

MESSAGE NO: 6053114 MESSAGE DATE: 02/22/1996

MESSAGE STATUS: Active CATEGORY: Antidumping
TYPE: FIN-Final Determination PUBLIC NON-PUBLIC
SUB-TYPE:

FR CITE: FR FR CITE DATE:

REFERENCE 3152111
MESSAGE #
(s):

CASE #(s): A-580-812

EFFECTIVE DATE: COURT CASE #:

PERIOD OF REVIEW: TO

PERIOD COVERED: 02/08/1996 TO

Notice of Lifting of Suspension Date:

TO: { Directors Of Field Operations, Port Directors }

FROM: { Director AD/CVD & Revenue Policy & Programs }

RE: NOTICE OF PARTIAL AMENDED FINAL DETERMINATION FOR DYNAMIC RANDOM ACCESS MEMORY SEMICONDUCTORS OF ONE MEGABIT AND ABOVE FOR SAMSUNG ELECTRONICS CO. LTD. (A-580-812-003)

MESSAGE NO: 6053114

DATE: 02 22 1996

CATEGORY: ADA

TYPE: FIN

REFERENCE: 3152111

REFERENCE DATE: 06 04 1993

CASES: A - 580 - 812

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PERIOD COVERED: 02 08 1996 TO

LIQ SUSPENSION DATE:

TO: CMC DIRECTORS,
PORT DIRECTORS

FROM: DIRECTOR, TECHNICAL PROGRAMS

RE: NOTICE OF PARTIAL AMENDED FINAL DETERMINATION FOR DYNAMIC RANDOM ACCESS MEMORY SEMICONDUCTORS OF ONE MEGABIT AND ABOVE FOR SAMSUNG ELECTRONICS CO. LTD. (A-580-812-003)

1. ON FEBRUARY 8, 1996, THE DEPARTMENT OF COMMERCE PUBLISHED IN THE FEDERAL REGISTER ITS FINAL COURT DECISION AND PARTIAL AMENDED FINAL DETERMINATION IN THE ANTIDUMPING DUTY INVESTIGATION OF DYNAMIC RANDOM ACCESS MEMORY SEMICONDUCTORS OF ONE MEGABIT AND

ABOVE FROM THE REPUBLIC OF KOREA. THIS IS AN AMENDMENT OF MESSAGE NO. 3152111 ON JUNE 4, 1993 AND MESSAGE NO. 3258114 ON SEPTEMBER 15, 1993. THE INSTRUCTIONS IN THESE TWO MESSAGES SHOULD

STILL BE FOLLOWED EXCEPT AS NOTED BELOW FOR SAMSUNG (CUSTOMS ID NO. A-580-812-003).

2.THE PRODUCTS COVERED BY THIS INVESTIGATION ARE DYNAMIC RANDOM ACCESS MEMORY SEMICONDUCTORS OF ONE MEGABIT AND ABOVE (DRAMS) FROM THE REPUBLIC OF KOREA. FOR PURPOSES OF THIS INVESTIGATION, DRAMS ARE ALL ONE MEGABIT AND ABOVE DYNAMIC RANDOM ACCESS MEMORY

SEMICONDUCTORS, WHETHER ASSEMBLED OR UNASSEMBLED. ASSEMBLED DRAMS INCLUDE ALL PACKAGE TYPES. UNASSEMBLED DRAMS INCLUDE PROCESSED WAFERS, UNCUT DIE AND CUT DIE. PROCESSED WAFERS PRODUCED IN KOREA, BUT PACKAGED, OR ASSEMBLED INTO MEMORY MODULES, IN A THIRD COUNTRY ARE INCLUDED IN THE SCOPE; HOWEVER, WAFERS PRODUCED IN A THIRD COUNTRY AND ASSEMBLED OR PACKAGED IN KOREA ARE NOT INCLUDED IN THE SCOPE.

THE SCOPE OF THIS INVESTIGATION INCLUDES MEMORY MODULES. A MEMORY MODULE IS A COLLECTION OF DRAMS THE SOLE FUNCTION OF WHICH IS MEMORY. MODULES INCLUDE SINGLE IN-LINE PROCESSING MODULES (SIPS), SINGLE IN-LINE MEMORY MODULES (SIMMS), 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 WHICH CONTAIN ADDITIONAL ITEMS WHICH ALTER THE FUNCTION OF THE MODULE TO SOMETHING OTHER THAN MEMORY, SUCH AS VIDEO GRAPHICS ADAPTER (VGA) BOARDS AND CARDS, ARE NOT INCLUDED IN THE SCOPE.

