

LIST OF PETITION ACTION BY TRADE ADJUSTMENT ASSISTANCE FOR PERIOD 12/16/94–01/18/95—Continued

Firm name	Address	Date petition accepted	Product
Bollman Hat Company	P.O. Box 517, Adamstown, PA 19501 ...	01/03/95	Felt and cloth hats.
Franwall Optical Co., Inc	86 West Chippewa Street, Buffalo, NY 14202.	01/03/95	Optical lenses and eyeglass frames.
Tieco-Unadilla Corp	14 Depot Steet, Unadilla, NY 13849	01/03/95	Ty-Up bundle and pallet ties and duo card pattern hangers.
Janis Research Company, Inc	Two Jewel Drive, Wilmington, NY 01887	01/05/95	Construction magnet systems, cryogenic systems and parts.
Montgomery Hosiery Mill, Inc	P.O. Box 69, Star, NC 27356	01/06/95	Socks for men, women and children.

The petitions were submitted pursuant to section 251 of the Trade Act of 1974 (19 U.S.C. 2341). Consequently, the United States Department of Commerce has initiated separate investigations to determine whether increased imports into the United States of articles like or directly competitive with those produced by each firm contributed importantly to total or partial separation of the firm's workers, or threat thereof, and to a decrease in sales or production of each petitioning firm.

Any party having a substantial interest in the proceedings may request a public hearing on the matter. A request for a hearing must be received by the Trade Adjustment Assistance Division, Room 7023, Economic Development Administration, U.S. Department of Commerce, Washington, DC 20230, no later than the close of business of the tenth calendar day following the publication of this notice.

The Catalog of Federal Domestic Assistance official program number and title of the program under which these petitions are submitted is 11.313, Trade Adjustment Assistance.

Dated: January 24, 1995.

Lewis R. Podolske,
Acting Director, Trade Adjustment Assistance Division.

[FR Doc. 95-2234 Filed 1-27-95; 8:45 am]

BILLING CODE 3510-24-M

International Trade Administration

[A-570-836]

Notice of Final Determination of Sales at Less Than Fair Value: Glycine From the People's Republic of China

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

EFFECTIVE DATE: January 30, 1995.

FOR FURTHER INFORMATION CONTACT: Sue 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.

Final Determination: We determine that imports of glycine from the People's Republic of China (PRC) are being, or are likely to be, sold in the United States at less than fair value, as provided in section 735 of the Tariff Act of 1930, as amended (the Act). The estimated margin is shown in the "Continuation of Suspension of Liquidation" section of this notice.

Case History

Since the preliminary determination (59 FR 220, November 16, 1994) the following events have occurred:

On December 1, 1994, petitioners submitted an allegation of critical circumstances. On January 3, 1995, the Department made an affirmative preliminary determination that critical circumstances exist.

Scope of the Investigation

The product covered by this investigation is glycine which is a freeflowing crystalline material, like salt or sugar. Glycine is produced at varying levels of purity and is used as a sweetener/taste enhancer, a buffering agent, reabsorbable amino acid, chemical intermediate, and a metal complexing agent. Glycine is currently classified under subheading 2922.49.4020 of the *Harmonized Tariff Schedule of the United States* (HTSUS). The scope of this investigation includes glycine of all purity levels.

Although the HTSUS subheadings are provided for convenience and customs purposes, our written description of the scope of this investigation is dispositive.

Period of Investigation

The period of investigation (POI) is February 1 through July 31, 1994.

Best Information Available

We sent an antidumping questionnaire to the PRC Ministry of Foreign Economic Trade and Cooperation (MOFTEC) and we met with the China Chamber of Commerce

for Metals, Minerals and Chemicals Importers and Exporters (the Chamber) and requested that they: (1) Furnish the questionnaire to any glycine producers and exporters with U.S. sales during the POI, and (2) provide a list of those companies that received the questionnaire. We received a response from the Chamber stating that no Chinese producers or exporters wanted to participate in the case. Accordingly, given that the respondents refused to cooperate in the investigation, we have based our final determination on the best information available (BIA), in accordance with section 776(c) of the Act.

The Department's BIA methodology is described in the notice of the preliminary determination. In this case, BIA is the information contained in the petition, as amended on July 22, 1994. See Initiation of Antidumping Duty Investigations: Glycine from the People's Republic of China (59 FR 38435, July 28, 1994). The amended petition provides a range of margins, from 86.43 to 155.89 percent for all PRC producers and exporters of glycine. Because there were no cooperative respondents in this investigation, we are assigning to all exporters, as BIA, a margin of 155.89 percent, the highest margin calculated in the petition.

Critical Circumstances

Petitioners alleged that critical circumstances exist with respect to imports of glycine from the PRC. In our determination on January 3, 1995, pursuant to section 733(e)(1) of the Act and 19 CFR 353.16, we preliminarily determined that critical circumstances exist because the PRC producers and exporters failed to cooperate with this proceeding.

For purposes of this final determination, we have reconsidered our preliminary determination that failure to cooperate in the investigation warranted an automatic finding that imports were massive over a relatively short period. Section 733(e)(1) of 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.

