

DEPARTMENT OF COMMERCE

International Trade Administration

[A-570-836]

Antidumping Duty Order: Glycine From the People's Republic of China

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

EFFECTIVE DATE: March 29, 1995.

FOR FURTHER INFORMATION CONTACT: Sue Strumbel or Kristie Strecker, 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 or (202) 482-3174, respectively.

Scope of Order

The product covered by this proceeding is glycine which is a free-flowing 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). This proceeding 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.

Antidumping Duty Order

In accordance with section 735(a) of the Tariff Act of 1930, as amended ("the Act"), on January 23, 1995, the Department of Commerce ("the Department") made its final determination that glycine from the People's Republic of China ("PRC") is being sold at less than fair value (60 FR 5620, January 23, 1995). On March 14, 1995, the U.S. International Trade Commission ("ITC") notified the Department of its final determination, pursuant to section 735(b)(1)(A)(ii) of the Act, that an industry in the United States is threatened with material injury by reason of imports of the subject merchandise. Additionally, pursuant to section 735(b)(4)(B) of the Act (19 U.S.C. 1673d(b)(4)(B)), the ITC examined whether material injury would have been found "but for" the suspension of liquidation of the merchandise. Of the votes in the ITC's final determination (Publication 2863), three constitute an affirmative "but for" finding, and two constitute a negative "but for" finding.

MBL (USA) Corp. v. the United States, 787 F.Supp. 202 (CIT 1992). One Commissioner stated that the "but for" finding was moot because there are no imports that could be affected by a "but for" determination. Based on the three affirmative votes, we have determined that the ITC made an affirmative "but for" finding. Even if the non-voting commissioner voted negative on "but for", we would consider the "but for" vote affirmative, in accordance with the tie vote rule. 19 U.S.C 1677 (11).

When the ITC finds threat of material injury, and there is an affirmative "but for" finding, the "General Rule" provision of section 736(b)(1) of the Act applies. Therefore, in accordance with section 736 of the Act, the Department will direct United States Customs officers to assess, upon further advice by the administering authority pursuant to section 736(a)(1) of the Act, antidumping duties equal to the amount by which the foreign market value of the merchandise exceeds the United States price for all entries of glycine from the PRC. According to the "General Rule" these antidumping duties will be assessed on all unliquidated entries of glycine from the PRC entered or withdrawn from warehouse, for consumption, on or after November 16, 1994, the date on which the Department published its preliminary determination notice in the **Federal Register** (59 FR 59211).

On or after the date of publication of this notice in the **Federal Register**, U.S. Customs officers must require, at the same time as importers would normally deposit estimated duties, the following cash deposits for the subject merchandise:

Manufacturer/Producer/Exporter	Weighted-average margin percentage
All Companies	155.89

This notice constitutes the antidumping duty order with respect to glycine from the PRC, pursuant to section 736(a) of the Act. Interested parties may contact the Central Records Unit, Room B-099 of the Main Commerce Building, for copies of an updated list of antidumping duty orders currently in effect.

This order is published in accordance with section 736(a) of the Act and 19 CFR 353.21.

Dated: March 22, 1995.

Susan G. Esserman,

Assistant Secretary for Import Administration.

[FR Doc. 95-7727 Filed 3-28-95; 8:45 am]

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National Oceanic and Atmospheric Administration

[I.D. 031495B]

Marine Mammals

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Issuance of scientific research permit no. 945 (P319D).

SUMMARY: Notice is hereby given that Dr. Randall S. Wells, Dolphin Biology Research Institute, c/o Mote Marine Laboratory, 1600 Thompson Parkway, Sarasota, FL 34236, has been issued a permit to take bottlenose dolphins (*Tursiops truncatus*) for purposes of scientific research.

ADDRESSES: The permit and related documents are available for review upon written request or by appointment in the following offices:

Permits Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13130, Silver Spring, MD 20910 (301/713-2289); and

Director, Southeast Region, NMFS, NOAA, 9721 Executive Center Drive, North; St. Petersburg, FL 33702 (813/570-5312).

SUPPLEMENTARY INFORMATION: On February 15, 1995, notice was published in the **Federal Register** (60 FR 8640) that a request for a scientific research permit to take bottlenose dolphins (*Tursiops truncatus*) had been submitted by the above-named individual. The requested permit has been issued under the authority of the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1361 *et seq.*), and the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR part 216).

Dated: March 21, 1995.

Ann D. Terbush,

Chief, Permits & Documentation Division, National Marine Fisheries Service.

[FR Doc. 95-7679 Filed 3-28-95; 8:45 am]

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[I.D. 031495D]

Marine Mammals

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and