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

C-570-968; A-570-967
Scope Inquiry
Complete and Finished Curtain Walls
Public Document
E&C AD/CVD OIII: JRT

DATE March 27, 2014

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

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

FROM: James Terpstra
Senior International Trade Analyst, Office III
Antidumping and Countervailing Duty Operations

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

SUBJECT: Final Scope Ruling on Curtain Wall Units that are Produced and Imported Pursuant to a Contract to Supply a Curtain Wall

Summary

Yuanda USA Corporation, an importer, and Shenyang Yuanda Aluminum Industry Engineering Co., Ltd., a foreign producer/exporter (together, "Yuanda") filed a scope ruling request seeking that the Department of Commerce ("the Department") confirm that curtain wall units that are produced and imported pursuant to a contract to supply a complete curtain wall system are outside the scope of the Orders.[1] For the reasons described below, we recommend determining that the products subject to this scope ruling are within the scope of the Orders.

Background

On March 26, 2013, Yuanda filed a Scope Request that the Department find that certain "complete, finished unitized curtain wall units … that are sold to building developers, general

[1] 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").

contractors and/or glazing companies pursuant to contracts to supply them with curtain wall systems" are outside the scope of the Orders.[2]

On April 26, 2013, Walters & Wolf, Architectural Glass & Aluminum, and Bagatelos Architectural Glass Systems, Inc. (collectively the "Curtain Wall Coalition" or "CWC"), submitted comments in opposition to the Scope Request.[3] On May 3, 2013, Yuanda submitted a response;[4] and on May 6, 2013, Jangho Curtain Wall ("Jangho"), a foreign producer of subject merchandise also submitted a response to the CWC Opposition.[5]

On May 10, 2013, we initiated a formal scope inquiry.[6] On May 31, 2013, Yuanda, the CWC, Jangho, and Permasteelisa North America Corp. (a U.S. importer) and Permasteelisa Hong Kong Limited (a foreign producer) (together "Permasteelisa") submitted comments.[7] On June 7, 2013, Yuanda, the CWC, Jangho, Permasteelisa and the Aluminum Extrusions Fair Trade Committee ("AEFTC" or "Petitioner"), petitioner in the investigations, submitted rebuttal comments.[8]

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[2] See "Aluminum Extrusions from The People's Republic of China; Scope Ruling Request Regarding Complete and Finished Curtain Wall Units that Are Produced and Imported Pursuant to a Contract to Supply a Complete Curtain Wall," dated March 26, 2013 ("Scope Request").

[3] See "Aluminum Extrusions from the People's Republic of China: Comments in Opposition to the Scope Request Regarding Complete Curtain Wall Units," dated April 26, 2013 ("CWC Opposition").

[4] See "Aluminum Extrusions from The People's Republic of China; Scope Ruling Request Regarding Complete and Finished Curtain Wall Units that Are Produced and Imported Pursuant to a Contract to Supply a Complete Curtain Wall; Response to the CWC Companies' Opposition to the Scope Ruling Request and Challenge to the CWC Companies' Standing to Enter An Appearance," dated May 3, 2013 ("Yuanda Response").

[5] See "Aluminum Extrusions from the People's Republic of China: Response to April 26, 2013 Submission," dated May 6, 2013 ("Jangho Response").

[6] See Letter to All Interested Parties Re: Aluminum Extrusions from the People's Republic of China: Initiation of Formal Scope Inquiry, dated May 10, 2013 ("Initiation Letter").

[7] See "Aluminum Extrusions from the People's Republic of China; Scope Ruling Request Regarding Complete and Finished Curtain Wall Units that Are Produced and Imported Pursuant to a Contract to Supply a Complete Curtain Wall; Submission of Comments in Response to the Department's Initiation of a Formal Scope Inquiry," dated May 31, 2013 ("Yuanda Initiation Comments"); "Aluminum Extrusions from the People's Republic of China: Comments in Opposition to the Scope Request Regarding Complete Curtain Wall Units," dated May 31, 2013 ("CWC Initiation Comments"); "Aluminum Extrusions from the People's Republic of China: Comments Regarding Formal Scope Inquiry on Complete and Finished Curtain Wall Units," dated May 31, 2013 ("Jangho Initiation Comments"); "Aluminum Extrusions from the People's Republic of China; Comments on Scope Ruling Request and Scope Inquiry Regarding Complete and Finished Curtain Wall Units that Are Produced and Imported Pursuant to a Contract to Supply a Complete Curtain Wall," dated May 31, 2013 ("Permasteelisa Initiation Comments").

[8] See "Aluminum Extrusions from The People's Republic of China; Complete and Finished Curtain Wall Units that Are Produced and Imported Pursuant to a Contract to Supply a Complete Curtain Wall; Submission of Rebuttal Comments in Response to the Department's Initiation of a Formal Scope Inquiry," dated June 7, 2013 ("Yuanda Rebuttal"); "Aluminum Extrusions from The People's Republic of China: Rebuttal Comments in the Formal Scope Inquiry Regarding Complete Curtain Wall Units," dated June 7, 2013 ("CWC Rebuttal"); "Rebuttal Comments Regarding Formal Scope Inquiry on Complete and Finished Curtain Wall Units: Aluminum Extrusions from The People's Republic of China," dated June 7, 2013 ("Jangho Rebuttal"); "Aluminum Extrusions from The People's Republic of China; Rebuttal Comments on Scope Ruling Request Regarding Complete and Finished Curtain Wall Units that Are Produced and Imported Pursuant to a Contract to Supply a Complete Curtain Wall," dated June 7, 2013 ("Permasteelisa Rebuttal"); "Aluminum Extrusions from The People's Republic of China: Rebuttal Comments in Response to Yuanda's Comments regarding the Department's Initiation of a Formal Scope Inquiry," dated June 7, 2013 ("AEFTC Rebuttal").

Scope of the Orders

The merchandise covered by these 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, wedged, 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): 7604.21.0000, 7604.29.1000, 7604.29.3010, 7604.29.3050, 7604.29.5030, 7604.29.5060, 7608.20.0030, and 7608.20.0090. 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: 8418.99.80.50 and 8418.99.80.60. While HTS subheadings are provided for convenience and customs purposes, the written description of the scope of these Orders is dispositive.

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, 8708.29.50.60, 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, 9506.11.40.80, 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: 8418.99.80.50 and 8418.99.80.60. While HTS subheadings are provided for convenience and customs purposes, the written description of the scope of the order is dispositive.

There have been numerous scope rulings with regard to this order. For further information, see a listing of these at the webpage titled Final Scope Rulings of the Enforcement and Compliance website at http://enforcement.trade.gov/download/prc-ac/scope/prc-ac-scope-index.html.

Legal Framework

When a request for a scope ruling is filed, the Department examines the scope language of the order and the description of the product contained in the scope ruling request.[9] 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

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

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.[11]

Conversely, where the descriptions of the merchandise are not dispositive, the Department will consider the five additional factors set forth at 19 CFR 351.225(k)(2). These criteria are: (1) the physical characteristics of the merchandise; (2) the expectations of the ultimate purchasers; (3) the ultimate use of the product; (4) the channels of trade in which the product is sold; and (5) 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.

