

Final Results of Redetermination Pursuant to Court Remand
Certain Malleable Iron Pipe Fittings from the People’s Republic of China
Atkore Steel Components, Inc., v. United States
Court No. 17-00077, Slip Op. 18-52 (CIT May 15, 2018)

I. Summary

The Department of Commerce (Commerce) has prepared these final results of redetermination pursuant to the remand order of the U.S. Court of International Trade (CIT or the Court) in *Atkore Steel Components, Inc., v. United States*, Court No. 17-00077, Slip Op. 18-52 (CIT May 15, 2018) (*Atkore Steel*). This action arises out of Commerce’s Scope Ruling¹ concerning whether Atkore Steel Components, Inc.’s, (Atkore) cast iron electrical conduit articles (electrical conduit articles) are encompassed within the antidumping duty *Order*² on malleable iron pipe fittings (MIPF) from the People’s Republic of China (China).

In *Atkore Steel*, the CIT remanded Commerce’s determination in its Scope Ruling “to assess the factors set forth in 19 C.F.R. § 351.225(k)(1) indicated in Atkore’s Scope Request, including Atkore’s evidence of alleged physical differences between its conduit fittings and the products subject to the Antidumping Order.”³ The Court also ordered that Commerce “shall take additional steps in accordance with the foregoing reasoning, including initiation of a formal scope inquiry and consideration of 19 C.F.R. § 351.225(k)(2) factors, if necessary.”⁴

¹ See Memorandum, “Antidumping Duty Order on Malleable Cast Iron Pipe Fittings from the People’s Republic of China, Final Scope Ruling Concerning Cast Iron Electrical Conduit Articles,” dated March 16, 2017 (Scope Ruling).

² See *Antidumping Duty Order: Certain Malleable Iron Pipe Fittings from the People’s Republic of China*, 68 FR 69376 (December 12, 2003) (*Order*).

³ See *Atkore Steel* at 17.

⁴ *Id.*

Consistent with the court's holding that the scope language is ambiguous, Commerce conducted an analysis of the (k)(1) sources at the court's direction, but under respectful protest.⁵ Upon further analysis of the merchandise under consideration, and based on various 351.225(k)(1) sources on the record, we find that the record supports a determination that electrical conduit articles are outside the scope of the *Order*.

On June 22, 2018, we released the draft results of redetermination pursuant to remand to all interested parties, in which we provided all parties the opportunity to comment.⁶ Our redetermination analysis, as provided to interested parties and materially unchanged from the Draft Results, is provided below in Section IV, "Analysis." On June 27, 2018, Atkore provided comments on the Draft Results.⁷ No other interested party submitted comments on the Draft Results. All affirmative comments are addressed below in Section V, "Interested Party Comments."

II. Scope of the *Order*

The products covered by the *Order* are certain malleable iron pipe fittings, cast, other than grooved fittings, from the PRC. The merchandise is currently classifiable under item numbers 7307.19.90.30, 7307.19.90.60, 7307.19.90.80, and 7326.90.85.88⁸ of the Harmonized Tariff Schedule of the United States (HTSUS). Excluded from the scope of the *Order* are metal compression couplings, which are imported under HTSUS number 7307.19.90.80. A metal compression coupling consists of a coupling body, two gaskets, and two compression nuts.

⁵ See *Viraj Group, Ltd. v. United States*, 343 F.3d 1371, 1376 (Fed. Cir. 2003) (*Viraj*).

⁶ See Draft Results of Redetermination Pursuant to Court Remand, Certain Malleable Iron Pipe Fittings from the People's Republic of China, *Atkore Steel Components, Inc., v. United States*, Court No. 17-00077, Slip Op. 18-52 (CIT May 15, 2018), dated June 22, 2018 (Draft Results).

⁷ See Atkore's Letter, "Malleable Cast Iron Pipe Fittings from the People's Republic of China: Atkore Steel Component Inc.'s Comments on Draft Remand Results," dated June 27, 2018 (Draft Results Comments).

