

October 19, 2011

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

THROUGH: Melissa G. Skinner
Director
Office 3, Operations

FROM: John Conniff
Senior Trade Analyst

Eric B. Greynolds
Program Manager

RE: Antidumping (AD) and Countervailing Duty (CVD) Orders on
Aluminum Extrusions from the People's Republic of China (PRC)

SUBJECT: Final Scope Ruling on Banner Stands and Back Wall Kits

Summary

On August 2, 2011, the Department of Commerce (the Department) initiated a formal scope inquiry in response to a request from Skyline Displays Inc. (Skyline) to determine if banner stands and back wall kits imported and sold by it should be excluded from the scope of the Antidumping and Countervailing Duty orders.¹ On the basis of our analysis of the comments received, we have determined that banner stands and back wall kits are not within the AD and CVD Orders on Aluminum Extrusions from the PRC.

Background

On August 2, 2011, Skyline, a company headquartered in St. Paul, Minnesota, and a leading exhibit system builder that makes different exhibit systems, requested a ruling by the Department confirming that its banner stand and back wall kits imported from the PRC were outside the scope of the aluminum extrusion orders.² On September 9, 2011, the Aluminum Extrusions Fair

¹ See Aluminum Extrusions from the People's Republic of China: Antidumping Duty Order, 76 FR 30,650 (May 26, 2011) and Aluminum Extrusions From the People's Republic of China: Countervailing Duty Order, 76 FR 30,652 (May 26, 2011) (the Orders).

² Skyline's August 2, 2011, Scope Request on Banner Stand and Back Wall Kits at 1.

Trade Committee (Petitioner), submitted comments responding to the scope ruling request by Skyline.³

Applicable Regulations

The regulations governing the Department's AD and CVD scope determinations can be found at 19 CFR 351.225. On matters concerning the scope of an order, our initial basis for determining whether a product is included within the scope of an order are the descriptions of the product contained in the petition, the initial investigation, and the prior determinations of the Secretary (such as prior scope rulings) and the International Trade Commission. See 19 CFR 351.225(d) and 351.225(k) (1). Such scope determinations may take place with or without a formal scope inquiry. See 19 CFR 351.225(d). In contrast, where the descriptions of the merchandise are not dispositive, the Department will consider the five additional factors set forth in 19 CFR 351.225(k) (2).

Product Descriptions

1. 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

³ Petitioner's September 9, 2011, Response to Skyline's Scope Ruling Request Regarding Banner Stands and Back Wall Kits.

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

Subject aluminum extrusions may be described at the time of importation as parts for final finished products that are assembled after importation, including, but not limited to, window frames, door frames, solar panels, curtain walls, or furniture. Such parts that otherwise meet the definition of aluminum extrusions are included in the scope. The scope includes the aluminum extrusion components that are attached (e.g., by welding or fasteners) to form subassemblies, i.e., partially assembled merchandise unless imported as part of the finished goods 'kit' defined further below. The scope does not include the non-aluminum extrusion components of subassemblies or subject kits.

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

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

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

The scope also excludes aluminum alloy sheet or plates produced by other than the extrusion process, such as aluminum products produced by a method of casting. Cast aluminum products are properly identified by four digits with a decimal point between the third and fourth digit. A letter may also precede the four digits. The following Aluminum Association designations are

representative of aluminum alloys for casting: 208.0, 295.0, 308.0, 355.0, C355.0, 356.0, A356.0, A357.0, 360.0, 366.0, 380.0, A380.0, 413.0, 443.0, 514.0, 518.1, and 712.0. The scope also excludes pure, unwrought aluminum in any form.

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

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

Imports of the subject merchandise are provided for under the following categories of the Harmonized Tariff Schedule of the United States (HTS): 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 the order is dispositive.

2. Relevant Scope Determinations

In the Preliminary Determinations: Comments on the Scope of the Investigations,⁴ five domestic manufacturers of aluminum fences and gates submitted comments arguing for the inclusion of certain aluminum extrusions, packaged as kits or fully assembled finished products.

The producers argued that kits and fully assembled finished products comprising of at least 70 to 75 percent aluminum extrusions by weight should be included in the scope of the proceeding. All producers contended that such items are simply aluminum extrusions that have been boxed or assembled, with a few minor parts added, and excluding these products would harm certain domestic manufacturers of aluminum fences and gates. Further, these five manufacturers argued that the proposed criteria, *i.e.*, percentage of the kit by weight, would be more useful than listing specific products to be excluded, as there are many types of products with a high content of extruded aluminum.

