

(or customer)-specific assessment rate is *de minimis* (i.e., less than 0.50 percent), the Department will instruct CBP to assess that importer (or customer's) entries of subject merchandise without regard to antidumping duties, in accordance with 19 CFR 351.106(c)(2). The Department intends to issue assessment instructions to CBP 15 days after the date of publication of these final results of review.

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). This clarification will apply to entries of subject merchandise during the POR produced by the company included in these final results of review for which the reviewed company did not know their merchandise was destined for the United States. In such instances, we will instruct CBP to liquidate un-reviewed entries at the all-others rate if there is no rate for the intermediate company involved in the transaction.

#### Cash Deposit Requirements

The following cash deposit requirements will be effective upon publication of the final results of this administrative review for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date of these final results, consistent with section 751(a)(1) of the Act: (1) For the company covered by this review, the cash deposit will be the rate listed above; (2) if the exporter is not a firm covered in this review, but was covered in a previous review or the original less than fair value (LTFV) investigation, 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 prior review, or the original 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) if neither the exporter nor the manufacturer is a firm covered in this or any previous review conducted by the Department, the cash deposit rate will continue to be 6.65 percent, which is the all-others rate established in the LTFV investigation. See *Notice of Antidumping Duty Order; Purified Carboxymethylcellulose From Finland; Mexico, the Netherlands and Sweden*, 70 FR 39734 (July 11, 2005). These deposit requirements, when imposed, shall remain in effect until further notice.

#### Reimbursement of Duties

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 doubled antidumping duties.

#### Administrative Protective Order

This notice also serves as a reminder to parties subject to administrative protective orders (APO) of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305, which continues to govern business proprietary information in this segment of the proceeding. Timely written notification of the return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a violation which is subject to sanction.

We are issuing and publishing this notice in accordance with sections 751(a)(1) and 777(i)(1) of the Act.

Dated: February 5, 2013.

**Paul Piquado,**

*Assistant Secretary for Import Administration.*

#### Appendix I

##### List of Issues Discussed in the Accompanying Issues and Decision Memorandum

Issue 1: Authority to Conduct a Targeted Dumping Analysis and Apply an Alternative Methodology

Issue 2: The Department's Choice of a Targeted Dumping Analysis Methodology

Issue 3: Region vs. Region and Division Targeted Dumping Analysis

[FR Doc. 2013-03740 Filed 2-19-13; 8:45 am]

**BILLING CODE 3510-DS-P**

#### DEPARTMENT OF COMMERCE

##### International Trade Administration

[A-580-855]

#### Diamond Sawblades and Parts Thereof From the Republic of Korea: Final Results of Antidumping Duty Administrative Review, 2009-2010

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

**SUMMARY:** On December 6, 2011, the Department of Commerce (the Department) published the preliminary results of the 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 January 23, 2009, through October 31, 2010. For the final results, we continue to find that the companies covered by the review made sales of subject merchandise at less than normal value.

**DATES:** *Effective Date:* February 20, 2013.

#### FOR FURTHER INFORMATION CONTACT:

Sergio Balbontin or Yasmin Nair, 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) 482-6478 and (202) 482-3813, respectively.

#### SUPPLEMENTARY INFORMATION:

##### Background

On December 6, 2011, the Department published the preliminary results of administrative review of the antidumping duty order on diamond sawblades from Korea.<sup>1</sup> On January 5, 2012, we received case briefs with respect to the *Preliminary Results* from Ehwa and Shinhan. We did not receive rebuttal briefs. We did not receive a request for a hearing.

On April 5, 2012, the Diamond Sawblades Manufacturers Coalition (Petitioner) alleged that the Korean respondents Ehwa Diamond Industrial Co., Ltd. (Ehwa) and Shinhan Diamond Industrial Co., Ltd. and SH Trading, Inc. (collectively, Shinhan), and their respective Chinese subsidiaries Weihai Xiangguang Mechanical Industrial Co., Ltd., and Qingdao Shinhan Diamond Industrial Co., Ltd., sold diamond sawblades into the United States bearing false country of origin designations.

On April 29, 2012, Hyosung Diamond Industrial Co., Ltd., Western Diamond Tools Inc., and Hyosung D&P Co., Ltd. (collectively, "Hyosung") formally withdrew its participation in the administrative review.

We extended the due date for the final results of review to June 4, 2012.<sup>2</sup> On June 4, 2012, the Department deferred

<sup>1</sup> See *Diamond Sawblades and Parts Thereof From the Republic of Korea: Preliminary Results of Antidumping Duty Administrative Review*, 76 FR 76128 (December 6, 2011) (*Preliminary Results*).

<sup>2</sup> See *Diamond Sawblades and Parts Thereof From the Republic of Korea and the People's Republic of China: Extension of Time Limits for the Final Results of the Antidumping Duty Administrative Reviews*, 77 FR 20788 (April 6, 2012).

the final results of this administrative review to address Petitioner's fraud allegations.<sup>3</sup>

On January 8, 2013, we issued a post-preliminary memorandum finding that the information submitted by Ehwa and Shinhan is reliable for the final results of the review.<sup>4</sup> We have conducted this administrative review in accordance with section 751 of the Tariff Act of 1930, as amended (the Act).