According to § 353.16(g) of the Department's regulations, we treat imports as being massive if they increase by 15 percent.

To determine whether PRC glycine imports have been massive over a relatively short period, we used import statistics from the Bureau of Census. We were able to use these statistics because the HTSUS statistical category matches the scope of the investigation (see Comment 1, below). In addition, although our standard critical circumstances methodology is based on company specific import data, we believe that the public information regarding the volume of PRC imports into the United States is the best available information for determining whether critical circumstances exist. This is based on the facts that (1) the subject merchandise is the only merchandise imported under the relevant HTSUS number and (2) the Department presumes that all exporters in the PRC are owned or controlled by the PRC government.

Pursuant to § 353.16(g) of the Department's regulations, when making critical circumstances determinations, the Department normally compares the period beginning on the first day of the month of the initiation and ending at least three months later with a comparable period prior to the initiation. The Department considers the period immediately prior to a preliminary determination because it is the period in which exporters of the subject merchandise could take advantage of the knowledge of the dumping investigation to increase exports to the United States without being subject to antidumping duties. See, Final Determination of Sales at Less Than Fair Value of Certain Internal-Combustion, Industrial Forklift Trucks from Japan, (53 FR 12552, April 15, 1988). For purposes of this final determination, we are comparing the four month period prior to the initiation with the four month period after the initiation of this investigation.

Based on our analysis of the available monthly import statistics, we have determined that imports of glycine have not been massive over a relatively short period of time. The import statistics show that volume of the imports has increased by only 7.14 percent. Therefore, we find that the requirements of section 733(e)(1)(B) have not been met with respect to glycine from the PRC.

Because we find that imports of glycine from the PRC have not been massive over a relatively short period, we do not need to consider whether there is a history of dumping or whether importers of this project knew or should have known that it was being sold at less than fair value. Therefore, we determine that critical circumstances do not exist with respect to imports of glycine from the PRC.

Interested Party Comments

Comment 1

Kal Kan Foods, an interested party, argues that the Department's preliminary determination of critical circumstances was unfair and not in accordance with the Department's precedent. Kal Kan contends that U.S. glycine importers had no knowledge that the merchandise was being sold in the United States at less than a fair value. Accordingly to Kal Kan, the Department's non-market economy (NME) methodology, which uses surrogate values, is complex and causes the calculated dumping margins to be unpredictable. Kal Kan further contends that the Department should use the public information of the Bureau of Census to determine the existence of massive imports instead of relying on BIA.

Petitioners disagree with the interested party's argument and argue that the Department should make a final affirmative determination of critical circumstances based on BIA.

DOC Position

Under the circumstances present in this case, it is possible for the Department to use public information, such as Census data, to determine whether imports have been massive over a relatively short period. In this proceeding, the product under investigation has a unique HTSUS number, hence, the import statistics only reflect imports of the subject merchandise. Moreover, in accordance with the Department's presumption that all exporters in the PRC are owned or controlled by the government, we view the exporters as a single company. Given these two factors, the import

statistics constitute a reasonable surrogate for company-specific import data.

Continuation of Suspension of Liquidation

Pursuant to section 735(c)(4) of the Act, we are directing the Customs Service to cease suspension of liquidation of all entries of glycine from the PRC that are entered, or withdrawn from warehouse, for consumption from August 18, 1994, (*i.e.*, 90 days prior to the date of publication of our preliminary determination in the **Federal Register**) to November 15, 1994. However, we are directing the Customs Service to continue to suspend liquidation for entries of glycine from the PRC that are entered, or withdrawn from warehouse, for consumption on or after November 16, 1994, the date of the publication of the preliminary determination in the **Federal Register**. The Customs Service shall require a cash deposit or posting of a bond equal to 155.89 percent *ad valorem* on all entries of glycine from the PRC. This suspension of liquidation will remain in effect until further notice.

International Trade Commission (ITC) Notification

In accordance with section 735(d) of the Act, we have notified the ITC of our determination. The ITC will now determine, within 45 days, whether these imports are materially injuring, or threatening material injury to the U.S. industry. If the ITC determines that material injury, or threat of material injury, does not exist, the proceeding will be terminated and all securities posted will be refunded or cancelled. If the ITC determines that such injury does exist, the Department will issue an antidumping order directing Customs officials to assess antidumping duties on all imports of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the effective date of the suspension of liquidation.

Notification to Interested Parties

This notice also serves as the only reminder to parties subject to administrative protective order (APO) of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 353.34(d). Failure to comply is a violation of the APO.

This determination is published pursuant to section 735(d) of the Act and 19 CFR 353.20(a)(4).

Dated: January 23, 1995.

Susan G. Esserman,

Assistant Secretary for Import Administration.

[FR Doc. 95-2235 Filed 1-27-95; 8:45 am]

BILLING CODE 3510-DS-M

[A-588-707]

Granular Polytetrafluoroethylene Resin From Japan; Preliminary Results of Antidumping Duty Administrative Review

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

ACTION: Notice of preliminary results of antidumping duty administrative review.

