

MESSAGE NO: 1249201 MESSAGE DATE: 09/06/2001
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-122-839

EFFECTIVE DATE: COURT CASE #:

PERIOD OF REVIEW: TO

PERIOD COVERED: 08/17/2001 TO

Notice of Lifting of Suspension Date:

TO: { Directors Of Field Operations, Port Directors }

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

RE: NOTICE OF PRE.AFFIRM. CVD/CRITICAL CIRCUMSTANCES & ALIGNMENT OF FINAL CVD DETERMINATION WITH FINAL ADD DETERMINATION: SOFTWOOD LUMBER PRODUCTS(CA)(C-122-839)

MESSAGE NO: 1249201

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CASES: C - 122 - 839

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PERIOD COVERED: 08 17 2001 TO

LIQ SUSPENSION DATE:

TO: DIRECTORS OF FIELD OPERATIONS

PORT DIRECTORS

FROM: DIRECTOR, TRADE ENFORCEMENT & CONTROL

RE: NOTICE OF PRE.AFFIRM. CVD/CRITICAL CIRCUMSTANCES & ALIGNMENT OF FINAL CVD DETERMINATION WITH FINAL ADD DETERMINATION: SOFTWOOD LUMBER PRODUCTS(CA)(C-122-839)

1. ON AUGUST 17, 2001, THE DEPARTMENT PUBLISHED IN THE FEDERAL REGISTER ITS PRELIMINARY AFFIRMATIVE DETERMINATION, PRELIMINARY AFFIRMATIVE CRITICAL CIRCUMSTANCES DETERMINATION, AND ALIGNMENT OF ITS FINAL COUNTERVAILING DUTY DETERMINATION OF CERTAIN SOFTWOOD LUMBER PRODUCTS FROM CANADA, THEREBY ALIGNING IT WITH THE DUE DATE FOR THE FINAL

DETERMINATION IN THE ANTIDUMPING DUTY INVESTIGATION
OF CERTAIN SOFTWOOD LUMBER PRODUCTS FROM CANADA (A-
122-838).

2. THE PRODUCTS COVERED BY THIS INVESTIGATION 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 UNDER INVESTIGATION IS DISPOSITIVE.

IN ADDITION, WE HAVE PRELIMINARILY DETERMINED THAT THE PRODUCTS LISTED IN GROUPS (A) AND (B) BELOW ARE OUTSIDE THE SCOPE OF THIS INVESTIGATION:

A. PRODUCTS MADE OF LUMBER, BUT IN WHICH THE LUMBER HAS BEEN PROCESSED INTO ANOTHER PRODUCT, AND ARE CLASSIFIED AS SUCH IN THE HTSUS:

1. TRUSSES
2. I-JOIST BEAMS
3. PALLETS
4. FENCE PICKETS
5. BED FRAMES
6. GARAGE DOORS
7. LARGE EDGE-GLUED LUMBER PANELS, USED IN FURNITURE OR DOOR MANUFACTURING, CLASSIFIED UNDER HTSUS ITEM 4421
8. PROPERLY CLASSIFIED COMPLETE DOOR FRAMES
9. PROPERLY CLASSIFIED COMPLETE WINDOW FRAMES
10. PROPERLY CLASSIFIED FURNITURE;

B. PRODUCTS THAT ARE OUTSIDE THE SCOPE, BUT ONLY IF THEY MEET CERTAIN REQUIREMENTS:

1. TRUSS KITS: IF THEY CONSTITUTE A FULL PACKAGE OF THE EXACT NUMBER OF PIECES NECESSARY TO CREATE A TRUSS OF A SPECIFIED LENGTH AND HEIGHT. THE KIT MUST CONTAIN ALL OF THE PIECES OF THE TRUSS, CUT WITH THE APPROPRIATE ANGLES, AS WELL AS ALL THE NECESSARY METAL AND WOOD SCABS, SO THAT THE ONLY THING THAT IS NEEDED IS ACTUAL ASSEMBLY. SUCH KITS WILL ALSO BE PACKAGED TOGETHER AND CONFORM TO A PARTICULAR DESIGN OR PLAN

2. UNASSEMBLED PALLET KITS: IF THEY INCLUDE THE EXACT NUMBER OF PIECES FOR A COMPLETE PALLET, BUNDLED TOGETHER. A KIT WILL NOT INCLUDE ANY PIECES OVER 48" IN LENGTH, THE DECKING WILL BE 1" OR LESS IN NOMINAL THICKNESS, AND THE THREE PIECES OF DIMENSION LUMBER USED FOR RUNNER OR "STRINGERS" (WHICH ARE 2" IN NOMINAL THICKNESS) MUST ALREADY HAVE THE LARGE NOTCHES WHICH ARE USED BY A FORK LIFT TO LIFT A PALLET (EACH NOTCH IS 1-1/2" DEEP BY 8" WIDE).

