

exclusion, therefore, applies only to subject merchandise sold by the exporter and manufactured by that specific producer, or producers. Merchandise that is sold by the exporter but manufactured by other producers will be subject to the order on *CDIW*. This is also consistent with *Jia Farn* (See, *Jia Farn Manufacturing Co., Ltd. v. United States*, Slip Op. 93-42 (March 26, 1993)), which held that exclusion of merchandise manufactured and sold by respondent did not cover merchandise sold but not manufactured by respondent. Therefore, merchandise that is sold by CMP but produced by someone other than Bin He Foundry or Song Zhuang Foundry is subject to suspension of liquidation at the "all others" cash deposit rate. In addition, if the Department has reasonable cause to believe or suspect at any time during the existence of the antidumping duty order that CMP has sold or is likely to sell the subject merchandise to the United States at less than its foreign market value, the Department may institute an administrative review of CMP under section 751(b) of the Tariff Act of 1930, as amended.

On November 25, 1994, the CIT ordered that plaintiffs' consent motion for injunction against liquidation, which was consented to by the Department and defendant-intervenor, be granted. Therefore, the effective date of CMP's exclusion from the order is retroactive to February 18, 1993, the publication date of the Preliminary Determination of Sales at Less Than Fair Value: Certain Compact Ductile Iron Waterworks Fittings and Accessories Thereof from the People's Republic of China (58 FR 8930), and the date we began suspension of liquidation for entries of the subject merchandise from the People's Republic of China.

Termination of Administrative Review

Since publication of the duty order, the Department has initiated, pursuant to section 751 of the Act, the first administrative review of the antidumping duty order. That review is examining exports of subject merchandise during the review period by CMP (as well as other exporters). (See Notice of Initiation of Administrative Review, 59 FR 51939 (October 13, 1994)). Because we are retroactively excluding CMP, as an exporter of subject merchandise produced by Bin He Foundry and Song Zhuang Foundry, from the application of this antidumping duty order, we are also hereby terminating the administrative review with regard to imports by CMP, which are produced by

Bin He Foundry and Song Zhuang Foundry.

Termination of Suspension of Liquidation

Pursuant to section 516(e)(2) of the Act, the Department will instruct the U.S. Customs Service to terminate the suspension of liquidation of subject merchandise produced by Bin He Foundry and Song Zhuang Foundry and exported by CMP, which is entered, or withdrawn from warehouse, for consumption on or after February 18, 1993, and to proceed with liquidation of such entries without regard to antidumping duties. Additionally, the Department will instruct U.S. Customs Service to release any bond or other security with respect to entries of the subject merchandise, pursuant to section 735(c)(3)(B) of the Act.

Dated: December 29, 1994.

Barbara R. Stafford,

Acting Assistant Secretary for Import Administration.

[FR Doc. 95-349 Filed 1-5-95; 8:45 am]

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[A-570-836]

Notice of Preliminary Affirmative Determination of Critical Circumstances: Glycine From the People's Republic of China

AGENCY: International Trade Administration, Import Administration, Department of Commerce.

EFFECTIVE DATES: January 6, 1995.

FOR FURTHER INFORMATION CONTACT: Susan Strumbel, Office of Countervailing Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone (202) 482-1442.

Preliminary Critical Circumstances Determination

The Department of Commerce ("the Department") published its preliminary determination of sales at less than fair value in this investigation on November 16, 1994 (59 FR 59211). On December 1, 1994, petitioners alleged that there is a reasonable basis to believe or suspect that critical circumstances exist with respect to imports of the subject merchandise.

In accordance with 19 CFR 353.16(b)(2)(ii), when a critical circumstances allegation is filed later than 20 days before the scheduled date of the preliminary determination (as was done in this case), we must issue our preliminary determination not later

than 30 days after the allegation is submitted.

Section 733(e)(1) of the Tariff Act of 1930 Act of 1930 ("the Act") provides that the Department will determine 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

Petitioners in this investigation have not provided information indicating that there are outstanding third country antidumping duty orders on glycine from the People's Republic of China ("PRC"). Additionally, the Department has been unable to determine from its sources whether or not there are third country antidumping duty orders on glycine from the PRC.

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, the rate for all companies, based on best information available ("BIA"), was in excess of 25 percent. Therefore, we determine that importers either knew or should have known that exporters were selling glycine at less than fair value.

Massive Imports

Because we have preliminarily determined that the first statutory criterion is met for finding critical circumstances (*i.e.*, importer knowledge of sales at less than fair value), we must consider the second statutory criterion: whether imports of the merchandise have been massive over a relatively short period.

Because the potential respondents have impeded the Department's critical circumstances analysis by refusing to

participate in this investigation, we determine, as BIA, that imports have been massive over a short period. Therefore, we preliminarily determine that critical circumstances exist.

