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In addition, a complete version of the Issues and Decision Memorandum can be accessed directly on the Web at <http://ia.ita.doc.gov/frn/>. The paper copy and electronic version of the Issues and Decision Memorandum are identical in content.

### Changes Since the Preliminary Results

We revised our preliminary margin calculations for Golden Dragon and Nacobre to use the home market sales data they reported in their post-preliminary submissions to the Department. We made no other changes to the calculation of Golden Dragon's and Nacobre's weighted-average dumping margins in these final results.

### Period of Review

The period of review is May 1, 2011, through October 31, 2011, for Golden Dragon and November 22, 2010, through October 31, 2011, for Nacobre.

### Final Results of the Review

As a result of our review, we determine that sales of the subject merchandise have not been made at prices below normal value for the period May 1, 2011, and October 31, 2011, for Golden Dragon and November 22, 2010, through October 31, 2011, for Nacobre.

### Disclosure

We will disclose the calculations performed within five days of the date of publication of this notice to parties in this proceeding in accordance with 19 CFR 351.224(b).

### Assessment Rate

Pursuant to section 751(a)(2)(C) of the Tariff Act of 1930, as amended (the Act), and 19 CFR 351.212(b)(1), the Department has determined, and U.S. Customs and Border Protection (CBP) shall assess, antidumping duties on all appropriate entries of subject merchandise and deposits of estimated duties, where applicable, in accordance with the final results of this review. The Department intends to issue appropriate assessment instructions directly to CBP 15 days after publication of the final results of this administrative review.

Pursuant to the *Final Modification for Reviews*,<sup>6</sup> because the respondents' weighted-average dumping margins are zero, we will instruct CBP to liquidate the appropriate entries without regard to antidumping duties.<sup>7</sup>

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 Golden Dragon and Nacobre for which these companies did not know that the 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 company(ies) involved in the transaction.

### Cash Deposit Requirements

The following deposit requirements will be effective upon publication of the notice of these final results for all shipments of seamless refined copper pipe and tube from Mexico entered, or withdrawn from warehouse, for consumption on or after the publication date as provided by section 751(a)(2) of the Act: (1) The cash deposit rates for Golden Dragon and Nacobre will be equal to the weighted-average dumping margins established in the final results of this administrative review (*i.e.*, zero percent); (2) for merchandise exported by manufacturers or exporters not covered in this review but covered in a completed prior segment of the proceeding, the cash deposit rate will continue to be the company-specific rate published for the most recently completed segment; (3) if the exporter is not a firm covered in this review, a prior review, or the original investigation but the manufacturer is, the cash deposit rate will be the rate established for the most recently completed segment for the manufacturer of the merchandise; (4) the cash deposit rate for all other manufacturers or exporters will continue to be 26.03 percent, the all-others rate established in the *Amended Final and Order*. These cash 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

<sup>6</sup> See *Antidumping Proceedings: Calculation of the Weighted-Average Dumping Margin and Assessment Rate in Certain Antidumping Duty Proceedings; Final Modification*, 77 FR 8101 (February 14, 2012) (*Final Modification for Reviews*).

<sup>7</sup> *Id.* at 8102.

<sup>8</sup> For a full discussion of this clarification, see *Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties*, 68 FR 23954 (May 6, 2003).

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 POR. Failure to comply with this requirement could result in the Department's presumption that reimbursement of antidumping duties has occurred and the subsequent assessment of doubled antidumping duties.

### Administrative Protective Order

In accordance with 19 CFR 351.305(a)(3), this notice also serves as a reminder to parties subject to administrative protective order (APO) of their responsibility concerning the return or destruction of proprietary information disclosed under the APO, 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 subject to sanction.

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

Dated: June 5, 2013.

