foreign market value. See 19 CFR 353.25(a)(2). Since all requests for review in the eighth review period were withdrawn, the ninth review can only be the first of any three consecutive years. On November 27, 1996, seven producers/exporters of subject merchandise, who were not among the 13 selected, requested that they be included in this review so as to preserve their eligibility for possible revocation in the eleventh review.

The statute, at section 751(d)(1), states that Commerce ''*may revoke*, in whole or in part, a countervailing or antidumping duty order,'' (emphasis added). Therefore, the Department is under no obligation to provide for the possibility of revocation to these or any companies under the order. However, we recognize that the request by the seven respondents to preserve their revocation eligibility presents certain fundamental equity considerations. While we are unable to include these seven producers/exporters in this review, we intend to address their concerns. Therefore, we are considering several options concerning the appropriate way to allow for the possibility of future partial revocations in this order, while taking into account the Department's limited resources and the requirement that a company be verified in order to be revoked. Among others, we are considering the following three options. First, we could allow companies to make the claim, retrospectively, that they have not dumped for the past three years in the form of a ''changed circumstances'' review in the eleventh review (i.e., the first review in which revocations will be possible under this order). Second, we could allow a group of companies to claim prospectively that they will have zero or *de minimis* margins for the next three years and examine a random sample of each such group in each of the next reviews (i.e., beginning in the tenth review). Finally, we could allow a group of companies to claim prospectively that they will have zero or *de minimis* margins for the next three years and examine certain elements of each respondent's data (rather than a random sample of all respondents). We invite parties to comment on these options, as well as any others that take into account the above considerations. For further discussion on this issue, *see* Memorandum from Team to Robert S. LaRussa, Acting Assistant Secretary for Import Administration, dated February 21, 1997.

Verification

Section 782(i) of the Act requires the Department to verify all information relied upon in making a final determination in a review under section 751(a), if no verification was made during the two immediately preceding reviews. Therefore, we verified only those companies that were not verified in *Certain Fresh Cut Flowers From Colombia: Final Results of Antidumping Duty Administrative Review*, 61 FR 42833 (August 19, 1996) (''*Flowers 1991–94*''). As provided in section 782(i)(3)(B) of the Act, we verified information provided by the following respondents, using standard verification procedures, including on-site examination of relevant sales and financial records, and selection of original documentation containing relevant information: Caicedo, Clavecol, Floraterra, Maxima Farms, Flores Colon, Queens, and Tuchany.

Duty Absorption

On March 29, 1996, the petitioner requested that the Department determine whether antidumping duties had been absorbed by respondents during the POR. Section 751(a)(4) of the Act provides for the Department, if requested, to determine, during an administrative review initiated two or four years after publication of the order, whether antidumping duties have been absorbed by a foreign producer or exporter subject to the order, if the subject merchandise is sold in the United States through an importer who is affiliated with such foreign producer or exporter. Section 751(a)(4) was added to the Act by the URAA. The Department's interim regulations do not address this provision of the Act.

For transition orders as defined in section 751(c)(6)(C) of the Act, i.e., orders in effect as of January 1, 1995, section 351.213(j)(2) of the Department's proposed antidumping regulations provides that the Department will make a duty absorption determination, if requested, for any administrative review initiated in 1996 or 1998. *See* 61 FR 7308, 7366 (February 27, 1996). The preamble to the proposed antidumping regulations explains that reviews initiated in 1996 will be considered initiated in the second year and reviews initiated in 1998 will be considered initiated in the fourth year. *Id.* at 7308, 7317. Although these proposed antidumping regulations are not yet binding upon the Department, they do constitute a public statement of how the Department expects to proceed in construing section 751(a)(4) of the amended statute. This approach assures that interested parties will have the opportunity to request a duty absorption determination on entries for which the second and fourth years following an order have already passed, prior to the time for sunset review of the order under section 751(c). Because the order on certain fresh cut flowers from Colombia has been in effect since 1986, this is a transition order. Consequently, based on the policy stated above, it is appropriate for the Department to examine duty absorption in this ninth review, which was initiated in 1996.

The statute, at section 751(a)(4), provides that duty absorption may occur if the subject merchandise is sold in the United States through an affiliated importer. Of the selected respondents, the following have affiliated importers: Agrodex, Caicedo, Clavecol, Cultivos Miramonte, Floraterra, Florex, Guacatay, HOSA, Maxima Farms, Queens and Tuchany. Furthermore, we have preliminarily determined that there are dumping margins for the following companies with respect to the percentages of their U.S. sales by quantity indicated below:

Name of company	Percentage of U.S. affiliated importer sales with margin
Agrodex	13.71
Caicedo	100
Clavecol	19.66
Cultivos Miramonte	24.71
Floraterra	24.32
Florex	13.06
Guacatay	27.98
HOSA	21.73
Maxima Farms	31.37
Queens	18.97
Tuchany	22.33

In the case of Caicedo, we are unable to calculate a margin based on its response and have therefore determined its dumping margin entirely on the basis of facts available. In such cases, we assume duty absorption on all sales. With respect to those companies (with affiliated importers) whose margins are not determined based on facts available, we presume that the duties will be absorbed for those sales which were dumped, unless there is evidence (e.g., an agreement between the affiliated importer and the unaffiliated purchaser) that the unaffiliated purchasers in the United States will pay the full duty ultimately assessed on the subject merchandise. Although in this case certain companies have provided invoices which separately list an amount for estimated antidumping duties which they are charging their unaffiliated purchasers, none of these companies has presented evidence of agreements with unaffiliated purchasers to pay ultimately assessed antidumping duties. Under these circumstances, therefore, we preliminarily find that the antidumping duties have been absorbed by the above-listed firms on the percentage of U.S. sales indicated.