#### Fraud Allegations

We continue to find the information Ehwa and Shinhan submitted in this review to be reliable for the final results of review. See Final Decision Memorandum for more details.

#### Scope of the Order

The merchandise subject to the order is diamond sawblades. The diamond sawblades subject to the order are currently classifiable under subheadings 8202 to 8206 of the Harmonized Tariff Schedule of the United States (HTSUS), and may also enter under 6804.21.00. The HTSUS subheadings are provided for convenience and customs purposes. A full description of the scope of the order is contained in the Final Decision Memorandum. The written description is dispositive.

#### Analysis of Comments Received

All issues raised in the case briefs are addressed in the Final Decision Memorandum. A list of the issues raised

is attached to this notice as Appendix I. The Final 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). Access to IA ACCESS is available to registered users at <http://iaaccess.trade.gov> and is available to all parties in the Central Records Unit, room 7046 of the main Department of Commerce building. In addition, a complete version of the Final Decision Memorandum can be accessed directly on the Internet at <http://www.trade.gov/ia/>. The signed Final Decision Memorandum and the electronic versions of the Final Decision Memorandum are identical in content.

#### Changes Since the Preliminary Results

Based on our analysis of the comments received, we changed our calculation methodology for Ehwa's and Shinhan's dumping margins. We modified the model-match methodology to ensure only products with the same physical form matched. For Ehwa, we corrected a currency conversion for an expense reported by the company, we recalculated the costs of certain control numbers, and we added sales to Ehwa's U.S. sales database. For Shinhan, we removed certain Chinese-origin sales in the home market database and applied a revised cost of production database.<sup>5</sup>

#### Use of Adverse Facts Available

Consistent with the *Preliminary Results*, we determine that Hyosung's failure to provide requested information necessary to calculate accurate dumping margins warrants the use of facts otherwise available with an adverse inference. Consequent to the changes from the *Preliminary Results*, as detailed above, the final margin for Hyosung is 120.90 percent.<sup>6</sup>

#### Cost of Production

As discussed in the *Preliminary Results*, we conducted an investigation to determine whether Ehwa and Shinhan made home market sales of the foreign like product during the POR at prices below their costs of production within the meaning of section 773(b) of the Act. For these final results, we performed the cost test following the same methodology as discussed in the *Preliminary Results*. In accordance with sections 773(b)(1) and (2) of the Act, we disregarded certain of Ehwa's and Shinhan's sales in the home market that were made at below-cost prices.

#### Final Results of the Review

As a result of the administrative review, we determine that the following weighted-average dumping margins exist for the period January 23, 2009, through October 31, 2010:

Exporter/manufacturer	Margin (percent)
Ehwa Diamond Industrial Co., Ltd .....	11.90
Hyosung Diamond Industrial Co., Ltd, Western Diamond Tools Inc., and Hyosung D&P Co., Ltd .....	120.90
Shinhan Diamond Industrial Co., Ltd. and SH Trading, Inc .....	3.76

#### Assessment Rates

The Department shall determine, and U.S. Customs and Border Protection (CBP) will assess, antidumping duties on all appropriate entries in accordance with 19 CFR 351.212(b)(1). On October 24, 2011, the U.S. Court of International Trade preliminarily enjoined liquidation of entries that are subject to the final determination.<sup>7</sup> Accordingly,

the Department will not instruct CBP to assess antidumping duties pending resolution of the associated litigation.

Pursuant to 19 CFR 351.212(b)(1), for all sales made by the respondents for which they have reported the importer of record and the entered value of the U.S. sales, we have calculated importer-specific assessment rates based on the ratio of the total amount of antidumping duties calculated for the examined sales

to the total entered value of those sales. Where the respondent did not report the entered value for U.S. sales to an importer, we have calculated importer-specific assessment rates for the merchandise in question by aggregating the dumping margins calculated for all U.S. sales to each importer and dividing this amount by the total quantity of those sales.

<sup>3</sup> See Memorandum to Paul Piquado, Assistant Secretary for Import Administration, entitled "Diamond Sawblades and Parts Thereof from the Republic of Korea and the People's Republic of China: Deferral of the Final Results of the First Antidumping Duty Administrative Reviews" dated June 4, 2012.

<sup>4</sup> See Memorandum to Paul Piquado, Assistant Secretary for Import Administration, entitled "2009/2010 Review of the Antidumping Duty Orders on Diamond Sawblades and Parts Thereof from the Republic of Korea and the People's Republic of China: Post-Preliminary Analysis"

dated January 8, 2013. See also Memorandum from Gary Taverman, Senior Advisor for Antidumping and Countervailing Duty Operations, to Paul Piquado, Assistant Secretary for Import Administration, entitled "Issues and Decision Memorandum for the Final Results in the First Antidumping Duty Order Administrative Review of Diamond Sawblades and Parts Thereof from the Republic of Korea," dated February 8, 2013 (Final Decision Memorandum), which is hereby adopted by this notice, at Comment.

