A-570-875
Remand Redetermination
Scope Inquiry
Crane – Non-Malleable Cast Iron Pipe Fittings from China
**Public Document**
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MCC Holdings dba Crane Resistoflex v. United States and Anvil International
Court No. 18-00248 (January 7, 2020)

# FINAL RESULTS OF REDETERMINATION PURSUANT TO COURT ORDER

## I. SUMMARY

The U.S. Department of Commerce (Commerce) prepared these final results of redetermination pursuant to the remand order of the U.S. Court of International Trade (the Court) in *Crane Resistoflex*.[1] This litigation pertains to the scope inquiry submitted by MCC Holdings dba Crane Resistoflex (Crane)[2] regarding its ductile iron lap joint flanges and the antidumping duty (AD) order covering non-malleable cast iron pipe fittings (pipe fittings) from the People's Republic of China (China).[3] The Court granted Commerce's request for a voluntary remand to reconsider all aspects of Commerce's scope ruling, including all findings of fact and conclusions of law as to whether Crane's ductile iron lap joint flanges are subject to the *Order* on pipe fittings from China.[4]

[1] *See MCC Holdings dba Crane Resistoflex v. United States and Anvil International*, Court No. 18-00248, (January 7, 2020) (*Crane Resistoflex*).
[2] *See* Crane's Letter, "Non-Malleable Cast Iron Pipe Fittings from China: Ductile Iron Lap Joint Flanges, Scope Request" (Crane's Scope Request), dated August 29, 2018.
[3] *See Notice of Antidumping Duty Order: Non-Malleable Cast Iron Pipe Fittings from the People's Republic of China*, 68 FR 16765 (April 7, 2003) (*Order*).
[4] *See Crane Resistoflex* at 2-3.

## II. BACKGROUND

On November 19, 2018, Commerce issued its final scope ruling pertaining to Crane's ductile iron lap joint flanges.[5] Commerce determined that Crane's ductile iron lap joint flanges are covered by the scope of the *Order* because they are pipe fittings that do not fall under any of the exclusions to the scope.[6]

Crane challenged Commerce's scope ruling at the Court. Crane argued that its ductile iron lap joint flanges are excluded from the *Order* because they are not, and do not function as, pipe fittings, and that Commerce misinterpreted and misapplied the language of the *Order*. Finally, Crane argued that Commerce failed to consider the Petition and a substantial amount of information in the International Trade Commission (ITC) Report[7] relevant to its analysis of the scope question presented in this case, pursuant to 19 CFR 351.225(k)(1).

The Court granted Commerce's voluntary remand request in light of the Court's holding in *Star Pipe*,[8] and ordered Commerce to further consider "all aspects of its scope ruling, including all findings of fact and conclusions of law" as to whether Crane's ductile iron lap joint flanges are subject to the *Order* on pipe fittings from China, and not limited to "reconsideration of only two aspects of the contested determination, *i.e.*, the failure to consider the antidumping petition and the failure to address all parts of the ITC injury determination."[9]

[5] *See* Memorandum, "Final Scope Ruling on the Antidumping Duty Order on Non-Malleable Cast Iron Pipe Fittings from the People's Republic of China: MCC Holdings dba Crane Resistoflex," dated November 19, 2018 (Final Scope Ruling).
[6] *Id.*
[7] *See Non-Malleable Cast Iron Pipe Fittings from China*, Investigation No. 731-TA-990 (Final), USITC Pub. No. 3586, 2003 (ITC Report)
[8] *See Star Pipe Products. v. United States*, 365 F. Supp. 3d 1277 (CIT 2019) (*Star Pipe*).
[9] *See Crane Resistoflex* at 2-3.

## III. ANALYSIS

The scope of the *Order* is as follows:

> The products covered by this order are finished and unfinished non-malleable cast iron pipe fittings with an inside diameter ranging from ¼ inch to 6 inches, whether threaded or unthreaded, regardless of industry or proprietary specifications. The subject fittings include elbows, ells, tees, crosses, and reducers as well as flanged fittings. These pipe fittings are also known as "cast iron pipe fittings" or "gray iron pipe fittings." These cast iron pipe fittings are normally produced to ASTM A-126 and ASME B.16.4 specifications and are threaded to ASME B1.20.1 specifications. Most building codes require that these products are Underwriters Laboratories (UL) certified. The scope does not include cast iron soil pipe fittings or grooved fittings or grooved couplings.
>
> Fittings that are made out of ductile iron that have the same physical characteristics as the gray or cast iron fittings subject to the scope above or which have the same physical characteristics and are produced to ASME B.16.3, ASME B.16.4, or ASTM A-395 specifications, threaded to ASME B1.20.1 specifications and UL certified, regardless of metallurgical differences between gray and ductile iron, are also included in the scope of this petition. These ductile fittings do not include grooved fittings or grooved couplings. Ductile cast iron fittings with mechanical joint ends (MJ), or push on ends (PO), or flanged ends and produced to American Water Works Association (AWWA) specifications AWWA C110 or AWWA C153 are not included.
>
> Imports of covered merchandise are classifiable in the Harmonized Tariff Schedule of the United States (HTSUS) under item numbers 7307.11.00.30, 7307.11.00.60, 7307.19.30.60 and 7307.19.30.85. HTSUS subheadings are provided for convenience and customs purposes. The written description of the scope of this *Order* is dispositive.

Crane raised several concerns with Commerce's Final Scope Ruling before the Court, arguing that its ductile iron lap joint flanges are neither flanged fittings nor pipe fittings, and do not function in the pipe fitting applications of the pipe fittings subject to the scope of the *Order*.[10] Moreover, Crane argued that Commerce ignored and misinterpreted the scope of the *Order* with regard to certain ductile iron fittings.[11] Commerce determined in its Final Scope Ruling that Crane's ductile iron lap joint flanges fell within the first clause of the first sentence of the second

[10] *See MCC Holdings dba Crane Resistoflex v. United States*, Court No. 18-cv-00248 (August 23, 2019) (Crane's Brief) at 7, 15, and 17.
[11] *Id.* at 10.

paragraph of the scope of the *Order* because they were "{f}ittings that are made out of ductile iron that have the same physical characteristics as the gray or cast iron fittings subject to the scope above."[12] Per the plain language of the scope, Commerce's consideration of whether Crane's ductile iron lap joint flanges fall within this section of the scope involves a two-step process. First, Commerce must consider whether Crane's ductile iron lap joint flanges "have the same physical characteristics as the gray or cast iron fittings subject to" the first paragraph of the scope of the *Order*. Second, Commerce must consider whether Crane's flanges are "fittings" within the meaning of the scope of the *Order*. We consider each of these issues below.