THE SCOPE OF THIS INVESTIGATION ALSO INCLUDES VIDEO RANDOM ACCESS MEMORY (VRAMS), AS WELL AS ANY FUTURE PACKAGING AND ASSEMBLING OF DRAMS.

THE SCOPE OF THIS INVESTIGATION ALSO INCLUDES REMOVABLE MEMORY MODULES PLACED ON MOTHERBOARDS, WITH OR WITHOUT A CPU, UNLESS THE IMPORTER OF MOTHERBOARDS CERTIFIES WITH THE CUSTOMS SERVICE 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 INVESTIGATION ALSO INCLUDES MEMORY BOARDS FROM ALL COUNTRIES WHICH CONTAIN KOREAN DRAMS.

THE SCOPE OF THIS INVESTIGATION DOES NOT INCLUDE DRAMS OR

MEMORY MODULES THAT ARE REIMPORTED FOR REPAIR OR REPLACEMENT.

THE DRAMS, MEMORY MODULES, AND MEMORY BOARDS SUBJECT TO THIS INVESTIGATION ARE CLASSIFIABLE UNDER SUBHEADINGS 8473.30.4000, 8542.11.0001, 8542.11.0024, 8542.11.0026 AND 8542.11.0034 OF THE HARMONIZED TARIFF SCHEDULE OF THE UNITED STATES (HTSUS). ALSO INCLUDED IN THE SCOPE ARE THOSE REMOVABLE KOREAN DRAMS CONTAINED ON OR WITHIN MOTHERBOARDS CLASSIFIABLE UNDER SUBHEADINGS 8471.91.0090 AND 8473.30.4000 OF THE HTSUS.

ALTHOUGH THE HTSUS SUBHEADINGS ARE PROVIDED FOR CONVENIENCE AND CUSTOMS PURPOSES, THE WRITTEN DESCRIPTION OF THE SCOPE OF THIS INVESTIGATION IS DISPOSITIVE.

3. FOR FURTHER REPORTING PURPOSES THIS CASE HAS BEEN ASSIGNED INVESTIGATION NUMBER A-580-812 FOR DOC PURPOSES. THE CUSTOMS ID NO. FOR SAMSUNG IS A-580-812-003.

FOR CUSTOMS PURPOSES, FOR ALL PRODUCTS CONTAINING KOREAN DRAMS, MANUFACTURED BY SAMSUNG, FROM THIRD COUNTRIES, THE FOLLOWING COUNTRIES HAVE BEEN ASSIGNED THEIR OWN CASE NUMBER.

ARGENTINA	A-357-212-003
AUSTRALIA	A-602-212-003
AUSTRIA	A-433-212-003
BELGIUM	A-423-212-003
BRAZIL	A-351-212-003
CANADA	A-122-212-003
CHINA, P.R.C.	A-570-212-003
CHINA, TAIWAN	A-583-212-003
FRANCE	A-427-212-003
GERMANY	A-428-212-003
HONG KONG	A-582-212-003
IRELAND	A-419-212-003
INDIA	A-533-212-003
ISRAEL	A-508-212-003
ITALY	A-475-212-003

JAPAN	A-588-212-003
MALAYSIA	A-557-212-003
MEXICO	A-201-212-003
NETHERLANDS	A-421-212-003
PHILIPPINES	A-565-212-003
PORTUGAL	A-471-212-003
SINGAPORE	A-559-212-003
SPAIN	A-470-212-003
SWEDEN	A-401-212-003
SWITZERLAND	A-441-212-003
THAILAND	A-549-212-003
UNITED KINGDOM	A-412-212-003

4. THE DEPARTMENT OF COMMERCE FOUND THAT A DE MINIMIS MARGIN OF 0.22 PERCENT EXISTS WITH RESPECT TO IMPORTS OF DRAMS FROM THE REPUBLIC OF KOREA MANUFACTURED BY SAMSUNG ELECTRONICS CO., LTD. THE DEPARTMENT OF COMMERCE CONSIDERS DE MINIMIS MARGINS TO BE NEGLIGIBLE. ACCORDINGLY, CUSTOMS IS DIRECTED TO TERMINATE THE SUSPENSION OF LIQUIDATION FOR SHIPMENTS OF DRAMS MANUFACTURED BY SAMSUNG ELECTRONICS CO., LTD. ENTERED OR WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION ON OR AFTER OCTOBER 29, 1992, AND TO RELEASE ANY BOND OR OTHER SECURITY, AND REFUND ANY CASH DEPOSIT.

