



C-570-968/A-570-967  
Scope: Spectrum Pocket Door Frames  
Public Document  
E&C: DF/TB

May 9, 2017

MEMORANDUM TO: Gary Taverman  
Associate Deputy Assistant Secretary  
for Antidumping and Countervailing Duty Operations

THROUGH: Scot Fullerton  
Director  
AD/CVD Operations, Office VI

Erin Kearney  
Program Manager  
AD/CVD Operations, Office VI

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SUBJECT: Aluminum Extrusions from the People's Republic of China: Final  
Scope Ruling on Spectrum Pocket Door Frames

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## Summary

On May 31, 2016, the Department of Commerce (the Department) received a request from Spectrum Brands, Inc.<sup>1</sup> (Spectrum), that the Department find Spectrum's wooden pocket door frame kits (Pocket Door Frame Kits) to be outside the scope of the antidumping and countervailing duty orders (*Orders*) on aluminum extrusions from the People's Republic of China (PRC).<sup>2</sup> Based on our analysis, we find that Spectrum's Pocket Door Frame Kits are excluded from the scope of the *Orders*.

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<sup>1</sup> On May 17, 2016, Spectrum submitted a request for a scope ruling that Spectrum's Pocket Door Frame Kits are outside the scope of the *Orders*. On May 31, 2016, Spectrum resubmitted its request for a scope ruling to correct an error constituting improper filing, specifically that the scope ruling request was not filed on both the AD and CVD records of the proceeding. See Letter from Spectrum Brands, Inc. to the Secretary of Commerce entitled, "Spectrum Scope Request: Wooden Pocket Door Frame Kits – Aluminum Extrusions from the People's Republic of China (A-570-967/C-570-968)," dated May 31, 2016 (Scope Request).

<sup>2</sup> 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 May 26, 2011, the Department published the *Orders* on aluminum extrusions from the PRC.<sup>3</sup> On May 31, 2016, Spectrum requested a scope ruling that Spectrum's Pocket Door Frame Kits are outside the scope of the *Orders*.<sup>4</sup> On August 22, 2016, the petitioner submitted comments on Spectrum's scope request.<sup>5</sup> Between August 14, 2016, and March 27, 2017, the Department extended the deadline for this scope ruling.<sup>6</sup> On October 13, 2016,<sup>7</sup> and January 12, 2017,<sup>8</sup> the Department issued supplemental questionnaires to Spectrum, to which Spectrum responded on October 21, 2016,<sup>9</sup> and February 8, 2017,<sup>10</sup> respectively.

## **SCOPE OF THE ORDERS**

The merchandise covered by the *Orders* is aluminum extrusions which are shapes and forms, produced by an extrusion process, made from aluminum alloys having metallic elements corresponding to the alloy series designations published by The Aluminum Association commencing with the numbers 1, 3, and 6 (or proprietary equivalents or other certifying body equivalents). Specifically, the subject merchandise made from aluminum alloy with an Aluminum Association series designation commencing with the number 1 contains not less than 99 percent aluminum by weight. The subject merchandise made from aluminum alloy with an Aluminum Association series designation commencing with the number 3 contains manganese as the major alloying element, with manganese accounting for not more than 3.0 percent of total materials by weight. The subject merchandise is made from an aluminum alloy with an Aluminum Association series designation commencing with the number 6 contains magnesium and silicon as the major alloying elements, with magnesium accounting for at least 0.1 percent but not more than 2.0 percent of total materials by weight, and silicon accounting for at least 0.1 percent but not more than 3.0 percent of total materials by weight. The subject aluminum extrusions are properly identified by a four-digit alloy series without either a decimal point or leading letter. Illustrative examples from among the approximately 160 registered alloys that may characterize the subject merchandise are as follows: 1350, 3003, and 6060.

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<sup>3</sup> See the *Orders*.

<sup>4</sup> See Scope Request.

<sup>5</sup> See Letter from the Aluminum Extrusions Fair Trade Committee to the Department regarding, "Aluminum Extrusions from the People's Republic of China: Comments on Spectrum's Scope Ruling Request," dated August 22, 2016 (Petitioner's Comments).

