

involving other circumstances may require other approaches to corroboration.

Preliminary Results of the Review

As a result of our review, we preliminarily determine that a margin of 60 percent exists for Rhone Poulenc for the period January 1, 1994 through December 31, 1994.

Parties to the proceeding may request disclosure within five days of the date of publication of this notice. Any interested party may request a hearing within 10 days of publication. Case briefs and/or written comments from interested parties may be submitted not later than 30 days after the date of publication. Rebuttal briefs and rebuttals to written comments, limited to issues raised in the case briefs and comments, may be filed not later than 37 days after the date of publication. Any hearing, if requested, will be held 44 days after the date of publication, or the first workday thereafter. The Department will publish the final results of the administrative review, including the results of its analysis of issues raised in any such written comments or at a hearing.

Upon completion of this administrative review, the Department will issue appraisement instructions directly to the Customs Service.

Furthermore, the following deposit requirements will be effective upon publication of the final results of administrative review for all shipments of ASM from France, entered, or withdrawn from warehouse, for consumption on or after the publication date, as provided by section 751(a)(1) of the Tariff Act: (1) the cash deposit rate for the reviewed company will be that established in the final results of this administrative review; (2) for exporters not covered in this review, but covered in previous reviews or the original less-than-value (LTFV) investigation, 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, previous reviews, or the original LTFV investigation, but the manufacturer is, the cash deposit rate will be that established for the most recent period for the manufacturer of the merchandise; and (4) the cash deposit rate for all other manufacturers or exporters will be 60 percent.

Because this proceeding is governed by an antidumping duty order (46 FR 1667, January 7, 1981), the "all others" rate for the purposes of this review will be 60 percent, the "all others" rate established in the final notice of the

LTFV investigation (45 FR 77498, November 24, 1980).

These requirements, when imposed, shall remain in effect until publication of the final results of the next administrative review.

This notice 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 Tariff Act (19 U.S.C. 1675(a)(1)) and 19 CFR 353.22.

Dated: February 28, 1996.

Paul L. Joffe,

Acting Assistant Secretary for Import Administration.

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[C-301-003, C-301-601]

Roses and Other Cut Flowers from Colombia; Miniature Carnations from Colombia: Preliminary Results of Countervailing Duty Administrative Reviews of Suspended Investigations

AGENCY: Import Administration, International Trade Administration, Commerce.

ACTION: Notice of Preliminary Results of Countervailing Duty Administrative Reviews and Intent To Terminate Suspended Investigations.

SUMMARY: The Department of Commerce (the Department) is conducting administrative reviews of the agreements suspending the countervailing duty investigation on roses and other cut flowers (roses) from Colombia and the countervailing duty investigation on miniature carnations (minis) from Colombia. Termination of these two cases has been requested by the Government of Colombia ("GOC") pursuant to 19 CFR 355.25(a)(2) and the procedures specified in 19 CFR 355.25(b)(2), and by certain producers and exporters of subject merchandise pursuant to 19 CFR 355.25(a)(3) and the procedures specified in 19 CFR 355.25(b)(3) in the event the Department denies the GOC's request to terminate. These reviews cover the period of review ("POR") January 1, 1994, through December 31, 1994, and eleven

programs. We preliminarily determine that the GOC and the producers/exporters of roses and minis have complied with the terms of the suspension agreements. We also preliminarily determine that the producers/exporters of subject merchandise have not used any program under review for a period of at least five consecutive years. Additionally, we preliminarily determine that the GOC and producers/exporters of the subject merchandise (respondents) have provided sufficient evidence for the Department to determine that it is likely that producers/exporters of subject merchandise will not in the future apply for or receive any net subsidy on the subject merchandise from those programs the Department has found countervailable in any proceeding involving Colombia or from other countervailable programs. Therefore, we preliminarily determine that respondents have met the requirements for termination of the countervailing duty suspended investigation on roses and other cut flowers and on miniature carnations as outlined in the Commerce Regulations.

We invite interested parties to comment on these results. Parties who submit arguments in this proceeding are requested to submit with any argument (1) a statement of the issue and (2) a brief summary of the argument.

EFFECTIVE DATE: March 8, 1996.

FOR FURTHER INFORMATION CONTACT: Rick Johnson or Jean Kemp, Office of Agreements Compliance, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230, telephone: (202) 482-3793.

