

from the People's Republic of China are being, or are likely to be, sold in the United States at less than fair value, as provided in section 733(b) of the Tariff Act of 1930, as amended. In addition, we preliminarily determine that there is a reasonable basis to believe or suspect that critical circumstances exist with respect to imports of subject merchandise from the People's Republic of China.

Interested parties are invited to comment on this preliminary determination. We will make our final determination not later than 135 days after the date of publication of this preliminary determination.

EFFECTIVE DATE: November 28, 2003.

FOR FURTHER INFORMATION CONTACT: Irina Itkin or Elizabeth Eastwood, Office of AD/CVD Enforcement, Office 2, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 482-0656 or (202) 482-3874, respectively.

Preliminary Determination

We preliminarily determine that certain color television receivers (CTVs) from the People's Republic of China (PRC) are being sold, or are likely to be sold, in the United States at less than fair value (LTFV), as provided in section 733 of the Tariff Act of 1930, as amended (the Act). The estimated margins of sales at LTFV are shown in the "Suspension of Liquidation" section of this notice. In addition, we preliminarily determine that there is a reasonable basis to believe or suspect that critical circumstances exist with respect to CTVs from all exporters in the PRC. The critical circumstances analysis for the preliminary determination is discussed below under the section "Critical Circumstances."

Case History

Since the initiation of this investigation (*Notice of Initiation of Antidumping Duty Investigations: Certain Color Television Receivers From Malaysia and the People's Republic of China*, 68 FR 32013 (May 29, 2003)) (*Initiation Notice*), the following events have occurred: On June 16, 2003, the United States International Trade Commission (ITC) preliminarily determined that there is a reasonable indication that imports of certain color televisions from Malaysia and the People's Republic of China are materially injuring the United States industry. See ITC Investigation Nos. 731-TA-1034 and 1035 (*Certain Color Television Receivers from China and Malaysia*, 68 FR 38089 (June 26, 2003)).

Also on June 16, 2003, we issued an antidumping questionnaire to the Chinese Ministry of Commerce (MOFCOM) requesting that it forward the questionnaire to Chinese producers/exporters accounting for all known exports of subject merchandise from the PRC during the period of investigation (POI). The Department also sent courtesy copies of the antidumping questionnaire to the China Chamber of Commerce for Import & Export of Machinery & Electronic Products, to all companies identified in U.S. customs data as exporters of the subject merchandise during the POI with shipments in commercial quantities, and to any additional companies identified in the petition as exporters of CTVs. These companies included: Gain Star International Ltd. (Gain Star); Guangdong Stationery & Sporting Goods Import & Export Corporation (Guangdong Stationery); Haier Electric Appliances International Co. (Haier); Hisense Import and Export Co., Ltd. (Hisense); Konka Group Company, Ltd. (Konka); New Great Wall Digital Electronics Co.; Philips Consumer Electronics Co. of Suzhou Ltd. (Philips); Sichuan Changhong Electric Co., Ltd. (Changhong); Sanyo Sales & Marketing Corp.; Shanghai SVW DD and TT Electronic Enterprise Co., Ltd.; Star Light Electronics Co., Ltd. (Star Light); Supra Corporation (Supra); SVA Group Co., Ltd. (SVA); TCL Holding Company Ltd. (TCL); and Xiamen Overseas Chinese Electronic Co., Ltd. (XOCECO). The letters sent to MOFCOM and individual exporters provided deadlines for responses to the different sections of the questionnaire.

On June 18, 2003, XOCECO requested that high definition televisions (HDTVs) be excluded from the scope of this investigation. For further discussion, see the "Scope Comments" section of this notice, below.

On June 24, 2003, we issued a courtesy copy of the questionnaire to XS Cargo, an additional exporter of PRC CTVs to the United States.

Also on June 24, 2003, Guangdong Stationery informed the Department that it did not export subject merchandise to the United States during the POI. For further discussion, see the June 24, 2003, memorandum from Jill Pollack to the file entitled "Placing Information on the Record in the Antidumping Duty Investigation on Color Television Receivers from the People's Republic of China (PRC)."

On June 25, 2003, XS Cargo informed the Department that it also did not export subject merchandise to the United States during the POI, but merely returned broken sets purchased

in the United States. For further discussion, see the June 25, 2003, memorandum from Shawn Thompson to the file entitled "Telephone Conversation with a Third Country Exporter in the Antidumping Duty Investigation of Certain Color Television Receivers from the People's Republic of China."

On June 30, 2003, an additional PRC exporter of CTVs, Shenzhen Chaungwei-RGB Electronics Co., Ltd. (Skyworth), contacted the Department and requested that it be issued a copy of the questionnaire. We provided a copy to Skyworth on July 1, 2003.

From July 7 through July 21, 2003, we received responses to section A of the questionnaire from the following exporters: Changhong, Haier, Hisense, Konka, Philips, Skyworth, Starlight International Holdings, Ltd. (the parent company of Star Light, Star Fair Electronics Co. Ltd., and Starlight Marketing Development Ltd.), SVA, TCL, and XOCECO. We did not receive properly-filed section A responses from any other company.¹

On July 15, 2003, Changhong requested that the Department find that the CTV industry in the PRC is a market-oriented industry (MOI). On July 21, 2003, the Department notified Changhong that its MOI claim must be made on behalf of the CTV industry as a whole, rather than on behalf of a specific exporter. Also on July 21, 2003, the petitioners submitted a letter in which they opposed Changhong's claim that the CTVs industry is market-oriented.

On July 22, 2003, pursuant to section 777A(c) of the Act, the Department determined that, due to the large number of exporters of the subject merchandise, it would limit the number of mandatory respondents in this investigation. Therefore, we selected Changhong, Konka, TCL, and XOCECO as the mandatory respondents, in addition to the PRC government. The Department also issued a separate memorandum concerning those exporters and producers who submitted a complete response to section A of the questionnaire and the conditions under which they may be considered for treatment other than inclusion in the rate applicable to the government-controlled enterprise. For further

¹ In July 2003, we also received improperly-filed section A responses from Gain Star and Supra. Neither company responded to our request to file its response properly, despite the fact that we afforded each an additional opportunity to do so and we provided explicit instructions as to how to file properly; therefore, we have returned these responses to Gain Star and Supra and will not consider these responses for purposes of this proceeding.