



UNITED STATES DEPARTMENT OF COMMERCE
International Trade Administration
Washington, D.C. 20230

A-570-967; C-570-968
Scope Inquiry
Window Walls
Public Document
E&C AD/CVD OIII: EBG

June 19, 2014

MEMORANDUM TO: Christian Marsh
Deputy Assistant Secretary
for Antidumping and Countervailing Duty Operations

THROUGH: Melissa Skinner
Director, Office III
Antidumping and Countervailing Duty Operations

FROM: Eric B. Greynolds *EBG*
Program Manager
Office III
Antidumping and Countervailing Duty Operations

RE: Antidumping and Countervailing Duty Orders on Aluminum
Extrusions from the People's Republic of China

SUBJECT: Final Scope Ruling on Finished Window Kits

SUMMARY

On November 5, 2013, the Department of Commerce (Department) received a scope ruling request from N.R. Windows Inc. (NR Windows)¹ to determine whether its window wall kits are subject to the antidumping (AD) and countervailing duty (CVD) *Orders* referenced above.² On the basis of our analysis of the scope ruling request and supplemental information received, we determine that the window wall kits are excluded from the scope of the *Orders*.

BACKGROUND

On November 5, 2013, NR Windows, an importer of window wall kits, filed the Scope Request. On December 16, 2013, the Department extended the deadline for the ruling until February 18, 2014.³ On February 28, 2014, the Department extended the deadline to April 21, 2014.⁴ On

¹ See NR Window's November 5, 2013, submission (Scope Request).

² See *Aluminum Extrusions from the People's Republic of China: Antidumping Duty Order*, 76 FR 30650 (May 26, 2011) (*AD Order*) and *Aluminum Extrusions from the People's Republic of China: Countervailing Duty Order*, 76 FR 30653 (May 26, 2011) (*CVD Order*) (collectively the *Orders*).

³ See the Department's December 16, 2014, letter.



February 28, 2014, the Department requested additional information concerning NR Window's scope request,⁵ to which NR Windows responded on March 20, 2014.⁶ On April 11, 2014, the Department extended the deadline to June 20, 2014.⁷ No other interested party submitted comments in response to NR Windows' Scope Request.

SCOPE OF THE ORDERS

The merchandise covered by the *Orders* is aluminum extrusions which are shapes and forms, produced by an extrusion process, made from aluminum alloys having metallic elements corresponding to the alloy series designations published by The Aluminum Association commencing with the numbers 1, 3, and 6 (or proprietary equivalents or other certifying body equivalents). Specifically, the subject merchandise made from aluminum alloy with an Aluminum Association series designation commencing with the number 1 contains not less than 99 percent aluminum by weight. The subject merchandise made from aluminum alloy with an Aluminum Association series designation commencing with the number 3 contains manganese as the major alloying element, with manganese accounting for not more than 3.0 percent of total materials by weight. The subject merchandise is made from an aluminum alloy with an Aluminum Association series designation commencing with the number 6 contains magnesium and silicon as the major alloying elements, with magnesium accounting for at least 0.1 percent but not more than 2.0 percent of total materials by weight, and silicon accounting for at least 0.1 percent but not more than 3.0 percent of total materials by weight. The subject aluminum extrusions are properly identified by a four-digit alloy series without either a decimal point or leading letter. Illustrative examples from among the approximately 160 registered alloys that may characterize the subject merchandise are as follows: 1350, 3003, and 6060.

Aluminum extrusions are produced and imported in a wide variety of shapes and forms, including, but not limited to, hollow profiles, other solid profiles, pipes, tubes, bars, and rods. Aluminum extrusions that are drawn subsequent to extrusion (drawn aluminum) are also included in the scope.