SUPPLEMENTARY INFORMATION:

Applicable Statute and Regulations

Unless otherwise indicated, all citations to the statute and to the Department's regulations are in reference to the provisions as they existed on or after January 1, 1995, the effective date of amendments made to the Tariff Act in accordance with the Uruguay Round Agreements Act.

Background

On January 12, 1995, the Department published in the Federal Register (60 FR 2941) a notice of "Opportunity to Request an Administrative Review" for the 1994 review period. On January 31, 1995 the GOC and the Colombian Association of Flower Exporters (Asocolflores) requested administrative reviews of the suspended countervailing duty investigations covering roses and

minis for the 1994 period. On April 14, 1995, the Department initiated these reviews (60 FR 19017, 19018). The Department is now conducting these reviews in accordance with section 751 of the Tariff Act of 1930, as amended (the Tariff Act), and 19 CFR 355.22.

Scope of Review

The products covered by these administrative reviews constitute two separate "classes or kinds" of merchandise: roses and minis from Colombia. During the POR, such merchandise covered by these suspension agreements was classifiable under *Harmonized Tariff Schedule* (HTS) item numbers 0603.10.60, 0603.10.70, 0603.10.80, and 0603.90.00 for roses, and 0603.10.30 for minis. The HTS item numbers are provided for convenience and Customs purposes only. The written descriptions remain dispositive.

These reviews of the suspended investigations involve approximately 600 Colombian flower producers/exporters of roses, over 100 Colombian flower producers/exporters of minis, and the GOC. The suspension agreement for minis covers ten programs: (1) BANCOLDEX (funds for the promotion of exports); (2) Plan Vallejo; (3) Instituto de Fomento Industrial (IFI); (4) Fondo Financiero de Proyectos de Desarrollo (FONADE); (5) Financiero de Desarrollo Territorial (FINDETER); (6) Tax Reimbursement Certificate Program ("CERT"); (7) Free Industrial Zones; (8) Export Credit Insurance; (9) Countertrade; and (10) Research and Development. The suspension agreement for roses covers the ten programs listed above, as well as (11) Air Freight Rates.

Verification

As provided in Section 776(b) of the Tariff Act, we verified information provided by the respondents by using standard verification procedures, including inspection of programs at the appropriate administering agencies, onsite inspection of the manufacturers' facilities, the examination of relevant sales and financial records, and selection of original documentation containing relevant information. We verified the responses from four producers/exporters of both classes or kinds of merchandise under review for the period January 1, 1994 to December 31, 1994: Flores Condor de Colombia, Ltda, Flores Las Palmas, S.A., Splendid Flowers, Ltda, and Flores del Rio, S.A. Our verification results are outlined in the public versions of the verification reports.

Analysis of Programs

We examined the following programs subject to the terms of the suspension agreements:

(1) BANCOLDEX

There are six major BANCOLDEX credit lines: Short-term working capital Colombian peso (peso) loans; medium-term working capital peso loans; short- and long-term working capital U.S. dollar (dollar) loans; long-term capitalization peso loans; long-term capitalization dollar loans; and long-term fixed investment loans. In accordance with Departmental practice, we will treat medium-term working capital peso loans as long-term working capital peso loans.

Under the terms of the suspension agreements, Colombian flower exporters will not apply for, or receive any export financing from BANCOLDEX other than that offered on non-preferential terms, and at or above the established Department benchmark interest rates. For the period of review, the benchmark interest rates in effect for minis were nominal Depositos a Termino Fijo (DTF)+1 for short-term peso loans, and nominal DTF+1+.25/year for long-term loans. See *Miniature Carnations from Colombia; Final Results of Countervailing Duty Administrative Review* (1989), 56 FR 14240 (April 8, 1991). For roses for the period of review, the benchmark interest rates in effect were 22.5% for short-term peso loans and 21% for long-term peso loans. See *Roses and Other Cut Flowers from Colombia; Final Results of Countervailing Duty Administrative Review and Revised Suspension Agreement* (1983), 51 FR 44930, 44932 (December 15, 1986). There was no applicable benchmark for U.S. dollar loans for the POR.

