

DEPARTMENT OF COMMERCE**Foreign-Trade Zones Board****[Docket 51–2009]****Foreign-Trade Zone 37—Orange County, NY; Application for Expansion and Reorganization Under Alternative Site Framework**

An application has been submitted to the Foreign-Trade Zones (FTZ) Board (the Board) by the County of Orange, New York, grantee of FTZ 37, requesting authority to expand the zone and reorganize under the alternative site framework (ASF) adopted by the Board (74 FR 1170, 01/12/09; correction 74 FR 3987, 01/22/09). The ASF is an option for grantees for the establishment or reorganization of general-purpose zones and can permit significantly greater flexibility in the designation of new “usage-driven” FTZ sites for operators/users located within a grantee’s “service area” in the context of the Board’s standard 2,000-acre activation limit for a general-purpose zone project. The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a–81u), and the regulations of the Board (15 CFR part 400). It was formally filed on November 12, 2009.

The grantee’s proposed service area under the ASF would be Orange County, New York. If approved, the grantee would be able to serve sites throughout the service area based on companies’ needs for FTZ designation. The proposed service area is adjacent to or within the New York/Newark Customs and Border Protection port of entry.

FTZ 37 was approved by the Board on May 4, 1978 (Board Order 130, 43 FR 20526, 5/12/1978) and expanded on July 9, 1999 (Board Order 1044, 64 FR 38887, 7/20/1999). The applicant is requesting to include its current sites 3 and 7 as “magnet sites”. The applicant proposes that Site 3 be exempt from “sunset” time limits that otherwise apply to sites under the ASF. The applicant is requesting removal of sites 1, 2 and 5. Sites 4 and 6 have lapsed. The applicant is also requesting approval of the following initial “usage-driven” site: *Proposed Site 8* (36 acres)—within the Chester Industrial Park, 29 Elizabeth Drive, Chester, NY.

In accordance with the Board’s regulations, Maureen Hinman of the FTZ staff is designated examiner to evaluate and analyze the facts and information presented in the application and case record and to report findings and recommendations to the Board.

Public comment is invited from interested parties. Submissions (original and 3 copies) shall be addressed to the Board’s Executive Secretary at the address listed below. The closing period for their receipt is January 19, 2010. Rebuttal comments in response to material submitted during the foregoing period may be submitted during the subsequent 15-day period (to February 3, 2010).

A copy of the application will be available for public inspection at the Office of the Executive Secretary, Foreign-Trade Zones Board, Room 2111, U.S. Department of Commerce, 1401 Constitution Avenue, NW., Washington, DC 20230–0002, and in the “Reading Room” section of the Board’s Web site, which is accessible via <http://www.trade.gov/ftz>. For further information, contact Maureen Hinman at maureen.hinman@trade.gov or (202) 482–0627.

Dated: November 12, 2009.

Andrew McGilvray,
Executive Secretary.

[FR Doc. E9–27931 Filed 11–19–09; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE**International Trade Administration****[C–489–502]****Certain Welded Carbon Steel Standard Pipe from Turkey: Extension of Time Limit for Preliminary Results of Countervailing Duty Administrative Review**

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

EFFECTIVE DATE: November 20, 2009.

FOR FURTHER INFORMATION CONTACT: Kristen Johnson, 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) 482–4793.

SUPPLEMENTARY INFORMATION:**Background Information**

On April 27, 2009, the U.S. Department of Commerce (the Department) published a notice of initiation of the administrative review of the countervailing duty order on certain welded carbon steel standard pipe from Turkey covering the period of review January 1, 2008, through December 31, 2008. *See Initiation of Antidumping and Countervailing Duty Administrative Reviews*, 74 FR 19042 (April 27, 2009).

The preliminary results are currently due no later than December 1, 2009.

Extension of Time Limit for Preliminary Results

Section 751(a)(3)(A) of the Tariff Act of 1930, as amended (the Act), requires the Department to make a preliminary determination within 245 days after the last day of the anniversary month of an order or finding for which a review is requested. Section 751(a)(3)(A) of the Act further states that if it is not practicable to complete the review within the time period specified, the administering authority may extend the 245-day period to issue its preliminary results by up to 120 days.

