



UNITED STATES DEPARTMENT OF COMMERCE
International Trade Administration
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Scope Ruling: Window Anchors

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AD/CVD Operations, OVI: DS

April 20, 2015

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

THROUGH: Abdelali Elouaradia
Acting Director
Antidumping and Countervailing Duty Operations, Office VI

FROM: Deborah Scott
International Trade Compliance Analyst
Antidumping and Countervailing Duty Operations, Office VI

SUBJECT: Antidumping and Countervailing Duty Orders on Aluminum
Extrusions from the People's Republic of China: Final Scope
Ruling on Guardian Fall Protection, Inc.'s Window Anchor

SUMMARY

Based on a scope ruling request from Guardian Fall Protection, Inc. (GF Protection)¹ to determine whether its Window Anchor is subject to the antidumping duty (AD) and countervailing duty (CVD) orders on aluminum extrusions from the People's Republic of China (PRC),² the Department of Commerce (Department) determines that the Window Anchor is excluded from the scope of the *Orders*.

BACKGROUND

On November 19, 2014, GF Protection requested that the Department determine whether its Window Anchor is outside the scope of the *Orders*. On January 30, 2015, the Department

¹ See Letter from GF Protection to the Secretary of Commerce, "Aluminum Extrusions from the People's Republic of China: Scope Ruling Request," dated November 19, 2014 (Scope Ruling Request).

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

extended the deadline for a ruling by 45 days, until March 16, 2015.³ On March 11, 2015, the Department extended the deadline for a ruling by an additional 45 days, until April 30, 2015.⁴ No party submitted comments regarding GF Protection's scope ruling 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, swedged, 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

³ See Letter from the Department to GF Protection, "Aluminum Extrusions from the People's Republic of China (PRC): Extension of Deadline for Final Scope Ruling," dated January 30, 2015.

⁴ See Letter from the Department to GF Protection, "Aluminum Extrusions from the People's Republic of China (PRC): Extension of Deadline for Final Scope Ruling," dated March 11, 2015.

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 this order 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, 8414.59.60.90, 8415.90.80.45, 8418.99.80.05, 8418.99.80.50, 8418.99.80.60, 8419.90.10.00, 8422.90.06.40, 8473.30.20.00, 8473.30.51.00, 8479.90.85.00, 8486.90.00.00, 8487.90.00.80, 8503.00.95.20, 8508.70.00.00, 8516.90.50.00, 8516.90.80.50, 8517.70.00.00, 8529.90.73.00, 8529.90.97.60, 8538.10.00.00, 8543.90.88.80, 8708.29.50.60, 8708.80.65.90, 8803.30.00.60, 9013.90.50.00, 9013.90.90.00, 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, 9403.90.80.41, 9403.90.80.51, 9403.90.80.61, 9506.11.40.80, 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 is dispositive.⁵

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.⁶ 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.⁷ If the Department determines that

⁵ See the *Orders*.

⁶ See *Walgreen Co. v. United States*, 620 F.3d 1350, 1357 (Fed. Cir. 2010).

⁷ See 19 CFR 351.225(k)(1).

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

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

GF Protection describes the Window Anchor as follows:

The GF Protection Window Anchor is designed to serve as an anchorage connector for tie-offs in the interior of a building or window opening as part of a personal fall protection system. The Window Anchor is designed to be attached to a structure on the bottom of a window or door opening by adjusting the slider poles of the anchor to fit the window or door frame and then using the fine adjustment screw to attach the anchor snugly against the window or door frame. The Window Anchor includes a D-ring connector to which a worker in a full body harness can attach a restraint line or lanyard to protect the user in the event of a fall.⁹

GF Protection states the Window Anchor consists not only of extruded aluminum parts, but also non-extruded aluminum parts and non-aluminum parts made of steel sheet, neoprene rubber, and stainless steel.¹⁰ The Window Anchor is composed of an inner pole assembly and an outer pole assembly containing aluminum extrusions; these are assembled with various non-extruded or non-aluminum parts such as a steel D-ring connector, neoprene rubber and steel foot pad, steel stoppers, and a stainless steel cable tether.¹¹ GF Protection states the extruded aluminum parts are not sufficient by themselves to serve as an anchor point and that the aluminum inner and outer pole assembly parts are designed solely for use with the other parts of the Window Anchor.¹² GF Protection states that “the Window Anchor is a specially engineered product whereby all parts (aluminum and non-aluminum) were designed in a manner to meet the standards set by U.S. Department of Labor Occupational Safety & Health Administration (OSHA 29 CFR 1926.502) and American National Standards Institute (ANSI Z359.1) for personal fall arrest system equipment.”¹³

⁸ See 19 CFR 351.225(d).

