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EFFECTIVE DATE: COURT CASE #:

PERIOD OF REVIEW: TO

PERIOD COVERED: 01/04/1993 TO

Notice of Lifting of Suspension Date:

TO: { Directors Of Field Operations, Port Directors }

FROM: { Director AD/CVD & Revenue Policy & Programs }

RE: PRELIMINARY DETERMINATIONS ON PROFESSIONAL ELECTRIC CUTTING TOOLS (PECTS) AND PROFESSIONAL ELECTRIC SANDING TOOLS (PESGTS) FROM JAPAN (010493 IS FED. REG. DATE)

MESSAGE NO: 3005112

DATE: 01 05 1993

CATEGORY: ADA

TYPE: PRE

REFERENCE:

REFERENCE DATE:

CASES: A - 588 - 210

A - 588 - 211

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PERIOD COVERED: 01 04 1993 TO

LIQ SUSPENSION DATE:

TO: REGIONAL DIRECTORS, COMMERCIAL OPERATIONS  
DISTRICT DIRECTORS, AREA AND PORT DIRECTORS

FROM: DIRECTOR, IMPORT SPECIALIST DIVISION

RE: PRELIMINARY DETERMINATIONS ON PROFESSIONAL ELECTRIC CUTTING TOOLS (PECTS) AND PROFESSIONAL ELECTRIC SANDING TOOLS (PESGTS) FROM JAPAN (010493 IS FED. REG. DATE)

1. THE DEPARTMENT OF COMMERCE WILL PUBLISH IN THE FEDERAL REGISTER ON JANUARY 4, 1993, NOTICE OF ITS PRELIMINARY DETERMINATIONS THAT PECTS AND PESGTS FROM JAPAN ARE BEING, OR ARE LIKELY TO BE SOLD IN THE UNITED STATES AT LESS THAN FAIR VALUE.

2. THESE INVESTIGATIONS COVER TWO CLASSES OR KINDS OF MERCHANDISE, PECTS AND PESGTS. THE TOOLS MAY BE ASSEMBLED OR UNASSEMBLED AND CORDED OR CORDLESS.

THE TERM "ELECTRIC" ENCOMPASSES ELECTROMECHANICAL DEVICES, INCLUDING TOOLS WITH ELECTRONIC VARIABLE SPEED FEATURES.

THE TERM "ASSEMBLED" INCLUDES UNFINISHED OR INCOMPLETE ARTICLES, WHICH HAVE THE ESSENTIAL CHARACTERISTICS OF THE FINISHED OR COMPLETE TOOL.

THE TERM "UNASSEMBLED" MEANS COMPONENTS, WHICH WHEN TAKEN AS A WHOLE, CAN BE CONVERTED INTO THE FINISHED OR UNFINISHED OR INCOMPLETE TOOL THROUGH SIMPLE ASSEMBLY OPERATIONS, E.G., KITS.

PECTS HAVE BLADES OR OTHER CUTTING DEVICES USED FOR CUTTING WOOD, METAL, AND OTHER MATERIALS. PECTS INCLUDE CHOP SAWS, CIRCULAR SAWS, JIG SAWS, RECIPROCATING SAWS, MITER SAWS, PORTABLE BAND SAWS, CUT-OFF MACHINES, SHEARS, NIBBLERS, PLANERS, ROUTERS, JOINERS, JOINTERS, METAL CUTTING SAWS, AND SIMILAR CUTTING TOOLS.

PESGTS HAVE MOVING ABRASIVE SURFACES USED PRIMARILY FOR GRINDING, SCRAPING, CLEANING, DEBURRING, AND POLISHING WOOD, METAL, AND OTHER MATERIALS. PESGTS INCLUDE ANGLE GRINDERS, FINISHING SANDERS, DISC SANDERS, ORBITAL SANDERS, BELT SANDERS, POLISHERS, STRAIGHT GRINDERS, DIE GRINDERS, AND SIMILAR SANDING/GRINDING TOOLS.

THE PRODUCTS SUBJECT TO THESE INVESTIGATIONS INCLUDE ALL HAND-HELD PECTS AND PESGTS AND CERTAIN BENCH-TOP, HAND-OPERATED PECTS.

