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Scope Inquiry
Storm Door Accessory Kits
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August 1, 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: John Conniff
Senior International Trade Compliance Analyst
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 Storm Door Accessory Kits

SUMMARY

On November 15, 2013, the Department of Commerce (Department) received a scope ruling request from Larson Manufacturing Company (Larson)¹ to determine whether the storm door accessory kits that it imports are subject to the antidumping (AD) and countervailing duty (CVD) *Orders* referenced above.² On the basis of our analysis of the comments received, we have determined that Larson's storm door accessory kits, which comprise a storm door handle assembly kit and a storm door expander/sweeper, are outside the scope of the *Orders*.

BACKGROUND

On November 15, 2013, Larson filed a scope ruling request requesting that the Department find the storm door accessory kits it imports to be outside the scope of the *Orders*. The scope of the *Orders* excludes finished goods kits.³ Larson argues that the storm door accessory kits at issue meet the exclusion criteria as finished goods kits.

¹ See Larson's November 15, 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 *Orders*.



On December 20, 2013, the Aluminum Extrusions Fair Trade Committee (Petitioners) submitted comments to the Department regarding the Scope Request, arguing that Larson's Scope Request was deficient.⁴ On December 23, 2013, the Department extended the deadline for the scope ruling until March 3, 2014.⁵ On February 14, 2014, Larson responded to Petitioners' Deficiency Filing.⁶ On February 19, 2014, the Department extended the deadline for the scope ruling to May 2, 2014.⁷ On February 28, 2014, the Department requested additional information concerning Larson's scope request,⁸ to which Larson responded on March 6, 2014.⁹ On April 30, 2014, the Department extended the deadline for the ruling until July 11, 2014.¹⁰ On June 30, 2014, the Department extended the deadline for the ruling until August 10, 2014.¹¹

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.

⁴ See Petitioners' December 20, 2013, submission (Deficiency Filing).

⁵ See the Department's December 23, 2014, letter.

⁶ See Larson's February 14, 2014, submission (Supplemental Filing).

⁷ See the Department's February 19, 2014, letter.

⁸ See the Department's February 28, 2014, letter.

⁹ See Larson's March 6, 2014 submission (Second Supplemental Filing).

¹⁰ See the Department's April 30, 2014, letter.

¹¹ See the Department's June 30, 2014, letter. Because August 10, 2014, is a Sunday, the deadline rolls over to Monday, August 11, 2014. 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 (May 10, 2005).

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 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.¹²

¹² See *Orders*.

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.¹³ 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.¹⁴ 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.

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

Larson imports storm door accessory kits, containing two parts: (1) the components to assemble a storm door handle (*i.e.*, a handle assembly kit); and (2) a storm door expander/sweeper. The handle assembly kit consists of an outside brass handle, inside brass handle, inside brass escutcheon plate, outside brass escutcheon plate, brass key, brass cylinder, steel spindle, steel screws, steel D-clip, plastic washer and Allen wrench. The expander/sweeper consists of a sweeper (a door-length piece of plastic) and an expander made of extruded aluminum.¹⁵ The two parts are packaged together and sold together as a single kit, which does not include any additional components. Both the door handle and the door expander/sweeper are designed to be added to an existing storm door. The door handles and door expanders/sweepers are sold separately from storm doors. The door handles and door expanders/sweepers arrive in the United States inside a single packaged kit. The door handles and door expanders/sweepers are not unpacked or repackaged after importation. The kit is sold to retailers that in turn sell to end-users. No additional fabrication is required in order to assemble either part of the kit and attach them to a storm door.¹⁶

¹³ See *Walgreen Co. v. United States*, 620 F.3d 1350, 1357 (Fed. Cir. 2010).

¹⁴ See 19 CFR 351.225(k)(1).

¹⁵ See Larson's November 15, 2013 submission at 3-5.

¹⁶ *Id.* at 5 and Exhibit 5.

PRIOR SCOPE RULINGS RELEVANT TO THIS PROCEEDING¹⁷

Geodesic Domes¹⁸

At issue in the ruling were certain geodesic dome frame kits consisting solely of extruded aluminum parts along with nuts, bolts, and washers. The requestor argued that the products at issue constituted finished goods kits because the kits contained all the components necessary to assemble a final finished good. It further argued that the products at issue required no further fabrication and are assembled “as is” from the components provided in the kits.