The Petitioner opposed the proposed modification, arguing that although the Petition is not intended to harm domestic producers of aluminum fences and gates, the Petition is also not intended to cover imports of fully-assembled finished aluminum fencing systems or fully finished aluminum fencing systems in kit form.

⁴ See Preliminary Determinations: Comments on the Scope of the Investigations, October 27, 2010 at Comment 3 (Preliminary Scope Comments).

The Department agreed with Petitioner that kits and finished products are excluded from the scope, regardless of the percentage content of aluminum extrusions. Finished merchandise and unassembled kits containing aluminum extrusions are specifically excluded from the scope, with no specification as to the percentage content of aluminum extrusions.⁵ The Department determined that finished products and unassembled kits that contained all the components for the finished product, regardless of the percentage content of aluminum extrusions by weight are excluded from the scope of these investigations.⁶

Also in the Preliminary Scope Comments, an importer, Nexxt Show, argued that its exhibition frames and unassembled pavilion kits consist of all the components to assemble a finished goods kit and so should be excluded from the Orders. The importer provided assembly illustrations to demonstrate that all necessary components are included in each kit.

The Department found that it was unable to determine whether Nexxt Show's kits included all the necessary materials to assemble a finished product. The Department stated that "if at the time of importation, however, the kits do contain all of the necessary parts to fully assemble a final finished good then they would be excluded from the scope of these proceedings."⁷

We have also incorporated into our analysis Comment 3 from the Issues and Decision Memorandum from the Antidumping Duty Investigation of Aluminum Extrusions, which discusses the use of baluster kits.⁸ In this comment Maine Ornamental explained that it imported baluster kits, which contained aluminum extrusions in a variety of powdered coated finishes to match wood and composite wood decking and railings. It contended that the kits were packed ready for retail customer sales and customer installation and contained five to ten balusters, assembly fasteners, connectors, and detailed installation instructions, thus containing all the necessary components to assemble a final finished good, and as such, represent unassembled finished goods.

Maine Ornamental argued that its baluster kits are more similar to shower doors with glass, or exhibition kits, which the Department excluded from the scope of the investigations, rather than a package of plastic and screws combined with aluminum powder coated extrusions. Therefore, Maine Ornamental argued that its baluster kits are not inputs for the production of downstream products but rather are unassembled finished goods and should be excluded from the scope of the investigations.

⁵ Under the statutory scheme, {the Department} owes deference to the intent of the proposed scope of an antidumping investigation as expressed in an antidumping petition. Ad Hoc Shrimp Trade Action Committee v. United States, 637 F. Supp. 2d 1166,1174 (CIT 2009)(citing 19 CFR 1673, 1673a(h)) NTN Bearing Corp. of Am. v. United States, 747 F. Supp. 726, 730 (CIT 1990)). Moreover, {w}hile the Department does have the authority to define or clarify the scope of an investigation, the Department must exercise this authority in a manner which reflects the intent of the petition and the Department generally should not use its authority to define the scope of an investigation in a manner that would thwart the statutory mandate to provide the relief requested in the petition. See Narrow Woven Ribbons with Woven Selvedge from Taiwan, Preliminary Determination of Sales at Less Than Fair Value and Postponement of Final Determination, 75 FR 7236,7240 (Feb. 18, 2010)(unchanged in the Final Results), 75 FR 41804 (July 19, 2010)). Thus, absent an overarching reason to modify the scope in the petition, the Department accepts it. See Id.

⁶ See Preliminary Scope Comments at Comment 3.

⁷ Id. at Comment 8.

⁸ See Issues and Decision Memorandum for the Final Determination in the Less-Than-Fair-Value Investigation of Aluminum Extrusions from the People's Republic of China, (April 4, 2011), Comment 3, at H.

Maine Ornamental argued that if its baluster kits cannot be excluded from the scope of these investigations based on product specifications and description of its use, then the Department should analyze the factors provided for in 19 CFR 351.225(k)(2) of the Department's regulations: (a) the physical characteristics of the baluster kits; (b) the expectations of the ultimate purchasers; (c) the ultimate use of the product; (d) the channels of trade; and, (e) the manner in which the product is advertised and displayed.

Petitioner countered that the Department should reject Maine Ornamental's request to exclude baluster kits from the scope of the investigations because the kits represented a packaged collection of individual balusters, which comprised a single element of a railing or deck system, and, therefore, do not represent a finished product. The Petitioner further argued that a single baluster is analogous to carpet trim, which is a final good that is also a basic aluminum extrusion, covered by the scope of these investigations.

