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REFERENCE 5124201
MESSAGE #
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CASE #(s): C-122-839

EFFECTIVE DATE: COURT CASE #:
PERIOD OF REVIEW: TO
PERIOD COVERED: 02/24/2005 TO

Notice of Lifting of Suspension Date:

TO: { Directors Of Field Operations, Port Directors }

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

RE: AMENDED CASH DEPOSIT INSTRUCTIONS FOR CERTAIN SOFTWOOD LUMBER PRODUCTS FROM CANADA (C-122-839)

MESSAGE NO: 5136205

DATE: 05 16 2005

CATEGORY: CVD

TYPE: ADM

REFERENCE: 5124201

REFERENCE DATE: 05 04 2005

CASES: C - 122 - 839

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PERIOD COVERED: 02 24 2005 TO

LIQ SUSPENSION DATE:

TO: DIRECTORS OF FIELD OPERATIONS
PORT DIRECTORS

FROM: DIRECTOR, SPECIAL ENFORCEMENT

RE: AMENDED CASH DEPOSIT INSTRUCTIONS FOR CERTAIN SOFTWOOD LUMBER PRODUCTS FROM CANADA (C-122-839)

1. THE DEPARTMENT OF COMMERCE HAS AMENDED THE FINAL RESULTS OF ITS ADMINISTRATIVE REVIEW OF THE COUNTERVAILING DUTY ORDER ON CERTAIN SOFTWOOD LUMBER PRODUCTS FROM CANADA FOR THE PERIOD 5/22/2002 THROUGH 3/31/2003. THIS AMENDMENT WAS PUBLISHED ON 02/24/2005 IN THE FEDERAL REGISTER (70 FR 9046) AND CHANGES THE CASH DEPOSIT RATE FOR ALL PRODUCERS/EXPORTERS, OTHER THAN COMPANIES MENTIONED IN PARAGRAPHS FOUR, SIX, SEVEN, EIGHT, AND NINE OF THESE CUSTOMS INSTRUCTIONS AND/OR EXEMPTED OR EXCLUDED PRODUCTS. THIS IS AN AMENDMENT OF MESSAGE #5124201, DATED

05/04/2005.

2. IMPORTS COVERED BY THIS REVIEW ARE SOFTWOOD LUMBER, FLOORING AND SIDING (SOFTWOOD LUMBER PRODUCTS). SOFTWOOD LUMBER PRODUCTS

INCLUDE ALL PRODUCTS CLASSIFIED UNDER SUBHEADINGS 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 MOLDINGS 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

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 OF SALES 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/FRN, 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 THIS ORDER 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 THE SATISFACTION OF U.S. CUSTOMS AND BORDER PROTECTION (CBP) 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 THIS ORDER IF THE IMPORTER CERTIFIES TO ITEMS 6 A, B, C, 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 CBP 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 CBP 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 4421.90.98.40;
7. PROPERLY CLASSIFIED COMPLETE DOOR FRAMES;
8. PROPERLY CLASSIFIED COMPLETE WINDOW FRAMES;
9. PROPERLY CLASSIFIED FURNITURE.

IN ADDITION, THIS SCOPE LANGUAGE WAS FURTHER CLARIFIED TO SPECIFY THAT ALL SOFTWOOD LUMBER PRODUCTS ENTERED FROM CANADA CLAIMING

NON-SUBJECT STATUS BASED ON U.S. COUNTRY OF ORIGIN WILL BE TREATED AS NON-SUBJECT U.S.-ORIGIN MERCHANDISE UNDER THE COUNTERVAILING DUTY ORDER, PROVIDED THAT THESE SOFTWOOD LUMBER PRODUCTS MEET THE FOLLOWING CONDITION: UPON ENTRY, THE IMPORTER, EXPORTER, CANADIAN PROCESSOR AND/OR ORIGINAL U.S. PRODUCER ESTABLISH TO CBP'S SATISFACTION THAT THE SOFTWOOD LUMBER ENTERED AND DOCUMENTED AS U.S.-ORIGIN SOFTWOOD LUMBER WAS FIRST PRODUCED

IN THE UNITED STATES AS A LUMBER PRODUCT SATISFYING THE PHYSICAL PARAMETERS OF THE SOFTWOOD LUMBER SCOPE.

(SEE SCOPE CLARIFICATION MESSAGE # 3034202, DATED FEBRUARY 3, 2003, TO CBP REGARDING TREATMENT OF U.S. ORIGIN LUMBER ON FILE IN THE CRU.) THE PRESUMPTION OF NON-SUBJECT STATUS CAN, HOWEVER, BE REBUTTED BY EVIDENCE DEMONSTRATING THAT THE MERCHANDISE WAS SUBSTANTIALLY TRANSFORMED IN CANADA.