Aluminum extrusions are produced and imported with a variety of finishes (both coatings and surface treatments), and types of fabrication. The types of coatings and treatments applied to subject aluminum extrusions include, but are not limited to, extrusions that are mill finished (*i.e.*, without any coating or further finishing), brushed, buffed, polished, anodized (including bright-dip anodized), liquid painted, or powder coated. Aluminum extrusions may also be fabricated, *i.e.*, prepared for assembly. Such operations would include, but are not limited to, extrusions that are cut-to-length, machined, drilled, punched, notched, bent, stretched, knurled, swaged, mitered, chamfered, threaded, and spun. The subject merchandise includes aluminum extrusions that are finished (coated, painted, *etc.*), fabricated, or any combination thereof.

Subject aluminum extrusions may be described at the time of importation as parts for final finished products that are assembled after importation, including, but not limited to, window

⁴ See the Department's February 28, 2014, letter.

⁵ See the Department's February 28, 2014, letter (Deficiency Letter).

⁶ See NR Window's March 20, 2014, submission (Supplemental Filing).

⁷ See the Department's April 11, 2014, letter.

frames, door frames, solar panels, curtain walls, or furniture. Such parts that otherwise meet the definition of aluminum extrusions are included in the scope. The scope includes the aluminum extrusion components that are attached (*e.g.*, by welding or fasteners) to form subassemblies, *i.e.*, partially assembled merchandise unless imported as part of the finished goods “kit” defined further below. The scope does not include the non-aluminum extrusion components of subassemblies or subject kits.

Subject extrusions may be identified with reference to their end use, such as fence posts, electrical conduits, door thresholds, carpet trim, or heat sinks (that do not meet the finished heat sink exclusionary language below). Such goods are subject merchandise if they otherwise meet the scope definition, regardless of whether they are ready for use at the time of importation.

The following aluminum extrusion products are excluded: aluminum extrusions made from aluminum alloy with an Aluminum Association series designations commencing with the number 2 and containing in excess of 1.5 percent copper by weight; aluminum extrusions made from aluminum alloy with an Aluminum Association series designation commencing with the number 5 and containing in excess of 1.0 percent magnesium by weight; and aluminum extrusions made from aluminum alloy with an Aluminum Association series designation commencing with the number 7 and containing in excess of 2.0 percent zinc by weight.

The scope also excludes finished merchandise containing aluminum extrusions as parts that are fully and permanently assembled and completed at the time of entry, such as finished windows with glass, doors with glass or vinyl, picture frames with glass pane and backing material, and solar panels. The scope also excludes finished goods containing aluminum extrusions that are entered unassembled in a “finished goods kit.” A finished goods kit is understood to mean a packaged combination of parts that contains, at the time of importation, all of the necessary parts to fully assemble a final finished good and requires no further finishing or fabrication, such as cutting or punching, and is assembled ‘as is’ into a finished product. An imported product will not be considered a ‘finished goods kit’ and, therefore, excluded from the scope of the investigation merely by including fasteners such as screws, bolts, *etc.* in the packaging with an aluminum extrusion product.

The scope also excludes aluminum alloy sheet or plates produced by other than the extrusion process, such as aluminum products produced by a method of casting. Cast aluminum products are properly identified by four digits with a decimal point between the third and fourth digit. A letter may also precede the four digits. The following Aluminum Association designations are representative of aluminum alloys for casting: 208.0, 295.0, 308.0, 355.0, C355.0, 356.0, A356.0, A357.0, 360.0, 366.0, 380.0, A380.0, 413.0, 443.0, 514.0, 518.1, and 712.0. The scope also excludes pure, unwrought aluminum in any form.

The scope also excludes collapsible tubular containers composed of metallic elements corresponding to alloy code 1080A as designated by the Aluminum Association where the tubular container (excluding the nozzle) meets each of the following dimensional characteristics: (1) length of 37 millimeters (mm) or 62 mm, (2) outer diameter of 11.0 mm or 12.7 mm, and (3) wall thickness not exceeding 0.13 mm.

Also excluded from the scope of these *Orders* are finished heat sinks. Finished heat sinks are fabricated heat sinks made from aluminum extrusions the design and production of which are organized around meeting certain specified thermal performance requirements and which have been fully, albeit not necessarily individually, tested to comply with such requirements.