Descriptions of the Products at Issue

Yuanda explained that there are three products subject to its Scope Request. These products are described by Yuanda as: (1) "complete and finished unitized curtain wall units;" (2) "a curtain wall;" and (3) "a curtain wall system 'kit."[12] Yuanda further describes the products at issue as follows:

A curtain wall unit consists of an aluminum extrusion frame, which meets the specifications for a particular building, and glass or another infill material. The glass or other infill material is treated and settled into the frame with a rubber gasket or other material, and then sealed within the frame.[13]

A curtain wall is "two or more complete and finished curtain wall units imported with all component parts."[14] It is "a combination of curtain wall units that form a non-load bearing wall on a floor or part of a building."[15]

A curtain wall system kit is "a multitude of curtain wall units and curtain walls imported in segments with all component parts pursuant to a contract to supply a complete curtain wall system."[16] A curtain wall system acts "as a filter, selectively impeding or controlling the flow inward, outward, or in both directions, not only of people and property, but of all that affects the internal environment of the building."[17]

Yuanda claims that because a curtain wall system forms the non-load bearing outer wall of an entire building, curtain walls to form a curtain wall system are not, and cannot, be imported in a single shipment. Rather, the curtain walls are imported in "quantities that match the progress of the construction."[18] Yuanda explains that a company agreeing to supply a curtain wall system

[10] 19 CFR 351.225(k)(1).
[11] 19 CFR 351.225(d).
[12] See Yuanda Initiation Comments at 3-4.
[13] See id., at 4; see also Scope Request at 7-8.
[14] See Yuanda Initiation Comments at 3-4.
[15] See Scope Request at 7.
[16] See Yuanda Initiation Comments at 4.
[17] See Scope Request at 7 and Exhibit 2.
[18] See id., at 11.

will design the curtain wall units according to the "exacting design and architectural requirements of the project," and that it will "produce the complete curtain wall units in sequential order and deliver them to the construction site over a period of time needed to build the building or buildings being constructed."[19]

Yuanda specifies that its request does not cover aluminum extrusions imported solely as parts for either curtain wall units or curtain wall systems to be assembled after importation.[20]

Curtain wall units enter under HTSUS subcategory 7610.90.0080 (76: Aluminum and articles thereof. 10: Aluminum structures (excluding prefabricated buildings of heading 9406) and parts of structures (for example, bridges and bridge-sections, towers, lattice masts, roofs, roofing frameworks, doors and windows and their frames and thresholds for doors, balustrades, pillars and columns); aluminum plates, rods, profiles, tubes and the like, prepared for use in structures:). .90.00 Other. .80 Other, Other.).[21]

Prior Scope Rulings[22]

A) Investigations Scope Memo[23]

During the investigations, the Department considered whether Yuanda's "unitized curtain wall product and the product's assorted parts" are excluded from the scope. The Department determined that the language of the scope of the investigations indicates that curtain walls assembled after importation are within the scope. Further, the Department found that Yuanda's products are not kits because Yuanda "has not established that the curtain wall components it exports comprise a kit that includes all necessary parts to assemble a final, finished good, as specified by the scope." Rather, Yuanda stipulated that the products do not enter as complete kits. Thus, the Department found that the products are within the scope of the investigations.[24]

B) Window Kits Scope Ruling[25]

IAP Enclosures requested a scope ruling on two products: punched window kits and ribbon window kits. IAP Enclosures argued that, at the time of importation, the kits contained all of the parts, including frame and glass, necessary to assemble a finished window. AEFTC argued that IAP Enclosures failed to provide sufficient information to support its claim that the products at issue constitute "finished goods kits." The Department found that the product kits at issue

[19] See Yuanda Initiation Comments at 5-6.
[20] See Scope Request at 9.
[21] See id., at 9.
[22] See the Department's memorandum entitled: "Antidumping ("AD") and Countervailing Duty ("CVD") Orders on Aluminum Extrusions from the People's Republic of China ("PRC"): Transmittal of Scope Determinations to the File," dated concurrently with this memorandum.
[23] See Memorandum to Ronald K. Lorentzen, Deputy Assistant Secretary for Import Administration, "Aluminum Extrusions from the People's Republic of China, Preliminary Determinations: Comments on Scope of the Investigations," dated October 27, 2010 ("Investigations Scope Memo").
[24] See Investigations Scope Memo at Comment 6.
[25] See Memorandum to Christian Marsh, Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, "Final Scope Ruling on Window Kits," dated December 6, 2011 ("Window Kits Scope Ruling").

contained all of the necessary parts, including glass panels to fully assemble a final, finished good, and, as such, they constituted "finished goods kits" that are excluded from the scope of the Orders.

C) Geodesic Domes Scope Ruling[26]

J.A. Hancock Co., Inc. ("JA Hancock"), an importer, requested a scope ruling on certain geodesic dome frame kits. The products at issue consisted solely of extruded aluminum parts along with nuts, bolts, and washers. JA Hancock argued that the products at issue constituted finished goods kits. JA Hancock argued that the product at issue 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." However, the Department further explained that the scope language specifies an exception to the "finished goods kits" exclusion: "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." The Department found that JA Hancock's geodesic structure kits consisted only of extruded aluminum tubes, which are accompanied by nuts, bolts, and washers (i.e., fasteners). Since the geodesic structure kits consisted solely of extruded aluminum tubes and fasteners, the Department found this exception applicable. Accordingly, the Department found that the geodesic structure kits did not meet the finished goods kit exclusion and thus fall within the scope of the Orders.

D) Side Mount Valve Controls Scope Ruling[27]

In its scope ruling request, Innovative Controls Inc. ("Innovative") argued that certain side mount valve controls ("SMVCs") that it imports are finished goods that are outside the scope of the Orders. Innovative 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, Innovative argued that the product in question met the exclusion criteria for "finished goods."

Petitioner argued that the SMVC itself is not a "final finished good" because it is a component of a larger firefighting apparatus and it is imported under an HTS subheading for "parts and accessories" of such larger systems. Petitioner further argued that in order for the SMVC to perform any function it must be attached to the valve, and ultimately to the firefighting

[26] See Memorandum to Christian Marsh, Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, "Final Scope Ruling on J.A. Hancock Co., Inc.'s Geodesic Structures," dated July 17, 2012 ("Geodesic Domes Scope Ruling").

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

apparatus, that it is designed to control. As a result, the SMVC could not be considered a finished product.

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," in order to avoid unreasonable results. For example, in the SMVC's case, an interpretation of the "finished goods kit" language to mean that the product in question must contain all parts to assemble the ultimate downstream product might suggest the absurd requirement that the SMVC kit must contain all parts necessary to assemble an entire fire truck. The Department explained that such an interpretation may expand the scope of the Orders, which are intended to cover aluminum extrusions.

Thus, 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.

The Department 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 are fully fabricated and require no further finishing or fabrication prior to being assembled. The Department further found that upon assembly, the SMVC is mounted on a fire truck where it is ready for use upon installation. Based on this information, the Department found that the SMVC at issue met the exclusion criteria for subassemblies that enter the United States as "finished goods kits."

E) Anodes Scope Ruling[28]

A.O. Smith Corporation ("A.O. Smith") requested a scope ruling on aluminum anodes for water heaters. The water heater anodes at issue consist of a rod made of aluminum alloy formed around a stainless steel or carbon steel core with a carbon steel cap. A.O. Smith argued that a water heater anode is a finished downstream product that functions separately from a water heater. Thus, A.O. Smith argued that a water heater anode satisfies the exclusion criteria for finished merchandise.

The Department agreed with A.O. Smith and found that a water heater anode was finished merchandise and thus is excluded from 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.

[28] See Memorandum to Christian Marsh, Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, "Final Scope Ruling on Aluminum Anodes for Water Heaters," dated October 17, 2012 ("Anodes Scope Ruling").

F) Curtain Wall Parts Scope Ruling[29]

The CWC previously requested a scope ruling on whether curtain wall units and other parts of curtain wall systems were within the scope of the Orders. The products at issue were parts of the final finished curtain walls that envelope an entire building structure. The Department determined that the scope of the Orders specifically includes parts of curtain walls because the plain language of the scope of the Orders provides that "parts" of curtain walls are included. The Department also noted that, in its Investigations Scope Memo, it found that Yuanda's curtain wall parts are within the scope and are not excluded as finished goods kits. However, in response to parties' arguments that curtain walls are kits, the Department noted that the request was limited to curtain wall parts and, thus, made a determination only with respect to parts of curtain walls are within the scope of the Orders.

