



A-570-967

C-570-968

Scope Ruling: E-Z Up Shelter Frames  
Public Document  
E&C VI: DF

March 7, 2018

MEMORANDUM TO: James Maeder  
Associate Deputy Assistant Secretary  
for Antidumping and Countervailing Duty Operations  
performing the duties of Deputy Assistant Secretary  
for Antidumping and Countervailing Duty Operations

THROUGH: Brian Davis  
Acting Director  
AD/CVD Operations, Office VI

FROM: Davina Friedmann  
Senior International Trade Compliance Analyst  
Antidumping and Countervailing Duty Operations, Office VI

SUBJECT: Antidumping and Countervailing Duty Orders on Aluminum  
Extrusions from the People's Republic of China: Final Scope  
Ruling on International E-Z Up's Collapsible Shelter Frames

---

### **Summary**

On March 7, 2017, the Department of Commerce (Commerce) received a scope ruling request from International E-Z Up Inc. (E-Z Up),<sup>1</sup> requesting that we determine whether its highly engineered collapsible shelter frames (shelter frames) are subject to the antidumping duty (AD) and countervailing duty (CVD) orders on aluminum extrusions from the People's Republic of China (China).<sup>2</sup> On the basis of our analysis of the comments received, we determine that the shelter frames are excluded from the scope of the AD and CVD orders on aluminum extrusions from China.

---

<sup>1</sup> See letter from E-Z Up: "Highly Engineered Collapsible Shelter Frames – Aluminum Extrusions from the People's Republic of China (A-570-967/C-570-968)," dated March 7, 2017 (E-Z Up's 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 March 7, 2017, E-Z Up submitted its scope request, in which it requested that Commerce issue a scope ruling that E-Z Up's shelter frames are outside the scope of the *Orders*.<sup>3</sup> On April 17, 2017, the petitioner<sup>4</sup> submitted comments concerning E-Z Up's Scope Request.<sup>5</sup> Commerce issued supplemental questionnaires to E-Z Up for clarification of its scope request on April 20, 2017, June 20, 2017, August 25, 2017, and September 14, 2017.<sup>6</sup> E-Z Up responded to Commerce's supplemental questionnaires on May 15, 2017, July 21, 2017, August 28, 2017, and December 4, 2017, respectively.<sup>7</sup> Because E-Z Up's questionnaire response, dated December 4, 2017, completed E-Z Up's Scope Request by providing information necessary to make a scope ruling, Commerce deemed the deadline for issuing the scope ruling to be January 18, 2018. On January 17, 2018, Commerce extended the deadline for making a scope ruling, until March 4, 2018.<sup>8</sup> Commerce exercised its discretion to toll deadlines affected by the closure of the Federal Government from January 20 through 22, 2018.<sup>9</sup> The revised deadline for the final results of this review is now March 7, 2018.

## **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

---

<sup>3</sup> See Scope Request.

<sup>4</sup> The Aluminum Extrusions Fair Trade Committee (petitioner).

<sup>5</sup> See Petitioner Letter, "Aluminum Extrusions from the People's Republic of China: Comments in E-Z Up's Scope Inquiry," dated April 17, 2017 (Petitioner's April 17, 2017 Scope Comments).

<sup>6</sup> See Letters, "Aluminum Extrusions from the People's Republic of China: Supplemental Questionnaire on E-Z Up Highly Engineered Collapsible Shelter Frames," dated April 20, 2017 (Initial Supplemental Questionnaire); "Aluminum Extrusions from the People's Republic of China: Second Supplemental Questionnaire on E-Z Up Highly Engineered Collapsible Shelter Frames," dated June 20, 2017 (Second Supplemental Questionnaire); "Aluminum Extrusions from the People's Republic of China: Third Supplemental Questionnaire on E-Z Up Highly Engineered Collapsible Shelter Frames," (August 25, 2017) (Third Supplemental Questionnaire); "Aluminum Extrusions from the People's Republic of China: Second Supplemental Questionnaire on E-Z Up Highly Engineered Collapsible Shelter Frames," (September 14, 2017) (Fourth Supplemental Questionnaire).