**1. Crane's Flanges Have The Same Physical Characteristics As The Pipe Fittings Described In The First Paragraph Of The Scope**

In its opening brief before the Court, Crane argued that only certain ductile fittings that "meet the physical dimensions listed in the first paragraph *and* (1) are produced to ASME B.16.3, ASME B.16.4, or ASTM A-395 specifications, (2) threaded to ASME B1.20.1 specifications, *and* (3) are UL certified are {*sic*}covered by the scope of the *Order*."[13] However, we find that Crane's interpretation of subject ductile iron fittings alters the scope language by changing the "or" to an "and" and disregards the entirety of the first sentence of the second paragraph, which clearly states that "{f}ittings that are made out of ductile iron that have the same physical characteristics as the gray or cast iron fittings subject to the scope above" are covered by the scope. Further, the scope states that the products covered include all cast iron fittings regardless of industry or proprietary specifications. Therefore, contrary to Crane's argument, the plain language of the scope does not require that in-scope ductile iron fittings meet ASME standards and the mechanical properties set by the ASTM specifications, but expresses

[12] *See* Final Scope Ruling at 10-13.
[13] *See* Crane's Brief at 13-14.

that such ductile iron fittings are *also* included in the scope if they meet those criteria in addition to the same physical characteristics as the gray or cast iron fittings subject to the scope above (*i.e.*, in the first paragraph of the scope). Furthermore, ductile iron fittings were included in the ITC's like product analysis in its investigation and Crane's flanges are a type of ductile iron fitting.[14]

The "physical characteristics" referred to in the second paragraph of the scope are those described in the first sentence of the first paragraph of the scope: (1) an inside diameter ranging from 1/4 inch to 6 inches; and (2) whether threaded or unthreaded. The inside diameters of Crane's nine flanges measure between 1.938 and 12.92 inches; specifically, five of these flanges have inside diameters under six inches, falling between the 1/4 inch and six inch range.[15] Commerce determined that Crane's four remaining flanges with inside diameters larger than six inches are not subject to the scope of the *Order*.[16] Accordingly, since the first paragraph of the *Order* covers pipe fittings with an inside diameter ranging from 1/4 inch to 6 inches, whether threaded or unthreaded, and Crane's five flanges are within this diameter range, Crane's flanges have the same "physical characteristics" as those subject to the first paragraph of the scope. Therefore, there is no need to determine whether Crane's flanges are produced to ASME B.16.3, ASME B.16.4, or ASTM A-395 specifications, threaded to ASME B1.20.1 specifications, or are UL certified.

[14] *See* ITC Report at 5; *see also* Crane's Scope Request at 2 (Crane states that its flanges are classified, among other item numbers, under the HTSUS for "Ductile Iron – A395 Fittings").
[15] *See* Crane's Letter, "Non-Malleable Cast Iron Pipe Fittings from China: Ductile Iron Lap Joint Flanges, Scope Request," dated September 17, 2018 (Crane's SQR) at Exhibit 2.
[16] *See* Final Scope Ruling at 13.

### 2. Crane's Ductile Iron Lap Joint Flanges Are Pipe Fittings Within The Meaning Of The Scope

Having determined that certain of Crane's flanges meet the physical description included in the first paragraph of the scope, we turn to whether Crane's flanges are pipe fittings. In granting Commerce's voluntary remand request, the Court accepted Commerce's acknowledgement that "'it is appropriate and in the interest of judicial efficiency and economy for Commerce to reconsider its scope ruling substantively' and for Commerce 'to address the issues regarding the petition and the ITC report that the Court has raised in *Star Pipe*.'"[17] The Court also instructed Commerce to reconsider on remand "all aspects of its scope ruling, including all findings of fact and conclusions of law."[18] We address each of these issues in turn.

#### a. Commerce's Scope Ruling Is Supported By Evidence From The Petition

Commerce has placed the Petition on the record of this proceeding. Evidence from the Petition indicates that the petitioners (*i.e.*, Anvil International LLC (Anvil) and Ward Manufacturing Inc. (Ward)) intended to cover flanges in the scope of the *Order*. Exhibit 2 of the Petition contains product brochures from the petitioners.[19] Both brochures reference flanges as a type of pipe fitting.[20] Anvil's brochure lists a "flange union gasket" and a "floor flange" as types of pipe fittings.[21] Ward's brochure lists "flanges," "flange unions," and "companion flanges" as types of pipe fittings.[22] Therefore, based on record evidence and the fact that there is no exclusion for flanges in the scope of the *Order*, we have determined that Anvil and Ward, both

[17] *Crane Resistoflex* at 2.
[18] *Id*.
[19] *See* Petitioners' Letter, "Petition for Imposition of Antidumping Duties: Non-Malleable Cast Iron Pipe Fittings from the People's Republic of China," dated February 21, 2002 (Petition) at Exhibit 2.
[20] *Id.*
[21] *Id*.
[22] *Id*.

of whom were petitioners in the original investigation on pipe fittings from China, intended for flanges to be considered types of pipe fittings.

In its brief to the Court, Crane explained another possible distinction between flanges and pipe fittings in the Petition. Specifically, Crane pointed out that, according to the Petition, "virtually all subject fittings are used in fire protection systems and steam heat conveyance systems,"[23] whereas Crane stated that its flanges "are not used in fire protection or heat conveyance systems. They are used with pipe with plastic linings."[24] While the Petition stated that virtually all fittings subject to the scope are used in fire protection systems and in steam heat conveyance systems, the Petition also noted that there are "other uses" in which subject fittings may be employed.[25] The fact that Crane's flanges are used with pipe with plastic linings "for use in process piping primarily for the chemical process industry,"[26] therefore, does not solely disqualify them as subject pipe fittings. Furthermore, while Crane claims that its flanges are used with pipe with plastic linings, Crane has not claimed that its flanges are *only* suitable for such applications.[27] Even if we accept that Crane's flanges cannot be used in the fire protection or steam heat conveyance industries, as discussed above, Crane's flanges are within the scope of the *Order* by virtue of the physical description of subject merchandise in the scope language. Therefore, Crane's flanges that are otherwise covered by the language of the scope are not excluded from the *Order* merely because Crane argues that they would not to be used in fire protection or steam heat conveyance systems.

[23] Crane's Brief at 17.
[24] *Id*.
[25] *See* Petition at 4.
[26] *See* Crane's Scope Request at 1.
[27] *See* Crane's Brief at 17.