<sup>6</sup> See Letters to Spectrum regarding, "Aluminum Extrusions from the People's Republic of China: Extension of Time for Scope Ruling," dated August 14, 2016; September 1, 2016; December 1, 2016; and March 27, 2017.

<sup>7</sup> See Letter to Spectrum regarding, "Aluminum Extrusions from the People's Republic of China: Supplemental Questionnaire on Spectrum Pocket Door Frame Kits," dated October 13, 2016.

<sup>8</sup> See Letter to Spectrum regarding, "Aluminum Extrusions from the People's Republic of China: Supplemental Questionnaire on Spectrum Pocket Door Frame Kits," dated January 12, 2017.

<sup>9</sup> See Letter from Spectrum regarding, "Spectrum Scope Request: Response to Supplemental Questions – Aluminum Extrusions from the People's Republic of China (A-570-967/C-570-968)," dated October 21, 2016 (First Supplemental Questionnaire Response).

<sup>10</sup> See Letter from Spectrum regarding, "Aluminum Extrusions from the People's Republic of China: Response to the Supplemental Questionnaire on Spectrum Pocket Door Frame Kits," dated February 8, 2017 (Second Supplemental Questionnaire Response).

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 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 *Orders*

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 the *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 (HTSUS): 8481.90.9060, 8481.90.9085, 9031.90.9195, 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 the *Orders* is dispositive.

## **LEGAL FRAMEWORK**

When a request for a scope ruling is filed, the Department examines the scope language of the order{s} at issue and the description of the product contained in the scope ruling request.<sup>11</sup> 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.<sup>12</sup> 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 the order{s}.<sup>13</sup>

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 THE MERCHANDISE SUBJECT TO THIS SCOPE REQUEST**

Spectrum requested a scope ruling that its Pocket Door Frame Kits are excluded from the scope of the *Orders* as finished goods kits.<sup>14</sup> In its Scope Request, Spectrum provides the following description of its Pocket Door Frame Kits:

The kits consist of three solid wood sections of standard door sizes. Permanently embedded in only the top section of the wood frame is an extruded aluminum track. The two side sections of the pocket door frames consist of wooden frames encased in steel plating. Also included with the pocket door kits are the non-aluminum wheel units on which a pocket door, after assembly, glides open and closed, along with non-aluminum fasteners to assemble the three sections together. The pocket door frames are designed to standard sizes allowing standard interchangeable doors to be hung from the frame. After importation and sale to an end user, the door

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<sup>11</sup> See *Walgreen Co. v. United States*, 620 F.3d 1350, 1357 (Fed. Cir. 2010).

<sup>12</sup> See 19 CFR 351.225(k)(1).

<sup>13</sup> See 19 CFR 351.225(d).

<sup>14</sup> See Scope Request, at 1.

frames are finished and made ready for installation by the end user into any doorway requiring a sliding pocket door.<sup>15</sup>

Spectrum lists the following extruded aluminum and non-extruded aluminum components included in the Pocket Door Frame Kits at the time of entry:

- One extruded aluminum track: This track is used to support rollers that are used to allow a wooden door to glide opened and closed.
- Wooden frame: The wooden frame is used to attach to the wall where a pocket door would be installed. The frame encases the aluminum extruded track described above.
- Two wooden posts: The posts are used to support the wooden frame and track against the opening in a wall where a pocket door would be found.
- Two steel reinforcement sleeves: The steel sleeves are used to provide additional stability and support to the wooden posts.
- Two plastic guides: These guides are used to keep a wooden door aligned with the track to allow the door to easily glide along the track as it opens or closes.
- Two steel wall brackets: These brackets are used to stabilize the frame against a wall where a pocket door would hang.
- Two steel floor brackets: These brackets are used to fasten the wooden posts to the floor of a structure where a pocket door would be installed.
- Two steel roller brackets: These brackets roll along the aluminum track described above. The brackets connect to any standard wooden door and allow the door to glide open and closed along the track.
- Two base metal mounting plates: These mounting plates are used to mount a standard wooden door to the roller brackets allowing the door to securely glide open and close along the track.
- One rubber bumper: This bumper is used to allow the door to close softly against the frame.
- 18 steel screws and washers: These fasteners are used to fasten the frame to the wall.
- 18 steel nails: These fasteners are each 2 inches long and are used to fasten the frame to the wall opening where a pocket door would hang.
- One small base metal wrench: This tool is used to put the frame together.<sup>16</sup>

Spectrum states that, at the time of entry, the kits are “complete, finished articles ready for the addition of standard wooden doors.”<sup>17</sup> Furthermore, Spectrum indicates that its “merchandise is packaged into a heavy-duty retail box and is ready for retail sale upon importation.”<sup>18</sup> Spectrum states that its Pocket Door Frame Kits are entered into the United States under U.S. Harmonized Tariff Schedule (HTSUS) 4418.20.8060.

