

weighted-average dumping margin. Our calculations are discussed in detail in the accompanying final calculation memorandum.<sup>2</sup>

### Final Results of the Review

We determine that a weighted-average dumping margin of 0.55 percent exists for entries of subject merchandise that were produced and/or exported by JBL Canada and that entered, or were withdrawn from warehouse, for consumption during the period May 1, 2012, through April 30, 2013.

### Assessment Rates

Pursuant to 19 CFR 351.212(b)(1), the Department shall determine, and U.S. Customs and Border Protection (CBP) shall assess, antidumping duties on all appropriate entries in accordance with the final results of this review. Pursuant to 19 CFR 356.8(a), the Department intends to issue appropriate appraisement instructions for the respondent subject to this review directly to CBP 41 days after the date of publication of the final results of this review.

As we stated in the *Preliminary Results*, we calculated importer-specific *ad valorem* duty assessment rates based on the ratio of the total amount of antidumping duties calculated for the examined sales to the total entered value of the examined sales to that importer.<sup>3</sup> We will instruct CBP to assess antidumping duties on all appropriate entries covered by this review if any importer-specific assessment rate calculated in the final results of this review is above *de minimis* (i.e., at or above 0.50 percent). Pursuant to 19 CFR 351.106(c)(2), we will instruct CBP to liquidate without regard to antidumping duties any entries for which the assessment rate is *de minimis* (i.e., less than 0.50 percent). The final results of this review shall be the basis for the assessment of antidumping duties on entries of merchandise covered by the final results of this review and for future deposits of estimated duties, where applicable.

### Cash Deposit Requirements

The following cash deposit requirements will be effective for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results of this administrative review, as provided by section 751(a)(2)(C) of the Act: (1)

The cash deposit rate for JBL Canada will be that established in the final results of this review, (2) for previously reviewed or investigated companies not participating in this review, the cash deposit rate will continue to be the company-specific rate published for the most recent period; (3) if the exporter is not a firm covered in this review, a previous review, or the original less-than-fair-value (LTFV) investigation, but the manufacturer is, the cash deposit rate will be the rate established for the most recent period for the manufacturer of the merchandise; and (4) the cash deposit rate for all other manufacturers or exporters will continue to be 23.21 percent, the all-others rate made effective by the LTFV investigation. See *Citric Acid and Certain Citrate Salts From Canada and the People's Republic of China: Antidumping Duty Orders*, 74 FR 25703 (May 29, 2009). These deposit requirements, when imposed, shall remain in effect until further notice.

### Notification to Importers

This notice also serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

### Notification to Interested Parties

In accordance with 19 CFR 351.305(a)(3), this notice serves as the only reminder to parties subject to administrative protective order (APO) of their responsibility concerning the disposition of proprietary information disclosed under APO, which continues to govern business proprietary information in this segment of the proceeding. Timely written notification of the return or 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 administrative review and notice are published in accordance with sections 751(a)(1) and 777(i)(1) of the Act.

Dated: June 24, 2014.

**Paul Piquado,**

*Assistant Secretary for Enforcement and Compliance.*

### Appendix—Issues in Decision Memorandum

- I. Summary
- II. Background
- III. Scope of the Order
- IV. Margin Calculations
- V. Discussion of the Issues
  1. Price Adjustment of a Business Proprietary Nature for Certain CEP Sales
  2. Calculation of CEP Profit
  3. Calculation of the U.S. Indirect Selling Expense Ratio
  4. Missing Payment Dates
  5. Differential Pricing Analysis

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**BILLING CODE 3510–DS–P**

## DEPARTMENT OF COMMERCE

### International Trade Administration

[A–570–998]

### 1,1,1,2-Tetrafluoroethane From the People's Republic of China: Antidumping Duty Investigation; Amended Affirmative Preliminary Determination of Critical Circumstances

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

**SUMMARY:** The Department of Commerce (“the Department”) is amending the preliminary determination of the less-than-fair-value (“LTFV”) investigation of 1,1,1,2-Tetrafluoroethane (“tetrafluoroethane”) from the People's Republic of China (“PRC”) to correct a significant ministerial error with respect to our preliminary critical circumstances determination. The period of investigation is April 1, 2013, through September 30, 2013.

