

the Department is amending the final results of the 2001–2002 administrative review of certain preserved mushrooms from the People's Republic of China (PRC).

**EFFECTIVE DATE:** November 28, 2008.

**FOR FURTHER INFORMATION CONTACT:**

Brian Smith, AD/CVD Operations, Office 2, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC, 20230; telephone (202) 482–1766.

**SUPPLEMENTARY INFORMATION:**

**Background**

On July 11, 2003, the Department published its final results of administrative review, covering the period of review from February 1, 2001, through January 31, 2002. *See Certain Preserved Mushrooms From the People's Republic of China: Final Results and Partial Rescission of the New Shipper Review and Final Results and Partial Rescission of the Third Antidumping Duty Administrative Review*, 68 FR 41304 (July 11, 2003) (*Final Results*), and accompanying Issues and Decision Memorandum. In the *Final Results*, the Department applied total AFA in calculating the cash deposit and assessment rates for respondents Gerber and Green Fresh, pursuant to sections 776(a) and (b) of the Tariff Act of 1930, as amended (the Act). *See Final Results*, 68 FR at 41306, and accompanying Issues and Decision Memorandum at Comment 1. The Department found that Gerber and Green Fresh were involved in a business arrangement during the POR that resulted in the circumvention of the proper payment of cash deposits on certain POR entries of subject merchandise made by Gerber. *Id.* As total AFA, the Department applied the PRC-wide rate of 198.63 percent to both companies. Gerber and Green Fresh challenged the Department's resorting to total AFA to determine their cash deposit and assessment rates for the POR in the *Final Results* before the CIT.

On July 18, 2005, the CIT concluded that the Department exceeded its statutory authority by rejecting all data relevant to antidumping assessment rates submitted by the two companies. *See Gerber Food (Yunnan) Co., Ltd. and Green Fresh (Zhangzhou) Co., Ltd. v. United States*, Slip Op. 05–84 (July 18, 2005). Therefore, the CIT remanded this case to the Department.

On November 30, 2005, the Department issued its Results of Redetermination Pursuant to Court Remand (First Remand Redetermination). In the First Remand

Redetermination, the Department modified its original final results margin calculations for both companies by applying partial, instead of total, AFA.

On May 24, 2007, the CIT issued the Department a second remand. *See Gerber Food (Yunnan) Co., Ltd. and Green Fresh (Zhangzhou) Co., Ltd. v. United States*, Slip Op. 07–85 (May 24, 2007) (*Gerber v. United States II*). In its decision, the CIT agreed with the Department that both Gerber and Green Fresh had failed to cooperate to the best of their abilities in the above-referenced review. With regard to Gerber, the CIT affirmed that the Department was justified in resorting to AFA for the 24 sales for which Gerber used Green Fresh invoices. However, the CIT instructed the Department to use a different AFA rate for those 24 sales for purposes of calculating cash deposit and assessment rates for Gerber. With regard to Green Fresh, the CIT instructed the Department to revisit its basis for resorting to partial AFA because the sales at issue were made by Gerber.

In accordance with the CIT's instructions, the Department issued its Results of Redetermination Pursuant to Court Remand on September 18, 2007. *See Results of Redetermination Pursuant to Remand*, dated September 18, 2007 (available at <http://ia.ita.doc.gov/remands>) (Second Remand Redetermination). In the Second Remand Redetermination, the Department recalculated the assessment rate for Gerber by applying partial AFA to the 24 sales made by Gerber during the POR which were exported to the United States using Green Fresh's invoices. The Department also recalculated the assessment rate for Green Fresh exclusive of the same 24 transactions in accordance with the CIT's instructions.

On September 16, 2008, the CIT issued its decision, affirming the Department's Second Remand Redetermination. *See Gerber Food (Yunnan) Co., Ltd. and Green Fresh (Zhangzhou) Co., Ltd. v. United States*, Slip Op. 08–97 (September 16, 2008) (*Gerber v. United States III*); and *Certain Preserved Mushrooms From the People's Republic of China: Notice of Court Decision Not in Harmony with Final Results of Administrative Review*, 73 FR 57322 (October 2, 2008).

