

### Deadline for Submission of Publicly Available Surrogate Value Information

In accordance with 19 CFR 351.301(c)(3)(ii), the deadline for submission of publicly available information to value factors production under 19 CFR 351.408(c) is 20 days after the date of publication of these preliminary results. In accordance with 19 CFR 351.301(c)(1), if an interested party submits factual information less than ten days before, on, or after (if the Department has extended the deadline), the applicable deadline for submission of such factual information, an interested party may submit factual information to rebut, clarify, or correct the factual information no later than ten days after such factual information is served on the interested party. However, the Department generally will not accept in the rebuttal submission additional or alternative surrogate value information not previously on the record, if the deadline for submission of surrogate value information has passed.<sup>24</sup> Furthermore, the Department generally will not accept business proprietary information in either the surrogate value submissions or the rebuttals thereto, as the regulation regarding the submission of surrogate values allows only for the submission of publicly available information.<sup>25</sup>

### Assessment Rates

Upon issuing the final results of review, the Department will determine, and CBP shall assess, antidumping duties on all appropriate entries covered by this review.<sup>26</sup> If a respondent's weighted-average dumping margin is above *de minimis* (i.e., 0.50 percent) in the final results of this review, we will calculate an importer-specific assessment rate on the basis of the ratio of the total amount of dumping calculated for the importer's examined sales and the total entered value of those sales in accordance with 19 CFR 351.212(b)(1). Specifically, the Department will apply the assessment rate calculation method adopted in *Final Modification for Reviews*, i.e., on the basis of monthly average-to-average comparisons using only the transactions associated with that importer with offsets being provided for non-dumped comparisons.<sup>27</sup> Where an importer- (or

customer-) specific *ad valorem* rate is zero or *de minimis*, we will instruct CBP to liquidate appropriate entries without regard to antidumping duties.<sup>28</sup>

The Department recently announced a refinement to its assessment practice in NME cases. Pursuant to this refinement in practice, for entries that were not reported in the U.S. sales databases submitted by companies individually examined during this review, the Department will instruct CBP to liquidate such entries at the PRC-wide rate. In addition, if the Department determines that an exporter under review had no shipments of the subject merchandise, any suspended entries that entered under that exporter's case number (i.e., at that exporter's rate) will be liquidated at the PRC-wide rate.<sup>29</sup> The Department intends to issue appropriate assessment instructions directly to CBP 15 days after publication of the final results of review.

### Cash Deposit Requirements

The following cash deposit requirements will be effective upon publication of the final results of this administrative review for shipments of the subject merchandise from the PRC entered, or withdrawn from warehouse, for consumption on or after the publication date, as provided by section 751(a)(2)(C) of the Act: (1) For subject merchandise exported by the ATM Single Entity, Weihai, and non-selected respondents which have separate rates, the cash deposit rate will be that established in the final results of review (except, if the rate is zero or *de minimis*, then zero cash deposit will be required); (2) for previously investigated or reviewed PRC and non-PRC exporters not listed above that received a separate rate in a prior segment of this proceeding, the cash deposit rate will continue to be the existing exporter-specific rate; (3) for all PRC exporters of subject merchandise that have not been found to be entitled to a separate rate, the cash deposit rate will be that for the PRC-wide entity; and (4) for all non-PRC exporters of subject merchandise which have not received their own rate, the cash deposit rate will be the rate applicable to the PRC exporter that supplied that non-PRC exporter. These deposit requirements, when imposed,

shall remain in effect until further notice.

### Notification to Importers

This notice also serves as a preliminary reminder to importers of their responsibility under 19 CFR 351.402(f)(2) 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 Department's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

We are issuing and publishing these results in accordance with sections 751(a)(1) and 777(i)(1) of the Act and 19 CFR 351.213.

Dated: December 3, 2012.

