

16 Keppel Bay Drive, #04–20 Caribbean at Keppel Bay, Singapore 098643, and all of their successors or assigns, when acting for or on behalf of them, their agents, and employees, and their successors or assigns (Denied Persons) may not, directly or indirectly, participate in any way in any transaction involving any commodity, software or technology (hereinafter collectively referred to as “item”) exported or to be exported from the United States that is subject to the Regulations, or in any other activity subject to the Regulations, including, but not limited to:

A. Applying for, obtaining, or using any license, License Exception, or export control document;

B. Carrying on negotiations concerning, or ordering, buying, receiving, using, selling, delivering, storing, disposing of, forwarding, transporting, financing, or otherwise servicing in any way, any transaction involving any item exported or to be exported from the United States that is subject to the Regulations, or in any other activity subject to the Regulations; or

C. Benefiting in any way from any transaction involving any item exported or to be exported from the United States that is subject to the Regulations, or in any other activity subject to the Regulations.

*Second*, that no person may, directly or indirectly, do any of the following:

A. Export or re-export to or on behalf of the Denied Persons any item subject to the Regulations;

B. Take any action that facilitates the acquisition or attempted acquisition by the Denied Persons of the ownership, possession, or control of any item subject to the Regulations that has been or will be exported from the United States, including financing or other support activities related to a transaction whereby the Denied Persons acquire or attempt to acquire such ownership, possession or control;

C. Take any action to acquire from or to facilitate the acquisition or attempted acquisition from the Denied Persons of any item subject to the Regulations that has been exported from the United States;

D. Obtain from the Denied Persons in the United States any item subject to the Regulations with knowledge or reason to know that the item will be, or is intended to be, exported from the United States; or

E. Engage in any transaction to service any item subject to the Regulations that has been or will be exported from the United States and that is owned, possessed or controlled by the Denied

Persons, or service any item, of whatever origin, that is owned, possessed or controlled by the Denied Persons if such service involves the use of any item subject to the Regulations that has been or will be exported from the United States. For purposes of this paragraph, servicing means installation, maintenance, repair, modification or testing.

*Third*, that after notice and opportunity to oppose such action as provided in Section 766.23 of the Regulations, any person, firm, corporation, or business organization related to the Denied Persons by affiliation, ownership, control, or position of responsibility in the conduct of trade or related services may also be made subject to the provisions of this Order.

*Fourth*, that this Order does not prohibit any export, reexport, or other transaction subject to the Regulations where the only items involved that are subject to the Regulations are the foreign-produced direct product of U.S.-origin technology.

This Recommended Decision and Order is being referred to the Under Secretary for review and final action by overnight carrier as provided under 15 CFR 766.17(b)(2). Due to the short period of time for review by the Under Secretary, all papers filed with the Under Secretary in response to this Recommended Decision and Order must be sent by personal delivery, facsimile, express mail, or other overnight carrier as provided in 15 CFR 766.22(a).

Submissions by the parties must be filed with the Office of the Under Secretary for Export Administration, Bureau of Industry and Security, U.S. Department of Commerce, Room H–3898, 14th Street and Constitution Avenue NW, Washington, DC 20230, within twelve (12) days from the date of issuance of this Recommended Decision and Order. Thereafter, the parties have eight (8) days from receipt of any responses in which to submit replies. See 15 CFR 766.22(b).

Within thirty (30) days after receipt of this Recommended Decision and Order, the Under Secretary shall issue a written order, affirming, modifying, or vacating the Recommended Decision and Order. See 15 CFR 766.22(c).

Accordingly, I am referring this Recommended Decision and Order to the Under Secretary for review and final action for the Agency, as provided in 15 CFR 766.22.

Done and dated February 7, 2020, at Galveston, Texas.

