

DEPARTMENT OF COMMERCE**Foreign-Trade Zones Board****[Docket 20-2006]****Foreign-Trade Zone 37 - Orange County, New York, Application for Subzone, Schott Lithotec USA, Corp. (Photomask Blanks), Poughkeepsie, New York**

An application has been submitted to the Foreign-Trade Zones Board (the Board) by the County of Orange, grantee of FTZ 37, requesting special-purpose subzone status for the manufacturing and warehousing facilities of Schott Lithotec USA, Corp (Schott), located in Poughkeepsie, New York. The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a-81u), and the regulations of the Board (15 CFR part 400). It was formally filed on May 24, 2006.

The Schott facilities (80 employees) consist of two sites on 3.5 acres in Poughkeepsie, New York: Site 1 (3.3 acres) is located at 2323 South Road; and Site 2 (6,875 square feet) is located at 641 Sheafe Road. The facilities are used for the manufacturing and warehousing of photomask blanks. Components and materials sourced from abroad, representing some 95% of all parts consumed in manufacturing, include: organic surface active agents, sensitizing emulsions, chemical preparations for photographic uses, glass substrates, and sputtering targets (duty rates range from duty-free to 6.5%).

FTZ procedures would exempt Schott from customs duty payments on the foreign components used in export production. Some 34 percent of the plant's shipments are exported. On its domestic sales, Schott would be able to choose the duty rates during Customs entry procedures that apply to photomask blanks (3.7%) for the foreign inputs noted above. The request indicates that the savings from FTZ procedures would help improve the plant's international competitiveness.

In accordance with the Board's regulations, a member of the FTZ staff has been appointed examiner to investigate the application and report to the Board.

Public comment is invited from interested parties. Submissions (original and 3 copies) shall be addressed to the Board's Executive Secretary at the address below. The closing period for their receipt is August 4, 2006. Rebuttal comments in response to material submitted during the foregoing period

may be submitted during the subsequent 15-day period to August 21, 2006.

A copy of the application and accompanying exhibits will be available for public inspection at each of the following locations:

U.S. Department of Commerce Export Assistance Center, 20 Exchange Plaza, 20th Floor New York, NY 10005.
Office of the Executive Secretary, Foreign-Trade Zones Board, U.S. Department of Commerce, Room 1115, 1401 Constitution Ave. NW., Washington, DC 20230.

Dated: May 24, 2006.

Dennis Puccinelli,

Executive Secretary.

[FR Doc. E6-8683 Filed 6-2-06; 8:45 am]

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DEPARTMENT OF COMMERCE**International Trade Administration****[A-580-812]****Dynamic Random Access Memory Semiconductors of One Megabit or Above From the Republic of Korea; Notice of Court Decision Not in Harmony with Final Results of Administrative Review**

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

SUMMARY: On April 5, 2006, the United States Court of International Trade (the Court) sustained the final remand redetermination made by the Department of Commerce (the Department) pursuant to the Court's remand of the final results of the 1997-1998 administrative review of dynamic random access memory semiconductors of one megabit or above from the Republic of Korea. *See Hyundai Electronics Industries Co., Ltd. and Hyundai Electronics America, Inc., v. United States and Micron Technology, Inc.*, Court No. 00-01-00027, Slip Op. 06-46 (CIT 2006) (Hyundai IV). This case arises out of the Department's *Dynamic Random Access Memory Semiconductors (DRAMs) of One Megabit or Above From the Republic of Korea: Final Results of Antidumping Duty Administrative Review and Determination Not to Revoke the Order in Part*, 64 FR 69694 (December 14, 1999) (*Final Results*). The final judgment in this case was not in harmony with the Department's December 1999 *Final Results*.

EFFECTIVE DATE: June 5, 2006.

FOR FURTHER INFORMATION CONTACT: Ron Trentham or Tom Futtner, AD/CVD Operations, Office 4, Import

Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Ave., NW., Washington, DC 20230; telephone: (202) 482-6320 or 482-3814, respectively.

SUPPLEMENTARY INFORMATION: On April 16, 2004, the Court remanded the Department's *Final Results*, in *Hyundai Electronics Industries, Co., Ltd., and Hyundai Electronics America Inc. v. United States and Micron Technology, Inc.*, 342 F. Supp. 2d 1141 (CIT 2004). In its remand, the Court ordered the Department to: (1) Recalculate LG Semicon's (LG's) dumping margin by application of adverse facts available (AFA) to only a portion of its U.S. sales; (2) provide additional information regarding the effect of non-subject merchandise research and development (R&D) on R&D for subject merchandise, or recalculate R&D costs on the most product-specific basis possible; (3) provide specific evidence showing how Hyundai Electronics Industries Co., Ltd. (Hyundai) and LG's actual R&D expenses for the review period are not reasonably accounted for in their amortized R&D costs, or accept their amortization of R&D expenses and; (4) provide additional information showing how R&D expenses that are currently deferred by Hyundai and LG affect production or revenue for the instant review period, or accept their deferral methodology.

In *Hyundai Electronics Industries, Co., Ltd., and Hyundai Electronics America Inc. v. United States and Micron Technology, Inc.*, 395 F. Supp. 2d 1231 (CIT 2005) the Court sustained the Department's partial AFA rate for LG and its use of amortized R&D expenses for calculating Hyundai's and LG's respective costs of production. The Court remanded the Department's cross-fertilization determination with instructions to recalculate Hyundai's and LG's R&D expenses without application of the cross-fertilization theory, and also remanded the Department's recognition of all of Hyundai's and LG's 1997 R&D expenses for antidumping duty purposes with instructions to accept Hyundai's and LG's deferral methodology in calculating R&D expenses for their respective costs of production.