**DATES:** Effective July 1, 2014.

#### FOR FURTHER INFORMATION CONTACT:

Frances Veith or Bob Palmer, AD/CVD Operations, Office V, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–4295 or (202) 482–9068, respectively.

**SUPPLEMENTARY INFORMATION:** On May 29, 2014, the Department published its *Preliminary Determination*.<sup>1</sup> On May 22,

<sup>2</sup> See Memorandum to the File entitled, “Final Results Margin Calculations for Jungbunzlauer Canada Inc.,” dated concurrently with and hereby adopted by this notice.

<sup>3</sup> See *Preliminary Results*, 79 FR at 10094.

<sup>1</sup> See *1,1,1,2-Tetrafluoroethane From the People's Republic of China: Antidumping Duty Investigation, Preliminary Determination of Sales at Less Than Fair Value, Affirmative Preliminary Determination of Critical Circumstances, in Part, and*

2014, the Department disclosed to interested parties its calculations for the *Preliminary Determination*. On May 27, 2014, we received ministerial error comments from Mexichem Fluor, Inc. ("Petitioner") alleging that the Department made certain significant ministerial errors in the *Preliminary Determination*. No other party made an allegation of ministerial errors. On May 30, 2014, Weirton International Refrigeration Equipment (Kunshan) Co., Ltd. provided reply comments to Petitioner's allegation. After reviewing the allegations, we determine that the *Preliminary Determination* included a significant ministerial error with respect to our preliminary critical circumstances determination. Therefore, we made a change, as described below, to the *Preliminary Determination*.

#### Scope of the Investigation

The product subject to this investigation is 1,1,1,2-Tetrafluoroethane, R-134a, or its chemical equivalent, regardless of form, type, or purity level. The chemical formula for 1,1,1,2-tetrafluoroethane is  $\text{CF}_3\text{-CH}_2\text{F}$ , and the Chemical Abstracts Service ("CAS") registry number is CAS 811-97-2.

1,1,1,2-Tetrafluoroethane is sold under a number of trade names including Klea 134a and Zephex 134a (Mexichem Fluor); Genetron 134a (Honeywell); Suva 134a, Dymel 134a, and Dymel P134a (DuPont); Solkane 134a (Solvay); and Forane 134a (Arkema). Generically, 1,1,1,2-tetrafluoroethane has been sold as Fluorocarbon 134a, R-134a, HFC-134a, HF A-134a, Refrigerant 134a, and UN3159.

Merchandise covered by the scope of this investigation is currently classified in the Harmonized Tariff Schedule of the United States ("HTSUS") at subheading 2903.39.2020. Although the HTSUS subheading and CAS registry number are provided for convenience and customs purposes, the written description of the scope is dispositive.

#### Analysis of Significant Ministerial Error Allegation

A ministerial error is defined in 19 CFR 351.224(f) as "an error in addition, subtraction, or other arithmetic function, clerical error resulting from inaccurate copying, duplication, or the like, and any other similar type of unintentional error which the Secretary considers ministerial." With respect to preliminary determinations in investigations, 19 CFR 351.224(e)

provides that the Department "will analyze any comments received and, if appropriate, correct any significant ministerial error by amending the preliminary determination . . ." A significant ministerial error is defined as an error, the correction of which, singly or in combination with other errors, would result in: (1) A change of at least five absolute percentage points in, but not less than 25 percent of, the antidumping duty rate calculated in the original (erroneous) preliminary determination; or (2) a difference between an antidumping duty rate of zero (or *de minimis*) and an antidumping duty rate of greater than *de minimis* or vice versa.<sup>2</sup>

As explained further in the Ministerial Error Memorandum issued concurrently with this Notice,<sup>3</sup> we determine that the *Preliminary Determination* contained an error with respect to our preliminary critical circumstances calculation. Correction of this error results in a determination that Bluestar's imports were "massive" during the comparison period and changes the preliminary critical circumstances determination from a negative to an affirmative determination for Bluestar.<sup>4</sup> The Department considers this ministerial error to be significant warranting an amendment to our preliminary critical circumstances determination with respect to Bluestar. The Department does not consider any of the other alleged ministerial errors to be significant within the meaning of 19 CFR 351.224(g).<sup>5</sup>

