

MESSAGE NO: 9293214 MESSAGE DATE: 10/20/1999
MESSAGE STATUS: Active CATEGORY: Antidumping
TYPE: FIN-Final Determination PUBLIC NON-PUBLIC
SUB-TYPE:

FR CITE: FR FR CITE DATE:

REFERENCE
MESSAGE #
(s):

CASE #(s): A-583-832

EFFECTIVE DATE: COURT CASE #:

PERIOD OF REVIEW: TO

PERIOD COVERED: 10/19/1999 TO

Notice of Lifting of Suspension Date:

TO: { Directors Of Field Operations, Port Directors }

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

RE: NOTICE OF FINAL DETERMINATION IN THE ANTIDUMPING DUTY INVESTIGATION OF DYNAMIC RANDOM ACCESS MEMORY SEMICONDUCTORS OF ONE MEGABIT OR ABOVE FROM TW (A-583-832)

MESSAGE NO: 9293214 DATE: 10 20 1999

CATEGORY: ADA TYPE: FIN

REFERENCE: REFERENCE DATE:

CASES: A - 583 - 832 - -

- - - -

- - - -

PERIOD COVERED: 10 19 1999 TO

LIQ SUSPENSION DATE:

TO: DIRECTORS OF FIELD OPERATIONS

PORT DIRECTORS

FROM: DIRECTOR, TRADE ENFORCEMENT & CONTROL

RE: NOTICE OF FINAL DETERMINATION IN THE ANTIDUMPING DUTY INVESTIGATION OF DYNAMIC RANDOM ACCESS MEMORY SEMICONDUCTORS OF ONE MEGABIT OR ABOVE FROM TW (A-583-832)

1. ON 10/19/1999, THE DEPARTMENT OF COMMERCE PUBLISHED IN THE FEDERAL REGISTER ITS FINAL DETERMINATION IN THE ANTIDUMPING DUTY INVESTIGATION OF DYNAMIC RANDOM ACCESS MEMORY SEMICONDUCTORS OF ONE MEGABIT OR ABOVE (DRAMS) FROM TAIWAN (A-583-832).

2. IN THE FINAL DETERMINATION, THE DEPARTMENT AMENDED THE SCOPE OF THE INVESTIGATION TO COVER REMOVABLE MEMORY MODULES FROM

TAIWAN PLACED ON MOTHERBOARDS, UNLESS THE IMPORTER OF THE MOTHERBOARDS CERTIFIES TO U.S. CUSTOMS THAT THEY WILL NOT REMOVE THE MODULES FROM THE MOTHERBOARD AFTER IMPORTATION. THE AMENDED

SCOPE OF THE INVESTIGATION IS AS FOLLOWS:

THE PRODUCTS COVERED BY THIS INVESTIGATION ARE DRAMS FROM TAIWAN, WHETHER ASSEMBLED OR UNASSEMBLED. ASSEMBLED DRAMS INCLUDE ALL PACKAGE TYPES. UNASSEMBLED DRAMS INCLUDE PROCESSED WAFERS, UNCUT

DIE AND CUT DIE. PROCESSED WAFERS FABRICATED IN TAIWAN, BUT PACKAGED OR ASSEMBLED INTO FINISHED SEMICONDUCTORS IN A THIRD COUNTRY, ARE INCLUDED IN THE SCOPE. WAFERS FABRICATED IN A THIRD COUNTRY AND ASSEMBLED OR PACKAGED IN TAIWAN 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"), DUAL IN-LINE MEMORY MODULES ("DIMMS"), MEMORY CARDS OR OTHER COLLECTIONS OF DRAMS WHETHER MOUNTED OR UNMOUNTED 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 THAT 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. MODULES CONTAINING DRAMS MADE FROM WAFERS FABRICATED IN TAIWAN, BUT EITHER ASSEMBLED OR PACKAGED INTO FINISHED SEMICONDUCTORS IN A THIRD COUNTRY, ARE ALSO INCLUDED IN THE SCOPE.