Imports of the subject merchandise are provided for under the following categories of the Harmonized Tariff Schedule of the United States (HTS): 7610.10.00, 7610.90.00, 7615.10.30, 7615.10.71, 7615.10.91, 7615.19.10, 7615.19.30, 7615.19.50, 7615.19.70, 7615.19.90, 7615.20.00, 7616.99.10, 7616.99.50, 8479.89.98, 8479.90.94, 8513.90.20, 9403.10.00, 9403.20.00, 7604.21.00.00, 7604.29.10.00, 7604.29.30.10, 7604.29.30.50, 7604.29.50.30, 7604.29.50.60, 7608.20.00.30, 7608.20.00.90, 8302.10.30.00, 8302.10.60.30, 8302.10.60.60, 8302.10.60.90, 8302.20.00.00, 8302.30.30.10, 8302.30.30.60, 8302.41.30.00, 8302.41.60.15, 8302.41.60.45, 8302.41.60.50, 8302.41.60.80, 8302.42.30.10, 8302.42.30.15, 8302.42.30.65, 8302.49.60.35, 8302.49.60.45, 8302.49.60.55, 8302.49.60.85, 8302.50.00.00, 8302.60.90.00, 8305.10.00.50, 8306.30.00.00, 8418.99.80.05, 8418.99.80.50, 8418.99.80.60, 8419.90.10.00, 8422.90.06.40, 8479.90.85.00, 8486.90.00.00, 8487.90.00.80, 8503.00.95.20, 8516.90.50.00, 8516.90.80.50, 8708.80.65.90, 9401.90.50.81, 9403.90.10.40, 9403.90.10.50, 9403.90.10.85, 9403.90.25.40, 9403.90.25.80, 9403.90.40.05, 9403.90.40.10, 9403.90.40.60, 9403.90.50.05, 9403.90.50.10, 9403.90.50.80, 9403.90.60.05, 9403.90.60.10, 9403.90.60.80, 9403.90.70.05, 9403.90.70.10, 9403.90.70.80, 9403.90.80.10, 9403.90.80.15, 9403.90.80.20, 9403.90.80.30, 9403.90.80.41, 9403.90.80.51, 9403.90.80.61, 9506.51.40.00, 9506.51.60.00, 9506.59.40.40, 9506.70.20.90, 9506.91.00.10, 9506.91.00.20, 9506.91.00.30, 9506.99.05.10, 9506.99.05.20, 9506.99.05.30, 9506.99.15.00, 9506.99.20.00, 9506.99.25.80, 9506.99.28.00, 9506.99.55.00, 9506.99.60.80, 9507.30.20.00, 9507.30.40.00, 9507.30.60.00, 9507.90.60.00, and 9603.90.80.50.

The subject merchandise entered as parts of other aluminum products may be classifiable under the following additional Chapter 76 subheadings: 7610.10, 7610.90, 7615.19, 7615.20, and 7616.99 as well as under other HTS chapters. In addition, fin evaporator coils may be classifiable under HTS numbers: 8418.99.8050 and 8418.99.8060. While HTS subheadings are provided for convenience and customs purposes, the written description of the scope of these *Orders* is dispositive.⁸

LEGAL FRAMEWORK

When a request for a scope ruling is filed, the Department examines the scope language of the order at issue and the description of the product contained in the scope-ruling request.⁹ If the scope language is not, itself, dispositive, pursuant to the Department's regulations, the Department may also examine other information, including the description of the merchandise contained in the petition, the records from the investigations, and prior scope determinations made for the same product.¹⁰ If the Department determines that these sources are sufficient to decide the matter, it will issue a final scope ruling as to whether the merchandise is covered by an order.

⁸ See *Orders*.

⁹ See *Walgreen Co. v. United States*, 620 F.3d 1350, 1357 (Fed. Cir. 2010).