Colombian Peso Loans

At verification, we examined GOC documents and confirmed that BANCOLDEX charged interest rates on its short- and long-term peso loans above the established Department benchmark interest rates in effect during the POR. In addition, we found that BANCOLDEX issued the loans on non-preferential terms. We also examined the four companies' accounting records which confirmed that the companies received BANCOLDEX peso loans for the subject merchandise on non-preferential terms and at interest rates at or above the established Department benchmark rates for exports of the subject merchandise to the United States and Puerto Rico in effect during the POR. Therefore, we preliminarily

determine that BANCOLDEX did not confer any countervailable benefits upon exports of the subject merchandise to the United States and Puerto Rico during the POR. We also preliminarily determine that no countervailable loans under the BANCOLDEX loan program have been used by exporters of the subject merchandise for a period of five consecutive years.

U.S. Dollar Loans

For the period of review, there were no applicable benchmark interest rates for U.S. dollar loans. However, for the purposes of determining whether termination of the suspension agreement is appropriate, we examined whether BANCOLDEX conferred any countervailable benefits upon exports of the subject merchandise to the United States and Puerto Rico during the POR with regard to BANCOLDEX U.S. dollar-denominated loans. We preliminarily determine that BANCOLDEX did not confer any countervailable U.S. dollar loans on subject merchandise during the POR (See *Memorandum to the File*, February 28, 1996). We also preliminarily determine that no countervailable loans under the BANCOLDEX loan program have been used by exporters of the subject merchandise for a period of five consecutive years.

(2) Plan Vallejo

Plan Vallejo was established in 1967 under decree 444. Its purpose is to exempt exporters from certain indirect taxes and customs duties assessed on imported capital equipment used to produce finished products for export. The Instituto Colombiano de Comercio Exterior (INCOMEX) administers the Plan Vallejo program.

Under the terms of the suspension agreements, Colombian flower exporters will not apply for or receive any benefits from duty and tax exemptions for capital equipment under Plan Vallejo for exports of the subject merchandise to the United States and Puerto Rico. At verification, we examined the GOC's documentation and confirmed that this program was not used by the exporters of the subject merchandise for exports to the United States and Puerto Rico during the POR. Also, GOC officials stated that, during the POR, no flower exporter applied for Plan Vallejo benefits. Therefore, we preliminarily determine that this program has not been used for subject merchandise for a period of five consecutive years.

In addition, we verified that the four companies we examined at verification did not use the program for capital equipment during the POR. Therefore,

we preliminarily determine that this program did not confer any countervailable benefits upon exports of the subject merchandise to the United States and Puerto Rico during the POR. In addition, we preliminarily determine that Plan Vallejo has been abolished for the subject merchandise in Resolution 2386 because flower exporters are ineligible to receive benefits for exports to the United States and Puerto Rico.

(3) Instituto de Fomento Industrial (IFI) Loans

The Instituto de Fomento Industrial, or Institute for the Promotion of the Industrial Sector, is a branch of the Colombian Ministry of Economic Development. It provides financing to all sectors of the Colombian economy and to large and small companies. Companies with assets above 1.25 billion pesos may borrow directly from IFI, while smaller companies may borrow funds from IFI which are rediscouted through financial intermediaries.

Two IFI credit lines are available only to exporters. These include a credit line for new exporters and relocation of export enterprises, and the ANDEAN Trade Preference Act ("ATPA") line of credit. The other IFI credit lines are available to all enterprises. These include a commercial sector line of credit, a line of credit for free zones, a line of credit for working capital, a line of credit for capital equipment, a capitalization line of credit, ordinary resource loans, a line of credit for motel and tourist projects, and a line of credit for market studies. Loans are available in both pesos and dollars.

Loan terms and rates vary by credit line and length of the loan. Fixed asset dollar loans are available for five-year terms at LIBOR plus five percentage points. Peso working capital loans are available for terms of up to three years at the tasa de captación para corporaciones ("TCC") plus five percentage points. Long-term peso loans are available for terms up to seven years at TCC plus six percentage points plus a 0.25 percent point for each additional year after the fifth. ATPA loans are available in pesos for up to four years at TCC plus five percentage points for working capital loans and for terms of up to twelve years for fixed asset peso loans at TCC plus five percentage points plus a 0.25 percent point for each year after the fifth. In addition, ATPA fixed asset loans are available in dollars at LIBOR plus five percentage points plus 0.25 for each year after the fifth.

