

of the Issues and Decision Memo are identical in content.

Continuation of Suspension of Liquidation

In accordance with section 733(d) of the Act, the Department will continue to direct CBP to suspend liquidation and to require a cash deposit of estimated duties, at the PRC-wide rate of 112.64 percent, on all unliquidated entries of certain tissue paper products produced by Quijiang that were entered, or withdrawn from warehouse, for consumption, from on or after September 5, 2006, the date of initiation of the circumvention inquiry, with the exception described below.

For all entries of Quijiang's tissue paper products for which the U.S. importer submits a certification from Quijiang that the merchandise is non-subject, (*i.e.*, of Vietnamese-origin and not produced using PRC-origin jumbo rolls), the Department will continue to direct CBP to liquidate those entries without regard to antidumping duties. For further discussion of this issue, please see Comment 2 of the Issues and Decision Memo. The Department will not request that CBP suspend liquidation, or require a cash deposit of estimated duties at the PRC-wide rate, for any entries of tissue paper accompanied by the certification in Appendix II of this notice. However, the Department will direct CBP to suspend liquidation and to require a cash deposit of estimated duties, at the PRC-wide rate of 112.64 percent, for any entries of tissue paper not accompanied by this certification in Appendix II of this notice.

Concurrent and Future Administrative Reviews

Because we have reached a final affirmative determination of circumvention, as stipulated in the *Preliminary Determination*, 73 FR at 21587, with respect to Quijiang, we are expanding the period of review for the third administrative review, initiated on April 25, 2008 date, back to September 5, 2006, the date of initiation of the circumvention inquiry, to include all of Quijiang's entries covered by this determination. See *Initiation of Antidumping and Countervailing Duty Administrative Reviews and Request for Revocation in Part*, 73 FR 22337, (April 25, 2008). In concordance with this finding of circumvention, the review period of that segment of the proceeding will be expanded as of the date of issuance of this final determination with respect to Quijiang's entries. In accordance with the certifications provided to CBP by Quijiang, all

certified entries are subject to verification by the Department, including those that entered into the United States during the expanded third administrative review. In conducting a review of these certified entries, the Department will examine all records Quijiang maintains in its normal course of business supporting its certifications that no PRC-origin jumbo rolls were used in the production of Vietnamese-origin tissue paper products. Consistent with the terms of the certifications submitted by Quijiang, if Quijiang elects not to participate in the administrative review or does not consent to verification of these certified entries, we will immediately revoke the certification program and instruct CBP to suspend liquidation and collect cash deposits at the PRC-wide rate of 112.64 percent on all of Quijiang's entries of tissue paper, regardless of country of origin.

Notice to Parties

This notice also serves as the only reminder to parties subject to the administrative protective orders ("APO") of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with section 351.305 of the Department's regulations. 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 which is subject to sanction.

This affirmative final circumvention determination is published in accordance with section 781(b) of the Act and 19 CFR 351.225.

Dated: September 19, 2008.

David M. Spooner,

Assistant Secretary for Import Administration.

Appendix I

Discussion of the Issues

Comment 1: Total Adverse Facts Available

("AFA") for Quijiang

Comment 2: Clerical Error in Value-Added Calculation

Comment 3: Cash Deposits and Suspension of Liquidation

Appendix II

Certification of Vietnam Quijiang Paper Co., Ltd.

Certification to U.S. Customs and Border Protection

1. Vietnam Quijiang Paper Co., Ltd. ("Vietnam Quijiang") hereby certifies that the certain tissue paper products being exported

and subject to this certification were not produced from Chinese origin jumbo rolls.

2. By signing this certificate, Vietnam Quijiang also hereby agrees to maintain sufficient documentation supporting the above statement such as country of origin certificates for all jumbo rolls used to process the exported certain tissue paper products. Further, Vietnam Quijiang agrees to submit to verification of the underlying documentation supporting the above statement. Vietnam Quijiang agrees that failure to submit to verification of the documentation supporting these statements will result in immediate revocation of certification rights and that Vietnam Quijiang will be required to post a cash deposit equal to the China-wide entity rate on all entries of certain tissue paper products. In addition, if the Department of Commerce identifies any misrepresentation or inconsistencies regarding the certifications, Vietnam Quijiang recognizes that the matter may be reported to the U.S. Customs and Border Protection by the Department for possible enforcement action.

