status for a distribution facility of Pier 1 Imports, Inc., located in Grove City, Ohio, within the Columbus, Ohio port of entry area. The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a–81u), and the regulations of the Board (15 CFR Part 400). It was formally filed on February 8, 1995.

Pier 1 is a nationwide retailer of home furnishings, housewares, clothing, fashion accessories, and gifts, headquartered in Fort Worth, Texas. The company operates 586 stores in North America with total sales of $700 million. Pier 1 has seven distribution centers in the United States.

Pier One's Grove City distribution facility (527,000 sq. ft. on a 30-acre site) is located at 3500 Southwest Boulevard in Grove City, Ohio, some 5 miles west of Columbus. It is used to distribute a wide range of consumer products, most of which are of foreign origin. While the company currently uses the facility (46 employees) to supply Pier 1 stores only in the northeastern United States, it plans to expand the plant to accommodate the relocation of Canadian distribution operations to the Grove City site.

Zone procedures would exempt Pier 1 from Customs duty payments on the foreign products that are reexported. On domestic sales, the company would be able to defer Customs duty payments. Foreign materials and finished products held for export would be eligible for an exemption from certain state and local ad valorem taxes. The application indicates that the use of zone procedures at the facility is needed for the proposed Canadian export activity.

In accordance with the Board's regulations, a member of the FTZ Staff has been designated examiner to investigate the application and report to the Board.

Public comment on the application is invited from interested parties. Submissions (original and three copies) shall be addressed to the Board's Executive Secretary at the address below. The closing period of their receipt is April 17, 1995. Rebuttal comments in response to material submitted during the foregoing period may be submitted during the subsequent 15-day period to May 2, 1995.

A copy of the application and the accompanying exhibits will be available for public inspection at each of the following locations:

U.S. Customs Service, Port Director, Port Columbus International Airport, 4600 17th Avenue, Room 221, Columbus, Ohio 43219.

Office of the Executive Secretary, Foreign-Trade Zones Board, U.S. Department of Commerce, Room 3716, 14th Street & Constitution Avenue, NW, Washington, DC 20230.

Dated: February 9, 1995.

John J. Da Ponte, Jr.,

Executive Secretary.

[FR Doc. 95–3958 Filed 2–15–95; 8:45 am]

BILLING CODE 3510–DS–P

[Docket 3–95]

Foreign-Trade Zone 39—Dallas/Fort Worth, Texas, Pier 1 Imports, Inc. (Home Furnishings, Housewares and Gift Products); Application for Subzone Status, Mansfield, TX

An application has been submitted to the Foreign-Trade Zones Board (the Board) by the Dallas/Fort Worth International Airport Board, grantee of FTZ 39, requesting special-purpose subzone status for a distribution facility of Pier 1 Imports, Inc., located in Mansfield, Texas, within the Dallas/Fort Worth port of entry area. The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a-81u), and the regulations of the Board (15 CFR part 400). It was formally filed on February 7, 1995.

Pier 1 is a nationwide retailer of home furnishings, housewares, clothing, fashion accessories, and gifts, headquartered in Fort Worth, Texas. The company operates 586 stores in North America with total sales of $700 million. Pier 1 has seven distribution centers in the United States.

Pier One's Mansfield distribution facility (460,000 sq. ft. on 29-acre site) is located at 2200 Heritage Parkway in Mansfield, Texas, some 15 miles east of Fort Worth. It is used to distribute a wide range of consumer products, most of which are of foreign origin. While the company currently uses the facility (52 employees) to supply Pier 1 stores in the southwestern United States and three Pier 1 stores in Mexico, it plans to expand the plant for new international distribution activity as part of an overall company effort to increase exports to Mexico and other Latin American markets.

Zone procedures would exempt Pier 1 from Customs duty payments on the foreign products that are reexported. On domestic sales, the company would be able to defer Customs duty payments. Foreign materials and finished products held for export would be eligible for an exemption from certain state and local ad valorem taxes. The application indicates that the use of zone procedures at the facility is needed for proposed export activity.

In accordance with the Board's regulations, a member of the FTZ Staff has been designated examiner to investigate the application and report to the Board.

Public comment on the application is invited from interested parties. Submissions (original and three copies) shall be addressed to the Board's Executive Secretary at the address below. The closing period of their receipt is April 17, 1995. Rebuttal comments in response to material submitted during the foregoing period may be submitted during the subsequent 15-day period to May 2, 1995.

A copy of the application and the accompanying exhibits will be available for public inspection at each of the following locations:

U.S. Department of Commerce District Office, P.O. Box 58130, 2050 N. Stemmons Freeway, Suite 170, Dallas, Texas 75258.

