

Extension of Time Limit of Preliminary Results

Section 751(a)(3)(A) of the Tariff Act of 1930, as amended ("the Act"), states that if it is not practicable to complete the review within the time specified, the administering authority may extend the statutory time limit of 245 days to issue its preliminary results by up to 120 days. Completion of the preliminary results of this review within the 245-day period is not practicable for the following reasons: (1) the review involves several complicated issues, such as affiliation, which require the Department to gather and analyze a significant amount of information pertaining to each company's sales practices, factors of production, and corporate relationships; and (2) due to the Chinese New Year, the Department has delayed the planned verification schedules and, therefore, will not have sufficient time to complete its preliminary results by the scheduled deadline of February 29, 2004.

Because it is not practicable to complete this review within the time specified under the Act, we are extending the time period for issuing the preliminary results of review by 60 days until April 29, 2004, in accordance with section 751(a)(3)(A) of the Act. The final results continue to be due 120 days after the publication of the preliminary results.

Dated: January 26, 2004.

Richard O. Weible,

Acting Deputy Assistant Secretary for Import Administration, Group III.

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DEPARTMENT OF COMMERCE

International Trade Administration

[C-122-839]

Certain Softwood Lumber Products from Canada: Final Results of Countervailing Duty New Shipper Review

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

ACTION: Notice of Final Results of Countervailing Duty New Shipper Review.

SUMMARY: On October 31, 2003, the Department of Commerce (the Department) published in the **Federal Register** the preliminary results of the

Company, Limited is entitled to receive the same antidumping cash deposit rate accorded Benxun.

countervailing duty (CVD) new shipper review in Certain Softwood Lumber Products from Canada. *See Certain Softwood Lumber Products from Canada: Preliminary Results of New Shipper Countervailing Duty Review*, 68 FR 62055 (October 31, 2003) (*Preliminary Results*).

The net subsidy rate in this *Final Results* does not differ from that indicated in the *Preliminary Results*. The final net subsidy rate for the reviewed company is listed below in the "Suspension of Liquidation" section of this notice.

EFFECTIVE DATE: January 30, 2004.

FOR FURTHER INFORMATION CONTACT:

Jonathan McKernan at (202) 482-5973, Office of AD/CVD Enforcement VI, Group II, 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 October 31, 2003, the Department published the *Preliminary Results* in the **Federal Register**. On December 9, 2003, the Department conducted verification of the questionnaire responses submitted by La Pointe & Roy Ltee. (La Pointe & Roy), the sole respondent subject to the new shipper review.

In accordance with 19 CFR 351.214(a), this new shipper review covers only those producers or exporters for which a review was specifically requested. Accordingly, this new shipper review covers subject merchandise produced and exported by La Pointe & Roy.

Scope of the Review

The products covered by this order 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 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>, 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 heading 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 $\frac{3}{4}$ 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 Bureau of Customs and Border Protection's (CBP) satisfaction that the lumber is of U.S. origin.

(6) *Softwood lumber products contained in single family home packages or kits*,¹ 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 the 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 the 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 item 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 has been further clarified to now 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.² 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

We received no comments from interested parties regarding our *Preliminary Results*.

A description of our calculation of the net subsidy rate is addressed in the "Issues and Decision Memorandum" (Decision Memorandum) dated January 22, 2004, which is hereby adopted by this notice. Attached to this notice is Appendix I, which contains an outline of the Decision Memorandum. Parties can find a complete copy of the Decision Memorandum, a public document, in room B-099 of the Main Commerce Building. In addition, a complete version of the Decision Memorandum can be accessed directly on the World Wide Web at <http://www.ia.ita.doc.gov>, under the heading "Federal Register Notices." The paper copy and electronic version of the Decision Memorandum are identical in content.

Suspension of Liquidation

In accordance with 19 CFR 351.214(a), we have calculated an individual rate for La Pointe & Roy. We determine the net subsidy rate for La Pointe & Roy to be as follows:

Producer/Exporter	Net subsidy rate
La Pointe & Roy Ltee.	.08 percent <i>ad valorem</i> .

As provided for in 19 CFR 351.106(c)(1), any rate less than 0.5 percent *ad valorem* in a new shipper review is *de minimis*. Accordingly, no countervailing duties will be assessed on La Pointe & Roy. The Department will instruct the CBP to liquidate, without regard to countervailing duties, shipments of the subject merchandise produced and exported by La Pointe & Roy that were entered, or withdrawn from warehouse, for consumption on or after May 22, 2002, the date on which entries of subject merchandise were suspended under this order, and on or before December 31, 2002. In addition, the cash deposit rate for this company will be set at zero, prospectively.

Return or Destruction of Proprietary Information

This notice will serve as the only reminder to parties subject to Administrative Protective Order (APO)

Central Records Unit, Room B-099 of the main Commerce Building.

¹ 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.

² See the scope clarification message (# 3034202), dated February 3, 2003, to the CBP, regarding treatment of U.S. origin lumber on file in the

of their responsibility concerning the destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Failure to comply is a violation of the APO.

This determination is published pursuant to section 777(i) of the Act.

Dated: January 22, 2004.

James J. Jochum,

Assistant Secretary for Import Administration.