Signature:

Printed Name:

Title:

[FR Doc. E8-22715 Filed 10-2-08; 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 Sunset Review and Revocation of Order

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

SUMMARY: On July 1, 2008, the Department of Commerce ("the Department") published in the **Federal Register** the notice of initiation of the five-year sunset review of the countervailing duty order on dynamic random access memory semiconductors ("DRAMs") from the Republic of Korea ("ROK"), pursuant to section 751(c) of the Tariff Act of 1930, as amended ("the Act"). Because the domestic interested party did not file a substantive response by the applicable deadline and has withdrawn its notice of intent to participate in this sunset review, the Department is revoking this countervailing duty order.

DATES: *Effective Date:* August 11, 2008.

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

SUPPLEMENTARY INFORMATION:**Background**

On August 11, 2003, the Department issued a countervailing duty order on DRAMS from the ROK (68 FR 47546). *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 July 1, 2008, the Department initiated a sunset review of this order. *See Initiation of Five-year (“Sunset”) Review*, 73 FR 37411 (July 1, 2008).

On July 16, 2008, we received a notice of intent to participate from Micron Technology, Inc. (“Micron”), a domestic interested party. On July 22, 2008, we informed the U.S. International Trade Commission (“ITC”) that there was domestic interest in continuation of the order. However, Micron did not file a substantive response by July 31, 2008, which was 30 days after the date of publication of the initiation notice in the **Federal Register**. Also, on August 1, 2008, Micron submitted a letter stating that it was withdrawing its notice of intent to participate in this sunset review. On August 19, 2008, we notified the ITC that we did not receive a substantive response from the domestic interested party by the applicable deadline and that we intend to revoke the order not later than 90 days after the initiation of the sunset review.

Scope of the Order

The products covered by this order are DRAMS from the 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 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, 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 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 order. *See 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).

Determination To Revoke

Pursuant to section 751(c)(3)(A) of the Act, 19 CFR 351.218(d)(1)(iii)(B)(3), and 19 CFR 351.218(e)(1)(i)(C)(3), if no domestic interested party files a notice of intent to participate in a five-year review or does not file an adequate response, the Department shall, within 90 days after the initiation of the review, issue a final determination revoking the order. As noted above, the domestic interested party did not file a substantive response and withdrew its original notice of intent to participate. As a result, no domestic interested party is participating in this sunset review. Therefore, consistent with 19 CFR 351.222(i)(1)(i) and section 751(c)(3) of the Act, we are revoking this countervailing duty order. The effective date of revocation is August 11, 2008, the fifth anniversary of the date on which the Department published the countervailing duty order. *See* 19 CFR 351.222(i)(2)(i).

Effective Date of Revocation

Pursuant to section 751(c)(3)(A) of the Act and 19 CFR 351.222(i)(2)(i), the Department will instruct U.S. Customs and Border Protection to terminate the suspension of liquidation of the merchandise subject to this order entered, or withdrawn from warehouse, on or after August 11, 2008. Entries of subject merchandise prior to the effective date of revocation will continue to be subject to suspension of liquidation and antidumping and countervailing duty deposit requirements. The Department will complete any pending administrative

reviews of this 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.

The five-year (sunset) review and this notice are in accordance with sections 751(c) and 777(i)(1) of the Act.

Dated: September 29, 2008.

David M. Spooner,

Assistant Secretary for Import Administration.

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DEPARTMENT OF COMMERCE

International Trade Administration

[A-588-861, A-580-850, A-570-879]

Polyvinyl Alcohol From Japan, the Republic of Korea, and the People's Republic of China: Final Results of the Expedited Sunset Reviews of the Antidumping Duty Orders

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

SUMMARY: On June 5, 2008, the Department of Commerce (the Department) initiated sunset reviews of the antidumping duty orders on polyvinyl alcohol (PVA) from Japan, the Republic of Korea (Korea), and the People's Republic of China (PRC) pursuant to section 751(c) of the Tariff Act of 1930, as amended (the Act). The Department has conducted expedited (120-day) sunset reviews for these orders pursuant to 19 CFR 351.218(e)(1)(ii)(C)(2). As a result of these sunset reviews, the Department finds that revocation of the antidumping duty orders would be likely to lead to continuation or recurrence of dumping.

DATES: *Effective Date:* October 3, 2008.

FOR FURTHER INFORMATION CONTACT: Elizabeth Eastwood or Miriam Eqab, AD/CVD Operations, Office 2, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street & Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 482-3874 and (202) 482-3693, respectively.