Office of the Executive Secretary, Foreign-Trade Zones Board, U.S. Department of Commerce, Room 3716, 14th Street & Constitution Avenue, NW., Washington, DC 20230.

Dated: February 9, 1995.

John J. Da Ponte, Jr.,

Executive Secretary.

[FR Doc. 95–3959 Filed 2–15–95; 8:45 am]

BILLING CODE 3510–DS–P

International Trade Administration

[A–580–008]

Color Television Receivers From the Republic of Korea; Preliminary Results and Termination in Part of Antidumping Duty Administrative Reviews

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

ACTION: Notice of Preliminary Results and Termination in Part of Antidumping Duty Administrative Reviews.

SUMMARY: In response to requests by interested parties, the Department of Commerce (the Department) is conducting administrative reviews of the antidumping duty order on color television receivers (CTVs) from the Republic of Korea. The reviews (sixth and seventh, respectively) cover exports of this merchandise to the United States during the periods April 1, 1988 through March 31, 1989, and April 1, 1989 through March 31, 1990. The review of Quantronics Manufacturing

Company is being terminated in the sixth (88–89) review. Based on our review of the remainder of these exports, we preliminarily find the existence of dumping margins for all reviewed companies with the exception of Samsung Electronics Co., Ltd. (Samsung), which had a *de minimis* margin in both of our reviews. We invite interested parties to comment on these preliminary results.

EFFECTIVE DATE: February 16, 1995.

FOR FURTHER INFORMATION CONTACT: Anne D'Alauro or Richard Herring, Office of Countervailing Compliance, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 482–2786.

SUPPLEMENTARY INFORMATION:

BACKGROUND

On March 31, 1989, the Department published in the **Federal Register** a notice of ''Opportunity to Request Administrative Review'' (54 FR 13211) of the antidumping duty order on CTVs from the Republic of Korea for the period April 1, 1988 through March 1, 1989 (sixth review). The United Electrical Workers of America, Independent, International Brotherhood of Electrical Workers, International Union of Electronic, Electrical, Salaried, Machine and Furniture Workers, AFL-CIO, and the Industrial Union Department, AFL-CIO (the Unions), the petitioners in this proceeding, Zenith Electronics Corporation, a domestic interested party, two respondents, Cosmos Electronics Company Ltd. (Cosmos), and Samsung, and an importer of color television receivers from Tongkook General Electronics Co., Ltd (Tongkook), and Samwon Electronics, Inc. (Samwon), requested an administrative review of the antidumping duty order for this period. For the subsequent (seventh) review period, April 1, 1989 through March 31, 1990, the opportunity notice was published on April 10, 1990 (55 FR 13302). With the exception of the importer of Tongkook and Samwon, the same interested parties requested a review of the seventh period. In addition, the respondent Goldstar Company, Ltd. (Goldstar), also requested a review of its exports for the seventh period.

On May 24, 1989, the Department published a notice of initiation of the sixth review which covered seven companies including Tongkook, Samwon, Cosmos, Goldstar, Daewoo Electronics Co., Ltd. (Daewoo), Quantronics Manufacturing Company, Ltd. (Quantronics), and Samsung. On June 1, 1990, we published a notice of initiation for the seventh review (55 FR 22366) for the same seven manufacturers.

The requests for review with respect to Goldstar for both periods were withdrawn on May 23, 1994. Because all the requesting parties for these reviews withdrew their requests for Goldstar, on June 29, 1994, the Department terminated the reviews of Goldstar (59 FR 33486) pursuant to 19 CFR § 353.22(a)(5). On August 19, 1994, the final results of review with respect to Daewoo for both periods were separately issued (59 FR 40519). The request for review with respect to Quantronics for the seventh period was timely withdrawn pursuant to section 353.22(a)(5) and was terminated on July 31, 1990 (55 FR 31089). On October 7, 1994, the request for review of Quantronics made by Zenith Electronics Corporation for the sixth period was withdrawn. Pursuant to 19 CFR § 353.22(a)(5), the Department has the discretion to extend the period during which requests for review may be withdrawn. Because withdrawal of the request does not burden the Department or unfairly prejudice another party, in this notice we are terminating the sixth administrative review with respect to Quantronics pursuant to 19 CFR § 353.22(a)(5).

The Department is now conducting these administrative reviews in accordance with section 751 of the Tariff Act of 1930, as amended (the Tariff Act).

