

MESSAGE NO: 2073111 MESSAGE DATE: 03/13/1992
MESSAGE STATUS: Active CATEGORY: Countervailing
TYPE: PRE-Preliminary PUBLIC NON-PUBLIC
SUB-TYPE:

FR CITE: FR FR CITE DATE:

REFERENCE
MESSAGE #
(s):

CASE #(s): C-122-816

EFFECTIVE DATE: COURT CASE #:

PERIOD OF REVIEW: TO

PERIOD COVERED: 03/12/1992 TO

Notice of Lifting of Suspension Date:

TO: { Directors Of Field Operations, Port Directors }

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

RE: PRELIMINARY DETERMINATION OF CVD INVESTIGATION ON CERTAIN
SOFTWOOD LUMBER PRODUCTS FROM CANADA-SAMPLE OF SPECIAL
COUNTERVAILING DUTY BOND ATTACHED

MESSAGE NO: 2073111

DATE: 03 13 1992

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CASES: C - 122 - 816

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PERIOD COVERED: 03 12 1992 TO

LIQ SUSPENSION DATE:

TO: DIRECTORS OF FIELD OPERATIONS

PORT DIRECTORS

FROM: DIRECTOR, SPECIAL ENFORCEMENT

RE: PRELIMINARY DETERMINATION OF CVD INVESTIGATION ON
CERTAIN SOFTWOOD LUMBER PRODUCTS FROM CANADA-SAMPLE OF
SPECIAL COUNTERVAILING DUTY BOND ATTACHED

1. THE DEPARTMENT OF COMMERCE PUBLISHED IN THE FEDERAL REGISTER ON MARCH 12, 1992, NOTICE OF ITS PRELIMINARY DETERMINATION THAT CERTAIN BENEFITS WHICH CONSTITUTE SUBSIDIES WITHIN THE MEANING OF THE COUNTERVAILING DUTY LAW ARE BEING PROVIDED TO THE PRODUCERS, MANUFACTURERS, OR EXPORTERS OF CERTAIN SOFTWOOD LUMBER PRODUCTS FROM CANADA.

2. THE PRODUCTS COVERED BY THIS INVESTIGATION ARE:

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, RABBITTED, 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, RABBITTED, CHAMFERED, V-JOINTED, BEADED, MOLDED, ROUNDED OR THE LIKE) ALONG ANY OF ITS EDGES OR FACES, WHETHER OR NOT PLANED, SANDED OR FINGER-JOINTED; 4) CONIFEROUS WOOD FLOORING (INCLUDING STRIPS AND FRIEZES FOR PARQUET FLOORING, NOT ASSEMBLED) CONTINUOUSLY SHAPED (TONGUED, GROOVED, RABBITTED, CHAMFERED, V-JOINTED, BEADED, MOLDED, ROUNDED OR THE LIKE) ALONG ANY OF ITS EDGES OR FACES, WHETHER OR NOT PLANED, SANDED, OR FINGER-JOINTED. SUCH PRODUCTS ARE CURRENTLY PROVIDED FOR UNDER SUBHEADINGS 4407.1000, 4409.1010,

4409.1090, 4409.1020, RESPECTIVELY, OF THE HARMONIZED TARIFF SCHEDULE (HTS). ALTHOUGH THE HTS SUBHEADINGS ARE PROVIDED FOR CONVENIENCE AND CUSTOMS PURPOSES, OUR WRITTEN DESCRIPTION OF THE SCOPE OF THIS PROCEEDING REMAINS DISPOSITIVE.

3. FIELD OFFICES SHOULD SUSPEND LIQUIDATION OF ALL ENTRIES OF CERTAIN SOFTWOOD LUMBER PRODUCTS FROM CANADA THAT ARE ENTERED, OR WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION ON OR AFTER MARCH 12, 1992. A CASH DEPOSIT OR BOND IS REQUIRED ON ENTRIES OF THESE PRODUCTS IN AN AMOUNT EQUAL TO 14.48 PERCENT AD VALOREM FOR ALL COMPANIES EXCEPT THE FOLLOWING COMPANIES WHICH ARE PRELIMINARILY EXCLUDED FROM THE SUSPENSION OF LIQUIDATION AND ALL CASH DEPOSIT AND BONDING REQUIREMENTS:

1. J.A. FONTAINE ET FILS, INC.
2. J.D. IRVING
3. MARCEL LAUZON, INC.
4. LES PRODUITS FORESTIERS D&G, LIMITED
5. FRANCOIS GIGUERE, INC.
6. REAL GRONDIN, INC.

4. THIS SUSPENSION OF LIQUIDATION AND REQUIREMENT OF CASH DEPOSITS OR BONDS DO NOT APPLY TO LUMBER PRODUCED IN THE MARITIME PROVINCES (PRINCE EDWARD ISLAND, NOVA SCOTIA, NEW BRUNSWICK AND NEWFOUNDLAND) UNLESS THAT LUMBER IS PRODUCED FROM

CROWN TIMBER HARVESTED IN ANY CANADIAN PROVINCE OTHER THAN THE MARITIME PROVINCES.

