

DEPARTMENT OF COMMERCE**International Trade Administration**

[A-423-007, A-427-078, A-428-082, C-408-046]

Revocation of Antidumping Duty Findings and Countervailing Duty Order: Sugar from Belgium, France, Germany and the European Community

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

SUMMARY: On September 1, 2004, the Department of Commerce ("the Department") initiated its second sunset review of the antidumping ("AD") findings on sugar from Belgium, France, Germany and the countervailing duty ("CVD") order on sugar from the European Community. See *Notice of Initiation of Five-year ("Sunset") Reviews*, 69 FR 53408 (September 1, 2004). Pursuant to section 751(c) of the Tariff Act of 1930, as amended ("the Act"), the International Trade Commission ("the ITC"), in its sunset review, determined that revocation of the AD findings on sugar from Belgium, France, Germany and the CVD order on sugar from the European Community ("EC") would not be likely to lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time. See *Sugar From the European Union; Sugar from Belgium, France, and Germany*, 70 FR 52446 (September 2, 2005). Therefore, pursuant to section 751(d)(2) of the Act and 19 CFR 351.222(i)(1)(iii), the Department is revoking the AD findings on sugar from Belgium, France, Germany, and the CVD order on sugar from the EC.

EFFECTIVE DATE: October 28, 2004.

FOR FURTHER INFORMATION CONTACT: David Goldberger, AD/CVD Operations, Office 3, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 482-4136.

SUPPLEMENTARY INFORMATION:**Scope of the Findings and Order**

Imports covered by these AD findings are shipments of sugar, both raw and refined, with the exception of specialty sugars, from Belgium, France, and Germany. The finding on sugar from France excludes homeopathic sugar pellets meeting the following criteria: (1) composed of 85 percent sucrose and 15 percent lactose; (2) have a polished, matte appearance, and more uniformly

porous than domestic sugar cubes; (3) produced in two sizes of 2 mm and 3.8 mm in diameter. See *Sugar from France; Final Results of Changed Circumstances Antidumping Duty Administrative Review, and Revocation in Part of Antidumping Finding*, 61 FR 40609 (August 5, 1996). The merchandise subject to these AD findings is currently classifiable in the Harmonized Tariff Schedule of the United States ("HTSUS") at subheadings: 1701.11.05, 1701.11.10, 1701.11.20, 1701.11.50, 1701.12.05, 1701.12.10, 1701.12.50, 1701.91.05, 1701.91.10, 1701.91.30, 1701.99.05, 1701.99.1000, 1701.99.1090, 1701.99.5000, 1701.99.5090, 1702.90.05, 1702.90.10, 1702.90.20, 2106.90.42, 2106.90.44, and 2106.90.46. Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope of the findings is dispositive.

Imports covered by this CVD order are shipments of sugar from the EC. This merchandise is currently classifiable under item numbers 1701.11.05, 1701.11.10, 1701.11.20, 1701.11.50, 1701.12.05, 1701.12.10, 1701.12.50, 1701.91.05, 1701.91.10, 1701.91.30, 1701.99.05, 1701.99.1090, 1701.99.5090, 1702.90.05, 1702.90.10, 1702.90.20, 2106.90.42, 2106.90.44, 2106.90.46 of the HTSUS. Specialty sugars are exempt from the scope of this order. On December 7, 1987, two interested parties, the United States Beet Sugar Association and the United States Cane Sugar Refiners' Association, requested a scope review of blends of sugar and dextrose, a corn-derived sweetener, containing at least 65 percent sugar. The merchandise is currently imported under HTSUS item number 1701.99.00. On June 21, 1990, the Department issued a final scope clarification memorandum, which determined that such blends are within the scope of the order, and that imports of such blends from the EC are subject to the corresponding CVD.