¹⁰ See 19 CFR 351.225(k)(1).

Conversely, where the descriptions of the merchandise in the sources described in 19 CFR 351.225(k)(1) are not dispositive, the Department will consider the five additional factors set forth at 19 CFR 351.225(k)(2). These factors are: (i) the physical characteristics of the merchandise; (ii) the expectations of the ultimate purchasers; (iii) the ultimate use of the product; (iv) the channels of trade in which the product is sold; and (v) the manner in which the product is advertised and displayed. The determination as to which analytical framework is most appropriate in any given scope proceeding is made on a case-by-case basis after consideration of all evidence before the Department.

DESCRIPTION OF MERCHANDISE SUBJECT TO THIS SCOPE REQUEST

The window wall kits at issue are composed of non-weight bearing extruded aluminum window frames, sheet aluminum, fasteners, gaskets, glazing sealants, and glass panes.¹¹ The window wall kits are used by commercial contractors as a fully assembled window wall in large commercial structures such as hotels, airport terminals, *etc.* The window wall kits do not require any further processing or additional supplementary materials. Upon importation, they are fully complete finished goods kits and, when assembled, are able to be inserted into the building using only the material included in the imported cartons. Each segment of window wall is a component of the finished window wall, but cannot exist or be used independent of the other sections of the window wall, as it is engineered to a specific size and configuration depending on the building specifications.¹² A window wall must be installed in sections and are imported as completed sections in phases with each phase comprising of approximately 30 or more cartons.¹³

PRIOR SCOPE RULINGS RELEVANT TO THIS PROCEEDING¹⁴

Preliminary Scope Memorandum¹⁵

In the original AD and CVD investigations, Nexxt Show, an importer of exhibition kits from the PRC, argued that the components of the kits it imported are made of series 6000 aluminum alloy, but the components are packaged as complete unassembled pavilion kits and exhibition frames. Nexxt Show argued that its exhibit frames and unassembled pavilion kits consisted of all the components to assemble a finished goods kit and so should be excluded from the *Orders*.¹⁶ In the Preliminary Scope Memorandum the Department found that it was unable to determine whether Nexxt Show's kits included all the necessary materials to assemble a finished product. In so doing, however, the Department stated that "if at the time of importation . . . the kits do

¹¹ See Scope Request at 2-3 and Exhibits 1 and 2.

¹² *Id.* at 3.

¹³ *Id.* at 4.

¹⁴ For information regarding the scope rulings references in this section, see the Memorandum to the File from Eric B. Greynolds, Program Manager, Office III, Operations, "Prior Scope Rulings Relevant to this Proceeding", dated concurrently with this memorandum.

¹⁵ See Memorandum to Ronald K. Lorentzen, Deputy Assistant Secretary for Import Administration, "Preliminary Determinations: Comments on the Scope of the Investigations," (October 27, 2010) (Preliminary Scope Memorandum) at Comment 8.

¹⁶ *Id.*

contain all of the necessary parts to fully assemble a final finished good then they would be excluded from the scope of these proceedings.”¹⁷

Shower Door Kits Scope Ruling¹⁸

The products at issue were shower door kits consisting of: a glazed shower door panel (glass surrounded by an aluminum frame), door handles, pivot and strike door jambs (with seals), a drip rail (with vinyl and end plugs), snap-in fillers, and the required screws, spacer, washers, and tape for assembly. The requestor argued that all parts needed for the completion of a finished good were included in its shower door kit at the time of importation, and had the capability to be assembled “as is” into a finished product.¹⁹ In the Shower Door Kits Scope Ruling, the Department determined that the product at issue contained all the parts necessary to assemble a final finished good – a shower door – at the time of importation.²⁰

