



A-570-932
Scope Ruling
Public Document
IA/09: TD

FOR OFFICIAL FILE

October 14, 2009

MEMORANDUM TO: John M. Andersen
Acting Deputy Assistant Secretary
for Antidumping and Countervailing Duty Operations

282

THROUGH: James C. Doyle
Director, Office 9
Antidumping and Countervailing Duty Operations

FROM: Toni Dach
Case Analyst
AD/CVD Enforcement, Office 9

RE: Certain Steel Threaded Rod from the People's Republic of China:
Mid-State Bolt & Nut Company, Inc. Final Scope Ruling

Summary

On July 15, 2009, the Department of Commerce ("Department") received a submission from Mid-State Bolt & Nut Company, Inc. ("Mid-State") requesting a scope determination¹ on whether certain concrete wedge anchors it imports are outside the scope of the antidumping order on steel threaded rod ("CSTR") from the People's Republic of China ("PRC"). *See Certain Steel Threaded Rod from the People's Republic of China: Notice of Antidumping Duty Order*, 74 FR 17154 (April 14, 2009) ("Order").

In accordance with 19 CFR 351.225(k)(1), we recommend the Department determine that the concrete wedge anchors imported by Mid-State are not within the scope of the Order.

Background

On July 15, 2009, Mid-State submitted a request seeking a determination that the concrete wedge anchors it imports are outside the scope of the Order. Mid-State states that the concrete wedge anchors under consideration consist of a carbon steel stud, threaded for a portion of its length and headed at the other end, and a permanently-affixed precision formed universal clip. *See Mid-State Request* at 2. Pursuant to the requirements of 19 CFR 351.225, Mid-State provided illustrations and a detailed description of its concrete wedge anchors and why it believed they were outside the scope of the Order. Other than the requestor's submission, we have received no

¹ See Scope Ruling Request of Mid-State Bolt & Nut Company, Inc., dated July 15, 2009 ("Mid-State Request").



other submissions in this segment of the proceeding. We note, however, that Mid-State's request contained a letter from petitioner, Vulcan Threaded Products, stating that "Vulcan supports the exclusion from the scope of the antidumping order of concrete wedge anchors which consist of two pieces: a steel bolt threaded on one end only and with a head on the other end which tapers outward from the body, and a precision-formed metal clip permanently assembled around the shank of the bolt." See Mid-State Request at Exhibit 5.

Scope of the Order

The merchandise covered by this order is steel threaded rod. Steel threaded rod is certain threaded rod, bar, or studs, of carbon quality steel, having a solid, circular cross section, of any diameter, in any straight length, that have been forged, turned, cold-drawn, cold-rolled, machine straightened, or otherwise cold-finished, and into which threaded grooves have been applied. In addition, the steel threaded rod, bar, or studs subject to this order are non-headed and threaded along greater than 25 percent of their total length. A variety of finishes or coatings, such as plain oil finish as a temporary rust protectant, zinc coating (i.e., galvanized, whether by electroplating or hot-dipping), paint, and other similar finishes and coatings, may be applied to the merchandise.

Included in the scope of this order are steel threaded rod, bar, or studs, in which: (1) iron predominates, by weight, over each of the other contained elements; (2) the carbon content is 2 percent or less, by weight; and (3) none of the elements listed below exceeds the quantity, by weight, respectively indicated:

- 1.80 percent of manganese, or
- 1.50 percent of silicon, or
- 1.00 percent of copper, or
- 0.50 percent of aluminum, or
- 1.25 percent of chromium, or
- 0.30 percent of cobalt, or
- 0.40 percent of lead, or
- 1.25 percent of nickel, or
- 0.30 percent of tungsten, or
- 0.012 percent of boron, or
- 0.10 percent of molybdenum, or
- 0.10 percent of niobium, or
- 0.41 percent of titanium, or
- 0.15 percent of vanadium, or
- 0.15 percent of zirconium.

Steel threaded rod is currently classifiable under subheading 7318.15.5050, 7318.15.5090, and 7318.15.2095 of the United States Harmonized Tariff Schedule ("HTSUS"). Although the HTSUS subheading is provided for convenience and customs purposes, the written description of the merchandise is dispositive.