Use of Facts Available

Section 776(a)(1) of the Act states that if necessary information is not available on the record, the Department ''shall, subject to section 782(d), use the facts otherwise available in reaching the applicable determination under this title.'' Section 782(e) of the Act provides that the Department shall not decline to consider information that is submitted by an interested party and is necessary to the determination but does not meet all the applicable requirements established by the Department if: (1) The information is submitted by the deadline established for its submission; (2) the information can be verified; (3) the information is not so incomplete that it cannot serve as a reliable basis for reaching the applicable determination; (4) the interested party has demonstrated that it acted to the best of its ability in providing the information and meeting the requirements established by the Department with respect to the information; and (5) the information can be used without undue difficulties. Accordingly, in using the facts available, the Department may disregard information submitted by a respondent if any of the five criteria has not been met.

In circumstances where the Department determines that the use of facts available is appropriate, the Department must then determine whether an adverse inference is warranted. Section 776(b) of the Act provides that, where the Department ''finds that an interested party has failed to cooperate by not acting to the best of its ability to comply with a request for information,'' the Department ''may use an inference that is adverse to the interests of that party in selecting from among the facts otherwise available.''

For purposes of this review, certain companies received the Department's initial questionnaire, but either failed to respond entirely or responded after the deadline for submission without providing an explanation. Consequently, we must apply facts available. Further, as we determine that their failure to respond either entirely or in a timely fashion constitutes a failure to cooperate by not acting to the best of their ability, we will apply an adverse inference in selecting from the facts otherwise available. For all these companies, we have applied as adverse facts available the highest rate for any company from this or any prior segment of this proceeding. This rate is 76.60 percent. The companies in question are listed under ''Non-Respondents'' in the *Preliminary Results of Review* section below.

We are also applying an adverse facts available rate to exports made by the Oro Verde Group, consisting of Inversiones Miraflores S.A. and Inversiones Oro Verde S.A. The group responded to our original questionnaire only by stating that it did have small shipments during the POR and that it was on the verge of bankruptcy. Our supplemental questionnaire was returned as undeliverable. We find that this group did not fully respond to our questionnaire. Therefore, consistent with our treatment of bankrupt companies in *Flowers 1991–94* and our preliminary determination that the company did not cooperate to the best of its ability, we are applying to the Oro Verde Group a rate of 7.85 percent which is the higher of the highest rate ever applied to the group, or the highest rate calculated for any other company in this review. *See* Memorandum from Team to Richard W. Moreland, Acting Deputy Assistant Secretary, Import Administration, dated March 7, 1997.

Finally, we are applying an adverse facts available rate to one selected respondent, Caicedo. Although Caicedo provided information we requested which was necessary for our analysis, the majority of the information could not be verified as required by section 782(i) of the Act. Caicedo was not adequately prepared for our verification of its response, although it had received the verification outline well in advance of the verification. While certain of the preselected sales were tied to company records, the majority of other items on the sales verification agenda did not. In collecting information on certain items requested, the company's ''support documentation'' did not tie to either the response or the company's internal records. Notably, Caicedo was unable to produce grower's reports (the main source document for reporting sales information) for several of the customers we chose to review. In attempting to verify its response we learned that Caicedo had incorrectly reported most of its sales data. For example, classification of sales as EP or CEP had not been based on the type of sales (i.e., fixed-price or consignment, as required by the questionnaire), but on where the customer made payment (i.e., to its related importer in Miami or to Caicedo in Bogota). In addition, Caicedo did not report the date of sale appropriately, using the date that payment was

received instead of the date the invoice was issued. The company also mis-reported international freight, brokerage and handling, and days outstanding for numerous customers. Furthermore, while the verification of Caicedo's cost data was more successful, we learned of several errors in its reporting of costs. The most significant error, Caicedo's failure to include an inflation adjustment to its amortized costs, prevents us from calculating a normal value for Caicedo because of lack of information on the record.

Despite a question posed in a supplemental questionnaire concerning confusing or contradictory information on the classification of EP and CEP sales, and a statement at the beginning of the Miami verification that there seemed to be significant omissions in the field of international freight, Caicedo did not correct the errors in its sales response. The errors in the cost response were undetectable prior to verification. Moreover, despite extensive efforts during verification, neither the Department nor the company was able to correct the vast majority of these errors.

Although information submitted by Caicedo's affiliated importer, Southern Rainbow Corporation, was verified, we are unable to use it because we find that the totality of information submitted by Caicedo was so incomplete that it cannot serve as a reliable basis for determining any margin for Caicedo. Therefore, in accordance with section 782(e)(3) of the statute, we are declining to consider the information submitted by Caicedo.

The Department has used facts available where a company has failed verification despite our attempts to verify. *See* e.g., *Final Results: Antifriction Bearings (Other Than Tapered Roller Bearings) and Parts Thereof from France, et al.,* 62 FR 2081 (January 15, 1997) (*''AFBs VI''*); *Preliminary Results: Extruded Rubber Thread from Malaysia,* 61 FR 65019 (December 10, 1996); *Preliminary Results: Certain Cut-to-Length Carbon Steel Plate from Sweden,* 61 FR 51898 (October 4, 1996). Moreover, in *AFBs VI,* we concluded that a respondent did not act to the best of its ability when it was an experienced respondent in reviews of the order and when the questionnaire was not vague on the information requested. We reasoned that, in these circumstances, the respondent could reasonably be expected to know which types of essential data we request in each review, and to be conversant with the form and manner in which we require submission of the data. See 62 FR 2081, 2090.

Like the situation described in *AFBs VI,* Caicedo is a large, sophisticated corporation that has participated in previous reviews of this order. The questionnaire was explicit in its instructions on the classification of EP and CEP customers, date of sale and amortization of costs. Furthermore, the inflation adjustment to amortization has been a standard element in previous reviews of this order and Caicedo could reasonably be expected to know how to report its costs. On this basis, we preliminarily determine that application of adverse facts available is warranted as Caicedo failed to cooperate by acting to the best of its ability. Consequently, we are assigning Caicedo a rate of 25.58 percent, the highest rate ever applied to Caicedo in any portion of this proceeding. This rate was applied to Flores del Cauca (one of the farms of Caicedo). Consistent with the logic articulated in *AFBs VI,* we determine that this rate is sufficiently adverse to encourage full cooperation in future segments of the proceeding by ensuring that Caicedo does not benefit from its failure to cooperate fully (Statement of Administrative Action (''SAA''), at 200).