⁸ See memorandum, "Request from Customs and Border protection to update AD/CVD Module," dated August 2, 2013. At the request of Customs and Border Protection, HTS number 7326.90.85.88 was added to the ACE module for MIPF.

These products range in diameter from ½ inch to 2 inches and are carried only in galvanized finish. Although HTSUS subheadings are provided for convenience and customs purposes, the Department’s written description of the scope of this proceeding is dispositive.

III. Background

In the Scope Request, Atkore asked Commerce to determine that the products at issue, electrical conduit articles, were not within the scope of the *Order*.⁹ Atkore argued that its electrical conduit articles are only intended for use in enclosing and protecting electrical wires, rather than the fluid and gas applications intended for MIPF and covered by the scope of the *Order*. Atkore stated that its conduit articles are generally installed by electricians, whereas MIPF is normally installed by plumbers, pipefitters, or steamfitters and, as such, the different articles have completely different end users.¹⁰ To support its contention that the scope of the *Order* was exclusively intended to cover fittings for piping systems that convey fluid and/or gas (and, thus, not for fittings produced to electrical uses and standards), Atkore cited the Petition and an amendment to the Petition,¹¹ which state that:

- “{T}he principle uses of malleable iron pipe fittings {i.e. the subject merchandise} are in gas lines, piping systems of oil refineries, and gas and water systems of buildings.”¹²
- “Malleable iron fittings are produced to the American Society for Testing and Materials (ASTM) standard A-126(A) for production material and produced in accordance with {American Society of Mechanical Engineers (ASME)} for dimensions and pressure rating.”¹³
- “Malleable pipe fittings have a minimal performance rating of 150 PSI for the standard pressure class, and 300 PSI for the heavy-duty pressure class.”¹⁴

⁹ See Atkore’s Letter, “Scope Ruling Request: Malleable Cast Iron Pipe Fittings from the People’s Republic of China (A-570-881),” dated October 4, 2016 (Scope Request).

¹⁰ See Scope Request at 2.

¹¹ See “Petition for the Imposition of Antidumping duties: Malleable Iron Pipe Fittings from China,” dated October 30, 2002 (Petition), as provided at Exhibit 8 of the Scope Request.

¹² See Scope Request at Exhibit 8 (Petition).

¹³ *Id.* (Petition).

¹⁴ *Id.* (Petition and Amended Petition).

Atkore argued that, in contrast to subject MIPF, electrical conduit articles are not used in liquid or gas systems, are not produced to ASTM A-126(A) standards and do not have any pressure retaining purpose or tensile strength performance. Thus, electrical conduit articles are entirely different products from covered MIPF.¹⁵

On March 16, 2017, Commerce issued its Scope Ruling, finding that electrical conduit articles were subject to the scope of the *Order*. Commerce considered Atkore's arguments, but found that there was no mention of usage in the plain language of the scope of the *Order*. Thus, Commerce determined electrical conduit articles to be included within the scope based on a comparison of the description of the product contained in Atkore's Scope Request and the plain language of the scope of the *Order*.¹⁶

On May 12, 2017, Atkore filed a complaint with the CIT asking for a review of Commerce's Scope Ruling. On May 15, 2018, the CIT remanded the scope ruling on two grounds. First, the CIT held that Commerce's determination was incorrect with regard to its finding that the scope language in the *Order* was unambiguous. Second, the Court held that Commerce's substantive conclusions responding to Atkore's arguments about the 19 CFR 351.225(k)(1) sources were unsupported by substantial evidence.

The Court stated that generally, "Commerce's inquiry must begin with the order's scope to determine whether it contains an ambiguity and, thus, is susceptible to interpretation."¹⁷ "If the scope is unambiguous, it governs."¹⁸ Here, the Court found the *Order's* scope language ambiguous, holding that "{i}t is not clear from the terms of the Order that all non-grooved cast

¹⁵ See Scope Request at 5-7.

¹⁶ See Scope Ruling at 4-5.

¹⁷ See *Meridian Prods., LLC v. United States*, 851 F.3d 1375, 1381 (Fed. Cir. 2017).