ACCORDINGLY, CUSTOMS SHOULD TERMINATE THE SUSPENSION OF LIQUIDATION AND LIQUIDATE WITHOUT REGARD TO ANTIDUMPING DUTIES ALL ENTRIES WITHIN THE SCOPE OF THIS PROCEEDING OF DRAMS FROM KOREA PRODUCED BY SAMSUNG INCLUDING THOSE:

1) PACKED AND ASSEMBLED IN OTHER COUNTRIES WHICH CONTAIN WAFERS, UNCUT DIE AND CUT DIE; 2) CONTAINED IN MEMORY MODULES (INCLUDING SIPS AND SIMMS) FROM ALL COUNTRIES; 3) CONTAINED IN MEMORY BOARDS FROM ALL COUNTRIES; 4) CONTAINED IN REMOVABLE MEMORY MODULES PLACED ON MOTHERBOARDS FROM ALL COUNTRIES. THESE INSTRUCTIONS COVER ALL PRODUCTS WITHIN THE SCOPE OF THIS PROCEEDING WHICH CONTAIN THESE SAMSUNG DRAMS REGARDLESS OF PRODUCER OR EXPORTER

OR

COUNTRY OF ORIGIN OR EXPORTATION. HOWEVER, IF THESE PRODUCTS CONTAIN KOREAN DRAMS PRODUCED BY BOTH SAMSUNG (A-580-812-003) AND ANOTHER KOREAN PRODUCER (A-580-812-001, A-580-812-002, AND

A-580-812-000), THE SUSPENSION OF LIQUIDATION REMAINS IN EFFECT FOR THE NON-SAMSUNG PORTION OF DRAMS. THEREFORE, IT IS IMPORTANT TO IDENTIFY THE SOURCE OF ALL DRAMS CONTAINED IN THEIR PRODUCTS (SEE MESSAGE NUMBERS REFERRED TO IN PARAGHAPH 1).

5. THE ASSESSMENT OF ANTIDUMPING DUTIES BY THE CUSTOMS SERVICE ON ENTRIES OF THIS MERCHANDISE IS SUBJECT TO THE PROVISIONS OF SECTION 778 OF THE TARIFF ACT OF 1930. SECTION 778 REQUIRES THAT CUSTOMS PAY INTEREST ON OVERPAYMENTS, OR ASSESS INTEREST ON UNDERPAYMENTS, OF THE REQUIRED AMOUNTS DEPOSITED AS ESTIMATED ANTIDUMPING DUTIES. THE INTEREST PROVISIONS ARE NOT APPLICABLE TO CASH OR BONDS POSTED AS ESTIMATED ANTIDUMPING DUTIES BEFORE THE DATE OF PUBLICATION OF THE ANTIDUMPING DUTY ORDER. INTEREST SHALL BE CALCULATED FROM THE DATE PAYMENT OF ESTIMATED ANTIDUMPING DUTIES IS REQUIRED THROUGH THE DATE OF LIQUIDATION. THE RATE AT WHICH SUCH INTEREST IS PAYABLE IS THE RATE IN EFFECT UNDER SECTION 6621 OF THE INTERNAL REVENUE CODE OF 1954 FOR SUCH PERIOD.

6. IF THERE ARE ANY QUESTIONS REGARDING THIS MATTER BY CUSTOMS OFFICERS, PLEASE CONTACT VIA E-MAIL, THROUGH THE APPROPRIATE SUPERVISORY CHANNELS, TECHNICAL PROGRAMS, ANTIDUMPING/COUNTERVAILING DUTY, USING ATTRIBUTE "HQ OAB". THE IMPORTING PUBLIC AND OTHER INTERESTED PARTIES SHOULD CONTACT ROY UNGER, OFFICE OF ANTIDUMPING DUTY COMPLIANCE, IMPORT ADMINISTRATION, INTERNATIONAL TRADE ADMINISTRATION, U.S. DEPARTMENT OF COMMERCE, AT (202) 482-0651.

7. THERE ARE NO RESTRICTIONS ON THE RELEASE OF THIS INFORMATION.

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Company Details

*Party Indicator Value:

I = Importer, M = Manufacturer, E = Exporter, S = Sold To Party