Because the facts available information which we are using in this review constitutes secondary information, we are required under section 776(c) of the Act to corroborate, to the extent practicable, the facts available from independent sources reasonably at our disposal. The SAA provides that ''corroborate'' means simply that the Department will satisfy itself that the secondary information to be used has probative value. (SAA, at *id.*) To corroborate the secondary information, the Department will, to the extent practicable, examine the reliability and relevance of the information to be used. However, unlike other types of information, such as input costs or selling expenses, there are no independent sources for calculated dumping margins. The only source for margins is administrative determinations and reviews. Thus, in an administrative review, if the Department relies upon a calculated dumping margin from a prior segment of the proceeding as facts available, the Department can normally be satisfied that the information has probative value and that it has complied with the corroboration requirements of section 776(i) of the Act. *See AFBs VI,* at 2087.

Fair Value Comparisons

Under the ''United States Price'' and ''Normal Value'' sections below, we have included certain company-specific issues. For further discussion of these issues, *See* Memorandum from Team to Richard W. Moreland, Acting Deputy for Import Administration, dated March 12, 1997.

United States Price

Consistent with section 777A(d)(2) of the Act and *Flowers 1991–94,* we determined that it was appropriate to average U.S. prices on a monthly basis in order (1) to use actual price information that is often available only on a monthly basis, (2) to account for large sales volumes, and (3) to account for perishable product pricing practices.

For the price to the United States, we used export price (EP) or constructed export price (CEP) as defined in sections 772(a) and 772(b) of the Act, as appropriate. CEP was used for consignment sales through unaffiliated U.S. consignees and sales (consignment or otherwise) made through affiliated importers.

We calculated EP based on the packed price, consisting of invoice price plus certain additional revenue, e.g., box charges and antidumping duties paid, (either f.o.b. Bogota, c.i.f. Miami or c.i.f. Chicago) to the first unaffiliated purchaser in the United States. We made deductions, where appropriate, for discounts and rebates, foreign inland freight, international (air) freight, brokerage and handling, U.S. customs fees, and return credits.

For sales made on consignment, CEP was calculated based on the packed price consisting of invoice price plus certain additional revenue, e.g., box charges and antidumping duties paid, charged by the consignee. For sales made through affiliated parties, CEP was based on the packed price, consisting of invoice price plus certain additional revenue, e.g., box charges and antidumping duties paid, to the first unaffiliated customer in the United States. We made adjustments to these prices, where appropriate, for box charges, discounts and rebates, foreign inland freight, international (air) freight, brokerage and handling, U.S. customs fees, direct selling expenses (credit expense and contributions to the Colombian Flower Council) relating to commercial activity in the United States, return credits, royalties and indirect selling expenses incurred in the home market that related to commercial activity in the United States. Finally, consistent with our practice in *Roses from Colombia,* 60 FR 6980 (February 6, 1995), we made adjustments for either commissions paid to unrelated U.S. consignees or the indirect U.S. selling expenses of related consignees.

Pursuant to section 772(d)(3) of the Act, the price was further reduced by an amount for profit to arrive at the CEP.

The CEP profit rate was calculated using the expenses incurred by the responding companies on their sales of the subject merchandise in the United States and of the like product in the home market (for those companies that had home market sales) and the profit associated with those sales.

Tuchany

We were unable to verify the interest rates on Tuchany's reported short-term U.S. loans during the POR; therefore, we were unable to verify Tuchany's reported U.S. interest rate. With the exception of this item, the response filed by Tuchany was verified. For this reason, in lieu of using the reported rate, we are using the rate which we observed for most of Tuchany's loans.

Normal Value

Section 773 of the Act provides that the normal value (NV) of the subject merchandise shall be (1) the price at which the foreign like product is first sold (or, in the absence of a sale, offered for sale) for consumption in the exporting country, in the usual commercial quantities and in the ordinary course of trade and, to the extent practicable, at the same level of trade as the export price or constructed export price, (2) the price at which the foreign like product is sold (or offered for sale) for consumption in a country other than the exporting country or the United States (third country sales), or (3) the constructed value of that merchandise.

Some companies in this review have sales in the home market of export quality flowers exceeding five percent of sales to the U.S. market, i.e., have a viable home market. However, consistent with our practice in previous reviews of this order and based on information provided by respondents, we have determined that these sales are not within the ordinary course of trade. For a further discussion, *see* Memorandum from Team to Barbara Stafford, Deputy Assistant Secretary, Import Administration, dated January 13, 1997.

Section 773(a)(4) of the Act states that if the administering authority determines that the normal value of the subject merchandise cannot be determined using home market prices, then, notwithstanding the possible use of third country prices, the normal value of the subject merchandise may be the constructed value of that merchandise. We received comments and factual information concerning this issue from respondents on August 7, 1996, and from petitioner on October 23, 1996.

We have used constructed value as the basis of normal value since the final results of the second antidumping duty administrative review of *Certain Fresh Cut Flowers from Colombia*, 55 FR 20491 (May 17, 1990). We based this determination on three factors: (1) the negative correlation of prices in third country markets to prices in the United States because of greater volatility and the sporadic nature of the U.S. market and differing peak price periods (holidays); (2) Colombian producers' relative lack of access to European markets; and (3) the perishability of the merchandise.

In *Flowers 1991–94*, we stated that our analysis of the third country markets was sufficient for us to reject the use of third country prices, even though we had not collected third country prices from respondents. A significant factor in the analysis was the Botero study. The Botero study relied upon in the *Flowers 1991–94* reviews demonstrated that third country prices were not reliable for purposes of foreign market value and was based upon data from the period 1982–1989. The study has since been updated to cover the period 1989 through 1995, which covers a portion of the POR. Based on the new Botero study, we find that differences in the demand patterns between the markets continue to exist and that seasonal demand and price cycles between the markets are statistically different.