#### Amended Affirmative Preliminary Determination of Critical Circumstances

The Department determines that there was a significant ministerial error in the critical circumstances calculation for Bluestar in the *Preliminary Determination*. Consequently, we are amending the critical circumstances

preliminary determination with respect to Bluestar pursuant to 19 CFR 351.224(e). Specifically, we found an unintentional error in our calculation under the statutory criteria involving massive imports over a relatively short period.<sup>6</sup> In our corrected calculation of Bluestar's massive import analysis, we found that imports based on Bluestar's reported shipments of merchandise under consideration increased during the comparison period by more than 15 percent over its respective imports in the base period.<sup>7</sup> Therefore, we amend our preliminary determination and find there also to be massive imports for Bluestar, pursuant to section 733(e)(1)(B) of the Tariff Act of 1930, as amended (the "Act") and 19 CFR 351.206(c)(2)(i). Accordingly, as both conditions under section 733(e)(1)(A)(ii) and 733(e)(1)(B) of the Act have been satisfied, we find that critical circumstances exist with respect to Bluestar.

#### Suspension of Liquidation

The collection of cash deposits and suspension of liquidation will be revised, in accordance with section 733(e)(2) of the Act because we have preliminarily found that critical circumstances exist with regard to imports exported by Bluestar. We will instruct U.S. Customs and Border Protection ("CBP") to suspend liquidation of all entries<sup>8</sup> of tetrafluoroethane from the PRC, that are entered, or withdrawn from warehouse, for consumption on or after the date which is 90 days before the date on which the suspension of liquidation was first ordered (*i.e.*, May 29, 2014, the date of publication in the **Federal Register** of the notice of an affirmative preliminary determination that tetrafluoroethane is being, or is likely to be, sold in the United States at LTFV).

We will also instruct CBP to require a cash deposit equal to the estimated preliminary antidumping duty rate reflected in the *Preliminary Determination*. This suspension of liquidation will remain in effect until further notice.

<sup>6</sup> See section 733(e)(1)(B).

<sup>7</sup> See Ministerial Error Memorandum, Allegation 1 and Attachment.

<sup>8</sup> In the *Preliminary Determination*, we found that critical circumstances exist with respect to all exporters except for Bluestar. See *Preliminary Determination*, 79 FR at 30818. We note that we inadvertently omitted language in the "Suspension of Liquidation" section indicating that we will instruct CBP to suspend liquidation on the applicable entries on or after the date which is 90 days before the date on which the suspension of liquidation was first ordered. The correct suspension of liquidation language for all entries is provided here.

<sup>2</sup> See 19 CFR 351.224(g).

<sup>3</sup> See Memorandum to Paul Piquado, Assistant Secretary for Enforcement and Compliance, from James C. Doyle, Director, Office V, through Christian Marsh, Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, entitled, "Antidumping Duty Investigation of 1,1,1,2-Tetrafluoroethane from the People's Republic of China: Allegation of a Significant Ministerial Error in the Preliminary Determination," dated concurrently with this notice for the analysis performed ("Ministerial Error Memorandum"). This memorandum is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System ("IA ACCESS"). IA ACCESS is available to registered users at <http://iaaccess.trade.gov>, and is available to all parties in the Department's Central Records Unit in Room 7046 of the Department of Commerce building.

<sup>4</sup> *Id.*

<sup>5</sup> See Ministerial Error Memorandum.

*Postponement of Final Determination*, 79 FR 30817 (May 29, 2014) ("Preliminary Determination").

## International Trade Commission Notification

In accordance with section 733(f) of the Act, we will notify the International Trade Commission ("ITC") of our determination. In addition, we are making available to the ITC all non-privileged and non-proprietary information relating to this investigation. We will allow the ITC access to all privileged and business proprietary information in our files, provided the ITC confirms that it will not disclose such information, either publicly or under an administrative protective order, without the written consent of the Assistant Secretary for Enforcement and Compliance.

This determination is issued and published pursuant to sections 733(f) and 777(i)(1) of the Act and 19 CFR 351.224(e).