### b. Commerce's Scope Ruling Is Supported By Evidence From The ITC Report

As an initial matter, although the ITC considered all flanged ductile cast iron fittings to be excluded from the scope, it did not exclude ductile iron *flanges* from the scope or the domestic like product.[28] The ITC only excluded ductile iron *flanged fittings*, which both Commerce and Crane agree are not at issue in this scope ruling.[29] Crane and Commerce both agree that Crane's flanges are not the same as flanged fittings.[30] Flanged fittings are one type of pipe fitting, which the ITC defined as "cast with an integral rim, or flange, at the end of the fitting."[31] Commerce maintains that flanges are a separate type of pipe fitting. The ITC's determinations with respect to ductile iron flanged fittings – which are not the same as Crane's ductile iron lap joint flanges – are therefore not relevant to this ruling.

With respect to ductile iron flanges, neither the scope of the *Order* nor the Petition defines pipe fittings or flanges. The ITC report, however, defines a pipe fitting as an iron casting "generally used to connect the bores of two or more tubes, connect a pipe to another apparatus, change the direction of fluid flow, or close a pipe."[32] In addition, the ITC, in discussing flanged fittings that are subject to the scope of the *Order*, stated that "{t}he flanged connection is made

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[28] *See* ITC Report at I-8.

[29] We disagree with the ITC's interpretation of the exclusionary language in the scope pertaining to ductile flanged fittings because the ITC's interpretation is contradicted by the plain language of the scope. The scope of the *Order* states that "{d}uctile cast iron fittings with … flanged ends *and* produced to the American Water Works Association (AWWA) specifications AWWA C110 or AWWA C153 are not included." *See Order* (emphasis added). The only exclusion for ductile cast iron flanged fittings contemplated in the scope are for those that are produced to AWWA specifications AWWA C110 or AWWA C153. If Commerce had intended for the scope of the *Order* to be limited in the way interpreted by the ITC, the specific exclusions for AWWA C110 and AWWA C153 flanged fittings would have been superfluous. *See DynaEnergetics U.S. Inc. v. United States*, 298 F. Supp. 3d 1363, 1373 (Ct. Int'l Trade 2018) (finding that "express exclusions would be superfluous" if the category of merchandise to which the exclusions applied were not included in the scope); *see also Power Train Components, Inc. v. United States*, 911 F. Supp. 2d 1338, 1343 (Ct. Int'l Trade 2013), *aff'd* 565 Fed. Appx. 899 (Fed. Cir. 2014) ("Scope inclusions are written in broad terms and then specific exclusions are carved out from the general terms.").

[30] *See* Final Scope Ruling at 12; *see also* Crane's Brief at 3 and 8.

[31] *See* ITC Report at I-9.

[32] *Id.* at 4.

by inserting a gasket in between the flanged ends of two separate pieces and securing the ends with several bolts."[33] As discussed above, flanges are not flanged fittings. However, Crane's flanges connect the bores of two pipes in a similar manner (*i.e.*, with a gasket and bolts) as would subject pipe fittings.[34] Specifically, Crane claimed in its scope inquiry request that its flange is "a component of an assembly which connects two pipe bores."[35] Crane further stated that "{t}he subject Flanges here are flanges, albeit a Pipe Flange … ."[36]

We continue to find that, by Crane's own definition of a flange, its flange meets the ITC's definition of a pipe fitting. According to Crane, its flange is a pipe flange, *i.e.*, a component in an assembly that connects two pipe bores; in other words, its purpose is to enable a pipe to connect to another "apparatus." Pipes and flanges are types of apparatus.[37] Based on Crane's definition, then, a flange is used to connect a pipe to a type of apparatus. The ITC describes one of the functions of a pipe fitting as connecting a pipe to an apparatus. Therefore, a flange, even by Crane's own definition, is a pipe fitting.

In addition, like the Petition, the ITC report also specifically references certain types of flanges as being included within its definition of a pipe fitting. A footnote on page I-6 of the ITC Report states that "{a}nother use for these {subject} non-malleable flanged fittings is as so-called floor flanges to affix pipes as hand (or other) railings to floors or other surfaces."[38] Clearly, the ITC considered at least one type of flange to be a type of pipe fitting. Furthermore, Crane has provided no evidence demonstrating that the ITC excluded flanges from its analysis in

[33] *Id.* at I-9.
[34] *See* Crane's Scope Request at 3.
[35] *Id.*
[36] *Id.*
[37] *See* Merriam Webster Online, "apparatus" is defined as "a set of materials or equipment designed for a particular use," https://www.merriam-webster.com/dictionary/apparatus (last visited January 28, 2020).
[38] *See* ITC Report at I-6.

its investigation. Accordingly, we do not agree with the inference made by Crane in its brief to the Court that the ITC Report considered only flanged fittings and not flanges to be a type of pipe fitting.[39]

Having established that Crane's flanges meet the ITC definition of pipe fittings, which Commerce relied on in its scope ruling, we turn to the preceding sentence in the ITC Report that stated "the subject imports include certain ductile fittings, such as those that can be used in traditionally non-malleable pipe fitting applications."[40] As discussed above, we disagree with Crane's contention in its brief to the Court that its flanges are not used in the applications of the pipe fittings subject to the scope of the *Order*. The Court in *Star Pipe*, which involved ductile iron flanges similar to those at issue in the instant case, distinguished between pipe fabricators and pipe fitters, stating that the flanges at issue in that case could not have been used by pipe fitters because, according to the AWWA C115 standard applicable to those flanges, they had to be "individually fitted and machine tightened on the threaded pipe at the point of fabrication."[41] Based on this evidence, the Court in *Star Pipe* held that "{s}ubstantial evidence is not available on the administrative record to support a finding that Star Pipe's flanges, in the form in which they are imported, are suitable for, or approved for, joining the bores of two pipes or joining a pipe to another apparatus."[42]

Commerce respectfully disagrees with these conclusions as they pertain to Crane's flanges for several reasons. The language of the ITC Report does not preclude the possibility that pipe fittings that are not used in traditional pipe fitting applications may, nonetheless, also be included within the scope. First, we note that the words "such as" in the ITC Report indicate that

[39] *See* Crane's Brief at 3.
[40] *See* ITC Report at 4.
[41] *See Star Pipe*, 365 F. Supp. 3d at 1283-84.
[42] *Id*. at 1284.