HAND-OPERATED TOOLS ARE DESIGNED SO THAT ONLY THE FUNCTIONAL OR MOVING PART IS HELD AND MOVED BY HAND WHILE IN USE, THE WHOLE BEING DESIGNED TO REST ON A TABLE TOP, BENCH, OR OTHER SURFACE. BENCH-TOP TOOLS, ARE SMALL STATIONARY TOOLS THAT CAN BE MOUNTED OR PLACED ON A TABLE OR BENCH. THEY ARE GENERALLY DISTINGUISHABLE FROM OTHER STATIONARY TOOLS BY SIZE AND EASE OF MOVEMENT.

THE SCOPE OF THE PECT INVESTIGATION INCLUDES ONLY THE FOLLOWING BENCH-TOP, HAND-OPERATED TOOLS: CUT-OFF SAWS; PVC SAWS; CHOP SAWS; CUT-OFF MACHINES, CURRENTLY CLASSIFIABLE UNDER SUBHEADING 8461 OF THE HARMONIZED TARIFF SCHEDULE OF THE UNITED STATES ( HTSUS); ALL TYPES OF MITER SAWS, INCLUDING SLIDE COMPOUND SAWS, CURRENTLY CLASSIFIABLE UNDER SUBHEADING 8465 OF THE HTSUS; AND BAND SAWS WITH DETACHABLE BASES, ALSO CURRENTLY CLASSIFIABLE UNDER SUBHEADING 8465 OF THE HTSUS; AND BAND SAWS WITH DETACHABLE BASES, ALSO CURRENTLY CLASSIFIABLE UNDER SUBHEADING 8465 OF THE HTSUS.

THESE INVESTIGATION DO NOT INCLUDE:

PROFESSIONAL ELECTRIC DRILLING/FASTENING TOOLS;  
LAWN AND GARDEN TOOLS;  
HEAT GUNS;  
PAINT AND WALLPAPER STRIPPERS; AND  
CHAIN SAWS, CURRENTLY CLASSIFIABLE UNDER SUBHEADING 8508 OF THE HTSUS.

PARTS OR COMPONENTS OF PECTS AND PESGTS WHEN THEY ARE IMPORTED AS KITS, OR AS ACCESSORIES IMPORTED TOGETHER WITH COVERED TOOLS. ARE INCLUDED WITHIN THE SCOPE OF THESE INVESTIGATIONS.

"CORDED" AND "CORDLESS" CONSUMER ELECTRIC CUTTING TOOLS AND CONSUMER ELECTRIC SANDING/GRINDING TOOLS ARE NOT INCLUDED WITHIN THE SCOPE OF THESE INVESTIGATIONS. "CORDED" CONSUMER ELECTRIC POWER TOOLS (CEPTS), WHICH ARE DRIVEN BY ELECTRICAL CURRENT PASSED THROUGH A POWER CORD, ARE, FOR PURPOSES OF THESE INVESTIGATIONS, DEFINED AS POWER TOOLS WHICH HAVE AT LEAST FIVE OF THE FOLLOWING SEVEN CHARACTERISTICS:

(1) THE PREDOMINANT USE OF SLEEVE OR PLAIN BEARINGS (I.E., A MAJORITY OR GREATER NUMBER OF THE BEARINGS IN THE TOOL ARE SLEEVE OR PLAIN BEARINGS);

(2) SPUR OR STRAIGHT LEVEL GEARING;

(3) A THEROM-PLASTIC JACKETED POWER SUPPLY CORD WITH A LENGTH OF LESS THAN EIGHT FEET;

(4) A POWER SUPPLY CORD RESTRAINED BY A MOLDED-ON CORD PROTECTOR;

(5) THE ABSENCE OF USER-SERVICEABLE MOTOR BRUSHES;

(6) THE PREDOMINANT USE OF NON-HEAT TREATED TRANSMISSION PARTS (I.E., A MAJORITY OR GREATER NUMBER OF THE TRANSMISSION PARTS IN THE TOOL ARE NOT HEAT TREATED); AND

(7) THE PRESENCE OF ONLY ONE COIL PER SLOT ARMATURE.

IF A "CORDED" CEPT POSSESSES ONLY SIX OF THE SEVEN CHARACTERISTICS, THEN THE TOOL MUST HAVE AT LEAST FOUR OF THE SIX CHARACTERISTICS.

"CORDLESS" CEPTS ARE DISTINGUISHABLE FROM PROFESSIONAL ELECTRIC "CORDLESS" TOOLS BY VOLTAGE. WE PRELIMINARILY FIND THAT THE VOLTAGE OF "CORDLESS" CEPTS DOES NOT EXCEED 7.2 VOLTS. ANY CORDLESS CUTTING OR SANDING/GRINDING TOOL OVER 7.2 VOLTS IS COVERED. PLEASE SEE PARAGRAPHS 5, 6, AND 7 FOR A LISTING OF COMPANY-SPECIFIC PRODUCTS EXCLUDED FROM THESE INVESTIGATIONS.