Petitioner further noted that contrary to Maine Ornamental's claim, the baluster kits do not include the railing or the decking necessary to install a finished railing or decking system, but rather include only the baluster extrusions in addition to fastener components. Thus, argued Petitioner, the essential character of Maine Ornamental's baluster kits is that they are powder coated aluminum balusters. As a result, Petitioner asserted, the written description of the merchandise is dispositive and the baluster kits are within the scope of the investigations.

The Department agreed with Petitioner that baluster kits are not excluded "kits" as defined by the scope of the investigations and therefore constitute subject merchandise. In the Department's position it noted that the scope of the petitions defined an excluded kit as "a packaged combination of parts that contains, at the time of importation, all of the necessary parts to fully assemble a final finished good and requires no further finishing or fabrication, such as cutting or punching, and is assembled 'as is' into a finished product."

The Department explained that Maine Ornamental's own description of the product indicates that such balusters are designed to work with other parts to form a larger structure. The Department further explained that although Maine Ornamental contended that its baluster kits contain all the necessary components to assemble a final finished good, it also stated that the balusters, if used as directed, represent parts of structures to form a balustrade or deck rail. Thus, the Department agreed with Petitioner that a baluster kit represents a packaged collection of individual parts, which comprised a single element of a railing or deck system, and, therefore, did not represent a finished product.

Finally, the Department disagreed with Maine Ornamental's contention that its balusters are excluded from the scope of the investigations because the Aluminum Extrusions/PRC ITC Preliminary Report⁹ stated that the scope excludes unassembled final finished goods containing aluminum extrusions, and described the merchandise subject to the investigations as inputs for the production of downstream products. The Department found that although Maine Ornamental argued that its baluster kits are final finished goods, its own description of baluster kits indicates that the balusters function as an input for the production of a downstream product, such as a balustrade or a deck rail. As a result,

⁹ Certain Aluminum Extrusions From China, Investigation Nos. 701-TA-475 and 731-TA-1177 (Preliminary), Publication 4153 June 2010, U.S. International Trade Commission (ITC Aluminum Extrusions Report).

Maine Ornamental's citation to the ITC Aluminum Extrusions Report did not support its contention that the baluster kits should be excluded from the scope of the order.

Summary of Arguments

Skyline's August 30, 2011, Submission

Skyline states that it makes nineteen different exhibit systems,¹⁰ and its customers purchase the exhibit systems under consideration to showcase graphics and other marketing materials at trade shows and exhibitions. Skyline requests that the Department confirm that its banner stand and back wall kits fall outside of the scope of the aluminum extrusions orders.

Skyline states that it imports banner stands in their final form and ready for their ultimate use. Skyline states that no further manufacturing is necessary, because the stands are imported with a shipping case, and, although there are minor differences between models, each model has: a base, folding pole and top trim. Skyline also provides additional accessories for the stands for an additional fee including literature holders, shelves and lights. Skyline explains that to assemble the banner stands; the customer inserts their own graphic, which is not part of the kit, into the base. Skyline provided photographs of all the models that are under consideration in their submission.

Skyline explains that back wall kits that are similar to banner stands in that they are used to showcase a user's graphics and marketing materials. The two types of back wall kits that Skyline imports are an "Arrive Myriad Kit" and an "Arrive Exalt Kit," which both includes base units, folding poles and top trim. Both of the banner stands are in their final form upon arrival, when the end user inserts their own graphics. Skyline also included as an attachment the entry documents to show that the banner stands and back wall kits are imported with all necessary parts to assemble a final finished good.

If the Department determines that the descriptions of the merchandise contained in the petition and the initial investigation are not dispositive, Skyline argues that the Department should consider the additional factors set forth at 19 CFR 351.225(k) (2). These factors are known commonly as the Diversified Products criteria.¹¹

Petitioner's September 9, 2011, Submission

Petitioner asserts that Skyline has not provided sufficient evidence that its products fall outside the scope of the order by constituting a finished good. It states that the Department should institute a full scope inquiry and request addition information from the company. Specifically, Petitioner requests that the Department seek more information regarding the company's claim that its customer supplies their own printed materials. Petitioner notes that Skyline's product

¹⁰ Skyline reported on page 3 of its August 2, 2011, submission that it makes 19 different exhibit systems, including pop ups, banner stands, panel systems, fabric structures, truss and other structural, custom modular exhibit systems. It also provides a more detailed list of the products under consideration on pages 3 and 4.

