being, or are likely to be, sold in the United States at less than fair value (59 FR 64191, December 13, 1994). On November 23, 1994, petitioner alleged that there is a reasonable basis to believe or suspect that critical circumstances exist with respect to imports of subject merchandise. In accordance with 19 CFR 353.16(b)(2)(ii), since this allegation was filed later than 20 days before the scheduled date of the preliminary determination, we must issue our preliminary critical circumstances determination not later than 30 days after the allegation was submitted.

Section 733(e)(1) of the Tariff Act of 1930, as amended (the Act), provides that the Department will determine that there is a reasonable basis to believe or suspect that critical circumstances exist if:

(A) (i) there is a history of dumping in the United States or elsewhere of the class or kind of merchandise which is the subject of the investigation, or

(ii) the person by whom, or for whose account, the merchandise was imported knew or should have known that the exporter was selling the merchandise which is the subject of the investigation at less than its fair value, and

(B) there have been massive imports of the class or kind of merchandise which is the subject of the investigation over a relatively short period.

History of Dumping

In this investigation, the first criterion of analysis is addressed in petitioner's May 9, 1994, submission. Exhibit 30 to the petition provides documentation indicating that the European Community imposed antidumping duties on such or similar merchandise produced and exported from the PRC in November 1991. Therefore, petitioner has established that there is a history of dumping elsewhere of such lighters by PRC producers/exporters.

Importer Knowledge

With respect to the alternative first criterion, we have consistently determined that preliminary antidumping duty margins in excess of 25 percent on U.S. purchase price sales are sufficient to impute importer knowledge of sales at less than fair value. See, Final Determination of Sales at Less Than Fair Value: Silicon Metal from China (56 FR 18570, April 23, 1991) and Final Determination of Sales at Less Than Fair Value: Extruded Rubber Thread from Malaysia (57 FR 38465, August 25, 1992). In this investigation, China National Overseas Trading Corporation

(Ningbo)("COTCO"), Guangdong Light

Industrial Products Import & Export Corporation ("GLIP"), PolyCity Industrial Ltd. ("PolyCity"), and all non-responding companies received preliminary antidumping duty margins in excess of 25 percent. Therefore, we preliminarily determine that importers either knew or should have known that such exporters were selling disposable pocket lighters at less than fair value.

Massive Imports

Because we have preliminarily found that the first statutory criterion is met for finding critical circumstances in that there is a history of dumping of the subject merchandise and, alternatively, there is actual or imputed importer knowledge of sales at less than fair value for certain companies, we must consider the second statutory criterion: whether imports of the merchandise have been massive over a relatively short period.

According to 19 CFR 353.16(f) and 353.16(g), we consider the following to determine whether imports have been massive over a relatively short period of time: 1) 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. Under 19 CFR 353.16(f)(2), 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 the imports to have been "massive."

To determine whether there have been massive imports over a relatively short period of time, the Department examines shipment information submitted by the respondent or import statistics when respondent-specific shipment information is not available.

On December 9, 1994, the Department sent respondents requests for information regarding shipments of disposable pocket lighters for the period January 1992 to December 1994. We received the requested information filed in proper form on December 19, 1994, for COTCO, GLIP, Gao Yao (HK) Hua Fa Industrial Co., Ltd. ("Gao Yao"), and PolyCity. For these responding companies, we used company-specific shipment data in this investigation and the related analysis. Cli-Claque Company, Ltd. ("Cli-Claque") did not submit information for this preliminary critical circumstances determination.

To determine whether or not imports of disposable pocket lighters have been massive over a relatively short period,

we compared each respondent's export volume for the seven months subsequent to the filing of the petition (May through November 1994) to that during the seven months prior to the filing of the petition (October 1993 through April 1994). This period was selected based on the Department's practice of using the longest period for which information is available from the month that the petition was submitted through the effective date of the preliminary determination of sales at less than fair value, which in this investigation was December 5, 1994. See Preliminary Affirmative Determination of Critical Circumstances; Silicon Carbide From the People's Republic of China (59 FR 16795, April 8, 1994). We were unable to consider the share of domestic consumption accounted for by the imports, pursuant to 353.16(f)(1)(iii), because the available data did not permit such a post-filing analysis. In addition, we found no evidence of seasonality, pursuant to 19 CFR 353.16(f)(i)(ii), with respect to PRC exports of disposable pocket lighters to the United States.

Respondents have argued that any increases in PRC lighter imports after the filing of the petition were in anticipation of the Consumer Product Safety Commission child-proof lighter requirements due to become effective on July 12, 1994. (See Safety Standard for Cigarette Lighters (58 FR 37557, July 12, 1993).) The evidence on the record at this time is insufficient to support the legal and factual bases for this argument. We will address this argument further in our final determination.

Based on the responding companies' shipment information, we preliminarily find that imports of disposable pocket lighters from the PRC have been massive over a relatively short period for COTCO. We preliminarily find that imports were not massive with respect to Gao Yao, GLIP, and PolyCity. (See business proprietary memorandum from team to file, dated December 23, 1994.)

Therefore, because there is a history of dumping of such or similar merchandise, and, alternatively, importers knew or should have known that the exporter was selling the merchandise at less than its fair value, and imports of disposable pocket lighters have been massive over a relatively short period of time, we preliminarily determine that there is a reasonable basis to believe or suspect that critical circumstances exist with respect to imports of disposable pocket lighters from COTCO. Because imports from Gao Yao, GLIP and PolyCity have not been massive, we preliminarily