

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

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BILLING CODE 3510-DS-S

### 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

States Free Trade Agreement Implementation Act (CAFTA-DR Act); the Statement of Administrative Action (SAA), accompanying the CAFTA-DR Act; Presidential Proclamations 7987 (February 28, 2006) and 7996 (March 31, 2006).

#### BACKGROUND:

The CAFTA-DR Agreement provides a list in Annex 3.25 for fabrics, yarns, and fibers that the Parties to the CAFTA-DR Agreement have determined are not available in commercial quantities in a timely manner in the territory of any Party. The CAFTA-DR Agreement provides that this list may be modified pursuant to Article 3.25(4)-(5), when the President of the United States determines that a fabric, yarn, or fiber is not available in commercial quantities in a timely manner in the territory of any Party. See Annex 3.25, Note; see also section 203(o)(4)(C) of the CAFTA-DR Act.

The CAFTA-DR Act requires the President to establish procedures governing the submission of a request and providing opportunity for interested entities to submit comments and supporting evidence before a commercial availability determination is made. In Presidential Proclamations 7987 and 7996, the President delegated to CITA the authority under section 203(o)(4) of CAFTA-DR Act for modifying the Annex 3.25 list. On September 15, 2008, CITA published modified procedures it would follow in considering requests to modify the Annex 3.25 list (Modifications to Procedures for Considering Requests Under the Commercial Availability Provision of the Dominican Republic-Central America-United States Free Trade Agreement, 73 FR 53200, September 15, 2008) ("Procedures").

On January 2, 2009, the Chairman of CITA received a request for a commercial availability determination ("Request") under the CAFTA-DR from Sorini, Samet & Associates LLC, on behalf of BWA, for certain woven modal-polyester fabric. On January 6, 2009, in accordance with CITA's Procedures, CITA notified interested parties of the Request and posted the Request on the dedicated website for CAFTA-DR Commercial Availability proceedings. In its notification, CITA advised that any Response with an Offer to Supply ("Response") must be submitted by January 16, 2009, and any Rebuttal be submitted by January 26, 2009. No interested entity submitted a Response advising CITA of its objection to the Request and its ability to supply the subject product.

In accordance with section 203(o)(4)(C) of the CAFTA-DR Act, and

CITA's Procedures, as no interested entity submitted a Response objecting to the Request and demonstrating its ability to supply the subject product, CITA has determined to add the specified fabric to the list in Annex 3.25 of the CAFTA-DR Agreement.

The subject product has been added to the list in Annex 3.25 of the CAFTA-DR Agreement in unrestricted quantities. A revised list has been posted on the dedicated website for CAFTA-DR Commercial Availability proceedings.

#### Specifications: Certain Woven Modal-Polyester Fabric

HTS: 5516.12; 5516.13; 5516.22; 5516.23

Fiber Content: 52% - 95% spun modal rayon; 5% - 48% filament polyester

Yarn Size (metric):

Spun Modal Rayon - 44/1 to 88/1

Filament Polyester - 59 to 92

Thread Count (metric): 31 to 53 warp ends per cm; 27 to 36 filling picks per cm

Weave: Plain

Weight: 100 - 300 grams per sq. meter

Width: 137 to 153 cm

Coloration: Piece dyed or yarns of different colors  
Finishing Process: Wicked, UV blocker, peached, sanded wash, stain-resistant, and teflon finish

NOTE: In the finishing process, in the event that the polyester filament content breaks and turns into fibers, the finished fabric's specifications may fall under HTS classifications 5516.92 and 5516.93, for woven fabrics of artificial staple fiber.

Janet E. Heinzen,

*Acting Chairman, Committee for the Implementation of Textile Agreements.*

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#### DEPARTMENT OF COMMERCE

##### National Institute of Standards and Technology

##### Public Meetings To Discuss Project 25 Compliance Assessment Program: Creating Software Test Tool Validation Process for Participating Laboratories

**AGENCY:** National Institute of Standards and Technology, Department of Commerce.

**ACTION:** Notice.

**SUMMARY:** The National Institute of Standards and Technology Office of Law Enforcement Standards (OLES), in cooperation with the Department of Homeland Security's Office of Interoperability and Compatibility (DHS/OIC) and representatives of the public safety community, will hold public meetings on March 11, 2009 and March 25, 2009. The first meeting will be held via WebEx over the Internet, and the second at the Institute for

Telecommunication Sciences (ITS) in Boulder, CO. The purpose of these meetings is to bring Project 25 Compliance Assessment Program stakeholders together to discuss what the process will be to assess software based test tools for the Project 25 Compliance Assessment Program.

**DATES:** The first meeting will be held on March 11, 2009, from 1 p.m. until 5 p.m. MT. The second meeting will be held on March 25, 2009, from 9 p.m. until 5 p.m. MT. Please note registration and admittance instructions and other additional information under the **SUPPLEMENTARY INFORMATION** section of this notice.

**ADDRESSES:** The first meeting will be held via WebEx over the Internet. The second meeting will be held in the Radio Building (Building 1), Room 1107, 325 Broadway, Boulder, CO 80305. The web meeting and teleconference bridge information will be e-mailed out prior to each event. Please note registration and admittance instructions and other additional information under the **SUPPLEMENTARY INFORMATION** section of this notice.

**FOR FURTHER INFORMATION CONTACT:** Dereck Orr, (303) 497-5400, e-mail: [dereck.orr@nist.gov](mailto:dereck.orr@nist.gov). The mailing address is 325 Broadway, Mail Stop ITS.P, Boulder, CO, 80305. Information regarding OLES can be viewed at <http://www.eeol.nist.gov/oles/>. Information regarding DHS/OIC can be viewed at <http://www.safecomprogram.gov>. Information regarding ITS can be viewed at <http://www.its.blrdoc.gov>.

**SUPPLEMENTARY INFORMATION:** In partnership with the U.S. Department of Homeland Security (DHS), Science and Technology Directorate (S&T), Command, Control and Interoperability Division (CCI), Office of Interoperability and Compatibility (OIC), the National Institute of Standards and Technology (NIST) Office of Law Enforcement Standards (OLES) is developing a process to assess software based test tools used by laboratories seeking DHS recognition for their competence to perform tests per the Project 25 Compliance Assessment Program Governing Board Compliance Assessment Bulletins. As the Project 25 suite of standards continues to mature, and interfaces continue to be developed, software based test tools have and will be developed to advance testing capabilities. These software based test tools, whether developed by a manufacturer, laboratory, or test tool development company, will play an important role in ensuring compliance with Project 25 standards.