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CASE #(s): C-122-839

EFFECTIVE DATE: COURT CASE #:

PERIOD OF REVIEW: TO

PERIOD COVERED: 05/22/2002 TO

Notice of Lifting of Suspension Date:

TO: { Directors Of Field Operations, Port Directors }

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

RE: COUNTERVAILING DUTY ORDER IN INVESTIGATION OF CERTAIN SOFTWOOD LUMBER PRODUCTS FROM CANADA (C-122-839)

MESSAGE NO: 2144201 DATE: 05 24 2002

CATEGORY: CVD TYPE: ORD

REFERENCE: REFERENCE DATE:

CASES: C - 122 - 839 - -

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PERIOD COVERED: 05 22 2002 TO

LIQ SUSPENSION DATE:

TO: DIRECTORS OF FIELD OPERATIONS  
PORT DIRECTORS

FROM: DIRECTOR, TRADE ENFORCEMENT & CONTROL

RE: COUNTERVAILING DUTY ORDER IN INVESTIGATION OF CERTAIN SOFTWOOD LUMBER PRODUCTS FROM CANADA (C-122-839)

1. ON MAY 22, 2002, THE DEPARTMENT OF COMMERCE PUBLISHED IN THE FEDERAL REGISTER ITS COUNTERVAILING DUTY ORDER AND AMENDED FINAL DETERMINATION, IN THE INVESTIGATION OF CERTAIN SOFTWOOD LUMBER PRODUCTS FROM CANADA.
2. THE PRODUCTS COVERED BY THIS ORDER ARE SOFTWOOD LUMBER, FLOORING AND SIDING (SOFTWOOD LUMBER PRODUCTS). SOFTWOOD LUMBER

PRODUCTS INCLUDE ALL PRODUCTS CLASSIFIED UNDER HEADINGS

4407.1000, 4409.1010, 4409.1090, AND 4409.1020, RESPECTIVELY, OF THE HARMONIZED TARIFF SCHEDULE OF THE UNITED STATES (HTSUS), AND ANY SOFTWOOD LUMBER, FLOORING AND SIDING DESCRIBED BELOW. THESE SOFTWOOD LUMBER PRODUCTS INCLUDE:

(1) CONIFEROUS WOOD, SAWN OR CHIPPED LENGTHWISE, SLICED OR PEELED, WHETHER OR NOT PLANED, SANDED OR FINGER-JOINTED, OF A THICKNESS EXCEEDING SIX MILLIMETERS;

(2) CONIFEROUS WOOD SIDING (INCLUDING STRIPS AND FRIEZES FOR PARQUET FLOORING, NOT ASSEMBLED) CONTINUOUSLY SHAPED (TONGUED, GROOVED, RABBETED, CHAMFERED, V-JOINTED, BEADED, MOLDED, ROUNDED OR THE LIKE) ALONG ANY OF ITS EDGES OR FACES, WHETHER OR NOT PLANED, SANDED OR FINGER-JOINTED;

(3) OTHER CONIFEROUS WOOD (INCLUDING STRIPS AND FRIEZES FOR PARQUET FLOORING, NOT ASSEMBLED) CONTINUOUSLY SHAPED (TONGUED, GROOVED, RABBETED, CHAMFERED, V-JOINTED, BEADED, MOLDED, ROUNDED OR THE LIKE) ALONG ANY OF ITS EDGES OR FACES (OTHER THAN WOOD MOULDINGS AND WOOD DOWEL RODS) WHETHER OR NOT PLANED, SANDED OR FINGER-JOINTED; AND

(4) CONIFEROUS WOOD FLOORING (INCLUDING STRIPS AND FRIEZES FOR PARQUET FLOORING, NOT ASSEMBLED) CONTINUOUSLY SHAPED (TONGUED, GROOVED, RABBETED, CHAMFERED, V-JOINTED, BEADED, MOLDED, ROUNDED OR THE LIKE) ALONG ANY OF ITS EDGES OR FACES, WHETHER OR NOT PLANED, SANDED OR FINGER-JOINTED.