Relying on the recent economic data submitted by respondents and consistent with the Department's practice in prior segments of this proceeding, we have determined that a particular market situation prevents a proper comparison between third country sales and U.S. sales within the meaning of section 773(a)(1)(B)(ii)(III) of the Act. Therefore, we have continued to use CV as the basis for normal value. *See* Memorandum from Team to Barbara R. Stafford, Deputy Assistant Secretary, Import Administration, dated November 21, 1996.

We calculated CV in accordance with section 773(e) of the Act. We included the cost of materials and fabrication, and the selling, general and administrative expenses reported by respondents. The per-unit constructed value was calculated by dividing the annual CV in pesos by the quantity of export quality flowers sold by the grower/exporter. We converted the peso per stem CV based on the date of the U.S. sale, in accordance with section 773A(a) of the Act. We consider non-export quality flowers (culls) that are produced in conjunction with export quality flowers to be by-products. Therefore, revenue from the sales of culls was offset against the cost of producing the export quality flowers.

We based selling, general and administrative expenses on the amounts incurred and realized by the respondents in connection with the production and sale of the foreign like product for consumption in the home market. Where respondents had no home market sales, we used the general and administrative expenses associated with their sales to all other markets. Regarding selling expenses, all respondents reporting sales of export quality flowers in the home market stated they had no selling expenses in that market. Therefore, as facts otherwise available, we did not include selling expenses for those respondents that had no home market sales.

Regarding profit, we verified that for those producers/exporters with home market sales of culls and/or export quality flowers, those sales were outside the ordinary course of trade because they were made at below cost prices. Consequently, we are unable to apply the methods specified in section 773(e)(2)(A) or 773(e)(2)(B)(ii) of the Act for calculating profit. Also, none of the respondents realized a profit on merchandise in the same general category as flowers produced for sale in Colombia. Therefore, we are not able to apply the profit methodology described in section 773(e)(2)(B)(i).

Section 773(e)(2)(B)(iii) permits the Department to use ''any other reasonable method'' to compute an amount for profit, provided that the amount ''may not exceed the amount normally realized by exporters or producers * * * in connection with the sale, for consumption in the foreign country, of merchandise that is in the same general category of products as the subject merchandise.'' Although we have sought information on the profits earned in Colombia by producers of merchandise that might be considered in the same general category of products as flowers in order to compute the ''profit cap'' described in 773(e)(2)(B)(iii), we have not been able to find any such producers. Therefore, we do not have a profit cap.

The SAA, at 171, anticipates this situation and directs that where Commerce cannot determine profit under the alternative methods described in sections 773(e)(2)(B)(i) and 773(e)(2)(B)(ii) or calculate a profit cap, the Department may apply 773(e)(2)(B)(iii) as the basis of facts available. The SAA further states that constructed value ''*must* include an *amount* * * * for profit,'' (emphasis added). SAA, at 169. We interpret this statement, particularly because of the

use of the words ''must'' and ''amount'' to mean that the profit figure used cannot be zero and must be positive. Therefore, as facts available, in this case we have developed a profit figure from the financial statements of a Colombian producer of agricultural and processed agricultural goods. We have preliminarily determined that it is appropriate to use the profit rate for that company, 5.00 percent of cost of production, for all respondents.

We added U.S. packing to constructed value. In addition, for EP sales, we made circumstance of sale adjustments for direct expenses, where appropriate, in accordance with section 773(a)(6)(C)(iii) of the Act.

Clavecol

Clavecol stated that it experienced high water subsoil levels at one of its farms and requested that the Department adjust its costs for this water damage. While we do not feel it is appropriate to adjust total costs, we do agree that the severe water damage resulted in an unusual decrease in productivity. Therefore, we have normalized the production level to make an appropriate adjustment for this loss. Normalization of the production levels when severe circumstances of nature result in unusual losses of crop is consistent with the Department's past practice. *See Final Determination of Sales at Less Than Fair Value: Fresh Cut Roses from Ecuador,* 60 FR 7019, 7038 (February 6, 1995).

Flores Colon

In accordance with section 773(f)(1)(A) of the Act, the Department will normally calculate costs on the basis of records kept by the exporter or producer of the merchandise, ''if such records are kept in accordance with the generally accepted accounting principles of the exporting country (or the producing country, where appropriate) and reasonably reflect the costs associated with the production and sale of the merchandise.'' Flores Colon amortized its capitalized expenses over a period that is longer than the expected useful lives of the capitalized assets. This method of accounting results in assigning costs which should be recognized during the POR to future periods. Thus, the company's accounting methodology regarding capitalized expenses does not appropriately match those expenses with income generated from their use and, hence, does not reasonably reflect the costs associated with the production of the merchandise under review.

Based on information gathered at verification, we have estimated the various types and corresponding amounts of expenses capitalized by Flores Colon from 1993 through 1995. We then amortized each expense category (adjusted for inflation) over a period consistent with the asset's expected useful life (e.g., two years for cuttings). This approach attempts to correct the distortion caused by the manner in which Flores Colon maintains its accounting records without penalizing the company for its unique accounting system.

HOSA

In the company's original questionnaire response, HOSA calculated its per unit constructed value using sales of both export and national quality flowers. We asked HOSA to recalculate its constructed value deriving per unit costs based solely on sales of export quality flowers, in accordance with our long standing practice in these reviews. While HOSA complied with the Department's request, it objected strongly to this methodology.

HOSA and Asocolflores raised the same objections in *Flowers 1991–94*. We disagreed on the grounds that there was no change in the factual situation which would significantly alter our established treatment of cull, or national-quality, flowers. Based on the information provided in the current review, we are continuing to treat all home market sales of non-export quality flowers as culls, regardless of how they are designated under HOSA's internal grading system. Therefore, we are using the most recent data submitted by HOSA in which CV is calculated on the basis of sales of export quality flowers.