¹¹ These factors were affirmed as a reasonable test by the Court of International Trade in Diversified Products Corp. v. United States, 572 F. Supp. 883 (C.I.T. 1983) (Diversified Products).

brochure states that Skyline itself produces and sells the graphics and that the printed materials are “finished to perfectly match your exhibit structure.”¹²

Petitioner contends that Skyline’s description of its products does not fully answer the question on whether it constitutes a finished good. For example, Petitioner notes that certain models include the option of adding additional accessories (e.g., shelving and lighting). For each model, Petitioner requests that the Department ask Skyline about: (a) the percentage of units that were sold during 2010 with no accompanying accessories and (b) whether any of its accessories are customized to fit the particular model purchased by the customer. Additionally, Petitioner requests that Skyline explain how the printed materials are customized to fit the particular model, as mentioned in Skyline’s product brochure, and if the printed materials are affixed to the display.

Petitioner makes additional arguments that the Department should request that Skyline describe the difference between a banner stand and a back wall kit; and that Skyline should explain whether a carrying case and work station display are included in all of the kits at the time of entry.

In addition, Petitioner urges the Department to request from Skyline: (1) a description of each part that is not an aluminum extrusion, if any, along with the aggregate weight of those non-extrusion parts relative to the total weight of the model, (2) all relevant websites, product brochures, other marketing materials, and (3) any manuals or assembly instructions. Finally, Petitioner also argues that Skyline should provide a legible copy of the entry documents.

Skyline’s October 11, 2011, Submission

Skyline reiterates its argument that the products at issue are finished products and sold to its customers as such. Skyline contends that the fact that it sells other products including graphics, pop up displays, display units, and display walls in no way impacts the status of the products at issue as final products.

Skyline includes video footage from its website that it claims demonstrates how easy it is for users to insert a graphic into the products at issue and then replace it with another. Skyline argues that, the products at issue continue their display function regardless of the graphic used. Skyline argues that the products at issue are analogous to picture frames in this respect in whether a graphic is inserted into a picture frame does not impact the picture frame’s status as a finished product that is excluded from the scope.

Skyline also disputes Petitioner’s insinuation that the products at issue may not be excluded from the order unless they also include such accessories as literature holders, shelves, and lights. Skyline contends the presence of such accessories has no bearing on whether the products at issue constitute a finished product. Skyline argues the products at issue are akin to automobiles in this regard. Skyline argues a car is still a finished good regardless of whether optional accessories are included. Skyline argues that products at issue are similarly finished goods regardless of whether additional items like shelving and lights are included with the products at

¹² Petitioner’s September 9, 2011, submission at Attachment 1, page 19.

issue.

Department's Analysis

As explained above in the Applicable Regulations section, when determining whether a specific product is within the scope of an AD or CVD order, the Department reviews the descriptions of the subject merchandise contained in the petition, the investigation, and determinations of the Department (such as prior scope rulings) and the ITC. See 19 CFR 351.225(d) and 351.225(k) (1). In discussing the interpretive process the Department should follow in making scope rulings pursuant to 19 CFR 351.225(k) (1), the Court of Appeals for the Federal Circuit (CAFC) stated:

The critical question is not whether the petition covered the merchandise or whether it was at some point within the scope of the investigation. The purpose of the petition is to propose an investigation . . . A purpose of the investigation is to determine what merchandise should be included in the final order. Commerce's final determination reflects the decision that has been made as to which merchandise is within the final scope of the investigation and is subject to the order. Thus, the question is whether the {final scope of the order} included the subject merchandise.¹³

The CAFC also commented that "a predicate for the interpretative process {in a scope inquiry} is language in the order that is subject to interpretation." See Duferco at 1094. The CAFC found that the appropriate place to begin the analysis as to whether a product is within the scope of orders is to review the scope language of orders themselves. Furthermore, the CAFC stated that "{s}cope orders may be interpreted as including subject merchandise only if they contain language that specifically includes the subject merchandise or may be reasonably interpreted to include it." See Duferco at 1089. In accordance with 19 CFR 351.225(k) (1) and Duferco, the Department has first examined the language of the scope, to determine whether the products at issue are within the scope of the orders.

As noted above, the scope 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 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.