In the Geodesic Domes Scope Ruling, the Department explained that the product at issue met the “initial requirements for inclusion into the finished goods kit exclusion.”¹⁹ However, the Department noted that the scope of the *Orders* states that an “imported product will not be considered a ‘finished goods kit’ . . . merely by including fasteners such as screws, bolts, etc. in the packaging with an aluminum extrusion product.”²⁰ The Department found that since the products at issue consisted solely of extruded aluminum and fasteners, the exception to the exclusion provision applied. Accordingly, the Department found that the products at issue did not meet the exclusion criteria for a finished goods kit.²¹

Side Mount Valve Controls Scope Ruling²²

At issue in the ruling were certain side-mount valve controls (SMVCs) that are used in pumping apparatuses that are attached to fire engines. The requestor argued that an SMVC, as imported, contains all the components necessary to complete the product and that all SMVC components and hardware are fully fabricated and require no further finishing or fabrication prior to being assembled. On this basis, the requestor argued that the product in question met the exclusion criteria for “finished goods kits.”²³

In the ruling, the Department explained that, upon further reflection of the language in the scope of the *Orders*, it was revising the manner in which it determines whether a given product is a “finished good” or “finished goods kit.” The Department explained that it had identified a concern with its prior analysis, namely that it may lead to unreasonable results. The Department explained that an interpretation of “finished goods kit” which requires all parts to assemble the

¹⁷ 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,” (Prior Scope Rulings Memorandum) dated concurrently with this memorandum.

¹⁸ See Memorandum to Christian Marsh, Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, “Final Scope Ruling on J.A. Hancock, Inc.’s Geodesic Structures,” (July 17, 2012) (Geodesic Domes Scope Ruling).

¹⁹ *Id.* at 7.

²⁰ *Id.*

²¹ *Id.*

²² See Memorandum to Christian Marsh, Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, “Initiation and Preliminary Scope Ruling on Side Mount Valve Controls,” (September 24, 2012) (Preliminary SMVC Scope Ruling), unchanged in Memorandum to Christian Marsh, Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, “Final Scope Ruling on Side Mount Valve Controls,” (October 26, 2012) (Final SMVC Scope Ruling).

²³ See Preliminary SMVC Scope Ruling at 2; unchanged in Final SMVC Scope Ruling.

ultimate downstream product may lead to absurd results, particularly where the ultimate downstream product is, for example, a fire truck. The Department explained that such an interpretation may expand the scope of the *Orders*, which are intended to cover aluminum extrusions.²⁴

The Department determined that the scope, taken as a whole, indicates that “subassemblies” (*i.e.*, “partially assembled merchandise”) may be excluded from the scope provided that they enter the United States as “finished goods” or “finished goods kits” and that the “subassemblies” require no further “finishing” or “fabrication.” Therefore, the Department analyzed whether the SMVC at issue constituted a subassembly that enters the United States as a “finished goods kit.” In order for such a kit to be excluded from the scope of the *Orders*, the Department found that the SMVC had to be ready for installation and require no further finishing or fabrication.²⁵

The Department also concluded that the product at issue contained all of the parts necessary to assemble a complete SMVC and that all the components and hardware of the SMVC were fully fabricated, required no further finishing or fabrication prior to being assembled, and the SMVC was ready for use upon installation. Based on this information, the Department found that the SMVCs at issue met the exclusion criteria for subassemblies that enter the United States as “finished goods kits.”²⁶

Anodes Scope Ruling²⁷

In the Anodes Scope Ruling, the Department considered whether a water heater anode is excluded from the scope of the *Orders* as finished merchandise. Petitioners argued that a water heater anode is not a finished product because it is a component of another product (*i.e.*, a water heater). However, the Department disagreed and found that water heater anodes were finished merchandise that fell outside the scope of the *Orders*. In reaching its decision, the Department concluded that the water heater anode is a finished product because it contains all the components of a water heater anode (*i.e.*, the aluminum, the steel/carbon steel rod, and the carbon steel cap) which are permanently assembled, completed and ready to use as an aluminum anode which works to prevent corrosion in a water heater. Additionally, the Department found that a water heater anode is not an integral component of a water heater because a water heater can heat water with or without a water heater anode. Rather, a water heater anode is a finished product that works in conjunction with another finished product, a water heater, much in the same fashion as a window with glass is a finished product that works in conjunction with a house or structure.²⁸

²⁴ See Preliminary SMVC Scope Ruling at 6-7; unchanged in Final SMVC Scope Ruling.