Scope of Reviews

Imports covered by this review include CTVs, complete and incomplete, from the Republic of Korea. The order covers all CTVs regardless of tariff classification. During the period of review, the subject merchandise was classified under item numbers 684.9246, 684.9248, 684.9250, 684.9252, 684.9253, 684.9255, 684.9256, 682. 9258, 684.9262, 684.9263, 684.9270, 684.9275, 684.9655, 684.9656, 684.9658, 684.9660, 684.9663, 684.9864, 684.9866, 687.3512, 687.3513, 687.3513, 687.3514, 687.3516, 687.3518, and 687.3520 of the *Tariff Schedules of the United States Annotated* (TSUSA). This merchandise is currently classifiable under item numbers 8528.10.80, 8529.90.15, 8529.90.20, and 8540.11.00 of the *Harmonized Tariff Schedule* (HTS). Although the HTS and TSUSA item numbers are provided for convenience and Customs purposes, our written description of the scope remains dispositive.

Best Information Available (BIA)

Two companies, Tongkook and Samwon, failed to respond to the original questionnaires sent by the Department for both review periods. One firm, Cosmos, failed to respond to our supplemental questionnaire for both review periods after going out of business. In deciding what to use as BIA, 19 CFR 353.37(b) provides that the Department may take into account whether a party fails to provide requested information. When a company fails to provide the information requested in a timely manner, or otherwise significantly impedes the Department's review, the Department considers that company to be uncooperative, and generally assigns to that company the higher of (a) the highest rate for any company from any previous review or the original investigation, or (b) the highest rate for a responding firm with shipments during the current period. See Final Results of Antidumping Duty Administrative Review, Antifriction Bearings (Other than Tapered Roller Bearings) and Parts Thereof from the Federal Republic of Germany, et al. (56 FR 31692; July 11, 1994). *See also Allied-Signal Aerospace Co.* v. *United States*, 996 F.2d 1195, 1191–92 (Fed. Cir. 1993), and *Krupp Stahl AG et al.* v. *United States*, 822 F. Supp. 789 (CIT 1993). For Tongkook and Samwon, the companies which failed to provide any information to the Department, we have used the highest rate from the original less-than-fair value (LTFV) investigation of 16.57 percent as their BIA rate because this rate is higher than the highest rate in the current reviews. For Cosmos, we have instead applied ''second-tier'' BIA, used for cooperative companies, because Cosmos provided reasonable and timely responses until the time of its business failure. Second-tier BIA rates comprise the higher of (1) the highest rate (including the ''all others'' rate) ever applied to that company from any prior review or the LTFV investigation, or (2) the highest rate calculated for any other company in the current review. Id. Because the only previous rate of 2.24 percent calculated for Cosmos from the immediately preceding review is higher than the rates calculated in the current reviews, Cosmos has been assigned a ''second-tier'' BIA rate of 2.24 percent.

Request for Revocation

On November 12, 1993, Samsung submitted a request for revocation in the sixth administrative review which it based on having established, in conjunction with its anticipated de

minimis result in the sixth review, three years of sales at not LTFV. Pursuant to § 353.25(b) of the Department's regulations, parties must submit their revocation request during the opportunity month for the administrative review which the respondent reasonably believes could establish their eligibility for revocation. See *Exportaciones Bochica/Floral* v. *United States*, 802 F. Supp. 447, *aff'd without opinion*, 996 F.2d 317 (1993). Therefore, in Samsung's case, even though the 1986–1987 (fourth) and the 1987–1988 (fifth) reviews had not been completed, Samsung should have filed its request during April of 1989, the opportunity month for the sixth review period. Such a filing would have preserved its right to revocation in the sixth review. The Department has carefully considered Samsung's reasons for failing to file their revocation request in a timely manner. One reason involves their inability to speculate in April of 1989 on unknown results in reviews four and five. However, unknown results in the previous reviews is not a valid reason for delaying a request for revocation. The regulation requires the revocation request to be filed in the anniversary month of the order if it is to be considered in the review requested that month. *Id.*

In addition, Samsung argues that although reviews four and five ultimately resulted in de minimis rates, an assumption would have had to be made that the litigation (in the first administrative review) involving the tax pass-through methodology, and affecting reviews four and five, would be resolved in a way that would result in calculation and allocation methodologies favorable to Samsung. It argues that because the issue regarding the correct tax methodology was not officially resolved until September 1993, it was not until that time that recognition could actually be given to final results in the fourth and fifth reviews. The Department, however, is not persuaded by Samsung's argument that the unknown results of ongoing litigation is an acceptable explanation for tardiness. The Department has consistently indicated that it is not its policy to await the results of pending court actions in making such decisions. See, Certain Fresh Cut Flowers from Colombia; Final Results of Antidumping Duty Administrative Review, and Notice of Revocation of Order (in Part) (59 FR 15159; March 31, 1994). In any case, given that the final results of reviews four and five were known to be *de minimis* on June 27, 1990 and March 27, 1991, respectively, the uncertain effect of litigation regarding the tax pass-through methodology on these results is an unconvincing explanation for Samsung's failure to file its revocation request until approximately two-and-a-half years after the de minimis results. For these reasons, we are preliminarily denying Samsung's revocation request.