¹⁸ *Id.*

iron pipe fittings, regardless of physical differences, fall within ‘certain malleable iron pipe fittings, cast, other than grooved fittings.’¹⁹ The Court also found that the term “pipe” is “broad,” that it was “undefined within the scope of the Antidumping Order,” and that it is reasonably subject to interpretation.²⁰

Upon holding that the scope language in the *Order* was ambiguous, the Court proceeded to find that Atkore presented Commerce with evidence of allegedly relevant physical differences between MIPF and electrical conduit articles.²¹ The Court specifically noted language in the petition indicating that “{m}alleable pipe fittings have a minimal performance rating of 150 PSI for the standard pressure class, and 300 PSI for the heavy duty pressure class.”²² The Court remanded the case “for Commerce to assess the factors set forth in 19 C.F.R. § 351.225(k)(1) indicated in Atkore’s Scope Request, including Atkore’s evidence of alleged physical differences between its conduit fittings and the products subject to the Antidumping Order.”²³

IV. Analysis

In evaluating a request for a scope ruling, Commerce examines the scope language of the order at issue and the description of the product contained in the scope request.²⁴ The scope language of the order is provided in the “Scope of the *Order*” section, above. The products subject to the underlying scope proceeding, as described by Atkore, are “cast iron electrical conduit articles” (*i.e.*, conduit bodies, conduit nipples, and conduit couplings and connectors) that are intended to enclose and protect electrical wires in various locations.²⁵ Atkore explains

¹⁹ See *Atkore Steel* at 11.

²⁰ *Id.*

²¹ *Id.* at 15.

²² *Id.* at 14.

²³ *Id.* at 17.

²⁴ See *Walgreen Co. v. United States*, 620 F.3d 1350, 1357 (Fed. Cir. 2010).

²⁵ See Scope Request at 1-2.

that all of these articles meet electrical standards for conduit. Electrical conduit bodies range in size from 4 inches to ½ inch in diameter, meet Underwriters Laboratories (UL) safety standards 514A, and may include electrical box-fill information.²⁶ UL 514B safety standards²⁷ apply to conduit nipples, couplings, and connectors.²⁸ Products covered by this standard are intended for installation in accordance with the National Electric Code (NEC), NFPA 70, the Canadian Electric Code (CEC), Part I, and the Standard for Electrical Installations, NOM-001-SEDE.²⁹ Atkore further states that no electrical conduit body, nipple, coupling or connector is suitable for use in oil, gas, or sprinkler applications. This is true because electrical conduit articles are not designed to keep liquids or gas in or to withstand pressure and temperature changes typical of oil, gas, or sprinkler applications.³⁰

Although 19 CFR 351.225(k)(1) directs Commerce to examine information, including the description of the merchandise contained in the petition, the initial investigation and the determinations by Commerce (including prior scope determinations) and the ITC (the (k)(1) analysis), the underlying Scope Ruling found that, “pursuant to 19 CFR 351.225(d) and 351.225(k), the description of the product and the scope language are, together, dispositive as to whether the electrical conduit articles at issue are subject merchandise.”³¹ Furthermore, Atkore did not argue that its products fell into any exclusions and did not demonstrate any ambiguity in the language of the scope with respect to these products that further supported its request for exclusion from the *Order*.³² Therefore, Commerce determined that electrical conduit articles fell

²⁶ *Id.* at 2-3, Exhibit 1 and 4.

²⁷ *Id.* at Exhibit 6.

²⁸ *Id.* at 3-4.

²⁹ *Id.* at Exhibit 6.

³⁰ *Id.* at 2-4.

³¹ *See* Scope Ruling at 4.

³² *Id.* at 6.

within the plain language of the scope of the *Order*.³³ As noted above, the Court disagreed, finding in *Atkore Steel* that the language of the *Order* was ambiguous with respect to whether the electrical conduit articles specified in the request were covered by the scope. As an initial matter, we respectfully disagree with the Court’s ruling in Section II of *Atkore Steel* in finding that the scope language of the *Order* was ambiguous. However, pursuant to the Court’s holding that the term “pipe” is “broad” and “undefined” and that there is a lack of clarity regarding the *Order*’s scope language, Commerce is conducting an analysis under 19 CFR 351.225(k)(1).