The time period for appealing the CIT's decision has expired and no party has appealed the CIT's decision. Because there is now a final and conclusive court decision in this case, the Department is amending the final results of the 2001–2002 administrative review.

**Amended Final Results of Review**

We are therefore amending the final results of the 2001–2002 administrative review of the antidumping duty order on certain preserved mushrooms from the PRC to abide by the CIT's decision with respect to the cash deposit and assessment rates applicable to Gerber and Green Fresh. Specifically, the Department's redetermination resulted in changes to the *Final Results* weighted-average margins for Gerber from 198.63 percent to 92.11 percent, and for Green Fresh from 84.26 percent to 31.55 percent.

**Assessment**

The Department will instruct U.S. Customs and Border Protection (CBP) to assess antidumping duties on all appropriate entries for this review. In accordance with 19 CFR 351.106(c), we will instruct CBP to assess antidumping duties on all appropriate entries for both companies if any importer-specific assessment rate calculated in the final results of this review is above *de minimis* (i.e., is not less than 0.50 percent *ad valorem*). We intend to issue the assessment instructions to CBP 15 days after the date of publication of these amended final results of review.

This notice is issued and published in accordance with sections 516A(e), 751(a)(1) and 777(i)(1) of the Act.

Dated: November 20, 2008.

**David M. Spooner,**

*Assistant Secretary for Import Administration.*

[FR Doc. E8–28321 Filed 11–26–08; 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: Extension of Time Limit for Final Results of the Countervailing Duty Administrative Review**

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

**DATES:** *Effective Date:* November 28, 2008.

**FOR FURTHER INFORMATION CONTACT:**

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

**SUPPLEMENTARY INFORMATION:**

## Background

On August 13, 2008, the Department of Commerce ("Department") published the notice of preliminary results of the administrative review of the countervailing duty order on dynamic random access memory semiconductors from the Republic of Korea, covering the period January 1, 2006 through December 31, 2006. *See Dynamic Random Access Memory Semiconductors from the Republic of Korea: Preliminary Results of Countervailing Duty Administrative Review*, 73 FR 47131 (August 13, 2008). On September 23, 2008, the petitioner, Micron Technology, Inc. ("Micron"), filed a case brief. On September 29, 2008, the respondent, Hynix Semiconductor Inc., filed a rebuttal brief.

## Statutory Time Limits

Section 751(a)(3)(A) of the Tariff Act of 1930, as amended ("the Act"), requires the Department to issue the final results of an administrative review within 120 days after the date on which the preliminary results are published. If it is not practicable to complete the review within the time period, section 751(a)(3)(A) of the Act allows the Department to extend this deadline to a maximum of 180 days.

## Extension of Time Limit for Final Results

In its case brief, Micron requested that the Department take further steps to address the alleged circumvention of the countervailing duty order. The Department needs additional time to consider Micron's request and to act on this request if warranted. As a result, it is not practicable to complete this review within the originally anticipated time limit (*i.e.*, by December 11, 2008). Therefore, the Department is extending the time limit for completion of the final results by 60 days to not later than February 9, 2009, in accordance with section 751(a)(3)(A) of the Act.

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

Dated: November 20, 2008.

**Stephen J. Claeys,**

*Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.*

[FR Doc. E8-28317 Filed 11-26-08; 8:45 am]

**BILLING CODE 3510-DS-P**

## DEPARTMENT OF COMMERCE

### National Institute of Standards and Technology

#### Advisory Committee on Earthquake Hazards Reduction Meeting

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

**ACTION:** Notice of open meeting.

**SUMMARY:** The Advisory Committee on Earthquake Hazards Reduction (ACEHR or Committee), will meet Wednesday, December 17, 2008, from 8:30 a.m. to 5 p.m. and Thursday, December 18, 2008, from 8:30 a.m. to 4:30 p.m. The primary purpose of this meeting is to have an overview of the Pacific Earthquake Engineering Research (PEER) Center and have roundtable discussions on social sciences and lifelines. The agenda may change to accommodate Committee business. The final agenda will be posted on the NEHRP Web site at <http://nehrp.gov/>.

