suspension agreement is no longer of interest to interested parties if no domestic interested party (as defined in sections 355.2 (i)(3), (i)(4), (i)(5), and (i)(6) of the regulations) objects to the Department's intent to terminate a suspended investigation.

Within the specified time frame, we received from a domestic interested party (Milliken & Company) an objection to our intent to terminate the suspended investigation. Therefore, because the requirements of 19 CFR 355.25(d)(4)(iii) have not been met, we will not terminate the suspended investigation.

This determination is in accordance with 19 CFR 355.25(d)(4).

Dated: September 5, 1996.

Roland L. MacDonald,

Acting Deputy Assistant Secretary, Enforcement Group III.

[FR Doc. 96–23233 Filed 9–10–96; 8:45 am]

BILLING CODE 3510–DS–P

[C–421–601]

Standard Chrysanthemums From the Netherlands; Final Results of Countervailing Duty Administrative Reviews

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

ACTION: Notice of Final Results of Countervailing Duty Administrative Reviews.

SUMMARY: On May 6, 1996, the Department of Commerce (the Department) published in the Federal Register (61 FR 20406) its preliminary results of administrative reviews of the countervailing duty order on standard chrysanthemums from the Netherlands for the periods January 1, 1992 through December 31, 1992 and January 1, 1993 through December 31, 1993. We have completed these reviews and determine the net subsidies to be 0.43 percent *ad valorem* for the period January 1, 1992 through December 31, 1992, and 0.80 percent *ad valorem* for the period January 1, 1993 through December 31, 1993. The Department will instruct the Customs Service to assess countervailing duties as detailed in the *Final Results of Reviews* section of this notice.

EFFECTIVE DATE: September 11, 1996.

FOR FURTHER INFORMATION CONTACT: Lorenza Olivas or Anne D'Alauro, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230; telephone: (202) 482–2786.

SUPPLEMENTARY INFORMATION:

Background

On May 6, 1996, the Department published in the Federal Register (61 FR 20406) the preliminary results of its administrative reviews of the countervailing duty order on standard chrysanthemums from the Netherlands (*Preliminary Results*). We invited interested parties to comment on the preliminary results. The Floral Trade Council, petitioner, and the Government of the Netherlands (GON), respondent, submitted both case and rebuttal briefs. The Department has now completed these administrative reviews in accordance with section 751 of the Tariff Act of 1930, as amended (the Act).

The periods covered by the reviews were January 1, 1992 through December 31, 1992 and January 1, 1993 through December 31, 1993. These reviews were conducted on an aggregate basis and involve 13 programs.

Applicable Statute and Regulations

The Department is conducting these administrative reviews in accordance with section 751(a) of the Act. Unless otherwise indicated, all citations to the statute and to the Department's regulations are in reference to the provisions as they existed on December 31, 1994. However, references to the Department's *Countervailing Duties; Notice of Proposed Rulemaking and Request for Public Comments,* 54 FR 23366 (May 31, 1989) (*Proposed Regulations*), are provided solely for further explanation of the Department's countervailing duty practice. Although the Department has withdrawn the particular rulemaking proceeding pursuant to which the *Proposed Regulations* were issued, the subject matter of these regulations is being considered in connection with an ongoing rulemaking proceeding which, among other things, is intended to conform the Department's regulations to the Uruguay Round Agreements Act. *See* 60 FR 80 (Jan. 3, 1995).

Scope of the Reviews

Imports covered by these reviews are shipments of Dutch standard chrysanthemums. Such merchandise is classifiable under item number 0603.10.70 of the *Harmonized Tariff Schedule* (HTS). The HTS item number is provided for convenience and Customs purposes. The written description remains dispositive.

Analysis of Programs

Based on our analysis of questionnaire responses, verification, and written comments from the interested parties, we determine the following:

I. Programs Conferring Subsidies

A. Programs Previously Determined To Confer Subsidies

1. Aids for the Creation of Cooperative Organizations

In the preliminary results, we found that this program conferred countervailable benefits on the subject merchandise. We received no comments on our preliminary results, and our findings remain unchanged in these final results. On this basis, the net subsidy for this program is 0.07 percent *ad valorem* for 1992 and 0.04 percent *ad valorem* for 1993.