Therefore, we have assessed the sources set forth in 19 CFR 351.225(k)(1) indicated in Atkore’s Scope Request, as well as evidence of alleged physical differences between the conduit fittings requested upon and the products subject to the *Order*. As a result, we find that the electrical conduit articles specifically requested upon by Atkore fall outside the scope of the *Order*.

First, we have reassessed Atkore’s electrical conduit fittings, paying particular attention to the physical characteristics thereof, in light of the Court’s order. We note that the original Petition stated that MIPF are generally used where shock and vibration resistance are required and where fittings are subject to quick temperature changes.³⁴ The principle uses of MIPF as stated in the Petition, are in gas lines, piping systems of oil refineries, and gas and water systems of buildings.³⁵ MIPF “are produced to the American Society for Testing and Materials (ASTM) standard A-126(A) for production material and produced in accordance with ASME for dimensions and pressure rating.”³⁶ Further, malleable pipe fittings “have a minimal performance

³³ *Id.*

³⁴ *See* Scope Request at Exhibit 8.

³⁵ *Id.*

³⁶ The ASTM A-126(A) standard further requires certain tensile strength and appropriate chemical specifications.

rating of 150 PSI for the standard pressure class, and 300 PSI for the heavy-duty pressure class.”³⁷ The amended scope of the Petition further clarifies the standards to which MIPF is produced, specifically, ASME standards B16.3 or B16.39,³⁸ which are produced in 150 to 300 class PSI.³⁹ Additionally, the abstract to ASTM A-126(A) makes clear that tensile strength is a crucial measure for fittings intended for use as valve, pressure retaining parts, pipe/fittings, and flanges.⁴⁰ The abstract states that “tension test shall be conducted on each class of gray iron castings and shall conform to specified values of tensile strength.”⁴¹

Furthermore, we reviewed the ITC report⁴² which provided the following description of MIPF: “{p}ipe fittings are generally used for connecting the bores of two or more pipes or tubes, connecting a pipe to some other apparatus, and changing the direction of fluid flow.”⁴³ The ITC report also stated that “{m}alleable fittings are produced for the U.S. market to three separate, uniform specifications: a material specification (ASTM), a dimensional specification (ANSI and ASME), and a thread specification. Malleable fittings manufactured in the United States and those manufactured in China that subsequently are sold in the U.S. market meet these standards.”⁴⁴

Accordingly, a re-evaluation of the scope of the *Order* in consideration of the Court’s opinion and the (k)(1) sources above, further informs our understanding of the products covered by the *Order* such that MIPF is built to the above-mentioned standards. Any in-scope product,

³⁷ See Scope Request at Exhibit 8.

³⁸ *Id.*

³⁹ *Id.* at Exhibit 7.2A.

⁴⁰ *Id.* at 5.

⁴¹ *Id.*

⁴² See United States International Trade Commission Investigation No. 731-TA-1021 (Review) Malleable Iron Pipe Fittings from China (ITC Report) dated April 2009 at I-10.

⁴³ *Id.*

⁴⁴ *Id.* at I-14.

intended to be used in the conveyance or retention of liquids or gas, would state that it conforms to those standards.

As such, we have reassessed the merchandise under consideration and considered whether the record supports that Atkore's electrical conduit articles do not meet the above-mentioned standards. We note that Atkore states that no electrical conduit body, nipple, coupling or connector is suitable for use in oil, gas, or sprinkler applications, as electrical conduit articles are not designed to keep liquids or gas in, nor withstand pressure and temperature changes typical of oil, gas, or sprinkler applications.⁴⁵ Atkore also provided evidence on the record that electrical conduit articles are produced and sold in categories based on size and weight and produced to UL514A/B standards.⁴⁶ Additionally, Atkore provided brochures of electrical conduit bodies, that show they typically have a removable plate for access to electrical wiring held within and are often built with rollers to help facilitate the movement of electrical wiring.⁴⁷

As noted above, the principal uses of MIPF, as stated in the Petition, are in gas lines, piping systems of oil refineries, and gas and water systems of buildings. MIPF are also produced in accordance with ASME standards for dimensions and pressure ratings. The Petition repeatedly refers to pressure ratings and tensile strength, but makes no reference to electrical requirements. Further, Atkore has demonstrated on the record that the standards to which electrical conduit articles are built make no mention of pressure ratings at all. Rather they are exclusively focused on products intended for installation in accordance with the National

⁴⁵ *Id.* at 4.