²⁵ See Preliminary SMVC Scope Ruling at 7 unchanged in Final SMVC Scope Ruling.

²⁶ See Preliminary SMVC Scope Ruling at 7 unchanged in Final SMVC Scope Ruling.

²⁷ See Memorandum to Christian Marsh entitled “Final Scope Ruling on Aluminum Anodes for Water Heaters” dated October 17, 2012 (Anodes Scope Ruling).

²⁸ *Id.*, at 5-7.

Flag Pole Sets Scope Ruling²⁹

At issue in this ruling were flag pole sets designed to hold banners. Both sets at issue came with one of three different top sections, each of which includes a dimple that allows the sections to interlock and a plastic end cap that prevents harmers that are attached to the flag pole set from ripping. The sets were sold without harmers. The requestor explained that similarly-sized sections of both models of flag pole sets were bundled together for importation and were entered as separately bundled packages. Each shipment contained a set number of packages of unassembled sections designed and intended to create a predetermined number of three- and/or four-section assembled flag poles sets after the packages entered U.S. customs territory. The packages were entered together on the same Customs Entry Summary (form 7501).³⁰

In the Flag Pole Sets Scope Ruling, the Department found that the flag pole kits did not meet the criteria for an excluded finished goods kit because, at the time of importation, similarly-sized unassembled flag pole sections were bundled together for shipment, meaning that all of the sections necessary to assemble a final finished product were not packaged together as a complete section in one package and, thus it was necessary for the packages to be opened, and repackaged before being sold to the end user.³¹

ARGUMENTS FROM INTERESTED PARTIES

Larson's Scope Request

In the SMVC scope rulings, the Department clarified its interpretation of what constitutes a finished goods kit. Specifically, in the SMVC rulings, the Department explained that an interpretation that requires all parts to assemble the ultimate downstream product may lead to absurd results and, thus, determined in the SMVC rulings that “subassemblies (*i.e.*, partially assembled merchandise) may be excluded from the scope provide that they enter the United States as ‘finished goods’ or ‘finished goods kits’ and that the ‘subassemblies’ require no further ‘finishing or “fabrication.””³² The Department reached a similar conclusion in the Assembled Motor Cases and Certain Assembled Motor Cases in Stators Scope Ruling.³³

The door handles and door expanders/sweepers at issue are analogous to SMVCs that the Department previously found to be finished goods kits that met the exclusion criteria contained in the scope of the *Orders* because the products contain all the parts (*e.g.*, handle, lock set, and expander/sweeper) necessary to assemble a finished subassembly.³⁴ The fact that Larson sells

²⁹ See Memorandum to Christian Marsh, Deputy Assistant Secretary for AD and CVD Operations, “Aluminum Extrusions from the People’s Republic of China: Final Scope Ruling on 5 Diamond Promotions Inc.’s Aluminum Flag Pole Sets,” (April 19, 2013) (Flag Pole Sets Scope Ruling).

³⁰ *Id.* at 5.

³¹ *Id.* at 9.

³² See Preliminary SMVC Scope Ruling at 6-7, unchanged in Final SMVC Scope Ruling.

³³ See Memorandum to Christian Marsh, Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, “Final Scope Ruling on Motor Cases, Assembled and Housing Stators,” (November 19, 2012) (Assembled Motor Cases and Certain Assembled Motor Cases in Stators Scope) Ruling at 13-14.

³⁴ See Scope Request at 11, citing to the Preliminary SMVC Scope Ruling unchanged in Final SMVC Scope Ruling; see also Assembled Motor Cases and Certain Assembled Motor Cases in Stators Scope Ruling at 13-14.

the door handles and door expanders/sweepers to retailers, as is and in “ready for use upon installation” condition further demonstrates that the products are finished good kits for subassemblies.³⁵