The respondents under review are Borusan Mannesmann Boru Sanayi ve Ticaret A.S., Borusan Istikbal Ticaret T.A.S., Tosiya dis Ticaret A.S., Toscelik Profil ve Sac Endustrisi A.S. and the Government of Turkey. In this review, there are 12 programs and new subsidies allegations, which the Department continues to examine. As such, we have determined that it is not practicable to complete the preliminary results of this review within the 245-day period. Therefore, in accordance with section 751(a)(3)(A) of the Act, we are extending the time period for issuing the preliminary results of the review by 120 days. The preliminary results are now due no later than March 31, 2010. The final results continue to be due 120 days after publication of the preliminary results.

This notice is issued and published in accordance with sections 751(a)(3)(A) and 777(i)(1) of the Act.

Dated: November 13, 2009.

John M. Andersen,

Acting Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

[FR Doc. E9–27933 Filed 11–19–09; 8:45 am]

BILLING CODE 3510–DS–S

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: The Department of Commerce has completed an administrative review of the countervailing duty order on dynamic random access memory semiconductors from the Republic of

Korea for the period January 1, 2007, through December 31, 2007. We find that Hynix Semiconductor, Inc. received countervailable subsidies during the period of review, which result in a de minimis subsidy rate.

EFFECTIVE DATE: November 20, 2009.

FOR FURTHER INFORMATION CONTACT:

David Neubacher or Shane Subler, Office of AD/CVD Operations, Office 1, Import Administration, International Trade Administration, U.S. Department of Commerce, Room 3069, 14th Street and Constitution Avenue, NW, Washington, DC 20230; telephone: (202) 482-5823 and (202) 482-0189, respectively.

SUPPLEMENTARY INFORMATION:

Background

On August 4, 2009, we published the *Preliminary Results* of the review. See *Dynamic Random Access Memory Semiconductors from the Republic of Korea: Preliminary Results of Countervailing Duty Administrative Review*, 74 FR 38579 (August 4, 2009) ("Preliminary Results"). No interested parties requested a hearing or submitted briefs.

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 order 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 the 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. Although the HTSUS subheadings are provided for convenience and customs purposes, the Department's written description of the scope of this order remains dispositive.

Scope Rulings

On December 29, 2004, the Department received a request from Cisco Systems, Inc., to determine

whether removable memory modules placed on motherboards that are imported for repair or refurbishment are within the scope of the 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, 2007, through December 31, 2007.

Final Results of Review

In accordance with 19 CFR 351.221(b)(4)(i), in the *Preliminary Results* we calculated an individual subsidy rate for Hynix Semiconductor, Inc. ("Hynix"), the producer/exporter covered by this administrative review. Neither the petitioner, Micron Technology, Inc., nor the respondent commented on the *Preliminary Results*, and we find that no changes were warranted.

Listed below are the programs we examined in the review and our findings with respect to each of these programs. For a complete analysis of the programs found to be countervailable, not countervailable, and terminated, see *Preliminary Results*.

I. Programs Determined to Confer Subsidies During the POR

A. GOK Entrustment or Direction Prior to 2004

- B. Operation G-7/HAN Program
- C. 21st Century Frontier R&D Program
- D. Import Duty Reduction Program for Certain Factory Automation Items
- E. Import-Export Bank of Korea Import Financing

II. Programs Found Not to Have Been Used or Provided No Benefits During the POR

- A. Short-Term Export Financing
- B. Reserve for Research and Human Resources Development (formerly Technological Development Reserve) (Article 9 of RSTA /

formerly, Article 8 of TERCL)
 C. Tax Credit for Investment in Facilities for Productivity Enhancement (Article 24 of RSTA / Article 25 of TERCL)
 D. Tax Credit for Investment in Facilities for Special Purposes (Article 25 of RSTA)
 E. Reserve for Overseas Market Development (formerly, Article 17 of TERCL)
 F. Reserve for Export Loss (formerly, Article 16 of TERCL)
 G. Tax Exemption for Foreign Technicians (Article 18 of RSTA)
 H. Reduction of Tax Regarding the Movement of a Factory That Has Been Operated for More Than Five Years (Article 71 of RSTA)
 I. Tax Reductions or Exemption on Foreign Investments under Article 9 of the Foreign Investment Promotion Act ("FIPA")/ FIPA (formerly, Foreign Capital Inducement Law)
 J. Duty Drawback on Non-Physically Incorporated Items and Excessive Loss Rates
 K. Export Insurance
 L. Electricity Discounts Under the RLA Program
 M. Import Duty Reduction for Cutting Edge Products
 N. System IC 2010 Project
 The calculations will be disclosed to the interested parties in accordance with 19 CFR 351.224(b).