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<sup>15</sup> *Id.*, at 2.

<sup>16</sup> See Supplemental Questionnaire Response, at 1-2.

<sup>17</sup> See Scope Request, at 2.

<sup>18</sup> *Id.*

## RELEVANT SCOPE DETERMINATIONS

### Geodesic Domes Kits<sup>19</sup>

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 its scope ruling, the Department explained that the product at issue met the “initial requirements for inclusion into the finished goods kit exclusion.”<sup>20</sup> 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.”<sup>21</sup> Accordingly, the Department found that, because the products at issue consisted solely of extruded aluminum and fasteners, they did not meet the exclusion criteria for a finished goods kit.<sup>22</sup>

### Liberty Shower Door Kits<sup>23</sup>

At issue in this scope ruling were Liberty’s Shower Door Kits that were imported into the United States as a complete unassembled product. These kits contained all of the necessary parts for full assembly without any further finishing or fabrication. Liberty acknowledged that, while the merchandise may be distributed and imported in more than two boxes, or containers, all components of the kits enter into the United States on the same Customs entry form. In its analysis, the Department found that, consistent with established practice in the Geodesic Domes Scope Ruling, the shower door kits met the finished goods kits test because the merchandise contained a mix of extruded aluminum components (*i.e.*, 60” dual profile aluminum top and bottom tracks and two aluminum side jambs) and non-extruded aluminum components (*i.e.*, two clear glass shower panels), beyond mere fasteners. The Department found that, because the glass shower panels served an integral part of the kit, they were beyond mere fasteners, Liberty met the requirement of the “finished goods kits” exclusion language in the scope of the *Orders*. Because Liberty’s Shower Door Kits contained all of the parts necessary to assemble “as is” into a finished product, requiring no further finishing or fabrication, such as cutting or punching, the Department determined that Liberty’s Shower Door Kits should be excluded from the *Orders*.

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<sup>19</sup> See Memorandum from Brooke Kennedy to Christian Marsh regarding, “Final Scope Ruling on J.A. Hancock, Inc.’s Geodesic Structures,” dated July 17, 2012 (Geodesic Domes Kits Scope Ruling); see also Memorandum to the File regarding, “Antidumping and Countervailing Duty Orders on Aluminum Extrusions from the People’s Republic of China: Prior Scopes Rulings Relevant to the Spectrum Pocket Door Frame Kits Scope Ruling,” (Prior Scopes Ruling Memorandum) dated concurrently with this scope ruling.

<sup>20</sup> See Geodesic Domes Kits Scope Ruling, at 7.

<sup>21</sup> *Id.*

<sup>22</sup> *Id.*

<sup>23</sup> See Memorandum to Christian Marsh, Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, “Antidumping and Countervailing Duty Orders on Aluminum Extrusions from the People’s Republic of

### Banner Stands and Back Wall Kits Scope Ruling<sup>24</sup>

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

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

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

### Clenergy Solar Panels Scope Ruling<sup>29</sup>

At issue in this ruling were solar panels mounting systems comprised of extruded aluminum rails, as well as extruded and cast aluminum kedges, galvanized steel posts, and various steel bolts, clamps, and brackets.<sup>30</sup> In the ruling, the Department found that the products at issue contained, at the time of importation, all of the parts necessary to fully assemble a finished good without further fabrication. The Department also found that these products could be assembled “as is” into finished products for mounting solar panels. The Department further found that, like picture frames and banner stands and back wall kits, the mounting systems were designed to work with removable/replaceable components, and need not include these removable/replaceable components to constitute a finished good. Thus, the Department concluded that the products at

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China: Final Scope Ruling on Liberty Hardware Manufacturing Company’s Shower Door Kits,” dated December 9, 2015 (Shower Door Kits Ruling); *see also* Prior Scope Ruling Memorandum, dated concurrently with this document.

