

**DEPARTMENT OF COMMERCE****International Trade Administration**

[A-580-858]

**Notice of Final Determination of Sales at Less Than Fair Value: Glycine from the Republic of Korea**

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

**EFFECTIVE DATE:** November 28, 2007.

**SUMMARY:** The Department of Commerce determines that imports of glycine from the Republic of Korea 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 final weighted-average dumping margins are listed below in the section entitled "Final Determination of Investigation."

**FOR FURTHER INFORMATION CONTACT:** Dmitry Vladimirov or Richard Rimlinger, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230; telephone: (202) 482-0665 or (202) 482-4477, respectively.

**SUPPLEMENTARY INFORMATION:****Background**

On September 13, 2007, the Department of Commerce (the Department) published the preliminary determination of sales at less than fair value (LTFV) in the antidumping investigation of glycine from the Republic of Korea. See *Notice of Preliminary Determination of Sales at Less Than Fair Value: Glycine from the Republic of Korea*, 72 FR 52345 (September 13, 2007) (*Preliminary Determination*). We invited parties to comment on *Preliminary Determination*. We did not receive any case or rebuttal briefs from any interested parties.

**Period of Investigation**

The period of investigation is January 1, 2006, through December 31, 2006.

**Scope of Investigation**

The merchandise covered by this investigation is glycine, which in its solid (*i.e.*, crystallized) form is a free-flowing crystalline material. Glycine is used as a sweetener/taste enhancer, buffering agent, reabsorbable amino acid, chemical intermediate, metal complexing agent, dietary supplement, and is used in certain pharmaceuticals. The scope of this investigation covers glycine in any form and purity level. Although glycine blended with other

materials is not covered by the scope of this investigation, glycine to which relatively small quantities of other materials have been added is covered by the scope. Glycine's chemical composition is C<sub>2</sub>H<sub>5</sub>NO<sub>2</sub> and is normally classified under subheading 2922.49.4020 of the Harmonized Tariff Schedule of the United States (HTSUS).

The scope of this investigation also covers precursors of dried crystalline glycine including, but not limited to, glycine slurry (*i.e.*, glycine in a non-crystallized form) and sodium glycinate. Glycine slurry is classified under the same HTSUS subheading as crystallized glycine (2922.49.4020) and sodium glycinate is classified under subheading HTSUS 2922.49.8000.

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

**Adverse Facts Available**

For the final determination, we continue to find that, by failing to provide information we requested, a producer and/or exporter of glycine from the Republic of Korea, Korea Bio-Gen Co., Ltd., also a mandatory respondent in this investigation, did not act to the best of its ability in responding to our questionnaire. Thus, the Department continues to find that the use of adverse facts available is warranted for this company under sections 776 (a)(2) and (b) of the Act. See *Preliminary Determination*, 72 FR at 52346. As we explained in *Preliminary Determination*, the rate of 138.83 percent we selected as the adverse facts-available rate is the highest margin alleged in the petition, as recalculated in the April 19, 2007, "Office of AD/CVD Operations Initiation Checklist for the Antidumping Duty Petition on Glycine from the Republic of Korea" (the Initiation Checklist) on file in Import Administration's Central Records Unit, Room 1870, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230. See also *Petition for the Imposition of Antidumping Duties on Imports of Glycine from India, Japan, and the Republic of Korea* filed on March 30, 2007 (the Petition), and the April 3, 12, 13, 17, and 18, 2007, supplements to the Petition filed on behalf of Geo Specialty Chemicals, Inc. We included the range of margins we re-calculated in the Initiation Checklist in *Glycine from India, Japan, and the Republic of Korea: Initiation of Antidumping Duty Investigations*, 72 FR 20816 (April 26, 2007) (*Initiation Notice*). Further, as discussed in *Preliminary Determination*, we

corroborated the adverse facts-available rate pursuant to section 776(c) of the Act.

**All-Others Rate**

Section 735(c)(5)(B) of the Act provides that, where the estimated weighted-average dumping margins established for all exporters and producers individually investigated are zero or *de minimis* or are determined entirely under section 776 of the Act, the Department may use any reasonable method to establish the estimated all-others rate for exporters and producers not individually investigated. Our recent practice under these circumstances has been to assign, as the all-others rate, the simple average of the margins in the petition. See *Notice of Final Determinations of Sales at Less Than Fair Value: Certain Cold-Rolled Flat-Rolled Carbon-Quality Steel Products From Argentina, Japan and Thailand*, 65 FR 5520, 5527-28 (February 4, 2000); see also *Notice of Final Determination of Sales at Less Than Fair Value: Stainless Steel Plate in Coil from Canada*, 64 FR 15457 (March 31, 1999), and *Notice of Final Determination of Sales at Less Than Fair Value: Stainless Steel Plate in Coil from Italy*, 64 FR 15458, 15459 (March 31, 1999). Consistent with our practice we calculated a simple average of the rates in the Petition, as recalculated in the Initiation Checklist at Attachment VI and as listed in *Initiation Notice*, and assigned this rate to all other manufacturers/exporters. For details of these calculations, see the memorandum from Dmitry Vladimirov to the File entitled "Antidumping Duty Investigation on Glycine from the Republic of Korea - Analysis Memo for All-Others Rate," dated September 6, 2007.