the types of ductile fittings subject to the scope are not limited to those that can be used only in pipe-fitting applications. The scope language also does not contain a criterion excluding flanges made to the AWWA C115 standard; however, even if there were such an exclusion for ductile fittings, there is no information on the record to demonstrate that Crane's flanges are either made to the AWWA C115 standard that the Court relied on in *Star Pipe* or otherwise used by pipe fabricators. Moreover, the scope language contains no language limiting the scope based on who installs the flange to the pipe or how that person attaches it after importation, and the record contains no evidence to demonstrate that pipe fitters are less able to install flanges than pipe fabricators. The ITC's injury analysis accordingly treated "fabricators" as purchasers of subject pipe fittings.[43] Therefore, we respectfully find that neither the scope language nor the other (k)(1) sources indicate that suitability in pipe fitting applications is a limiting criterion of the scope, and in any event, that no record evidence demonstrates that Crane's flanges are not suitable in pipe fitting applications.

c. **Commerce's Determination Is Supported By Its Prior Scope Rulings**

Commerce relied on several prior scope rulings in its determination. The *Taco Ruling* involved a black cast iron flange, a green ductile iron flange, and a cast iron "Twin Tee" fitting.[44] The *Napac Ruling* involved gray iron flanged fittings, couplings, flange adapters, flange reducers, and flange converters.[45] We continue to rely on the *Taco Ruling* for the proposition that Commerce has previously found some types of flanges to be included in the scope of the *Order*. Likewise, we continue to rely on the *Napac Ruling* for the proposition that Commerce

[43] *See* ITC Report at II-1.
[44] *See* Final Scope Ruling, Attachment VI, Memorandum, "*Antidumping Duty Order on Non-Malleable Cast Iron Pipe Fittings from the People's Republic of China: Final Scope Ruling on the Black Cast Iron Flange, Green Ductile Flange, and the Twin Tee*" (September 19, 2008) (*Taco Ruling*) at 13.
[45] *See* Final Scope Ruling, Attachment V, Memorandum, "*Final Scope Ruling on the Antidumping Duty Order on Finished and Unfinished Non-Malleable Cast Iron Pipe Fitting from the People's Republic of China: Request by Napac for Flanged Fittings*" (September 19, 2016) (*Napac Ruling*) at 10.

has previously found that ductile iron fittings are covered by the scope of the *Order* unless they meet AWWA C110 or AWWA C153 specifications. We also continue to rely on the *UV Ruling* for the proposition that Commerce has previously found that some ductile iron flanges similar to Crane's flanges are within the scope of the *Order*.[46]

In addition, Commerce placed a document on the record of this proceeding titled "What Every Member of the Trade Community Should Know About: Classification and Marking of Pipe Fittings under Heading 7307."[47] However, in our analysis for this draft remand redetermination, we are not relying on this document because it is outside the list of sources under 19 CFR 351.225(k)(1).[48] In its comments in response to and relying on this document, Crane noted that the flanges at issue are not wetted by or in contact with the fluid in the piping system.[49] We do not find that this characteristic is relevant for the purpose of this scope determination pursuant to (k)(1) factors. First, Commerce's prior flange scope rulings neither discuss whether those subject items were wetted by or in contact with fluid in their pipe assemblies nor contemplate that such feature may be relevant. Neither the scope language in the *Order*, the ITC Report, nor the Petition requires that subject flanges be in contact with the fluid in a pipe to which they connect. We, therefore, additionally rely upon the *Taco Ruling* and *UV Ruling* for the proposition that being in contact with the fluid of a pipe system into which they are installed is not a relevant inquiry for the purpose of interpreting the scope of the *Order*

[46] *See, e.g.*, Final Scope Ruling, Attachment IV, Commerce Memorandum, "*Final Scope Ruling on the Antidumping Duty Order on Non-Malleable Cast Iron Pipe Fittings from the People's Republic of China: Request by U.V. International LLC*" (May 12, 2017) (*UV Ruling*).
[47] *See* Memorandum, "Antidumping Duty Order on Non-Malleable Cast Iron Pipe Fittings from the People's Republic of China: MCC Holdings dba Crane Resistoflex Scope Remand Redetermination," dated January 17, 2020 (New Factual Information Memorandum) at Attachment II.
[48] Pursuant to 19 CFR 351.225 (k)(1), the Secretary will take into account "{t}he descriptions of the merchandise contained in the petition, the initial investigation, and the determinations of the Secretary (including prior scope determinations) and the {U.S. International Trade} Commission {(ITC)}."
[49] *See* Crane's Letter, "Non-Malleable Cast Iron Pipe Fittings from China: Ductile Iron Lap Joint Flanges, Scope Request," dated January 27, 2020 at 1.

because those scope rulings did not engage in such discussion. Commerce's scope rulings with respect to this *Order* have, therefore, been consistent and Commerce's present ruling is supported by its prior rulings.

In sum, as demonstrated above, the Petition and ITC Report both refer to certain types of flanges as subject pipe fittings. In addition, the definition of its own flanges provided by Crane, in conjunction with the definition of a pipe fitting in the ITC Report, establish that Crane's flanges are a type of subject pipe fitting. Pipe fittings are covered by the scope of the *Order*, regardless of whether they are made of non-malleable cast iron or ductile iron, and ductile flanged fittings are only excluded when they meet AWWA C110 or AWWA C153 specifications. Crane's ductile iron lap joint flanges meet the physical description in the first paragraph of the scope and do not meet any AWWA specification. Accordingly, Crane's ductile iron lap joint flanges are included in the *Order*. This ruling is supported by prior scope rulings, including the *Taco Ruling*, the *Napac Ruling*, and the *UV Ruling*.

Pursuant to 19 CFR 351.225(k)(1), Commerce must take into account the following factor when conducting a scope ruling under this provision: "{t}he descriptions of the merchandise contained in the petition, the initial investigation, and the determinations of the Secretary {of Commerce} (including prior scope determinations) and the {U.S. International Trade} Commission {(ITC)}."[50] In this remand proceeding, Commerce has further examined and discussed the Petition and the ITC's determination in its investigation and has reconsidered all aspects of its Final Scope Ruling related to Crane's arguments in its brief before the Court and comments made on the record of this remand redetermination. The language of the scope, Petition, ITC Report, prior scope determinations, and the Crane scope inquiry request is

[50] *See* 19 CFR 351.225 (k)(1).

dispositive as to whether Crane's five ductile iron lap joint flanges, with inside diameters measuring between 1/4 inch and six inches are pipe fittings subject to the *Order*. Accordingly, we find it unnecessary to conduct an analysis under 19 CFR 351.225(k)(2).

## IV. COMMENTS ON DRAFT RESULTS OF REDETERMINATION

On February 21, 2020, Commerce issued its draft results of redetermination and provided interested parties an opportunity to comment on its draft results.[51] Commerce received comments only from Crane.[52] These comments are addressed below. After considering Crane's comments, we have not made any changes to our conclusion in the *Draft Results* in these final results of redetermination.