**Paul Piquado,**

*Assistant Secretary for Import Administration.*

### Appendix—Issues and Decision Memorandum

Comment 1: Targeted Dumping Analysis

Comment 2: Date of Sale for Nacobre's "Fixed Price" Sales

Comment 3: Nacobre's Indirect Selling Expenses

Comment 4: Nacobre's General and Administrative Expenses

Comment 5: Adjustment to U.S. Price for Golden Dragon

[FR Doc. 2013-13983 Filed 6-11-13; 8:45 am]

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-570-924]

### Polyethylene Terephthalate Film, Sheet, and Strip From the People's Republic of China: Final Results of Antidumping Duty Administrative Review; 2010-2011

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

**SUMMARY:** On December 10, 2012, the Department of Commerce ("Department") published its

*Preliminary Results* of the third administrative review of the antidumping duty order on polyethylene terephthalate film, sheet, and strip ("PET film") from the People's Republic of China ("PRC").<sup>1</sup> We gave interested parties an opportunity to comment on the *Preliminary Results*. After reviewing interested parties' comments and information received, we have made changes for the final results of this review. The final antidumping duty margins for this review are listed below in the "Final Results of the Review" section of this notice. The period of review ("POR") is November 1, 2010, through October 31, 2011.

**DATES:** *Effective Date:* June 12, 2013.

**FOR FURTHER INFORMATION CONTACT:** Thomas Martin or Jonathan Hill, AD/CVD Operations, Office 4, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482-3936 and (202) 482-3518 respectively.

**SUPPLEMENTARY INFORMATION:**

**Background**

The Department published the *Preliminary Results* on December 10, 2012. In accordance with 19 CFR 351.309(c)(1)(ii), we invited parties to comment on our *Preliminary Results*.<sup>2</sup> On January 28, 2013, the following interested parties filed timely case briefs: Bemis Company, Inc., and its affiliate Curwood Inc.; Shaoxing Xiangyu Green Packing Co., Ltd. ("Green Packing"); Terphane Inc.; Tianjin Wanhua Co., Ltd. ("Wanhua"),<sup>3</sup> Fuwei Films (Shandong) Co., Ltd. ("Fuwei Films"), and Sichuan Dongfang Insulating Material Co., Ltd. ("Dongfang")<sup>4</sup> (collectively, "Wanhua *et al.*"); Mitsubishi Polyester Film, Inc., SKC, Inc., and Toray Plastics (America), Inc. (collectively, "Petitioners"); DuPont Teijin Films China Limited,<sup>5</sup> DuPont

Hongji Films Foshan Co., Ltd., and DuPont Teijin Hongji Films Ningbo Co., Ltd. ("DuPont Group"). On February 4, 2013, the following interested parties filed timely rebuttal briefs: Terphane Inc., Petitioners, Green Packing, DuPont Group, and Wanhua *et al.*<sup>6</sup>

**Analysis of Comments Received**

All issues raised in the case and rebuttal briefs by parties are addressed in the "Polyethylene Terephthalate Film, Sheet, and Strip from the People's Republic of China: Issues and Decision Memorandum for the Final Results of the 2010-2011 Administrative Review," dated concurrently with this notice ("Issues & Decision Memo"). A list of the issues raised by interested parties is attached to this notice as an Appendix. The Issues & Decision Memo 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 it 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 Issues & Decision Memo can be accessed directly on the Internet at <http://www.trade.gov/ia>. The signed Issues & Decision Memo and the electronic versions of the Issues & Decision Memo are identical in content.

**Scope of the Order**

The products covered by the order are all gauges of raw, pre-treated, or primed PET film, whether extruded or co-extruded.<sup>7</sup> PET film is classifiable under subheading 3920.62.00.90 of the Harmonized Tariff Schedule of the United States ("HTSUS"). Although the HTSUS subheadings are provided for convenience and customs purposes, our written description of the scope of the order is dispositive. A full description of the scope of the order is contained in the Issues & Decision Memo.

correct name of DuPont Teijin Films China Limited is shown in the rate table in this notice.

<sup>6</sup> The Department removed the rebuttal brief of Wanhua *et al.* from the administrative record because it contained untimely filed new factual information. The Department permitted the resubmission of a redacted version of the rebuttal brief, with the untimely factual information removed, on February 12, 2013.

<sup>7</sup> See *Polyethylene Terephthalate Film, Sheet, and Strip From Brazil, the People's Republic of China and the United Arab Emirates: Antidumping Duty Orders and Amended Final Determination of Sales at Less Than Fair Value for the United Arab Emirates*, 73 FR 66595 (November 10, 2008).