THE SCOPE INCLUDES, BUT IS NOT LIMITED TO, VIDEO RAM ("VRAM"), WINDOWS RAM ("WRAM"), SYNCHRONOUS GRAPHICS RAM ("SGRAM"), AS WELL AS VARIOUS TYPES OF DRAMS, INCLUDING FAST PAGE-MODE ("FPM"), EXTENDED DATA-OUT ("EDO"), BURST EXTENDED DATA-OUT ("BEDO"), SYNCHRONOUS DYNAMIC RAM ("SDRAMS"), AND "RAMBUS" DRAMS ("RDRAM"). THE SCOPE OF THIS INVESTIGATION ALSO INCLUDES ANY FUTURE

DENSITY, PACKAGING OR ASSEMBLING OF DRAMS. ALSO INCLUDED IN THE SCOPE OF THIS INVESTIGATION ARE REMOVABLE MEMORY MODULES PLACED ON MOTHERBOARDS, WITH OR WITHOUT A CENTRAL PROCESSING UNIT (CPU), UNLESS THE IMPORTER OF THE MOTHERBOARDS CERTIFIES WITH CUSTOMS 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 DOES NOT INCLUDE DRAMS OR MEMORY MODULES THAT ARE REIMPORTED FOR REPAIR OR REPLACEMENT.

THE DRAMS SUBJECT TO THIS INVESTIGATION ARE CURRENTLY CLASSIFIABLE UNDER SUBHEADINGS 8542.13.80.05 AND 8542.13.80.24 THROUGH 8542.13.80.34 OF THE HARMONIZED TARIFF SCHEDULE OF THE UNITED STATES ("HTSUS"). ALSO INCLUDED IN THE SCOPE ARE TAIWANESE DRAM MODULES, DESCRIBED ABOVE, ENTERED INTO THE UNITED STATES UNDER SUBHEADING 8473.30.10 THROUGH 8473.30.90 OF THE HTSUS OR POSSIBLY OTHER HTSUS NUMBERS. ALTHOUGH THE HTSUS SUBHEADINGS ARE PROVIDED FOR CONVENIENCE AND CUSTOMS PURPOSES,

THE WRITTEN DESCRIPTION OF THE SCOPE OF THIS INVESTIGATION IS DISPOSITIVE.

3. FOR IMPORTS OF DRAMS FROM TAIWAN, THE CUSTOMS SERVICE SHALL CONTINUE TO SUSPEND LIQUIDATION OF SUCH SHIPMENTS ENTERED OR WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION ON OR AFTER 10/19/1999. FOR DIRECT SHIPMENTS AND MERE TRANSSHIPMENTS THROUGH THIRD COUNTRIES OF TAIWAN DRAMS AND MEMORY MODULES PRODUCED BY A SINGLE

MANUFACTURER, OR ANY SHIPMENTS SUBJECT TO AD VALOREM MARGINS UNDER ITEM 4 OF MESSAGE #9189111 ON 07/09/1999, THAT ARE ENTERED OR WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION ON OR AFTER 10/19/1999, CUSTOMS SHALL REQUIRE A CASH DEPOSIT OR THE POSTING OF BOND EQUAL TO THE AMENDED MARGINS SHOWN BELOW:

MFR/PRODUCER	CUSTOMS ID	AD VALOREM
	MARGIN	
	PERCENTAGE	

ETRON TECHNOLOGY, INC.	A-583-832-008	69.00%
MOSEL-VITELIC, INC.	A-583-832-001	35.58%
NANYA TECHNOLOGY CORPORATION	A-583-832-011	14.18%
VANGUARD INTERNATIONAL SEMICONDUCTOR CORPORATION	A-583-832-010	8.21%
ACER SEMICONDUCTOR MANUFACTURING INC.	A-583-832-002	21.35%
POWERCHIP SEMICONDUCTOR CORP.	A-583-832-003	21.35%
UNITED MICROELECTRONICS CORP.	A-583-832-004	21.35%
TAIWAN SEMICONDUCTOR MANUFACTURING CORP.	A-583-832-005	21.35%
MACRONIX INTERNATIONAL CO.,LTD.	A-583-832-006	21.35%
ALLIANCE SEMICONDUCTOR CORP.	A-583-832-007	21.35%
TAIWAN MEMORY TECHNOLOGY, INC.	A-583-832-009	21.35%
WINBOND ELECTRONICS CORP.	A-583-832-012	21.35%
G-LINK TECHNOLOGY CORP.	A-583-832-013	21.35%
ALL OTHERS	A-583-832-000	21.35%

4. THE SCOPE OF THIS INVESTIGATION, AS AMENDED, ALSO INCLUDES MEMORY MODULES FROM TAIWAN PLACED ON MOTHERBOARDS FROM ALL COUNTRIES, WITH OR WITHOUT A CPU. FOR DIRECT IMPORTS FROM TAIWAN, MERE TRANSHIPMENTS THROUGH THIRD COUNTRIES, AND INDIRECT SHIPMENTS OF MEMORY MODULES FROM TAIWAN PLACED ON MOTHERBOARDS,

WITH OR WITHOUT A CPU, THE IMPORTER MAY CERTIFY WITH THE CUSTOMS

SERVICE THAT NEITHER IT, NOR A PARTY RELATED TO IT OR UNDER CONTRACT TO IT WILL REMOVE THE MODULES FROM THE MOTHERBOARD AFTER IMPORTATION. IN THAT CASE, NO SUSPENSION OF LIQUIDATION UNDER THESE INSTRUCTIONS IS REQUIRED.

FOR A LIST OF POSSIBLE THIRD COUNTRIES, REFER TO ITEM 5 OF MESSAGE #9189111 ON 07/09/1999, WHICH IS FOR CUSTOMS PURPOSES AND IS NOT EXHAUSTIVE.

FOR NO SUSPENSION OF LIQUIDATION UNDER THESE INSTRUCTIONS TO BE REQUIRED, AN OFFICIAL OF THE COMPANY IMPORTING THE MOTHERBOARDS MUST CERTIFY THE FOLLOWING:

THIS SHIPMENT INCLUDES REMOVABLE MEMORY MODULES CONTAINING TAIWAN

DRAMS AND PLACED ON MOTHERBOARDS. I, HEREBY, CERTIFY THAT I AM AN OFFICIAL OF (NAME OF COMPANY IMPORTING THE MOTHERBOARDS) AND THAT I HAVE KNOWLEDGE OF THE FACTS REGARDING THE IMPORTATION OF THESE MOTHERBOARDS. I FURTHER CERTIFY THAT, TO THE BEST OF MY KNOWLEDGE AND BELIEF, AFTER IMPORTATION OF THESE MOTHERBOARDS INTO THE UNITED STATES, TAIWAN DRAMS CONTAINED ON OR WITHIN THESE MOTHERBOARDS WILL NOT BE REMOVED BY (NAME OF COMPANY IMPORTING THE

MOTHERBOARDS), OR ANY PARTY RELATED TO IT, FOR SALE OR EQUIVALENT COMMERCIAL TRANSACTION SEPARATE FROM THE MOTHERBOARDS.

I FURTHER CERTIFY THAT MY COMPANY HAS NOT CONTRACTED WITH ANY PARTY TO REMOVE TAIWAN DRAMS FOR SALE OR EQUIVALENT COMMERCIAL TRANSACTION SEPARATE FROM THE MOTHERBOARDS.

AGENTS OF THE IMPORTER, SUCH AS BROKERS, ARE NOT PERMITTED TO MAKE SUCH A CERTIFICATION.