**Ronald K. Lorentzen,**  
Acting Assistant Secretary for Import Administration.

### List of Topics Discussed in the Preliminary Decision Memorandum

#### Fraud Allegation

*Non-Market Economy Country Status*  
*Separate Rate*

*Separate Rate Respondent*

- (1) *Wholly Foreign-Owned*
- (2) *Joint Ventures Between Chinese and Foreign Companies or Wholly Chinese-Owned Companies*
- (3) *Separate Rate for Non-Selected Companies*
- (4) *PRC-Wide Entity*

*Surrogate Country*

#### Affiliation

#### Fair Value Comparison

*U.S. Price*

*Export Price Sales*

*Constructed Export Price Sales*

*Further Manufactured Sales*

*Revenue Caps*

*Normal Value*

*Factor Valuations*

#### Currency Conversion

[FR Doc. 2012-29786 Filed 12-7-12; 8:45 am]

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### DEPARTMENT OF COMMERCE

#### International Trade Administration

[A-580-855]

### Diamond Sawblades and Parts Thereof From the Republic of Korea: Preliminary Results of Antidumping Duty Administrative Review; 2010-2011

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

<sup>24</sup> See, e.g., *Glycine from the People's Republic of China: Final Results of Antidumping Duty Administrative Review and Final Rescission*, in Part, 72 FR 58809 (October 17, 2007), and accompanying Issues and Decision Memorandum at Comment 2.

<sup>25</sup> See 19 CFR 351.301(c)(3).

<sup>26</sup> See 19 CFR 351.212(b)(1).

<sup>27</sup> See *Antidumping Proceeding: Calculation of the Weighted-Average Dumping Margin and*

*Assessment Rate in Certain Antidumping Duty Proceedings; Final Modification*, 77 FR 8103 (February 14, 2012) ("Final Modification for Reviews").

<sup>28</sup> See 19 CFR 351.106(c)(2).

<sup>29</sup> For a full discussion of this practice, see *Non-Market Economy Antidumping Proceedings: Assessment of Antidumping Duties*, 76 FR 65694 (October 24, 2011).

**SUMMARY:** The Department of Commerce (“Department”) is conducting an administrative review of the antidumping duty order on diamond sawblades and parts thereof (“diamond sawblades”) from the Republic of Korea (“Korea”). The period of review (“POR”) is November 1, 2010, through October 23, 2011, and the review covers three manufacturers/exporters: Ehwa Diamond Industrial Co., Ltd. (“Ehwa”); Hyosung D&P Co., Ltd. (“Hyosung”); and Shinhan Diamond Industrial Co., Ltd. (“Shinhan”). We preliminarily find that sales of subject merchandise have been made at prices below normal value.

**DATES:** *Effective Date:* December 10, 2012.

**FOR FURTHER INFORMATION CONTACT:** David Layton or Sergio Balbontin, AD/CVD Operations, Office 1, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–0371, and (202) 482–6478, respectively.

**SUPPLEMENTARY INFORMATION:**

**Scope of the Order**

The merchandise subject to the order is diamond sawblades. The product is typically imported under heading 8202.39.00.00 of the Harmonized Tariff Schedule of the United States (“HTSUS”). When packaged together as a set for retail sale with an item that is separately classified under headings 8202 to 8205 of the HTSUS, diamond sawblades or parts thereof may be imported under heading 8206.00.00.00 of the HTSUS. Subject merchandise can also enter under heading HTSUS 6804.21.00.00 to the scope description pursuant to a request by U.S. Customs and Border Protection (“CBP”). Although the HTSUS headings are provided for convenience and customs purposes, the written product description available in *Diamond Sawblades and Parts Thereof From the Republic of Korea: Preliminary Results of Antidumping Duty Administrative Review*, 76 FR 76128 (December 6, 2011), remains dispositive.

**Fraud Allegation**

The petitioner, Diamond Sawblades Manufacturers’ Coalition, alleges that Chinese and Korean producers of diamond sawblades sold subject merchandise in the United States bearing a false country of origin designation and requests that the Department take information related to this allegation into consideration in both the first and second administrative

reviews. We continue to examine this allegation. The Department recently completed verifications in the first administrative review at which the facts surrounding the fraud allegation were examined thoroughly. We intend to release the verification reports and issue a post-preliminary analysis addressing the fraud allegation.