**Changes Since the Preliminary Results**

Based on the comments received from the interested parties, we have made the following changes from the *Preliminary Results*:

1. We are including the reported reintroduced PET chip factor of production in the DuPont Group's normal value;

2. We are excluding the DuPont Group's reported billing adjustments from the calculation of U.S. net price;

3. We are correcting a clerical error in the calculation of surrogate selling, general, and administrative expenses, interest expenses, and profit for the DuPont Group and Green Packing;

4. Due to the changes in the dumping margins for DuPont Group, the rate calculated for the separate rate companies has also changed.

For a discussion of the issues, see the Issues & Decision Memo.

**Non-Market Economy Country**

The PRC has been treated as a non-market economy ("NME") in every proceeding conducted by the Department. In accordance with section 771(18)(C)(i) of the Tariff Act of 1930, as amended (the "Act"), any determination that a foreign country is an NME shall remain in effect until revoked by the administering authority. The Department has not revoked the PRC's status as an NME. Therefore, the Department continues to treat the PRC as an NME for purposes of these final results and, accordingly, applied the NME methodology.

**Separate Rates**

In proceedings involving NMEs, the Department maintains a rebuttable presumption that all companies within the NME are subject to government control and, therefore, should be assessed a single weighted-average dumping margin.<sup>8</sup> The Department's policy is to assign all exporters of merchandise subject to review in an NME country this single rate unless an exporter can demonstrate that it is sufficiently independent so as to be entitled to a separate rate.<sup>9</sup> The Department analyzes whether each entity exporting the merchandise under consideration is sufficiently independent under a test established in *Sparklers*<sup>10</sup> and further developed in

<sup>8</sup> See, e.g., *Polyethylene Terephthalate Film, Sheet, and Strip from the People's Republic of China: Final Determination of Sales at Less Than Fair Value*, 73 FR 55039, 55040 (September 24, 2008).

<sup>9</sup> See *Final Determination of Sales at Less Than Fair Value: Sparklers From the People's Republic of China*, 56 FR 20588, 20589 (May 6, 1991) ("Sparklers").

<sup>10</sup> See *id.*

<sup>1</sup> See *Polyethylene Terephthalate Film, Sheet, and Strip From the People's Republic of China: Preliminary Results of Administrative Review; 2010-2011*, 77 FR 73428 (December 10, 2012), and accompanying Decision Memorandum ("Preliminary Results").

<sup>2</sup> See *id.*, 77 FR at 73429.

<sup>3</sup> In the *Preliminary Results*, Tianjin Wanhua Co., Ltd. was erroneously referred to in the rate table as "Tianjin Wanhua Co., Ltd. Sichuan." The correct name of Tianjin Wanhua Co., Ltd. is shown in the rate table in this notice.

<sup>4</sup> In the *Preliminary Results*, Sichuan Dongfang Insulating Material Co., Ltd. was erroneously referred to in the rate table as "Dongfang Insulating Material Co., Ltd." The correct name of Sichuan Dongfang Insulating Material Co., Ltd. is shown in the rate table in this notice.

<sup>5</sup> In the *Preliminary Results*, DuPont Teijin Films China Limited was erroneously referred to in the rate table as "DuPont Teijin China Limited." The

*Silicon Carbide*.<sup>11</sup> According to this separate rate test, the Department will assign a separate rate in NME proceedings if a respondent can demonstrate the absence of both *de jure* and *de facto* government control over its export activities. If, however, the Department determines that a company is wholly foreign owned, then a separate rate analysis is not necessary to determine whether that company is independent from government control and eligible for a separate rate.

In the *Preliminary Results*, the Department found that Dongfang, DuPont Group, Green Packing, Fuwei Films, and Wanhua demonstrated their eligibility for separate-rate status.<sup>12</sup> No party commented on these preliminary results. For the final results, the Department continues to find that the evidence placed on the record of this administrative review by Dongfang, DuPont Group, Green Packing, Fuwei Films, and Wanhua demonstrate both a *de jure* and *de facto* absence of government control and, therefore, are eligible for separate-rate status.