**Dean C. Metry,**

*Administrative Law Judge, United States Coast Guard.*

### Certificate of Service

I hereby certify that I have served the foregoing document as indicated below to the following parties:

Cordell A. Hull, Acting Under Secretary of Commerce for Industry and Security, Bureau of Industry and Security, U.S. Department of Commerce, Room 3896, 1401 Constitution Ave. NW, Washington, DC 20230, Sent by Federal Express.  
EAR Administrative Enforcement Proceedings, U.S. Coast Guard, ALJ Docketing Center, Attn: Hearing Docket Clerk, 40 S. Gay Street, Room 412, Baltimore, MD 21202–4022, Sent electronically: [aljdoCKETcenter@uscg.mil](mailto:aljdoCKETcenter@uscg.mil).

Gregory Michelsen, Esq., Zachary Klein, Esq., Attorneys for Bureau of Industry and Security, Office of Chief Counsel for Industry and Security, U.S. Department of Commerce, 14th Street & Constitution Avenue NW, Room H–3839, Washington, DC 20230, Sent by Federal Express.

Douglas N. Jacobson, Esq., JACOBSON BURTON KELLEY PLLC, 1725 I Street NW, Suite 300, Washington, DC 20006, Sent by Federal Express.

Done and dated February 7, 2020, at Galveston, Texas.

**Janice M. Emig,**

*Paralegal Specialist, United States Coast Guard, Department of Homeland Security.*

[FR Doc. 2020–05600 Filed 3–17–20; 8:45 am]

**BILLING CODE 3510–33–P**

## DEPARTMENT OF COMMERCE

### International Trade Administration

[A–570–028]

### Hydrofluorocarbon Blends From the People’s Republic of China: Affirmative Final Determination of Circumvention of the Antidumping Duty Order; Unfinished R-32/R-125 Blends

**AGENCY:** Enforcement and Compliance, International Trade Administration, Department of Commerce.

**SUMMARY:** The Department of Commerce (Commerce) determines that imports of unfinished blends of hydrofluorocarbon (HFC) components R-32 and R-125 from the People’s Republic of China (China) are circumventing the antidumping duty (AD) order on HFC blends from China.

**DATES:** Applicable March 18, 2020.

**FOR FURTHER INFORMATION CONTACT:**

Andrew Medley or Jacob Garten, AD/CVD Operations, Office II, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482-4987 or (202) 482-3342, respectively.

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

On January 27, 2020, Commerce published the *Preliminary Determination*<sup>1</sup> of circumvention of the antidumping duty order on HFC blends from China with respect to blends of R-32 and R-125 which are imported from China and further processed into HFC blends subject to the order.<sup>2</sup> Although we invited parties to comment on the *Preliminary Determination* of this inquiry, we received no comments. Accordingly, no decision memorandum accompanies this **Federal Register** notice.<sup>3</sup> We notified the International Trade Commission (ITC) of our preliminary determination in accordance with section 781(e) of the Act and did not receive a request for consultations from the ITC.<sup>4</sup> Commerce conducted this anti-circumvention inquiry in accordance with section 781(a) of the Tariff Act of 1930, as amended (the Act).

**Scope of the Order**

The products subject to the *Order* are HFC blends. HFC blends covered by the scope are R-404A, a zeotropic mixture consisting of 52 percent 1,1,1-Trifluoroethane, 44 percent Pentafluoroethane, and 4 percent 1,1,1,2-Tetrafluoroethane; R-407A, a zeotropic mixture of 20 percent Difluoromethane, 40 percent Pentafluoroethane, and 40 percent 1,1,1,2-Tetrafluoroethane; R-407C, a zeotropic mixture of 23 percent Difluoromethane, 25 percent Pentafluoroethane, and 52 percent 1,1,1,2-Tetrafluoroethane; R-410A, a zeotropic mixture of 50 percent Difluoromethane and 50 percent Pentafluoroethane; and R-507A, an

azeotropic mixture of 50 percent Pentafluoroethane and 50 percent 1,1,1-Trifluoroethane also known as R-507. The foregoing percentages are nominal percentages by weight. Actual percentages of single component refrigerants by weight may vary by plus or minus two percent points from the nominal percentage identified above.<sup>5</sup>

Any blend that includes an HFC component other than R-32, R-125, R-143a, or R-134a is excluded from the scope of the *Order*.