### Issue 1: Whether Ductile Iron Lap Joint Flanges Have the Same Physical Characteristics as Those of the Subject Fittings Described in the First Paragraph of the Scope

**Crane's Comments:**

Crane argues that the fact that flanges are not referenced in the first paragraph of the scope, which does reference flanged fittings, indicates that flanges are not covered by the scope.[53] Crane also contends that Commerce's analysis alters the scope language because it would place any ductile iron fitting between 1/4 inch and six inches in the scope of the *Order*.[54] Additionally, Crane notes that its flanges "fit loosely on the pipe's outside diameter and are retained by the flared steel 'lap' on the pipe."[55] According to Crane, such lap joint flanges are not wetted by, or in contact with, fluid of the pipe or form the sealing surface, unlike the types of

[51] *See* Draft Results of Redetermination Pursuant to Court Order: *MCC Holdings dba Crane Resistoflex v. United States and Anvil International*, Court No. 18-00248 (CIT January 7, 2020) (*Draft Results*).
[52] *See* Crane's Letter, "Non-Malleable Cast Iron Pipe Fittings from China: Ductile Iron Lap Joint Flanges, Scope Request," dated March 13, 2020 (Crane's Comments on Draft Results).
[53] *Id.* at 5.
[54] *Id.* at 4.
[55] *Id.* at 6.

fittings listed in the first paragraph of the scope (*i.e.*, elbows, ells, tees, crosses, reducers, and flanged fittings).[56]

**Commerce's Position:**

We disagree with Crane. The first paragraph of the scope states that "subject fittings include elbows, ells, tees, crosses, and reducers as well as flanged fittings."[57] The word "include" indicates that the scope lists types of products that are covered, but does not limit coverage to only those products. Furthermore, the scope states that subject pipe fittings are "normally produced to ASTM A-126 and ASME B.16.4 specifications and threaded to ASME B1.20.1 specifications. Most building codes require that these products are Underwriters Laboratories (UL) certified."[58] The words "normally produced to" indicate that the scope does not require that all subject fittings meet the specifications listed in the scope. In fact, Crane acknowledges this fact in its comments.[59] Therefore, Crane's argument that a lack of reference to flanges in the scope means they are not covered, or that subject fittings must meet the specifications listed in the scope, is not accurate, because the list of items covered by the scope, included in the first paragraph, is a non-exhaustive list.

We also disagree with Crane's contention with regard to Commerce's analysis of ductile iron fittings per the physical criteria in the scope. Commerce considers the entire written description of the scope of the *Order*. Accordingly, in conducting an analysis of whether a particular ductile iron product meets the physical characteristics of the gray or cast iron pipe fittings in the first paragraph of the scope, we first evaluate those physical characteristics (*i.e.*,

[56] *Id.*
[57] *See Order*.
[58] *Id*.
[59] *See* Crane's Comments on Draft Results at 6 (stating that in "its Final Scope Ruling, Commerce dismisses the importance of these factors because the scope language does not require fittings be produced to the specifications listed above.").

material and diameter requirements), as well as whether the fittings in question meet any of the exclusions in the scope. The plain language of the scope clearly does not require that in-scope fittings meet certain ASME standards and the mechanical properties set by certain ASTM specifications listed in the scope, or be UL certified. Moreover, nothing in our analysis of Crane's flanges suggests that we limited our evaluation of ductile iron fittings to the diameter requirements of the scope.

Additionally, nothing in the scope of the *Order* compels that subject fittings be in contact with the fluid in a pipe to which they connect or directly form the sealing surface in a pipe assembly. The scope language also does not exclude fittings that are designed to be assembled around the outside portion of a pipe. Similarly, neither the ITC Report nor the Petition discusses any such requirements for subject fittings. Therefore, we do not find that the position of Crane's flanges within an assembly that connects two pipe bores removes Crane's flanges from the scope. Furthermore, we do not find that the characteristic of being "wetted" by the fluid of a pipe is relevant for the purpose of this scope determination pursuant to (k)(1) factors.

**Issue 2: Whether Ductile Iron Lap Joint Flanges Meet the Requirements Listed in the Second Paragraph of the Scope**

**Crane's Comments:**

Crane asserts that Commerce did not address Crane's argument that its flanges do not fit the remainder of the descriptions contained within the second paragraph of the scope, because the flanges are not produced to ASME B.16.3, ASME B.16.4, or ASTM A-395, are not threaded to ASME B1.20.1, and are not UL certified.[60]

[60] *Id*. at 7.

**Commerce's Position:**

We do not agree with Crane's interpretation of the scope language. Specifically, the second paragraph of the scope of the *Order* states the following:

> Fittings that are made out of ductile iron that have the same physical characteristics as the gray or cast iron fittings subject to the scope above or which have the same physical characteristics and are produced to ASME B.16.3, ASME B.16.4, or ASTM A-395 specifications, threaded to ASME B1.20.1 specifications and UL certified, regardless of metallurgical differences between gray and ductile iron, are also included in the scope of this petition.[61]

Ductile iron fittings are covered under this scope if they either meet the physical characteristics of the gray or cast iron fittings listed in the first paragraph of the scope, or in addition to meeting those characteristics, they are produced to ASME B.16.3, ASME B.16.4, or ASTM A-395 specifications, threaded to ASME B1.20.1 specifications, and are UL certified. In other words, the plain language of the scope does not require that in-scope ductile iron fittings meet certain ASME standards and the mechanical properties set by the ASTM specifications. Rather, it makes clear that whether or not they meet those standards and specifications, they are included in the scope if they have the physical characteristics outlined in the first paragraph of the scope.

As discussed above, we have established that Crane's ductile iron lap joint flanges meet the description of pipe fittings contained in the first paragraph of the scope. Specifically, we found that Crane's flanges meet the physical characteristics of the fittings listed in the first paragraph because they are a type of pipe fitting with an inside diameter between 1/4 inch and 6 inches. Moreover, the first paragraph of the scope states that fittings are covered "regardless of industry or proprietary specifications."[62] Therefore, there is no need to determine whether

[61] *See Order*.
[62] *Id*.

Crane's flanges are produced to ASME B.16.3, ASME B.16.4, or ASTM A-395 specifications, threaded to ASME B1.20.1 specifications, or are UL certified.

Additionally, Crane's flanges do not meet any of the exclusions listed for either cast iron fittings or ductile iron fittings. The scope excludes grooved fittings, and only excludes ductile iron with mechanical joint ends, or push on ends, or flanged ends that are made to either AWWA C110 or AWWA C153 specifications.[63] The scope contains no language regarding the exclusion of products meeting any other specifications. Accordingly, Crane's flanges do not meet any of the exclusions in the scope of the *Order*.