Final Critical Circumstances Determination

We will make a final determination concerning critical circumstances when we make our final determination of sales at less than fair value in this investigation.

Suspension of Liquidation

In accordance with section 733(d)(1) and 733(e)(2) of the Act, we are directing the Customs Service to suspend liquidation of all entries of glycine from the PRC, as defined in the "Scope of the Investigation" section of this notice, that are entered, or withdrawn from warehouse, for consumption on or after August 18, 1994, which is 90 days prior to the date of publication of our affirmative preliminary determination in the **Federal Register**. This suspension of liquidation will remain in effect until further notice.

ITC Notification

In accordance with section 733(f) of the Act, we have notified the ITC of our determination.

Public Comment

Written comments regarding this preliminary determination on critical circumstances should be incorporated into the case and rebuttal briefs which are due on January 5 and January 7, 1995, respectively. Parties wishing to comment on this determination, but who are unable to do so in the context of the case and rebuttal briefs noted above, should submit comments no later than January 13, 1995.

This determination is published pursuant to section 733(f) of the Act.

Dated: December 30, 1994.

Barbara R. Stafford,

Acting Assistant Secretary for Import Administration.

[FR Doc. 95-350 Filed 1-5-95; 8:45 am]

BILLING CODE 3510-DS-P

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Request for Public Comments on Bilateral Textile Consultations with the Government of Thailand on Certain Cotton and Man-Made Fiber Textiles and Textile Products

December 30, 1994.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Notice.

FOR FURTHER INFORMATION CONTACT: Ross Arnold, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482-4212. For information on categories on which consultations have been requested, call (202) 482-3740.

SUPPLEMENTARY INFORMATION:

Authority: Executive Order 11651 of March 3, 1972, as amended; section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854).

On November 28, 1994, under the terms of the Bilateral Textile Agreement of September 3, 1991, as amended and extended, between the Governments of the United States and Thailand, the United States Government requested consultations with the Government of Thailand with respect to Categories 352/652 (underwear), Category 603 (staple fiber yarn) and Category 670-L (luggage).

The purpose of this notice is to advise the public the request to consult was based on year ending August 1994 trade of 1,505,169 dozen for Categories 352/652; 792,415 kilograms for Category 603; and 19,929,610 kilograms for Category 670-L.

Summary market statements concerning Categories 352/652, 603 and 670-L follow this notice.

Anyone wishing to comment or provide data or information regarding the treatment of Categories 352/652, 603 and 670-L, under the agreement with the Government of Thailand, or to comment on domestic production or availability of products included in the categories, is invited to submit 10 copies of such comments or information to Rita D. Hayes, Chairman, Committee for the Implementation of Textile Agreements, U.S. Department of Commerce, Washington, DC 20230; ATTN: Helen L. LeGrande. The comments received will be considered in the context of the consultations with the Government of Thailand.

Because the exact timing of the consultations is not yet certain,

comments should be submitted promptly. Comments or information submitted in response to this notice will be available for public inspection in the Office of Textiles and Apparel, room H3100, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, DC.

Further comments may be invited regarding particular comments or information received from the public which the Committee for the Implementation of Textile Agreements considers appropriate for further consideration.

The solicitation of comments regarding any aspect of the bilateral textile agreement or any other appropriate agreement between the Governments of the United States and Thailand or the implementation thereof is not a waiver in any respect of the exemption contained in 5 U.S.C. 553(a)(1) relating to matters which constitute "a foreign affairs function of the United States."

The United States remains committed to finding a solution concerning Categories 352/652, 603 and 670-L. Should such a solution be reached in consultations with the Government of Thailand, further notice will be published in the **Federal Register**.

A description of the textile and apparel categories in terms of HTS numbers is available in the CORRELATION: Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States (see **Federal Register** notice 58 FR 62645, published on November 29, 1993).

Rita D. Hayes,

Chairman, Committee for the Implementation of Textile Agreements.

Market Statement—Thailand

Category 352/652—Cotton and Manmade Fiber Underwear

October 1994

Import Situation and Conclusion

U.S. imports of cotton and manmade fiber underwear, Category 352/652, from Thailand reached 1,505,169 dozen for the year ending August 1994, 27 percent above the 1,183,686 dozen imported in the year ending August 1993. During the first eight months of 1994, imports from Thailand were 989,385 dozen, 23 percent above their January-August 1993 level.

The sharp and substantial increase in Category 352/652 imports from Thailand is causing a real risk of disruption in the U.S. market for cotton and manmade fiber underwear.

U.S. Production, Import Penetration, and Market Share

U.S. production of cotton and manmade fiber underwear, Category