<sup>24</sup> *See* Memorandum from John Conniff and Eric B. Greynolds to Christian Marsh, “Final Scope Ruling on Banner Stands and Back Wall Kits,” dated October 19, 2011 (Banner Stands and Back Wall Kits Scope Ruling); *see also* Prior Scopes Memorandum, dated concurrently with this document.

<sup>25</sup> *See* Banner Stands and Back Wall Kits Scope Ruling, at 9-10.

<sup>26</sup> *Id.*, at 9.

<sup>27</sup> *Id.*, at 10.

<sup>28</sup> *Id.*

<sup>29</sup> *See* Memorandum from Brooke Kennedy to Christian Marsh, “Final Scope Ruling on Clenergy (Xiamen) Technology’s Solar Panel Mounting Systems,” dated October 31, 2012 (Clenergy Solar Panels Scope Ruling); *see also* Prior Scopes Memorandum, dated concurrently with this document.

<sup>30</sup> *See* Clenergy Solar Panels Scope Ruling, at 6-7.



issue were not subject to the *Orders*, because they met the criteria for exclusion from the *Orders* as finished goods kits.<sup>31</sup>

### Five Lakes Trading, Inc.’s Pocket Door Tracks Scope Ruling<sup>32</sup>

This ruling addressed pocket door tracks, specifically, components made from extruded 6063 aluminum that were imported by themselves and were installed, after importation, onto a wooden header assembly. Five Lakes Trading, Inc. (Five Lakes) submitted no argument or rationale as to why its pocket door tracks were not covered by the scope of the *Orders*. Five Lakes did report, however, that its pocket door tracks were cut-to-length and punched.

In the pertinent scope ruling, the Department found the pocket door tracks to be “solely a fabricated aluminum extrusion,” which constituted a “part that is incorporated into the final finished product (*i.e.* a pocket door frame assembly) after importation. Accordingly, the Department found the pocket door tracks to be covered by the scope of the *Orders*.”<sup>33</sup>

### Circle Glass Co. Patio Door Kits<sup>34</sup>

This ruling addressed patio door kits, consisting of an extruded aluminum door frame without a screen, several non-extruded aluminum components beyond mere fasteners, and several fastener components. The patio door kit contained all components necessary to assemble a patio screen door and mount it to a doorway – except the screen, which is purchased separately. Circle Glass Co. (Circle Glass) argued that the fact that the patio door kit did not include the screen is insufficient to render the product unfinished. Circle Glass further argued that the screen was not essential to the structural integrity of the door and could be purchased separately by the end consumer, and thus the patio door kit should qualify for the finished goods kit exclusion.

In the pertinent ruling, the Department found that the patio door kits did not meet the exclusion criteria for a finished goods kit.<sup>35</sup> The Department found that the screen for the product at issue was akin to the glass or vinyl discussed in the scope of the *Orders*, and that without the screen, the patio door kits did not meet the exclusion criteria, *i.e.*, that “all of the necessary parts to fully assemble a final finished good” are included in the finished goods kit.<sup>36</sup>

Circle Glass appealed the Department’s decision, and the Court of International Trade (CIT) affirmed the Department’s scope ruling. The CIT held that the product at issue was a kit for an “empty door frame,” and “not a ‘complete’ screen door,” meaning that the kits “do not fit within the ‘finished goods kits’ exclusion in the *Orders*.”<sup>37</sup>

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<sup>31</sup> *Id.*, at 8-9.

<sup>32</sup> See Memorandum from Paul Stoltz to Christian Marsh, “Final Scope Ruling on Five Lakes Trading, Inc.’s Pocket Door Tracks,” dated July 22, 2014 (Pocket Door Tracks Scope Ruling); see also Prior Scopes Memorandum, dated concurrently with this document.

<sup>33</sup> *Id.*, at 6.

<sup>34</sup> See Memorandum from Andrew Medley and Erin Begnal to Christian Marsh, “Final Scope Ruling on Circle Glass Co.’s Screen and Storm Door Grille and Patio Door Kits,” dated December 5, 2014 (Patio Door Kits Scope Ruling); see also Prior Scopes Memorandum, dated concurrently with this document.