5. IN DETERMINING THE ENTERED VALUE FOR BONDING PURPOSES, ANY ADJUSTMENTS FOR FREIGHT CHARGES SHOULD BE BASED ON ACTUAL FREIGHT CHARGES, NOT THEORETICAL FREIGHT CHARGES.

6. THE DEPARTMENT OF COMMERCE HAS NOTIFIED CUSTOMS THAT SINGLE ENTRY BONDS WILL NOT BE REQUIRED. THE IMPORTER MAY USE MODIFIED CONTINUOUS ENTRY BONDS IN CONNECTION WITH THE IMPORTATION OF CERTAIN SOFTWOOD LUMBER PRODUCTS FROM CANADA. DISTRICT DIRECTORS MAY PERMIT IMPORTERS TO USE A CONTINUOUS BOND AT EACH DISTRICT THROUGH WHICH THE SUBJECT MERCHANDISE IS ENTERED. THIS BOND MUST BE IN THE NAME OF THE IMPORTER OF RECORD AND LIMITED TO A SPECIFIED PERIOD OF TIME, SUCH AS ONE MONTH. IMPORT SPECIALISTS IN EACH DISTRICT MUST OFFSET FOR EACH ENTRY THE COUNTERVAILING DUTY AGAINST THE BOND IN A MANUAL MODE SINCE ACS WILL NOT TRACK ACTIVITY AGAINST THIS BOND. ONCE THE AMOUNT OF THE BOND LIABILITY IS REACHED, A NEW BOND MUST BE REQUIRED. ALSO, IT IS THE RESPONSIBILITY OF THE BROKER/IMPORTER TO MONITOR HIS LIABILITY UNDER THE CVD BOND AND PROVIDE NEW BONDS IN A TIMELY MANNER. SINGLE ENTRY BONDS WILL STILL BE PERMITTED BUT MUST BE PRESENTED AT CARGO RELEASE TIME (OR AT THE TIME OF FILING OF ENTRY SUMMARY UNDER IMMEDIATE DELIVERY PROCEDURES). ATTACHED TO THIS EMAIL, YOU

WILL FIND A SAMPLE BOND FORM WHICH IS SUITABLE FOR USE ONLY AS A MODIFIED CONTINUOUS ENTRY BOND FOR CVD OBLIGATIONS. THIS DOCUMENT FOR CVD LIABILITY IS TO BE USED IN ADDITION TO THE REGULAR ENTRY BOND. THE 30 DAY BOND FILING REQUIREMENT IS WAIVED. CVD BONDS MAY BE FILED IMMEDIATELY.

7. EFFECTIVE MARCH 12, 1992, YOU ARE NO LONGER REQUIRED TO COLLECT A SINGLE ENTRY BOND, ON ENTRIES OF THE SUBJECT MERCHANDISE, UNDER THE 301 ACTION THAT BEGAN ON OCTOBER 4, 1991 (SEE EMAIL 2277071, DATED 10-4-91). ENTRIES OF THIS MERCHANDISE MADE PRIOR TO MARCH 12, 1992, WHICH HAVE HAD LIQUIDATION WITHHELD/EXTENDED AS A RESULT OF THE 301 ACTION, SHALL CONTINUE TO HAVE LIQUIDATION WITHHELD/EXTENDED UNTIL FUTHER NOTICE.

8. FOR FURTHER REPORTING PURPOSES, THIS COUNTERVAILING DUTY CASE HAS BEEN ASSIGNED INVESTIGATION NUMBER C-122-816.

9. IF THERE ARE ANY QUESTIONS REGARDING THIS MATTER BY CUSTOMSOFFICERS, THEY SHOULD CONTACT THE IMPORT SPECIALIST DIVISION, OTHER AGENCY BRANCH (FTS 566-8651) OR SEND AN E-MAIL TO ATTRIBUTE "HQ OAB." THE IMPORTING PUBLIC AND OTHER INTERESTED PARTIES SHOULD CONTACT BERNARD CARREAU OR KELLY PARKHILL OF THE OFFICE OF COUNTERVAILING COMPLIANCE, IMPORT ADMINISTRATION, INTERNATIONAL TRADE ADMINISTRATION, U.S. DEPARTMENT OF COMMERCE, TELEPHONE: (202)377-2786.

10. THERE ARE NO RESTRICTIONS ON RELEASE OF THE ABOVE INFORMATION.

NANCY MCTIERNAN

NOTE: THIS MESSAGE WAS INADVERTENTLY REMOVED FROM ADIL SO HAS BEEN REPOSTED TO ADIL ON DECEMBER 1, 2009. THE ORIGINAL MESSAGE WAS SENT TO REGIONAL DIRECTORS, COMMERCIAL OPERATIONS, DISTRICT DIRECTORS, AREA AND PORT DIRECTORS, NOT DIRECTORS, FIELD

OPERATIONS AND PORT DIRECTORS. DIRECTOR, IMPORT SPECIALIST DIVISION IS NOW SHOWN AS DIRECTOR, SPECIAL ENFORCEMENT. THE BALANCE OF THE TEXT AND INFORMATION REMAINS UNCHANGED AND MATCHES THE MESSAGE THAT STILL APPEARS ON THE ADD/CVD SEARCH APPLICATION ON CBP.GOV.

Company Details

*Party Indicator Value:

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