

Public Comments on 87 Fed. Reg. 62186 (Oct. 13, 2022), 87 Fed. Reg 74966 (Dec. 7, 2022), and 88 Fed. Reg. 2821 (Jan. 18, 2023); RIN 0694-AI94; Docket No. 220930-0204 (collectively “Interim Final Rule”)

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The Interim Final Rule, as codified in new EAR sections 744.6(c)(2)(i)(C) and 744.23(a)(2)(iii)(C), imposes a license requirement for certain exports, reexports, transfers, and activities if in support of the development or production of DRAM integrated circuits at semiconductor fabrication facilities in the People’s Republic of China (PRC) or Macau that “use[] a production technology node of 18nm half-pitch or less.” The Interim Final Rule did not, however, define “half-pitch” or otherwise describe how one determines whether a DRAM integrated circuit “uses a production technology node of 18 nm half-pitch or less.”

There are different potential methods for measuring the “half-pitch” in DRAM devices, such as (i) measuring the active area of a DRAM device; and (ii) using the “calculated half pitch,” a methodology used and published by a leading standards organization, the Institute of Electrical and Electronics Engineers (IEEE), as published in its International Roadmap for Devices and Systems (IRDS).¹

For the sake of transparency and compliance reliability, this comment requests BIS to publicly identify the correct methodology to use in both a BIS response to an FAQ on the BIS website and also in BIS’s responses to public comments about the Interim Final Rule.

¹ The IRDS can be reviewed online at: International Roadmap for Device and Systems (Executive Summary), available at https://irds.ieee.org/images/files/pdf/2022/2022IRDS_ES.pdf.