Arguments of the Interested Parties

Scope Request

Yuanda argues that curtain wall units are either finished merchandise or finished goods kits, and thus excluded from the Orders. First, the curtain wall unit is finished merchandise because it is permanently assembled and completed at the time of entry. According to Yuanda, the curtain wall unit is distinct from a curtain wall in the same manner as a brick or tile is a finished product that is "both different from the inputs from which it is made and from the wall or floor made by laying bricks or tiles together."[30]

Next, because each curtain wall unit is delivered along with other units for the purpose of being joined together under a contract to supply a curtain wall system, each unit enters as a finished goods kit at the time of entry. Yuanda explains that the curtain wall units are not imported in a single shipment but, rather, that "each shipment contains both a specified number of complete and finished unitized curtain wall units plus any other materials needed to install those units together to form the curtain wall of a floor, side of a floor or other portion of the curtain wall system" provided by the contract.[31] Thus, according to Yuanda, there are two ways in which the product is a kit: (1) each shipment of a specified number of curtain wall units is a kit to join two or more finished curtain wall units together (i.e., a "curtain wall" as defined above), and (2) all of the shipments taken together form the complete curtain wall system for the entire building. Yuanda argues that there is no requirement in the scope that a "kit" be of a certain size and that, by necessity, curtain wall units must be imported in different containers over several months. Thus, the curtain wall and the curtain wall system are both finished goods kits which contain at the time of importation all of the necessary parts of a curtain wall that can be assembled as is, with no further finishing or fabrication.[32]

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[29] See Memorandum to Christian Marsh, Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, "Final Scope Ruling on Curtain Wall Units," dated November 30, 2012.
[30] See Scope Request at 10-11.
[31] See id., at 8.
[32] See id., at 11-3.

Yuanda argues that prior scope rulings confirm that curtain wall units are excluded from the scope of the Orders. Yuanda argues that a curtain wall unit is analogous to a SMVC because complete curtain wall units installed on to a building are like SMVCs installed on to a fire truck.[33] Yuanda argues that the Department's Assembled Motor Cases Scope Ruling[34] also supports this position because there the Department found that the inclusion of non-aluminum extrusion components into a subassembly which is ready for installation and requires no further finishing or fabrication will render the product excluded as a finished goods kit. According to Yuanda, a curtain wall unit is like the assembled motor case because it does not consist entirely of aluminum extrusions and is ready for installation and requires no further finishing or fabrication. Yuanda argues that the facts here are more compelling because the curtain wall units themselves are finished merchandise, which are then imported with other curtain wall units to form a finished goods kit.[35]

Yuanda further argues that a curtain wall unit is analogous to a water heater anode because it works in conjunction with the building, just as the water heater anode works in conjunction with a water heater.[36] Moreover, a curtain wall unit is analogous to a window kit because windows with glass, especially "ribbon windows" (a series of window panels with glass, attached by extruded aluminum) are the functional equivalent of curtain wall units.[37] Yuanda cites to a statement made by counsel for Petitioner during the investigations in which the attorney stated that "a curtain wall system would need to contain all of the window glass at the time of entry in order to be excluded," as evidence that Petitioner did not intend to include finished curtain wall units within the scope of their petitions.[38]

Yuanda also argues that the criteria included 19 CFR 351.225(k)(2) support the exclusion of curtain wall units from the scope of the Orders.[39] Regarding the physical characteristics of the products, Yuanda argues that a curtain wall unit is physically different from other subject extruded aluminum products because subject merchandise is produced by a die, and does not contain other materials such as glass, plastic and metal. Regarding the expectations of the ultimate purchaser, curtain wall units are final finished products, in contrast to other subject aluminum extrusions which are intermediate goods which must be further processed. Thus, customers purchase curtain wall units expecting that the products will be designed to meet the specifications required by the contract, in contrast to customers of aluminum extrusions, which expect to purchase intermediate goods that must be further worked or processed. Regarding the end use of the products, curtain wall units are used to enclose a building, whereas subject aluminum extrusions are used as intermediate inputs by manufacturers. Regarding channels of trade, curtain wall units are sold directly to commercial builders while subject aluminum extrusions are sold through distributors to manufacturers. Regarding the manner in which the products is advertised and displayed, curtain wall units are designed for specific architectural

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[33] See id., at 14-5.
[34] See Memorandum to Christian Marsh, Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, Final Scope Ruling on Motor Cases, Assembled and Housing Stators," dated November 26, 2012 ("Assembled Motor Cases Scope Ruling").
[35] See Scope Request at 15-6.
[36] See id., at 16-7, citing Water Heater Anodes Scope Ruling.
[37] See id., at 17-8, citing Window Kits Scope Ruling.
[38] See id., at 18 and Exhibit 5 (emphasis deleted).
[39] See id., at 19-21.

plans, whereas subject aluminum extrusions are sold through distributors. Thus, Yuanda argues that each of the criteria under 19 CFR 351.225(k)(2) demonstrates that curtain wall units are excluded from the scope of the Orders.

CWC Opposition

The CWC argues that curtain wall units are parts of curtain walls, and parts of curtain walls are included in the scope by its express language: "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." Further, the scope indicates that referring to a product by its end use will not render a product outside of the scope. The CWC argues that the curtain wall units are identical to the products found to be within the scope in the Investigations Scope Memo and Curtain Wall Parts Scope Ruling. Thus, the CWC argues that the Department should find that the curtain wall units are included under the plain language of the scope and the prior scope rulings.[40]

The CWC argues that "complete curtain wall unit" is not an industry term, and that Yuanda's definition of "curtain wall" as two or more curtain wall units is not consistent with the American Society of Testing and Materials definition, which describes a curtain wall as a "nonbearing exterior wall, secured to and supported by the structural members of the building." In addition, the CWC maintains, curtain wall units are entered under an HTS category listed in the scope of the Orders, further demonstrating that curtain wall units are included in the scope.[41]

The CWC argues that the installation of a curtain wall on a building requires numerous steps, including casting embeds into the concrete of the building, adding anchoring assemblies and anchors on the building, mounting and interlocking units at specific locations on the building, and then mounting and interlocking other units with each other on the building. In addition, the units must be waterproofed as they are interlocked, and adjoined with silicone at the top of the frames that spreads into the gap between two units. Also, gaps between the units and the building structure are filled or overlaid, with aluminum extrusion overlays that are cut to fit, punched, and processed in the field at the jobsite. Thus, the CWC argues, Yuanda's assertion that curtain wall units "enter the United States finished with all the parts for installation without any further processing" is unsupported because Yuanda fails to provide detailed factual evidence, such as a public list of components which enter with the curtain wall units, that all the necessary parts to complete a curtain wall are included at importation.[42]

The CWC argues that curtain wall units are not finished merchandise or finished goods kits because they do not contain all of the necessary parts and components and they require further processing to be installed.[43] CWC argues that Yuanda's subjective definition of a curtain wall as containing "whatever number Yuanda decides to import pursuant to its projects" is untenable

[40] See CWC Opposition, at 5-11.
[41] See id., at 13.
[42] See id., at 13-5 and Exhibit C.
[43] See id., at 15-9.

because that would make all curtain wall units outside of the scope, contrary to the Department's prior rulings on curtain wall parts.[44]

The CWC argues that, in the Final SMVC Scope Ruling, the Department required that, to meet the exclusion for a subassembly that enters as a finished goods kit, the product must constitute a finished good and require no further fabrication prior to assembly. But curtain wall units require both additional finishing and processing and numerous additional parts and hardware to install the curtain wall unit into a larger structure (i.e., the curtain wall). Further, curtain wall units are distinguishable from SMVCs, assembled motor cases, water heater anodes and finished windows because curtain wall units cannot be universally attached to any curtain wall project; rather, each curtain wall unit has a unique position in the system, like a puzzle piece.[45] Finally, the CWC argues that, because the scope of the Orders expressly covers parts of curtain walls, the general exclusions for subassemblies, finished merchandise and finished goods kits do not trump the specific inclusion.[46]

