

preliminarily determine that there is no reasonable basis to believe or suspect that critical circumstances exist with respect to CTVs produced in and exported from Malaysia. 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 13, 2003, Algert Co., Inc., and Panasonic AVC Networks Kuala Lumpur Malaysia Sdn. Bhd (collectively, Algert/Panasonic) requested that Panasonic multi-system, dual/auto voltage CTVs be excluded from the scope of this investigation.

On June 16, 2003, the United States International Trade Commission (ITC) preliminarily determined that there is a reasonable indication that imports of CTVs from Malaysia 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 Funai Electric (Malaysia) Sdn. Bhd. (Funai Malaysia), the producer/exporter accounting for the largest volume of known exports of subject merchandise from Malaysia during the period of investigation (POI). For further discussion, see the memorandum to Louis Apple, Director, Office 2, from the Team entitled "Antidumping Duty Investigation of Certain Color Televisions from Malaysia—Selection of Respondents," dated May 30, 2003.

On July 8, 2003, Funai Malaysia submitted information stating that it had no viable home market or third country market during the POI. On July 21, 2003, Funai Malaysia submitted a response to section A of the Department's questionnaire.

On July 30, 2003, the Department issued a section A supplemental questionnaire to Funai Malaysia.

On August 6, 2003, Funai Malaysia submitted responses to sections C and D of the Department's questionnaire.

On August 19, 2003, the Department issued its first section C supplemental questionnaire to Funai Malaysia.

On August 20, 2003, Funai Malaysia submitted its response to the

Department's section A supplemental questionnaire.

On August 22, 2003, the Department issued its first section D supplemental questionnaire to Funai Malaysia. On September 4, 2003, Funai Malaysia responded to this supplemental questionnaire.

On September 9, 2003, Funai Malaysia submitted its response to the Department's August 19, 2003, section C supplemental questionnaire.

On September 11 and September 16, 2003, the Department issued section D supplemental questionnaires.

On September 23, 2003, the petitioners submitted comments opposing Algert/Panasonic's June 13, 2003, scope exclusion request.

On September 24, 2003, the Department issued an additional sections A and C supplemental questionnaire to Funai Malaysia.

On September 17, 2003, pursuant to section 733(c)(2) of the Act and 19 CFR 351.205(f), the Department determined that the case was extraordinarily complicated and postponed the preliminary determination until no later than November 21, 2003. See *Postponement of Preliminary Determinations of Antidumping Duty Investigations: Certain Color Television Receivers From Malaysia (A-557-812) and the People's Republic of China (A-570-884)*, 68 FR 55372 (Sept. 25, 2003).

On October 3, 2003, Funai Malaysia submitted its response to the questions pertaining to section A of the Department's September 24, 2003, supplemental questionnaire.

On October 9, 2003, Funai Malaysia submitted its response to the Department's September 11 and September 16, 2003, supplemental questionnaires.

On October 14, 2003, Funai Malaysia submitted its response to the questions pertaining to section C of the Department's September 24, 2003, supplemental questionnaire.

On October 16, 2003, the petitioners alleged that critical circumstances exist with respect to imports of CTVs from Malaysia. Accordingly, pursuant to section 732(e) of the Act, on October 17, 2003, we requested information from Funai Malaysia regarding monthly shipments to the United States during the period January 2001 through October 2003. We received the requested information on October 31, 2003. The critical circumstances analysis for the preliminary determination is discussed below under "Critical Circumstances."

On November 17, 2003, Funai Malaysia requested that, in the event of an affirmative preliminary

determination in this investigation, the Department postpone its final determination until not later than 135 days after the date of the publication of the preliminary determination in the **Federal Register**. In addition, in Funai Malaysia's request for a postponement, it also requested an extension of provisional measures from a four-month period to not more than six months in accordance with 19 CFR 351.210(e)(2). On November 18, 2003, the petitioners requested that, in the event of a negative preliminary determination in this investigation, the Department postpone its final determination until not later than 135 days after the date of the publication of the preliminary determination in the **Federal Register**.

Postponement of Final Determination

Section 735(a)(2) of the Act provides that a final determination may be postponed until not later than 135 days after the date of the publication of the preliminary determination if, in the event of an affirmative preliminary determination, a request for such postponement is made by exporters who account for a significant proportion of exports of the subject merchandise, or in the event of a negative preliminary determination, a request for such postponement is made by the petitioner. The Department's regulations, at 19 CFR 351.210(e)(2), require that requests by respondents for postponement of a final determination be accompanied by a request for extension of provisional measures from a four-month period to not more than six months.

Pursuant to section 735(a)(2) of the Act, the petitioners requested that, in the event of a negative preliminary determination in this investigation, the Department postpone its final determination until not later than 135 days after the date of the publication of the preliminary determination in the **Federal Register**. In accordance with 19 CFR 351.210(b), because our preliminary determination is negative and no compelling reasons for denial exist, we are granting the petitioners' request and are postponing the final determination until no later than 135 days after the publication of this notice in the **Federal Register**.

Period of Investigation

The POI is April 1, 2002, through March 31, 2003. This period corresponds to the four most recent fiscal quarters prior to the month of the filing of the petition (*i.e.*, May 2003).

Scope of Investigation

For purposes of this investigation, the term "certain color television receivers"