Window Kits Scope Ruling²¹

At issue in this ruling were two types of finished window kits: punched window kits and ribbon window kits. The ruling states that punched windows consist of a series of square or rectangular finished glass window panels, surrounded by window framing. The kits consisted of a variable number of finished glass window panels which are enclosed on all four sides within a structure of lengths of fabricated extruded aluminum channels called receptors.²² In the ruling, the Department explained that the scope of the *Orders* excludes finished merchandise containing aluminum extrusions, such as “finished windows with glass.” The Department further determined that the window kits were excluded from the *Orders* as finished goods kits provided that they contain at the time of importation all of the parts, including the glass panels, necessary to assemble a finished window or windows.²³ Therefore, even where the window kit parts at issue may have entered the United States in multiple shipping containers or cartons, so long as each such container necessary for the assembly of the finished window or windows is listed on a single CBP 7501 entry form, such window kits remain eligible for exclusion from the *Orders*.²⁴

Curtain Wall Scope Ruling²⁵

At issue in this scope ruling were parts of curtain walls, which are aluminum extrusion framed non-weight bearing exterior walls, secured to and supported by the structural frame of a building, and curtain wall systems, which are parts that fall short of the final finished curtain wall that

¹⁷ *Id.*

¹⁸ See Memorandum to Christian Marsh, Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, “Final Scope Ruling: Shower Door Kits,” (November 7, 2011) (Shower Door Kits Scope Ruling).

¹⁹ *Id.* at 5.

²⁰ *Id.* at 6.

²¹ See Memorandum to Christian Marsh, Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, “Final Scope Ruling on Window Kits,” (December 6, 2011) (Window Kits Scope Ruling).

²² *Id.* at 4.

²³ *Id.* at 5.

²⁴ *Id.* at 11.

²⁵ See Memorandum to Christian Marsh, Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, “Final Scope Ruling on Curtain Wall Units and Other Parts of a Curtain Wall System,” at (November 30, 2012) (Curtain Wall Scope Ruling).

envelopes an entire building structure. Parts of curtain wall systems are manufactured to be assembled into modules that are designed to be interlocked with other parts of curtain wall systems, like pieces of a puzzle.²⁶

In the ruling, the Department noted that in the underlying investigation it found that “curtain walls assembled after importation are within the scope.”²⁷ The Department also stated that while the scope of the *Orders* specifically excludes windows with glass, it also specifically includes curtain walls and window frames. The Department further explained that the scope does not specifically exclude curtain walls with glass. Therefore, the Department found that because both the scope of the *Orders* and the description of the merchandise in the underlying investigation explicitly state that curtain walls are included within the scope of the *Orders*, the Department found that the products at issue were inside the scope.²⁸

ARGUMENTS FROM INTERESTED PARTIES

NR Windows

The scope of the *Orders* excludes finished goods kits, which, at the time of importation include all the parts necessary to assemble the finished good. NR Windows argues that window wall kits meet the exclusion criteria for finished goods kits as they are imported as a packaged and self-contained combination of parts that, when assembled, form a window wall.²⁹

The window wall kits at issue are imported together and clearly marked as a specified section of the window wall project and can only be installed together for specific building project. The window wall kits should qualify for the exclusion even though they are comprised of several containers and cartons so long as those cartons are imported and sold together as units for the completion of a window wall installation and marked as such.³⁰

NR Windows argues that the window wall kits are distinct from the curtain walls that the Department found to be within the scope of the *Orders*.³¹ As evidenced by the photographs and schematics included in the Scope Request, the window wall kits are a not free-hanging or non-weight bearing framing system which encircle a building. Rather the window wall kits are complete kits with all components included at the time of importation that meet a particular project specification.³² Further, the American Architectural Manufacturers Association (AAMA) defines curtain walls as “exterior wall cladding,” whereas it defines window walls as a “fenestration system.”³³

The Department’s prior scope rulings support a finding that the window wall kits are finished goods kits that meet the exclusion criteria. NR Windows points out that in the Preliminary

²⁶ *Id.* at 3.

²⁷ *Id.* at 9, citing to the Preliminary Scope Memorandum at Comment 6.

²⁸ *See* Curtain Wall Scope Ruling at 9.

²⁹ *See* Scope Request at 2 and 5.