The door handles and door expanders/sweepers at issue are distinct from the products which the Department found inside in the scope in the Flag Pole Sets Scope Ruling, in which packages were opened after importation and then repackaged with other parts being sold to the end user.³⁶ All of the parts required to assemble a storm door accessory kit are contained in each imported kit and there no other items bundled together or repackaged for shipment after importation.³⁷ The handles and expanders/sweepers at issue do not consist entirely of extruded aluminum products. The handle consists of brass, steel and a plastic washer. The expander/sweeper consists of extruded aluminum (expander) and door-length piece of plastic (sweeper) and, thus, does not consist entirely of extruded aluminum.³⁸ As a result, they are distinct from the products found within the scope in the Boat and Dock Ladders and Strip Door Mounting Brackets Scope Ruling, in which the Department found that it would not exclude a product, even though the product required no post-entry finishing or fabrication, if the product consisted solely of an aluminum extrusion.³⁹

Petitioners’ Deficiency Filing

It is not clear that the door handles and door expanders/sweepers at issue enter with all of the components necessary to assemble a final finished good. The Scope Request does not clearly indicate whether the kits enter as finished goods or merely as pieces of extruded aluminum. In addition, the photographs contained in the Scope Request are insufficient to demonstrate that the products at issue enter as finished products and not merely as pieces of extruded aluminum.⁴⁰

The Department should require Larson to submit actual import documents (*e.g.*, 7501 forms, packing lists, *etc.*) in order to substantiate the narrative claims made in the Scope Request.⁴¹ Additionally, Larson should submit invoices from its foreign supplier. Such information will enable the Department to confirm the manner in which Larson purchases and imports the door handles and door expanders/sweepers.⁴²

Larson’s Supplemental Filing

In response to Petitioners’ claims that Larson failed to demonstrate that the door handles and door expanders/sweepers at issue enter with all of the components necessary to assemble a final

³⁵ See Scope Request at 11 and Exhibit 5, which contains an invoice Larson issued to a U.S. customer.

³⁶ See Flag Pole Sets Scope Ruling at 9.

³⁷ See Scope Request at 12.

³⁸ See Scope Request at 13-14.

³⁹ See Memorandum to Christian Marsh, “Final Scope Ruling on Asia Sourcing Corporation’s Boat and Dock Ladders and Strip Door Mounting Brackets,” (March 20, 2013) (Boat and Dock Ladders and Strip Door Mounting Brackets Scope Ruling); see also Geodesic Domes Scope Ruling at 7, which is included in the Prior Scope Rulings Memorandum.

⁴⁰ See Deficiency Filing at 5, referencing the Scope Request at Exhibits 1 and 2.

⁴¹ See Deficiency Filing at 5.

⁴² *Id.* at 5.

finished good, Larson submitted 7501 Entry Forms, 3461 Entry/Immediate Delivery Forms, invoices from Larson's supplier, and bills of lading.⁴³ The additional documentation demonstrates that the door handles and door expanders/sweepers enter as finished goods kits and not merely as pieces of extruded aluminum.⁴⁴ The documents further demonstrate that the door handles and door expanders/sweepers at issue are not bundled together or repackaged after they enter the United States.⁴⁵

Larson's Second Supplemental Filing

In response to the Department's request for additional information, Larson submitted the Second Supplemental Filing, in which it provided a list of all products at issue in the proceeding.⁴⁶ It also provided a description of how it imports the products at issue, namely that it imports the door handle and door expander/sweeper components together in one single package. Larson also provided a photograph of the products at the time of importation.⁴⁷ Additionally, Larson provided assembly instructions and an invoice to its retail customer.⁴⁸

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, along with the description of merchandise in the Department's prior scope rulings, is dispositive as to whether the products at issue are subject merchandise. 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 Larson's storm door accessory kits, which are comprised of a door handle assembly kit and a door expander/sweeper, meet the exclusion criteria for "finished goods kits."

The only extruded aluminum component in the kit, the expander, meets the description of subject merchandise which is aluminum extrusions, in shapes and forms.⁴⁹ However, as noted above, the scope excludes finished merchandise containing aluminum extrusions as parts that are fully and permanently assembled and completed at the time of entry. "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."

We find that the information submitted by Larson addresses the factual concerns raised in

⁴³ See Supplemental Filing at Exhibits 1-3.

⁴⁴ *Id.* at 2.

⁴⁵ *Id.*

⁴⁶ See Second Supplemental Filing at 2, referencing Scope Request at Exhibit 3.

⁴⁷ See Second Supplemental Filing at Exhibit 2.

