Injury Determinations''). On May 22, 2002, the Department published an antidumping duty order and a countervailing duty order on softwood lumber products from Canada. 67 FR 36068, 36070.

The Government of Canada subsequently requested dispute resolution at the World Trade Organization (''WTO'') to consider its claims that the *Final Injury Determinations* were inconsistent with the WTO Agreement. The matter was entitled ''United States Investigation of the International Trade Commission in Softwood Lumber from Canada,'' WT/DS277, and was reviewed by a WTO panel. In its final report, the panel found, *inter alia*, that action by the Commission in connection with its softwood lumber investigation under Title VII of the Tariff Act of 1930, as amended, was not in conformity with the obligations of the United States under the *WTO Agreement on Implementation of Article VI of the General Agreement on Tariffs and Trade 1994 and the WTO Agreement on Subsidies and Countervailing Measures*. On April 26, 2004, the Dispute Settlement Body (''DSB'') of the WTO adopted the final report of the panel.

After following the preliminary procedures required under section 129 of the URAA, by letter dated July 27, 2004, the United States Trade Representative (''USTR'') requested that the Commission issue a determination under section 129(a)(4) of the URAA that would render the Commission's action not inconsistent with the recommendations and rulings of the DSB. On November 24, 2004, the Commission issued such a determination, concluding that the U.S. softwood lumber industry is threatened with material injury by reason of imports of subsidized and dumped softwood lumber from Canada.

USTR reviewed the Commission's determination under section 129 of the URAA and consulted with the Congressional committees as provided in section 129(a)(5) of the URAA. By letter dated December 10, 2004, USTR notified the Department of the Commission's new determination and requested that it be implemented.

Amendment to Antidumping and Countervailing Duty Orders On Softwood Lumber from Canada

As described above, by letter dated December 10, 2004, USTR notified the Department that the Commission has issued a new determination pursuant to section 129 of the URAA, consistent with the recommendations and rulings of the DSB, which affirms the Commission's original determination that, under section 705(b)(1)(A)(ii) of the Tariff Act of 1930, as amended, the industry in the United States producing softwood lumber products is threatened with material injury by reason of imports of the subject merchandise from Canada. Also pursuant to section 129 of the URAA, the Trade Representative requested that the Department implement the Commission's new determination.

Consequently, the Department hereby amends the antidumping and countervailing duty orders on softwood lumber products from Canada to reflect the issuance and implementation of the above–referenced determination under section 129 of the URAA.

Dated: December 13, 2004.

James J. Jochum,

Assistant Secretary for Import Administration.

[FR Doc. E4–3741 Filed 12–20–04; 8:45 am]

BILLING CODE: 3510–DS–S

DEPARTMENT OF COMMERCE

International Trade Administration

[C–122–839]

Notice of Final Results of Countervailing Duty Administrative Review and Rescission of Certain Company-Specific Reviews: Certain Softwood Lumber Products From Canada

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

SUMMARY: On June 14, 2004, the Department of Commerce (the Department) published in the **Federal Register** its preliminary results of administrative review of the countervailing duty order on certain softwood lumber products (subject merchandise) from Canada for the period May 22, 2002, through March 31, 2003 (*see* Notice of Preliminary Results of Countervailing Duty Administrative Review: Certain Softwood Lumber Products From Canada, 69 FR 33204 (June 14, 2004) (Preliminary Results)). The Department has now completed this administrative review in accordance with section 751(a) of the Tariff Act of 1930, as amended (the Act).

Based on information received since the Preliminary Results and our analysis of comments received, the Department has revised the net subsidy rate. For further discussion of the changes we have made since the Preliminary Results, *see* the ''Issues and Decision Memorandum from Barbara E. Tillman, Acting Deputy Assistant Secretary for Import Administration, to James J. Jochum, Assistant Secretary for Import Administration, concerning the ''Final Results of Countervailing Duty Administrative Review: Certain Softwood Lumber Products from Canada'' (Decision Memorandum) dated December 13, 2004. The final net subsidy rate is listed below in the section entitled ''Final Results of Review.''

DATES: *Effective Date:* December 20, 2004.

FOR FURTHER INFORMATION CONTACT: Kristen Johnson (202) 482–4793, or James Terpstra (202) 482–3965, AD/CVD Operations, Office 3, Import Administration, International Trade Administration, U.S. Department of Commerce, Room 4012, 14th Street and Constitution Avenue, NW., Washington, DC 20230.

SUPPLEMENTARY INFORMATION:

Background

On June 14, 2004, the Department published in the **Federal Register** the Preliminary Results. We invited interested parties to comment on the results. Since the preliminary results, the following events have occurred.

