

## Scope of the Orders

The merchandise covered by the orders<sup>2</sup> is laminated woven sacks. Laminated woven sacks are bags or sacks consisting of one or more plies of fabric consisting of woven polypropylene strip and/or woven polyethylene strip, regardless of the width of the strip; with or without an extrusion coating of polypropylene and/or polyethylene on one or both sides of the fabric; laminated by any method either to an exterior ply of plastic film such as biaxially-oriented polypropylene ("BOPP") or to an exterior ply of paper that is suitable for high quality print graphics.<sup>3</sup> Effective July 1, 2007, laminated woven sacks are classifiable under Harmonized Tariff Schedule of the United States ("HTSUS") subheadings 6305.33.0050 and 6305.33.0080. Laminated woven sacks were previously classifiable under HTSUS subheading 6305.33.0020.<sup>4</sup> The HTSUS subheadings are provided for convenience and customs purposes only; the written product description of the scope of the orders is dispositive.

## Scope of the Anti-Circumvention Inquiry

The merchandise subject to the anti-circumvention inquiry is laminated woven sacks produced with two ink colors printed in register and a screening process ("screening-process sacks"). Petitioners allege that PRC producers of screening-process sacks have adapted the screening process to create graphics that appear to have three or more distinct colors visible, although, they are produced using only two inks and a screen. Petitioners contend that such graphics would normally be printed using three inks printed in register at three different print stations, which would then make them subject merchandise. However, by adapting the screening process, Petitioners state that PRC producers of screening-process sacks are able to produce similar graphics while only using two inks, thus, making merchandise that is out of scope and not subject to antidumping and countervailing duties.

The screening process at issue, as described by interested parties, only

uses two ink colors printed in register at two different print stations. However, the artwork, by use of a screen, allows for different shades of a single color to appear on the bag. Thus, when printed, the screening-process sacks appear to have been printed with more than two colored inks because more than two distinct colors are visible on the finished product. As an example of the screening-process sacks, the Department placed on the record of both proceedings five laminated woven sacks imported by Shapiro: Two individual Manna Pro Horse Feed sacks, two individual Red Head Deer Corn sacks, and one Manna Pro Calf-Manna sack.<sup>5</sup> Following the *Negative Preliminary Determination*,<sup>6</sup> an additional sack was placed on the record,<sup>7</sup> referred to as the "Manna Pro Complete Sack," as an example of a two-ink, screened sack imported by Shapiro and addressed in the Post-Preliminary Determination.

## Methodology

The Department has conducted this proceeding in accordance with section 781(d)(1) of the Act.<sup>8</sup> For a full description of the methodology underlying our conclusions, please see the Final Decision Memo,<sup>9</sup> dated concurrently with this final determination and hereby adopted by this notice. The Final Decision Memo is a public document and is on file electronically via Import Administration's Antidumping and Countervailing Duty Centralized Electronic Service System ("IA ACCESS"). Access to IA ACCESS is available to registered users at <http://iaaccess.trade.gov> and is available to all parties in the Central Records Unit, Room 7046 of the main Department of Commerce building. In addition, a complete version of the Final Decision Memo can be accessed directly on the

Internet at <http://www.trade.gov/ia/>. The signed Final Decision Memo and the electronic versions of the Final Decision Memo are identical in content.

## Final Determination

For the reasons discussed in the Final Decision Memo, we continue to determine that the screening-process sacks are not later-developed merchandise because they were commercially available at the time of the initiation of the less-than-fair-value investigation on laminated woven sacks from the PRC. Therefore, we also continue to determine that screening-process sacks are not circumventing the Orders within the meaning of section 781(d) of the Act.

This final determination is published in accordance with section 781(d) of the Act and 19 CFR 351.225.

Dated: February 14, 2013.

**Paul Piquado,**

*Assistant Secretary for Import Administration.*

## Appendix

Comment 1: Commercial Availability in the U.S. Market Prior To Initiation of Investigations

Comment 2: The Shapiro Sacks and Complete Sack Are Commercially Comparable Merchandise

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-570-986]

### Hardwood and Decorative Plywood From the People's Republic of China: Postponement of Preliminary Determination of Antidumping Duty Investigation

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

**DATES:** *Effective Date:* February 25, 2013.

**FOR FURTHER INFORMATION CONTACT:** Katie Marksberry at (202) 482-7906, AD/CVD Operations, Office 9, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230.

**SUPPLEMENTARY INFORMATION:** On October 17, 2012, the Department of Commerce ("Department") initiated an antidumping duty investigation on hardwood and decorative plywood from

<sup>2</sup> See Orders.

<sup>3</sup> See "Decision Memorandum for Final Determination of Circumvention of the Antidumping and Countervailing Duty Orders: Laminated Woven Sacks from the People's Republic of China," from Christian Marsh, Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, to Paul Piquado, Assistant Secretary for Import Administration, ("Final Decision Memo"), dated concurrently with this final determination for a complete description of the Scope of the Order.

<sup>4</sup> Additional HTSUS considerations apply. See Final Decision Memo.

<sup>5</sup> See Memorandum to the File from Jamie Blair-Walker regarding Anti-circumvention Inquiry of Laminated Woven Sacks from the People's Republic of China on the subject of Meeting with Counsel for the Laminated Woven Sacks Committee and its individual members, Coating Excellence International, LLC and Polytex Fibers Corporation, dated July 15, 2011.

<sup>6</sup> See *Laminated Woven Sacks from the People's Republic of China: Negative Preliminary Determination of Circumvention of the Antidumping and Countervailing Duty Orders*, 76 FR 72161 (November 22, 2011) ("Negative Preliminary Determination").