Yuanda Response

Yuanda argues that the CWC does not have standing to participate in the scope proceeding because they only produce curtain wall units, not aluminum extrusions, and therefore do not constitute an interested party as defined by section 771(9) of the Tariff Act of 1930, as amended ("the Act"). Yuanda also disputes the CWC's contention that complete curtain wall units are covered by the previous scope rulings of the Department. According the Yuanda, the Curtain Wall Parts Scope Ruling did not address whether "a complete curtain wall unit would qualify for exclusion from the Orders as a finished goods kit."[47]

Yuanda argues that the CWC's interpretation of the scope would eliminate the exclusion for kits, and also disputes the CWC's assertion that scope covers "curtain walls and parts thereof;" rather, the scope language only refers to "parts for curtain walls." Yuanda also disputes the CWC's claim that installation requires fabrication and the installation of other parts. Yuanda argues that the CWC identifies other parts of the building which must undergo fabrication for final installation that are not part of a curtain wall unit. According to Yuanda, none of the activities identified by CWC relate to installing curtain wall units.[48]

Yuanda states that, although the scope language is clear that curtain wall units are excluded as finished merchandise or finished goods kits, if the Department determines that the descriptions of the merchandise are ambiguous, an analysis of the criteria under 19 CFR 351.225(k)(2) demonstrate that curtain wall units are excluded. Yuanda criticizes the CWC's reliance on arguments concerning the 19 CFR 351.225(k)(2) criteria which it made during the Curtain Wall Parts Scope Ruling, which CWC submitted onto the instant record, since those comments are not applicable to "complete" curtain wall units.[49]

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[44] See id., at 19.
[45] See id., at 21-2.
[46] See id., at 22-3.
[47] See Yuanda Response at 2-6.
[48] See id., at 8-13.
[49] See id., at 18-19.

Jangho Response

Jangho argues that the CWC does not have standing to participate in the scope proceeding because the members only produce curtain wall units, not aluminum extrusions, and thus it does not meet the definition of an interested party. Jangho argues that curtain wall units are finished goods because they are "fully and permanently assembled at the time of entry."[50]

Jangho argues that curtain wall units operate as "finished windows with glass" and are thus clearly excluded by the scope language. Jangho argues that the CWC ignores the plain language of the scope of the Orders, which exclude finished merchandise and finished goods kits. Jangho argues that curtain wall units require no further assembly after importation.

In addition, Jangho argues that curtain wall units are finished goods kits as described in the Final SMVC Scope Ruling because they are final finished products which are part of a larger structure. Jangho argues that it is irrelevant that curtain wall units must be installed in specific locations on a building, because assembled motor cases and water heater anodes may also be designed specifically for certain downstream products. Jangho also states that that curtain wall units are analogous to kits to assemble windows with glass, water heater anodes and assembled motor cases because they contain all of the components necessary to fully assemble a final, finished good, consist of products other than aluminum extrusions, and require no further fabrication or processing.[51]

Yuanda Initiation Comments

Yuanda argues that, because the Department initiated a scope inquiry, it must consider the criteria listed in 19 CFR 351.225(k)(2) in making its determination. Yuanda clarified that its Scope Request covers three products: (1) complete, finished, unitized curtain wall units; (2) curtain walls (two or more curtain wall units imported with all component parts); and (3) curtain wall system kits (a multitude of curtain wall units and curtain walls imported in segments pursuant to a contract). Yuanda reiterated its argument that a curtain wall unit is finished merchandise, and a curtain wall and a curtain wall system kit are finished goods kits.[52]

Yuanda argues that the plain language of the scope excludes curtain wall units, curtain walls and curtain wall system kits. Yuanda cites to the Memorandum to Christian Marsh, Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, "Final Scope Ruling on Tesla Curtain Walls with Non-PRC Extrusions (March 14, 2013) ("Tesla Curtain Walls Scope Ruling") where the Department found that curtain walls produced using non-Chinese aluminum extrusions are excluded from the scope of the Orders. Yuanda argues that this scope ruling supports its request for exclusion because the Department confirmed that only imports of aluminum extrusions are covered by the scope.[53]

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[50] See Jangho Response at 2-4.
[51] See id., at 9-11, citing to, e.g., Window Kits Scope Ruling, Water Heater Anodes Scope Ruling, and Assembled Motor Cases Scope Ruling.
[52] See Yuanda Initiation Comments at 2-5.
[53] See id., at 6-8.

Yuanda argues that even if the scope is ambiguous, its products are excluded as finished merchandise and finished goods kits. Further, Yuanda argues that its products are distinguishable from the products at issue in the Geodesic Domes Scope Ruling, for instance, because aluminum extrusions are not the only products assembled into the finished merchandise or contained in the finished goods kits.[54]

According to Yuanda, the International Trade Commission ("ITC") did not consider the domestic production of curtain walls in its injury analysis, only mentioning them in the discussion of uses of aluminum extrusions in finished goods applications and as they relate to demand for aluminum extrusions. This indicates that the ITC thought of curtain walls as "different products produced by different industries." Further, the ITC did not collect shipment or financial data from curtain wall producers.[55] Yuanda states that "a simple Internet search yields a comprehensive list of manufacturers of curtain wall units and systems as reported by ARCAT.com," and none of these companies were part of the petitioning industry or were active in the ITC's investigation.[56]

Next, Yuanda argues that all of the criteria listed under 19 CFR 351.225(k)(2) support a determination that curtain wall units, curtain walls, and curtain wall system kits are excluded from the scope of the Orders. As to the physical characteristics of the products, Yuanda argues that the scope covers shapes and forms of aluminum extrusions intended to be used as intermediate materials, while Yuanda's products contain many more materials than aluminum extrusions, and cannot be fabricated into another downstream product. Second, the ultimate purchaser of aluminum extrusions uses aluminum extrusions to produce other goods, in contrast to curtain wall purchasers. Third, the end use of aluminum extrusions is for use as inputs, whereas curtain walls are installed directly on to structures. Fourth, unlike aluminum extrusions, which can be sold in many channels of trade, curtain walls designed pursuant to a contract are meant for a specific customer, and fifth, advertising for aluminum extrusions is general, whereas advertising for curtain walls is direct and personal.[57]

CWC Initiation Comments

The CWC reiterates many of its arguments from the CWC Opposition, namely that Yuanda's products are covered by the petition, the Orders, and the Department's prior scope rulings, including the Curtain Wall Parts Scope Ruling, and so the Department should determine that Yuanda's products are within the scope under the descriptions of the merchandise in these sources, pursuant to 19 CFR 351.225(k)(1). The CWC states that it is unnecessary to evaluate the criteria listed in 19 CFR 351.225(k)(2) because the Department determined to initiate a scope inquiry due to deficiencies in Yuanda's Scope Request.[58]

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[54] See id., at 9-10.
[55] See id., at 10-11, citing Certain Aluminum Extrusions from China, Investigation Nos. 701-TA-475 and 731-TA-1177 (Final) ("ITC Final Report") at I-10 and II-5.
[56] See id., at 11 and Exhibit 1.
[57] See id., at 11-19.
[58] See CWC Initiation Comments at 3-8.

