

industry in the United States. If the ITC determines that material injury, or threat of material injury, does not exist, for one or both proceedings, that proceeding or both proceedings will be terminated and all securities posted will be refunded or canceled. If the ITC determines that such injury does exist in both proceedings, the Department will issue antidumping duty orders directing Customs officials to assess antidumping duties on all imports of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the effective date of the suspension of liquidation.

These determinations are published pursuant to section 735(d) of the Act.

Dated: February 24, 1997.

Robert S. LaRussa,

Acting Assistant Secretary for Import Administration.

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[A-301-602]

Certain Fresh Cut Flowers From Colombia; Notice of Final Court Decision and Amended Final Results of Administrative Review

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

ACTION: Notice of final court decision and amended final results of administrative review.

SUMMARY: On September 28, 1995, the U.S. Court of Appeals for the Federal Circuit upheld the Department of Commerce's (the Department's) use of constructed value (CV) instead of third-country prices, for the purpose of determining foreign market value, and the Department's use of monthly average U.S. prices (USPs), instead of annual average USPs for the purpose of determining dumping margins. See *Floral Trade Council v. United States*, Slip Op., Ct. Nos. 94-1019, 94-1020 (Fed. Cir. Sept. 28, 1995). As there is now a final and conclusive court decision in this action, we are amending our final results of review in this matter and we will subsequently instruct the U.S. Customs Service to liquidate entries subject to this review.

EFFECTIVE DATE: February 28, 1997.

FOR FURTHER INFORMATION CONTACT: Mark Ross or Richard Rimlinger, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution

Avenue, NW., Washington, DC 20230; telephone (202) 482-4733.

SUPPLEMENTARY INFORMATION:

Background

On May 17, 1990, the Department published its final results of administrative review of certain fresh cut flowers from Colombia for the period March 1, 1988 through February 28, 1989. See *Certain Fresh Cut Flowers From Colombia; Final Results of Antidumping Duty Administrative Review*, 55 FR 20491 (May 17, 1990). Subsequently, a domestic association and a number of reviewed companies filed lawsuits with the United States Court of International Trade (CIT) challenging the final results. Thereafter, the CIT issued an order and opinion, remanding several issues to the Department. See *Floral Trade Council v. United States*, 775 F. Supp. 1492 (CIT 1991). The CIT instructed the Department to: (1) Collect actual cost data from eleven companies for which the Department had not previously requested cost data for purpose of calculating CV; (2) make a credit adjustment to CV for five companies; (3) include street vendor sales in the inland freight calculation for Floral Ltda. Exportaciones Bochica; (4) adjust USP for Dianticola Colombiana to include revenues deposited by the firm's consignment agent into a United States bank on Dianticola Colombiana's behalf; (5) correct a clerical error concerning calculation of CV for Flores el Trentino, and (6) normalize costs to account for low yields suffered by Florandia/Herrera-Camacho. The Department filed its remand results on May 5, 1992.

On April 22, 1993, the CIT issued a second remand to the Department to allow preproduction expenses incurred by Flores Condor de Colombia to be amortized. See *Floral Trade Council v. United States*, Slip Op. 93-57 (CIT Apr. 23, 1993). The Department filed the results of this second remand on June 14, 1993. On July 22, 1993, the CIT rendered its final judgment. See *Floral Trade Council v. United States*, Slip Op. 93-135 (CIT July 23, 1993). Subsequently, appeals were filed by both domestic and foreign parties.

On September 28, 1995, the U.S. Court of Appeals for the Federal Circuit upheld the Department's use of CV, instead of third-country prices, for purpose of determining foreign market value, and the Department's use of monthly average USPs, instead of annual average USPs, for purpose of determining antidumping margins. See *Floral Trade Council v. United States*,

Slip Op., Ct. Nos. 94-1019, 94-1020 (Fed. Cir. Sept. 28, 1995).

As there is now a final and conclusive court decision in this action, we are amending our final results of review in this matter and we will subsequently instruct the U.S. Customs Service to liquidate entries subject to this review.

Amendment to Final Result of Review

Pursuant to 19 U.S.C. 1516a(e), we are now amending the final results of administrative review for certain fresh cut flowers from Colombia for the period March 1, 1988 through February 28, 1989. The revised weighted-average margins are as follows:

Company	Margin (percent)
Agricola Los Arboles	0.38
Claveles Colombianos	0.20
Combiflor	0.19
Dianticola Colombiana	2.47
Floral Ltda./Exportaciones Bochica	0.13
Florania/Herrera-Camacho	12.51
Flores Bachue	7.97
Flores Colombianas	0.13
Flores Condor de Colombia	0.00
Flores dos Hectareas	3.90
Flores el Puente	0.70
Flores de Serrezuela	0.48
Flores el Trentino	6.53
Flores la Valvanera	8.71
Jardines del Muna	16.85
Pompones Limitada	0.11
Universal Flowers	0.53

The above rates affected the weighted-average sample group margin, which will be applied to the one hundred twenty-nine firms requested only by the domestic interested party and not selected in the random sample. The new sample group rate is 3.50 percent.

Accordingly, the Department will determine and the Customs Service will assess appropriate antidumping duties on entries of the subject merchandise made by firms covered by this review of the period March 1, 1988 through February 28, 1989. Individual differences between USP and foreign market value may vary from the percentages listed above. The Department will issue appraisal instructions directly to the Customs Service.

Dated: February 20, 1997.

Robert S. LaRussa,

Acting Assistant Secretary for Import Administration.

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