<sup>5</sup> See Final Decision Memorandum, and Department Memoranda, "Final Results Calculation

for Ehwa Diamond Industrial Co., Ltd.," and "Final Results Calculation for Shinhan Diamond Industrial Co., Ltd.," dated February 8, 2013, for changes specific to the dumping margin calculations.

<sup>6</sup> For further discussion, see Department Memorandum, "Final Adverse Facts Available Rate for Hyosung," dated February 8, 2013.

<sup>7</sup> See *Notice of Final Determination of Sales at Less Than Fair Value and Final Determination of Critical Circumstances: Diamond Sawblades and Parts Thereof from the Republic of Korea*, 71 FR 29310 (May 22, 2006).

To determine whether the duty assessment rates were *de minimis*, in accordance with the requirement set forth in 19 CFR 351.106(c)(2), the Department calculated importer-specific *ad valorem* ratios based on the entered value or the estimated entered value, when entered value was not reported. 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 Department clarified its “automatic assessment” regulation on May 6, 2003.<sup>8</sup> 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* (WTIDS402/R) (January 18, 2011).<sup>9</sup> Consequently, no cash deposits are required on imports of subject merchandise.

#### Notification to Interested Parties

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 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>8</sup> See *Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties*, 68 FR 23954 (May 6, 2003) (“*Assessment Policy Notice*”).

<sup>9</sup> 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.

These final results of review are issued and published in accordance with sections 751(a)(1) and 777(i)(1) of the Act.

Dated: February 8, 2013.

**Paul Piquado**,  
Assistant Secretary for Import  
Administration.

#### Appendix—Issues in Decision Memorandum

General Issues  
Comment 1: Whether to Eliminate Zeroing from the Margin Calculation Constraints  
Comment 2: Product-Matching  
Comment 3: Fraud Allegations and the Reliability of Respondents’ Submissions  
Ehwa-Specific Issues  
Comment 4: Treatment of Indirect Selling Expenses  
Comment 5: Treatment of U.S. Repacking Expenses  
Shinhan-Specific Issues  
Comment 6: Diamond Raw Material Consumption  
Comment 7: Clerical Error in Treatment of U.S. Repacking and Calculation of CEP Profit

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**BILLING CODE 3510–DS–P**

#### DEPARTMENT OF COMMERCE

##### National Oceanic and Atmospheric Administration

**RIN 0648–XC514**

##### New England Fishery Management Council; Public Meeting

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Notice; public meeting.

**SUMMARY:** The New England Fishery Management Council’s (Council) VMS/Enforcement Committee and Advisory Panel will meet to consider actions affecting New England fisheries in the exclusive economic zone (EEZ).

**DATES:** The meeting will be held on Tuesday, March 12, 2013 at 9:30 a.m.

**ADDRESSES:**

*Meeting address:* The meeting will be held at the Fairfield Inn and Suites, 185 MacArthur Drive, New Bedford, MA 02740; telephone: (774) 634–2000; fax: (774) 634–2001.

*Council address:* New England Fishery Management Council, 50 Water Street, Mill 2, Newburyport, MA 01950.

**FOR FURTHER INFORMATION CONTACT:** Paul J. Howard, Executive Director, New England Fishery Management Council; telephone: (978) 465–0492.

**SUPPLEMENTARY INFORMATION:** The items of discussion in the committee’s agenda are as follows:

The VMS/Enforcement Committee and Advisory Panel will meet to discuss Draft NOAA priorities for 2013. Also on the agenda will be the discussion of the role of the Multispecies sector managers in the event a sector vessel receives a violation and joint liability of sectors. They will discuss issues regarding the enforcement of small, seasonal area closures. They will also discuss marking requirements for lobster trawls, stability issues, and unintentional conflicts with mobile gear. The committee and panel will also discuss whether vessels should be allowed to carry two different mesh nets for different fisheries. The committee will meet in closed session to discuss advisory panel membership. Other business may be discussed.

Although non-emergency issues not contained in this agenda may come before this group for discussion, those issues may not be the subject of formal action during this meeting. Action will be restricted to those issues specifically identified in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the Council’s intent to take final action to address the emergency.

#### Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Paul J. Howard (see **ADDRESSES**) at least 5 days prior to the meeting date.

**Authority:** 16 U.S.C. 1801 *et seq.*

Dated: February 14, 2013.

**Tracey L. Thompson**,

*Acting Deputy Director, Office of Sustainable Fisheries, National Marine Fisheries Service.*

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**BILLING CODE 3510–22–P**

#### DEPARTMENT OF COMMERCE

##### National Oceanic and Atmospheric Administration

##### Interagency Ocean Observation Committee, Meeting of the Data Management and Communications Steering Team

**AGENCY:** National Ocean Service (NOS), National Oceanic and Atmospheric Administration (NOAA), U.S. Department of Commerce (DOC).

**ACTION:** Notice of open meeting.