**Issue 3: Whether Commerce's Scope Ruling Is Supported by Evidence from the Petition**

**Crane's Comments:**

Crane notes that, in Commerce's New Factual Information Memorandum, it placed certain excerpts of the Petition and not the entire document on the record.[64] Thus, according to Crane, Commerce's reliance on the Petition in the draft results of redetermination does not constitute substantial evidence.[65] Nevertheless, Crane argues that the fact that flanges are not by themselves referenced anywhere in the narrative portion of the Petition indicates that they were not intended to be considered part of the scope.[66]

According to Crane, the Anvil and Ward product brochures that are included in the Petition do not establish that flanges were intended to be covered by the scope of the *Order* for multiple reasons. First, Crane claims that there is no indication that the product brochures

[63] *Id*.
[64] *See* New Factual Information Memorandum at Attachment I.
[65] *See* Crane's Comments on Draft Results at 7.
[66] *Id*. at 7-8.

include only merchandise that was intended to be subject to the *Order*.[67] Second, Crane notes that the only references to flanges in Ward's product brochure is in the table of contents.[68] The table of contents for Ward's product brochure states that "Section 6" of the product brochure is for "Cast Iron Pipe Fittings Class 125" while "Section 7" is for "Flanges, Flange Unions, Companion Flanges, Flanged Fittings."[69] Crane argues that the fact that the petitioners did not include in the Petition "Section 7 – Flanges, Flange Unions, Companion Flanges, Flanged Fittings" demonstrates that the petitioners never intended for flanges to be within the scope of the *Order*.[70]

Crane also asserts that even if Anvil intentionally included "flanged union gaskets" and "floor flanges" among the products it considers to be in the scope, these flanges are different from Crane's ductile iron lap joint flanges.[71] In contrast to Crane's flanges, Anvil's flange union gaskets and floor flanges are produced to ASME B.16.4 or ASME B.16.3, respectively, and are UL certified.[72] Furthermore, Crane notes that Anvil's flanged union gasket comes assembled with a gasket, which distinguishes it from Crane's flanges, which are imported only as a flange.[73]

Additionally, Crane references Commerce's New Factual Information Memorandum, which included a document published by CBP, titled "What Every Member of the Trade Community Should Know About: Classification and Marking of Pipe Fittings Under Heading 7307."[74] Crane contends that Commerce impermissibly placed this document on the record and

[67] *Id*. at 8.
[68] *Id*.
[69] *Id*.
[70] *Id*.
[71] *Id*. at 9.
[72] *Id*.
[73] *Id*.
[74] *See* New Factual Information Memorandum at Attachment II.

that it is reasonable to conclude that Commerce used this document to inform its decision.[75] Crane also argues that since this document was not included in the Petition, it has limited persuasive value as evidence that the Petition was intended to include flanges.[76] Moreover, Crane asserts that this document is merely a description of products that fall within the HTS subheading for 7307, and references both subject and non-subject merchandise.[77] According to Crane, simply because flanges are listed as products that fall under the subheading 7307 does not render them pipe fittings subject to the *Order*.[78]

Finally, Crane notes that according to the Petition, "virtually all subject fittings are used in fire protection systems and steam heat conveyance systems,"[79] whereas Crane stated that its flanges "are not used in fire protection or heat conveyance systems. Rather, Crane's flanges are used with pipe with plastic linings."[80] Crane claims that Commerce ignored the statement in the Petition that "virtually all" subject fittings are used for fire protection and steam heat conveyance systems and focused on the fact that there are "other uses" in which subject fittings may be employed.[81] According to Crane, nothing in the Petition suggests that these "other uses" include process piping primarily for the chemical process industry.[82] Crane also notes that the Petition states that the scope "covers all non-malleable cast iron pipe fittings meeting the physical description set forth in subsection 1 above when used or intended for use in the non-malleable cast iron pipe fittings applications listed in subsection 2 above, regardless of specification."[83]

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[75] *See* Crane's Comments on Draft Results at 9-10.
[76] *Id*. at 10.
[77] *Id*.
[78] *Id*.
[79] *Id*. at 11.
[80] *Id*.
[81] *Id*.
[82] *Id*.
[83] *Id*.

Crane also argues that Commerce has speculated that Crane's flanges may be suitable for uses other than process piping, but this is not the case.[84]

**Commerce's Position:**

We disagree with Crane. On January 17, 2020, Commerce placed certain relevant portions of the Petition on the record of this proceeding.[85] Much of the Petition is not relevant to the scope of the *Order*. As an initial matter, we note that, pursuant to 19 CFR 351.225(k)(1), we have relied on the portions of the Petition that we placed on the record in our analysis in both the *Draft Results* and final results of this redetermination. Contrary to Crane's assertion, the fact that we placed particular excerpts of the Petition on the record does not establish that we disregarded any relevant portions of the Petition. In fact, Crane has provided no record evidence to establish that we disregarded certain portions of the Petition.

Evidence from the Petition indicates that the petitioners intended to cover flanges in the scope of the *Order*. Specifically, Exhibit 2 of the Petition contains product brochures from Anvil and Ward,[86] and both brochures reference flanges as a type of pipe fitting.[87] Anvil's brochure lists a "flange union gasket" and a "floor flange" as types of pipe fittings.[88] Ward's brochure lists "flanges," "flange unions," and "companion flanges " as types of pipe fittings.[89] Based on the record, we determine that substantial record evidence in the Petition indicates that flanges are a type of pipe fitting subject to the scope of the *Order*.

Although it is true that the Petition only includes "Section 6" of Ward's product brochure and not "Section 7," we disagree with Crane's contention that this demonstrates that the

[84] *Id*. at 11-12.
[85] *See* New Factual Information Memo at Attachment I.
[86] *Id*.
[87] *Id.* (Petition at Exhibit 2).
[88] *Id*.
[89] *Id*.

petitioners never intended for flanges to be within the scope of the *Order*. The scope specifically covers flanged fittings, and yet, flanged fittings are not among the items listed in "Section 6" but are rather listed in "Section 7." However, the lack of inclusion of "Section 7" from the Petition is not an indication that the products listed in "Section 7" are not covered by the scope. Nevertheless, the cover page of Ward's product brochure, titled "PIPE FITTINGS," demonstrates that Ward classifies all the products listed in its table of contents, including flanges, as pipe fittings.[90] Similarly, the first page of Anvil's product brochure, titled "PIPE FITTINGS – Steel, Cast Iron, Malleable," demonstrates that Anvil classifies all the products listed in its product brochure, including flanges, as types of pipe fittings.[91] The products listed in these brochures that meet the criteria of the plain language of the scope were accordingly considered by the petitioners to be subject to the *Order* at the time the Petition was filed. Therefore, based on record evidence, we have determined that both of the petitioners in the original investigation on non-malleable cast iron pipe fittings from China intended for flanges to be considered types of pipe fittings, and thus, such products are subject to the scope of the *Order*.

