



UNITED STATES DEPARTMENT OF COMMERCE
International Trade Administration
Washington, D.C. 20230

A-570-909
Scope Inquiry
Public Document
IA/NME/IX: JB-W

December 22, 2010

MEMORANDUM TO: Gary Taverman
Acting Deputy Assistant Secretary
for Antidumping and Countervailing Duty Operations

FROM: James C. Doyle
Director, Office 9
Import Administration

SUBJECT: Certain Steel Nails From the People's Republic of China:
Final Scope Ruling on Mazel's Steel Roofing Nails

SUMMARY

In accordance with 19 CFR 351.225(k), the Department of Commerce ("Department") has determined that certain steel roofing nails imported by Mazel & Co., Inc. ("Mazel") are included within the antidumping duty order on certain steel nails from the People's Republic of China ("PRC"),¹ when taking into account the description of the merchandise pursuant to 19 CFR 351.225(k). Mazel's gap roofing nails demonstrate (1) the same physical characteristics that meet the physical description of steel nails subject to the Order, and (2) are not excluded because they do not meet the specifications for steel roofing nails enumerated in the ASTM Standard. See Order, 73 FR at 44961.

Pursuant to Mazel's scope request, this final determination does not address either those steel roofing nail produced by Mazel which meet the ASTM Standard or boxes of Mazel steel roofing nails containing a mixture of nails meeting the ASTM Standard and other nails which do not.²

BACKGROUND

On July 28, 2010, Mazel requested that the Department determine that eight models of steel roofing nails be considered outside the scope of the Order. See Mazel's Scope Ruling Request. Mazel provided the length, shaft diameter, and head diameter range for each of these models. Mazel argues in its Scope Ruling Request that the products subject to this scope inquiry are certain models of electro-galvanized steel roofing nails whose head or length sizes cause those models to fall outside Order's exclusion for roofing nails, which relies upon ASTM Standard F 1667 (2005 Revision) for Type 1, Style 2 steel nails ("ASTM Standard") to define roofing nails

¹ See Notice of Antidumping Duty Order: Certain Steel Nails From the People's Republic of China, 73 FR 44961 (August 1, 2008) ("Order").

² See Mazel's Scope Ruling Request, dated July 28, 2010 at 1 and footnote 1 on 2.



for the purposes of the exclusion. These eight models have certain dimensions falling into “gaps” in the dimensions clearly specified in the ASTM Standard, and are hereinafter referred to as “Mazel gap roofing nails.” See Mazel’s Scope Ruling Request, at 2. Mazel requested the Department to determine whether Mazel’s gap roofing nails within these eight models are excluded from the scope of the Order. Between July 28, 2010 and September 17, 2010, Mazel and Petitioner³ submitted comments on Mazel’s Scope Ruling Request.

On October 29, 2010, the Department initiated a formal scope inquiry and presented its preliminary findings. See Scope Inquiry Initiation and Preliminary Findings Memo for Certain Steel Nails From the People’s Republic of China: Scope Inquiry on Mazel’s Steel Roofing Nails (October 29, 2010). The Department preliminarily found that Mazel’s gap roofing nails were included within the scope of the Order when taking into account the description of the merchandise pursuant to 19 CFR 351.225(k)(1). No parties submitted comments on the preliminary findings.

ANALYSIS

The ASTM Standard has specific measurement guidelines for shaft diameter, length and head diameter. Regarding average shaft diameter, all of Mazel’s gap roofing nails meet the ASTM Standard that permits an average shaft diameter of 0.120”. The ASTM Standard also details guidelines for nails ranging in length from 0.75” to 1.75”. Mazel’s gap roofing nails with lengths ranging from .875” to 1.75” meet the qualifications for length enumerated in the ASTM Standard while those exceeding 1.75” are longer than the accepted lengths in the ASTM Standard and therefore do not meet the specifications of the ASTM Standard.

With regard to head diameter, the ASTM Standard specifically lists allowable head diameters of 0.375”, 0.438” and 0.500” for nails with the length and shaft diameter of the same measurement as Mazel’s gap roofing nails. From these precise head diameter measurements enumerated in the ASTM Standard, the qualifications detail that a -10% allowance in head diameter is permitted, thus allowing for head diameter measurement range of +0% and -10%.⁴ Taking into account the -10% tolerance permitted on head diameter measurements, a nail must have a head diameter measurement falling within the range of 0.356” – 0.375”, 0.394” – 0.438”, or 0.450” – 0.500” in order to meet the ASTM Standard. As Mazel’s gap roofing nails do not fall within these head diameter measurements, we determine that Mazel’s gap roofing nails do not meet the specifications enumerated in the ASTM Standard and therefore do not meet the requirements for the exclusion of steel roofing nails outlined in the scope of the Order.

CONCLUSION

In summary, after reviewing the record of this scope inquiry, and because no party commented on our preliminary findings, in accordance with 19 CFR 351.225(k), we continue to find that Mazel’s gap roofing nails are subject to the Order, as detailed in the analysis above. Mazel’s gap roofing nails subject to the Order demonstrate (1) the same physical characteristics that meet the

³ Mid Continent Nail Corporation.

⁴ See ASTM Standard F 1667, Type I, Style 20 (2005 revision), Section 8.2.3.1 and Mazel’s Scope Ruling Request, at 2 and Exhibit F.

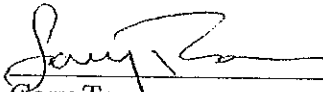
physical description of steel nails subject to the Order, and (2) are not excluded as roofing nails because they do not meet the measurements for the ASTM Standard.

RECOMMENDATION

For the reasons described above, and in accordance with 19 CFR 351.225(k), the Department has determined that Mazel's gap roofing nails are included within the scope of the Order. If you agree with this recommendation, we will send a letter to interested parties enclosing this final ruling.

Agree ✓

Disagree _____



Gary Taverman
Acting Deputy Assistant Secretary
for Antidumping and Countervailing Duty Operations

12/22/10
Date

