

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.

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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