

determination. As our final determination is affirmative, the ITC will determine whether imports of the subject merchandise are materially injuring, or threaten material injury to, the U.S. industry, within 45 days. If the ITC determines that material injury or threat of material injury does not exist, the proceedings will be terminated and all securities posted as a result of the suspension of liquidation will be refunded or cancelled. However, if the ITC determines that such injury does exist, we will issue an antidumping duty order directing Customs officers to assess an antidumping duty on fresh cut roses from Colombia entered or withdrawn from warehouse, for consumption on or after the date of the suspension of liquidation.

Notification to Interested Parties

This notice serves as the only reminder to parties subject to administrative protective order (APO) in these investigations of their responsibility covering the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 353.34(d). Failure to comply is a violation of the APO.

This determination is published pursuant to section 735(d) of the Act and 19 CFR 353.20(a)(4).

Dated: January 26, 1995.

Susan G. Esserman,
Assistant Secretary for Import
Administration.

[FR Doc. 95-2608 Filed 2-3-95; 8:45 am]

BILLING CODE 3510-DS-P

[A-331-801]

Final Determination of Sales at Less Than Fair Value: Fresh Cut Roses from Ecuador

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

EFFECTIVE DATE: February 6, 1995.

FOR FURTHER INFORMATION CONTACT: James Terpstra or Pamela Ward, Office of Antidumping Investigations, Import Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230; telephone (202) 482-3965 or (202) 482-1174, respectively.

Final Determination

We determine that fresh cut roses (roses) from Ecuador are being, or are likely to be, sold in the United States at less than fair value, as provided in 19 U.S.C. 1673d. The estimated margins are shown in the "Suspension of Liquidation" section of this notice.

Case History

Since the notice of preliminary determination on September 13, 1994 (59 FR 48299, September 20, 1994), the following events have occurred.

In September and October, the Department of Commerce (the Department) received responses to the Department's supplemental questionnaires.

On September 20 and 27, 1994, Arbusta, Florinsa and Guanguilqui Agro Industrial S.A. (Guaisa), three of the mandatory respondents, and Inversiones Floricola S.A. (Floricola), the fourth mandatory respondent, respectively, requested a postponement of the final determination. On September 28, 1994, the Department agreed to postpone the final determination until January 26, 1995 (59 FR 50725; October 5, 1994).

On September 20, 1994, Arbusta made allegations of clerical errors in the calculation of Arbusta's preliminary margin. In addition, Florinsa requested that the Department reconsider its preliminary determination and assign it a less punitive BIA rate.

On September 28, 1994, the Department received a new sales listing from Arbusta. This was returned to Arbusta on September 30, 1994, as untimely in accordance with 19 C.F.R. 353.31(a).

On September 29 and 30, 1994, the Department received requests for a public hearing from respondents, petitioners, and the Government of Ecuador.

On September 30, 1994, petitioner submitted comments on the Department's verification outline.

On October 3, 1994, White and Case entered a Notice of Appearance on behalf of Denmar, S.A. an interested party. Denmar S.A. and its related companies are, collectively, a producer, exporter and importer of fresh cut roses from Ecuador.

Department personnel conducted sales and cost verifications of respondents' data from October 3, 1994, through November 11, 1994, in Quito, Ecuador; the Netherlands; Miami, Florida; New York, New York; and Los Angeles, California.

On October 14, 1994, the Department received a notice of appearance from Klayman & Associates on behalf of the Government of Ecuador and received comments on the preliminary determination on October 17, 1994.

On November 23, 1994, the Department received new computer tapes from Floricola.

In December the Department issued its verification reports.

The Department received general issues case briefs on December 2 and 12,

1994. The Department received general issues rebuttal briefs on December 16 and 19, 1994. The Department received company specific case briefs on December 23 and 30, 1994. The Department received company specific rebuttal briefs on January 5, 1995.

On January 3, 1995, the Department received new computer tapes from Guaisa, Florinsa and Arbusta.

On January 5, 1995, Klayman & Associates withdrew its appearance on behalf of the Government of Ecuador. On the same day, Kay, Scholer, Fierman, Hays & Handler entered an appearance on behalf of the Government of Ecuador.

A public hearing was held on January 6, 1995.

Scope of Investigation

The products covered by this investigation are fresh cut roses, including sweethearts or miniatures, intermediates, and hybrid teas, whether imported as individual blooms (stems) or in bouquets or bunches. Loose rose foliage (greens), loose rose petals and detached buds are excluded from the scope of these investigations. Roses are classifiable under subheadings 0603.10.6010 and 0603.10.6090 of the *Harmonized Tariff Schedule of the United States (HTSUS)*. The HTSUS subheadings are provided for convenience and customs purposes. The written description of the scope of this investigation is dispositive.

Period of Investigation

The period of investigation (POI) is January 1, 1993, through December 31, 1993. See the April 14, 1994, Memorandum from the Team to Richard W. Moreland.

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.

Best Information Available

We have determined, in accordance with 19 U.S.C. 1677e(c), that the use of best information available (BIA) is appropriate for sales of the subject merchandise by Florinsa. We have found that Florinsa's original and deficiency questionnaire responses were unusable for the final determination because they contained significant deficiencies and could not be verified. See the January 19, 1995, Memorandum from the Team to Barbara Stafford. These deficiencies were so substantial that it was not possible for the