FINALLY, CERTAIN SOFTWOOD LUMBER PRODUCTS FROM THE MARITIME PROVINCES ARE EXEMPT FROM THIS COUNTERVAILING DUTY ORDER. THIS EXEMPTION, HOWEVER, DOES NOT APPLY TO SOFTWOOD LUMBER PRODUCTS

PRODUCED IN THE MARITIME PROVINCES FROM CROWN TIMBER HARVESTED IN

ANY OTHER PROVINCE AND APPLIES ONLY TO ENTRIES OF SOFTWOOD LUMBER

PRODUCTS FROM CANADA WHICH ARE ACCOMPANIED BY AN ORIGINAL CERTIFICATE OF ORIGIN ISSUED BY THE MARITIME LUMBER BUREAU (MLB).

3. ACCORDINGLY, FOR ALL SHIPMENTS OF CERTAIN SOFTWOOD LUMBER PRODUCTS FROM CANADA SUBJECT TO THE COUNTERVAILING DUTY ORDER, ENTERED, OR WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION ON OR AFTER

02/24/2005, YOU SHALL COLLECT A CASH DEPOSIT OF ESTIMATED COUNTERVAILING DUTIES AT THE FOLLOWING PERCENTAGES OF THE ENTERED

VALUE PRICE:

ID NUMBER	COMPANY NAME	RATE
C-122-839-000	ALL PRODUCERS/EXPORTERS	16.37 PERCENT

(NOTE REGARDING ALL PRODUCERS/EXPORTERS RATE: APPLIES TO ALL, OTHER THAN EXEMPTED OR EXCLUDED PRODUCTS AND/OR COMPANIES MENTIONED IN PARAGRAPHS FOUR, SIX, SEVEN, EIGHT, AND NINE OF THESE CUSTOMS INSTRUCTIONS).

4. IN ADDITION, IN THE FINAL RESULTS OF THE COUNTERVAILING DUTY ADMINISTRATIVE REVIEW, WE CALCULATED ZERO CASH DEPOSIT RATES FOR THE COMPANIES LISTED BELOW. A ZERO PERCENT RATE APPLIES TO MERCHANDISE SUBJECT TO THE COUNTERVAILING DUTY ORDER PRODUCED OR

EXPORTED BY THESE COMPANIES, THAT ENTERED, OR WAS WITHDRAWN FROM

WAREHOUSE, FOR CONSUMPTION ON OR AFTER 12/20/2004.

ID NUMBER	COMPANY NAME	RATE
C-122-839-025	FONTAINE INC. (J.A. FONTAINE ET FILS INC.)	ZERO
C-122-839-027	LES PRODUITS FORESTIERS DUBE INC.	ZERO
C-122-839-033	SCIERIE WEST BROME INC.	ZERO

5. THE CASH DEPOSITS IN PARAGRAPHS THREE AND FOUR WILL REMAIN IN EFFECT UNTIL PUBLICATION OF THE FINAL RESULTS OF THE NEXT ADMINISTRATIVE REVIEW. DO NOT LIQUIDATE ANY ENTRIES OF THE MERCHANDISE INCLUDED IN THIS ADMINISTRATIVE REVIEW UNTIL APPRAISEMENT INSTRUCTIONS ARE RECEIVED.

6. 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 (04/02/2002), WE EXCLUDED FROM THE COUNTERVAILING DUTY ORDER THE COMPANIES LISTED BELOW. MERCHANDISE SUBJECT TO THE COUNTERVAILING DUTY ORDER PRODUCED AND EXPORTED BY THESE EXCLUDED COMPANIES IS EXEMPT FROM THE CVD RATE.