<sup>7</sup> See E-Z Up Letters, "E-Z Up Supplemental Questionnaire Response: Aluminum Extrusions from the People's Republic of China; Scope Inquiry on E-Z Up Highly Engineered Collapsible Shelter Frames," dated May 15, 2017 (E-Z Up's May 15, 2017 Supplemental Questionnaire Response); "E-Z Up 2nd Supplemental Questionnaire Response: Aluminum Extrusions from the People's Republic of China: Scope Inquiry on E-Z Up Highly Engineered Collapsible Shelter Frames," dated July 21, 2017 (E-Z Up's July 21<sup>st</sup> Supplemental Questionnaire Response); "E-Z Up 3<sup>rd</sup> Supplemental Questionnaire Response: Aluminum Extrusions from the People's Republic of China; Scope Inquiry on E-Z Up Highly Engineered Collapsible Shelter Frames," (August 28, 2017) (E-Z Up's August 28, 2017 Supplemental Questionnaire Response); "E-Z Up 4<sup>th</sup> Supplemental Questionnaire Response: Aluminum Extrusions from the People's Republic of China; Scope Inquiry on E-Z Up Highly Engineered Collapsible Shelter Frames," (December 4, 2017) (E-Z Up's December 4, 2017 Supplemental Questionnaire Response).

<sup>8</sup> See Letter, "Aluminum Extrusions from the People's Republic of China: Extension of Time for Scope Ruling," dated January 17, 2018.

<sup>9</sup> See Memorandum for The Record from Christian Marsh, Deputy Assistant Secretary for Enforcement and Compliance, performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance, "Deadlines Affected by the Shutdown of the Federal Government" (Tolling Memorandum), dated January 23, 2018. All deadlines in this segment of the proceeding have been extended by 3 days.

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, swedged, mitered, chamfered, threaded, and spun. The subject merchandise includes aluminum extrusions that are finished (coated, painted, *etc.*), fabricated, or any combination thereof.

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

Subject extrusions may be identified with reference to their end use, such as fence posts, electrical conduits, door thresholds, carpet trim, or heat sinks (that do not meet the finished heat sink exclusionary language below). Such goods are subject merchandise if they otherwise meet the scope definition, regardless of whether they are ready for use at the time of importation. The following aluminum extrusion products are excluded: aluminum extrusions made from aluminum alloy with an Aluminum Association series designations commencing with the number 2 and containing in excess of 1.5 percent copper by weight; aluminum extrusions made

from aluminum alloy with an Aluminum Association series designation commencing with the number 5 and containing in excess of 1.0 percent magnesium by weight; and aluminum extrusions made from aluminum alloy with an Aluminum Association series designation commencing with the number 7 and containing in excess of 2.0 percent zinc by weight.

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

The scope also excludes aluminum alloy sheet or plates produced by other than the extrusion process, such as aluminum products produced by a method of casting. Cast aluminum products are properly identified by four digits with a decimal point between the third and fourth digit. A letter may also precede the four digits. The following Aluminum Association designations are representative of aluminum alloys for casting: 208.0, 295.0, 308.0, 355.0, C355.0, 356.0, A356.0, A357.0, 360.0, 366.0, 380.0, A380.0, 413.0, 443.0, 514.0, 518.1, and 712.0. The scope also excludes pure, unwrought aluminum in any form.

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

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

Imports of the subject merchandise are provided for under the following categories of the Harmonized Tariff Schedule of the United States (HTSUS): 6603.90.8100, 7616.99.51, 8479.89.94, 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 this *Order* is dispositive.