<sup>35</sup> See Patio Door Kits Scope Ruling, at 13-14.

<sup>36</sup> *Id.*

<sup>37</sup> *Circle Glass Company v. United States*, Slip Op. 16-39 (CIT April 20, 2016), at 8.

## INTERESTED PARTY COMMENTS

### Spectrum's Comments

Spectrum contends that its Pocket Door Frame Kits should be excluded from the scope of the *Orders* since, at the time of entry, the merchandise meets the scope description of a finished goods kit.<sup>38</sup> Spectrum further states that its merchandise is not “mere profiles, pipes, tubes, bars or similar basic forms or shapes. Rather, they are finished items of commerce imported as kits, ready for sale to consumers.”<sup>39</sup> Spectrum argues that its Pocket Door Frame Kits are similar to the Banner Stands and Back Wall Kits, which the Department found to be excluded from the scope of the *Orders*, due to the fact that both products are finished goods kits “consist{ing} of both extruded aluminum parts and non-extruded components beyond mere fasteners” and need only to be “assembled and used with interchangeable parts.”<sup>40</sup>

Spectrum affirms that its Pocket Door Frame Kits are a packaged combination of both extruded and non-extruded aluminum parts, consisting of all the necessary parts to assemble and install pocket door frame units. Spectrum states that, although the Pocket Door Frame Kits are not imported with doors, the merchandise is “manufactured to accept standard interchangeable doors of the consumer’s choice.”<sup>41</sup> In its second supplemental questionnaire response, Spectrum reiterates that its kits are sold as stand-alone items, for which the end customer is responsible for providing the interchangeable door.<sup>42</sup> Thus, Spectrum contends that, as in the Banner Stands and Back Wall Kits Scope Ruling, its merchandise meets the definition of a finished goods kit and should be excluded from the scope of the *Orders*.

In its first supplemental questionnaire response, Spectrum provided evidence of the inclusion of non-extruded aluminum components in its Pocket Door Frame Kits. Spectrum also provided photographs showing its Pocket Door Frame Kits in their retail boxes as entered.<sup>43</sup> Spectrum argues that its ability to market the Pocket Door Frame Kits directly to consumers at the time of entry substantiates its claim that the merchandise is in fact a finished goods kit as contemplated by the *Orders*.<sup>44</sup>

Finally, Spectrum claims that its Pocket Door Frame Kits are assemblies as described in the Court of International Trade decision in *Aluminum Extrusions Fair Trade Committee v. United States*.<sup>45</sup> Spectrum claims that in *AEFTC v. United States*, the merchandise in question was ruled to be excluded from the scope of the *Orders* because it was deemed an “assembled good containing as a component” an extruded aluminum part.<sup>46</sup> Spectrum argues that its Pocket Door

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<sup>38</sup> See Scope Request, at 2.

<sup>39</sup> *Id.*

<sup>40</sup> *Id.*, at 4.

<sup>41</sup> *Id.*, at 5.

<sup>42</sup> See Second Supplemental Questionnaire Response, at 2.

<sup>43</sup> See First Supplemental Questionnaire Response, at 4-7.

<sup>44</sup> See Scope Request, at 2.

<sup>45</sup> *Id.*, at 4, citing *Aluminum Extrusions Fair Trade Committee v. United States*, Slip Op. 16-31 (CIT March 31, 2016), at 8-9. (*AEFTC v. United States*).

<sup>46</sup> *Id.*

Frame Kits are not extrusions, but are “assemblies that contain one aluminum extruded component, embedded in wood and packaged for retail sale at the time of importation.”<sup>47</sup>

### Petitioner’s Comments

The petitioner argues that Spectrum’s Pocket Door Frame Kits do not satisfy the exclusion requirements for finished merchandise or finished goods kits, but are merely “parts for final finished products that are assembled after importation.”<sup>48</sup> The petitioner explains that “door frames” and “door thresholds” are specifically mentioned in the scope of the *Orders* as subject merchandise, unless they meet the exclusion criteria for finished merchandise or finished goods kits, which Pocket Door Frame Kits do not.<sup>49</sup>