3. "STRINGERS" (PALLET COMPONENTS USED FOR RUNNERS) IF THEY ARE NO LONGER THAN 48" AND HAVE PRECUT NOTCHES FOR THE FORK LIFT, EACH NOTCH IS 1-1/2" DEEP AND 8" WIDE.

4. BED FRAME KITS: IF ALL THE PIECES REQUIRED TO MAKE THE BED FRAME ARE

PACKAGED TOGETHER AND NO FURTHER PROCESSING IS REQUIRED, WITH NONE OF THE COMPONENTS EXCEEDING 1" IN NOMINAL THICKNESS OR 83" IN LENGTH.

5. RADIUS-CUT BED FRAME COMPONENTS, NOT EXCEEDING 1" IN NOMINAL THICKNESS OR 83" IN LENGTH.

6. DOG-EARED FENCE PICKETS, NO MORE THAN 1" THICK (NOR MORE THAN 4" WIDE), 6 FEET OR LESS IN LENGTH. THE DOG-EAR CUT MEASURES AT LEAST 3/4".

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. THEREFORE, ONLY 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, WE HAVE PRELIMINARILY DETERMINED THAT THE COMPANY FRONTIER LUMBER OF WATSON LAKE, YUKON, QUALIFIES FOR EXCLUSION FROM THIS INVESTIGATION. THEREFORE, THIS SUSPENSION OF LIQUIDATION DOES NOT APPLY TO IMPORTS OF SUBJECT MERCHANDISE PRODUCED BY FRONTIER LUMBER.

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

4. CUSTOMS SHALL REQUIRE A CASH DEPOSIT OR POSTING OF A BOND EQUAL TO THE ESTIMATED PRELIMINARY NET SUBSIDY RATE SHOWN BELOW:

MFR/PRODUCER EXPORTER	CUSTOMS ID NUMBER NUMBER	AD VALOREM SUBSIDY RATE
ALL EXPORTERS	C-122-839-000	19.31 PERCENT

5. ON AUGUST 17, 2001, THE DEPARTMENT PUBLISHED IN THE FEDERAL REGISTER (66 FR 43186) ITS PRELIMINARY AFFIRMATIVE CRITICAL CIRCUMSTANCES DETERMINATION IN THE COUNTERVAILING DUTY INVESTIGATION OF CERTAIN SOFTWOOD LUMBER PRODUCTS FROM CANADA. ACCORDINGLY, FOR IMPORTS OF CERTAIN SOFTWOOD LUMBER PRODUCTS, THE CUSTOMS SERVICE SHALL SUSPEND LIQUIDATION OF SUCH SHIPMENTS ENTERED OR WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION ON OR AFTER 90 DAYS PRIOR TO AUGUST 17, 2001 (I.E., MAY 19, 2001), THE DATE OF PUBLICATION IN THE FEDERAL REGISTER OF THE PRELIMINARY COUNTERVAILING DUTY DETERMINATION.

CUSTOMS SHALL REQUIRE A CASH DEPOSIT OR POSTING OF A BOND EQUAL TO THE ESTIMATED PRELIMINARY NET SUBSIDY RATE SHOWN ABOVE.

6. IF THERE ARE ANY QUESTIONS REGARDING THIS MATTER BY CUSTOMS OFFICERS, PLEASE CONTACT, VIA EMAIL, 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 OR

STEPHANIE MOORE, OFFICE OF AD/CVD ENFORCEMENT VI,
GROUP II, IMPORT ADMINISTRATION, INTERNATIONAL
TRADE ADMINISTRATION, U.S. DEPARTMENT OF COMMERCE,
AT (202) 482-6071 AND (202) 482-3692, RESPECTIVELY.

7. 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