Currency Conversion

For purposes of the preliminary results, we made currency conversions based on the official exchange rates in effect on the dates of the U.S. sales as certified by the Federal Reserve Bank of New York. Section 773 A(a) of the Act directs the Department to use a daily exchange rate in order to convert foreign currencies into U.S. dollars, unless the daily rate involves a fluctuation. In accordance with the Department's practice, we have determined as a general matter that a fluctuation exists when the daily exchange rate differs from a benchmark by 2.25 percent. The benchmark is defined as the rolling average of rates for the past 40 business days. When we determine that a fluctuation exists, we substitute the benchmark for the daily rate.

Preliminary Results of Review

As a result of our comparison of EP and CEP with NV, we preliminarily determine that there are margins in the amounts listed below for the period March 1, 1995 through February 29, 1996.

Selected Respondents

The following 13 groups of firms (composed of 97 companies) were selected as respondents and received individual reviews, as indicated below:

Agrodex Group	3.06 percent.
Agricola de las Mercedes	
Agricola el Retiro Ltda.	
Agrodex Ltda.	
Degaflores Ltda.	
Flores Camino Real Ltda.	
Flores Cuatro Esquinas Ltda.	
Flores de la Comuna Ltda.	
Flores de las Mercedes	
Flores de Los Amigos Ltda.	
Flores de los Arrayanes Ltda.	
Flores De Mayo Ltda.	
Flores del Gallinero Ltda.	
Flores del Potrero Ltda.	
Flores dos Hectareas Ltda.	
Flores de Pueblo Viejo Ltda.	
Flores el Trentino Ltda.	
Flores la Conejera Ltda.	
Flores Manare Ltda.	
Florlinda Ltda.	
Horticola el Triunfo	
Horticola Montecarlo Ltda.	
Caicedo Group	25.58 percent.
Agro Bosque S.A.	
Andalucia S.A.	
Aranjuez S.A.	
Columbiano S.A. ''CAICO''	
Caico	
Exportaciones Bochica S.A.	
Floral Ltda.	
Flores del Cauca	
Inversiones Targa Ltda.	
Productos el Zorro	
Via el Rosal	
Claveles Colombianos Group	1.13 percent.

Claveles Colombianos Ltda.	
Elegant Flowers Ltda.	
Fantasia Flowers Ltda.	
Splendid Flowers Ltda.	
Sun Flowers Ltda.	
Cultivos Miramonte Group	2.30 percent.
Cultivos Miramonte S.A.	
Flores Mocari S.A.	
Floraterra Group	7.85 percent.
Exporosas	
Floraterra S.A.	
Flores Casablanca S.A.	
Flores San Mateo S.A.	
Siete Flores S.A.	
Flores Colon Ltda.	4.46 percent.
Florex Group	1.07 percent.
Agricola Guacari S.A.	
Agricola el Castillo	
Flores San Joaquin	
Flores Altamira S.A.	
Flores de Exportacion S.A.	
Guacatay Group	3.23 percent.
Agricola Cunday	
Agricola Guacatay S.A.	
Jardines Bacata Ltda.	
Hosa Group	3.02 percent.
Horticultura de la Sabana S.A.	
HOSA Ltda.	
Innovacion Andina S.A.	
Minispray S.A.	
Prohosa Ltda.	
Maxima Farms Group	4.41 percent.
Agricola los Arboles S.A.	
Colombian D.C. Flowers	
Polo Flowers	
Rainbow Flowers	
Maxima Farms Inc.	
Queens Flowers Group	2.15 percent.
Agroindustrial del Rio Frio	
Cultivos General Ltda.	
Flora Nova	
Flora Atlas Ltda.	
Flores Calima S.A.	
Flores Canelon Ltda.	
Flores de Bojaca	
Flores del Cacique	
Flores del Hato	
Flores el Aljibe Ltda.	
Flores el Cipres	
Flores El Pino Ltda.	
Flores El Roble S.A.	
Flores el Tandil	
Flores la Mana	
Flores las Acacias Ltda.	
Flores la Valvanera Ltda.	
Flores Jayvana	
Flores Ubate Ltda.	
Jardines de Chia Ltda.	
Jardines Fredonia Ltda.	
Jardines Piracanta	
M.G. Consultores Ltda.	
Mountain Roses	
Queens Flowers de Colombia Ltda.	
Quality Flowers S.A.	
Florval S.A. (Floval)	
Jardines des Rosal	
Tinzuque Group	0.99 percent.
Tinzuque Ltda.	
Catu S.A.	
Tuchany Group	6.37 percent.
Tuchany S.A.	
Flores Sibate	
Flores Tikaya	
Flores Munya	

Non-Selected Respondents

The following 144 companies (including 22 groups of companies) were not selected as respondents and will receive a rate of 2.93 percent:

Aga Group
- Agricola la Celestina
- Agricola la Maria
- Agricola Benilda Ltda.

Agricola Acevedo Ltda.
Agricola Arenales Ltda.
Agricola Bonanza Ltda.
Agricola Circasia Ltda.
Agricola el Cactus S.A.
Agricola el Mortino Ltda.
Agricola el Redil Ltda.
Agricola la Corsaria Ltda.
Agricola Las Cuadras Group
- Agricola las Cuadras Ltda.
- Flores de Hacaritama

Agricola Megaflor Ltda.
Agroindustrial Don Eusebio Ltda. Group
- Agroindustrial Don Eusebio Ltda.
- Celia Flowers
- Passion Flowers
- Primo Flowers
- Temptation Flowers

Andes Group
- Cultivos Buenavista Ltda.
- Flores de los Andes Ltda.
- Flores Horizonte Ltda.
- Inversiones Penas Blancas Ltda.

Aspen Gardens Ltda.
Astro Ltda.
Cantarrana Group
- Cantarrana Ltda.
- Agricola los Venados Ltda.