We find that the banner stands and back wall kits described in Skyline's scope inquiry request meet the exclusion criteria. The products at issue contain all of the parts required to assemble a completed exhibition frame on which printed graphical materials may be hung.¹⁴

Further, the imported items at issue include a hard-cover carrying case, which allow the user to store and transport the banner stands and back wall kits. As a result, we find the banner stands and back wall kits described in Skyline's scope inquiry request, which are all accompanied by a

¹³ See Duferco Steel, Inc. v. United States, 296 F.3d 1087, 1096 (Fed. Cir. 2002).

¹⁴ See Skyline's August 2, 2011, submission at Attachment 2.

hard-cover carrying case at the time of importation, constitute “finished goods kits” and, therefore, meet the exclusion criteria enumerated in the scope of the AD and CVD orders. In the Preliminary Scope Memorandum, we found that the Next Showers exhibition kits are excluded if the kits contain all necessary parts to be fully assembled finished good.¹⁵ Skyline’s merchandise contains all the necessary parts, and so it is excluded. Furthermore, we find that the products at issue are analogous to completed picture frames, which are explicitly excluded from the scope.

We disagree with Petitioner’s claim that the products at issue fail to meet the exclusion criteria because they lack printed graphical materials at the time of entry. Based on the information in Skyline’s request, it is evident that the banner stands and back wall kits at issue are designed to incorporate interchangeable graphic materials that can change with users’ needs. Therefore, we find it would be unreasonable to require that the products at issue must be accompanied with affixed graphical material that cannot be removed or altered at a later date.

We further disagree with Petitioner’s argument that the banner stands and back wall kits at issue do not meet the exclusion criteria because, in some instances, the items do not contain a complete array of available accessories. As stated above, we find that all of the banner stands and back wall kits contained in Skyline’s scope inquiry request constitute finished goods kits because they contain all of the items required to assemble, store, and transport a completed exhibition frame. The fact that certain models may enter the United States with additional shelving or lighting configurations does not alter our finding in this regard, because the banner stands and back wall kits are finished goods which do not require the additional accessories to be considered “a packaged combination of parts to fully assemble a final finished good.”¹⁶

Lastly, we disagree with Petitioner that additional explanation is required regarding the extent to which certain models described in Skyline’s scope inquiry request are, in fact, imported with the hard-cover carrying case.¹⁷ Petitioner states that it is unclear whether the banner stand models are also imported with the shipping case that turns a work station into a display. Petitioner requests that the Department ascertain whether or not the carrying case and work station display for any of its models are not included in the kits at the time of entry.

As noted above, we find that the banner stands and back wall kits described in Skyline’s scope request meet the exclusion criteria provided that they contain all of the necessary parts required for assembly and are accompanied by a hard-cover carrying case.¹⁸ As a result, additional inquiry along these lines is not necessary.

Petitioner notes that Skyline does not differentiate between banner stands and back wall kits¹⁹ but the point is moot because Skyline fully describes the components of both banner stands and back wall kits, in which all of the components are shipped together at the time of entry.²⁰

¹⁵ See the Preliminary Scope Memorandum at 13.

¹⁶ See Orders.

¹⁷ See Petitioner’s September 9, 2011, Response at 4.

¹⁸ See Skyline’s August 2, 2011, submission at Attachment 3 and Attachment 4.

¹⁹ See Petitioner’s September 9, 2011, submission at 4.

²⁰ See Skyline’s August 2, 2011, submission at 3 and 4.

We disagree with Petitioner that Skyline should re-submit entry documents, because we do not find that the entry documents are illegible. We also disagree that it is necessary to request that Skyline explain the aluminum content of each kit that it imported; as we stated in the Preliminary Scope Comments, finished goods kits are excluded from the scope of the Orders, without reference to the percentage of aluminum extrusions.²¹ Regarding Petitioner's requests that we obtain additional information from Skyline, we find that Skyline's scope ruling request contains all necessary information for the Department to make a scope ruling under 19 CFR 351.225(k)(1).

Department's Recommendation

For the reasons discussed above, we recommend finding that the banner stands and back wall kits addressed by the instant scope request are not subject to the scope of the orders pursuant to 19 CFR 351.225(k)(1) based on the language of the scope of the Orders and prior scope rulings of the Department. We recommend finding that the scope request does 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).

If the recommendations in this memorandum are 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 351.303(f).

Agree

Disagree

Christian Marsh
Deputy Assistant Secretary
for Antidumping and Countervailing Duty Operations

Date

21 See Preliminary Scope Comments at 3.