SUMMARY: In response to requests by a respondent and petitioners, the Department of Commerce (the Department) is conducting an administrative review of the antidumping duty order on granular polytetrafluoroethylene (PTFE) resin from Japan. The review period is August 1, 1992, through July 31, 1993. This review covers one company, Daikin Industries, Ltd. As a result of the review, the Department has preliminarily determined that dumping margins exist for the respondent. Interested parties are invited to comment on these preliminary results.

EFFECTIVE DATE: January 30, 1995.

FOR FURTHER INFORMATION CONTACT: Charles Riggle or Michael Rill, Office of Antidumping Compliance, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482-4733.

SUPPLEMENTARY INFORMATION:

Background

On August 3, 1993, the Department published in the **Federal Register** a notice of "Opportunity to Request Administrative Review" (58 FR 41239) of the antidumping duty order on granular PTFE resin from Japan (53 FR 32287, August 24, 1988). Respondent Daikin Industries, Ltd., and petitioners E. I. DuPont de Nemours & Company and ICI Americas, Inc., requested an administrative review in accordance with 19 CFR 353.22(a) (1993). On September 30, 1993, the Department published a notice of initiation of this review (58 FR 51053), which covers the period August 1, 1992, through July 31, 1993. The Department is now conducting this review pursuant to

section 751 of the Tariff Act of 1930, as amended (the Tariff Act).

Scope of the Review

The antidumping duty order covers granular PTFE resins, filled or unfilled. The order explicitly excludes PTFE dispersions in water and PTFE fine powders. During the period covered by this review, such merchandise was classified under item number 3904.61.90 of the Harmonized Tariff Schedule (HTS). We are providing this HTS number for convenience and customs purposes only. The written description of scope remains dispositive.

The review covers one manufacturer/exporter of granular PTFE resin, Daikin Industries, Ltd. (Daikin). The period of review is August 1, 1992, through July 31, 1993.

United States Price

In calculating United States price (USP), the Department determined both purchase price (PP) and exporter's sales price (ESP), as defined in section 772 of the Tariff Act, to be appropriate. All sales were made through Daikin America, Inc. (DAI), a related sales agent in the United States, to an unrelated purchaser. However, whenever sales are made prior to the date of importation through a related sales agent in the United States, we typically determine that PP is the most appropriate determinant of the USP if:

1. The merchandise in question was shipped directly from the manufacturer to the unrelated buyer, without being introduced into the inventory of the related shipping agent;

2. Direct shipment from the manufacturer to the unrelated buyers was the customary commercial channel for sales of this merchandise between the parties involved; and

3. The related selling agent in the United States acted only as a processor of sales-related documentation and a communication link with the unrelated U.S. buyers.

Granular Polytetrafluoroethylene Resin From Japan; Final Results of Antidumping Duty Administrative Review, 58 FR 50343, 50344 (September 27, 1993); Final Determination of Sales at Less Than Fair Value: New Minivans From Japan, 57 FR 21937, 21945 (May 26, 1992).

For Daikin's sales which satisfy the criteria listed above, we regard the routine selling functions of the exporter as merely having been relocated from the country of exportation to the United States, where the sales agent performs them. Whether these functions take place in the United States or abroad

does not change the substance of the transactions or the functions themselves, and we therefore treated these sales as PP transactions in accordance with § 353.41(b) of the Department's regulations.

During the period of review DAI began to inventory subject merchandise in the United States based on anticipated demand. Where DAI's role included warehousing responsibilities in addition to routine selling functions, such that the date of importation preceded the date of sale, we regarded sales of such merchandise as ESP sales in accordance with § 353.41(c) of the Department's regulations.

We based PP and ESP on the packed, delivered price to unrelated purchasers in the United States. We made deductions, where applicable, for foreign brokerage and handling, foreign inland freight, ocean freight, marine insurance, U.S. brokerage and handling, U.S. inland freight, U.S. duty, U.S. harbor fees and merchandise processing fees, and inland insurance, in accordance with section 772(d) of the Tariff Act. We also treated certain early payment discounts as reductions in price, and deducted them accordingly, in accordance with the Department's policy. See Sonco Steel Tube Div. v. United States, 714 F.Supp 1218, 1222 (CIT 1989). For ESP sales we also made deductions, where applicable, for credit expense, replacement of defective merchandise, commissions paid to unrelated selling agents in the United States and indirect selling expenses, in accordance with section 772(e) of the Tariff Act.

We made an addition to USP for the Japanese consumption tax in accordance with our practice as set forth in Silicomanganese From Venezuela; Preliminary Determination of Sales at Less Than Fair Value (Silicomanganese), 59 FR 31204 (June 17, 1994).

Foreign Market Value

Based on a comparison of the volume of home market and third country sales, we determined that the home market was viable. Therefore, in accordance with section 773(a)(1)(A) of the Tariff Act, we based FMV on the packed, delivered price to unrelated purchasers in the home market.

In the preceding administrative review we found that Daikin made home market sales below the cost of production (COP). Therefore, in accordance with our standard practice, we also conducted a COP investigation during the current administrative review. We calculated COP as the sum of Daikin's reported materials, labor, factory overhead, and general expenses.