#### Rate for Non-Selected Companies

The statute and the Department's regulations do not address the establishment of a rate to be applied to individual respondents not selected for examination when the Department limits its examination in an administrative review pursuant to section 777A(c)(2) of the Act. Generally, the Department looks to section 735(c)(5) of the Act, which provides instructions for calculating the all-others rate in an investigation, for guidance when calculating the rate for respondents which we did not examine in an administrative review. Section 735(c)(5)(A) of the Act articulates a preference that we are not to calculate an all-others rate using rates which are zero, *de minimis*, or based entirely on facts available. Accordingly, the Department's usual practice has been to average the weighted-average dumping margins for the selected companies, excluding rates that are zero, *de minimis*, or based entirely on facts available.<sup>13</sup> Section 735(c)(5)(B) of the Act also provides that, where all rates

are zero, *de minimis*, or based entirely on facts available, we may use "any reasonable method" for assigning the all-others rate, including "averaging the estimated weighted-average dumping margins determined for the exporters and producers individually investigated."

In this instance, consistent with our practice, we have established a margin for the separate rate applicants based on the rate we calculated for the mandatory respondents whose rates were not zero, *de minimis*, or based entirely on facts available. Therefore, for the final results, we have excluded Green Packing's rate, and assigned DuPont's rate as the separate rate, *i.e.*, 12.80 percent.

#### Surrogate Country

In the *Preliminary Results*, we treated the PRC as an NME country and, therefore, we calculated normal value in accordance with section 773(c) of the Act. We selected Indonesia as the surrogate country, pursuant to section 773(c)(4) of the Act, because it is a significant producer of merchandise comparable to subject merchandise and is at a level of economic development comparable to the PRC.<sup>14</sup> For the final results of review, we have continued to treat the PRC as an NME country and have used the same primary surrogate country, Indonesia.

#### Final Results of the Review

The dumping margins for the POR are as follows:

Exporter	Weighted—average dumping margin (percent)
DuPont Teijin Films China Limited .....	12.80
Shaoxing Xiangyu Green Packing Co., Ltd .....	0.00
Fuwei Films (Shandong) Co., Ltd .....	12.80
Tianjin Wanhua Co., Ltd .....	12.80
Sichuan Dongfang Insulating Material Co., Ltd .....	12.80

#### Assessment Rates

Consistent with these final results, and pursuant to section 751(a)(2)(A) of the Act, and 19 CFR 351.212(b), the Department will direct U.S. Customs and Border Protection ("CBP") to assess antidumping duties on all appropriate entries of subject merchandise in accordance with the final results of this review. The Department intends to issue assessment instructions to CBP 15 days after the date of publication of the final

results of review. Pursuant to 19 CFR 351.212(b)(1), the Department will calculate importer (or customer) -specific assessment rates based on the ratio of the total amount of the dumping margins calculated for the examined sales to the total entered value of those same sales.<sup>15</sup> The Department will instruct CBP to assess antidumping duties on all appropriate entries covered by this review if any importer-specific assessment rate is above *de minimis*.

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 NME-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 NME-wide rate.<sup>16</sup>

#### 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 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 the exporter listed above, the cash deposit rate will be established in the final results of this review (except, if the rate is zero or *de minimis*, *i.e.*, less than 0.5 percent, no cash deposit will be required for that company); (2) for previously investigated or reviewed PRC and non-PRC exporters not listed above that have separate rates, the cash deposit rate will continue to be the exporter-specific rate published for the most recent period; (3) for all PRC exporters of subject merchandise which 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

<sup>11</sup> See *Notice of Final Determination of Sales at Less Than Fair Value: Silicon Carbide From the People's Republic of China*, 59 FR 22585 (May 2, 1994) ("*Silicon Carbide*").

<sup>12</sup> See *Preliminary Results*, and accompanying Decision Memorandum at 3.

<sup>13</sup> See *Ball Bearings and Parts Thereof From France, Germany, Italy, Japan, and the United Kingdom: Final Results of Antidumping Duty Administrative Reviews and Rescission of Reviews in Part*, 73 FR 52823, 52824 (September 11, 2008), and accompanying Issues and Decision Memorandum at Comment 16.

<sup>14</sup> See *Preliminary Results*, and accompanying Decision Memorandum at 7.

<sup>15</sup> In these final 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).

<sup>16</sup> See *Non-Market Economy Antidumping Proceedings: Assessment of Antidumping Duties*, 76 FR 65694 (October 24, 2011).

exporter. These deposit requirements, when imposed, shall remain in effect until further notice.

### Disclosure

We will disclose the calculations performed within five days of the date of publication of this notice to parties in this proceeding in accordance with 19 CFR 351.224(b).