SUPPLEMENTARY INFORMATION

Background

On June 5, 2008, the Department published the notice of initiation of the sunset reviews of the antidumping duty orders on PVA from Japan, Korea, and the PRC pursuant to section 751(c) of the Act. *See Initiation of Five-Year*

("Sunset") Reviews, 73 FR 31974 (June 5, 2008) (*Notice of Initiation*).

The Department received notices of intent to participate from Celanese Chemicals, Ltd. and E.I. DuPont de Nemours & Co. (collectively, "the domestic interested parties") within the deadline specified in 19 CFR 351.218(d)(1)(i). The companies claimed interested party status under section 771(9)(C) of the Act as manufacturers of a domestic like product in the United States. The Department also received a notice of intent to participate from two Japanese respondent interested parties: The Nippon Synthetic Chemical Industry Co., Ltd. and Marubeni Specialty Chemicals Inc. The companies claimed interested party status under section 771(9)(A) of the Act as a foreign producer and a U.S. importer, respectively, of the subject merchandise.

The Department received complete substantive responses to the notice of initiation from the domestic interested parties within the 30-day deadline specified in 19 CFR 351.218(d)(3)(i). We received no substantive responses from respondent interested parties with respect to any of the orders covered by these sunset reviews, nor was a hearing requested. As a result, pursuant to 19 CFR 351.218(e)(1)(ii)(C)(2), the Department is conducting expedited (120-day) sunset reviews of the antidumping duty orders for Japan, Korea, and the PRC.

Scope of the Orders

The merchandise covered by these orders is PVA. This product consists of all PVA hydrolyzed in excess of 80 percent, whether or not mixed or diluted with commercial levels of defoamer or boric acid, except as noted below.

The following products are specifically excluded from the scope of these orders:

- (1) PVA in fiber form.
- (2) PVA with hydrolysis less than 83 mole percent and certified not for use in the production of textiles.
- (3) PVA with hydrolysis greater than 85 percent and viscosity greater than or equal to 90 cps.
- (4) PVA with a hydrolysis greater than 85 percent, viscosity greater than or equal to 80 cps but less than 90 cps, certified for use in an ink jet application.
- (5) PVA for use in the manufacture of an excipient or as an excipient in the manufacture of film coating systems which are components of a drug or dietary supplement, and accompanied by an end-use certification.
- (6) PVA covalently bonded with cationic monomer uniformly present on

all polymer chains in a concentration equal to or greater than one mole percent.

(7) PVA covalently bonded with carboxylic acid uniformly present on all polymer chains in a concentration equal to or greater than two mole percent, certified for use in a paper application.

(8) PVA covalently bonded with thiol uniformly present on all polymer chains, certified for use in emulsion polymerization of non-vinyl acetic material.

(9) PVA covalently bonded with paraffin uniformly present on all polymer chains in a concentration equal to or greater than one mole percent.

(10) PVA covalently bonded with silan uniformly present on all polymer chains certified for use in paper coating applications.

(11) PVA covalently bonded with sulfonic acid uniformly present on all polymer chains in a concentration level equal to or greater than one mole percent.

(12) PVA covalently bonded with acetoacetylate uniformly present on all polymer chains in a concentration level equal to or greater than one mole percent.

(13) PVA covalently bonded with polyethylene oxide uniformly present on all polymer chains in a concentration level equal to or greater than one mole percent.

(14) PVA covalently bonded with quaternary amine uniformly present on all polymer chains in a concentration level equal to or greater than one mole percent.

(15) PVA covalently bonded with diacetoneacrylamide uniformly present on all polymer chains in a concentration level greater than three mole percent, certified for use in a paper application.

The merchandise subject to these orders is currently classifiable under subheading 3905.30.00 of the Harmonized Tariff Schedule of the United States (HTSUS). Although the HTSUS subheading is provided for convenience and customs purposes, the written description of the scope of these orders is dispositive.

Analysis of Comments Received

All issues raised in these reviews are addressed in the "Issues and Decision Memorandum for the Expedited Sunset Reviews of the Antidumping Duty Orders on Polyvinyl Alcohol from Japan, the Republic of Korea, and the People's Republic of China" from Stephen J. Claeys, Deputy Assistant Secretary for Import Administration, to David M. Spooner, Assistant Secretary for Import Administration (September 29, 2008) (Decision Memo), which is