**Adverse Facts Available**

Because Hyosung did not respond to our request for information, we determine that it is appropriate to apply “facts otherwise available” pursuant to section 776(a)(2)(B) of the Tariff Act of 1930, as amended (“Act”). We further determine that an adverse inference is warranted in accordance with section 776(b) of the Act because, in failing to respond, Hyosung has not acted to the best of its ability to comply with our request for information. For further details of our decision to apply adverse facts available, see the “Preliminary Decision Memorandum for Administrative Review of the Antidumping Duty Order on Diamond Sawblades and Parts Thereof from the Republic of Korea” (“Preliminary Decision Memorandum”), dated concurrently with this notice and hereby adopted by this notice. The Preliminary Decision Memorandum is a public document and is on file electronically via Import Administration’s Antidumping and Countervailing Duty Centralized Electronic Service System (“IA ACCESS”). IA ACCESS is available to registered users at <http://iaaccess.trade.gov> and in the Central Records Unit, room 7046 of the main Department of Commerce building. In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly on the internet at <http://www.trade.gov/ia/>. The signed Preliminary Decision Memorandum and the electronic versions of the Preliminary Decision Memorandum are identical in content.

**Methodology**

The Department has conducted this review in accordance with section 751(a)(2) of the Act. Constructed export price is calculated in accordance with section 772 of the Act. Normal value has been calculated in accordance with section 773 of the Act. For a full description of the methodology underlying our conclusions, see the Preliminary Decision Memorandum.

**Preliminary Results of Review**

As a result of this administrative review, we preliminarily determine that the following weighted-average

percentage dumping margins exist for the period November 1, 2010, through October 23, 2011:

Exporter/manufacturer	Margin (percent)
Ehwa Diamond Industrial Co., Ltd .....	12.25
Hyosung Diamond Industrial Co., Ltd, Western Diamond Tools Inc., and Hyosung D&P Co., Ltd .....	121.19
Shinhan Diamond Industrial Co., Ltd. and SH Trading, Inc .....	0.00

**Disclosure and Public Comment**

The Department will disclose to parties to this proceeding the calculations performed in reaching the preliminary results within five days of the date of publication of these preliminary results.<sup>1</sup> Interested parties may submit written comments (case briefs) within 30 days of publication of the preliminary results and rebuttal comments (rebuttal briefs) within five days after the time limit for filing case briefs.<sup>2</sup> Pursuant to 19 CFR 351.309(d)(2), rebuttal briefs must be limited to the issues raised in the case briefs. Parties who submit arguments are requested to submit with the argument: (1) A statement of the issue; (2) a brief summary of the argument; and (3) a table of authorities.

Interested parties who wish to request a hearing, or to participate if one is requested, must submit a written request to the Assistant Secretary for Import Administration, U.S. Department of Commerce, filed electronically using IA ACCESS. An electronically filed document must be received successfully in its entirety by the Department’s electronic records system, IA ACCESS, by 5 p.m. Eastern Standard Time within 30 days after the date of publication of this notice.<sup>3</sup> Requests should contain the party’s name, address, and telephone number, the number of participants, and a list of issues to be discussed. If a request for a hearing is made, we will inform parties of the scheduled date for the hearing which will be held at the U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington DC 20230, at a time and location to be determined.<sup>4</sup> Parties should confirm by telephone the date, time, and location of the hearing.

Unless the deadline is extended pursuant to section 751(a)(2)(B)(iv) of the Act, the Department will issue the final results of this administrative

<sup>1</sup> See 19 CFR 351.224(b).

<sup>2</sup> See 19 CFR 351.309(c)(1)(ii).

<sup>3</sup> See 19 CFR 351.310(c).

<sup>4</sup> See 19 CFR 351.310.

review, including the results of its analysis of issues raised by parties in their comments, within 120 days after the issuance of these preliminary results.

#### Assessment Rates

The Department shall determine, and CBP will assess, antidumping duties on all appropriate entries in accordance with 19 CFR 351.212(b)(1). Pursuant to an order issued by the U.S. Court of International Trade on October 24, 2011, liquidation of the entries covered by this administrative review is enjoined. Accordingly, the Department will not instruct CBP to assess antidumping duties pending resolution of the associated litigation.

For any individually examined respondents whose weighted-average dumping margin is above *de minimis*, we will calculate importer-specific *ad valorem* duty assessment rates based on the ratio of the total amount of dumping calculated for the importer's examined sales to the total entered value of those same sales in accordance with 19 CFR 351.212(b)(1).<sup>5</sup>

We will instruct CBP to assess antidumping duties on all appropriate entries covered by this review when the importer-specific assessment rate calculated in the final results of this review is above *de minimis* (i.e., 0.50 percent). Where either the respondent's weighted-average dumping margin is zero or *de minimis*, or an importer-specific assessment rate is zero or *de minimis*, we will instruct CBP to liquidate the appropriate entries without regard to antidumping duties. 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 where applicable.