⁴⁸ *Id.* at Exhibits 3-4.

⁴⁹ See *Orders*.

Petitioners' filing because Larson demonstrated how the storm door accessory kits are entered into the United States and what components are included at the time of importation. Information in Larson's submissions (*e.g.*, narrative statements, photographs, and product specifications), indicates that there are numerous non-aluminum extrusion components, including brass handles and escutcheon plates, steel spindles, and a plastic door length sweeper, in its storm door accessory kits.⁵⁰

Because the first part of the storm door accessory kit, the door handle assembly kit, is not comprised of aluminum extrusions, we find that this part, on its own, would not fall within the scope of the *Orders*.

With respect to the second part of the storm door accessory kit, the door expander/sweeper, we find that this part contains more than just extruded aluminum components beyond fasteners, and therefore, the door expander/sweeper, by itself, meets the Department's first test for determining whether a good constitutes a finished good, as established in the Geodesic Domes Scope Ruling.⁵¹ We also find that the expander/sweeper to be akin to the products examined in the Anodes Scope Ruling. As with the previously examined anodes, the product at issue here constitutes "a finished product" that "contains all the components . . ." (*e.g.*, plastic sweeper, and extruded aluminum expander) ". . . which are permanently assembled, completed and ready to use" as a storm door expander/sweeper.⁵²

We next considered whether the expander/sweeper constitutes a subassembly that enters the United States as a "finished good." In order for a product to be excluded from the scope of the *Orders* as a finished good, it must contain aluminum extrusions as parts that are fully and permanently assembled and completed at the time of entry, and be ready for installation in the downstream product with no further finishing or fabrication. In the SMVC Scope Ruling, the Department found that "subassemblies" (*i.e.*, "partially assembled merchandise") may be excluded from the scope provided that they enter the United States as "finished goods" or "finished goods kits" and that the "subassemblies" require no further "finishing" or "fabrication."⁵³ We find that, based on the information provided by Larson, the expander/sweeper contains parts that are fully and permanently assembled and completed at the time of entry and ready to be installed on a storm door.⁵⁴ Further, we find that the expander/sweeper is fully fabricated and requires no further finishing or fabrication prior to installation. Based on this information, we find that the expander/sweepers at issue, by themselves, meet the exclusion criteria for subassemblies that enter the United States as "finished goods."

As noted above, we find that the first part of the storm door accessory kit, the door handle assembly kit, is outside the scope of the *Orders* because it does not contain any extruded aluminum components, and that the second part of the storm door accessory kit, the door extender/sweeper, is excluded from the *Orders* as a subassembly that enters the United States as

⁵⁰ See Scope Request at 4.

⁵¹ See Geodesic Scope Ruling at 7.

⁵² See Anodes Scope Ruling at 6.

⁵³ See Preliminary SMVC Scope Ruling at 7; unchanged in the Final SMVC Scope Ruling.

⁵⁴ See Scope Request at 3-5; see also Second Supplemental Filing at 2-6 and Exhibits 1-2.

a finished good. As a result of this analysis, we find that the storm door accessory kit as whole is 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. Thus, we find that the storm door accessory kit meets the exclusion for a finished goods kit.

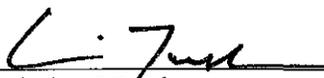
Further, based on the photographs and invoices submitted by Larson, we find that that the storm door accessory kits are not unpackaged, rearranged, or repackaged after importation into the United States.⁵⁵ Rather, we find that the storm door accessory kits are sold to retailers, as is, which, in turn, sell the products to end-users, as is. As such, we find that the storm door accessory kits are distinct from the products that the Department found inside the scope in the Flag Pole Sets Scope Ruling.⁵⁶

RECOMMENDATION

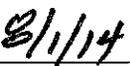
For the reasons discussed above, and in accordance with 19 CFR 351.225(d) and 19 CFR 351.225(k)(1), we recommend finding that the storm door accessory kits at issue are outside the scope of the *Orders*.

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(d).

Agree Disagree



Christian Marsh
Deputy Assistant Secretary
for Antidumping and Countervailing Duty Operations



Date

⁵⁵ See Second Supplemental Filing at 3-4 and Exhibit 2.

⁵⁶ See Second Supplemental Filing at 3-4 and Exhibit 2; see also Flag Pole Sets Scope Ruling at 9.