

preparation of vitrified macromolecular and cellular specimens that will be subsequently examined in an electron microscope under strict cryo-conditions. Application accepted by Commissioner of Customs: August 11, 2008.

*Docket Number: 08-052.* Applicant: University of Washington, Applied Physics Laboratory, 1013 NE 40th Street, Seattle, WA 98105-6698. Instrument: CTD Chain III. Manufacturer: ADM Elektronik, Germany. Intended Use: The instrument will be towed from a large research vessel to study physical phenomena and processes that occur primarily in the upper 500m of the ocean, including internal waves, internal tides, meso-scale eddies, and buoyancy compensated water masses. Application accepted by Commissioner of Customs: September 30, 2008.

*Docket Number: 08-056.* Applicant: Argonne National Laboratory, 9700 S. Cass Avenue, Lemont, IL 60439. Instrument: Isobar separator system. Manufacturer: Bruker Biospin S.A., France. Intended Use: The instrument will be used to develop new capability to deliver radioactive beams for nuclear physics research. Application accepted by Commissioner of Customs: October 9, 2008.

Dated: February 12, 2009.

**Chris Cassel,**

*Acting Director, IA Subsidies Enforcement Office.*

[FR Doc. E9-3401 Filed 2-13-09; 8:45 am]

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[C-580-851]

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

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

**SUMMARY:** On August 13, 2008, the Department of Commerce published in the **Federal Register** its preliminary results of administrative review of the countervailing duty order on dynamic random access memory semiconductors from the Republic of Korea for the period January 1, 2006, through December 31, 2006.

Following the preliminary results, we provided interested parties with an opportunity to comment on the preliminary results. Our analysis of the

comments submitted and information received after the preliminary results did not lead to any changes in the net subsidy rate. Therefore, the final results do not differ from the preliminary results. The final net subsidy rate for Hynix Semiconductor Inc. is listed below in the section entitled "Final Results of Review."

**EFFECTIVE DATE:** February 17, 2009.

**FOR FURTHER INFORMATION CONTACT:** David Neubacher or Shane Subler, AD/CVD Operations, Office 1, Import Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230; telephone: (202) 482-5823 or (202) 482-0189, respectively.

#### SUPPLEMENTARY INFORMATION:

##### Background

The following events have occurred since the publication of the preliminary results of this review. *See Dynamic Random Access Memory Semiconductors from the Republic of Korea: Preliminary Results of Countervailing Duty Administrative Review*, 73 FR 47131 (August 13, 2008) ("*Preliminary Results*").

On September 23, 2008, we received a case brief from the petitioner, Micron Technology, Inc. ("Micron"), and we received a rebuttal brief from Hynix Semiconductor Inc. ("Hynix") on September 29, 2008.

On November 24, 2008, we issued a supplemental questionnaire to Hynix and received a response on December 2, 2008. Following Hynix's December 2, 2008, supplemental questionnaire response, we received a supplemental case brief from Micron on December 17, 2008 and a supplemental rebuttal brief from Hynix on December 22, 2008.

On November 28, 2008, we extended the time limit for the final results of this administrative review by 60 days (to February 9, 2008), pursuant to section 751(a)(3)(A) of the Tariff Act of 1930, as amended ("the Act"). *See Dynamic Random Access Memory Semiconductors From the Republic of Korea: Extension of Time Limit for Final Results of the Countervailing Duty Administrative Review*, 73 FR 72449 (November 28, 2008).

##### Scope of the Order

The products covered by the order are dynamic random access memory semiconductors ("DRAMs") from the Republic of Korea ("ROK"), 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 the 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. The scope also covers future DRAMS module types.

The scope of the 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 U.S. customs and Border Protection ("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 the order does not include DRAMS or memory modules that are re-imported for repair or replacement.

The DRAMS subject to the order are currently classifiable under subheadings 8542.21.8005, 8542.21.8020 through 8542.21.8030, and 8542.32.0001 through 8542.32.0023 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 8473.30.1040, 8473.30.1080, 8473.30.1140, and 8473.30.1180 of the HTSUS. Removable memory modules placed on motherboards are classifiable under subheadings 8443.99.2500,

8443.99.2550, 8471.50.0085, 8471.50.0150, 8517.30.5000, 8517.50.1000, 8517.50.5000, 8517.50.9000, 8517.61.0000, 8517.62.0010, 8517.62.0050, 8517.69.0000, 8517.70.0000, 8517.90.3400, 8517.90.3600, 8517.90.3800, 8517.90.4400, 8542.21.8005, 8542.21.8020, 8542.21.8021, 8542.21.8022, 8542.21.8023, 8542.21.8024, 8542.21.8025, 8542.21.8026, 8542.21.8027, 8542.21.8028, 8542.21.8029, 8542.21.8030, 8542.31.0000, 8542.33.0000, 8542.39.0000, 8543.89.9300, and 8543.89.9600 of the HTSUS. However, the product description, and not the HTSUS classification, is dispositive of whether merchandise imported into the United States falls within the scope.

