

MESSAGE NO: 2144202 MESSAGE DATE: 05/24/2002
MESSAGE STATUS: Active CATEGORY: Antidumping
TYPE: ORD-Order PUBLIC NON-PUBLIC
SUB-TYPE:

FR CITE: FR FR CITE DATE:

REFERENCE
MESSAGE #
(s):

CASE #(s): A-122-838

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: ANTIDUMPING DUTY ORDER IN INVESTIGATION OF CERTAIN SOFTWOOD LUMBER PRODUCTS FROM CANADA (A-122-838)

MESSAGE NO: 2144202 DATE: 05 24 2002

CATEGORY: ADA TYPE: ORD

REFERENCE: REFERENCE DATE:

CASES: A - 122 - 838 - -

- - - -

- - - -

PERIOD COVERED: 05 22 2002 TO

LIQ SUSPENSION DATE:

TO: DIRECTORS OF FIELD OPERATIONS
PORT DIRECTORS

FROM: DIRECTOR, TRADE ENFORCEMENT & CONTROL

RE: ANTIDUMPING DUTY ORDER IN INVESTIGATION OF
CERTAIN SOFTWOOD LUMBER PRODUCTS FROM
CANADA (A-122-838)

1. ON MAY 22, 2002, THE DEPARTMENT OF COMMERCE PUBLISHED IN THE FEDERAL REGISTER ITS ANTIDUMPING 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, SUB FLOOR, 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.

FINALLY, 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

3. FOR FURTHER REPORTING PURPOSES THIS CASE HAS BEEN ASSIGNED INVESTIGATION NUMBER A-122-838.

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

CANADA THREATEN MATERIAL INJURY TO THE U.S. INDUSTRY. THE ITC DID NOT DETERMINE, BUT FOR THE SUSPENSION OF LIQUIDATION OF ENTRIES OF CERTAIN SOFTWOOD LUMBER 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 CERTAIN SOFTWOOD LUMBER 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 CERTAIN SOFTWOOD LUMBER 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 MARGINS BELOW:

MANUFACTURER/PRODUCER CUSTOMS ID NUMBER MARGIN(%)

(ABITIBI GROUP)

ABITIBI-CONSOLIDATED INC. A-122-838-001 12.44
PRODUITS FORESTIERS PETIT PARIS INC. A-122-838-002 12.44
PRODUITS FORESTIERS LA TUQUE INC. A-122-838-003 12.44
SCIERIES SAGUENAY LTEE. A-122-838-004 12.44
SOCIETE EN COMMANDITE SCIERIE OPTICWAN A-122-838-005 12.44

(CANFOR GROUP)

CANFOR CORPORATION A-122-838-006 5.96
LAKELAND MILLS LTD. A-122-838-007 5.96
THE PAS LUMBER COMPANY LTD. A-122-838-008 5.96
HOWE SOUND PULP AND PAPER
LIMITED PARTNERSHIP A-122-838-009 5.96
SLOCAN FOREST PRODUCTS LTD. A-122-838-010 7.71

(TEMBEC GROUP)

TEMBEC INC. A-122-838-011 10.21
MARKS LUMBER LTD. A-122-838-012 10.21
EXCEL FOREST PRODUCTS A-122-838-013 10.21
(WEST FRASER GROUP)
WEST FRASER TIMBER CO. LTD. A-122-838-014 2.18
WEST FRASER FOREST PRODUCTS INC. A-122-838-015 2.18
SEEHTA FOREST PRODUCTS LTD. A-122-838-016 2.18

(WEYERHAEUSER GROUP)

WEYERHAEUSER COMPANY A-122-838-017 12.39
MONTERRA LUMBER MILLS LTD. A-122-838-018 12.39
WEYERHAUSER SASKATCHEWAN LTD. A-122-838-019 12.39
ALL OTHERS A-122-838-000 8.43

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 CHARLES RIGGLE, OFFICE OF AD/CVD
ENFORCEMENT, IMPORT ADMINISTRATION, INTERNATIONAL TRADE
ADMINISTRATION, U.S. DEPARTMENT OF COMMERCE, AT (202) 482-0650.

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