To Crane's argument about whether Anvil's flanged union gaskets and floor flanges are the types of flanges covered by the scope, we find that the use to which a flange is put is not relevant. The relevant analysis is of the physical characteristics, as defined by the scope. In conducting our analysis, we first reviewed the Petition to understand whether the Petition meant for flanges to be considered a type of pipe fitting. Second, based on our analysis, as stated above, we found that flanges are a type of pipe fitting. The product brochures in the Petition establish that the petitioners considered flanges to be a type of pipe fitting.[92] Moreover, there is

[90] *Id.*
[91] *Id.*
[92] *Id.*

nothing in the scope that states that only fittings produced to ASME B.16.4 or ASME B.16.3 and that are UL certified are covered by the scope. Therefore, even though Crane's flanges are not produced to ASME B.16.3 or ASME B.16.4 and are not UL certified, they are, nevertheless, covered by the scope because they are pipe fittings that meet the physical dimensions of the scope.

With regard to subject merchandise use identified in the Petition, Crane is correct that the only two uses specifically named in subsection 2 are fire protection systems and steam heat conveyance systems.[93] However, subsection 2 also acknowledges that there are "other uses" that account for a small percentage of subject fittings.[94] Notwithstanding, Commerce's (k)(1) analysis generally does not take end use into account. Consequently, we have not limited our analysis of Crane's products to use and have not limited our analysis of the plain language of the scope to use in any other prior scope rulings. While we have relied on the definition of pipe fittings provided in the ITC Report, which references the purpose of said fittings in a pipe assembly, we have not limited our analysis to this definition. Likewise, Commerce has not limited our (k)(1) analysis based on the industries in which subject fittings may be used. Moreover, even if we accept that Crane's flanges can only be used for process piping, as discussed above, Crane's flanges are within the scope of the *Order* by virtue of the physical description of subject merchandise in the scope language.

Finally, we stated in the *Draft Results* that we were not relying on the CBP document included in our New Factual Information Memorandum because that information is outside the

[93] *Id.* (Petition at 4).
[94] *Id.*

scope of 19 CFR 351.225(k)(1).[95] Likewise, in our analysis of Crane's flanges for this final results of redetermination, we have continued to not rely on the CBP document.

**Issue 4: Whether Commerce's Scope Ruling Is Supported by Evidence from the ITC**

**Crane's Comments:**

Crane asserts that its flanges are not used to connect pipe bores, and notes that the Court in *Star Pipe* held that Commerce's reliance on the statement in the ITC Report that pipe fittings "connect a pipe to another apparatus" was not supported by substantial evidence.[96] Additionally, Crane argues that the ITC's discussion of "floor flanges" in the ITC Report is a passing reference that is insufficient to support Commerce's determination that Crane's ductile iron lap joint flanges are in-scope pipe fittings.[97] Specifically, Crane claims that there is nothing to suggest that the ITC is referring to the flange alone, as opposed to a floor flange that is modified with a fitting.[98] Crane also claims that unlike its ductile iron lap joint flanges, floor flanges are included in the *Order* because they conform to certain standards listed in the scope.[99] Lastly, Crane argues that the ITC's reference to floor flanges indicates that the remaining other uses for subject fittings (beyond fire protection systems and steam heat conveyance systems) include use in industrial plants and applications such as conveying paint or molasses and to affix pipes as railings to floors or other surfaces.[100] According to Crane, the ITC Report does not list process piping as a use for subject fittings, and Crane's flanges are not used in any of the uses for subject fittings identified in either the ITC Report or the Petition.[101]

[95] *See Draft Results* at 12.
[96] *See* Crane's Comments on Draft Results at 12 (citing *Star Pipe* at 14-15).
[97] *Id*. at 13.
[98] *Id*.
[99] *Id*.
[100] *Id*.
[101] *Id*. at 14.

**Commerce's Position:**

We disagree with Crane. The purpose of Crane's flanges is to modify pipes in such a way as to enable their connection to other pipes or other objects within a piping system. Commerce has relied on the ITC's definition of pipe fitting to determine what constitutes a pipe fitting. In the ITC Report, the ITC stated that pipe fittings "generally are used to connect the bores of two or more pipes or tubes, connect a pipe or another apparatus, change the direction of fluid flow, or close a pipe."[102] Based on our analysis and record evidence, Crane's flanges function as pipe fittings, as defined by the ITC.

The ITC also stated that "subject imports include non-malleable cast iron pipe fittings as well as certain ductile cast iron pipe fittings, such as those that can be used in traditionally non-malleable pipe fitting applications."[103] The Court in *Star Pipe* interpreted this statement to mean that subject ductile iron fittings are only those that are used in traditionally non-malleable pipe fitting applications.[104] However, we disagree with this interpretation. The presence of the word "include" indicates that subject ductile pipe fittings are not limited only to those that are used in traditionally non-malleable pipe fitting applications. Additionally, the footnote in the ITC Report to which Crane refers states that "{*s*}*ome* of these other uses include use in industrial plants. … *Another* use for these non-malleable flanged fittings is as so-called floor flanges … ."[105] The language in this footnote of the ITC Report clearly indicates that the uses for subject non-malleable cast iron fittings listed therein are merely examples and not exhaustive, as Crane claims. Additionally, the fact that the source of the information in this footnote was deleted from

[102] *See* ITC Report at 4.
[103] *Id*.
[104] *See Star Pipe* at 11.
[105] *See* ITC Report at I-6, footnote 28 (emphasis added).

the public version of the ITC Report to not reveal confidential operations indicates that there may be other proprietary uses or industries in which subject fittings are used.[106] Therefore, based on record evidence, Crane's ductile iron lap joint flanges are covered by the scope, despite the fact that they are not used in traditional non-malleable pipe fitting applications listed in the ITC Report.