We determine that the total estimated net countervailable subsidy rate for Hynix for calendar year 2007 is 0.06 percent *ad valorem*, which is *de minimis* in accordance with 19 CFR 351.106(c)(1). The Department will instruct CBP to liquidate shipments of DRAMS by Hynix entered or withdrawn from warehouse, for consumption from January 1, 2007, through December 31, 2007, without regard to countervailing duties. See 19 CFR 351.106(c)(1). We intend to issue these instructions 15 days after publication of these final results of review.

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 for these final results of review.

This notice 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 or 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.

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

Dated: November 13, 2009.

Ronald K. Lorentzen,

Acting Assistant Secretary for Import Administration.

[FR Doc. E9-27937 Filed 11-19-09; 8:45 am]

BILLING CODE 3510-DS-S

DEPARTMENT OF COMMERCE

Patent and Trademark Office

[Docket No. PTO-P-2009-0052]

Grant of Interim Extension of the Term of U.S. Patent No. 5,407,914; SURFAXIN® (lucinactant)

AGENCY: United States Patent and Trademark Office.

ACTION: Notice of interim patent term extension.

SUMMARY: The United States Patent and Trademark Office has issued an order granting interim extension under 35 U.S.C. 156(d)(5) for a one-year interim extension of the term of U.S. Patent No. 5,407,914.

FOR FURTHER INFORMATION CONTACT:

Mary C. Till by telephone at (571) 272-7755; by mail marked to her attention and addressed to the Commissioner for Patents, Mail Stop Hatch-Waxman PTE, P.O. Box 1450, Alexandria, VA 22313-1450; by fax marked to her attention at (571) 273-7755, or by e-mail to Mary.Till@uspto.gov.

SUPPLEMENTARY INFORMATION: Section 156 of Title 35, United States Code, generally provides that the term of a patent may be extended for a period of up to five years if the patent claims a product, or a method of making or using a product, that has been subject to certain defined regulatory review, and that the patent may be extended for interim periods of up to one year if the regulatory review is anticipated to extend beyond the expiration date of the patent.

On October 6, 2009, Discovery Laboratories Inc., on behalf of patent owner Scripps Research Institute, timely filed an application under 35 U.S.C.

156(d)(5) for an interim extension of the term of U.S. Patent No. 5,407,914. The patent claims the human drug product, SURFAXIN® (lucinactant) and a method of using SURFAXIN® (lucinactant). The application indicates that a New Drug Application, NDA No. 21-746, for the human drug product SURFAXIN® (lucinactant) has been filed, and is currently undergoing regulatory review before the Food and Drug Administration for permission to market or use the product commercially.

Review of the application indicates that except for permission to market or use the product commercially, the subject patent would be eligible for an extension of the patent term under 35 U.S.C. 156, and that the patent should be extended for one year as required by 35 U.S.C. 156(d)(5)(B). Because it is apparent that the regulatory review period will continue beyond the original expiration date of the patent November 17, 2009, interim extension of the patent term under 35 U.S.C. 156(d)(5) is appropriate.

An interim extension under 35 U.S.C. 156(d)(5) of the term of U.S. Patent No. 5,407,914 is granted for a period of one year from the original expiration date of the patent, *i.e.*, until November 17, 2010.

Dated: November 16, 2009.

David J. Kappos,

Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office.

[FR Doc. E9-27903 Filed 11-19-09; 8:45 am]

BILLING CODE 3510-16-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648-XT03

South Atlantic Fishery Management Council; Public Meetings

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

ACTION: Notice of public meetings.

SUMMARY: The South Atlantic Fishery Management Council (Council) will hold meetings of its Scientific and Statistical Committee (SSC), Spiny Lobster Committee, Law Enforcement Committee, a joint meeting of its Executive and Finance Committees, Protected Resources Committee, Ecosystem-Based Management Committee, Personnel Committee (Closed Session), Dolphin/Wahoo Committee, Mackerel Committee,