WE HAVE EXAMINED THE COMMENTS OF ALL PARTIES IN REACHING THESE PRELIMINARY DETERMINATIONS. NONETHELESS, GIVEN THE COMPLICATED NATURE OF THESE ISSUES, WE INVITE ALL PARTIES TO COMMENT ON OUR PRELIMINARY DETERMINATION OF THE SCOPE OF THESE PROCEEDINGS. WE ARE ESPECIALLY INTERESTED IN COMMENTS REGARDING CRITERIA DEFINING "CORDED" PROFESSIONAL POWER TOOLS, RATHER THAN "CORDED" CEPTS, AND ADDITIONAL CRITERIA THAT SHOULD BE CONSIDERED IN DISTINGUISHING PROFESSIONAL AND CONSUMER CORDLESS TOOLS. SUCH COMENTS SHOULD BE SUBMITTED TO THE DEPARTMENT NOT LATER THAN FEBRUARY 1, 1993.

PECTS ARE CURRENTLY CLASSIFIABLE UNDER THE FOLLOWING SUBHEADINGS

OF THE HTSUS: 8508.20.00.20, 8508.20.00.70, 8508.20.00.90,  
8461.50.00.20, 8465.91.00.35, 8508.80.00.55 AND 8508.80.00.65.

PESGTS ARE CURRENTLY CLASSIFIABLE UNDER THE FOLLOWING SUBHEADINGS

OF THE HTSUS: 8508.80.00.10, 8508.80.00.15, 8508.80.00.25,  
8508.80.00.35, AND 8508.80.00.90. ALTHOUGH THE HTSUS SUBHEADINGS  
ARE PROVIDED FOR CONVENIENCE AND CUSTOMS PURPOSES, OUR WRITTEN  
DISCRIPTIONS OF THE SCOPES OF THESE PROCEEDINGS ARE DISPOSITIVE.

3. FOR FURTHER REPORTING PURPOSES, THESE CASES HAVE BEEN  
ASSIGNED THE FOLLOWING INVESTIGATION NUMBER A-588-823. THIS  
NUMBER SHOULD BE USED WHEN DEALING WITH THE DEPARTMENT OF  
COMMERCE ONLY. THE CUSTOMS IDENTIFICATION NUMBERS (BELOW) ARE TO  
BE USED FOR CUSTOMS IDENTIFICATION PURPOSES.

4. FOR ALL EXPORTS OF PECTS AND PESGTS FROM JAPAN. THE CUSTOMS  
SERVICE SHALL SUSPEND LIQUIDATION OF SUCH MERCHANDISE THAT IS  
ENTERED, OR WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION ON OF AFTER

JANUARY 4, 1993, AND SHALL REQUIRE A CASH DEPOSIT OR POSTING OF A  
BOND EQUAL TO THE APPROPRIATE ESTIMATED PRELIMINARY MARGIN  
PERCENTAGES LISTED BELOW:

MANUFACTURER/PRODUCER/ EXPORTER	IDENTIFICATION NUMBER	WEIGHTED-AVERAGE MARGIN PERCENTGAGE
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MAKITA CORPORATION	A-588-210-001	41.17% PECTS
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ALL OTHERS	A-588-210-000	41.17% PECTS
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MAKITA CORPORATION	A-588-211-001	38.98% PESGTS
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ALL OTHERS	A-588-211-000	38.98% PESGTS
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5. THE FOLLOWING IS A LIST OF MAKITA'S PRODUCTS EXPORTED TO THE  
UNITED STATES AND EXCLUDED FROM THE SCOPE OF THESE  
INVESTIGATIONS:

CORDLESS CUTTING TOOLS:

MAKITA	MODEL NUMBER	TYPE OF TOOL
	3700D	TRIMMER
	3700DW	TRIMMER
	3700DQK	TRIMMER
	4307D	JIG SAW
	4307DW	JIG SAW

HAND-OPERATED CUTTING TOOLS:

MAKITA	MODEL NUMBER	TYPE OF TOOL
	KP300	PLANING MACHINE
	LAP300R	PLANING MACHINE
	LAP300S	PLANING MACHINE
	LAP400	PLANING MACHINE
	LA450	PLANING MACHINE
	LA450SP	PLANING MACHINE
	LA451	PLANING MACHINE
	LA451SP	PLANING MACHINE
	LB100	BAND SAW
	LG200	SHAPING MACHINE
	LJ310	PLANING MACHINE
	LJ311	PLANING MACHINE
	LK510	PLANING MACHINE
	LM3001	WOODWORKING MACHINE
	LM450	WOODWORKING MACHINE
	LM450SP	WOODWORKING MACHINE
	LM451	WOODWORKING MACHINE
	LM451SP	WOODWORKING MACHINE
	LPE500	PLANING MACHINE
	LPE650	PLANING MACHINE
	LP1802C	WOOD SURFACING MACHINE
	LP1802CSP	WOOD SURFACING MACHINE
	LP2502C	WOOD SURFACING MACHINE
	LP2502CSP	WOOD SURFACING MACHINE

LP2521	WOOD SURFACING MACHINE
LP2523	WOOD SURFACING MACHINE
LP300	WOOD SURFACING MACHINE
NPE450	PLANING MACHINE
SJ350	SCROLL SAW
SJ500	SCROLL SAW
SJ700	SCROLL SAW
2004	PLANER/JOINTER
2006	PLANER/JOINTER
2012	PLANER
2012SP	PLANER
2020	PLANER/JOINTER
2030	PLANER/JOINTER
2030N	PLANER/JOINTER
2030NC	PLANER/JOINTER
2032	PLANER/JOINTER
2033	PLANER/JOINTER
2033C	PLANER/JOINTER
2040	PLANER
2114C	BAND SAW
2116A	BAND SAW
2116ASP	BAND SAW
2116A3	BAND SAW
2116A3SP	BAND SAW
2516	STATIONARY ROUTER
2516C	STATIONARY ROUTER
2516CSP	STATIONARY ROUTER
2516N	STATIONARY ROUTER
2516S	STATIONARY ROUTER
2700	TABLE SAW
2700N	TABLE SAW
2700NTP	TABLE SAW
2708	TABLE SAW
2708W	TABLE SAW
2711	TABLE SAW
5500B	TENONING MACHINE
5500S	TENONING MACHINE
5500SSP	TENONING MACHINE

5500T	TENONING MACHINE
5500T3	TENONING MACHINE
5501	TENONING MACHINE
55013	TENONING MACHINE
55013SP	TENONING MACHINE
7001	CHISEL MORTISER
7300S	CHISEL MORTISER
7304	CHISEL MORTISER
7305	CHISEL MORTISER
7305H	CHISEL MORTISER
7305HKI	CHISEL MORTISER
7305L	CHISEL MORTISER
2031	PLANER
2031NC	PLANER

GARDENING TOOLS:

MAKITA	MODEL NUMBER	TYPE OF TOOL
	UH3000	HEDGE TRIMMER
	UH3000D	HEDGE TRIMMER
	UH3000DW	HEDGE TRIMMER
	UH301DW	HEDGE TRIMMER
	UH302DW	HEDGE TRIMMER
	UH3070DW	HEDGE TRIMMER
	UH3500	HEDGE TRIMMER
	UH4500	HEDGE TRIMMER
	UH4510A	HEDGE TRIMMER
	UH4600	HEDGE TRIMMER
	UH6300	HEDGE TRIMMER
	UM1000D	GRASS SHEAR
	UM1000DW	GRASS SHEAR
	UM1070DW	GRASS SHEAR
	UM1200D	GRASS TRIMMER
	UM120DW	GRASS TRIMMER
	UM1270DW	GRASS TRIMMER
	UM160DW	GRSSS CUTTER
	UM1690DW	GRASS CUTTER
	UM1691D	GRASS CUTTER

UM1691DQ	GRASS CUTTER
UM1691DW	GRASS CUTTER
UM170	LAWN MOWER
UM230	LAWN MOWER
UM2301	GRASS CUTTER
UM2320	GRASS CUTTER
UM250	GRASS CUTTER
UM3010	LAWN MOWER
UM3100	LAWN MOWER
UM350	GRASS CUTTER
UM3520	GRASS CUTTER
4601DW	PRUNING SHEAR
4603DW	PRUNING SHEAR
4610D	PRUNING SHEAR
4610DW	PRUNING SHEAR
UH301D	HEDGE TRIMMER
UH6310A	HEDGE TRIMMER