In *Hyundai Electronics Industries, Co., Ltd., and Hyundai Electronics America Inc. v. United States and Micron Technology, Inc.*, 414 F. Supp. 2d 1289 (CIT 2006) (*Hyundai III*), the Court ordered that the Department's original findings rejecting LG's and Hyundai's cost amortization methodology, as stated in the *Final*

Results, be reinstated in accordance with *Hynix Semiconductor Inc. v. United States*, 424 F.3d 1363 (Fed. Cir. 2005).

The Department submitted its final results of redetermination on remand to the Court on February 23, 2006. On April 5, 2006, the Court sustained the Department's remand results in all respects. See, *Hyundai Electronics Industries, Co., Ltd., and Hyundai Electronics America Inc., v. United States and Micron Technology, Inc.*, Court No. 00-01-00027, Slip Op. 06-46 (CIT 2006).

Timken Notice

In its decision in *Timken Co., v. United States*, 893 F.2d 337, 341 (Fed. Cir. 1990) (*Timken*), the United States Court of Appeals for the Federal Circuit held that, pursuant to section 516a(e) of the Tariff Act of 1930, as amended (the Act), the Department must publish a notice of a court decision that is not "in harmony" with a Department determination, and must suspend liquidation of entries pending a "conclusive" court decision. The Court's decision in *Hyundai IV* on April 5, 2006, constitutes a final decision of the Court that is not in harmony with the Department's *Final Results*. This notice is published in fulfillment of the publication requirements of *Timken*. Accordingly, the Department will continue the suspension of liquidation of the subject merchandise pending the expiration of the period of appeal, or, if appealed, pending a final and conclusive court decision.

This notice is issued and published in accordance with section 516A(c)(1) of the Act.

Dated: May 30, 2006.

David M. Spooner,

Assistant Secretary for Import Administration.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 052606A]

Draft Conservation Plan for the Pribilof Islands Northern Fur Seal

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of availability; request for comments.

SUMMARY: In accordance with the Marine Mammal Protection Act

(MMPA), NMFS has revised its conservation plan for northern fur seals (*Callorhinus ursinus*). The goal of the draft plan is to promote the recovery of northern fur seals to their optimum sustainable population levels. NMFS solicits public comments on this draft conservation plan.

DATES: Comments and information must be received by August 4, 2006.

ADDRESSES: The draft conservation plan is available on the Internet at the following address: <http://www.fakr.noaa.gov/protectedresources/seals/fur.htm>. Alternatively, copies of the draft conservation plan may be reviewed and/or copied at the NMFS, Protected Resources Division, 222 W. 7th Ave., #43, Anchorage, AK, 99513; or at the Alaska Regional Office, Protected Resources Division, 709 W. 9th St., P.O. Box 21668, Juneau, AK 99802. Comments on the draft conservation plan should be sent to the above addresses. Comments also may be submitted via e-mail to NFSCPcomments@noaa.gov or via fax to (907) 586-7557.

FOR FURTHER INFORMATION CONTACT:

Michael Williams, NOAA/NMFS, Alaska Region, Anchorage Field Office, (907) 271 5006, or Kaja Brix, NOAA/NMFS, Alaska Region, (907) 586 7235.

SUPPLEMENTARY INFORMATION: The MMPA requires NMFS to prepare a conservation plan to promote the conservation and recovery of any species or stock designated as depleted. On June 17, 1988, the National Marine Fisheries Service (NMFS) designated the Pribilof Islands, Alaska (St. Paul and St. George Islands), population of northern fur seals depleted under the MMPA. NMFS originally published a conservation plan for northern fur seals in June 1993. The original plan identified 7 major areas of monitoring and research and recommended conservation actions coordinated among the agencies and entities with activities in the area. In the 13 years since the plan was completed, population numbers have changed and additional action items have been recommended or implemented.

The Pribilof Islands population has declined since the depleted listing. Between 1998 and 2004 estimated pup production declined at 6.2 percent per year on St. Paul Island and at 4.5 percent per year on St. George Island. The 2004 estimate of pup production on St. Paul Island is comparable with the level observed in 1921, while on St. George it is below the level observed in 1916. Recent satellite telemetry studies estimate lactating female and juvenile male northern fur seals foraging areas in

the Bering Sea. These studies also suggest separation of Bering Sea foraging areas based on the Pribilof breeding area of departure. A preliminary population estimate of 721,935 has been calculated for 2005 (Angliss in prep).

The conservation plan is an update of the plan prepared in 1993 and delineates reasonable actions necessary to promote recovery of the depleted Eastern Pacific stock of northern fur seals. NMFS developed and presents a conservation strategy in the conservation plan to guide Federal and other actions towards the goal of recovering this stock of northern fur seals. The objectives of the conservation strategy are:

(1) Identify and eliminate or mitigate the cause or causes of human related mortality of the Eastern Pacific stock of northern fur seals;

(2) Assess and avoid or mitigate adverse effects of human related activities on or near the Pribilof Islands and other habitat essential to the survival and recovery of the Eastern Pacific stock of northern fur seals;

(3) Continue and, as necessary, expand research or management programs to monitor trends and detect natural or human-related causes of change in the northern fur seal population and habitats essential to its survival and recovery; and

(4) Coordinate and assess the implementation of the conservation plan, based on implementation of conservation actions and completion of high priority studies. Conservation actions and study recommendations are included for each factor that may be affecting northern fur seals. The goal of this conservation plan will be met when the Eastern Pacific northern fur seal stock is at an abundance level that justifies their redesignation as a non-depleted stock. NMFS solicits public comments on this draft revision of the conservation plan for northern fur seals.

Dated: May 30, 2006.

P. Michael Payne,

Acting Deputy Director, Office of Protected Resources, National Marine Fisheries Service.

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