⁹ See Scope Ruling Request at 2-3.

¹⁰ *Id.* at 3.

¹¹ *Id.* at 3 and Exhibit 2.

¹² *Id.* at 3.

¹³ *Id.* at 3, citing Exhibit 3.

GF Protection states that at the time of importation, the Window Anchor is fully assembled with all components included in the packaging; no further assembly or fabrication is required, and the product is ready for immediate use upon delivery to the U.S. customer.¹⁴ GF Protection also states that the Window Anchor can be used with other attachments such as a retractable cable that would be sold separately from, and not imported with, the Window Anchor.¹⁵

GF Protection states the Window Anchor is currently classified under item 7616.99.5090 of the HTS.¹⁶

RELEVANT SCOPE DETERMINATIONS¹⁷

A. Geodesic Domes Kits Scope Ruling¹⁸

J.A. Hancock Co., Inc. (J.A. Hancock), an importer of geodesic structure kits (a set of aluminum poles and assembly hardware that can be assembled into landscaping structures or climbing structures for children), argued that its kits contained all parts necessary to fully assemble a final geodesic structure. J.A. Hancock further noted that the components in its kits required no further fabrication or additional parts. The Department determined that the geodesic structure kits met the initial requirements for exclusion as a “finished goods kit,” as they are a packaged combination of parts containing all necessary components to fully assemble a final finished good.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 extrusions product.”²⁰ As J.A. Hancock’s kits only consist of extruded aluminum poles and fasteners, the Department found that the exception to the “finished goods kit” exclusion applies. Therefore, the Department determined J.A. Hancock’s kits to not be excluded finished goods kits, and hence covered by the scope of the *Orders*.

B. Pool Poles, Skimmers, and Rakes Scope Ruling²¹

The Department found that certain telescopic pool poles, detachable skimmer poles and leaf skimmers and rakes were comprised of both extruded aluminum components and non-extruded aluminum materials (*i.e.*, plastic handles, plastic frames, and nylon netting), that these non-extruded aluminum materials go beyond mere fasteners, and, thus, the products at issue met the

¹⁴ *Id.* at 3-4.

¹⁵ *Id.* at 4, citing Exhibits 3 and 4.

¹⁶ *Id.* at 4.

¹⁷ See the memorandum from Deborah Scott to The File, “Antidumping and Countervailing Duty Orders on Aluminum Extrusions from the People’s Republic of China: Prior Scope Rulings Relevant to this Proceeding,” dated concurrently with this memorandum (Prior Scopes Memorandum).

¹⁸ See the memorandum from Brooke Kennedy to Christian Marsh, “Final Scope Ruling on J.A. Hancock, Inc.’s Geodesic Structures,” dated July 17, 2012 (Geodesic Domes Kits Scope Ruling); see also Prior Scopes Memorandum at Attachment 1.

¹⁹ See Geodesic Domes Kits Scope Ruling at 7.

²⁰ *Id.*

²¹ See the memorandum from Eric B. Greynolds to Christian Marsh, “Final Scope Ruling on Pool Poles, Skimmers, and Rakes,” dated November 24, 2014 (Pool Poles Scope Ruling); see also Prior Scopes Memorandum at Attachment 2.

initial Geodesic Dome Kits test for determining whether a good constitutes a finished good or finished goods kit.²² Furthermore, because the information on record indicated that the requested products were fully and permanently assembled and completed merchandise at the time of entry, the Department found that certain poles, skimmers, and rakes met the exclusion criteria for finished goods and were, therefore, excluded from the scope of the *Orders*.²³

C. Banner Stands and Back Wall Kits Scope Ruling²⁴

This ruling addressed banner stands and back wall kits, used to showcase graphics and other marketing materials. The requestor argued that the banner stands and back wall kits fell outside the scope of the *Orders* because they met the exclusion criteria of the scope of the *Orders*, namely that the products at issue constituted “finished merchandise containing aluminum extrusions as parts that are fully and permanently assembled and completed at the time of entry.”

