



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

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Scope Ruling: Lockfast Banner Stands

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June 16, 2016

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

THROUGH: Scot Fullerton
Director
Antidumping and Countervailing Duty Operations, Office VI

FROM: Madeline Heeren
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 Lockfast, Inc.'s Banner Stands

SUMMARY

On December 29, 2015, the Department of Commerce (the Department) received a scope ruling request from Lockfast, Inc.,¹ (Lockfast) to determine whether its "Aluminum Exhibit Banner Stands" (banner stands) are subject to the antidumping duty (AD) and countervailing duty (CVD) orders on aluminum extrusions from the People's Republic of China (the PRC).² On the basis of our analysis of Lockfast's scope request, we have determined that Lockfast's banner stands are excluded from the scope of the AD/CVD orders on aluminum extrusions from the PRC.

¹ See letter from Lockfast to the Department dated December 29, 2015 (Scope 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*).

BACKGROUND

On December 29, 2015, Lockfast requested that the Department determine whether its banner stands are outside the scope of the *Orders*. On May 4, 2016, Lockfast submitted supplemental information regarding its banner stands.³ Petitioner did not comment on Lockfast's request.

SCOPE OF THE ORDERS

The merchandise covered by the order{s} 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 brightdip anodized), liquid painted, or powder coated. Aluminum extrusions may also be fabricated, *i.e.*, prepared for assembly. Such operations would include, but are not limited to, extrusions that are cut-to-length, machined, drilled, punched, notched, bent, stretched, knurled, swaged, mitered, chamfered, threaded, and spun. The subject merchandise includes aluminum extrusions that are finished (coated, painted, *etc.*), fabricated, or any combination thereof.

Subject aluminum extrusions may be described at the time of importation as parts for final finished products that are assembled after importation, including, but not limited to, window frames, door frames, solar panels, curtain walls, or furniture. Such parts that otherwise meet the definition of aluminum extrusions are included in the scope. The scope includes the aluminum

³ See letter from Lockfast to the Department dated May 4, 2016 (First Supplement).

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 (HTSUS): 8424.90.9080, 9405.99.4020, 9031.90.90.95, 7616.10.90.90, 7609.00.00, 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, 8515.90.20.00, 8516.90.50.00, 8516.90.80.50, 8517.70.00.00, 8529.90.73.00, 8529.90.97.60, 8536.90.80.85, 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 HTSUS chapters. In addition, fin evaporator coils may be classifiable under HTSUS numbers: 8418.99.80.50 and 8418.99.80.60. While HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope of this *Order* is dispositive.

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.⁴ 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.⁵ 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.⁶

⁴ See *Walgreen Co. v. United States*, 620 F.3d 1350, 1357 (Fed. Cir. 2010).

⁵ See 19 CFR 351.225(k)(1).

⁶ See 19 CFR 351.225(d).

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

In its Scope Request, Lockfast initially described its banner stands as follows:

U.S. Harmonized Tariff Schedule Classification: 9403.20.0020

The imported merchandise consists of various styles of Chinese-origin completed banner stands for use at trade shows and similar events. When imported, the banner stands are finished and ready for the inclusion of the custom banner by the end user or a service provider. In addition to aluminum housing, the banner stands consist of a spring-operated mechanism designed to allow the banner to be extended and retracted in a manner similar to a window shade. In addition to the technical interior components, the imported banner stands include aluminum feet that rotate to extend perpendicular to the base to provide support and stability. There are also plastic endcaps on the housing to protect the interior components. Other components are either assembled into the stands or included with the stands and consist of the following:

- a collapsible pole
- top snap rail
- textile carrying bag
- clip roller
- covers (x3)
- screws

The products imported by Lockfast are exhibit systems used to showcase graphics and other marketing materials at trade shows and exhibitions. Lockfast imports the banner stands in their final form, ready for use by the ultimate purchaser. The banner stands require no further manufacturing. As imported, the banner stands consist of the base, the three-piece collapsible prop pole, and a banner-top trim piece. After purchase, the user inserts custom graphics, which are not included in the banner kit. The kit is shipped in a textile carrying bag.⁷

Lockfast supplemented the description above in its First Supplement with the following information:

⁷ See Scope Request at 2-4 and Exhibit 2.

The banner stands contain all of the parts necessary to assemble a complete exhibition frame to display a custom printed graphic. The kits also include carrying cases for storage and transportation of the stands. Additionally, the banner stands also include the following non-aluminum parts:⁸

- a steel L-shaped locking pin to lock the rollers in an open position
- a right and left steel plate that are structural components of the stands' base
- steel end caps that are structural components of the stands' base (and different than the protective end caps mentioned above)
- magnets that fasten the plastic end caps⁹

RELEVANT SCOPE DETERMINATIONS¹⁰

A. Skyline Displays Banner Stands Kits Scope Ruling¹¹

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.”¹²

In the Skyline Banner Stands Kits Scope Ruling, the Department found that the banner stands and back wall kits met the exclusion criteria for finished goods kits.¹³ The Department explained that the products at issue contained all of the parts required to assemble a completed exhibition frame at the time of importation. Therefore, the Department found the products at issue met the exclusion criteria in the scope of the *Orders* for “finished goods kits.” Additionally, the Department noted that the banner stands and back wall kits were designed to incorporate interchangeable graphic materials that can change with the customer’s needs. Thus, in the Skyline Banner Stands Kits Scope Ruling, the Department found that Skyline’s kit was excluded as a “finished goods kit.”¹⁴

⁸ See letter from Lockfast to the Department dated May 4, 2016 (First Supplemental) at Exhibit 3.