ALTHOUGH THE HTSUS SUBHEADINGS ARE PROVIDED FOR CONVENIENCE AND U.S. CUSTOMS PURPOSES, THE WRITTEN DESCRIPTION OF THE MERCHANDISE SUBJECT TO THIS ORDER IS DISPOSITIVE.

AS SPECIFICALLY STATED IN THE ISSUES AND DECISION MEMORANDUM ACCOMPANYING THE NOTICE OF FINAL DETERMINATION AT LESS THAN FAIR VALUE: CERTAIN SOFTWOOD LUMBER PRODUCTS FROM CANADA, 67 FR 15539 (APRIL 2, 2002) (SEE COMMENT 53, ITEM D, PAGE 116, AND COMMENT

57, ITEM B-7, PAGE 126) AVAILABLE AT WWW.IA.ITA.DOC.GOV, DRILLED AND NOTCHED LUMBER AND ANGLE CUT LUMBER ARE COVERED BY THE SCOPE OF THIS ORDER.

THE FOLLOWING SOFTWOOD LUMBER PRODUCTS ARE EXCLUDED FROM THE SCOPE OF THIS ORDER PROVIDED THEY MEET THE SPECIFIED REQUIREMENTS DETAILED BELOW:

(1) STRINGERS (PALLET COMPONENTS USED FOR RUNNERS): IF THEY HAVE AT LEAST TWO NOTCHES ON THE SIDE, POSITIONED AT EQUAL DISTANCE FROM THE CENTER, TO PROPERLY ACCOMMODATE FORKLIFT BLADES, PROPERLY CLASSIFIED UNDER HTSUS 4421.90.98.40.

(2) BOX-SPRING FRAME KITS: IF THEY CONTAIN THE FOLLOWING WOODEN PIECES - TWO SIDE RAILS, TWO END (OR TOP) RAILS AND VARYING NUMBERS OF SLATS. THE SIDE RAILS AND THE END RAILS SHOULD BE RADIUS-CUT AT BOTH ENDS. THE KITS SHOULD BE INDIVIDUALLY PACKAGED, THEY SHOULD CONTAIN THE EXACT NUMBER OF WOODEN COMPONENTS NEEDED TO MAKE A PARTICULAR BOX SPRING FRAME, WITH NO FURTHER PROCESSING REQUIRED. NONE OF THE COMPONENTS EXCEEDS 1" IN ACTUAL THICKNESS OR 83" IN LENGTH.

(3) RADIUS-CUT BOX-SPRING-FRAME COMPONENTS, NOT EXCEEDING 1" IN ACTUAL THICKNESS OR 83" IN LENGTH, READY FOR ASSEMBLY WITHOUT FURTHER PROCESSING. THE RADIUS CUTS MUST BE PRESENT ON BOTH ENDS OF THE BOARDS AND MUST BE SUBSTANTIAL CUTS SO AS TO COMPLETELY ROUND ONE CORNER.

(4) FENCE PICKETS REQUIRING NO FURTHER PROCESSING AND PROPERLY CLASSIFIED UNDER HTSUS 4421.90.70, 1" OR LESS IN ACTUAL THICKNESS, UP TO 8" WIDE, 6' OR LESS IN LENGTH, AND HAVE FINIALS OR DECORATIVE CUTTINGS THAT CLEARLY IDENTIFY THEM AS FENCE PICKETS. IN THE CASE OF DOG-EARED FENCE PICKETS, THE CORNERS OF THE BOARDS SHOULD BE CUT OFF SO AS TO REMOVE PIECES OF WOOD IN THE SHAPE OF ISOSCELES RIGHT ANGLE TRIANGLES WITH SIDES MEASURING 3/4 INCH OR MORE.

(5) U.S. ORIGIN LUMBER SHIPPED TO CANADA FOR MINOR PROCESSING AND IMPORTED INTO THE UNITED STATES, IS EXCLUDED FROM THE SCOPE OF THE INVESTIGATIONS IF THE FOLLOWING CONDITIONS ARE MET: 1) THE PROCESSING OCCURRING IN CANADA IS LIMITED TO KILN-DRYING, PLANING TO CREATE SMOOTH-TO-SIZE BOARD, AND SANDING, AND 2) IF THE IMPORTER ESTABLISHES TO CUSTOMS' SATISFACTION THAT THE LUMBER IS OF U.S. ORIGIN.