In the ruling, the Department found that the banner stands and back wall kits met the exclusion criteria.²⁵ The Department explained that the products at issue contained all of the parts required to assemble a completed exhibition frame on which printed graphical materials may be hung and, thus, met the exclusion criteria in the scope of the *Orders* for “finished goods kits.”²⁶

Furthermore, the Department agreed with the requestor’s claim that the products at issue were analogous to completed picture frames, which are explicitly excluded from the scope of the *Orders*.²⁷ Specifically, the Department found that the products at issue were designed to incorporate interchangeable graphical materials that can change with users’ needs. Therefore, the Department concluded it would be unreasonable to require that the products at issue be accompanied at the time of importation with affixed graphical material that could not be removed or altered at a later date.²⁸

D. Drapery Rail Kits (Redetermination)²⁹

In the original drapery rail kits scope ruling, the Department determined that certain drapery rail kits imported by the Rowley Company (Rowley) were covered by the scope of the *Orders* because the kits were not imported with draperies. The Department subsequently requested a voluntary remand, and on remand, determined that Rowley’s drapery rail kits were excluded from the *Orders* as finished goods kits. In its redetermination, the Department noted that the

²² See Pool Poles Scope Ruling at 17.

²³ *Id.* at 17-19.

²⁴ See the memorandum from John Conniff and Eric B. Greynolds to Christian Marsh, “Final Scope Ruling on Banner Stands and Back Wall Kits,” dated October 19, 2011 (Banner Stands and Back Wall Kits Scope Ruling); see also Prior Scopes Memorandum at Attachment 3.

²⁵ See Banner Stands and Back Wall Kits Scope Ruling at 9-10.

²⁶ *Id.* at 9.

²⁷ *Id.* at 10.

²⁸ *Id.*

²⁹ See *Final Results of Redetermination Pursuant to Court Remand, Aluminum Extrusions from the People’s Republic of China, Rowley Company v. United States*, Court No. 12-00055 (February 27, 2013) (Drapery Rail Kits (Redetermination)); see also *Rowley Company v. United States*, Consol. Ct. No. 12-00055 (CIT May 23, 2013) (Court Order affirming Remand Redetermination) (Drapery Rail Kits Redetermination). See also Prior Scopes Memorandum at Attachment 4.

drapery rail kits were designed to be used with readily interchangeable drapes or curtains that could be changed to fit the end customer's needs. The Department found it unreasonable to require that the drapery rail kits be imported with the customizable draperies or curtains and, in determining that Rowley's drapery rail kits were outside the scope of the *Orders*, determined that they contained all the parts necessary to fully assemble a final, finished product.

E. Solar Panels Scope Ruling³⁰

At issue in this ruling were solar panel mounting systems comprised of extruded aluminum rails as well as extruded and cast aluminum kedges, galvanized steel posts, and various steel bolts, clamps, and brackets.³¹ In the ruling, the Department found that the products at issue contained, at the time of importation, all of the parts necessary to fully assemble a finished good without further fabrication. The Department also found that these products could be assembled "as is" into finished products for mounting solar panels. The Department further found that, like picture frames and banner stands and back wall kits, the mounting systems were designed to work with removable/replaceable components, and need not include these removable/replaceable components to constitute a finished good. Thus, the Department concluded that the products at issue were not subject to the *Orders* because they met the criteria for exclusion from the *Orders* as finished goods kits.³²

ARGUMENTS FROM INTERESTED PARTIES

GF Protection's Comments

GF Protection contends the Window Anchor is not within the scope of the *Orders* because, in addition to containing extruded aluminum components, it contains significant amounts of non-extruded aluminum and non-aluminum components that function as more than mere fasteners.³³ Thus, GF Protection argues the Window Anchor satisfies the first test for finding whether a good constitutes a finished good or finished goods kit.³⁴

Furthermore, GF Protection asserts, the Window Anchor is imported as a fully and permanently assembled and completed product; it requires no further finishing or fabrication. Therefore, GF Protection argues, the Window Anchor should be excluded from the scope of the *Orders* under the finished goods exclusion.³⁵ GF Protection argues that after importation, the Window Anchor is either shipped directly, or placed in inventory for later shipment, to unaffiliated U.S. customers, for immediate use as fall protection safety equipment. GF Protection maintains that while other attachments can be utilized with the Window Anchor as part of a personal fall arrest system, the Window Anchor is, by itself, a finished product with a specific use, *i.e.*, a secure tie-

³⁰ See memorandum from Brooke Kennedy to Christian Marsh, "Final Scope Ruling on Clenergy (Xiamen) Technology's Solar Panel Mounting Systems," dated October 31, 2012 (Solar Panels Scope Ruling); see also Prior Scopes Memorandum at Attachment 5.

³¹ See Solar Panels Scope Ruling at 6-7.

³² *Id.* at 8-9.

³³ See Scope Ruling Request at 8.

³⁴ *Id.* at 8-9.