⁴⁶ *Id.* at Exhibit 7.1.

⁴⁷ *Id.* at Exhibits 1.

Electrical Code (NEC), NFPA 70, the Canadian Electrical Code (CEC), Part I, and the Standard for Electrical Installations, NOM-001-SEDE.⁴⁸

Therefore, in accordance with the Court's direction in *Atkore Steel*, we have evaluated Atkore's products in light of the (k)(1) sources discussed above, and agree with Atkore that the electrical conduit articles identified in the request are outside the scope of the *Order*. We make this determination based on the fact that electrical conduit articles are designed to protect the contents from external elements, and are not designed to maintain internal pressure, and make no mention of pressure ratings. Accordingly, should this decision remain unchanged in our final results of redetermination, we intend to notify Customs and Border Protection (CBP) that the following products are not covered by the scope of the *Order*.⁴⁹

Electrical conduit articles (*i.e.*, conduit bodies, conduit nipples, and conduit couplings and connectors) manufactured in China and imported by Atkore, specifically:

- Electrical conduit bodies range in size from 4 inches to ½ inch in diameter, meeting Underwriters Laboratories (UL) safety standards 514A, and including electrical box-fill information.
- Cast iron electrical conduit nipples (*i.e.*, pieces which extend a run of conduit or connect/attach similar conduit articles) meeting UL 514B Safety Standards (generally stamped with a UL Mark).
- Cast iron electrical conduit couples and connectors (*i.e.*, pieces of electrical conduit that join two other pieces of electrical conduit together) meeting UL 514B Safety Standards (generally stamped with a UL Mark).

Relevant merchandise is manufactured for use exclusively as electrical conduit and conforms to relevant electrical codes as listed in the aforementioned UL514 standards (*e.g.*, National Electric Code, ANSI/NFPA 70, NFPA 80, the Canadian Electrical Code (CEC), Part I, CSA C22.1, and the Standard for Electrical Installations, NOM-001-SEDE) and, generally, produced to meet moisture ratings.

Regardless of the above description, excluded merchandise may not otherwise be manufactured to meet industry standards applicable to fittings used in piping

⁴⁸ *Id.* at Exhibit 4 and 6.

⁴⁹ The language quoted here is the exclusion language from the Draft Results. For the final exclusion language, see below.

systems which hold/transport fluid or gas (*i.e.*, pressure applications). In other words, the electrical conduit article should be free of any indication (*e.g.*, product description, physical markings, accompanying certifications, *etc.*) that the article is produced to certain requirements for minimum pressure, tensile strength, and/or ability to withstand vibration/temperature changes (including any reference to specific industry standards common to piping systems used in pressure applications and which mention such requirements, *e.g.*, ASTM A-126(A), ANSI/ASME B16.3/9 standards, though this list is non-exhaustive and not exclusive to subject merchandise), or otherwise acceptable for use transporting liquid or gas and/or not intended for use as an electrical conduit.

V. Interested Party Comments

In its filed comments, Atkore agrees with Commerce’s determination in the Draft Results that the electrical conduit articles at issue are outside the scope of the *Order*.⁵⁰ However, Atkore suggests that Commerce should make two changes to modify the exclusion language specified in the Draft Results (as restated above) “in the interest of administrative economy and ease of administration by Customs.”⁵¹

First, Atkore notes that the paragraph following the bulleted description of the merchandise specifically requested upon (*i.e.*, conduit bodies, conduit nipples, and conduit couples {*sic*} and connectors) does not clearly determine that “**all** electrical conduit articles that confirm {*sic*} to the relevant codes and are not otherwise manufactured to meet industry standards applicable to fittings used in piping systems are excluded.”⁵² Atkore contends that such a clarification would help CBP administer the order by establishing bright lines for future imports and would, in turn, help Commerce mitigate future scope requests to exclude “electrical conduit articles that meet {electrical conduit} standards, {} are not manufactured to meet piping system standards, {and} are not identical to the materials ASCI imported.”⁵³ Thus, Atkore

⁵⁰ See Draft Results Comments at 1.