The petitioner states that the extruded aluminum track in Spectrum’s Pocket Door Frame Kits are “similar to and serve the very same purpose as the pocket door tracks” considered by the Department in the Pocket Door Tracks Scope Ruling and constitute “no more than a piece of a sub-component of a component of a sub-assembly.”<sup>50</sup> The petitioner argues that “Spectrum’s pocket-door frames, shipped on their own, cannot stand alone as a finished good, because they are neither attached to, nor shipped, with its other subassembly and/or full downstream product components at time of importation.”<sup>51</sup>

The petitioner further argues that Spectrum’s Pocket Door Frame Kits do not meet the exclusion criteria for a “finished goods kit,” as they are mere components of a subassembly. The petitioner states that Pocket Door Frame Kits “must be married to a door post-importation in order to first complete the subassembly of which it is a component.”<sup>52</sup> For comparison, the petitioner references the Department’s Patio Door Kits Scope Ruling in which the Department found that the patio door kits at issue did not meet the criteria for exclusion from the scope of the *Orders* as they were imported without the screen, deemed an integral component.<sup>53</sup> As noted above, the CIT subsequently upheld the Department’s position in the Patio Door Kits Scope Ruling, stating that the Department’s ruling was “not only reasonable, but correct.”<sup>54</sup> The petitioner contends that Pocket Door Frame Kits are similar to patio door kits in that they are both imported absent an integral component, which in Spectrum’s case is the door.

Finally, the petitioner argues that the Department should not rely on the Banner Stands and Back Wall Kits Scope Ruling or other rulings in which the product at issue is substantially different from the merchandise in the instant request. The Department should instead rely on decisions such as the Patio Door Kits Scope Ruling and the Pocket Door Tracks Scope Ruling, in which the products more closely resemble the product at issue. The petitioner states that “the aluminum track in Spectrum’s incomplete pocket door kit appears to be similar to and serve the very same

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<sup>47</sup> See Scope Request, at 4.

<sup>48</sup> See Petitioner’s Comments, at 2.

<sup>49</sup> *Id.*, at 5.

<sup>50</sup> *Id.*, at 6.

<sup>51</sup> *Id.*

<sup>52</sup> *Id.*, at 10.

<sup>53</sup> *Id.*, at 13-14.

<sup>54</sup> *Id.*, at 14, citing “*Circle Glass Company v. United States*,” Slip Op. 16-39, at 7-8.

purpose as the pocket door tracks previously considered by the Department,” noting that these products were ruled within the scope of the *Orders*.<sup>55</sup>

No other parties submitted comments.

## DEPARTMENT’S POSITION

We examined the language of the *Orders* and the description of the products contained in Spectrum’s Scope Request, as well as previous rulings made by the Department. We find that the description of the products, the scope language, and the Department’s 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, we find 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 merchandise at issue, Pocket Door Frame Kits, meet the scope exclusion criteria and are, therefore, not within the scope of the *Orders*.

The scope of the *Orders* includes aluminum extrusions that are “parts for final finished products that are assembled after importation,” but excludes finished goods containing aluminum extrusions that are entered unassembled in a “finished goods kit.” The language of the scope defines a finished goods 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, which requires no further finishing or fabrication, such as cutting or punching, and which is assembled “as is” into a finished product. The language of the scope further specifies that merchandise does not fall within the finished goods kit exclusion “merely by including fasteners such as screws, bolts, *etc.* in the packaging with an aluminum extrusion product.”

Because Spectrum claimed that its Pocket Door Frame Kits fall within the finished goods kit exclusion, we first examined whether, consistent with the test established in Geodesic Domes Kits Scope Ruling, the product consists of aluminum extrusions, as well as components beyond mere fasteners (*e.g.*, screws, bolts, *etc.*). As identified above, Spectrum claims that its Pocket Door Frame Kits contain both extruded aluminum components (*i.e.*, an extruded aluminum track) and non-extruded aluminum components (*i.e.*, wooden frames, wooden posts, rubber bumpers, *etc.*).<sup>56</sup> We find that components such as wooden frames, wooden posts, and rubber bumpers do not provide any fastening function and, thus, would not be considered “fasteners.” Further, as in the Liberty Shower Door Kits Scope Ruling, we find that the non-extruded aluminum parts contained in these Pocket Door Frame Kits are an integral part of the merchandise. As a result, we find that Spectrum’s Pocket Door Frame Kits contain non-extruded aluminum components which are more than mere fasteners.