2. Glasshouse Enterprises Program

In the preliminary results, we found that this program conferred countervailable benefits on the subject merchandise. We received no comments on our preliminary results, and our findings remain unchanged in these final results. On this basis, the net subsidy for this program is 0.17 percent *ad valorem* for 1992 and 0.09 percent *ad valorem* for 1993.

3. Aids for the Reduction of Glass Surface

In the preliminary results, we found that this program conferred countervailable benefits on the subject merchandise. We received no comments on our preliminary results, and our findings remain unchanged in these final results. On this basis, the net subsidy for this program is less than 0.005 percent *ad valorem* for 1992 and less than 0.005 percent *ad valorem* for 1993.

4. Steam Drainage System

In the preliminary results, we found that this program conferred countervailable benefits on the subject merchandise. We received no comments on our preliminary results, and our findings remain unchanged in these final results. On this basis, the net subsidy for this program is less than 0.005 percent *ad valorem* for 1992 and less than 0.005 percent *ad valorem* for 1993.

B. New Program Found to Confer Subsidies Stimulation for the Innovation of Electric Energy Program

In the preliminary results, we found that this program conferred benefits on the subject merchandise. Our analysis of

the comments submitted by the interested parties, summarized below, has not led us to modify our findings from the preliminary results for this program. On this basis, the net subsidy for this program is 0.18 percent *ad valorem* for 1992 and 0.66 percent *ad valorem* for 1993.

II. Programs Found Not to Confer Subsidies

In the preliminary results, we found the following programs to be non-countervailable.

1. Arrangement for Stimulation of Innovation Projects
2. Arrangement for Structural Improvements and the Complementary Scheme for Investment in Agricultural Holdings
3. Natural Gas Provided at Preferential Rates
4. Income Tax Deduction
5. Value Added Tax (VAT) Reduction of 6 Percent for Natural Gas Users and Partial Restitution of VAT for Mineral Oils, Fuels, Bulk or Bottled Gas
6. Guarantee Fund for Agriculture

Our analysis of the comments submitted by interested parties, summarized below, has not led us to modify our findings from the preliminary results.

III. Programs Found to be Not Used

We determine that producers and/or exporters of the subject merchandise did not apply for or receive benefits under the following programs:

1. Investment Incentive (WIR)—Regional Program
2. Loans at preferential interest rates

Analysis of Comments

Comment 1: Respondent contends that the Department improperly determined the Stimulation for the Innovation of Electric Energy (SES) program to be countervailable. Respondent states that the Uruguay Round Agreement Act (URAA) exempts from countervailability assistance to promote adaptation of existing facilities to new environmental requirements.

Petitioner disagrees that there is a general exemption for subsidies which provide environmental benefits. Instead, the petitioner notes that Article 8(c) of the Agreement on Subsidies and Countervailing Measures lists certain non-actionable subsidies benefitting the environment and that one of the criteria necessary for the exemption is that the new environmental requirements are imposed by law or regulation. Petitioner argues that the GON program encouraging the installation of cogeneration equipment is not pursuant to a new environmental requirement imposed by law or regulation.

Department's Position: The Department disagrees with respondent. The URAA amendments to the Act, including amendments pursuant to 8.2(c) of the Agreement on Subsidies and Countervailing Measures, apply to reviews initiated pursuant to requests for administrative reviews filed after January 1, 1995. As such, the provisions of the URAA referenced by respondent do not apply to these reviews because these reviews were initiated prior to the enactment of the URAA. Therefore, the Department properly determined the SES program to be countervailable.

Comment 2: Respondent argues that, if the Department continues to find the SES program countervailable, the Department should change the calculation methodology. Respondent alleges that the Department's decision to allocate the total value of all grants provided under the SES program in 1993 to that year was entirely arbitrary and contends that the Department should, instead, allocate those grants over the average useful life of assets in the industry.

Petitioner, on the other hand, argues that the Department properly expensed the benefits received in 1993 in the year of receipt in conformance with its prior practice.