Excluded from the scope of the order are: (a) threaded rod, bar, or studs which are threaded only on one or both ends and the threading covers 25 percent or less of the total length; and (b) threaded rod, bar, or studs made to American Society for Testing and Materials (“ASTM”) A193 Grade B7, ASTM A193 Grade B7M, ASTM A193 Grade B16, or ASTM A320 Grade L7.

Summary of the Scope Request

Mid-State argues that the concrete wedge anchors it imports are explicitly excluded from the Order by the scope language, *i.e.*, “...the steel threaded rod, bar, or studs subject to this order are non-headed...” and “...having a solid, circular cross section...” Mid-State claims that concrete wedge anchors are headed products, where the “unthreaded portion of the stud in a concrete wedge anchor is necked down to a smaller diameter for a short distance and then tapers outward to the full diameter at the end...which makes the concrete wedge anchor a headed product.” *See* Mid-State Request at 8 and Exhibit 2. Mid-State also contends that the addition of the permanently affixed precision-formed clip makes the cross section of concrete wedge anchors at the point where the clip is affixed neither solid – with a space between the clip and the bolt – nor circular. *See* Mid-State Request at 8-9 and Exhibit 2.

Mid-State also argues that the concrete wedge anchors under consideration are excluded from the order by the record of the International Trade Commission (“ITC”) investigation, which notes that “...CSTR can easily be cut to desired lengths,” while concrete wedge anchors cannot be cut by the end user without damaging the product. *See Certain Steel Threaded Rod from China*, Inv. No. 731-TA-1145, USITC Pub. 4070, April, 2009, at 6 and Mid-State Request at 4.

Legal Framework

The Department examines scope requests in accordance with the Department’s scope regulations. *See* 19 CFR 351.225. On matters concerning the scope of an antidumping duty order, the Department first examines the descriptions of the merchandise contained in the petition, the initial investigation, the determinations of the Secretary (including prior scope determinations) and the ITC. *See* 19 CFR 351.225(k)(1). This determination may take place with or without a formal inquiry. If the Department determines that these descriptions are dispositive of the matter, the Department will issue a final scope ruling as to whether or not the subject merchandise is covered by the order. *See* 19 CFR 351.225(d).

Where the descriptions of the merchandise are not dispositive, the Department will consider the five additional factors set forth at 19 CFR 351.225(k)(2). These criteria are: i) the physical characteristics of the merchandise; ii) the expectations of the ultimate purchasers; iii) the ultimate use of the product; iv) the channels of trade in which the product is sold; and v) the manner in which the product is advertised and displayed. *See* 19 CFR 351.225(k)(2). The determination as to which analytical framework is most appropriate in any given scope inquiry is made on a case by-case basis after consideration of all evidence before the Department.

For this inquiry, the Department evaluated Mid-State’s request in accordance with 19 CFR 351.225(k)(1) and finds that the description of the product contained in the petition, the initial investigation, the determinations by the Secretary (including prior scope determinations) and the

ITC are, in fact, dispositive with respect to Mid-State's concrete wedge anchors. Therefore, the Department finds it unnecessary to consider the additional factors in 19 CFR 351.225(k)(2).

Analysis

The Department agrees with Mid-State that the scope language of the Order is clear in its exclusion of headed products and products with non-solid, non-circular cross sections. The scope of the Order requires, *inter alia* "...threaded rod, bar, or studs, of carbon quality steel, having a solid, circular cross section, of any diameter, in any straight length, that have been forged, turned, cold-drawn, cold-rolled, machine straightened, or otherwise cold-finished, and into which threaded grooves have been applied. In addition, the steel threaded rod, bar, or studs subject to this order are non-headed and threaded along greater than 25 percent of their total length." See Order, 74 FR at 17155. We have determined that Mid-State's concrete wedge anchors are headed products and also lack a solid, circular cross section based upon Mid-State's description. Such products are specifically not included in the scope of the Order.

