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MESSAGE STATUS: Active CATEGORY: Countervailing
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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: 12/15/2001 TO

Notice of Lifting of Suspension Date: 05/19/2001

TO: { Directors Of Field Operations, Port Directors }

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

RE: DISCONTINUATION OF SUSPENSION OF LIQUIDATION IN THE COUNTERVAILING DUTY INVESTIGATION OF CERTAIN SOFTWOOD LUMBER PRODUCTS FROM CANADA (C-122-839)

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CATEGORY: CVD TYPE: LIQ

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CASES: C - 122 - 839 - -

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PERIOD COVERED: 12 15 2001 TO

LIQ SUSPENSION DATE: 05 19 2001

TO: DIRECTORS OF FIELD OPERATIONS

PORT DIRECTORS

FROM: DIRECTOR, TRADE ENFORCEMENT & CONTROL

RE: DISCONTINUATION OF SUSPENSION OF LIQUIDATION IN THE COUNTERVAILING DUTY INVESTIGATION OF CERTAIN SOFTWOOD LUMBER PRODUCTS FROM CANADA (C-122-839)

1. IN KEEPING WITH THE WORLD TRADE ORGANIZATION AGREEMENT ON SUBSIDIES AND COUNTERVAILING MEASURES, THE DEPARTMENT IS DISCONTINUING THE SUSPENSION OF LIQUIDATION IN THE COUNTERVAILING DUTY INVESTIGATION OF CERTAIN SOFTWOOD LUMBER PRODUCTS FROM CANADA (C-122-839) EFFECTIVE 12/15/2001.

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.

AS EXPLAINED IN MESSAGE NUMBER 1327201 DATED NOVEMBER 23, 2001, THE FOLLOWING PRODUCTS ARE PRELIMINARILY EXCLUDED FROM THE SCOPE OF THIS INVESTIGATION:

GROUP A. SOFTWOOD LUMBER PRODUCTS EXCLUDED FROM THE SCOPE:

- (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 4421.90.9840
- (7) PROPERLY CLASSIFIED COMPLETE DOOR FRAMES.
- (8) PROPERLY CLASSIFIED COMPLETE WINDOW FRAMES
- (9) PROPERLY CLASSIFIED FURNITURE

GROUP B. SOFTWOOD LUMBER PRODUCTS EXCLUDED FROM THE SCOPE ONLY IF THEY MEET CERTAIN REQUIREMENTS:

(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 4421.90.9840.

(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.

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. FIELD OFFICERS SHALL DISCONTINUE THE SUSPENSION OF LIQUIDATION FOR COUNTERVAILING DUTY PURPOSES ON ALL SHIPMENTS OF THE SUBJECT MERCHANDISE ENTERED, OR WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION ON OR AFTER 12/15/2001. THE SUSPENSION OF

LIQUIDATION WILL NOT BE RESUMED UNLESS AND UNTIL THE DEPARTMENT OF COMMERCE PUBLISHES A COUNTERVAILING DUTY ORDER IN THIS CASE. FIELD OFFICERS SHALL CONTINUE TO SUSPEND LIQUIDATION ON ALL SHIPMENTS ENTERED, OR WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION MADE DURING THE PERIOD 05/19/2001 THROUGH 12/14/2001.

5. THE DISCONTINUATION DOES NOT AFFECT THE REQUIREMENTS OF A CASH DEPOSIT OR BOND ON ENTRIES SUBJECT TO THE SUSPENSION OF LIQUIDATION ANNOUNCED IN THE DEPARTMENT OF COMMERCE'S PRELIMINARY DETERMINATION IN THE COMPANION ANTIDUMPING DUTY INVESTIGATION OF CERTAIN SOFTWOOD LUMBER PRODUCTS FROM CANADA.

6. 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 OR GAYLE LONGEST, OFFICE OF AD/CVD ENFORCEMENT VI, IMPORT ADMINISTRATION, INTERNATIONAL TRADE ADMINISTRATION, U.S. DEPARTMENT OF COMMERCE, AT (202) 482-6071 OR (202) 482-3338, 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