

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