(6) SOFTWOOD LUMBER PRODUCTS CONTAINED IN SINGLE FAMILY HOME PACKAGES OR KITS (TO ENSURE ADMINISTRABILITY, WE CLARIFIED THE LANGUAGE OF EXCLUSION NUMBER 6 TO REQUIRE AN IMPORTER CERTIFICATION AND TO PERMIT SINGLE OR MULTIPLE ENTRIES ON MULTIPLE DAYS AS WELL AS INSTRUCTING IMPORTERS TO RETAIN AND MAKE AVAILABLE FOR INSPECTION SPECIFIC DOCUMENTATION IN SUPPORT OF EACH ENTRY.), REGARDLESS OF TARIFF CLASSIFICATION, ARE EXCLUDED FROM THE SCOPE OF THE ORDERS IF THE IMPORTER CERTIFIES TO ITEMS 6 A, B, C AND D AND REQUIREMENT 6 E IS MET:

A. THE IMPORTED HOME PACKAGE OR KIT CONSTITUTES A FULL PACKAGE OF THE NUMBER OF WOODEN PIECES SPECIFIED IN THE PLAN, DESIGN OR BLUEPRINT NECESSARY TO PRODUCE A HOME OF AT LEAST 700 SQUARE FEET PRODUCED TO A SPECIFIED PLAN, DESIGN OR BLUEPRINT;

B. THE PACKAGE OR KIT MUST CONTAIN ALL NECESSARY INTERNAL AND EXTERNAL DOORS AND WINDOWS, NAILS, SCREWS, GLUE, SUBFLOOR, SHEATHING, BEAMS, POSTS, CONNECTORS, AND IF INCLUDED IN THE PURCHASE CONTRACT, DECKING, TRIM, DRYWALL AND ROOF SHINGLES SPECIFIED IN THE PLAN, DESIGN OR BLUEPRINT;

C. PRIOR TO IMPORTATION, THE PACKAGE OR KIT MUST BE SOLD TO A RETAILER OF COMPLETE HOME PACKAGES OR KITS PURSUANT TO A VALID PURCHASE CONTRACT REFERENCING THE PARTICULAR HOME DESIGN PLAN OR BLUEPRINT, AND SIGNED BY A CUSTOMER NOT AFFILIATED WITH THE IMPORTER;

D. SOFTWOOD LUMBER PRODUCTS ENTERED AS PART OF A SINGLE FAMILY HOME PACKAGE OR KIT, WHETHER IN A SINGLE ENTRY OR MULTIPLE ENTRIES ON MULTIPLE DAYS, WILL BE USED SOLELY FOR THE CONSTRUCTION OF THE SINGLE FAMILY HOME SPECIFIED BY THE HOME DESIGN MATCHING THE ENTRY.

E. FOR EACH ENTRY, THE FOLLOWING DOCUMENTATION MUST BE RETAINED BY THE IMPORTER AND MADE AVAILABLE TO THE U.S. CUSTOMS SERVICE UPON REQUEST:

I. A COPY OF THE APPROPRIATE HOME DESIGN, PLAN, OR BLUEPRINT MATCHING THE ENTRY;

II. A PURCHASE CONTRACT FROM A RETAILER OF HOME KITS OR PACKAGES SIGNED BY A CUSTOMER NOT AFFILIATED WITH THE IMPORTER;

III. A LISTING OF INVENTORY OF ALL PARTS OF THE PACKAGE OR KIT BEING ENTERED THAT CONFORMS TO THE HOME DESIGN PACKAGE BEING ENTERED;

IV. IN THE CASE OF MULTIPLE SHIPMENTS ON THE SAME CONTRACT, ALL ITEMS LISTED IN E(III) WHICH ARE INCLUDED IN THE PRESENT SHIPMENT SHALL BE IDENTIFIED AS WELL.