Next, we considered whether the unassembled Pocket Door Frame Kits meet the definition of a “finished goods kit” which requires no further finishing or fabrication, such as cutting or punching, and that is assembled “as is” into a finished product. Spectrum indicated that its Pocket Door Frame Kits are “imported complete and ready for retail sale.”<sup>57</sup> In its first

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<sup>55</sup> See Petitioner’s Comments, at 6.

<sup>56</sup> See “Description of the Merchandise Subject to this Scope Request” section, above.

<sup>57</sup> See Scope Request, at 4.

supplemental questionnaire response, Spectrum provided a detailed list of components comprising the Pocket Door Frame Kits, as well as photographs of these components at import.<sup>58</sup> We find that the evidence on the record indicates that all components of the Pocket Door Frame Kits enter in a retail-ready box, requiring no further finishing or fabrication. The Pocket Door Frame Kits need only be assembled by the end customer into a finished product.

Finally, we considered whether Spectrum's Pocket Door Frame Kits contain, at the time of importation, all of the necessary parts to assemble fully a final finished good. Spectrum stated that its Pocket Door Frame Kits are designed to allow the end user to hang standard interchangeable doors into any doorway requiring a sliding pocket door.<sup>59</sup> Consistent with the Department's Clenergy Solar Panels Scope Ruling<sup>60</sup> and Banner Stands and Back Wall Kits Scope Ruling,<sup>61</sup> we find that Spectrum's Pocket Door Frame Kits are "designed to work with removable/replaceable components" (*i.e.*, the door itself), and need not include these removable/replaceable components to constitute a finished good (*i.e.*, a pocket door frame kit).<sup>62</sup> For this reason, the Department disagrees with the petitioner's assertion that the Pocket Door Frame Kits are similar to the merchandise in the Patio Door Kits Scope Ruling in that they lack an integral component and, thus, cannot be fully assembled into a finished product. In the Patio Door Kits Scope Ruling, the Department stated that "if a door is imported into the United States without glass or vinyl in the designated place in the door, according to the language of the scope, that door would not be considered 'finished merchandise.'"<sup>63</sup> The merchandise at issue in the instant case is the kit for the *frame* of a door; therefore, treating a door as analogous to glass or vinyl inserts would be inapposite. Thus, we find that Spectrum's Pocket Door Frame Kits contain all the necessary parts to be fully assembled into a final finished product in an "as-is" state upon importation, requiring no further fabrication, thereby meeting the definition of a finished goods kit.

With regard to the petitioner's argument that the Department should rely on rulings for similar products, such as the Pocket Door Tracks Scope Ruling, the Department disagrees. While Spectrum's Pocket Door Frame Kits do contain a track component similar to the merchandise in the Pocked Door Track Scope Ruling, the track component of the Pocket Door Frame Kits is merely one component of a larger kit comprising both aluminum and non-extruded aluminum components.

Thus, we determine that Spectrum's Pocket Door Frame Kits constitute a finished goods kit, consistent with the language of the scope.

## **RECOMMENDATION**

For the reasons discussed above, and in accordance with 19 CFR 351.225(d) and 19 CFR

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<sup>58</sup> See First Supplemental Questionnaire Response, at 2-7.

<sup>59</sup> See Scope Request, at 2.

<sup>60</sup> See Clenergy Solar Panels Scope Ruling, at 9.

<sup>61</sup> See Banner Stands and Back Wall Kits Scope Ruling, at 9-10.

<sup>62</sup> See Clenergy Solar Panels Scope Ruling, at 9.

<sup>63</sup> See Patio Door Kits Scope Ruling, at 13.

351.225(k)(1), we recommend finding that Spectrum's Pocket Door Frame Kits meet the criteria for a finished goods kit and, thus, are not within the scope of the *Orders*.

If the recommendations in this memorandum are 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

5/9/2017

X 

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Signed by: GARY TAVERMAN

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Gary Taverman  
Associate Deputy Assistant Secretary  
for Antidumping and Countervailing Duty Operations