Excluded from the *Order* are blends of refrigerant chemicals that include products other than HFCs, such as blends including chlorofluorocarbons (CFCs), hydrochlorofluorocarbons (HCFCs), hydrocarbons (HCs), or hydrofluoroolefins (HFOs).

Also excluded from the *Order* are patented HFC blends, including, but not limited to, ISCEON® blends, including MO99™ (R-438A), MO79 (R-422A), MO59 (R-417A), MO49Plus™ (R-437A) and MO29™ (R-4 22D), Genetron® Performax™ LT (R-407F), Choice® R-421A, and Choice® R-421B.

HFC blends covered by the scope of the *Order* are currently classified in the Harmonized Tariff Schedule of the United States (HTSUS) at subheadings 3824.78.0020 and 3824.78.0050. Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope is dispositive.<sup>6</sup>

**Merchandise Subject to the Anti-Circumvention Inquiry**

This anti-circumvention inquiry covers imports of partially finished blends of HFC components R-32 (also known as Difluoromethane) and R-125 (also known as Pentafluoroethane) from China that must be further processed in the United States to create an HFC blend that would be subject to the *Order*.

<sup>5</sup> R-404A is sold under various trade names, including Forane® 404A, Genetron® 404A, Solkane® 404A, Klea® 404A, and Suva®404A. R-407A is sold under various trade names, including Forane® 407A, Solkane® 407A, Klea®407A, and Suva®407A. R-407C is sold under various trade names, including Forane® 407C, Genetron® 407C, Solkane® 407C, Klea® 407C and Suva® 407C. R-410A is sold under various trade names, including EcoFluor R410, Forane® 410A, Genetron® R410A and AZ-20, Solkane® 410A, Klea® 410A, Suva® 410A, and Puron®. R-507A is sold under various trade names, including Forane® 507, Solkane® 507, Klea®507, Genetron®AZ-50, and Suva®507. R-32 is sold under various trade names, including Solkane®32, Forane®32, and Klea®32. R-125 is sold under various trade names, including Solkane®125, Klea®125, Genetron®125, and Forane®125. R-143a is sold under various trade names, including Solkane®143a, Genetron®143a, and Forane®125.

<sup>6</sup> See *Order*.

**Final Determination**

In the *Preliminary Determination*, we determined that imports of unfinished blends of HFC components R-32 and R-125 from China are circumventing the *Order*. Specifically, we determined that imports of unfinished blends of HFC components R-32 and R-125 from China are being finished and sold in the United States pursuant to the statutory and regulatory criteria laid out in section 781(a) of the Act and 19 CFR 351.225(g). We based our *Preliminary Determination* upon record evidence submitted by the petitioners and U.S. Customs and Border Protection (CBP). For a complete discussion of the evidence which led to our preliminary determination, see the *Preliminary Determination*.

Because no party to this inquiry nor the ITC provided any additional information or comments regarding our *Preliminary Determination*, our final determination remains unchanged from the *Preliminary Determination*. Accordingly, we determine, pursuant to section 781(a) of the Act and 19 CFR 351.225(g), that imports of unfinished blends of HFC components R-32 and R-125 from China are circumventing the *Order*.

**Continuation of Suspension of Liquidation**

As a result of this determination, and consistent with 19 CFR 351.225(l)(3), we intend to direct CBP to continue to suspend liquidation and to require a cash deposit of estimated antidumping duties at the applicable rate on unliquidated entries of merchandise subject to this inquiry that are entered, or withdrawn from warehouse, for consumption on or after June 18, 2019, the date of initiation of this anti-circumvention inquiry.<sup>7</sup>

**Notification Regarding Administrative Protective Order**

This notice also serves as a reminder to parties subject to the administrative protective order (APO) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Timely written 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.