**DATES:** The ACEHR will meet on Wednesday, December 17, 2008, from 8:30 a.m. until 5 p.m. The meeting will continue on Thursday, December 18, 2008, from 8:30 a.m. until 4:30 p.m. The meeting will be open to the public.

**ADDRESSES:** The meeting will be held in the John A Martin Conference Room 542, Davis Hall, University of California, Berkeley, Berkeley, California. Please note admittance instructions under the **SUPPLEMENTARY INFORMATION** section of this notice.

**FOR FURTHER INFORMATION CONTACT:** Dr. Jack Hayes, National Earthquake Hazards Reduction Program Director, National Institute of Standards and Technology, 100 Bureau Drive, Mail Stop 8630, Gaithersburg, Maryland 20899-8630. Dr. Hayes' e-mail address is [jack.hayes@nist.gov](mailto:jack.hayes@nist.gov) and his phone number is (301) 975-5640.

#### **SUPPLEMENTARY INFORMATION:**

The Committee was established in accordance with the requirements of Section 103 of the NEHRP Reauthorization Act of 2004 (Pub. L. 108-360). The Committee is composed of 15 members appointed by the Director of NIST, who were selected for their technical expertise and experience, established records of distinguished professional service, and their knowledge of issues affecting the National Earthquake Hazards Reduction Program. In addition, the Chairperson of the U.S. Geological Survey (USGS) Scientific Earthquake Studies Advisory Committee (SESAC) serves in an ex officio capacity on the Committee. The Committee assesses:

- Trends and developments in the science and engineering of earthquake hazards reduction;
- The effectiveness of NEHRP in performing its statutory activities (improved design and construction methods and practices; land use controls and redevelopment; prediction techniques and early-warning systems; coordinated emergency preparedness plans; and public education and involvement programs);
- Any need to revise NEHRP; and
- The management, coordination, implementation, and activities of NEHRP.

Background information on NEHRP and the Advisory Committee is available at <http://nehrp.gov/>.

Pursuant to the Federal Advisory Committee Act, 5 U.S.C. app. 2, notice is hereby given that the Advisory Committee on Earthquake Hazards Reduction (ACEHR) will meet Wednesday, December 17, 2008, from 8:30 a.m. until 5 p.m. The meeting will continue on Thursday, December 18, 2008, from 8:30 a.m. until 4:30 p.m. The meeting will be held in the John A Martin Conference Room 542, Davis Hall, University of California, Berkeley, Berkeley, California. The primary purpose of this meeting is to have an overview of the Pacific Earthquake Engineering Research (PEER) Center and have roundtable discussions on social sciences and lifelines. The agenda may change to accommodate Committee business. The final agenda will be posted on the NEHRP Web site at <http://nehrp.gov/>.

Individuals and representatives of organizations who would like to offer comments and suggestions related to the Committee's affairs are invited to request a place on the agenda. On December 18, 2008, approximately one-half hour will be reserved near the conclusion of the meeting for public comments, and speaking times will be assigned on a first-come, first-serve basis. The amount of time per speaker will be determined by the number of requests received, but is likely to be about 3 minutes each. Questions from the public will not be considered during this period. Speakers who wish to expand upon their oral statements, those who had wished to speak but could not be accommodated on the agenda, and those who were unable to attend in person are invited to submit written statements to the ACEHR, National Institute of Standards and Technology, 100 Bureau Drive, MS 8630, Gaithersburg, Maryland 20899-8630, via fax at (301) 975-5433, or electronically by e-mail to [info@nehrp.gov](mailto:info@nehrp.gov).