³⁵ *Id.* at 9.

off point. According to GF Protection, that the Window Anchor can be used with interchangeable attachments in no way prevents it from meeting the finished goods exclusion.³⁶

Petitioner's Comments

Petitioner did not provide any comments.³⁷

DEPARTMENT'S POSITION

The Department examined the language of the *Orders* and the description of the product contained in GF Protection's Scope Ruling Request, as well as previous rulings made by the Department. We find that the description of the product, the scope language, and prior rulings are, together, dispositive as to whether the product at issue is 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 GF Protection's Window Anchor meets the exclusion criteria for "finished merchandise."

As noted above, the scope of the *Orders* excludes "finished merchandise containing aluminum extrusions as parts that are fully and permanently assembled and completed at the time of entry."³⁸ The Department frequently refers to this as the "finished goods" exclusion.

The list of components in the Scope Ruling Request demonstrates that, in addition to extruded aluminum components, the Window Anchor includes non-extruded aluminum and non-aluminum components such as a steel D-ring connector, neoprene rubber and steel foot pad, steel stoppers, and a stainless steel cable tether.³⁹ We find that those non-extruded aluminum and non-aluminum components go beyond mere fasteners. Therefore, we find that the Window Anchor meets our first test for determining whether a good constitutes a finished good or finished goods kit, as established in the Geodesic Domes Kits Scope Ruling.⁴⁰

Next, the scope of the *Orders* excludes "finished merchandise containing aluminum extrusions as parts that are fully and permanently assembled and completed at the time of entry." Information in GF Protection's Scope Ruling Request (*e.g.*, narrative statements and product instructions) indicates that its Window Anchor is merchandise containing aluminum extrusions as parts that is fully and permanently assembled and completed at the time of entry.⁴¹ The Window Anchor requires no further assembly or fabrication after importation; it is ready for immediate use as an anchorage connector point.⁴² As such, GF Protection's Window Anchor satisfies the criteria for the finished goods exclusion based on the plain language of the scope

³⁶ *Id.*

³⁷ Petitioner is the Aluminum Extrusions Fair Trade Committee.

³⁸ *See the Orders.*

³⁹ *See* Scope Ruling Request at 3 and 8.

⁴⁰ *See* Geodesic Domes Kits Scope Ruling at 7, where 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.

⁴¹ *See* Scope Ruling Request at 3 and Exhibit 3.

⁴² *Id.* at 3-4.

(i.e., the scope of the *Orders* excludes “finished merchandise containing aluminum extrusions as parts that are fully and permanently assembled and completed at the time of entry”), as further clarified by the principles enumerated in the Geodesic Dome Kits Scope Ruling (i.e., the non-extruded materials must be comprised of more than mere fasteners) and consistent with recent rulings wherein the Department applied the aforementioned principles in its analysis of whether merchandise constitutes excluded finished goods under the *Orders*.⁴³

In addition, similar to the Drapery Rail Kits (Redetermination), the Banner Stands and Back Wall Kits Scope Ruling, and the Solar Panels Scope Ruling, the Window Anchor can be used with other attachments.⁴⁴ The various attachments that may be used with GF Protection’s Window Anchor by end users after importation are interchangeable and include body harnesses and belts, and connection devices such as lanyards, carabiners, and lifelines.⁴⁵ The choice of such attachments is dependent upon the end user. For example, the Window Anchor may be used in conjunction with an optional retractable cradle that would hold a retractable line unit, but that cradle is sold separately, is not imported with the Window Anchor, and is not the only cable system that can be used with the Window Anchor.⁴⁶ Therefore, consistent with the Drapery Rail Kits (Redetermination), the Banner Stands and Back Wall Kits Scope Ruling, and the Solar Panels Scope Ruling, the Department finds that it would be unreasonable to require GF Protection’s Window Anchor to be imported with interchangeable attachments in order to meet the provisions of the finished goods exclusion stated in the scope of the *Orders*. Consequently, we determine that GF Protection’s Window Anchor is fully and permanently assembled and completed at the time of entry, and is excluded from the scope of the *Orders* as a finished good.

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 GF Protection’s Window Anchor is a finished good that falls under the exclusion to the scope of the *Orders* for “finished merchandise containing aluminum extrusions as parts that are fully and permanently assembled and completed at the time of entry.”

⁴³ See, e.g., Pool Poles Scope Ruling.

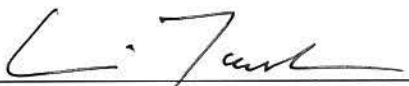
⁴⁴ See Scope Ruling Request at 4.

⁴⁵ *Id.* at 4 and 9.

⁴⁶ *Id.* at 4 and Exhibits 3 and 4.

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

4/20/15

Date