ID NUMBER	COMPANY NAME	RATE
C-122-839-001	ARMAND DUHAMEL ET FILS INC.	EXCLUDED
C-122-839-002	BARDEAUX ET CEDRES	EXCLUDED
C-122-839-003	BEAUBOIS COATICOOK INC.	EXCLUDED
C-122-839-004	BUSQUE AND LAFLAMME INC.	EXCLUDED
C-122-839-005	CARRIER AND BEGIN INC.	EXCLUDED
C-122-839-006	CLERMOND HAMEL	EXCLUDED
C-122-839-007	J.D. IRVING, LTD.	EXCLUDED
C-122-839-008	LES PRODUITS FORESTIERS D.G., LTEE	EXCLUDED
C-122-839-009	MARCEL LAUZON INC.	EXCLUDED
C-122-839-010	MOBIER RUSTIQUE	EXCLUDED
C-122-839-011	PAUL VALLEE INC.	EXCLUDED
C-122-839-012	RENE BERNARD, INC.	EXCLUDED
C-122-839-013	ROLAND BOULANGER AND CITE. LTEE	EXCLUDED
C-122-839-014	SCIERIE ALEXANDRE LEMAY	EXCLUDED
C-122-839-015	SCIERIE LA PATRIE, INC.	EXCLUDED
C-122-839-016	SCIERIE TECH, INC.	EXCLUDED
C-122-839-017	WILFRID PAQUET ET FILS,	

LTEE	EXCLUDED	
C-122-839-018	B. LUKEN LOGGING LTD.	EXCLUDED
C-122-839-019	FRONTIER LUMBER	EXCLUDED
C-122-839-020	SAULT FOREST PRODUCTS LTD.	EXCLUDED

7. IN ADDITION, IN THE NOTICE OF FINAL RESULTS OF COUNTERVAILING DUTY EXPEDITED REVIEWS OF THE ORDER ON CERTAIN SOFTWOOD LUMBER FROM CANADA, 68 FR 24436 (05/07/2003), WE EXCLUDED FROM THE COUNTERVAILING DUTY ORDER THE COMPANIES LISTED BELOW. MERCHANDISE

SUBJECT TO THE COUNTERVAILING DUTY ORDER PRODUCED AND EXPORTED BY THESE EXCLUDED COMPANIES IS EXEMPT FROM THE CVD RATE.

ID NUMBER	COMPANY NAME	RATE
C-122-839-034	INTERBOIS INC.	EXCLUDED
C-122-839-035	LES MOULURES JACOMAU 2000, INC.	EXCLUDED
C-122-839-036	RICHARD LUTES CEDAR INC.	EXCLUDED

8. IN ADDITION, IN THE NOTICE OF FINAL RESULTS OF COUNTERVAILING DUTY EXPEDITED REVIEWS OF THE ORDER ON CERTAIN SOFTWOOD LUMBER FROM CANADA, 69 FR 10982 (03/09/2004), WE EXCLUDED FROM THE COUNTERVAILING DUTY ORDER THE COMPANIES LISTED BELOW. MERCHANDISE

SUBJECT TO THE COUNTERVAILING DUTY ORDER PRODUCED AND EXPORTED BY THESE EXCLUDED COMPANIES IS EXEMPT FROM THE CVD RATE.

ID NUMBER	COMPANY NAME	RATE
C-122-839-038	BOCCAM INC.	EXCLUDED
C-122-839-039	INDIAN RIVER LUMBER	EXCLUDED
C-122-839-040	SECHOIRS DE BEAUCE INC.	EXCLUDED

9. FOR SHIPMENTS OF CERTAIN SOFTWOOD LUMBER FROM CANADA SUBJECT TO THE COUNTERVAILING DUTY ORDER PRODUCED AND EXPORTED BY SEED TIMBER CO. LTD. (C-122-839-080), ENTERED, OR WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION IN THE UNITED STATES ON OR AFTER

02/24/2005, A BOND OR OTHER SECURITY DEPOSIT IS PERMITTED, AT THE IMPORTER'S OPTION, EQUAL TO THE ALL PRODUCERS/EXPORTERS RATE OF 16.37 PERCENT OF THE ENTERED VALUE PRICE. PLEASE REFER TO CUSTOMS MESSAGE NUMBER 4226203 DATED 8/13/2004 FOR FURTHER INFORMATION REGARDING SEED TIMBER CO. LTD.

10. IF THERE ARE ANY QUESTIONS REGARDING THIS MATTER BY CBP OFFICERS, THE IMPORTING PUBLIC OR INTERESTED PARTIES, PLEASE CONTACT DAVINA HASHMI OR RON TRENTAM AT OFFICE OF AD/CVD ENFORCEMENT, IMPORT ADMINISTRATION, INTERNATIONAL TRADE ADMINISTRATION, U.S. DEPARTMENT OF COMMERCE, AT (202) 482-0984 OR (202) 482-3577, RESPECTIVELY (GENERATED BY O3:KJ).

11. THERE ARE NO RESTRICTIONS ON THE RELEASE OF THIS INFORMATION.

CATHY SAUCEDA

Company Details

*Party Indicator Value:

I = Importer, M = Manufacturer, E = Exporter, S = Sold To Party