UNLESS THE COMPANY IMPORTING THE MOTHERBOARDS MAKES SUCH A CERTIFICATION, THE CUSTOMS SERVICE SHALL REQUIRE A CASH DEPOSIT OR BOND ON THE MEMORY MODULES AS DESCRIBED BELOW. IF THIS OCCURS, THE IMPORTER WILL BE REQUIRED TO SUBMIT A LIST

IDENTIFYING: 1) THE AMOUNT OF TAIWAN MEGABITS CONTAINED IN THE MODULE; 2) THE NAMES OF THE VARIOUS TAIWAN DRAM MANUFACTURERS WHICH PRODUCED THE MEGABITS CONTAINED IN THE MODULE; AND 3) THE AMOUNT OF TAIWAN MEGABITS CONTAINED IN THE MODULES WHICH WERE PRODUCED BY EACH OF THESE TAIWAN DRAM MANUFACTURERS.

IF THE DRAMS IN THE MODULE WERE PRODUCED BY SINGLE OR MULTIPLE PRODUCERS, THE CUSTOMS SERVICE SHALL REQUIRE A PER MEGABIT CASH DEPOSIT OR BOND ON THE COMPANY-SPECIFIC AMOUNT OF TAIWANESE MEGABITS CONTAINED IN A MODULE AS DESCRIBED IN PARAGRAPH 6 BELOW.

IF THE IMPORTER IS UNABLE OR UNWILLING TO IDENTIFY THE AMOUNT OF MEGABITS PRODUCED BY EACH OF THE VARIOUS TAIWANESE DRAM MANUFACTURERS WITHIN THE MODULE, BUT CAN IDENTIFY THE TOTAL AMOUNT OF TAIWAN MEGABITS WITHIN THE MODULE, THE HIGHEST PER MEGABIT RATE CALCULATED FOR ANY COMPANY LISTED IN PARAGRAPH 6 BELOW WILL BE APPLIED TO ALL TAIWAN MEGABITS CONTAINED IN THE MODULE.

IF THE IMPORTER IS UNABLE OR UNWILLING TO IDENTIFY THE TOTAL AMOUNT OF TAIWAN MEGABITS WITHIN THE MODULE, INCLUDING MODULES CONTAINING MEGABITS WITH MIXED COUNTRIES OF ORIGIN, THE HIGHEST AD VALOREM MARGIN CALCULATED FOR ANY TAIWAN DRAM MANUFACTURER LISTED IN ITEM 3 ABOVE WILL BE APPLIED TO THE TOTAL ENTERED VALUE OF THE MOTHERBOARD.

IF THE IMPORTER CAN IDENTIFY THE NAMES OF THE VARIOUS TAIWANESE DRAM MANUFACTURERS WHICH PRODUCED THE MEGABITS CONTAINED IN THE MODULE, BUT IS UNABLE OR UNWILLING TO IDENTIFY THE AMOUNT OF MEGABITS PRODUCED BY EACH OF THE VARIOUS TAIWANESE DRAM MANUFACTURERS WITHIN THE MODULE, THE HIGHEST PER MEGABIT RATE LISTED IN PARAGRAPH 6 BELOW CALCULATED FOR ANY OF THE TAIWANESE MANUFACTURERS WHOSE DRAMS ARE INCLUDED IN THE MODULE SHALL BE APPLIED TO THE TOTAL MEGABITS CONTAINED IN THE MODULE.

5. THE SCOPE OF THIS INVESTIGATION DOES NOT INCLUDE DRAMS OR

MEMORY MODULES THAT ARE RE-IMPORTED FOR REPAIR OR REPLACEMENT. IN THIS CASE, FOR NO SUSPENSION OF LIQUIDATION TO BE REQUIRED, AN OFFICIAL OF THE COMPANY IMPORTING THE DRAMS AND/OR MEMORY MODULES FOR REPAIR OR REPLACEMENT MUST CERTIFY THE FOLLOWING:

I, HEREBY, CERTIFY THAT I AM AN OFFICIAL OF (NAME OF COMPANY IMPORTING THE DRAMS AND/OR MEMORY MODULES), THAT I HAVE KNOWLEDGE OF THE FACTS REGARDING THE IMPORTATION OF THESE DRAMS AND/OR MEMORY MODULES, AND THAT THESE DRAMS AND/OR MEMORY MODULES WERE EXPORTED OUT OF THE UNITED STATES AND ARE NOW BEING RE-IMPORTED INTO THE UNITED STATES UNDER A PRE-EXISTING WARRANTY PROGRAM OF (NAME OF COMPANY IMPORTING THE DRAMS AND/OR MEMORY MODULES), FOR CUSTOMER RETURNS, RETURN OF DEFECTIVE PRODUCTS, OR RETURNED REPAIRS. I FURTHER CERTIFY THAT THESE DRAMS AND/OR MEMORY MODULES ARE NOT INTENDED FOR SALE OR EQUIVALENT COMMERCIAL TRANSACTION IN THE UNITED STATES.

AGENTS OF THE IMPORTER, SUCH AS BROKERS, ARE NOT PERMITTED TO MAKE SUCH A CERTIFICATION.

6. EFFECTIVE 10/19/1999, FOR PURPOSES OF CASH DEPOSITS OR BONDS BASED ON PER MEGABIT RATES UNDER ITEM 4 OF MESSAGE #9189111 ON 07/09/1999 AND ITEM 4 ABOVE, THE PER MEGABIT DEPOSIT RATES TO BE APPLIED TO THE AMOUNT OF MEGABITS CONTAINED IN MODULES ARE AS FOLLOWS:

MFR/PRODUCER	CUSTOMS ID	WEIGHTED-
AVERAGE		
	PER	
	MEGABIT	
RATE		
	(IN US	
DOLLARS)		

ETRON TECHNOLOGY, INC. A-583-832-008 \$0.40

MOSEL-VITELIC, INC. A-583-832-001 \$0.12

NANYA TECHNOLOGY CORPORATION A-583-832-011 \$0.02

VANGUARD INTERNATIONAL
SEMICONDUCTOR CORPORATION A-583-832-010 \$0.01

ACER SEMICONDUCTOR
MANUFACTURING INC. A-583-832-002 \$0.04

POWERCHIP SEMICONDUCTOR CORP. A-583-832-003 \$0.04

UNITED MICROELECTRONICS CORP. A-583-832-004 \$0.04

TAIWAN SEMICONDUCTOR
MANUFACTURING CORP. A-583-832-005 \$0.04

MACRONIX INTERNATIONAL CO.,LTD. A-583-832-006 \$0.04

ALLIANCE SEMICONDUCTOR CORP. A-583-832-007 \$0.04

TAIWAN MEMORY TECHNOLOGY, INC. A-583-832-009 \$0.04

WINBOND ELECTRONICS CORP. A-583-832-012 \$0.04

G-LINK TECHNOLOGY CORP. A-583-832-013 \$0.04

ALL OTHERS A-583-832-000 \$0.04

NOTE AGAIN THAT THIS IS FOR CASH DEPOSIT OR BOND PURPOSES ONLY, AND THAT FINAL ASSESSMENT MAY BE VALUE-BASED. PLEASE REMIND IMPORTERS OF THIS PERIODICALLY.

7. IF THERE ARE ANY QUESTIONS REGARDING THIS MATTER BY CUSTOMS OFFICERS, PLEASE CONTACT, VIA E-MAIL, THROUGH THE APPROPRIATE

SUPERVISORY CHANNELS, OTHER GOVERNMENT AGENCY LIAISON, USING THE ATTRIBUTE "HQ OAB." THE IMPORTING PUBLIC AND OTHER INTERESTED PARTIES SHOULD CONTACT ALEXANDER AMDUR, OFFICE OF AD/CVD ENFORCEMENT, IMPORT ADMINISTRATION, INTERNATIONAL TRADE ADMINISTRATION, U.S. DEPARTMENT OF COMMERCE, AT (202) 482-5346.

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

PAUL SCHWARTZ

Company Details

*Party Indicator Value:

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