

the Internet at <http://www.fs.fed.us/im/directives/fsh/1909.15/1909.15.30.txt>.

**FSH 1909.15—Environmental Policy and Procedures Handbook Chapter 30—Categorical Exclusion From Documentation**

(To provide context for understanding the proposed new categorical exclusions that would be established as paragraphs 10, 11, and 12 in section 31.2, the introductory text of section 31.2 (identified by italics) follows:

*31.2—Categories of Action for Which a Project or Case File and Decision Memo Are Required.*

*Routine, proposed actions within any of the following categories may be excluded from documentation in an EIS or an EA; however, a project or case file is required and the decision to proceed must be documented in a decision memo (sec. 32). As a minimum, the project or case file should include any records prepared, such as (1) the names of interested and affected people, groups, and agencies contacted; (2) the determination that no extraordinary circumstances exist; (3) a copy of the decision memo (sec 30.5 (2)); (4) a list of the people notified of the decision; (5) a copy of the notice required by 36 CFR Part 217, or any other notice used to inform interested and affected persons of the decision to proceed with or to implement an action that has been categorically excluded. Maintain a project or case file and prepare a decision memo for routine, proposed actions within any of the following categories.*

\* \* \* \* \*

*10. Harvest of live trees not to exceed 50 acres, requiring no more than 1/2 mile of temporary road construction. Do not use this category for even-aged regeneration harvest or vegetation type conversion. The proposed action may include incidental removal of trees for landings, skid trails, and road clearing. Examples include but are not limited to:*

*a. Removal of individual trees for sawlogs, specialty products, or fuelwood.*

*b. Harvest of trees to reduce the fuel loading in an overstocked stand adjacent to a residential area and construction of a short temporary road to access the stand.*

*c. Commercial thinning of overstocked stands to achieve the desired stocking level to increase health and vigor.*

*11. Salvage of dead and/or dying trees not to exceed 250 acres, requiring no more than 1/2 mile of temporary road construction. The proposed action may include incidental removal of green trees for landings, skid trails, and road clearing. Examples include but are not limited to:*

*a. Harvest of a portion of a stand damaged by a wind or ice event and construction of a short temporary road to access the damaged trees.*

*b. Harvest of fire damaged trees.*

*12. Sanitation harvest of trees to control insects or disease not to exceed 250 acres, requiring no more than 1/2 mile of temporary road construction, including removal of infested/infected trees and adjacent green trees up to two tree lengths away if determined necessary to control the spread of insects or disease. The proposed action may include incidental removal of green trees for*

landings, skid trails, and road clearing.

Examples include but are not limited to:

*a. Felling and harvest of trees infested with southern pine beetles and immediately adjacent green trees to control expanding infestations.*

*b. Harvest of green trees infested with mountain pine beetle and trees already killed by beetles.*

[FR Doc. 03-311 Filed 1-7-03; 8:45 am]

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-122-838, C-122-839]

**Certain Softwood Lumber From Canada: Notice of Initiation of Antidumping Duty New Shipper Review for the Period May 22, 2002, Through October 31, 2002; Notice of Initiation of Countervailing Duty New Shipper Review for the Period January 1, 2002, Through December 31, 2002; and Rescission of Countervailing Duty Expedited Review**

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

**ACTION:** Notice of initiation of antidumping and countervailing duty new shipper reviews and rescission of countervailing duty expedited review in certain softwood lumber from Canada.

**EFFECTIVE DATE:** January 8, 2003.

**SUMMARY:** The Department of Commerce (the Department) has received requests to conduct new shipper reviews of the antidumping (AD) and countervailing duty (CVD) orders on certain softwood lumber from Canada. In accordance with section 751(a)(2)(B) of the Tariff Act of 1930, as amended (the Act), and 19 CFR 351.214(d) (2002), we are initiating AD and CVD new shipper reviews for Scierie La Pointe & Roy Ltée.

**FOR FURTHER INFORMATION CONTACT:** Vicki Schepker or Keith Nickerson (AD review) at (202) 482-1756 and (202) 482-3813, respectively; Gayle Longest or Eric B. Greynolds (CVD review) at (202) 482-3338 and (202) 482-0671, respectively; Group II, AD/CVD Enforcement, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230.

### Background

On November 26, 2002, the Department received timely requests from Scierie La Pointe & Roy Ltée (La Pointe & Roy), in accordance with 19 CFR 351.214(c) (2002), for new shipper

reviews of the AD and CVD orders on certain softwood lumber from Canada, which have a May anniversary month.<sup>1</sup>

As required by 19 CFR 351.214(b)(2)(i), (ii), and (iii)(A), La Pointe & Roy certified that it did not export certain softwood lumber to the United States during the period of investigation (POI), and that it has never been affiliated with any exporter or producer which exported certain softwood lumber during the POI.<sup>2</sup> Pursuant to 19 CFR 351.214(b)(2)(iv), the company submitted documentation establishing the date on which it first shipped the subject merchandise to the United States, the date of entry of that first shipment, the volume of that and subsequent shipments, the date of the first sale to an unaffiliated customer in the United States, and that it has informed the Governments of Canada and Quebec, through counsel, that they will be required to provide a full response to the Department's questionnaire.<sup>3</sup>

In accordance with section 751(a)(2)(B) of the Act, and 19 CFR 351.214(b), and based on information on the record, we are initiating AD and CVD new shipper reviews for La Pointe & Roy.

### Initiation of Reviews

On December 12, 2002, the Coalition for Fair Lumber Imports Executive Committee (the petitioners) submitted comments regarding the new shipper review requests of La Pointe & Roy. The petitioners allege that La Pointe & Roy should not be considered a new shipper because it was allocated quota under the 1996 U.S./Canada Softwood Lumber Agreement. According to the petitioners, as a holder of quota, La Pointe & Roy had a strong incentive to sell subject merchandise to the United States either directly or indirectly.<sup>4</sup>

Furthermore, the petitioners assert that even if La Pointe & Roy did not export subject merchandise during the POI, there is no valid reason to initiate a CVD new shipper review, since the company has requested an expedited review. According to the petitioners, La Pointe & Roy is withdrawing its request for expedited review because the company did not export subject merchandise to the United States during the POI. The petitioners argue that a company does not have to export the

<sup>1</sup> (See *Certain Softwood Lumber Products from Canada*, 67 FR 36068, 36070 (May 22, 2002).)

<sup>2</sup> See submission from Alston & Bird LLP to the Department, dated November 26, 2002, at Exhibits 1 and 2.

<sup>3</sup> See *Id.*, at Exhibits 3, 4, and 5.

<sup>4</sup> See submission from Dewey Ballantine LLP to the Department, dated December 12, 2002, at 5.