Department's Position: The Department followed its practice, in accordance with the Proposed Regulations, of expensing non-recurring grants in the year of receipt when the sum of grants provided under a particular program is less than 0.50 percent of total sales in the year in which the grant was received. In this case, the amount of SES grants provided to greenhouse growers in 1993 was less than 0.50 percent of total greenhouse sales in that year. Therefore, under long-standing, established Department practice, these grants were expensed in the year of receipt, 1993. *See, e.g., Final Affirmative Countervailing Duty Determination; Oil Country Tubular Goods from Austria* (60 FR 33534, 33535; June 28, 1995).

Comment 3: Petitioner argues that the Department should reverse its determination that the reduced VAT rate and VAT rebates, applicable to purchases of mineral oils, fuels, or gas for greenhouses are not countervailable. Petitioner argues that the VAT reduction and rebates provide greenhouse growers with preferential gas prices and that these benefits are targeted to greenhouse growers and, therefore, are countervailable. Other reasons noted in support of its argument are that recipients must produce affidavits attesting that the gas is used only to heat greenhouses and that inspection programs ensure that the reduced rate only benefits greenhouse production. Petitioner further contends that, absent this program, flower growers would pay the higher VAT. Therefore, according to petitioner, the program is specifically targeted to greenhouse growers. In support of its arguments, petitioner cites *Bicycle Tires and Tubes from Taiwan,* 46 FR 53201 (October 28, 1981) (tax ceiling for bicycle manufactures); *Certain Steel Products from Belgium,* 58 FR 32273 (July 9, 1993) (exemptions for companies in development zone); *Certain Steel Products from Brazil* (58 FR 37295; July 9, 1993) (tax rebates to a specific industry); and *Certain Steel Products from Italy,* 58 FR 37327; July 9, 1993) (increased VAT deduction for a firm in a specific region).

Respondent disputes petitioner's argument that the special VAT regime is countervailable. Respondent argues that the special regime is available to the entire agricultural sector and that the administrative procedures that reduce the VAT on oil and natural gas are necessary to arrive at the reduced VAT level and rebates to which the recipients in the entire agricultural sector are entitled.

Department's Position: Section 771.5 of the Act and section 355.43(b)(1) of the *Proposed Regulations* require the Department to countervail a subsidy that is limited, in law, or in fact, to an enterprise or industry or group thereof. However, section 355.43(b)(8) provides that the Department ''will not regard a program as being specific, within the meaning of paragraph (b)(1) of this section, solely because the program is limited to the agricultural sector.'' (*See Proposed Regulations* at 23380.) In the final determination of the original investigation, the Department found that if a program is available to virtually all agriculture and is not limited to flower growers or otherwise limited to a specific enterprise or industry, or group of enterprises or industries, within agriculture, then the program is not countervailable. *See Final Affirmative Countervailing Duty Determination; Certain Fresh Cut Flowers From the Netherlands* (52 FR 3303; February 3, 1987) (*Final Determination*). *See also, Final Affirmative Countervailing Duty Determination and Countervailing Duty Order; Lamb Meat from New Zealand* (50 FR 37708; September 17, 1985). In *Lamb Meat,* we found that the examined program was not limited to a specific enterprise or industry, or group thereof, because it was available to and used by a wide variety of agricultural producers.

In the preliminary results of these reviews, we found that under the Dutch National Tax Law, farmers in the Netherlands pay the reduced VAT rate on purchases of virtually all the goods and services required in agriculture, including natural gas and oil. The application procedure, noted by petitioner, for obtaining the reduced VAT rate and rebates is merely a mechanism which enables farmers to receive the reductions to which they are entitled under the Dutch National Tax Law.

The cases cited by petitioner in its brief are not relevant to the issue at hand. The issue in those cases dealt with benefits limited to specific industries or to specific zones or regions. The issue in these reviews is whether the reduced VAT rates are applied to virtually all of the goods and services used within the agricultural sector and whether there is any limitation within agriculture to provide benefits to specific commodities under this program. The issue is not whether the agricultural sector pays lower VAT rates on its purchases than the other industries in the Netherlands. We found that the reduced VAT rate is applied to a wide variety of goods in the agricultural sector; such as, foodstuffs, cereals, seeds, cattle, sheep, goats, pigs, horses, breeding eggs, veterinary medicines, water, gas and mineral oil, beetroot, agricultural seeds, fertilizer, feed, round wood, flax, wool, agricultural tools, bulbs and plants, as well as to services in the agricultural sector; such as, contracting, repairs, breeding, inspections, accounting, drying, cooling, cleaning and packaging of agricultural products. Therefore, since virtually all goods purchased by and required in the agricultural sector receive the reduced VAT rate, we determine that this program is not specific. As such, the reduced VAT rate for agriculture does not provide a countervailable benefit.