<sup>7</sup> See *Hydrofluorocarbon Blends from the People's Republic of China: Initiation of Anti-Circumvention Inquiry of Antidumping Duty Order; Unfinished Blends*, 84 FR 28276, 28278 (June 18, 2018).

<sup>1</sup> See *Hydrofluorocarbon Blends from the People's Republic of China: Affirmative Preliminary Determination of Circumvention of the Antidumping Duty Order; Unfinished R-32/R-125 Blends*, 85 FR 4632, 4635 (January 27, 2020) (*Preliminary Determination*).

<sup>2</sup> See *Hydrofluorocarbon Blends from the People's Republic of China: Antidumping Duty Order*, 81 FR 55436 (August 19, 2016) (*Order*).

<sup>3</sup> For further details of the issues addressed in this proceeding, see *Preliminary Determination*.

<sup>4</sup> See Commerce's Letter, "Hydrofluorocarbon Blends from the People's Republic of China: Preliminary Determination of Circumvention of the Antidumping Duty Order," dated January 23, 2020.

**Notification to Interested Parties**

We are issuing and publishing this notice in accordance with sections 781(a) and 777(i) of the Act, and 19 CFR 351.213(h) and 351.221(b)(5).

Dated: March 11, 2020.

**Christian Marsh,**

*Deputy Assistant Secretary for Enforcement and Compliance.*

[FR Doc. 2020-05609 Filed 3-17-20; 8:45 am]

**BILLING CODE 3510-DS-P**

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

[A-201-844]

**Steel Concrete Reinforcing Bar From Mexico: Affirmative Preliminary Determination of Circumvention of the Antidumping Duty Order**

**AGENCY:** Enforcement and Compliance, International Trade Administration, Department of Commerce.

**SUMMARY:** We preliminarily determine that steel concrete reinforcing bar (rebar) from Mexico that is bent on one or both ends and otherwise meeting the description of in-scope merchandise—if produced and/or exported by Deacero S.A.P.I. de C.V. (Deacero) to the United States—is circumventing the antidumping duty order on rebar from Mexico.

**DATES:** Applicable March 18, 2020.

**FOR FURTHER INFORMATION CONTACT:** Jonathan Hall-Eastman, Office III, Antidumping and Countervailing Duty Operations, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482-1468.

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

On September 15, 2014, the Department of Commerce (Commerce) published antidumping duty (AD) *Order* on rebar from Mexico.<sup>1</sup> On October 18, 2019, in response to a request from the Rebar Trade Action Coalition (the petitioner),<sup>2</sup> Commerce initiated a circumvention inquiry into whether imports of otherwise straight rebar bent on one or both ends (also referred to as hooked rebar) that is produced and/or

<sup>1</sup> See *Steel Concrete Reinforcing Bar from Mexico: Final Determination of Sales at Less Than Fair Value and Final Affirmative Determination of Critical Circumstances*, 79 FR 54967 (September 15, 2014) (*Order*).

<sup>2</sup> See Petitioner's Letter, "Steel Concrete Reinforcing Bar from Mexico: Request for Scope Ruling or, Alternatively, an Anti-Circumvention Ruling," dated September 3, 2019.

exported to the United States by Deacero and otherwise meeting the description of in-scope merchandise, constitutes merchandise "altered in form or appearance in minor respects" from in-scope merchandise that should be considered subject to AD *Order* on rebar from Mexico.<sup>3</sup> Commerce also indicated that it would examine "whether to apply the results of this anti-circumvention inquiry to imports of similarly situated other straight rebar bent at one or both ends from Mexico regardless of producer or exporter."<sup>4</sup> For a complete description of the events that followed the initiation of this review, see the Preliminary Decision Memorandum.<sup>5</sup>

**Scope of the Order**

The merchandise subject to this *Order* is steel concrete reinforcing bar imported in either straight length or coil form (rebar) regardless of metallurgy, length, diameter, or grade. The subject merchandise is classifiable in the Harmonized Tariff Schedule of the United States (HTSUS) primarily under item numbers 7213.10.0000, 7214.20.0000, and 7228.30.8010.