Cigarral Group
- Flores Cigarral
- Flores Tayrona

Claveles de los Alpes Ltda.
Colibri Flowers Ltda.
Combiflor
Cultiflores Ltda.
Cultivos Medellin Ltda.
Cultivos Tahami Ltda.
Daflor Ltda.
El Antelio S.A.
Envy Farms Group
- Envy Farms
- Flores Marandua Ltda.

Falcon Farms de Colombia S.A. (formerly Flores de Cajibio Ltda.)
Farm Fresh Flowers Group
- Agricola de la Fontana
- Flores de Hunza
- Flores Tibati
- Inversiones Cubivan

Floralex Ltda.
- Floralex Ltda.
- Flores el Puente Ltda.
- Agricola Los Gaques Ltda.

Floreales Group
- Floreales Ltda.
- Kimbaya

Florenal (Flores el Arenal) Ltda.
Flores Agromonte
Flores Ainsuca Ltda.
Flores Aurora Ltda.
Flores Carmel S.A.
Flores Comercial Bellavista Ltda.
Flores de Aposentos Ltda.
Flores de la Hacienda
Flores de la Montana
Flores de la Sabana S.A.
Flores de la Vega Ltda.
Flores de la Vereda
Flores de Serrezuela S.A.
Flores de Suba Ltda.
Flores del Lago Ltda.
Flores del Rio Group
- Agricola Cardenal S.A.
- Flores del Rio S.A.
- Indigo S.A.

Flores de Oriente
Flores el Molino S.A.
Flores el Talle Ltda.
Flores el Zorro Ltda.
Flores Fusu
Flores Gioconda
Flores Juanambu Ltda.
Flores la Fragrancia
Flores las Caicas
Flores los Sauces
Flores la Union/Gomez Arango & Cia. Group
- Santana

Flores Monserrate Ltda.
Flores Sagaro
Flores San Andres
Flores San Juan S.A.
Flores Santa Fe Ltda.
Flores Silvestres
Flores Tocarinda
Flores Tomine Ltda.
Flores Tropicales (Happy Candy) Group
- Flores Tropicales Ltda.

Happy Candy Ltda.
Mercedes Ltda.
Rosas Colombianos Ltda.
Floricola la Gaitana S.A.
Fresh Flowers
Funza Group
Flores Alborada
Flores de Funza S.A.
Flores del Bosque Ltda.
Flexport de Colombia
Grupo el Jardin
Agricola el Jardin Ltda.
La Marotte S.A.
Orquideas Acatayma Ltda.
Industrial Agricola
Ingro Ltda.
Inverpalmas
Inversiones Flores del Alto
Inversiones Morrosquillo
Inversiones Santa Rita Ltda.
Inversiones Santa Rosa ARW Ltda.
Inversiones Supala S.A.
La Plazoleta Ltda.
Las Amalias Group
Las Amalias S.A.
Pompones Ltda.
La Fleurette de Colombia Ltda.
Ramiflora Ltda.
Linda Colombiana Ltda.
Los Geranios Ltda.
Manjui Ltda.
Monteverde Ltda.
Natuflora Ltda./San Martin Bloque B
Papagayo Group
Agricola Papagayo Ltda.
Inversiones Calypso S.A.
Petalos de Colombia Ltda.
Pisochago Ltda.
Rosas Sabanilla Group
Flores la Colmena Ltda.
Rosas Sabanilla Ltda.
Inversiones la Serena
Agricola la Capilla
Santana Flowers Group
Santana Flowers Ltda.
Hacienda Curibital Ltda.
Inversiones Istra Ltda.
Santa Rosa Group
Flores Santa Rosa Ltda.
Floricola la Ramada Ltda.
Agropecuaria Sierra Loma
Senda Brava Ltda.
Shasta Flowers y Compania Ltda.
Soagro Group
Flores Aguaclara Ltda.
Flores del Monte Ltda.
Flores la Estancia
Jaramillo y Daza
Toto Flowers Group
Flores de Suesca S.A.
Toto Flowers
Uniflor Ltda.
Velez de Monchaux Group
Velez De Monchaux e Hijos y Cia S. en C.
Agroteusa
Victoria Flowers
Vuelven Ltda.

No Shipments

The following 40 companies responded that they had no shipments during the POR. For those companies that were examined in a previous review, we will assess duties based on their company-specific rate from the most recent review. If we have not previously conducted a review of a company, duties equal to the ''all others'' rate of 3.53 percent from the Less-Than-Fair-Value (LTFV) investigation will be assessed.

Abaco Tulipanex de Colombia
Agricola Guali S.A.
Agricola Yuldama
Agrorosas
Agropecuria Cuernavaca Ltda.
De La Pava Guevara E Hijos Ltda.
Disagro
Expoflora Ltda.
Florandia Herrera Camacho & Cia.
Flores Acuarela S.A.
Flores Aguila
Flores Andinas Ltda.
Flores de Tenjo Ltda.
Flores del Campo Ltda.
Flores el Rosal Ltda.
Flores Galia Ltda.
Flores Gloria
Flores la Lucerna
Flores la Macarena
Flores Ramo Ltda.
Flores Sairam Ltda
Flores San Carlos
Flores Selectas
Flores Violette
Green Flowers
Inversiones Almer Ltda.
Inversiones Bucarelia
Inversiones Cota
Inversiones el Bambu Ltda.
Iturrama S.A.
Luisa Flowers
Otono (Agroindustrial Otono)
Planatas S.A.
Propagar Plantas S.A.
Rosaflor
Rosex Ltda.
Sansa Flowers
S.B. Talee de Colombia
Siempreviva
Tag Ltda

Unlocatable

The following 116 companies (including 2 groups) were unlocatable. For those unlocatable companies that were examined in a previous review, we will assess duties based on their company-specific rate from the most recent review. If we have not previously conducted a review of an unlocatable company, duties equal to the ''all others'' rate of 3.53 percent from the Less-Than-Fair-Value (LTFV) investigation will be assessed.