The CWC continues to argue that the specific language of the scope which includes parts to curtain walls trumps the ambiguous exclusion language.[59] The CWC argues that, during its investigation, the ITC recognized repeatedly that subject aluminum extrusions, the domestic like product, included parts of curtain walls and there is a wide-range of end-use applications for subject aluminum extrusions including construction such as "high-rise curtainwall" products.[60] According to the CWC, the exclusions for finished merchandise and finished goods kits do not apply because: (1) further finishing, processing, and fabrication is required for assembly into a curtain wall, and (2) all the necessary hardware and components for assembly are not included for installation at the time of entry. The CWC rebuts Yuanda's comments concerning standing, arguing that the Department already determined that the CWC has standing as an interested party in scope proceedings concerning aluminum extrusions.[61]

The CWC argues that, if the Department finds that the descriptions of the merchandise in the sources under 19 CFR 351.225(k)(1) are not dispositive, it should find that the criteria under 19 CFR 351.225(k)(2) demonstrate that Yuanda's products are subject to the scope. The CWC argues that Yuanda's products are similar to kitted fences, which the Department found were within the scope of the Orders pursuant to 19 CFR 351.225(k)(2).[62] Regarding the physical characteristics of the product, Yuanda's products are basically produced in the same manner, and using the same materials, as other subject aluminum extrusions. Regarding the expectations of the ultimate purchaser, Yuanda's products are not finished products; purchasers of Yuanda's products, like purchasers of other subject aluminum extrusions, purchase them to use as a part of another finished product. For example, a curtain wall unit is a part used to produce a curtain wall. Regarding the end use of the products, Yuanda's products are used like subject other aluminum extrusion parts, to produce a finished product. Regarding channels of trade, although curtain wall units, curtain walls, and curtain wall system kits are sold directly to commercial builders, they are also sold through distributors, like other subject aluminum extrusions. Regarding the manner in which the products are advertised and displayed, the aluminum extrusions component of curtain walls is usually not highlighted, which can also be the case for other subject aluminum extrusions. Taken together, these factors show that Yuanda's products are within the scope of the Orders.[63]

Jangho Initiation Comments

Jangho reiterates many of its arguments from the initial Jangho Response, continuing to argue that curtain wall units are excluded as finished merchandise. According to Jangho, curtain wall units containing in-fill glass are analogous to windows with glass which are excluded from the scope. Citing, for example, the Window Kits Scope Ruling, Jangho argues that the Department's focus in prior scope rulings was that the merchandise was imported with the glass, as are curtain walls. Jangho argues that the curtain wall units are fully assembled as complete and finished

[59] See id., at 10, citing Legacy Classic Furniture v. United States, Slip Op. 12-121 (Sept. 19, 2012), Final Results of Second Redetermination Pursuant to Court Order.
[60] See id., at 11 n 4 and Exhibit B, quoting ITC Final Report at Ex. 23 and 119-20.
[61] See id., at 12-33.
[62] See id., at 35, citing to Memorandum to Christian Marsh, Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, entitled, "Final Scope Ruling on Ameristar's Aluminum Kitted Fence Products," dated August 15, 2012.
[63] See id., at 33-40.

products that only need to be aligned and fixed onto pre-positioned brackets on the buildings' structural exterior. Jangho asserts that the curtain wall units do not need to undergo any further manufacturing, fabrication, finishing, or assembly after importation. They simply need to be unpacked and installed on the exterior of the building. Thus, the products are final and fully assembled, and contain more than aluminum extrusions, and so satisfy the definition of finished merchandise.[64]

Jangho argues that the Department should find that curtain wall units are excluded pursuant to 19 CFR 351.225(k)(1), but that an analysis under 19 CFR 351.225(k)(2) also supports their exclusion. Regarding the physical characteristics of the product, Yuanda's products are physically distinct from subject aluminum extrusions and more akin to windows with glass. There are also stringent testing requirements for curtain wall units, which are not required for other subject aluminum extrusions. Regarding the expectations of the ultimate purchaser, curtain wall units are designed for aesthetic purposes, and require no further processing, unlike aluminum extrusions which are expected to be used as intermediate products. Regarding the end use, curtain wall units have a different function (such as aesthetics and being able to view the outdoors) which aluminum extrusions do not have. Regarding channels of trade, curtain walls are sold directly to builders for a specific project, unlike subject aluminum extrusions. Regarding the manner in which the products are advertised and displayed, curtain wall units are marketed to the ultimate customer, based on past projects, whereas aluminum extrusions are not marketed to ultimate customers but to manufacturers. Taken together, these factors show that Yuanda's products are excluded from the scope of the Orders.[65]

Permasteelisa Initiation Comments

Permasteelisa agrees with Yuanda that the merchandise subject to this Scope Request is excluded either as finished merchandise or as finished goods kits. Permasteelisa cites the information contained in the Scope Request, Yuanda Response, Jangho Response, and Yuanda and Jangho Initiation Comments to support its argument.[66]

Permasteelisa also argues that the products at issue are excluded from the scope of the Orders pursuant to criteria under 19 CFR 351.225(k)(2).[67]

Yuanda Rebuttal

Yuanda argues that curtain walls are final, finished goods, not parts, and so they do not meet the definition of "parts of curtain walls" in the scope. Yuanda asserts that parties "speak of a curtain wall unit as a distinct, identifiable product that is different from the aluminum extrusion used to make its frame, all parties, in fact, accepted Yuanda's core contention that curtain wall units and 'kits' for curtain walls, on the one hand, and aluminum extrusions on the other are very different products."[68]

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[64] See Jangho Initiation Comments, at 2-6.
[65] See id., at 6-11.
[66] See Permasteelisa Initiation Comments at 2-5.
[67] See id., at 5-8.
[68] See Yuanda Rebuttal at 2-4 (emphasis deleted).

According to Yuanda, whether a product is a final finished good is dependent upon whether it is distinct from other products, and whether it must undergo further fabrication and assembly. For example, a LEGO is a finished product, and yet no one buys just one. So too is a curtain wall unit a finished product, but it is purchased in conjunction with other curtain wall units. Yuanda asserts that the industry norm is that a curtain wall unit is a panel unit. Yuanda argues that it would be nonsensical to find that a curtain wall unit is only finished when it is installed on to a building, because a side mount valve control is finished before it is installed on to a fire truck.[69]

Yuanda rebuts the CWC's contention that Yuanda should be required to provide a public list of component parts before the Department can determine that curtain walls and curtain wall system kits are finished goods kits, arguing that the Department rejected a similar argument in the Window Kits Scope Ruling. Yuanda certified that the contract, and the shipments, contain all the components that are required. Further, a scope ruling finding these products to be excluded is enforceable, because the products are shipped pursuant to a contract to install a curtain wall system. Yuanda also argues that the CWC overlooks the Window Kits Scope Ruling, where the Department found that ribbon window kits are outside of the scope of the Orders. According to Yuanda, ribbon windows are analogous to curtain walls.[70]

CWC Rebuttal

CWC argues that that the Department should focus its analysis on plain language of the scope, as well as descriptions of subject merchandise in sources listed in 19 CFR 351.225(k)(1). The CWC argues that analysis of the criteria under 19 CFR 351.225(k)(2) is unnecessary, and the other parties erred in focusing their analysis on these criteria.[71]

CWC also argues that Yuanda is attempting to arbitrarily re-define the list of products subject to this scope review. The CWC states that Yuanda originally described the products as "complete Por finished curtain wall units;" but that Yuanda now classifies three different products as being subject to this Scope Request: 1) "curtain wall units," 2) "a curtain wall, defined as two or more units," and 3) "a curtain wall system kit" defined as a "multitude of curtain wall units." According to the CWC, the Department should ignore the various definitions of curtain walls used by Yuanda and rely on the clear language on the record and the industry standards, namely that a curtain wall is "a combination of curtain wall units that from a non-load-bearing wall." Further, the CWC argues that Yuanda's definition of "curtain wall" as two or more curtain wall units is arbitrary.[72]

The CWC continues to argue that curtain wall units are not finished merchandise and that simply labeling the products "finished" does not make them so. Curtain walls are not hung "as is;" they require additional fabrication. Further, curtain walls are not windows with glass, and are not described as such in the documentation provided by Yuanda. The CWC again criticizes Yuanda for not providing a public list of parts entering with the curtain walls.[73]

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[69] See id., at 5-7, citing to Final SMVC Scope Ruling.
[70] See id., at 8-12.
[71] See CWC Rebuttal at 3-5.
[72] See id., at 6-8.
[73] See id., at 8-13.