The Department clarified its "automatic assessment" regulation on May 6, 2003. See *Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties*, 68 FR 23954 (May 6, 2003) ("Assessment Policy Notice"). This clarification will apply to entries of subject merchandise during the POR produced by Ehwa and Shinhan for which these companies did not know that their merchandise was destined for the United States. In such instances, we will instruct CBP to liquidate unreviewed entries at the all-others rate if there is no rate for the

intermediate involved in the transaction. For a full discussion of this clarification, see *Assessment Policy Notice*.

#### Cash Deposit Requirements

Effective October 24, 2011, the Department revoked the antidumping duty order on diamond sawblades from Korea, pursuant to a proceeding under section 129 of the Uruguay Round Agreements Act to implement the findings of the World Trade Organization dispute settlement panel in United States—*Use of Zeroing in Anti-Dumping Measures Involving Products from Korea* (WTDS402/R) (January 18, 2011). See *Notice of Implementation of Determination Under Section 129 of the Uruguay Round Agreements Act and Revocation of the Antidumping Duty Order on Diamond Sawblades and Parts Thereof From the Republic of Korea*, 76 FR 66892 (October 28, 2011), and accompanying Issues and Decision Memorandum. Consequently, no cash deposits are required on imports of subject merchandise.

#### Notification to Importers

This notice also serves as a preliminary reminder to importers of their responsibility under 19 CFR 351.402(f)(2) 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.

This review and notice are in accordance with sections 751(a)(1), 751(a)(3), and 777(i) of the Act.

Dated: December 3, 2012.

**Ronald K. Lorentzen,**

*Acting Assistant Secretary for Import Administration.*

#### Appendix

##### List of Topics Discussed in Preliminary Decision Memorandum

1. Fraud Allegation
2. Discussion of Methodology
  - a. Application of Facts Available
  - b. Adverse Facts Available
  - c. Corroboration
  - d. Comparison to Normal Value
  - e. Product Comparisons
  - f. Date of Sale
  - g. Constructed Export Price
  - h. Normal Value
  - i. Currency Conversion

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-201-838]

#### Seamless Refined Copper Pipe and Tube From Mexico: Preliminary Results of Antidumping Duty Administrative Review; 2010-2011

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

**SUMMARY:** The Department of Commerce (the Department) is conducting an administrative review of the antidumping duty order on seamless refined copper pipe and tube from Mexico. The review covers two producers/exporters of the subject merchandise, GD Affiliates S. de R.L. de C.V. and its affiliate Hong Kong GD Trading Co., Ltd. (collectively, Golden Dragon) and Nacional de Cobre, S.A. de C.V. (Nacobre). The period of review (POR) is May 1, 2011, through October 31, 2011, for Golden Dragon and November 22, 2010, through October 31, 2011, for Nacobre. We have preliminarily found that sales of the subject merchandise have not been made at prices below normal value.

**DATES:** *Effective Date:* December 10, 2012.

#### FOR FURTHER INFORMATION CONTACT:

Elizabeth Eastwood or Dennis McClure, AD/CVD Operations, Office 2, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482-3874 or (202) 482-5973, respectively.

#### SUPPLEMENTARY INFORMATION:

##### Scope of the Order

The merchandise subject to the order is seamless refined copper pipe and tube. The product is currently classified under the Harmonized Tariff Schedule of the United States (HTSUS) subheadings 7407.10.1500, 7419.99.5050, 8415.90.8065, and 8415.90.8085. Although the HTSUS numbers are provided for convenience and customs purposes, the written product description, available in *Seamless Refined Copper Pipe and Tube From Mexico and the People's Republic of China: Antidumping Duty Orders and Amended Final Determination of Sales at Less Than Fair Value From Mexico*, 75 FR 71070 (Nov. 22, 2010) (*Amended Final and Order*), remains dispositive.

#### Methodology

The Department has conducted this review in accordance with section

<sup>5</sup> In these preliminary results, the Department applied the assessment rate calculation method adopted in *Antidumping Proceedings: Calculation of the Weighted-Average Dumping Margin and Assessment Rate in Certain Antidumping Proceedings: Final Modification*, 77 FR 8101 (February 14, 2012).