Background

On June 13, 1979, following affirmative injury determinations by the ITC, the Department of the Treasury ("Treasury") issued antidumping duty findings on imports of sugar from Belgium, France, and Germany with country-wide rates of 103 percent for Belgian sugar, 102 percent for French sugar, and 121 percent for German sugar. See *Sugar from Belgium, France, and the Republic of Germany, Treasury Decision 79-167*, 44 FR 33878 (June 13, 1979). On July 31, 1978, Treasury issued its final determination finding that exports from the EC of sugar benefitted from bounties or grants within the

meaning of section 303 of the Tariff Act of 1930. See *Final Countervailing Duty Determination, T.D. 78-253*, 43 FR 33237 (July 31, 1978). On September 1, 2004, the Department initiated, and the ITC instituted, sunset reviews of the AD and CVD orders on sugar from Belgium, France, Germany, and the European Community. See *Notice of Initiation of Five-year ("Sunset") Reviews*, 69 FR 53408 (September 1, 2004). As a result of its review, the Department found that revocation of the AD orders would likely lead to continuation or recurrence of dumping, and notified the ITC of the magnitude of the margin likely to prevail were the orders to be revoked. See *Final Results of Expedited Sunset Reviews of Antidumping Duty Findings*, 70 FR 17231 (April 5, 2005). On September 2, 2005, the ITC determined, pursuant to section 751(c) of the Act, that revocation of the AD findings on sugar from Belgium, France, Germany, and the CVD order on sugar from the EC would not be likely to lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time. See *Sugar From the European Union; Sugar from Belgium, France, and Germany*, 70 FR 52446 (September 2, 2005) and USITC Publication 3793 (August 2005), entitled *Sugar from the European Union, and Sugar from Belgium, France, and Germany: Investigation Nos. 104-TAA-7 (Second Review) and AA1921-198-200 (Second Review)*.

Determination

As a result of the determination by the ITC that revocation of these AD findings and CVD order is not likely to lead to continuation or recurrence of material injury to an industry in the United States, the Department, pursuant to section 751(d) of the Act, is revoking the AD findings on sugar from Belgium, France and Germany and the CVD order on sugar from the EC. Pursuant to section 751(d)(2) of the Act and 19 CFR 351.222(i)(2)(i), the effective date of revocation is October 28, 2004 (*i.e.*, the fifth anniversary of the date of publication in the **Federal Register** of the notice of continuation of the AD findings and the CVD order). The Department will notify U.S. Customs and Border Protection to discontinue suspension of liquidation and collection of cash deposits on entries of the subject merchandise entered or withdrawn from warehouse on or after October 28, 2004, the effective date of revocation of the AD findings and the CVD order. The Department will complete any pending administrative reviews of these findings or order and will conduct

administrative reviews of subject merchandise entered prior to the effective date of revocation in response to appropriately filed requests for review.

These five-year sunset reviews and notice are in accordance with section 751(d)(2) and published pursuant to section 777(i)(1) of the Act.

Dated: September 9, 2005.

Joseph A. Spetrini,

Acting Assistant Secretary for Import Administration.

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DEPARTMENT OF COMMERCE

International Trade Administration

[C-580-851]

Dynamic Random Access Memory Semiconductors from the Republic of Korea: Preliminary Results of Countervailing Duty Administrative Review

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

SUMMARY: The Department of Commerce is conducting an administrative review of the countervailing duty order on dynamic random access memory semiconductors from the Republic of Korea for the period April 7, 2003, through December 31, 2003. We preliminarily find that certain producers/exporters under review received countervailable subsidies during the period of review. If the final results remain the same as these preliminary results, we will instruct U.S. Customs and Border Protection ("CBP") to assess countervailing duties as detailed in the "Preliminary Results of Review" section of this notice.

Interested parties are invited to comment on these preliminary results (see the "Public Comment" section of this notice, below).

EFFECTIVE DATE: September 15, 2005.

FOR FURTHER INFORMATION CONTACT: Daniel J. Alexy, Cole Kyle, Natalie Kempkey or Marc Rivitz, Office of Antidumping/Countervailing Duty Operations, Office 1, Import Administration, U.S. Department of Commerce, Room 3069, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 482-1540, (202) 482-1503, (202) 482-1698 or (202) 482-1382, respectively.