Even more recently, on November 3, 1994, Samsung submitted a request for revocation in the seventh administrative review. For the same reasons discussed above, and the fact that the Department has not conducted the verification required for revocation under § 353.25(c)(2)(ii), the Department is denying Samsung's revocation request for the seventh administrative review.

United States Price (USP)

For Samsung, we based USP on purchase price in accordance with section 772(b) of the Tariff Act when CTVs were sold to unrelated purchasers in the United States prior to importation into the United States, and because exporter's sales price (ESP) methodology was not indicated by other circumstances. We based Samsung's USP on ESP as defined in section 772(c) of the Tariff Act when sales were made to unrelated parties after importation into the United States.

We calculated purchase price based on the packed, delivered, free on board (FOB) U.S. port or FOB Korea prices to unrelated customers in the United States. We made deductions, where applicable, for foreign inland freight, forwarding, EIAK export fees, ocean freight, Korean customs clearance fees, marine insurance, U.S. brokerage charges, wharfage, and U.S. duties. Where applicable, we made an addition for import duties collected and rebated on imported raw materials used in merchandise exported to the United States.

We calculated ESP based on the packed, delivered or FOB U.S. warehouse prices to unrelated customers in the United States. We made deductions, where applicable, for foreign inland freight, forwarding, EIAK export fees, ocean freight, customs clearance fees, marine insurance, U.S. brokerage charges, wharfage, U.S. duties, U.S. inland freight to the warehouse and for delivery to customers, royalties, discounts and rebates, commissions to unrelated parties, warranty expenses, return set losses, advertising, credit, and indirect selling expenses. Where applicable, we made an addition for import duties collected and rebated on imported raw materials used in merchandise exported to the United States.

We adjusted USP for value-added taxes in accordance with our practice as outlined in Silicon Manganese from Venezuela, Preliminary Determination of Sales at Less Than Fair Value, 59 FR 31204, June 17, 1994.

There were no other adjustments claimed or allowed.

Foreign Market Value (FMV)

In calculating FMV, the Department used home market price, as defined in section 773 of the Tariff Act, where sufficient quantities of such or similar merchandise were sold in the home market to provide a basis for comparison. Where sufficient quantities of such or similar merchandise for particular models were not sold in the home market, we used constructed value in accordance with section 773(a)(2) of the Tariff Act.

Home market price was based on the packed, delivered prices in the home market. Where applicable, we made deductions for inland freight, forwarding, discounts, rebates, credit, technical services, royalties, advertising and promotion, as well as adjustments for differences in merchandise and packing. We adjusted FMV for value-added taxes in accordance with our practice as outlined in Silicon Manganese from Venezuela, Preliminary Determination of Sales at Less Than Fair Value, 59 FR 31204, June 17, 1994. The company's warehousing expense could not be tied directly to either a particular customer or sales of the subject merchandise, and therefore we treated it as an indirect selling expense.

In light of the Court of Appeals for the Federal Circuit's decision in *Ad Hoc Committee of AD-NM-TX-FL Producers of Gray Portland Cement* v. *United States*, 13 F.3d 398 (Fed. Cir. 1994), the Department no longer can deduct home market movement charges from FMV pursuant to its inherent power to fill in gaps in the antidumping statute. We instead will adjust for those expenses under the circumstance-of-sale (COS) provision of 19 CFR 353.56 and the ESP offset provision of 19 CFR 353.56(b) (1) and (2), as appropriate, in the manner described below.

When USP is based on purchase price, we only adjust for home market movement charges through the COS provision of 19 CFR 353.56. Under this adjustment, we capture only direct selling expenses, which include post-sale movement expenses and, in some circumstances, pre-sale movement expenses. Specifically, we will treat pre-sale movement expenses as direct expenses if those expenses are directly related to the home market sales of the merchandise under consideration.

Moreover, in order to determine whether pre-sale movement expenses are direct, the Department will examine the respondent's pre-sale warehousing expenses, since the pre-sale movement charges incurred in positioning the merchandise at the warehouse are, for analytical purposes, inextricably linked to pre-sale warehousing expenses. If the pre-sale warehousing constitutes an indirect expense, the expense involved in getting the merchandise to the warehouse also must be indirect; conversely, a direct pre-sale warehousing expense necessarily implies a direct pre-sale movement expense.

