

begins (*i.e.*, the date the petition is filed) and ending at least three months later.

In determining whether the above statutory criteria have been satisfied, we examined: (1) The evidence presented in the petitioners' submission of October 16, 2003; (2) exporter-specific shipment data requested by the Department; (3) evidence obtained since the initiation of the LTFV investigation (*i.e.*, additional import statistics released by U.S. Customs and Border Protection (CBP)); and (4) the ITC preliminary injury determination.

To determine whether a history of dumping and material injury exists, the Department generally considers current or previous antidumping duty orders on the subject merchandise from the country in question in the United States and current orders in any other country. The Department will normally not consider the initiation of a case, or a preliminary or final determination of sales at LTFV in the absence of an affirmative finding of material injury by the ITC, as indicative of a history sufficient to satisfy this criterion. See *Preliminary Determinations of Critical Circumstances: Steel Concrete Reinforcing Bars From Ukraine and Moldova*, 65 FR 70696, 70696-97 (Nov. 27, 2000). With regard to imports of CTVs from the PRC, the European Union (EU) imposed antidumping duty measures on CTVs from the PRC in 1995. See Council Regulation 1531/2002 of 14 August 2002 on Imposing a Definitive Anti-dumping Duty on Imports of Colour Television Receivers, 2002 O.J. (L 231)1-28. Because there is a history of dumping and material injury by reason of dumped imports in the EU of the subject merchandise, the first criterion of the test for finding critical circumstances is met.

Because we have preliminarily found that section 733(e)(1)(A) of the Act is met, we must consider whether under section 733(e)(1)(B) of the Act imports of the merchandise have been massive over a relatively short period. According to 19 CFR 351.206(h), we consider the following to determine whether imports have been massive over a relatively short period of time: (1) The volume and value of the imports; (2) seasonal trends (if applicable); and (3) the share of domestic consumption accounted for by the imports.

When examining volume and value data, the Department typically compares the export volume for equal periods immediately preceding and following the filing of the petition. Unless the imports in the comparison period have increased by at least 15 percent over the imports during the base period, we will

not consider, under 19 CFR 351.206(h), the imports to have been "massive."

To determine whether imports of subject merchandise have been massive over a relatively short period, we compared the respondents' export volumes for the five months before the filing of the petition (*i.e.*, December 2002 through April 2003) to that during the five months following the filing of the petition (*i.e.*, May through September 2003). These periods were selected based on the Department's practice of using the longest period for which information is available from the month that the petition was filed through the effective date of the preliminary determination.

The Department requested and obtained from Changhong, Konka, TCL, and XOCECO monthly shipment data for 2001, 2002, and 2003. According to the monthly shipment information, we found the volume of shipments of CTVs by each of these companies increased by more than 15 percent. Therefore, we analyzed the time series data for the two years prior to the petition (*i.e.*, 2001 and 2002), to address the issue of seasonality. Although this data shows there have also been significant surges in imports from the respondents between those same base and comparison periods, we find that this seasonal pattern does not account entirely for the increase in imports. Specifically, we note that imports have increased substantially over their normal seasonal levels. We therefore find that imports of subject merchandise were massive in the comparison period. For further discussion of this analysis, see the November 21, 2003, memorandum from the team to Louis Apple, Office Director, entitled "Antidumping Duty Investigation of Certain Color Televisions (CTVs) from the People's Republic of China Preliminary Affirmative Determination of Critical Circumstances," (Critical Circumstances Memo).

With regard to the share of domestic consumption accounted for by imports, we were unable, pursuant to 19 CFR 351.206(h)(iii), to consider the share of domestic consumption accounted for by the imports because the available data did not permit such analysis. It is the Department's practice to conduct its critical circumstances analysis of companies in the "All Others" category based on the experience of the investigated companies. Because we are determining that critical circumstances exist for each of the mandatory respondents in this investigation, we are concluding that critical circumstances exist for companies covered by the "All Others" rate.

As discussed above, no other party responded to the Department's request for information and thus we relied on AFA for the rate applicable to the "PRC entity" (*i.e.*, the PRC-wide rate). Therefore, the use of AFA is also warranted in the critical circumstances analysis for the PRC entity. As AFA in this case, we relied on the import statistics through September 2003 (the latest month for which such data was available for the preliminary determination). The import statistics showed an increase in imports that was significantly greater than 15 percent. Even if we were to subtract the shipment data provided by the mandatory respondents from the aggregate import data and to compare the remaining volume of imports in the base period to the remaining imports in the comparison period, this comparison would indicate that massive imports occurred. See the Critical Circumstances Memo.

In summary, we find there is a reasonable basis to believe or suspect importers had knowledge of dumping and the likelihood of material injury with respect to CTVs from the PRC. We further find there have been massive imports of CTVs over a relatively short period from each of the mandatory respondents. Given the analysis summarized above, and described in more detail in the Critical Circumstances Memo, we preliminarily determine critical circumstances exist for imports of CTVs produced in and exported from the PRC.

In accordance with section 733(e)(2) of the Act, upon issuance of an affirmative preliminary determination of sales at LTFV in the investigation with respect to CTVs from the PRC, the Department will direct the CBP to suspend liquidation of all entries of CTVs from the PRC that are entered, or withdrawn from warehouse, for consumption on or after 90 days prior to the date of publication in the **Federal Register** of our preliminary determination in this investigation. The CBP shall require a cash deposit or posting of a bond equal to the estimated preliminary dumping margins reflected in the preliminary determinations published in the **Federal Register**. The suspension of liquidation to be issued after our preliminary determination will remain in effect until further notice. We will make a final determination concerning critical circumstances for all producers and exporters of subject merchandise from the PRC when we make our final determination in this investigation, which will be 135 days after the date of publication of the preliminary determination.