

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 investigation and the corresponding recommendations in this public memorandum which is on file in the CRU. In addition, a complete version of the *Decision Memorandum* can be accessed directly on the Internet at <http://ia.ita.doc.gov/frn/> under the heading "Korea." The paper copy and electronic version of the *Decision Memorandum* are identical in content.

### Suspension of Liquidation

As a result of our *Preliminary Determination*, we instructed Customs to suspend liquidation of all entries of DRAMS from the ROK which were entered or withdrawn from warehouse, for consumption on or after April 7, 2003, the date of the publication of the *Preliminary Determination* in the **Federal Register** (with the exception of entries from SEC as we preliminarily determined SEC's rate to be *de minimis*).

In accordance with section 705(c)(1)(C) of the Act, we are directing

Customs to continue to suspend liquidation of all imports of the subject merchandise from the ROK that are entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice in the **Federal Register**, with the exception of entries for SEC, for whom we have determined the net subsidy rate to be *de minimis*. These suspension of liquidation instructions will remain in effect until further notice.

We determine the total estimated net subsidy rate for each company to be the following:

Producer/Exporter	Net Subsidy Rate
Samsung Electronics Co., Ltd. ....	0.04 percent ( <i>de minimis</i> )
Hynix Semiconductor Inc. (formerly, Hyundai Electronics Industries Co., Ltd.) .....	44.71 percent
All Others .....	44.71 percent

In accordance with sections 777A(e)(2)(B) and 705(c)(5)(A) of the Act, we have set the "all others" rate as Hynix' rate because the rate for SEC, the only other investigated company, is *de minimis*.

We will issue a countervailing duty order if the ITC issues a final affirmative injury determination and we will instruct Customs to require a cash deposit of estimated countervailing duties for such entries of merchandise in the amounts indicated above. If the ITC determines that material injury, or threat of material injury, does not exist, this proceeding will be terminated and all estimated duties deposited or securities posted as a result of the suspension of liquidation will be refunded or canceled.

### ITC Notification

In accordance with section 705(d) of the Act, we will notify the ITC of our determination. In addition, we are making available to the ITC all non-privileged and non-proprietary information related to this investigation. We will allow the ITC access to all privileged and business proprietary information in our files, provided the ITC confirms that it will not disclose such information, either publicly or under an Administrative Protective Order ("APO"), without the written consent of the Assistant Secretary for Import Administration.

### Return or Destruction of Proprietary Information

In the event that the ITC issues a final negative injury determination, this notice will serve as the only reminder to parties subject to an APO of their responsibility concerning the

destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Failure to comply is a violation of the APO.

This determination is published pursuant to sections 703(f) and 777(i) of the Act.

Dated: June 16, 2003.

**Joseph A. Spetrini,**

*Acting Assistant Secretary for Import Administration.*

### APPENDIX

List of Comments and Issues in the Decision Memorandum

*Comment 1:* Direction of Credit

*Comment 2:* Specificity Relating to Direction of Credit

*Comment 3:* Application of Commercial Benchmarks to Determine the Amount of Benefits to Hynix Semiconductor Inc. (formerly, Hyundai Electronics Industries Co., Ltd. ("HEI")) ("Hynix")

*Comment 4:* Direction of Credit Through the Government of the Republic of Korea's ("GOK") Control of the Bond Market

*Comment 5:* Hynix Creditworthiness

*Comment 6:* Korea Development Bank ("KDB") Fast Track Program

*Comment 7:* Hynix October 2001 Debt-to-Equity Conversion

*Comment 8:* Hynix October 2001 Debt Forgiveness

*Comment 9:* Hynix Five-Year Interest-Free Loan Stemming from October 2001 Restructuring

*Comment 10:* Hynix October 2001 Retroactive Reduction of Accrued Interest as Part of Debt-Equity Swap

*Comment 11:* Hynix Benefit from Convertible Bonds ("CB") Arising Between Issuance and Conversion

Stemming from October 2001

Restructuring

*Comment 12:* Treating Loans to Hynix

in Excess of Banking Act Exposure

Limitations and Documents Against

Acceptance ("D/A") Financing as Grants

*Comment 13:* D/A Interest Rates

*Comment 14:* Hynix Sales

*Comment 15:* Hynix Short-Term

Financing

*Comment 16:* Ministerial Errors In

Certain Hynix Preliminary

Determination Calculations

*Comment 17:* Use of LG Semiconductor,

Inc. ("LG Semicon") Bonds as Hynix

Benchmarks

*Comment 18:* Calculation of

Uncreditworthy Benchmarks

*Comment 19:* Other General Benchmark

Issues

*Comment 20:* Samsung Electronics Co.,

Ltd. ("SEC") Creditworthiness

*Comment 21:* Facts Available for SEC's

Unreported Short- and Long-Term

Financing

*Comment 22:* Treatment of Certain SEC

Interest Payments

*Comment 23:* SEC Sales

*Comment 24:* Energy Savings Fund

("ESF") Program

*Comment 25:* *De Facto* Specificity of

Certain Tax Programs Under the Tax

Reduction and Exemption Control Act

("TERCL") and/or the Restriction of

Special Taxation Act ("RSTA")

*Comment 26:* RSTA Article 26 and

Import Substitution

*Comment 27:* 21st Century Frontier

Research and Development ("R&D")

Program

*Comment 28:* Other R&D Programs

*Comment 29:* Export Insurance Program

*Comment 30:* Electricity Discounts

Under the Requested Load Adjustment

("RLA") Program