Accordingly, as the scope language of the Order is clear in its requirement that subject merchandise consist of non-headed products with solid, circular cross sections, and Mid-State's concrete wedge anchors fail to meet these specific requirements of the scope of Order, we find pursuant to section 351.225(k)(1) of the Department's regulations that Mid-State's concrete wedge anchors are not within the scope of the CSTR Order.

Recommendation

Based upon the foregoing analysis, we recommend finding that Mid-State's imported concrete wedge anchors are outside the scope of the Order covering CSTR from the PRC.


_____ Agree

_____ Disagree



John M. Andersen
Acting Deputy Assistant Secretary
for Antidumping and Countervailing Duty Operations



Date



U.S. DEPARTMENT OF COMMERCE
INTERNATIONAL TRADE ADMINISTRATION

CONCURRENCE RECORD
(PRESCRIBED BY ITA A.1. 8-1)

DATE
October 7, 2009

ROUTING PURPOSE
SYMBOLS (RPS)
C- CONCURRENCE
S- SIGNATURE

SUBJECT OF DOCUMENT:
Steel Threaded Rod from the PRC (A-570-932): Scope Ruling

NAME AND OFFICE OF TEAM INITIALS/DATE
Toni Dach, Case Analyst *TD*
Bobby Wong, Case Analyst *BW*
Daniel Calhoun, OGC *DC* 10/8/09

Return to: Toni Dach
TELEPHONE NUMBER/ROOM
482-1655 Rm 4017

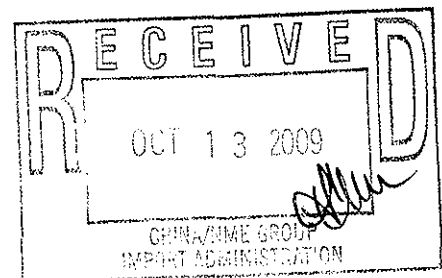
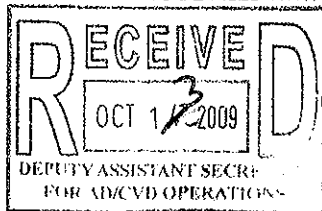
DEADLINE DATE
October 13, 2009

| SUBMITTED TO: | RPS | INITIALS | DATE | SUBMITTED TO: | RPS | INITIALS | DATE |
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| NAME: Scot Fullerton <i>SF</i> | C | <i>SF</i> | 10/9/09 | NAME: Edward Yang | C | <i>EY</i> | 10/13/09 |
| OFFICE: Program Manager | | | | OFFICE: Senior Enforcement Coordinator | | | |
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| OFFICE: Office of Policy | | | | OFFICE: | | | |
| NAME: James Doyle | C | <i>JD</i> | 10/13/09 | NAME: | | | |
| OFFICE: Office Director | | | | OFFICE: | | | |

FORM ITA-233 (REV. 1-81)

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USCOMM-DC 81-21873





DATE
October 7, 2009

ROUTING PURPOSE
SYMBOLS (RPS)
C- CONCURRENCE
S- SIGNATURE

U.S. DEPARTMENT OF COMMERCE
INTERNATIONAL TRADE ADMINISTRATION

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|---|--|-----|---------------------------|--|--|---|-----|--|------|
| NAME AND OFFICE OF TEAM Toni Dach, Case Analyst Bobby Wong, Case Analyst Daniel Calhoun, OGC | | | | INITIALS/DATE <i>TW</i> <i>BW</i> <i>DC</i> 10/8/09 | | Return to: Toni Dach TELEPHONE NUMBER/ROOM 482-1655 Rm 4017 | | DEADLINE DATE October 13, 2009 | |
| SUBMITTED TO: | | RPS | INITIALS | DATE | SUBMITTED TO: | | RPS | INITIALS | DATE |
| NAME: Scot Fullerton | | C | <i>STF</i> | 10/9/09 | NAME: Edward Yang | | C | | |
| OFFICE: Program Manager | | | | | OFFICE: Senior Enforcement Coordinator | | | | |
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| OFFICE: Office of Policy | | | | | OFFICE: | | | | |
| NAME: James Doyle | | C | | | NAME: | | | | |
| OFFICE: Office Director | | | | | OFFICE: | | | | |