Achalay
Agricola Altiplano
Agricola del Monte
Agricola la Siberia
Agrocaribu Ltda.
Agro de Narino
Agroindustrias de Narino Ltda.
Agropecuaria la Marcela
Agropecuria Mauricio
Agrotabio Kent
Aguacarga
Alcala
Amoret
A.Q.
Carcol Ltda.
Classic
Coexflor
Color Explosion
Cota
Crest D'or
Crop S.A.
Cypress Valley
Degaflor
Del Monte
Del Tropico Ltda.
Diveragricola
El Milaro
El Timbul Ltda.
Exotic Flowers
Exotico
Ferson Trading
Flamingo Flowers
Flor Colombiana S.A.
Flores Ainsus
Flores Alcala Ltda.
Flores Calichana
Flores Corola
Flores de Iztari
Flores de Memecon/Corinto
Flores del Cielo Ltda.
Flores del Cortijo
Flores Gicro Group
Flores Gicro Ltda.
Flores de Colombia
Flores Hacienda Bejucol
Flores la Cabanuela
Flores la Pampa
Flores las Mesitas
Flores Montecarlo
Flores Palimana
Flores S.A.
Flores Saint Valentine
Flores San Andres
Flores Santana
Flores Sausalito
Flores Sindamanoi
Flores Tenerife Ltda
Floricola
Florisol
Florpacifico
Four Seasons
Fracolsa
F. Salazar
Garden and Flowers Ltda.
German Ocampo
Granja
Gypso Flowers
Hacienda la Embarrada
Hacienda Matute
Hana/Hisa Group
Flores Hana Ichi de Colombia Ltda.
Flores Tokai Hisa
Hernando Monroy
Horticultura de la Sasan
Industrial Terwengel Ltda.
Inversiones Maya, Ltda.
Inversiones Silma
Inversiones Sima
Jardin de Carolina
Jardines Choconta
Jardines Darpu
Jardines Natalia Ltda.
Jardines Tocarema
J.M. Torres
Kingdom S.A.
La Colina
La Embairada
La Flores Ltda.
La Floresta

L.H.
Loma Linda
Loreana Flowers
Luisiana Farms
M. Alejandra
Mauricio Uribe
Merastec
Morcoto
Nasino
Olga Rincon
Piracania
Prismaflor
Reme Salamanca
Rosa Bella
Rosas y Jardines
Rose
San Valentine
Sarena
Select Pro
Shila
Solor Flores Ltda.
Starlight
Susca
Sweet Farms
The Beall Company
The Rose
Tomino
Villa Diana
Zipa Flowers

Non-Respondents

The following 68 companies (including 2 groups of companies) did not respond to our questionnaire, or responded after the deadline date without explanation. We will assess duties based on the highest rate for any company from this or any prior segment of this proceeding. This rate is 76.60 percent.

Agrex de Oriente
Agricola de Occident
Agroindustrial Madonna S.A.
Alstroflores Ltda.
Ancas Ltda.
Arboles Azules Ltda.
Becerra Castellanos y Cia.
Bojaca Group
  Agricola Bojaca
  Universal Flowers
  Flores y Plantas Tropicales
  Flores del Neusa Nove Ltda.
  Tropiflora
Cienfuegos Group
  Cienfuegos Ltda.
  Flores la Conchita
Clavelez
Consorcio Agroindustrial
Cultivos Guameru
Dianticola Colombiana Ltda.
Dynasty Roses Ltda.
Elite Flowers (The Elite Flower/Rosen Tantau)
El Tambo
Euroflora
Exoticas
Exportadora
Flor y Color
Flora Intercontinental
Flores Abaco S.A.
Flores Bachue Ltda.
Flores Cerezangos
Flores Depina S.A.
Flores de Guasca
Flores de la Cuesta
Flores de la Maria
Flores del Tambo
Flores de la Parcelita
Flores el Lobo
Flores el Salitre Ltda.
Flores Flamingo Ltda.
Flores Juncalito Ltda.
Flores Monteverde
Flores Suasuque
Flores Tiba S.A.
Flores Urimaco
Florexpo
Florimex Colombia Ltda.
Flowers of the World/Rosa
Horticultura el Molino
Illusion Flowers
Industria Santa Clara
Inversiones Morcote
Inversiones Playa
Inversiones y Producciones Tecnicas
Inversiones Valley Flowers Ltda.
Jardines de America
Jardines de Timana
Karla Flowers
Las Flores
Laura Flowers
Pinar Guameru
Plantaciones Delta Ltda.
Rosales de Colombia Ltda.
Rosales de Suba Ltda.
Roselandia
San Ernesto
Santa Helena S.A.
Superflora Ltda.
Tropical Garden
Villa Cultivos Ltda.

Bankrupt Companies

The following group of companies is preliminarily determined to be bankrupt and will be assessed at a rate of 7.85 percent.

Oro Verde Group
  Inversiones Miraflores S.A.
  Inversiones Oro Verde S.A.

Parties to the proceeding may request disclosure within five days of publication of this notice. Interested parties may request a hearing not later than ten days after publication of this notice. Interested parties may submit written arguments in case briefs on these preliminary results within 45 days of the date of publication of this notice. Rebuttal briefs, limited to issues raised in case briefs, may be filed no later than five days after the time limit for filing case briefs. Any hearing, if requested, will be held two 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 19 CFR 353.38(e).

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. The Department will issue final results of this review within 120 days of publication of these preliminary results.

Upon completion of the final results in this review, the Department shall determine, and the U.S. Customs Service shall assess, antidumping duties on all appropriate entries. We have calculated importer-specific *ad valorem* antidumping duty rates based on the ratio of the total amount of antidumping duties calculated for the examined sales made during the POR to the total customs value of the sales used to calculate those duties. This rate will be assessed uniformly on all entries of that particular importer made during the POR. (This method for calculating the antidumping duty rate to be applied to each importer is equivalent to dividing the total amount of antidumping duties, which are calculated by taking the difference between statutory NV and statutory EP or CEP, by the total statutory EP or CEP value of the sales compared, and adjusting the result by the average difference between EP or CEP and customs value for all merchandise examined during the POR. Individual differences between EP or CEP and NV may vary from the percentages stated above.)