We verified that the non-export lines of credit provided by IFI were granted to a broad range of Colombian industry

sectors including: agriculture, mining, textiles, metallic products, financial establishments, and chemicals, rubber and plastics. Therefore, we preliminarily determine that IFI's non-export lines of credit are not provided to a specific enterprise or industry or group thereof and, therefore, are not countervailable.

Furthermore, we verified that no Colombian flower exporters received loans under the two export credit lines during the POR. We preliminarily determine that the GOC and the Colombian flower exporters of the subject merchandise were in compliance with the suspension agreements because IFI's export credit lines were not used by Colombian flower exporters of the subject merchandise during the POR. As we noted in *Roses and Other Cut Flowers From Colombia; Miniature Carnations From Colombia; Preliminary Results of Countervailing Duty Administrative Reviews of Suspended Investigations* (60 FR 42535, 42538, August 16, 1995) (1993 review), because flower exporters of the subject merchandise were eligible to apply for and receive IFI's export credit lines, the same short- and long-term benchmarks as for BANCOLDEX peso financing applied for the POR (See Section 1 above).

At verification, we determined that Colombian flower exporters did not apply for or receive any IFI short- and long-term export credits for the subject merchandise to the United States and Puerto Rico. Therefore, we preliminarily determine that IFI loans did not confer any countervailable benefits upon exports of the subject merchandise to the United States and Puerto Rico during the POR. Although no loans at preferential rates were received by exporters of the subject merchandise, the program itself has not been abolished. Rather, the above scenario constitutes non-use of the program. Therefore, we preliminarily determine that IFI's export credit line program has not been used by exporters of the subject merchandise for the period of review. We also preliminarily determine that exporters of the subject merchandise have not received countervailable loans under this IFI program since the Department began examining this program, in the 1993 review.

(4) Fondo Financiero de Proyectos de Desarrollo (FONADE)

FONADE is an industrial and commercial state entity owned by the National Department of Planning. FONADE finances feasibility studies on pre-investment projects that are not

conditioned on exporting. The main client is the National Institute for Road Development. At verification, we found no evidence that Colombian flower producers/exporters of the subject merchandise applied for or received financing from FONADE during the POR. Therefore, we preliminarily determine that FONADE's financing was not used by Colombian flower producers/exporters of the subject merchandise during the POR. Furthermore, we preliminarily determine that FONADE financing has not been used by producers/exporters of the subject merchandise since the Department began examining this program, in the 1993 review.

(5) Financiera de Desarrollo Territorial (FINDETER)

The Department has previously found Financiera de Desarrollo Territorial ("FINDETER") financing to be not countervailable for exports of the subject merchandise (*Roses and Other Cut Flowers from Colombia; Miniature Carnations From Colombia; Preliminary Results of Countervailing Duty Administrative Reviews of Suspended Investigations*, 60 FR 42535-38, August 16, 1995). For the current review, the Department has examined this program and preliminarily finds it to be unchanged and therefore not countervailable for the subject merchandise.

Other Programs

In past reviews, the Department has found the following programs to have been abolished for the subject merchandise for a period of at least three consecutive years (see, *infra*, *Roses and Other Cut Flowers from Colombia; Preliminary Results of Countervailing Duty Administrative Review and Intent Not To Terminate Suspended Investigation*, 58 FR 52272-5, October 7, 1993; *Miniature Carnations From Colombia; Preliminary Results of Countervailing Duty Administrative Review and Intent Not To Terminate Suspended Investigation*, 58 FR 52269-72, October 7, 1993):

- (6) Tax Reimbursement Certificate Program ("CERT");*
- (7) Free Industrial Zones;*
- (8) Export Credit Insurance;*
- (9) Countertrade; and*
- (10) Research and Development.*

For the current review, the Department has examined these programs and verified that they are unchanged from earlier reviews. Therefore, they remain abolished for the subject merchandise.

Program Specific to the Suspension Agreement on Roses and Other Cut Flowers

(11) Air Freight Rates

The Civil Aeronautics Board (Departamento Administrativo de la Aeronautica Civil, hereafter referred to as "DAAC") is the government agency that develops, maintains and regulates air transport and air space activities.