⁹ See First Supplemental at 2 and Exhibit 2.

¹⁰ See the memorandum from Madeline Heeren to the file entitled, “Prior Scope Rulings Relevant to this Proceeding,” dated concurrently with this memorandum (Prior Scopes Memorandum).

¹¹ See memorandum from John Conniff and Eric B. Greynolds to Christian Marsh entitled, “Final Scope Ruling on Banner Stands and Back Wall Kits,” dated October 19, 2011 (Skyline Banner Stands Kits Scope Ruling); see also Prior Scopes Memorandum at Attachment 1.

¹² See Skyline Banner Stands Kits Scope Ruling, at 7.

¹³ *Id.*, at 9-10.

¹⁴ See Skyline Banner Stands Kits Scope Ruling, at 9-10.

B. Drapery Rail Kits (Redetermination)¹⁵

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 drapes or curtains. In litigation, the United States 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 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 drapes 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.

C. Geodesic Domes Kits¹⁶

At issue in the ruling were certain geodesic dome frame kits consisting solely of extruded aluminum parts along with nuts, bolts, and washers. The requestor argued that the products at issue constituted finished goods kits because the kits contained all the components necessary to assemble a final finished geodesic dome playground set. 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 ruling, the Department explained that the product at issue met the "initial requirements for inclusion into the finished goods kit exclusion."¹⁷ However, the Department noted that the scope of the *Orders* states that an "imported product will not be considered a 'finished goods kit' . . . merely by including fasteners such as screws, bolts, *etc.* in the packaging with an aluminum extrusion product."¹⁸ 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.¹⁹

¹⁵ 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. 12-0005 (February 27, 2013) (Drapery Rail Kits Remand Final). 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 3.

¹⁶ See memorandum from Brooke Kennedy to Christian Marsh entitled, "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 4.

¹⁷ See Geodesic Domes Kits Scope Ruling, at 7.

¹⁸ *Id.*

¹⁹ *Id.*

D. Motorized Arm Set Kits²⁰

At issue in this ruling were Pacific Product's motorized arm set kits used for retraction and opening of recreational vehicle (RV) or trailer awnings (rather than by manual crank). As imported, the motorized arm set kits consisted of two fully-assembled motorized arms and all hardware necessary for installation of the arms to RVs or trailers, comprised of sixteen parts made of copper, zinc, aluminum, steel, and plastic. The motorized arm kits were not imported with the awning canopies or roller bars as the motorized arms are sold as stand-alone products at all levels of distribution and retail. Pacific Product argued that its motorized arm kits should be excluded from the *Orders* as finished goods kits. The Department found that the motorized arm sets met the exclusion criteria for "finished goods kits" because: (a) they contained, upon importation, non-aluminum extrusion components beyond fasteners; (b) they were sub-assemblies, imported as a packaged kit, containing all of the components needed to fully assemble a final "finished good" motorized arm which can be installed on an RV; and (c) the awnings and roller bars were interchangeable with other such awnings and roller bars (in a manner similar to products in the Drapery Rail Kits) such that it would be unreasonable to require the inclusion of roller bars and awnings at the time of importation (awnings in particular being customizable pieces to be added or changed by end users according to changing preferences).

ARGUMENTS FROM INTERESTED PARTIES

Lockfast's Comments

Lockfast argues that the banner stands are finished goods kits and therefore are outside the scope of the *Orders*.²¹ As the Department found in Skyline Banner Stands Kits Scope Ruling, the banner stands contain all of the parts required to assemble a completed exhibition on which a replaceable graphical banner may be displayed.²² In Tripod Easels, the Department found the easels were comprised of aluminum extrusions and non-extruded components, and therefore were finished goods outside the scope of the *Orders*. Similar to Tripod Easels, the "banner stands include non-aluminum integral parts that are more than just fasteners."²³ Therefore, the banner stands are goods or, arguably finished goods kits, outside the scope of the *Orders*.²⁴

Lockfast argues that the banner stands are complete kits containing a working mechanical device that incorporates non-extruded parts that are "sold to an end user and not used as material for further processing or as a commodity product."²⁵ Further, Lockfast argues that a complete banner stand is analogous to a picture frame, which is a completed finished article that

²⁰ See memorandum from Mandy Mallott to Christian Marsh entitled, "Final Scope Ruling on Pacific Product Solutions' Motorized Arm Set Kits," dated November 4, 2014 (Motorized Arm Set Kits Scope Ruling); see also Prior Scopes Memorandum at Attachment 7.