Comment 4: Petitioner argues that the Department understated the benefits derived from the SES program by allocating the grants received over estimated greenhouse sales, rather than floricultural sales. Petitioner claims that because the GON did not provide data regarding disbursements to flower growers or chrysanthemums growers, the Department must apply best information available.

Respondent, on the other hand, agrees with the Department's allocation methodology. Respondent argues that aid from the program is spread over the entire horticultural sector and is not specific to flowers or standard chrysanthemums.

Department's Position: Petitioner incorrectly asserts that the Department understated the benefits from the SES program. We are conducting this review on an aggregate basis due to the large number of growers of the subject merchandise. Therefore, we collected information on program usage from the government rather than from individual producers. The GON does not maintain records on the grants provided under this program on a product-specific basis. However, the grants under this program were provided to greenhouse growers, and we allocated the value of the grants over the value of greenhouse sales. Therefore, the Department has not understated the benefits under this program attributable to the subject merchandise.

Final Results of Reviews

For the period January 1, 1992 through December 31, 1992, we determine the net subsidy to be 0.43 percent *ad valorem*. For the period January 1, 1993 through December 31, 1993, we determine the net subsidy to be 0.80 percent *ad valorem*. In accordance with 19 CFR 355.7, any rate less than 0.5 percent *ad valorem* is *de minimis*.

The Department will instruct the U.S. Customs Service to liquidate, without regard to countervailing duties, all shipments of the subject merchandise exported on or after January 1, 1992 and on or before December 31, 1992, and to assess countervailing duties of 0.80 percent *ad valorem* of the f.o.b. invoice price on all shipments of the subject merchandise exported on or after January 1, 1993 and on or before December 31, 1993.

Because this notice is being published concurrently with the final results of the 1994 administrative review, the 1994 administrative review will serve as the basis for setting the cash deposit rate, as provided for under section 751(c)(1) of the Act.

This notice also serves as a reminder to parties subject to administrative protective order (APO) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 355.43(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 the terms of an APO is a sanctionable violation.

These administrative reviews and notice are in accordance with section 751(a)(1) of the Act (19 U.S.C. 1675(a)(1)) and 19 CFR 355.22.

Dated: August 30, 1996.

Robert S. LaRussa,

Acting Assistant Secretary for Import Administration.

[FR Doc. 96–23230 Filed 9–10–96; 8:45 am]

BILLING CODE 3510–DS–P

[C–421–601]

Standard Chrysanthemums From the Netherlands; Final Results of Countervailing Duty Administrative Review

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

ACTION: Notice of Final Results of Countervailing Duty Administrative Review.

SUMMARY: On May 6, 1996, the Department of Commerce (the Department) published in the Federal Register (61 FR 20411) its preliminary results of administrative review of the countervailing duty order on standard chrysanthemums from the Netherlands for the period January 1, 1994 through December 31, 1994. We have completed this review and determine the net subsidies to be *de minimis* for all exports of the subject merchandise to the United States. The Department will instruct the U.S. Customs Service to liquidate, without regard to countervailing duties, all shipments of the subject merchandise from the Netherlands exported on or after January 1, 1994, and on or before December 31, 1994.

EFFECTIVE DATE: September 11, 1996.

FOR FURTHER INFORMATION CONTACT: Lorenza Olivas or Anne D'Alauro, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230; telephone: (202) 482–2786.

SUPPLEMENTARY INFORMATION:

Background

On May 6, 1996, the Department published in the Federal Register (61 FR 20406) the preliminary results of its administrative review of the countervailing duty order on standard chrysanthemums from the Netherlands (*Preliminary Results*). We invited interested parties to comment on the preliminary results. The Floral Trade Council, petitioner, and the Government of the Netherlands (GON), respondent, submitted both case and rebuttal briefs. The Department has now completed this administrative review in accordance