When USP is based on ESP, the Department uses the COS adjustment in the same manner as in purchase price situations. Additionally, under the ESP offset provision set forth in 19 CFR 353.56(b) (1) and (2), we will adjust for any pre-sale movement charges which are treated as indirect selling expenses. Accordingly, because the Department has preliminarily determined that pre-sale warehousing costs are an indirect expense, the Department is also treating pre-sale movement costs as an indirect expense. Therefore, no COS adjustment has been made for these costs. For ESP sales, an adjustment for indirect costs has been made under the ESP offset provision.

For ESP comparisons, we also deducted indirect selling expenses from FMV in an amount not exceeding the indirect selling expenses and commissions incurred in the U.S. market. For purchase price comparisons, we added U.S. direct selling expenses including U.S. advertising, credit, warranties and royalties to FMV. Indirect selling expenses were deducted from FMV in an amount not exceeding the amount of commissions paid on U.S. purchase price sales in accordance with 19 CFR 353.56(b)(1).

We calculated constructed value for Samsung by adding material and fabrication costs, selling, general and administrative expenses (SG&A), profit, and U.S. packing in accordance with section 773(e) of the Tariff Act. Since, in both reviews, actual SG&A expenses were greater than the statutory minimum of 10 percent of the sum of materials and fabrication costs, we used Samsung's actual SG&A expenses. We used the statutory minimum of eight percent for profit in the sixth review in accordance with section 773(e) of the Tariff Act. In the seventh review, we used Samsung's actual profit experience since it was greater than eight percent of the cost of production.

No other adjustments were claimed or allowed.

Preliminary Results of the Reviews

As a result of our review, we preliminarily determine that the weighted-average dumping margins for the periods are:

Manufacturer/exporter	Margin percentage	
	04/01/88–3/31/89	04/01/89–3/31/90
Cosmos	2.24	2.24
Quantronics	Terminated	Terminated
Samsung	0.02	0.09
Samwon	16.57	16.57
Tongkook	16.57	16.57

Case briefs and/or written comments from interested parties may be submitted no later than 30 days after the date of publication of this notice. Rebuttal briefs and rebuttals to written comments, limited to issues raised in the case briefs and comments, may be filed no later than 37 days after the date of publication of this notice.

Within 10 days of the date of publication of this notice, interested parties to this proceeding may request a disclosure and/or a hearing. The hearing, if requested, will take place no later than 44 days after publication of this notice. Persons interested in attending the hearing should contact the Department for the date and time of the hearing.

The Department will subsequently publish the final results of this administrative review including the results of its analysis of issues raised in any such written comments or at a hearing.

The Department shall determine, and the Customs Service shall assess, antidumping duties on all appropriate entries. 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 this administrative review for all shipments of the subject merchandise from Korea 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 all companies will continue to be the company-specific rate published in the final determination covering the most recent period; (2) for merchandise exported by manufacturers or exporters not covered in this review but covered in previous reviews or the original LTFV investigation, the cash deposit rate will continue to be the company-specific rate published in the final determination covering the most recent period; (3) if the exporter is not a firm covered in this review, previous reviews, or the original 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; (4) the cash deposit rate for all other manufacturers or exporters will be 13.90 percent, the ''all other'' rate established in the original LTFV investigation by the Department (49 FR 7620, March 1, 1984), in accordance with the decisions of the Court of International Trade in *Floral Trade Council* v. *United States,* 822 F. Supp. 766 (CIT 1993), and *Federal-Mogul Corporation* v. *United States,* 822 F. Supp. 782 (CIT 1993).

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, as amended (19 U.S.C. 1675(a)(1)) and 19 CFR 353.22.

Dated: February 8, 1995.

Susan G. Esserman,

Assistant Secretary for Import Administration.

[FR Doc. 95–3960 Filed 2–15–95; 8:45 am]

BILLING CODE 3510–DS–P

[A–570–834]

Amendment to Preliminary Determination of Sales at Less Than Fair Value: Disposable Lighters From the People's Republic of China

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

EFFECTIVE DATE: February 16, 1995.

FOR FURTHER INFORMATION CONTACT: Julie Anne Osgood or Todd Hansen, Office of Countervailing Investigations, U.S. Department of Commerce, Room B099, 14th and Constitution Avenue, NW., Washington, DC 20230; telephone (202) 482–0167 and 482–1276, respectively.

Scope of Investigation

The products covered by this investigation are disposable pocket lighters, whether or not refillable, whose fuel is butane, isobutane, propane, or other liquefied hydrocarbon, or a