## LEGAL FRAMEWORK

When a request for a scope ruling is filed, Commerce examines the scope language of the order and the description of the product contained in the scope-ruling request.<sup>10</sup> Pursuant to Commerce's regulations, Commerce 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>11</sup> If Commerce 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.<sup>12</sup>

Conversely, where the descriptions of the merchandise in the sources described in 19 CFR 351.225(k)(1) are not dispositive, Commerce 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 Commerce.

---

<sup>10</sup> See *Walgreen Co. v. United States*, 620 F.3d 1350, 1357 (Fed. Cir. 2010).

<sup>11</sup> See 19 CFR 351.225(k)(1).

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

## DESCRIPTION OF THE MERCHANDISE SUBJECT TO THIS SCOPE REQUEST

E-Z Up requested a scope ruling for three types of highly engineered collapsible shelter frames (collapsible shelter frames): Eclipse, Endeavor, and HUB. According to E-Z Up, each of these frames have similar uses and are designed for use with a generic or customizable textile top, an example of which is provided in Attachment C of this memorandum.<sup>13</sup> E-Z Up states that its products are imported as completed, assembled merchandise that do not require additional manufacturing, finishing or fabrication after entry into the United States, but without a textile top.<sup>14</sup> E-Z Up described the collapsible shelter frames that are subject to its scope request as follows:

Endeavor - This is the strongest and most durable of the E-Z Up aluminum frames. It is available in two sizes, 10'x10' and 10'x15.' The frame's legs are made out of eight-sided aluminum tubing for added strength along with all newly designed steel hardware, steel parts, and high strength plastic components to improve the longevity of the frame. These frames are designed to be used for trade shows, corporate events, exhibit booths, event marketing, rental industry, sponsorship advertising, industrial applications, business and civic events, product demonstrations, indoor and outdoor displays, automotive and racing events.<sup>15</sup>

Eclipse – This is E-Z Up's more generic model and it is available in 10'x10', 10'x15', 10'x20' sizes. The frame legs are made out of square aluminum tubing and the plastic components and steel hardware and parts are designed to match this tubing configuration. The frame is lighter in weight than the Endeavor and is used primarily for trade shows, corporate events, exhibit booths, event marketing, rental industry, sponsorship advertising, business and civic events, product demonstrations, indoor and outdoor displays, automotive and racing events.<sup>16</sup>

HUB - The HUB frame forms a hexagonal shape (instead of a square or rectangular footprint like the Endeavor and Eclipse models). The steel hardware, steel parts and the plastic components used on this frame are all specifically designed to help form this unique shape. This stand-out hexagonal shape is ideal for event marketing, trade shows, exhibit booths.<sup>17</sup>

---

<sup>13</sup> See Scope Request, at 2.

<sup>14</sup> See E-Z Up's December 4<sup>th</sup> Supplemental Questionnaire Response, at 1.

<sup>15</sup> See E-Z Up's July 21<sup>st</sup> Supplemental Questionnaire Response, at 3.

<sup>16</sup> *Id.*

<sup>17</sup> *Id.*

According to E-Z Up, the three types of collapsible shelter frames may be imported in an assembled or unassembled manner. E-Z Up identified the entry status, *i.e.*, whether the merchandise was entered in an assembled or unassembled manner and whether it views entry of such merchandise as finished merchandise or finished goods kits (“finished kits”), of each of these products as follows:<sup>18</sup>

<b>Product</b>	<b>Assembled or Unassembled Upon Entry into United</b>	<b>Applicable Exclusion</b>
Eclipse 10 x 10 (“ECA”)	Assembled	Finished Merchandise
Eclipse 10 x 15 (“ECB”)	Assembled	Finished Merchandise
Eclipse 10 x 20 (“ECC”)	Unassembled	Finished Kits
Endeavor 10 x 10 (“ENA”)	Assembled	Finished Merchandise
Endeavor 10 x 15 (“ENB”)	Assembled	Finished Merchandise
HUB 15 x 15 (“HUB”)	Unassembled	Finished Kits

In its Scope Request, E-Z Up provides a listing of the components and number of components included in each shipment upon entry into the United States. This listing, which is provided in Attachment A of this memorandum, also includes the component material, *i.e.*, as to whether it is made of extruded aluminum or another type of material (*i.e.*, plastic or steel).<sup>19</sup> A picture of each component is provided in Attachment B of this memorandum.