<sup>7</sup> See Shapiro's supplemental questionnaire response entitled "Laminated Woven Sacks from China; Printed Inks Anti-Circumvention Inquiry: Submission of AMS Third Supplemental Response" dated January 27, 2012 ("January 27, 2012 Supplemental Response"), at 2-3 and Attachment I.

<sup>8</sup> See section 781(d)(1) of the Act.

<sup>9</sup> See Final Decision Memo for a complete description of the Scope of the Order.

the People's Republic of China.<sup>1</sup> The notice of initiation stated that, unless postponed, the Department would issue its preliminary determination no later than 140 days after the date of issuance of the initiation, in accordance with section 773(b)(1)(A) of the Tariff Act of 1930, as amended ("the Act"). The preliminary determination is currently due no later than March 8, 2013.<sup>2</sup>

On February 5, 2013, the Coalition for Fair Trade of Hardwood Plywood ("Petitioners"), made a timely request, pursuant to 19 CFR 351.205(e), for postponement of the preliminary determination, in order to allow additional time for the Department to review the respondents' sections C and D questionnaire submissions, as well as other information critical to the proceeding, such as comments on the selection of a surrogate country and submissions of publicly available information to value the factors of production reported by the respondents.<sup>3</sup> Because there are no compelling reasons to deny the request, in accordance with section 733(c)(1)(A) of the Act, the Department is postponing the deadline for the preliminary determination by 50 days.

An extension of 50 days from the current deadline of March 8, 2013, would result in a new deadline of April 27, 2013. Because April 27, 2013, falls on a Saturday, the due date for the preliminary determination is now April 29, 2013.<sup>4</sup> The deadline for the final determination will continue to be 75 days after the date of the preliminary determination, unless extended.

This notice is issued and published pursuant to section 733(c)(2) of the Act and 19 CFR 351.205(f)(1).

<sup>1</sup> See *Hardwood and Decorative Plywood From the People's Republic of China: Initiation of Antidumping Duty Investigation*, 77 FR 65172 (October 25, 2012).

<sup>2</sup> As explained in the memorandum from the Assistant Secretary for Import Administration, the Department has exercised its discretion to toll deadlines for the duration of the closure of the Federal Government from October 29, through October 30, 2012. Thus, all deadlines in this segment of the proceeding have been extended by two days. The revised deadline for the preliminary determination of this investigation is now March 8, 2012. See Memorandum to the Record from Paul Piquado, Assistant Secretary for Import Administration, regarding "Tolling of Administrative Deadlines As a Result of the Government Closure During Hurricane Sandy," dated October 31, 2012.

<sup>3</sup> See Letter to the Department, from Petitioners; Re: *Hardwood and Decorative Plywood from the People's Republic of China*, dated February 5, 2013.

<sup>4</sup> Department practice dictates that where a deadline falls on a weekend or federal holiday, the appropriate deadline is the next business day. See *Notice of Clarification: Application of "Next Business Day" Rule for Administrative Determination Deadlines Pursuant to the Tariff Act of 1930, As Amended*, 70 FR 24533, 24533 (May 10, 2005).

Dated: February 14, 2013.

**Paul Piquado,**

*Assistant Secretary for Import Administration.*

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## DEPARTMENT OF COMMERCE

### International Trade Administration [A-570-932]

#### **Certain Steel Threaded Rod From the People's Republic of China: Affirmative Final Determination of Circumvention of the Antidumping Duty Order**

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

**SUMMARY:** On December 4, 2012, the Department of Commerce (the "Department") published the *Preliminary Determination* of the circumvention inquiry concerning the antidumping duty order on certain steel threaded rod ("steel threaded rod") from the People's Republic of China ("PRC").<sup>1</sup> The period of inquiry is April 1, 2010, through January 11, 2012. We gave interested parties an opportunity to comment on the *Preliminary Determination*. On December 31, 2012, Vulcan Threaded Products, Inc. ("Petitioner") filed comments agreeing that the Department's *Preliminary Determination* is in accordance with law and supported by evidence on the record of this inquiry. No other party filed comments.

**DATES:** *Effective Date:* February 25, 2013.

**FOR FURTHER INFORMATION CONTACT:** Toni Dach, AD/CVD Operations, Office 9, Import Administration, International Trade Administration, Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482-1655.

#### **SUPPLEMENTARY INFORMATION:**

#### **Background**

On December 4, 2012, the Department published the *Preliminary Determination* finding that imports from the PRC of steel threaded rod products with 1.25 percent or more chromium, by weight, produced by Gem-Year Industrial Co. Ltd. ("Gem-Year"), and otherwise meeting the description of in-scope merchandise, are subject to the

order.<sup>2</sup> We invited interested parties to comment on the *Preliminary Determination*. The only party to comment was Petitioner, who agreed that the *Preliminary Determination* is in accordance with law and supported by evidence on the record of this inquiry. The Department has conducted this anticircumvention inquiry in accordance with section 781(c) of the Tariff Act of 1930, as amended ("the Act"), and 19 CFR 351.225.

#### **Scope of the Order**

The merchandise covered by the 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 the 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 the 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 two 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 7318.15.5051, 7318.15.5056, 7318.15.5090, and 7318.15.2095 of the United States Harmonized Tariff Schedule ("HTSUS"). Although the

<sup>1</sup> See *Certain Steel Threaded Rod From the People's Republic of China: Affirmative Preliminary Determination of Circumvention of the Antidumping Duty Order*, 77 FR 71776 (December 4, 2012) ("Preliminary Determination").

<sup>2</sup> See *Preliminary Determination*; see also *Certain Steel Threaded Rod from the People's Republic of China: Notice of Antidumping Duty Order*, 74 FR 17154 (April 14, 2009).