⁵¹ *Id.* at 2.

⁵² *Id.* (emphasis in original).

⁵³ *Id.*

proposes changing the aforementioned language, such that the paragraph that begins “*{r}elevant* merchandise is manufactured for use . . .” would say that “*{e}xcluded* merchandise is manufactured for use . . .”⁵⁴ According to Atkore, this change clarifies that all electrical conduit articles that conform to the relevant specifications, and are not otherwise manufactured to meet industry standards applicable to fittings used in piping systems, are excluded, regardless of importer.⁵⁵ Atkore also notes that this change matches language in the next paragraph, in the Draft Results.⁵⁶

Second, Atkore notes that there is a typo in the third bullet of the description of the merchandise subject to the determination. The Draft Results refer to “couples” instead of “couplings,” the latter of which is correct and was specified in the initial request.⁵⁷ Atkore requests that Commerce correct this typo in the final results of redetermination.⁵⁸

Commerce’s Position:

As an initial matter, we agree with Atkore that the use of the term “couples” was an error and the correct term for the subset of merchandise covered by this determination as identified in the third bullet point, and as initially requested upon and identified by Atkore, are cast iron electrical conduit *couplings* and connectors. Accordingly, we have corrected this typographical error (*i.e.*, replacing “couples” with “couplings”) below, in the description of products subject to this final scope determination.

However, we disagree with Atkore’s contention that the exclusion language should be modified so that all electrical conduit articles conforming to the relevant specifications and not

⁵⁴ *Id.* at 2.

⁵⁵ *Id.* at 2-3.

⁵⁶ *Id.* (citing Draft Results Comments at 3 (“ . . . excluded merchandise may not otherwise . . . ”)).

⁵⁷ *Id.* at 2 (n.2) and 3.

⁵⁸ *Id.* at 3.

otherwise manufactured to meet industry standards applicable to fittings used in piping systems, regardless of importer, are excluded. While Commerce has discretion to make a country-wide scope determination, we do not find it appropriate or necessary to do so in this instance. As noted above, we are making this redetermination on remand under protest, in accordance with the Court’s directive, but Commerce continues to have concerns with regard to excluding merchandise that meets the plain language of the description of malleable cast-iron pipe fittings in the scope of the *Order*. Whereas our further analysis of the products identified in Atkore’s request allows for an out-of-scope determination for the purposes of this redetermination on remand, Commerce is hesitant to broaden this determination to merchandise not specifically identified in Atkore’s Scope Request. Thus, Commerce is making this determination on an importer-specific basis and applying it only to the products specified in Atkore’s Scope Request which are imported by Atkore.⁵⁹

Moreover, limiting our finding to articles imported by Atkore is consistent with the original Scope Request, which states that “{Atkore} seeks a scope clarification indicating that *its* imported articles of electrical conduit are not subject to Malleable Cast Iron Pipe Fittings from the People's Republic of China.”⁶⁰ Such a limitation is also consistent with the Court’s narrow language in remanding the determination “to assess . . . Atkore’s evidence of alleged physical differences between its conduit fittings and the products subject to the Antidumping Order.”⁶¹

⁵⁹ Atkore suggests that a broader exclusion would be applicable to “electrical conduit articles that meet the standards, and are not manufactured to meet piping system standards, but also are not identical to the materials ASCI imported.” Draft Results Comments at 2. This, however, suggests that Atkore believes broadening the scope would generally exclude electrical conduit articles that are dissimilar from the electrical conduit articles described in the Scope Request (*i.e.*, bodies, nipples, and couplings). We clarify that any such expansion would be incorrect. Any type of electrical conduit articles not explicitly described (*i.e.*, articles other than those which fit the description and standards specified below) whether imported by Atkore or a different importer, would require a separate scope request, analysis, and resulting determination.