³⁰ *Id.* at 2-3, 5 and Exhibit 1.

³¹ *See* Curtain Wall Scope Ruling.

³² *Id.* at 4 and Exhibit 6.

³³ *Id.* at Exhibit 7.

Scope Memorandum the Department addressed the issue of what comprises a finished goods kit.³⁴ Nexxt Show argued that its exhibit frames and unassembled pavilion kits consisted of all the components to assemble a finished goods kit and so should be excluded from the *Orders*. In the Preliminary Scope Memorandum the Department found that it was unable to determine whether Nexxt Show's kits included all the necessary materials to assemble a finished product. In so doing, however, the Department made a key finding – “if at the time of importation . . . the kits do contain all of the necessary parts to fully assemble a final finished good then they would be excluded from the scope of these proceedings.”³⁵ In keeping with the Department's finding in the Preliminary Scope Memorandum, the imported window wall kits at issue contain all the necessary parts to fully assemble a final finished window wall. On this basis, NR Window argues that the Department should exclude the window wall kits from the *Orders*.

NR Windows also states that the Department's findings in the Shower Door Kits Scope Ruling should also lead it to find the window wall kits at issue are excluded from the scope.³⁶ Specifically, in the Shower Door Kits Scope Ruling, the Department determined that the product at issue contained all the parts necessary to assemble a final finished good – a shower door – at the time of importation.³⁷ Like shower door kits, the window wall kits at issue are, at the time of importation, complete finished goods kits and, therefore, should be excluded.

NR Window also claims that the Department reached a similar conclusion in the Window Kits Scope Ruling.³⁸ In that ruling, the Department determined that the window kits at issue, which were comprised of an extruded aluminum frame and glass pane, met the exclusion criteria for “a packaged combination of parts that contains, at the time of importation, all of the necessary parts to fully assemble a final finished good and requires no further finishing or fabrication . . . and is assembled ‘as is’ into a finished product.”³⁹ NR Windows argues therefore that the Department should exclude window wall kits at issue on the same basis.

Petitioners⁴⁰ did not comment on the Scope Request.

DEPARTMENT'S POSITION

The Department examined the language of the *Orders* and the description of the product contained in this Scope Request, as well as previous rulings made by the Department. We find that the language of the scope, taken with prior rulings, are, together, dispositive as to whether the products at issue are subject merchandise, in accordance with 19 CFR 351.225(k)(1). Accordingly, for this determination, the Department finds it unnecessary to consider the additional factors specified in 19 CFR 351.225(k)(2). For the reasons set forth below, we find that the window wall kits at issue meet the exclusion criteria for “finished goods kits.”

³⁴ See Preliminary Scope Memorandum at Comment 8.

³⁵ *Id.* at Comment 8.

³⁶ See Shower Door Kits Scope Ruling at 5-6.

³⁷ *Id.*

³⁸ See Window Kits Scope Ruling.

³⁹ *Id.*

⁴⁰ Petitioners are the Aluminum Extrusions Fair Trade Committee.

The language of the scope of the *Orders* explicitly excludes finished goods kits, which are defined as “a packaged combination of parts that contains, at the time of importation, all of the necessary parts to fully assemble a final finished good and requires no further finishing or fabrication, such as cutting or punching, and is assembled ‘as is’ into a finished product.” The scope of the *Orders* also excludes finished merchandise containing aluminum extrusions, such as “finished windows with glass.” NR Windows’ window wall kits contain at the time of importation all of the necessary parts to be fully assembled, including the glass panes. Therefore, the exclusion language of the scope of the *Orders* appears to explicitly cover this product.