Concerning the list of manufacturers provided by Yuanda in support of its argument that the ITC did not consider curtain wall manufacturers in its industry analysis, the CWC questions the reliability of the list because Yuanda, which does not produce curtain walls domestically, is listed, while certain members of the CWC are not listed.[74]

The CWC argues that Yuanda's products are within the scope pursuant to the criteria under 19 CFR 351.225(k)(2).[75]

Jangho Rebuttal

Jangho argues that the CWC misconstrues the language of the scope because nowhere in the scope are "curtain wall units" mentioned. Jangho argues that the CWC misapplies the Department's remand in Legacy Classic Furniture,[76] because the unqualified exclusion in that order should be read broadly, as it should be here. Jangho reiterates that curtain wall units do not require further processing at the time of entry. Jangho argues that, contrary to the CWC's argument, the subassemblies test discussed in the Final SMVC Scope Ruling, dictates that curtain wall units should be excluded because Jangho's products require no additional fabrication and are installed as is onto the building, just like a side mount valve control. Further, Jangho claims that, at the time of entry, curtain wall units require no further processing. Curtain wall units are custom designed to meet the technical requirements of a specific site, once delivered to the building, the curtain wall units are removed from a shipping crate and are hung on the building. Jangho argues that the HTS categories listed in the scope are not dispositive. Finally, Jangho argues that the CWC is incorrect that Department is not required to perform additional analysis of the criteria in 19 CFR 351.225(k)(2) because the Department initiated a scope inquiry.[77]

Jangho argues that under the criteria listed in 19 CFR 351.225(k)(2), curtain wall units are excluded from the scope.[78] For instance, Jangho argues that aluminum extrusions are physically distinct from subject aluminum extrusions because aluminum extrusions make up only part of a complete curtain wall, which also are comprised of glass, steel structure and other parts. According to Jangho, aluminum extrusions account for only approximately 30-35 percent of the value of curtain wall units.[79]

Permasteelisa Rebuttal

Permasteelisa adopts Yuanda's position in the Yuanda Initiation Comments, and Jangho's position in the Jangho Initiation Comments, and incorporates those arguments in full.[80]

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[74] See id., at 12 n 26.
[75] See id., at 13-23.
[76] Legacy Classic Furniture, Inc. v. United States, 867 F. Supp. 2d 1321, 1330 (CIT 2012).
[77] See Jangho Rebuttal at 4-14.
[78] See id., at 14-27.
[79] See id., at 16.
[80] See Permasteelisa Rebuttal Comments at 2-4.

AEFTC Rebuttal Comments

The AEFTC supports the position of the CWC that Yuanda's products are covered by the scope of the Orders. The AEFTC contends that curtain wall units are expressly included within the scope and that only final finished curtain walls are excluded from the scope. Thus, the AEFTC argues that the Department should find that curtain wall units and other parts of curtain wall systems, such as those imported by Yuanda, are within the scope of the Orders and issue appropriate instructions to CBP.[81]

Department's Position

We find that the description of the products and the scope language, as well as the descriptions of the merchandise in prior scope rulings and determinations of the Department and the ITC are dispositive as to whether Yuanda's products are subject to the Orders. Thus, for this scope ruling, the Department finds it unnecessary to consider the additional criteria listed under 19 CFR 351.225(k)(2).

Concerning Yuanda and Jangho's argument that the Department is required to consider the criteria in 19 CFR 351.225(k)(2) because the Department initiated a scope inquiry pursuant to 19 CFR 351.225(e), we disagree. 19 CFR 351.225(e) provides that, if the Department finds that "the issue of whether a product is included within the scope of an order … cannot be determined based solely upon the application and the descriptions of the merchandise referred to in paragraph (k)(1) of this section" the Department will initiate a scope inquiry. As we explain in the Initiation Letter, the Department found that it could not determine whether Yuanda's products are within the scope based solely upon the application, citing to the additional comments submitted in the proceeding. Because the Department could not determine whether the products are within the scope based solely upon the application, "and in order to fully consider the comments received" the Department initiated a scope inquiry.[82] After receiving comments from interested parties concerning whether Yuanda's products are within the scope of the Orders, we determine that the scope of the Orders and other sources listed in 19 CFR 351.351.225(k)(1) are dispositive. Thus, it is unnecessary to consider the additional criteria under 19 CFR 351.225(k)(2) for this scope ruling. This is consistent with the Department's determination in the Final SMVC Scope Ruling, in which we initiated a scope inquiry and ultimately determined that the sources listed in 19 CFR 351.225(k)(1) are dispositive, and so did not consider the additional criteria under 19 CFR 351.225(k)(2).[83]

Yuanda states that there are three products covered by its Scope Request: complete curtain wall units, curtain walls, and curtain wall system kits, defined in the "Descriptions of the Products at Issue" section, above.[84]

With respect to the product that Yuanda calls "complete curtain wall units," the CWC argues that "complete curtain wall unit" is not an industry term, and that the mere description of its product

[81] See AEFTC Rebuttal Comments at 1-4.
[82] See Initiation Letter.
[83] See Final SMVC Scope Ruling.
[84] See Scope Request, at 7-8 and Yuanda Initiation Comments, at 4.

as such does not render it "complete" or "finished" pursuant to the terms of the scope. We agree that merely identifying a product as "complete" or "finished," or by simply referencing its end use, does not constitute sufficient evidence to demonstrate that the product is, in fact, a finished product and, thus, excluded from the scope. The scope of the Orders provides that "subject extrusions may be identified by reference to their end use, such as fence posts" but that "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." We also agree, based on the evidence on the record, that it does not appear that a "complete curtain wall unit" is a recognized industry term. It is important to note that the term "complete curtain wall unit" is based solely on Yuanda's use of that term in their Scope Request. As discussed below, a curtain wall is generally described as a building façade that is non-load bearing. In contrast, the "complete curtain wall units" subject to Yuanda's request are parts which are used, along with other parts, to create a complete curtain wall, which is a non-load bearing building façade.[85]

Next, we turn to Yuanda's definition of a "curtain wall" as two or more curtain wall units. We disagree that record evidence concerning the industry, the Department's prior scope rulings, or the scope itself, support a finding that there is an intermediate product between curtain wall units (parts of curtain walls, as discussed below) and a curtain wall which envelops an entire building. First, Yuanda's definition of a "curtain wall" as two or more curtain wall units is subjective and will necessarily vary depending upon the unique shipment and project specifications subject to contract. Further, an industry source indicates that "curtain wall" is not defined in this way:

> "Curtain wall is a term used to describe a building façade which does not carry any dead load from the building other than its own dead load. These loads are transferred to the main building structure through connections at floors or columns of the building. A curtain wall is designed to resist air and water filtration, wind forces acting on the building, seismic forces, and its own dead load forces."[86]

Thus, the term "curtain wall," as generally understood in the trade, is defined as the building façade, rather than two or more conjoined components of the façade. Yuanda's definition of curtain wall is likewise not supported by the Department's prior scope ruling, in which the Department found that "curtain wall parts fall short of the final finished *curtain wall* that envelopes an entire building structure."[87]

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[85] See Scope Request at Exhibit 2 "AAMA CW-DG-1-96, Curtain Wall Design Guide Manual," and Exhibit 3 (CBP Entry Documentation). The terms used are: "Aluminum Glass Curtain Wall Unit," "Aluminum four sided structurally glazed unitized curtain wall," "Aluminum Curtain Wall Frames," "Aluminum Curtain Wall Panels," "Aluminum Curtain Wall," "Aluminum façade," "Aluminum Framed Wall," "Curtain Wall Products," and "Unitized Curtain Walling." We also note that the Department's description of this scope inquiry as "Complete and Finished Curtain Walls" is based solely on Yuanda's description in its Scope Request, and not any substantive determination made by the Department.

[86] See CWC Initiation Comments at Exhibit H: "Wheaton & Sprague Engineering, Inc."