LUMBER PRODUCTS THAT THE CUSTOMS SERVICE MAY CLASSIFY AS STRINGERS, RADIUS CUT BOX-SPRING-FRAME COMPONENTS, AND FENCE PICKETS, NOT CONFORMING TO THE ABOVE REQUIREMENTS, AS WELL AS TRUSS COMPONENTS, PALLET COMPONENTS, AND DOOR AND WINDOW FRAME

PARTS, ARE COVERED UNDER THE SCOPE OF THIS ORDER AND MAY BE CLASSIFIED UNDER HTSUS SUBHEADINGS 4418.90.45.90, 4421.90.70.40, AND 4421.90.97.40.

AS CLARIFIED THROUGHOUT THE COURSE OF THE INVESTIGATION, THE FOLLOWING PRODUCTS, PREVIOUSLY IDENTIFIED AS GROUP A, REMAIN OUTSIDE THE SCOPE OF THIS ORDER. THEY ARE:

1. TRUSSES AND TRUSS KITS, PROPERLY CLASSIFIED UNDER

HTSUS 4418.90

2. I-JOIST BEAMS
3. ASSEMBLED BOX SPRING FRAMES
4. PALLETS AND PALLET KITS, PROPERLY CLASSIFIED UNDER HTSUS 4415.20
5. GARAGE DOORS
6. EDGE-GLUED WOOD, PROPERLY CLASSIFIED UNDER HTSUS ITEM 4421.90.98.40
7. PROPERLY CLASSIFIED COMPLETE DOOR FRAMES.
8. PROPERLY CLASSIFIED COMPLETE WINDOW FRAMES
9. PROPERLY CLASSIFIED FURNITURE

FURTHERMORE, AS MENTIONED IN THE AMENDMENT TO THE NOTICE OF INITIATION OF COUNTERVAILING DUTY INVESTIGATION: CERTAIN SOFTWOOD LUMBER PRODUCTS FROM CANADA, 66 FR 40228 (AUGUST 2, 2001), CERTAIN SOFTWOOD LUMBER PRODUCTS FROM THE PROVINCES OF NEW

BRUNSWICK, NOVA SCOTIA, PRINCE EDWARD ISLAND, AND NEWFOUNDLAND (THE MARITIME PROVINCES) ARE EXEMPT FROM THE INVESTIGATION. THIS EXEMPTION DOES NOT APPLY TO CERTAIN SOFTWOOD LUMBER PRODUCTS PRODUCED IN THE MARITIME PROVINCES FROM CROWN TIMBER HARVESTED IN

ANY OTHER PROVINCE. THOSE ENTRIES FOR WHICH AN ORIGINAL CERTIFICATE OF ORIGIN ISSUED BY THE MARITIME LUMBER BUREAU IS PRESENTED ARE EXEMPT FROM SUSPENSION OF LIQUIDATION.

IN ADDITION, IN THE NOTICE OF FINAL AFFIRMATIVE COUNTERVAILING DUTY DETERMINATION AND FINAL NEGATIVE CRITICAL CIRCUMSTANCES DETERMINATION: CERTAIN SOFTWOOD LUMBER PRODUCTS FROM CANADA, 67 FR 15545, 15547 (APRIL 2, 2002) (FINAL DETERMINATION), WE GRANTED EXCLUSIONS TO THE FOLLOWING COMPANIES:

COMPANY	COMPANY NUMBER
ARMAND DUHAMEL ET FILS INC.	C-122-839-001
BARDEAUX ET CEDRES	C-122-839-002
BEAUBOIS COATICOOK INC.	C-122-839-003
BUSQUE & LAFLAMME INC.	C-122-839-004