Section D(3) of the suspension agreement states that the Department may consider rescinding the agreement if the air freight rates paid by cut flower exporters approach the government-mandated maximum rates set by the DAAC because such rates might be indicative of government control rather than the result of competitive forces.

We preliminarily determine that this program did not confer any countervailable benefits upon exports of the subject merchandise to the United States and Puerto Rico during the POR. Although no subsidies were received by exporters of the subject merchandise through this program, the program establishing minimum and maximum rates itself has not been abolished. Rather, the above scenario characterizes non-use of the program. Therefore, we preliminarily determine that this program has not been used by exporters of the subject merchandise for a period of five consecutive years.

Preliminary Results of Review

We preliminarily determine that the GOC and the producers/exporters of the subject merchandise have complied with all the terms of the suspension agreements during the period January 1, 1994 through December 31, 1994. We preliminarily determine that no countervailable benefits have been bestowed on subject merchandise, and furthermore, that producers/exporters of subject merchandise have not used the above programs for at least five years (or, in the case of programs only recently created, for the life of the program). Additionally, we note that the GOC has stated for the record that it will institute or maintain appropriate measures to ensure that export loan programs will be administered to guarantee that loans granted to recipients are comparable to commercial loans that a flower producer/exporter could obtain in the market, such as those alternative sources of financing available to agriculture in Colombia, and will not confer any loan program countervailable subsidies on flower producers/exporters. Furthermore, the GOC has certified that, for the subject merchandise, it shall not reinstate those programs which the Department has

found countervailable, and it shall not substitute other countervailable programs. Finally, producers/exporters have certified that they will not apply for or receive any net subsidy on exports to the United States of subject merchandise from those programs that the Department has found countervailable in any proceeding involving Colombia or from other countervailable programs.

Therefore, we preliminarily determine that the GOC and the producers/exporters covered by this agreement have met the requirements for termination of the suspended countervailing duty investigations on roses and other cut flowers and miniature carnations, as required by 19 CFR 355.25.

Interested parties may submit written comments on these preliminary results within 30 days of the date of publication of this notice and may request disclosure and/or a hearing within 10 days of the date of publication. Rebuttal briefs and rebuttals to written comments, limited to issues in those comments, must be filed not later than 37 days after the date of publication. Any hearing, if requested, will be held 44 days after the date of publication or the first workday thereafter. The Department will publish the final results of its analysis of issues raised in any such written comments or at a hearing.

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

Dated: February 28, 1996.
Paul L. Joffe,
Acting Assistant Secretary for Import Administration.
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BILLING CODE 3510-DS-P

[C-301-003, C-301-601]

Roses and Other Cut Flowers From Colombia; Miniature Carnations From Colombia Final Results of Countervailing Duty Administrative Reviews of Suspended Investigations

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

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

SUMMARY: On August 16, 1995, the Department of Commerce ("the Department") published the preliminary results of its administrative reviews of the agreements suspending the

countervailing duty investigations on roses and other cut flowers (roses) from Colombia and on miniature carnations (minis) from Colombia. We gave interested parties an opportunity to comment on the preliminary results. After reviewing all the comments received, we determine that the Government of Colombia ("GOC") and producers/exporters of roses and minis have complied with the terms of the suspension agreements during the period January 1, 1993 through December 31, 1993.

EFFECTIVE DATE: March 8, 1996.

FOR FURTHER INFORMATION CONTACT: N. Gerard Zapiain or Jean Kemp, Office of Agreements Compliance, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Ave., N.W., Washington, D.C. 20230; telephone: (202) 482-3793.

SUPPLEMENTARY INFORMATION:

Applicable Statute and Regulations

Unless otherwise indicated, all citations to the statute and to the Department's regulations are in reference to the provisions as they existed on December 31, 1994. 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 (January 3, 1995)).

Background

On August 16, 1995, the Department published in the Federal Register (60 FR 42535) the preliminary results of its administrative reviews of the agreements suspending the countervailing duty investigations on roses and minis from Colombia (See *Roses and Other Cut Flowers From Colombia; Suspension of Investigation*, 48 FR 2158 (January 18, 1983); *Roses and Other Cut Flowers From Colombia; Final Results of Countervailing Duty Administrative Review and Revised Suspension Agreement*, 51 FR 44930 (December 15, 1986); and *Miniature Carnations from Colombia; Suspension of Countervailing Duty Investigation*, 52