### Notification to Importers Regarding The Reimbursement of Duties

This notice serves as a final 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 POR. Failure to comply with this requirement could result in the Department's presumption that reimbursement of antidumping duties has occurred and the subsequent assessment of doubled antidumping duties.

### Administrative Protective Orders

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(a)(3), 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 terms of an APO is a violation which is subject to sanction.

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

Dated: June 5, 2013.

**Paul Piquado,**

*Assistant Secretary for Import Administration.*

### Appendix—Issues & Decision Memorandum

#### I. General Issues

Issue 1: Respondent Selection  
Issue 2: Surrogate Country Selection  
Issue 3: Calculation of the Surrogate Financial Ratios  
Issue 4: Calculation of a Separate Rate

#### II. Company-Specific Issues

Issue 5: Treatment of the DuPont Group's Reintroduced PET Chip  
Issue 6: Calculation of the DuPont Group's U.S. Indirect Selling Ratio  
Issue 7: Calculation of the DuPont Group's Foreign Brokerage and Handling Expenses

Issue 8: Calculation of the DuPont Group's Margin Using the Average-to-Transaction Method

Issue 9: The DuPont Group's Billing Adjustments

Issue 10: Green Packing's By-Product Offsets

Issue 11: Assessment Rate to Curwood

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-580-809]

### Circular Welded Non-Alloy Steel Pipe From the Republic of Korea: Final Results of Antidumping Duty Administrative Review; 2010-2011

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

**SUMMARY:** On December 7, 2012, the Department of Commerce (the Department) published the preliminary results of the administrative review of the antidumping duty order on circular welded non-alloy steel pipe (CWP) from the Republic of Korea (Korea) for the period November 1, 2010, through October 31, 2011.<sup>1</sup> For these final results, we find that subject merchandise has been sold at less than normal value.

**DATES:** *Effective Date:* June 12, 2013.

**FOR FURTHER INFORMATION CONTACT:** Mary Kolberg or Jennifer Meek, 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) 482-1785 or (202) 482-2778, respectively.

#### SUPPLEMENTARY INFORMATION:

#### Background

On December 7, 2012, the Department published the preliminary results of the administrative review of the antidumping duty order on CWP from Korea.<sup>2</sup>

On February 19, 2013, we received case briefs from Husteel Co., Ltd. (Husteel), Hyundai HYSCO (HYSCO), United States Steel Corporation, and Wheatland Tube Company. On February 28, 2013, we received rebuttal briefs from these four interested parties.

<sup>1</sup> See *Circular Welded Non-Alloy Steel Pipe From the Republic of Korea: Preliminary Results of Antidumping Duty Administrative Review; 2010-2011*, 77 FR 73015 (December 7, 2012) (*Preliminary Results*).

<sup>2</sup> *Id.*

### Scope of the Order

The merchandise subject to the order is circular welded non-alloy steel pipe and tube. For a full description of the scope of the order, see Issues and Decision Memorandum,<sup>3</sup> which is hereby adopted by this notice. The written description is dispositive.

### Analysis of Comments Received

The comments received in the case and rebuttal briefs are addressed in the Issues and Decision Memorandum. A list of the issues raised and to which we have responded in the Issues and Decision Memorandum, is attached to this notice as an Appendix. The Issues and 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 Issues and Decision Memorandum can be accessed directly on the Internet at <http://www.trade.gov/ia>. The signed Issues and Decision Memorandum and the electronic version of the Issues and Decision Memorandum are identical in content.

### Changes From the Preliminary Results

Based on our analysis of the comments received from interested parties, we have changed our calculation methodology for Husteel's and HYSCO's dumping margins, by reallocating certain costs and revising the targeted dumping analysis, conversion factors, and general and administrative and financial expenses. See the Issues and Decision Memorandum and the company-specific calculation memoranda dated concurrently with this notice.

### Final Results of the Review

As a result of this review, we determine that the following weighted-average dumping margins exist for the period November 1, 2010, through October 31, 2011:

<sup>3</sup> See 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 Administrative Review of the Antidumping Duty Order on Circular Welded Non-Alloy Steel Pipe from the Republic of Korea," (Issues and Decision Memorandum) dated concurrently with this notice.