SUPPLEMENTARY INFORMATION:

Case History

On August 11, 2003, the Department of Commerce ("the Department") published a countervailing duty order on dynamic random access memory semiconductors ("DRAMs") from the Republic of Korea ("ROK"). See *Notice of Countervailing Duty Order: Dynamic Random Access Memory Semiconductors from the Republic of Korea*, 68 FR 47546 (August 11, 2003) ("CVD Order"). On August 3, 2004, the Department published a notice of "Opportunity to Request Administrative Review" for this countervailing duty order. On August 31, 2004, we received requests for review from Hynix Semiconductor, Inc. ("Hynix"), Infineon Technologies North America Corp., and Micron Technology, Inc. ("Micron"). In accordance with 19 CFR 351.221(c)(1)(i) (2004), we published a notice of initiation of the review on September 22, 2004. See *Initiation of Antidumping and Countervailing Duty Administrative Reviews and Request for Revocation in Part*, 69 FR 56745 (September 22, 2004) ("Initiation Notice").

On October 19, 2004, we issued countervailing duty questionnaires to the Government of the Republic of Korea ("GOK") and Hynix (formerly, Hyundai Electronics Industries Co., Ltd. ("HEI")). We received responses to these questionnaires in December 2004.

On November 30, 2004, we initiated an investigation of new subsidy allegations within the context of the first administrative review of the countervailing duty order on DRAMs from Korea. See *New Subsidy Allegations Memorandum from Ryan Langan to Susan Kuhbach*, dated November 30, 2004, available at the Central Records Unit ("CRU"), Room B-099 of the main Department building.

On March 25, 2005, we published a postponement of the preliminary results in this review until August 31, 2005. See *Dynamic Random Access Memory Semiconductors from the Republic of Korea: Extension of Time Limit for Preliminary Results of Countervailing Duty Review*, 70 FR 15293 (March 25, 2005).

We issued supplemental questionnaires to the GOK and Hynix in May and June 2005, and received responses to these supplemental questionnaires in June and July 2005. Hynix and Micron submitted pre-preliminary results comments and rebuttal comments in July and August 2005.

Scope of the Order

The products covered by this order are DRAMs from the Republic of Korea,

whether assembled or unassembled. Assembled DRAMs include all package types. Unassembled DRAMs include processed wafers, uncut die, and cut die. Processed wafers fabricated in the ROK, but assembled into finished semiconductors outside the ROK are also included in the scope. Processed wafers fabricated outside the ROK and assembled into finished semiconductors in the ROK are not included in the scope.

The scope of this order additionally includes memory modules containing DRAMs from the ROK. A memory module is a collection of DRAMs, the sole function of which is memory. Memory modules include single in-line processing modules, single in-line memory modules, dual in-line memory modules, small outline dual in-line memory modules, Rambus in-line memory modules, and memory cards or other collections of DRAMs, whether unmounted or mounted on a circuit board. Modules that contain other parts that are needed to support the function of memory are covered. Only those modules that contain additional items which alter the function of the module to something other than memory, such as video graphics adapter boards and cards, are not included in the scope. This order also covers future DRAMs module types.

The scope of this order additionally includes, but is not limited to, video random access memory and synchronous graphics random access memory, as well as various types of DRAMs, including fast page-mode, extended data-out, burst extended data-out, synchronous dynamic RAM, Rambus DRAM, and Double Data Rate DRAM. The scope also includes any future density, packaging, or assembling of DRAMs. Also included in the scope of this order are removable memory modules placed on motherboards, with or without a central processing unit, unless the importer of the motherboards certifies with CBP that neither it, nor a party related to it or under contract to it, will remove the modules from the motherboards after importation. The scope of this order does not include DRAMs or memory modules that are re-imported for repair or replacement.

The DRAMs subject to this order are currently classifiable under subheadings 8542.21.8005 and 8542.21.8020 through 8542.21.8030 of the Harmonized Tariff Schedule of the United States ("HTSUS"). The memory modules containing DRAMs from the ROK, described above, are currently classifiable under subheadings 8473.30.10.40 or 8473.30.10.80 of the HTSUS. Removable memory modules