[87] See Curtain Wall Parts Scope Ruling, at 3 (emphasis added). The Curtain Wall Parts Scope Ruling alternately referred to "curtain wall" and "curtain wall system" in reference to the product which "envelopes an entire building structure." We use the term "curtain wall" to refer to the product which envelopes an entire building structure to maintain consistency with the language in the scope of the Orders.

Regarding Yuanda's arguments that it would be absurd to find that a curtain wall unit is only finished when it is installed on a building, we disagree. As stated above there is clear record evidence that a curtain wall is the complete exterior of a building.[88]

In addition, we do not find that the scope of the Orders supports a definition of "curtain wall" as an intermediate product between parts for curtain walls and a curtain wall that envelops an entire building, because the scope refers to (1) "final finished products" such as "curtain walls;" and (2) "parts for final finished products ... including ... curtain walls." Thus, as in the Curtain Wall Parts Scope Ruling, the Department finds that a curtain wall consists of curtain wall units which, when assembled, form the entire outer skin of a building. Therefore, in the analysis below, we consider whether a curtain wall unit, as defined by Yuanda,[89] satisfies the exclusion for finished merchandise. We then consider whether curtain wall units when imported together in stages, pursuant to a contract to supply a curtain wall, satisfy the exclusion for finished goods kits.

A. Whether a Curtain Wall Unit Satisfies the Exclusion for Finished Merchandise

The scope of the Orders provides that:

> 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. [90]

We find that a curtain wall unit is covered by the Orders based on the plain language of the scope. A curtain wall unit is a "part{} for ... curtain walls" because it is but one piece of the finished product which forms the entire outer structure of the building.[91]

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[88] See CWC Initiation Comments at Exhibit H: "Wheaton & Sprague Engineering, Inc."

[89] In its original scope request, Yuanda described its products as "'complete curtain wall units' that form a curtain wall when installed on a building." See Scope Request at 7. Subsequently, in the Yuanda Initiation Comments, Yuanda described its products as "(1) complete and finished unitized curtain wall units; (2) a curtain wall, defined as two or more complete and finished curtain wall units imported with all component parts; and (3) a curtain wall system 'kit' defined as a multitude of curtain wall units and curtain walls imported in segments with all component parts pursuant to a contract to supply a complete curtain wall system." See Yuanda Initiation Comments at 3-4. As explained above, we find that a curtain wall is the complete exterior of a building. Therefore, all products at issue in this scope request for the Department's purposes are "curtain wall units."

[90] See scope of the Orders.

[91] Further, we note that the Curtain Wall Parts Scope Ruling was recently affirmed by the Court of International Trade in Shenyang Yuanda Aluminum Indus. Eng'g Co. v. United States, Ct. No. 12-420, Slip Op. 14-10 (CIT January 30, 2014) ("Shenyang Yuanda"). The Court specifically considered "curtain wall units," which fall short of a curtain wall. The Court held that

> An individual curtain wall unit, on its own, has no consumptive or practical use because multiple units are required to form the wall of a building. Therefore, a curtain wall unit's sole function is to serve as a part for a much larger, more comprehensive system: a curtain wall. All of this being the case, it is clear that curtain wall units are not finished merchandise but, rather, are parts for curtain walls.

See Shenyang Yuanda, Slip Op. 14-10 at 11.

Concerning Yuanda and Jangho's arguments that a curtain wall unit is analogous to a window with glass, we disagree. The scope of the Orders provides that:

> 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.[92]

Importantly, although the scope includes window frames, the scope also expressly excludes "finished windows with glass." However, while the scope includes parts for curtain walls, the scope does not similarly provide that "finished curtain walls with glass" are excluded. We find that this absence indicates that the scope is not intended to exclude parts of curtain walls, even where such parts of curtain walls, in this case, curtain wall units, contain glass. Further, we disagree with Yuanda and Jangho that we should consider curtain wall units to be the same as windows with glass, and thus excluded, because this would render the scope's language concerning parts of curtain walls meaningless. Furthermore, although HTS numbers are not dispositive, we also note that Yuanda's products enter under an HTS category which is listed in the scope of the Orders.

Concerning Yuanda's argument that the Department's findings in Assembled Motor Cases Scope Ruling supports its Scope Request because it involves the inclusion of non-aluminum extrusion components, we disagree. In Assembled Motor Cases Scope Ruling, as in the Final SMVC Scope Ruling, we found the products met the finished goods exception. By contrast, parts of curtain walls are expressly included in the scope of the Orders and, therefore, cannot meet the finished goods exception. Thus, in contrast to rulings cited by Yuanda, these parts for curtain walls are covered by explicit scope language.

Similarly, Yuanda argues that the Department's ruling in Tesla Curtain Walls Scope Ruling somehow supports its claim because the ruling confirms that only imports of aluminum extrusions are covered by the scope. In that ruling, the Department found that aluminum extrusions produced in Thailand were not covered by the scope of the order, which covers aluminum extrusion products produced in the PRC. The Tesla Curtain Walls Scope Ruling does not apply here, as Yuanda has not demonstrated that the aluminum extrusions in its curtain wall units are from a country other than the PRC.

We also disagree with Yuanda that the general exclusion for finished merchandise "containing aluminum extrusions as parts that are fully and permanently assembled and completed at the time of entry" applies to curtain wall units, i.e., parts of curtain walls. Because the scope language expressly includes parts of curtain walls, and because a curtain wall unit is part of a curtain wall, we would read out of the scope the inclusion of parts of curtain walls were we to find that a curtain wall unit is finished merchandise that is not covered by the scope.

[92] See scope of the Orders.

B. Whether Curtain Wall Units, Imported Together in Stages, Satisfy the Exclusion for Finished Goods Kits.

The scope of the Orders excludes finished goods kits:

> ... 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 and punching, and is assembled 'as is' into a finished product.[93]

Yuanda argues that curtain wall units, when imported together in shipments of two or more units, constitute a finished goods kit (what Yuanda describes as a "curtain wall"). Yuanda also argues that all of the curtain wall units which envelop an entire building structure constitute a finished goods kit (what Yuanda describes as a "curtain wall system").

We determine that the finished goods kits exclusion does not apply to a combination of curtain wall units, whether imported together in a shipment of two or more units, or staged after importation to be used in the construction of a curtain wall, because the parts which comprise the so-called "kit" are expressly included in the scope language. This is consistent with the Geodesic Domes Scope Ruling, in which the Department found that the geodesic dome kits subject to inquiry satisfied the exclusionary requirements of a finished goods kit in the scope because the kits contained all the materials necessary to assemble a final finished product with no further fabrication, but found that the geodesic domes kits contained only aluminum extrusions and fasteners, and that the scope language indicates that a product will not be considered a finished goods kit by the mere inclusion, with aluminum extrusions, of fasteners.[94] In other words, the Department previously determined, because the scope expressly covers aluminum extrusions, it would be inconsistent with the scope to exclude a kit that consists only of aluminum extrusions and fasteners. Similarly, in the scope inquiry before us, because the scope expressly covers parts of curtain walls, it would be inconsistent with the scope to exclude a kit that consists only of parts of curtain walls.[95] Because we determine that curtain wall units imported in various combinations and staged to ultimately form a curtain wall are not finished goods kits, we do not find it necessary to address CWC's arguments that Yuanda's curtain wall units require additional finishing or fabrication before being installed, or that Yuanda has not demonstrated that all component parts are imported along with each shipment of curtain wall units.