²¹ See Motorized Arm Set Kits Scope Ruling.

²² See Scope Request at 4.

²³ *Id.*; see also memorandum from Brendan Quinn to Christian Marsh entitled, "Final Scope Ruling on Ford Atlantic's Display Easels and Wall Standards," dated March 4, 2015 (Tripod Easels).

²⁴ See Scope Request at 4.

²⁵ *Id.*

incorporates aluminum extrusions, but when imported is ready for use as a display device.²⁶ Lockfast argues that the banner stands are complete kits containing a working mechanical device that incorporates non-extruded parts, and therefore, the Department should find Lockfast banner stands are outside the scope of the *Orders*.²⁷

Petitioner's Comments

Petitioner did not comment.

DEPARTMENT'S POSITION

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

The scope of the *Orders* excludes finished goods containing aluminum extrusions that are entered unassembled in a “finished goods kit.” A finished goods kit is a packaged combination of parts that 1) “contains, at the time of importation, all of the necessary parts to fully assemble a final finished good,” and 2) “requires no further finishing or fabrication, such as cutting or punching, and is assembled ‘as is’ into a finished product.” The scope of the *Orders* also provides that an imported product will not be considered for exclusion as a “finished goods kit” merely by including fasteners such as screws, bolts, etc., in the packaging with an aluminum extrusion product.

In determining if the finished goods kit exclusion applies in this case, the first test the Department conducts, in accordance with the Geodesic Domes Kits Scope Ruling, is whether the product at issue contains, upon importation, non-aluminum extrusion components beyond mere fasteners. The list of components in Lockfast's Scope Request and First Supplement demonstrate that, in addition to extruded aluminum components, the banner stand models contain non-aluminum parts that go beyond mere fasteners, such as steel side plates and steel end caps, which are structural components of the stand's base.²⁸

In addition, narrative statements and photographs show that the banner stands contain all of the parts necessary to assemble a finished banner stand at the time of importation.²⁹ The banner stands require no re-sorting or re-packaging of components upon importation, nor do they require further finishing or fabrication prior to use.³⁰ In this regard, Lockfast's banner stands share

²⁶ *Id.*

²⁷ *Id.*, at 4-5.

²⁸ See First Supplemental, at Exhibit 2.

²⁹ *Id.*, at 1-2 and Exhibit 1.

³⁰ *Id.*, at 2.

physical characteristics with Skyline’s banner stands, which were imported unassembled and determined to be covered by the “finished goods kit” exclusion from the scope of the *Orders* in the Skyline Banner Stands Kits Scope Ruling.³¹ Skyline’s banner stands were composed of both aluminum and non-aluminum components, and like the Lockfast banner stands, Skyline’s banner stands function to hold an accessory item in place—namely, a banner or graphic material.³² Moreover, similar to the Skyline Banner Stands Kit Scope Ruling, the banner stand constitutes the finished product in question.³³ On such basis, we conclude that Lockfast’s banner stands meet the requirements of the finished goods kit exclusion.

Additionally, similar to the Skyline Banner Stands Kits Scope Ruling, we conclude that the banners, which are added after importation to the banner stands, are interchangeable.³⁴ The banner stand kit does not come with a banner in the kit, but instead the choice of banner is dependent upon, and subject to, the taste or requirements of the individual consumer.³⁵ In the Drapery Rail Kits and Motorized Arm Set Kits Scope Ruling, summarized above, the Department concluded that it would be unreasonable to require the inclusion of certain pieces which are customizable and can be changed by end users according to changing preferences (such as drapes, curtains, and awnings).³⁶ Likewise, we have determined, based upon the record evidence, that the banners that are to be attached to Lockfast’s banner stands are custom graphic banners selected by the end users, and can be changed by end users, in accordance with their changing preferences.³⁷ We therefore determine that it would be unreasonable to require the inclusion of banners at the time of importation in order to find the banner stands to be finished goods kits for purposes of the scope exclusion.

Accordingly, we agree with Lockfast that its banner stand kits meet the requirements of a “finished goods kit” and are excluded from the scope of the *Orders*.

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 Lockfast’s banner stands are finished good kits that fall under the exclusion to the scope of the *Orders* for “finished goods containing aluminum extrusions that are entered unassembled in a ‘finished goods kit.’”

³¹ See Skyline Banner Stands Kits Scope Ruling at 9-11.

³² *Id.*, at 10; see also First Supplemental at 2.

³³ See Skyline Banner Stands Kits Scope Ruling at 9-10.

³⁴ *Id.* at 10; see also First Supplement at Exhibit 3.

³⁵ See First Supplement at Exhibit 3.

³⁶ See Drapery Rail Kits Redetermination at 8-9; see also Motorized Arm Set Kits Scope Ruling at 11.

³⁷ See Scope Request at 4; see also First Supplement at 2.

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

Agree Disagree



Christian Marsh
Deputy Assistant Secretary
for Antidumping and Countervailing Duty Operations



Date