### Scope Rulings

On December 29, 2004, the Department of Commerce ("Department") received a request from Cisco Systems, Inc. ("Cisco"), to determine whether removable memory modules placed on motherboards that are imported for repair or refurbishment are within the scope of the *CVD Order*. See *Notice of Countervailing Duty Order: Dynamic Random Access Memory Semiconductors from the Republic of Korea*, 68 FR 47546 (August 11, 2003) ("CVD Order"). The Department initiated a scope inquiry pursuant to 19 CFR 351.225(e) on February 4, 2005. On January 12, 2006, the Department issued a final scope ruling, finding that removable memory modules placed on motherboards that are imported for repair or refurbishment are not within the scope of the *CVD Order* provided that the importer certifies that it will destroy any memory modules that are removed for repair or refurbishment. See Memorandum from Stephen J. Claeys to David M. Spooner, regarding Final Scope Ruling, Countervailing Duty Order on DRAMs from the Republic of Korea (January 12, 2006).

### Period of Review

The period for which we are measuring subsidies, *i.e.*, the period of review ("POR"), is January 1, 2006, through December 31, 2006.

### Analysis of Comments Received

All issues raised in the case and rebuttal briefs by parties to this administrative review are addressed in the February 9, 2009, *Issues and Decision Memorandum for the Final Results in the Fourth Administrative Review of the Countervailing Duty Order on Dynamic Random Access Memory*

*Semiconductors from the Republic of Korea* ("Decision Memorandum") from John M. Andersen, Acting Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, to Ronald K. Lorentzen, Acting Assistant Secretary for Import Administration, which is hereby adopted by this notice. Attached to this notice as an appendix is a list of the issues which parties have raised and to which we have responded in the *Decision Memorandum*. Parties can find a complete discussion of all issues raised in this review and the corresponding recommendations in this public memorandum, which is on file in the Department's Central Records Unit, Room 1117 of the main Department building. In addition, a complete version of the public *Decision Memorandum* can be accessed directly on the Internet at <http://www.ia.ita.doc.gov/frn>. The paper copy and electronic version of the *Decision Memorandum* are identical in content.

### Final Results of Review

In accordance with 19 CFR 351.221(b)(5), we calculated an individual subsidy rate for the producer/exporter, Hynix. For the period January 1, 2006, through December 31, 2006, we find that the *ad valorem* net subsidy rate for Hynix is 4.91 percent.

### Assessment Rates

Fifteen days after the date of publication of these final results of this review, the Department will instruct CBP to liquidate shipments of DRAMs by Hynix entered or withdrawn from warehouse, for consumption from January 1, 2006, through December 31, 2006, at 4.91 percent *ad valorem* of the F.O.B. invoice price.

### Cash Deposits

On October 3, 2008, the Department published a **Federal Register** notice that, *inter alia*, revoked this order, effective August 11, 2008. See *Dynamic Random Access Memory Semiconductors From the Republic of Korea: Final Results of Sunset Review and Revocation of Order*, 73 FR 57594 (October 3, 2008). As a result, CBP is no longer suspending liquidation for entries of subject merchandise occurring after the revocation. Therefore, there is no need to issue new cash deposit instructions pursuant to the final results of this administrative review.

This notice also serves as a 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.

This administrative review and notice are issued and published in accordance with section 751(a)(1) of the Act.

Dated: February 9, 2009.

**Ronald K. Lorentzen,**

*Acting Assistant Secretary for Import Administration.*

### Appendix I

#### *Comments in the Issues and Decision Memorandum*

*Comment 1:* Timing of the Benefit on a Previously Countervailed Debt-to-Equity Swap ("DES")

*Comment 2:* Allegation that Hynix is Circumventing the Order

[FR Doc. E9-3288 Filed 2-13-09; 8:45 am]

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## COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

### Determination under the Textile and Apparel Commercial Availability Provision of the Dominican Republic-Central America-United States Free Trade Agreement (CAFTA-DR Agreement)

February 10, 2009.

**AGENCY:** The Committee for the Implementation of Textile Agreements.

**ACTION:** Determination to add a product in unrestricted quantities to Annex 3.25 of the CAFTA-DR Agreement.

#### **EFFECTIVE DATE:** February 17, 2009.

**SUMMARY:** The Committee for the Implementation of Textile Agreements (CITA) has determined that certain woven modal-polyester fabric, as specified below, is not available in commercial quantities in a timely manner in the CAFTA-DR countries. The product will be added to the list in Annex 3.25 of the CAFTA-DR Agreement in unrestricted quantities.

**FOR FURTHER INFORMATION CONTACT:** Maria Dybczak, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482-3651.

#### **FOR FURTHER INFORMATION ON-**

**LINE:** <http://web.ita.doc.gov/tacgi/CaftaReqTrack.nsf>. Reference number: 102.2009.01.02.Fabric.SoriniSamet forBWA.

#### **SUPPLEMENTARY INFORMATION:**

**Authority:** Section 203(o)(4) of the Dominican Republic-Central America-United