We also find that the Department's description of the merchandise in prior scope rulings supports a finding that Yuanda's curtain wall units are subject to the scope of the Orders. Although the Curtain Wall Parts Scope Ruling only considered "curtain wall parts {that} fall short of the final finished curtain wall that envelops an entire building structure," we agree with the CWC that because Yuanda's curtain wall units are parts of curtain walls, staged shipments of a sufficient quantity of curtain wall units to envelop an entire building structure remain "parts of curtain

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[93] See scope of the Orders.
[94] See Geodesic Domes Scope Ruling at 7.
[95] See also Memorandum to Christian Marsh, Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, "Final Scope Ruling on Aluminum Rails for Cutting and Marking Edges" (dated November 23, 2012).

walls." Thus, our finding in the Curtain Wall Parts Scope Ruling supports a finding that curtain wall units are within the scope of the Orders.[96]

We find that the products at issue in the Window Kits Scope Ruling are distinguishable from Yuanda's so-called curtain wall "kits" because the window kits satisfied the finished goods kits exclusion and contained all of the necessary materials to assemble windows with glass, products which are expressly excluded from the scope of the Orders.[97] In contrast, the scope of the Orders specifically covers "parts for final finished products that are assembled after importation, including, but not limited to...curtain walls..."[98] Therefore, Yuanda's "kits," which contain parts for a curtain wall, consist entirely of merchandise that is expressly subject to the scope of the Orders.

Yuanda and Jangho argue that the Final SMVC Scope Ruling supports a finding that so-called curtain wall "kits" are excluded from the scope of the Orders. The subassemblies test discussed in the Final SMVC Scope Ruling is designed to avoid the unreasonable application of the "finished goods" exclusion in the scope for certain partially assembled downstream products, while remaining consistent with the scope language that excludes merchandise like windows with glass or doors with glass or vinyl, each of which includes all of the parts necessary to assemble a complete window or door, but is necessarily assembled into a larger structure, such as a house. The test provides that products that might otherwise be considered subassemblies of larger downstream products may be excluded from the scope provided that they enter the United States as finished goods or finished goods kits and require no further finishing or fabrication. While a curtain wall unit is a component of a larger structure, i.e., a building, it cannot be construed to be a finished product itself because it has no identity of its own other than as part of a curtain wall, and curtain wall parts are specifically covered by the scope.

Similarly, regarding Yuanda's arguments that we should find that Yuanda's curtain wall units are analogous to the water heater anode at issue in our Anodes Scope Ruling, because a curtain wall unit is claimed to work in conjunction with a building, just as a water heater anode works in conjunction with a water heater, we disagree. Each curtain wall unit is manufactured to meet unique shipment and project specifications subject to contract and cannot be universally attached to any curtain wall project. In the Anodes Scope Ruling, we found that a water heater anode "is a finished product that works in conjunction with another finished product, the water heater."[99] Thus, we find that a curtain wall unit is unlike a water heater anode because a curtain wall unit is a "part of a curtain wall" that works in conjunction with other curtain wall units as a part of a finished product, i.e., a curtain wall.

We also find that the descriptions of the merchandise in the investigation and the ITC Final Report support a determination that curtain wall units are included in the scope of the Orders. The Department determined that parts of curtain walls were included in the investigation.[100] In the Investigations Scope Memo, the Department did not expressly consider whether so-called

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[96] See Curtain Wall Parts Scope Ruling. See also Shenyang Yuanda, Slip Op. 14-10 at 10-11.
[97] See Window Kits Scope Ruling at 5-6.
[98] See scope of the Orders.
[99] See Anodes Scope Ruling at 6.
[100] See Investigations Scope Memo.

curtain wall "kits" were excluded under the finished goods kit exception. However, the Department did consider whether the express language of the scope covered "parts of curtain walls," and found that it did, which supports the Department's finding here that parts of curtain walls, shipped in stages to a building project, are included in the express language of the scope regardless of whether they are labeled "kits" or not. Further, the ITC Final Report supports a finding that curtain walls are included in the scope of the Orders. The ITC Final Report recognized that aluminum extrusions include parts of curtain walls and that there is a wide-range of end-use applications for subject aluminum extrusions including construction, such as "high-rise curtainwall" products.[101] Further, the ITC Final Report indicates that the scope of the Orders encompasses many industries.[102]

Concerning Yuanda's argument that the ITC did not collect information from domestic producers of curtain wall units or that these companies were not involved in the ITC's investigation, which Yuanda argues means that the ITC "viewed them as different products produced by different industries,"[103] we disagree. The ITC specifically mentioned curtain walls as a type of aluminum extrusion in its description of the products, "Major end-use applications for aluminum extrusions...include..."windows, doors, railings, high-rise curtainwall, highway and bridge construction, framing members, other various structures..."[104] Additionally, the ITC found two domestic like products: 1) finished heat sinks; and 2) all aluminum extrusions corresponding to the scope of the investigation.[105] The ITC made no mention of curtain wall units as a different domestic like product or a different industry. Thus we disagree with Yuanda's assertion that the ITC thought curtain wall units to be a different product or different industry because domestic producers of curtain wall units were not active in the ITC's investigation.

Concerning Yuanda's reliance on a quote from Petitioner's counsel, we do not find that this quote, which was not on the record of investigation, can be considered to embody the intent of Petitioner. This statement cannot displace the statements on the record of the investigation in which Petitioner made clear its intent to include curtain walls.[106]

Finally, we disagree with Yuanda that the fact that the parties recognize a curtain wall unit as something distinct from an aluminum extrusion signifies that its products are not subject to the scope of the Orders. Parties bring scope requests concerning specific products, which are often referred to by their end use (e.g., geodesic domes). The mere reference to the products as something other than an aluminum extrusion does not render the product outside of the scope, and, indeed, the scope of the Orders covers a myriad of products.

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[101] See ITC Final Report at 119-20 and Exhibit 23.
[102] See id., at 18.
[103] See Yuanda's Initiation Comments at 11.
[104] See ITC Final Report at I-10.
[105] See id., at 7.
[106] See Investigations Scope Memo.

C. The CWC's Status as an Interested Party

As to the CWC's standing to participate in this scope proceeding, we disagree with Yuanda and Jangho that the CWC does not qualify as an interested party under section 771(9)(C) of the Act because none of the CWC's members are manufacturers of aluminum extrusions. The certifications provided by the CWC in the CWC Opposition indicate that the members of the CWC produce, manufacture and wholesale curtain wall units and curtain wall systems in the United States. These certifications indicate that each member of the CWC "is a manufacturer, producer or wholesaler of a domestic like product under section 771(9)(C) of the Act because it produces, manufactures and fabricates aluminum extrusions for the production of curtain wall units and parts of curtain wall systems in the United States."[107]

We find there is no evidence on the record that calls the accuracy of these certifications into question. This determination is consistent with the Department's determination in the Curtain Wall Parts Scope Ruling that the CWC has standing to bring a scope request concerning parts of curtain walls.[108]

Concerning Yuanda's argument that the CWC cannot have standing because its members produce a "very different product" from that which is the subject of the scope ruling, we disagree. The CWC produces curtain wall units and curtain wall systems, which the Department found to be covered by the express language of the scope of the Orders. To find that the producers of curtain wall units are not producers, manufacturers, or wholesalers of the domestic like product would mean that parts of curtain walls are not within the scope, in contrast to the express language of the Orders. In Shenyang Yuanda, the CIT held that, because the members of the CWC produce "aluminum extrusions for the production of finished curtain wall units and parts of curtain wall systems,' products that the court finds fall within the ambit of the Orders, {members of the CWC} are interested parties, and thus have standing."[109] For these reasons, the Department determined that the members of the CWC are interested parties and thus considered the CWC's comments concerning Yuanda's products in this scope proceeding.

Department's Recommendation

For the reasons discussed above, and in accordance with 19 CFR 351.225(k)(1), we recommend finding that Yuanda's curtain wall units that are produced and imported pursuant to a contract to supply a curtain wall are within the scope of the Orders. Further, we recommend finding that the products at issue do not present a significant difficulty within the meaning of 19 CFR 351.225(f)(3) and, thus, we further recommend that this scope ruling constitutes a final ruling as provided under 19 CFR 351.225(f)(4).

[107] See CWC Opposition at 2 and Exhibits A and B.
[108] See Curtain Wall Parts Scope Ruling at 9-10.
[109] See Shengyang Yuanda, Slip Op. 14-10, at 17.

If the recommendation in this memorandum is accepted, we will serve a copy of this memorandum 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

3/27/14

Date