⁶⁰ See Scope Request at 9 (emphasis added). Atkore repeatedly references only its own imports of electrical conduit articles in the Scope Request. *Id.* at 1-2, 4, 6, and 9.

⁶¹ See *Atkore Steel* at 17 (emphasis added).

Therefore, we disagree with Atkore's request to broaden the exclusion beyond its original scope request.

With respect to Atkore's suggested edit (*i.e.*, changing the word "relevant" to "excluded"), we recognize that the language in the Draft Results notes, in the very first paragraph of the description of products covered, that the out-of-scope finding is applicable to the description of electrical conduit articles "manufactured in China and imported by Atkore." Accordingly, this determination only applies to Atkore's imports of covered electrical conduit articles, regardless of whether Commerce substitutes the word "relevant" for the word "excluded." We are unconvinced that replacing "relevant" with "excluded" would convey that all electrical conduit articles, regardless of whether they were imported by Atkore, would be covered. Thus, even if we were to agree with Atkore's attempt to broaden this ruling, Atkore's suggested edit does not accomplish what it intends.

Accordingly, we have modified the language in the final redetermination to correct for the typographical error discussed above. We have also replaced the terms "relevant merchandise" with "merchandise subject to this determination" in order to eliminate any ambiguity that would imply that the instant out-of-scope determination excludes merchandise other than electrical conduit articles specified in the Scope Request and imported by Atkore. In accordance with the Court's ruling in *Atkore Steel*, we intend to notify CBP that the following products are not covered by the scope of the *Order* (revised language):

Electrical conduit articles (*i.e.*, conduit bodies, conduit nipples, and conduit couplings and connectors) manufactured in China and imported by Atkore, specifically:

- Electrical conduit bodies range in size from 4 inches to ½ inch in diameter, meeting Underwriters Laboratories (UL) safety standards 514A, and including electrical box-fill information.

- Cast iron electrical conduit nipples (i.e., pieces which extend a run of conduit or connect/attach similar conduit articles) meeting UL 514B Safety Standards (generally stamped with a UL Mark).
- Cast iron electrical conduit couplings and connectors (i.e., pieces of electrical conduit that join two other pieces of electrical conduit together) meeting UL 514B Safety Standards (generally stamped with a UL Mark).

Merchandise subject to this determination is manufactured for use exclusively as electrical conduit and conforms to relevant electrical codes as listed in the aforementioned UL514 standards (*e.g.*, National Electric Code, ANSI/NFPA 70, NFPA 80, the Canadian Electrical Code (CEC), Part I, CSA C22.1, and the Standard for Electrical Installations, NOM-001-SEDE) and, generally, produced to meet moisture ratings.

Regardless of the above description, merchandise subject to this determination may not otherwise be manufactured to meet industry standards applicable to fittings used in piping systems which hold/transport fluid or gas (*i.e.*, pressure applications). In other words, the electrical conduit article should be free of any indication (*e.g.*, product description, physical markings, accompanying certifications, *etc.*) that the article is produced to certain requirements for minimum pressure, tensile strength, and/or ability to withstand vibration/temperature changes (including any reference to specific industry standards common to piping systems used in pressure applications and which mention such requirements, *e.g.*, ASTM A-126(A), ANSI/ASME B16.3/9 standards, though this list is non-exhaustive and not exclusive to subject merchandise), or otherwise acceptable for use transporting liquid or gas and/or not intended for use as an electrical conduit.

VI. Final Results of Redetermination

Pursuant to *Atkore Steel* and in further consideration of the physical description of the merchandise under consideration in the context of the (k)(1) sources regarding pressure applications, industry standards, and pressure ratings of subject merchandise, we determine that the above-described electrical conduit fittings imported by Atkore are excluded from the scope of the *Order*.

7/11/2018

X 

Signed by: GARY TAVERMAN

Gary Taverman
Deputy Assistant Secretary
for Antidumping and Countervailing Duty Operations,
performing the non-exclusive functions and duties of the
Assistant Secretary for Enforcement and Compliance