CORDLESS SANDING/GRINDING TOOLS:

MAKITA	MODEL NUMBER	TYPE OF TOOL
	9500D	GRINDER
	9500DW	GRINDER
	9035D	FINISHING SANDER
	9035DW	FINISHING SANDER
	9200D	POLISHER
	9200DW	POLISHER

CORDED SANDING/GRINDING TOOLS:

MAKITA	MODEL NUMBER	TYPE OF TOOL
	9036	FINISHING SANDER
	9200YBK	WAX-MATE
	9200YR	WAX-MATE
	9200YV	WAX-MATE
	9200Y	WAX-MATE
	B04550	ORBITAL SANDER
	B04550Z	ORBITAL SANDER
	B05000	ORBITAL SANDER

HAND OPERATED SANDING/GRINDING TOOLS:

MAKITA	MODEL NUMBER	TYPE OF TOOL
	GL500	KNIFE GRINDING MACHINE
	9300	BENCH GRINDER
	9306	BENCH GRINDER
	9306S	BENCH GRINDER
	9306SW	BENCH GRINDER
	9308	BENCH GRINDER
	9800	BENCH GRINDER
	9803	SAW BLADE SHARPENER
	9804	KNIFE GRINDER
	9820	ELECTRIC SHARPENER
	98201	ELECTRIC SHARPENER
	98202	ELECTRIC SHARPENER

6. THE FOLLOWING IS A LIST OF RYOBI'S PRODUCTS EXPORTED TO THE UNITED STATES AND EXCLUDED FROM THESE INVESTIGATIONS:

CORDLESS SANDING/GRINDING TOOLS

RYOBI	MODEL NUMBER	TYPE OF TOOL
	B0S40	ORBITAL SANDER

HAND-OPERATED CUTTING TOOLS

RYOBI	MODEL NUMBER	TYPE OF TOOL
	AH115	PLANER-JOINTER
	AP10	PLANER-JOINTER
	AP125	PLANER-JOINTER
	BS50N	BAND SAW
	BS1100	BAND SAW
	BT2500	TABLE SAW
	BT3000	WOOD CUTTING SYSTEM
	CM30A	CHAIN MORTISER
	DM25A	CHISEL MORTISER
	JP155	JOINTER-PLANER
	RA200	RADIAL ARM SAW MACHINE
	SC160	SCROLL SAW

7. THE FOLLOWING IS A LIST OF HITACHI'S PRODUCTS EXPORTED TO THE UNITED STATES AND EXCLUDED FROM THESE INVESTIGATIONS:

HAND-OPERATED CUTTING TOOLS

HITACHI	MODEL NUMBER	TYPE OF TOOL
	C12Y	TABLE SAW
	CB75F	BAND SAW
	CB100F	BAND SAW
	CB18FA	BAND SAW
	F1000A	PLANER-JOINTER
	P12R	PLANING MACHINE
	P12RA	PLANING MACHINE
	P100F	PLANING MACHINE

GARDENING TOOLS

HITACHI	MODEL NUMBER	TYPE OF TOOL
	FCH66	HEDGE TRIMMER
	FH35SA	HEDGE TRIMMER
	FH45	HEDGE TRIMMER

HAND-OPERATED SANDING/GRINDING TOOLS

HITACHI	MODEL NUMBER	TYPE OF TOOL
	NTG150	BENCH GRINDER
	GT13	BENCH GRINDER
	GT15	BENCH GRINDER
	GT21	BENCH GRINDER

8. IF THERE ARE ANY QUESTIONS REGARDING THIS MATTER BY CUSTOMS OFFICERS, THEY SHOULD BE REFERRED TO THE IMPORT SPECIALIST DIVISION, OTHER AGENCY BRANCH, CUSTOMS HEADQUARTERS BY E-MAIL ATTRIBUTE "HQ OAB." THE IMPORTING PUBLIC AND OTHER INTERESTED PARTIES SHOULD CONTACT BRIAN SMITH OF THE OFFICE OF ANTIDUMPING INVESTIGATIONS, IMPORT ADMINISTRATION, INTERNATIONAL TRADE ADMINISTRATION, U.S. DEPARTMENT OF COMMERCE, TELEPHONE (202) 482-1766.

THERE ARE NO RESTRICTIONS ON THE RELEASE OF THIS INFORMATION.

NANCY MCTIERNAN

## Company Details

\*Party Indicator Value:

I = Importer, M = Manufacturer, E = Exporter, S = Sold To Party