The Department will issue appraisement instructions on each exporter directly to the Customs Service.

Furthermore, the following deposit requirements will be effective for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results of this administrative review, as provided for by section 751(a)(1) of the 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) for all other producers and/or exporters of this merchandise, the cash deposit rate shall be 3.10 percent, the adjusted ''all others'' rate from the LTFV investigation. These 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(c)(5).

Dated: March 31, 1997.

Robert S. LaRussa,

Acting Assistant Secretary for Import Administration.

[FR Doc. 97–8958 Filed 4–7–97; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–588–046]

Polychloroprene Rubber From Japan; Termination of Antidumping Administrative Review

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

ACTION: Notice of Termination of Antidumping Duty Administrative Review.

SUMMARY: In response to a request from the petitioner, E.I. Du Pont de Nemours & Company, Inc. (Du Pont), the Department of Commerce (the Department) published in the **Federal Register** (62 FR 2647, January 17, 1997) the notice of initiation of administrative review of the antidumping duty order on polychloroprene rubber from Japan with respect to Denki Kagujo K.K. (Denki), Denki/Hoei Sangyo Co. Ltd. (Denki/Hoei Sangyo), Mitsui Bussan, Showa Neoprene K.K. (Showa), Showa/Hoei Sangyo Co. Ltd. (Showa/Hoei Sangyo), Suzugo Corporation (Suzugo), Tosoh (formerly Toyo Soda) Corporation (Tosoh), and Tosoh/Hoei Sangyo Co., Ltd. (Tosoh/Hoei Sangyo), for the period December 1, 1995, through November 30, 1996. We received a request for withdrawal of this review from Du Pont on February 5, 1997. Because this request was timely submitted and because no other interested parties requested a review of these manufacturers/exporters, we are terminating this review. Unless otherwise indicated, all citations to the statute and to the Department's regulations are references to the provisions as they existed after January 1, 1995.

EFFECTIVE DATE: April 8, 1997.

FOR FURTHER INFORMATION CONTACT: Justin S. Jee, or Thomas F. Futtner, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230; telephone (202) 482–2657 or 482–3814.

SUPPLEMENTARY INFORMATION:

Background

On December 6, 1973, the Department of the Treasury published in the **Federal Register** (38 FR 35393) the antidumping finding on polychloroprene rubber (rubber) from Japan. On December 3, 1996, the Department published a notice of ''Opportunity to Request Administrative Review'' (61 FR 64050). On December 26, 1996, the petitioner, E.I. Du Pont de Nemours & Company, Inc. (Du Pont), requested that we conduct an administrative review for the period December 1, 1995, through November 30, 1996, covering eight producers and/or exporters: Denki Kagujo (Denki), Denki/Hoei Sangyo Co., Ltd. (Denki/Hoei Sangyo), Mitsui Bussan, Showa Neoprene K.K. (Showa), Showa/Hoei Sangyo Co., Ltd. (Showa/Hoei Sangyo), Suzugo Corporation (Suzugo), Tosoh (formerly Toyo Soda) Corporation (Tosoh), and Tosoh/Hoei Sangyo Co., Ltd. (Tosoh/Hoei Sangyo).

We published a notice of initiation of the antidumping administrative review on these companies on January 17, 1997 (62 FR 2647). On February 5, 1997, we received a withdrawal of request for review from Du Pont.

Pursuant to 19 CFR 353.22(a)(5) of the Department's regulations, the Department may allow a party that requests an administrative review to withdraw such request not later than 90 days after the date of publication of the notice of initiation of the administrative review.

Because Du Pont's request for termination was submitted within the 90 day time limit and there were no requests for review from other interested parties, we are terminating this review.

This notice is published in accordance with 19 CFR 353.22(a)(5).

Dated: April 1, 1997.

Jeffrey P. Bialos,

Principal Deputy Assistant Secretary for Import Administration.

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DEPARTMENT OF COMMERCE

International Trade Administration

[C–489–502]

Certain Welded Carbon Steel Pipes and Tubes and Welded Carbon Steel Line Pipe From Turkey; Preliminary Results of Countervailing Duty Administrative Reviews

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

ACTION: Notice of preliminary results of countervailing duty administrative reviews.

SUMMARY: The Department of Commerce (''the Department'') is conducting administrative reviews of the countervailing duty orders on certain welded carbon steel pipes and tubes and welded carbon steel line pipe from Turkey. For information on the net subsidy for each reviewed company for each class or kind of merchandise, as well as for all non-reviewed companies, see the *Preliminary Results of Reviews* section of this notice. If the final results remain the same as these preliminary results of administrative reviews, we will instruct the U.S. Customs Service to access countervailing duties as detailed in the *Preliminary Results of Reviews* section of this notice. Interested parties are invited to comment on these preliminary results. (See *Public Comment* section of this notice.)

EFFECTIVE DATE: April 8, 1997.

FOR FURTHER INFORMATION CONTACT: Stephanie Moore or Cameron Cardozo, Office of Countervailing Duty/Antidumping Enforcement VI, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone (202) 482–2849 or (202) 482–2786.

SUPPLEMENTARY INFORMATION:

Background

On March 7, 1986, the Department published in the **Federal Register** (51 FR 7984) the countervailing duty orders on certain welded carbon steel pipes and tubes (pipe and tube) and certain welded carbon steel line pipe (line pipe) from Turkey. On March 4, 1996, the Department published a notice of ''Opportunity to Request Administrative Review'' (61 FR 8238) of these countervailing duty orders. We received timely requests for reviews, and we initiated the reviews, covering the period January 1, 1995 through December 31, 1995, on April 25, 1996 (61 FR 18378).