Such an interpretation of the scope is consistent with the Department’s analysis in the Window Kits Scope Ruling. In that ruling, the Department examined and ultimately found that window kits, provided they contained all items required to assemble the window unit, including the glass pane, satisfied the finished goods kits exclusion in the scope.⁴¹ In so doing the Department also noted that the window kits entered the United States in multiple containers “but will be listed on one 7501 Entry Summary and will be part of one Customs entry.”⁴²

The Department reached a similar conclusion in the Shower Door Kits Scope Ruling in which it determined that the kit at issue, which consisted of an extruded aluminum shower door panel (glass surrounded by an aluminum frame), door handles, pivot and strike door jambs, and a drip rail, constituted a finished goods kit and, as such, are not covered by the scope of the *Orders*.⁴³

Additionally, unlike the facts surrounding the pavilion kits examined in the Preliminary Scope Memorandum, the record is clear in this case that the window wall kits at issue contain, at the time of importation, the parts required to assemble a finished window wall, including the glass pane.⁴⁴ Thus, the products at issue are similar to the window frames with glass that are expressly excluded in the scope of the *Orders*, and the previously examined window kits (that included a glass pane) and shower door kits (that included the glass in the door itself) that were found to be excluded finished goods kits under the order.⁴⁵

Further, concerning the manner in which they are shipped and enter the United States, we find the window wall kits at issue are indistinct from the products examined in the Window Kits Scope Ruling. Information from NR Windows (*e.g.*, 7501 entry summary forms) indicates that the kits are sold in multiple containers and cartons that enter under a single entry.⁴⁶ Therefore, we find that the window wall kits at issue are analogous to products expressly excluded in the scope (*e.g.*, windows with glass) as well as the products in the Window Kits Scope Ruling.

We further find that the window wall kits at issue are distinct from the previously examined curtain walls parts, which the Department found to be inside the scope of the *Orders*, in that unlike curtain walls, window walls do not envelop or enclose the entire façade of the building.⁴⁷

⁴¹ See Window Kits Scope Ruling at 10-11.

⁴² *Id.*

⁴³ See Shower Door Kits Scope Ruling at 5- 6.

⁴⁴ See Scope Request at 2-3 and Exhibits 1 and 2.

⁴⁵ *Id.*, at 2-3; see also Supplemental Filing at 1-2.

⁴⁶ See Scope Request at 4 and Exhibit 4.

⁴⁷ See Curtain Walls Scope Ruling at 3.

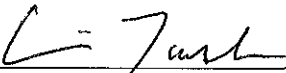
Rather, when inserted into the opening of a building, window walls leave significant areas of the building façade uncovered. In this sense, the window walls are akin to the window frames with glass that are expressly excluded from the scope and the window kits that the Department excluded as part of the Window Kits Scope Ruling: products that, when installed, do not completely cover the facades of buildings.⁴⁸ Further, information submitted by NR Windows indicates that the AAMA distinguishes between window walls and curtain walls.⁴⁹ Specifically, the AAMA describes curtain walls as “exterior cladding” while defining window walls as “fenestration systems.”⁵⁰ In addition, unlike curtain walls, window walls are not specifically identified as subject merchandise in the scope of the *Orders*.⁵¹ Therefore, we find that the window walls assembled from the kits at issue are distinct from subject curtain walls.

RECOMMENDATION

For the reasons discussed above, and in accordance with 19 CFR 351.225(d) and 19 CFR 351.225(k)(1), we recommend finding that the window wall kits at issue are finished goods kits and, thus, not subject to the scope of the *Orders*.

If the recommendation in this memorandum is accepted, we will serve a copy of this determination to all interested parties on the scope service list via first-class mail, as directed by 19 CFR 351.225(f)(4).

Agree Disagree



Christian Marsh
Deputy Assistant Secretary
for Antidumping and Countervailing Duty Operations

6/19/14

Date

⁴⁸ See Window Kits Scope Ruling at 4.

⁴⁹ See Scope Request at Exhibit 7.

⁵⁰ *Id.*

⁵¹ See, e.g., *CVD Order*, 76 FR at 30654, “Subject aluminum extrusions may be described at the time of importation as parts for final finished products that are assembled after importation, including, but not limited to, window frames, door frames, solar panels, curtain walls, or furniture.”