**Final Determination of Investigation**

We determine that the following weighted-average dumping margins exist for the period January 1, 2006, through December 31, 2006:

Manufacturer or Exporter	Margin (percent)
Korea Bio-Gen Co., Ltd. ....	138.83
All-Others .....	138.60

**Continuation of Suspension of Liquidation**

Pursuant to section 735(c)(1)(B) of the Act and 19 CFR 351.211(b)(1), we will instruct U.S. Customs and Border Protection (CBP) to continue to suspend liquidation of all entries of subject merchandise from the Republic of Korea entered, or withdrawn from warehouse,

for consumption on or after September 13, 2007, the date of the publication of *Preliminary Determination*. We will instruct CBP to require a cash deposit or the posting of a bond equal to the weighted-average margin, as indicated in the chart above, as follows: (1) the rate for the mandatory respondent will be the rate we have determined in this final determination; (2) if the exporter is not a firm identified in this investigation but the producer is, the rate will be the rate established for the producer of the subject merchandise; (3) the rate for all other producers or exporters will be 138.60 percent. These suspension-of-liquidation instructions will remain in effect until further notice.

### International Trade Commission Notification

In accordance with section 735(d) of the Act, we have notified the International Trade Commission (ITC) of our final determination. As our final determination is affirmative and in accordance with section 735(b)(2) of the Act, the ITC will determine, within 45 days, whether the domestic industry in the United States is materially injured, or threatened with material injury, by reason of imports or sales (or the likelihood of sales) for importation of the subject merchandise. 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 canceled. If the ITC determines that such injury does exist, the Department will issue an antidumping duty order directing CBP 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 Regarding APO

This notice also serves as a reminder to parties subject to administrative protective order (APO) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305. Timely notification of return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

This determination is issued and published pursuant to sections 735(d) and 777(i)(1) of the Act.

Dated: November 20, 2007.

**David M. Spooner,**

*Assistant Secretary for Import Administration.*

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[C-507-601]

#### **Certain In-shell Roasted Pistachios from the Islamic Republic of Iran: Preliminary Results of Countervailing Duty New Shipper Review**

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

**SUMMARY:** The Department of Commerce (the Department) is conducting a new shipper review of the countervailing duty (CVD) order on certain in-shell roasted pistachios from the Islamic Republic of Iran (Iran) for the period January 1, 2006, through December 31, 2006. For information on the net subsidy rate for the reviewed company, please see the "Preliminary Results of Review" section of this notice. Interested parties are invited to comment on these preliminary results. (See the "Public Comment" section of this notice).

**EFFECTIVE DATE:** November 28, 2007.

#### **FOR FURTHER INFORMATION CONTACT:**

Christopher Hargett, AD/CVD Operations, Office 3, Import Administration, U.S. Department of Commerce, Room 4014, 14th Street and Constitution Avenue NW, Washington, DC 20230; telephone (202) 482-4161.

#### **SUPPLEMENTARY INFORMATION:**

##### **Background**

On October 7, 1986, the Department published in the *Federal Register* the countervailing duty order on certain in-shell roasted pistachios from Iran. See *Final Affirmative Countervailing Duty Determination and Countervailing Duty Order: Roasted In-shell Pistachios from Iran*, 51 FR 35679 (October 7, 1986). On March 21, 2007, the Department received a timely request for a new shipper review from Kerman Corporation (Kerman) on behalf of Ahmadi's Agricultural Productions, Processing and Trade Complex (Ahmadi). See Letter from Ali R. Ahmadi, Kerman Corporation, dated March 21, 2007. On June 1, 2007, the Department published the notice of initiation of this new shipper review for the period of review (POR) of January 1, 2006, through December 31, 2006. See

*Certain In-shell Roasted Pistachios from the Islamic Republic of Iran: Notice of Initiation of Countervailing Duty New Shipper Review*, 72 FR 30547 (June 1, 2007).

On June 6, 2007, we issued our initial questionnaire to the Government of Iran (GOI) and Ahmadi, to which Ahmadi and the GOI submitted responses on August 3 and September 14, 2007, respectively. On September 10, 2007, the Department issued a supplemental questionnaire to Ahmadi and Ahmadi submitted a response on October 1, 2007. On October 3, 2007, the Department issued a supplemental questionnaire to the GOI. The GOI did not respond to the supplemental questionnaire.

On October 4, 2007, the Western Pistachio Commission (petitioner) submitted additional subsidy allegations regarding certain programs provided by the GOI. On November 13, 2007, the Department issued supplemental questions to petitioners regarding their additional subsidy allegations. The supplemental information is due to the Department on November 27, 2007, and will be addressed in the final results of this proceeding.

On November 13, 2007, petitioner submitted comments regarding the Department's preliminary results. The Department intends to address these concerns as part of the *Public Comment* phase of this proceeding, as discussed below.

In accordance with section 751(a)(2)(B) of the Tariff Act of 1930, as amended (the Act), and 19 CFR 351.214(a), this new shipper review covers only merchandise produced and exported by Ahmadi, for which a review was specifically requested.

##### **Scope of Order**

The product covered by this order is all roasted in-shell pistachio nuts, whether roasted in Iran or elsewhere, from which the hulls have been removed, leaving the inner hard shells and edible meat, as currently classifiable in the Harmonized Tariff Schedules of the United States (HTSUS) under item number 0802.50.20.00. The HTSUS subheading is provided for convenience and customs purposes. The written description of the scope of this proceeding is dispositive.

##### **Analysis of Programs**

###### *I. Programs Preliminarily Determined to Be Not Used*

Based on the information supplied by Kerman on behalf of Ahmadi, we preliminarily determine that the programs listed below were not used during the POR.