In the Preliminary Results we stated that, in order to provide parties an opportunity to comment, the Department intended to issue a decision memorandum related to subsidy rate calculations involving the companies selected for individual review prior to issuing the final results of this review (69 FR at 33206). On October 8, 2004, we issued a memorandum detailing our analysis of Fontaine Inc. (formerly J.A. Fontaine), Les Produits Forestiers Dube Inc., Scierie West Brome Inc., and Scierie Lapointe & Roy Ltee. and announcing our intent to rescind the reviews with respect to Bear Lumber Ltd., Bois Daaquam Inc., Cambie Cedar Products Ltd., Midway Lumber Mills Ltd., Nickel Lake Lumber, Twin Rivers Cedar Products Ltd., and Uphill Wood Supply Inc.

In the Preliminary Results we stated that we had not yet received any responses to our request for sales data for the period of review (POR) from the companies that were excluded from the countervailing duty order as a result of the exclusion and expedited review process (69 FR at 33207). On June 28, 2004, we received a response from only one of the companies. *See* J.D. Irving, Limited (J.D. Irving) June 28, 2004, submission.

In connection with the Human Resources & Skills Development Worker Assistance Programs administered by

the Government of Canada (GOC), in the Preliminary Results we stated that we intended to seek further information to confirm the GOC's claim regarding the retraining obligations that softwood lumber producers have assumed (69 FR at 33232). On August 16, 2004, we received responses to our supplemental questionnaire.

On August 13, 2004, the Department granted the petitioner's [1] request to allow interested parties to submit new information relevant to the use of data from the provinces of Nova Scotia and New Brunswick and the comparability of this data to similar data in other Canadian provinces subject to this review. We received such new information on August 31 and September 10, 2004.

As provided in section 782(i) of the Act, we conducted verification of the information regarding New Brunswick and Nova Scotia from September 13 to September 16, 2004, and from September 21 to September 24, 2004. We used standard verification procedures, including meeting with government officials and examining relevant records and original source documents. Our verification results are outlined in detail in the public versions of the verification reports, which are on file in the Central Records Unit (CRU), room B–099 of the main Department building.

On September 20, 2004, we issued a supplemental questionnaire to the GOC and the government of British Columbia (GBC) regarding B.C.'s Private Forest Land Property Tax Program. We received a response on October 5, 2004, and, on October 22, 2004, we issued a memorandum detailing our analysis of this program.

On October 28, 2004, we rejected untimely filed, new factual information submitted by petitioners on October 22, 2004, and by the GOC on October 26, 2004.

We received case briefs and rebuttal briefs from parties. A public hearing was held on November 4, 2004.

Scope of the Order

The products covered by this order 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 *http://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,*[2] 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

[1] The petitioner is the Executive Committee of the Coalition for Fair Lumber Imports, an *ad hov* coalition of softwood lumber producers.

[2] 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.

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.[3] The presumption of non-subject status can, however, be rebutted by evidence demonstrating that the merchandise was substantially transformed in Canada.

Analysis of Comments Received

All issues raised in the case and rebuttal briefs by parties to this review are addressed in the Decision Memorandum, which is hereby adopted by this notice. A list of issues which parties have raised and to which we have responded, all of which are in the Decision Memorandum, is attached to this notice as Appendix I. Parties can find a complete discussion of all issues raised in this review and the corresponding recommendations in this public memorandum which is on file in the CRU. In addition, a complete version of the Decision Memorandum can be accessed directly on the World Wide Web at *http://ia.ita.doc.gov/frn.* The paper copy and electronic version of the Decision Memorandum are identical in content.

Final Results of Review

In accordance with section 777(A)(e)(2)(B) of the Act, we have calculated a single country-wide *ad valorem* subsidy rate of 17.18 percent to be applied to all producers and exporters of the subject merchandise from Canada, other than those producers that have been excluded from the order and those producers receiving an individual rate in this review.

We have determined that Fontaine Inc., Les Produits Forestiers Dube Inc., Scierie West Brome Inc., and Scierie Lapointe & Roy Ltee. each received zero or *de minimis* net subsidies during the POR. We have also determined to rescind the reviews with respect to Bear Lumber Ltd., Bois Daaquam Inc., Cambie Cedar Products Ltd., Midway Lumber Mills Ltd., Nickel Lake Lumber, Twin Rivers Cedar Products Ltd., and Uphill Wood Supply Inc.

The Department has previously excluded the following companies from this order:

Armand Duhamel et fils Inc.
Bardeaux et Cedres
Beaubois Coaticook Inc.
Busque & Laflamme Inc.
Carrier & Begin Inc.
Clermond Hamel
J.D. Irving, Ltd.
Les Produits Forestiers D.G., Ltee
Marcel Lauzon Inc.
Mobilier Rustique
Paul Vallee Inc.
Rene Bernard, Inc.
Roland Boulanger & Cite. Ltee
Scierie Alexandre Lemay
Scierie La Patrie, Inc.
Scierie Tech, Inc.
Wilfrid Paquet et fils, Ltee
B. Luken Logging Ltd.
Frontier Lumber
Sault Forest Products Ltd.
Interbois Inc.
Les Moulures Jacomau
Richard Lutes Cedar Inc.
Boccam Inc.
Indian River Lumber
Sechoirs de Beauce Inc.