CARRIER & BEGIN INC.	C-122-839-005
CLERMOND HAMEL	C-122-839-006
J.D. IRVING LTD.	C-122-839-007
LES PRODUITS FORESTIER D.G., LTEE.	C-122-839-008
MARCEL LAUZON INC.	C-122-839-009
MOBILIER RUSTIQUE	C-122-839-010
PAUL VALLEE INC.	C-122-839-011
RENE BERNARD INC.	C-122-839-012
ROLAND BOULANGER & CITE, LTEE	C-122-839-013
SCIERIE ALEXANDER LEMAY	C-122-839-014
SCIERIE LA PATRIE INC.	C-122-839-015
SCIERIE TECH INC.	C-122-839-016
WILFRED PAQUET ET FILS, LTEE	C-122-839-017
B. LUKEN LOGGING LTD.	C-122-839-018
FRONTIER LUMBER	C-122-839-019
SAULT FOREST PRODUCTS LTD.	C-122-839-020

3. FOR FURTHER REPORTING PURPOSES THIS CASE HAS BEEN ASSIGNED INVESTIGATION NUMBER C-122-839.

4. THE INTERNATIONAL TRADE COMMISSION (ITC) NOTIFIED THE COMMERCE DEPARTMENT THAT IMPORTS OF SOFTWOOD LUMBER PRODUCTS FROM

CANADA THREATEN MATERIAL INJURY TO THE U.S. INDUSTRY. THE ITC DID NOT DETERMINE, BUT FOR THE SUSPENSION OF LIQUIDATION OF ENTRIES OF SOFTWOOD LUMBER PRODUCTS FROM CANADA, THE DOMESTIC INDUSTRY WOULD HAVE BEEN MATERIALLY INJURED. THEREFORE, THE CUSTOMS SERVICE SHALL TERMINATE SUSPENSION AND REFUND ANY CASH DEPOSIT AND RELEASE ANY BOND OR OTHER SECURITY OF SOFTWOOD LUMBER

PRODUCTS FROM CANADA FOR SHIPMENTS, ENTERED OR WITHDRAWN FROM

WAREHOUSE, FOR CONSUMPTION PRIOR TO MAY 22, 2002, THE DATE OF PUBLICATION OF THE ITC'S FINAL DETERMINATION IN THE FEDERAL REGISTER. INTEREST PROVISIONS OF SECTION 778 OF THE TARIFF ACT OF 1930 DO NOT APPLY.

THE CUSTOMS SERVICE SHALL SUSPEND LIQUIDATION FOR SOFTWOOD LUMBER

PRODUCTS FROM CANADA WITH RESPECT TO SHIPMENTS ENTERED OR WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION ON OR AFTER MAY 22, 2002, THE DATE OF PUBLICATION OF THE ITC'S FINAL DETERMINATION IN THE FEDERAL REGISTER. EFFECTIVE MAY 22, 2002, FOR SUCH ENTRIES THE CUSTOMS SERVICE SHALL REQUIRE A CASH DEPOSIT EQUAL TO THE NET SUBSIDY RATE SHOWN BELOW.

PRODUCER/ EXPORTER	CUSTOMS ID NUMBER	NET SUBSIDY RATE
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ALL PRODUCERS/ EXPORTERS	C-122-839-000	18.79 PERCENT AD VALOREM
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(NOTE REGARDING ALL PRODUCERS/EXPORTERS RATE: OTHER THAN EXEMPTED

OR

EXCLUDED PRODUCTS AND/OR COMPANIES MENTIONED IN PARAGRAPH TWO OF

THESE

CUSTOMS INSTRUCTIONS).

5. 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 ERIC B. GREYNOLDS, OFFICE OF AD/CVD ENFORCEMENT, IMPORT ADMINISTRATION, INTERNATIONAL TRADE ADMINISTRATION, U.S. DEPARTMENT OF COMMERCE, AT (202) 482-6071. HOWEVER QUESTIONS FROM THE IMPORTING PUBLIC AND OTHER INTERESTED

PARTIES REGARDING THE SCOPE OF THE ORDER OR COMPANY EXCLUSIONS SHOULD BE ADDRESSED TO EITHER GAYLE LONGEST AT (202) 482-3338 OR MARIA MACKAY AT (202) 482-1775, OFFICE OF AD/CVD ENFORCEMENT, IMPORT ADMINISTRATION, INTERNATIONAL TRADE ADMINISTRATION, U.S. DEPARTMENT OF COMMERCE.

6. 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