Appendix I—Issues and Decision Memorandum

Analysis of Programs

- I. Programs Determined to Be Countervailable
 - A. Private Forest Development Program (PFDF)
- II. Programs Determined to Be Not Used
 - A. Provincial Stumpage Program
 - B. Export Assistance under the Societe de Developpement Industriel du Quebec (SDI)/Investissement Quebec (IQ)
 - C. Assistance under Articles 7 and 28 of the SDI
 - D. Assistance from the Societe de Recuperation d'Exploitation et de Developpement Forestiers du Quebec (Rexfor)
- III. Total Ad Valorem Rate
- IV. Recommendation

[FR Doc. 04-1989 Filed 1-29-04; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

United States Travel and Tourism Promotion Advisory Board

AGENCY: International Trade Administration, Department of Commerce.

ACTION: Notice of open meeting.

Date: February 11, 2004.

Time: 10 a.m.–12 p.m.

Place: Loews L'Enfant Plaza Hotel, 480 L'Enfant Plaza East, Washington, DC 20001.

SUMMARY: The United States Travel and Tourism Promotion Advisory Board ("Board") will hold a Board meeting on February 11, 2004 at the Loews L'Enfant Plaza Hotel.

The Board will discuss the design, development and subsequent implementation of an international advertising and promotional campaign, which will seek to encourage individuals from select countries to travel to the United States for the express purpose of engaging in tourism. The meeting will be open to the public. Time will be permitted for public comment. To sign up for public comment, please contact Julie Heizer by 5 p.m. EST Monday, February 9, 2004.

She may be contacted at U.S. Department of Commerce, 1401 Constitution Avenue, NW., Room 7025, Washington, DC 20230; via fax at (202) 482-2887; or, via e-mail at promotion@tinet.ita.doc.gov.

Written comments concerning Board affairs are welcome anytime before or after the meeting. Written comments should be directed to Julie Heizer. Minutes will be available within 30 days of this meeting.

The Board is mandated by Public Law 108-7, Section 210. As directed by Public Law 108-7, Section 210, the Secretary of Commerce shall design, develop and implement an international advertising and promotional campaign, which seeks to encourage individuals to travel to the United States. The Board shall recommend to the Secretary of Commerce the appropriate coordinated activities for funding. This campaign shall be a multi-media effort that seeks to leverage the Federal dollars with contributions of cash and in-kind products unique to the travel and tourism industry. The Board was chartered in August of 2003 and will expire on August 8, 2005.

FOR FURTHER INFORMATION CONTACT: Julie Heizer, Office of Travel and Tourism Industries (OTTI), International Trade Administration, U.S. Department of Commerce at (202) 482-4904. This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to OTTI.

Dated: January 16, 2004.

Julie Heizer,

Deputy Director for Industry Relations, Office of Travel and Tourism Industries.

[FR Doc. 04-1980 Filed 1-29-04; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[Docket No. 040114019-4019-01; I.D. 121903C]

Endangered and Threatened Wildlife and Plants; 90-Day Finding for a Petition to List Winter Flounder and Cunner as Threatened or Endangered

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration, Commerce.

ACTION: Notice of petition finding.

SUMMARY: NMFS has received a petition to add winter flounder

(*Pseudopleuronectes americanus*) and cunner (*Tautoglabrus adspersus*) from western Long Island Sound to the list of threatened and endangered wildlife under the Endangered Species Act (ESA) of 1973, as amended. NMFS has determined that the petition does not present substantial scientific or commercial information indicating that the petitioned action may be warranted at this time.

DATES: This finding becomes effective on March 1, 2004.

ADDRESSES: Comments or questions concerning this petition finding should be sent to Mary Colligan, NMFS, Protected Resources Division, One Blackburn Drive, Gloucester, MA 01930.

FOR FURTHER INFORMATION CONTACT: Kim Damon-Randall, NMFS Northeast Region, 978-281-9328 ext. 6535, or Marta Nammack, NMFS Office of Protected Resources, 301-713-1401, ext. 180.

SUPPLEMENTARY INFORMATION:

Background and Analysis of Petition

Under Section 4(b)(3)(A) of the ESA, to the maximum extent practicable, within 90 days after receiving a petition to list a species under the ESA, the Secretary of Commerce (Secretary) must make a finding whether the petition presents substantial scientific or commercial information indicating that the petitioned action may be warranted. This finding must be promptly published in the **Federal Register**. In determining whether a petition contains substantial information, NMFS takes into account information submitted with and referenced in the petition and all other information readily available in NMFS' files. NMFS' ESA implementing regulations at 50 CFR 424.14(b)(1) define "substantial information" as the amount of information that would lead a reasonable person to believe that the measure proposed in the petition may be warranted. If the petition is found to present such information, the Secretary must conduct a status review of the involved species and make a determination whether the petitioned action is warranted within 12 months of receipt of the petition. In making a finding on a petition to list a species, the Secretary must consider whether such a petition (i) clearly indicates the administrative measure recommended and gives the scientific and any common name of the species involved; (ii) contains detailed narrative justification for the recommended measure, describing, based on available information, past and present numbers and distribution of the species involved and any threats faced by the species;