See Notice of Amended Final Affirmative Countervailing Duty Determination and Notice of Countervailing Duty Order: Certain Softwood Lumber Products from Canada, 67 FR 36068 (May 22, 2002), as corrected (67 FR 37775, May 30, 2002), Final Results of Countervailing Duty Expedited Reviews: Certain Softwood Lumber Products from Canada, 68 FR 24436 (May 7, 2003), and Final Results, Reinstatement, Partial Rescission of Countervailing Duty Expedited Reviews, and Company Exclusions: Certain Softwood Lumber Products From Canada, 69 FR 10982 (March 9, 2004).

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.

We will instruct CBP, within 15 days of publication of the final results of this review, to liquidate shipments of certain softwood lumber products from Canada entered, or withdrawn from warehouse, for consumption from May 22, 2002, through March 31, 2003, at the above indicated company-specific and aggregate *ad valorem* net subsidy rates. We will direct CBP to exempt from the application of the order only entries of softwood lumber products from Canada which are accompanied by an original Certificate of Origin issued by the Maritime Lumber Bureau (MLB), and those of the excluded companies listed above.

In addition, we will instruct CBP to collect cash deposits of estimated countervailing duties in the amounts indicated above of the f.o.b. price on all shipments of the subject merchandise entered, or withdrawn from warehouse,

[3] *See* the scope clarification message (#30304202), dated February 3, 2003, to CBP, regarding treatment of U.S. origin lumber on file in the CRU.

for consumption on or after the date of publication of these final results of review.

Return or Destruction of Proprietary Information

This notice serves as a reminder to parties subject to administrative protective order (APO) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Timely written notification of return/destruction of APO material or conversion to judicial protective order is hereby requested. Failure to comply is a violation of the APO.

This administrative review and this notice are issued and published in accordance with sections 751(a)(1) and 777(i) of the Act.

Dated: December 13, 2004.

James J. Jochum,

Assistant Secretary for Import Administration.

Appendix I

Summary

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[FR Doc. E4–3748 Filed 12–17–04; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–122–838]

Notice of Final Results of Antidumping Duty Administrative Review and Notice of Final Results of Antidumping Duty Changed Circumstances Review: Certain Softwood Lumber Products From Canada

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

SUMMARY: On June 14, 2004, the Department of Commerce (the Department) published the preliminary results of its first administrative review of the antidumping duty order on certain softwood lumber from Canada. The review covers the following producers of subject merchandise: Abitibi-Consolidated Inc. (Abitibi), Buchanan Lumber Sales, Inc. (Buchanan), Canfor Corporation (Canfor), Slocan Forest Products Ltd. (Slocan), Tembec Inc. (Tembec), Tolko Industries, Inc. (Tolko), West Fraser Timber Co. Ltd. (West Fraser), and Weyerhaeuser Company (Weyerhaeuser). In addition, based on the preliminary results for these respondents selected for individual review, we have also determined a weighted-average margin for those companies that requested, but were not selected for, individual review. The period of review (POR) is May 22, 2002, through April 30, 2003. We have noted the changes made since the preliminary results below in the ''Changes Since the Preliminary Results'' section. The final results are listed below in the ''Final Results of Review'' section.

The Department also initiated a changed circumstances review on the merger of two companies, Canfor and Slocan. On September 14, 2004, the Department published the preliminary results of the antidumping duty changed circumstances review. These final results did not differ from the preliminary results.

DATES: *Effective Date:* December 20, 2004.

FOR FURTHER INFORMATION CONTACT: Constance Handley or James Kemp, at (202) 482–0631 or (202) 482–5346, respectively; AD/CVD Operations, Office 1, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street & Constitution Avenue, NW., Washington, DC 20230.

SUPPLEMENTARY INFORMATION:

Background

On June 14, 2004, the Department published in the **Federal Register** the preliminary results of the first administrative review of the antidumping duty order on certain softwood lumber from Canada. *See Notice of Preliminary Results of Antidumping Duty Administrative Review: Certain Softwood Lumber from Canada*, 69 FR 33235 (June 14, 2004) (*Preliminary Results*). On August 5, 2004, an amended notice to the initiation and preliminary results was published. *See Notice of Amended Initiation and Amended Preliminary Results of Antidumping Duty Administrative Review: Certain Softwood Lumber Products From Canada*, 69 FR 47413 (August 5, 2004). The notice initiated a review of 22 additional companies and applied to