The subject merchandise may also enter under other HTSUS numbers including 7215.90.1000, 7215.90.5000, 7221.00.0017, 7221.00.0018, 7221.00.0030, 7221.00.0045, 7222.11.0001, 7222.11.0057, 7222.11.0059, 7222.30.0001, 7227.20.0080, 7227.90.6085, 7228.20.1000, and 7228.60.6000. Specifically excluded are plain rounds (*i.e.*, non-deformed or smooth rebar). Also excluded from the scope is deformed steel wire meeting ASTM A1064/A1064M with no bar markings (*e.g.*, mill mark, size or grade) and without being subject to an elongation test. HTSUS numbers are provided for convenience and customs purposes; however, the written description of the scope remains dispositive.

**Scope of the Circumvention Inquiry**

The merchandise subject to this circumvention inquiry consists of otherwise straight steel concrete reinforcing bar bent on one or both ends and otherwise meeting the description of in-scope merchandise under the

<sup>3</sup> See *Steel Concrete Reinforcing Bar from Mexico: Initiation of Anti-Circumvention Inquiry of Antidumping Duty Order*; 84 FR 58132 (October 30, 2019), and accompanying Initiation Memorandum.

<sup>4</sup> *Id.*, Initiation Memorandum at 8-9.

<sup>5</sup> See Memorandum, "Affirmative Preliminary Decision Memorandum of Circumvention Concerning Certain Hooked or Bent Steel Concrete Reinforcing Bar Produced and/or Exported by Deacero S.A.P.I. de C.V.," dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

*Order* produced and/or exported by Deacero from Mexico to the United States. The petitioner's December 27, 2019 filing stated that:

the issues present in this anti-circumvention inquiry are limited to deterring circumvention of the order due to modification of straight length with a hook or bend that is easily removable, has no commercially relevant purpose, and is not designed to an industry standard design for incorporation into a specific construction project. Petitioner does not attempt to include all fabricated products in the scope of the order as minor alterations and this issue is not before the Department.<sup>6</sup>

The petitioner's January 31, 2020 filing further noted that "the issue before the Department is whether Deacero's sales to (a particular customer) circumvented the order."<sup>7</sup> Unlike for Deacero, we preliminarily find there is no evidence on the record of this inquiry indicating that other Mexican producers are exporting hooked rebar to the United States that did not have a connection to a specific, identified construction project. Therefore, we have not applied our preliminary affirmative finding to hooked rebar country-wide.<sup>8</sup>

**Statutory and Regulatory Framework**

Section 781(c) of the Tariff Act of 1930, as amended (the Act), which deals with minor alterations of merchandise, states that:

(1) In general: The class or kind of merchandise subject to (A) an investigation under this title, (B) an antidumping duty order issued under section 736, (C) a finding issued under the Antidumping Act, 1921, or (D) a countervailing duty order issued under section 706 or section 303, shall include articles altered in form or appearance in minor respects (including raw agricultural products that have undergone minor processing), whether or not included in the same tariff classification. (2) Exception. Paragraph (1) shall not apply with respect to altered merchandise if the administering authority determines that it would be unnecessary to consider the altered merchandise within the scope of the investigation, order, or finding.

As stated under 19 CFR 351.225(a), issues may arise as to whether a particular product is included within the scope of an AD or countervailing duty (CVD) order or a suspended investigation. Such issues can arise

<sup>6</sup> See Petitioner's Letter "Steel Concrete Reinforcing Bar from Mexico: Response to Deacero December 10, 2019 Comments," dated December 27, 2019, at 2.

<sup>7</sup> See Petitioner's Letter, "Steel Concrete Reinforcing Bar from Mexico: Response to Deacero's January 15, 2020 Comments," dated January 31, 2020, at 9.

<sup>8</sup> For further information, see the Preliminary Decision Memorandum.