**Issue 5: Whether All Ductile Iron Flanged Fittings and Flanges are Excluded from the Scope of the Order**

**Crane's Comments:**

Crane, citing to issues the Court raised in *Star Pipe*, argues that since the ITC stated that ductile iron flanged fittings are excluded from the scope of the *Order*, ductile iron flanges should also be excluded.[107] According to Crane, there is no record evidence in this case that the domestic ductile iron flange industry was ever investigated by the ITC.[108] Consequently, Crane argues that where the product subject to a scope request is entirely distinct from the industry investigated in the ITC's material injury investigation, Commerce may not make an affirmative scope ruling.[109] Crane claims that Commerce fails to provide a compelling explanation as to why ductile iron flanged fittings would be excluded from the scope of the *Order* but ductile iron flanges would not also be excluded.[110] Additionally, Crane contends that Commerce's disagreement with the ITC's interpretation of the exclusionary language in the scope pertaining to ductile flanged fittings is irrelevant to the instant case.[111]

[106] *Id*. at I-6, n.28, and iv, stating "{i}nformation that would reveal confidential operations of individual concerns may not be published and therefore has been deleted from this report. Such deletions are indicated by asterisks."
[107] *See* Crane's Comments on Draft Results at 15 (citing *Star Pipe* at 14-16).
[108] *Id*. at 14.
[109] *Id*. at 16.
[110] *Id*.
[111] *Id*. at 14.

**Commerce's Position:**

We disagree with Crane's argument that because the ITC excluded ductile flanged fittings from its analysis, ductile flanges should also be excluded from the scope of the *Order*. While Crane is correct that the ITC did not investigate ductile flanged fittings in its investigation of non-malleable cast iron pipe fittings from China, Commerce has always maintained that flanged fittings are distinct from flanges. A flanged fitting, according to the ITC, is "cast with an integral rim, or flange, at the end of the fitting."[112] Therefore, a flanged fitting is a fitting that is cast with a flange at the end. In contrast, a flange is a piece of metal with a hole in it, that attaches onto a pipe, and has additional holes drilled into it that allow for its attachment to other pipes and fittings.[113] An individual flange is not cast together with something else.[114] Therefore, flanges and other fittings together are not included in the definition of "flanged fittings."

Having established that a flange is a type of fitting, separate from a flanged fitting, we note that Crane has provided no evidence demonstrating that the ITC excluded flanges from its analysis in its investigation. Thus, the fact that the ITC did not include ductile iron flanged fittings in the domestic like product does not mean that ductile iron flanges were similarly excluded from the like product analysis. Moreover, ductile iron fittings were included in the ITC's like product analysis in its investigation and Crane's flanges are a type of ductile iron fitting.

Finally, we disagree with Crane's contention that the fact that the ITC's interpretation of ductile iron flanged fittings is contradicted by the plain language of the scope is irrelevant. The scope of the *Order* covers fittings such as elbows, tees, crosses, and flanged fittings. The scope

[112] *See* ITC Report at I-9.
[113] *See, e.g.*, Crane's Scope Request at 2 and diagrams of flanges that are depicted in Crane's SQR at Exhibit 2.
[114] *Id.*

also includes ductile iron fittings that have the same physical characteristics as the gray or cast iron fittings subject to the scope. The scope excludes ductile iron fittings with flanged ends that are produced to AWWA C110 or AWWA C153. While the scope excludes certain flanged fittings or fittings with flanged ends, it does not say anything about flanges. The only exclusion for ductile iron flanged fittings expressed in the scope are for those that are produced to AWWA C110 or C153 specifications.[115] Specifically, the scope of the *Order* states that "{d}uctile cast iron fittings with … flanged ends *and* produced to the American Water Works Association (AWWA) specifications AWWA C110 or AWWA C153 are not included."[116]

Further, the written description of the scope of the *Order* is dispositive, and once the language of an order is set, except in very limited circumstances, the order's language – including its scope – cannot be changed. The *Order* cannot be interpreted based on the (k)(1) sources to exclude merchandise plainly covered by the scope language. Accordingly, it is improper to conclude that all ductile iron flanges are excluded from the scope of the *Order* based on the ITC's interpretation of the scope with regards to all ductile iron flanged fittings, because the ITC did not address whether ductile iron flanged fittings that are not produced to AWWA C110 or AWWA C153, or not produced to any AWWA standard, would be included in the *Order*.

**Issue 6: Whether Commerce's Scope Ruling Is Supported by Commerce's Prior Scope Rulings**

**Crane's Comments:**

Crane argues that Commerce's determination is not supported by certain prior scope rulings, as the ductile iron flanges and flanged fittings investigated in the *Taco Ruling*, *Napac*

[115] *See Order*.
[116] *Id.* (emphasis added).

*Ruling*, and *UV Ruling* are distinct from Crane's flanges.[117] According to Crane, because none of these scope rulings were appealed, there is no way to determine if they were based on substantial evidence or otherwise lawful.[118] Crane, therefore, asserts that the record of each case must stand and be reviewed on its own and Commerce must address Crane's arguments that its flanges are not in scope.[119]

**Commerce's Position:**

We disagree with Crane's argument that Commerce is subverting judicial review by citing past scope rulings. It is true that Commerce treats the facts of each case on their own merit, as we have done in these *Final Results*. However, while we did cite to prior scope rulings to support our findings, we have not relied on those prior scope rulings to determine how to interpret the scope of the order. In the instant proceeding, we have analyzed record evidence of the physical characteristics of Crane's ductile iron lap joint flanges and found the physical characteristics of said merchandise meet the description of subject merchandise under the scope of the *Order* and do not meet any of the exclusions listed in the scope of the *Order*. We have also addressed all of Crane's arguments and have explained why we find that those arguments are without merit. Thus, Commerce has relied on record evidence relevant to its analysis of the scope question presented in this case to determine whether Crane's flanges are covered by the scope, pursuant to 19 CFR 351.225(k)(1).

[117] *See* Crane's Comments on Draft Results at 16-17.
[118] *Id*.
[119] *Id*.

**Issue 7: The Documents Placed on the Record by Anvil in Response to Commerce's New Factual Information Memorandum**

**Crane's Comments:**

Crane notes that the documents provided by the petitioner in response to Commerce's New Factual Information Memorandum do not support a finding that Crane's ductile iron lap joint flanges are within the scope.[120]

**Commerce's Position:**

In making our determination that Crane's ductile iron lap joint flanges are within the scope of the *Order*, we have only considered the (k)(1) sources, *i.e*., the descriptions of the merchandise contained in the Petition, the initial investigation, and the determinations of the Secretary (including prior scope determinations) and the ITC Report. While the petitioner did place new factual information on the record before our draft results of redetermination, we have not used this information in our determination.

[120] *Id*. at 17-18.

## V. FINAL RESULTS OF REDETERMINATION

Based on the above analysis, Commerce continues to find Crane's ductile iron lap joint flanges to be subject to the scope of the antidumping duty order on non-malleable cast iron pipe fittings from the People's Republic of China.

4/2/2020

X 

Signed by: JEFFREY KESSLER

Jeffrey I. Kessler
Assistant Secretary
for Enforcement and Compliance