Dated: June 24, 2014.

**Paul Piquado,**

*Assistant Secretary for Enforcement and Compliance.*

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## DEPARTMENT OF COMMERCE

### International Trade Administration

#### Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity To Request Administrative Review

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

**FOR FURTHER INFORMATION CONTACT:** Brenda E. Waters, Office of AD/CVD Operations, Customs Liaison Unit, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230, telephone: (202) 482-4735.

#### Background

Each year during the anniversary month of the publication of an antidumping or countervailing duty order, finding, or suspended investigation, an interested party, as defined in section 771(9) of the Tariff Act of 1930, as amended ("the Act"), may request, in accordance with 19 CFR 351.213, that the Department of Commerce ("the Department") conduct an administrative review of that antidumping or countervailing duty

order, finding, or suspended investigation.

All deadlines for the submission of comments or actions by the Department discussed below refer to the number of calendar days from the applicable starting date.

#### Respondent Selection

In the event the Department limits the number of respondents for individual examination for administrative reviews initiated pursuant to requests made for the orders identified below, the Department intends to select respondents based on U.S. Customs and Border Protection ("CBP") data for U.S. imports during the period of review. We intend to release the CBP data under Administrative Protective Order ("APO") to all parties having an APO within five days of publication of the initiation notice and to make our decision regarding respondent selection within 21 days of publication of the initiation **Federal Register** notice. Therefore, we encourage all parties interested in commenting on respondent selection to submit their APO applications on the date of publication of the initiation notice, or as soon thereafter as possible. The Department invites comments regarding the CBP data and respondent selection within five days of placement of the CBP data on the record of the review.

In the event the Department decides it is necessary to limit individual examination of respondents and conduct respondent selection under section 777A(c)(2) of the Act:

In general, the Department finds that determinations concerning whether particular companies should be "collapsed" (*i.e.*, treated as a single entity for purposes of calculating antidumping duty rates) require a substantial amount of detailed information and analysis, which often require follow-up questions and analysis. Accordingly, the Department will not conduct collapsing analyses at the respondent selection phase of this review and will not collapse companies at the respondent selection phase unless there has been a determination to collapse certain companies in a previous segment of this antidumping proceeding (*i.e.*, investigation, administrative review, new shipper review or changed circumstances review). For any company subject to this review, if the Department determined, or continued to treat, that company as collapsed with others, the Department

will assume that such companies continue to operate in the same manner and will collapse them for respondent selection purposes. Otherwise, the Department will not collapse companies for purposes of respondent selection. Parties are requested to (a) identify which companies subject to review previously were collapsed, and (b) provide a citation to the proceeding in which they were collapsed. Further, if companies are requested to complete the Quantity and Value Questionnaire for purposes of respondent selection, in general each company must report volume and value data separately for itself. Parties should not include data for any other party, even if they believe they should be treated as a single entity with that other party. If a company was collapsed with another company or companies in the most recently completed segment of this proceeding where the Department considered collapsing that entity, complete quantity and value data for that collapsed entity must be submitted.

#### Deadline for Withdrawal of Request for Administrative Review

Pursuant to 19 CFR 351.213(d)(1), a party that requests a review may withdraw that request within 90 days of the date of publication of the notice of initiation of the requested review. The regulation provides that the Department may extend this time if it is reasonable to do so. In order to provide parties additional certainty with respect to when the Department will exercise its discretion to extend this 90-day deadline, interested parties are advised that, with regard to reviews requested on the basis of anniversary months on or after July 2014, the Department does not intend to extend the 90-day deadline unless the requestor demonstrates that an extraordinary circumstance prevented it from submitting a timely withdrawal request. Determinations by the Department to extend the 90-day deadline will be made on a case-by-case basis.

The Department is providing this notice on its Web site, as well as in its "Opportunity to Request Administrative Review" notices, so that interested parties will be aware of the manner in which the Department intends to exercise its discretion in the future.

Opportunity to Request a Review: Not later than the last day of July 2014,<sup>1</sup> interested parties may request administrative review of the following orders, findings, or suspended

<sup>1</sup> Or the next business day, if the deadline falls on a weekend, federal holiday or any other day when the Department is closed.