At the time of importation, E-Z’s collapsible shelter frames would be classified under subheading 7610.90.0080 of the Harmonized Tariff Schedule of the United States,<sup>20</sup> which provides for “Aluminum structures (excluding prefabricated buildings of heading 9406) and parts of structures (for example, bridges and bridge-sections, towers, lattice masts, roofs, roofing frameworks, doors and windows and their frames and thresholds for doors, balustrades, pillars and columns); aluminum plates, rods, profiles, tubes and the like, prepared for use in structures: Other, Other.” E-Z Up also points out that none of the products for which it is requesting scope exclusion require further finishing, fabrication or repackaging after importation.<sup>21</sup>

---

<sup>18</sup> See E-Z Up’s May 15, 2017, Supplemental Questionnaire Response, at 1.

<sup>19</sup> See E-Z Up’s Scope Request at Exhibit 3.

<sup>20</sup> See E-Z Up’s August 28, 2017 Supplemental Questionnaire Response at 1.

<sup>21</sup> *Id.* at 2.

## RELEVANT SCOPE DETERMINATIONS<sup>22</sup>

### Geodesic Domes Kits Scope Ruling<sup>23</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 the ruling, Commerce explained that the product at issue met the “initial requirements for inclusion into the finished goods kit exclusion.”<sup>24</sup> However, Commerce 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>25</sup> Commerce found that since the products at issue consisted solely of extruded aluminum and fasteners, the exception to the exclusion provision applied. Accordingly, Commerce found that the products at issue did not meet the exclusion criteria for a finished goods kit.<sup>26</sup>

### Side Mount Valve Control Kits Scope Rulings<sup>27</sup>

At issue in the scope ruling were certain side-mount valve controls (SMVC) kits that are used in pumping apparatuses that are attached to fire engines. The requestor argued that an SMVC kit, as imported, contains all the components necessary to complete the product and that all SMVC components and hardware are fully fabricated and require no further finishing or fabrication prior to being assembled. On this basis, the requestor argued that the product in question met the exclusion criteria for “finished goods.”<sup>28</sup>

In the scope ruling, Commerce explained that, upon further reflection of the language in the scope of the *Orders*, it was revising the manner in which it determines whether a given product is a “finished good” or “finished goods kit.” Commerce explained that it identified a concern with its prior analysis, namely that it may lead to unreasonable results. Commerce explained that an

---

<sup>22</sup> See the Department's memorandum that accompanies this scope ruling entitled, “Transmittal of Scope Rulings Relevant to the E-Z Up Shelter Frames Scope Ruling Memorandum.”

<sup>23</sup> 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 Transmittal of Scope Rulings Relevant to the FHA Scope Ruling Memorandum.

<sup>24</sup> See Geodesic Domes Kits Scope Ruling at 7.

<sup>25</sup> *Id.*

<sup>26</sup> *Id.*

<sup>27</sup> See Memorandum from John Conniff and Eric B. Greynolds to Christian Marsh entitled, “Initiation and Preliminary Scope Ruling on Side Mount Valve Controls,” dated September 24, 2012 (Preliminary SMVC Kits Scope Ruling), unchanged in the memorandum from John Conniff and Eric B. Greynolds to Christian Marsh entitled, “Final Scope Ruling on Side Mount Valve Control Kits,” dated October 26, 2012 (Final SMVC Scope Ruling) (together, SMVC Kits Scope Rulings); see also Transmittal of Scope Rulings Relevant to the FHA Scope Ruling Memorandum.

<sup>28</sup> See Preliminary SMVC Kits Scope Ruling at 2.

interpretation of “finished goods kit” which requires all parts to assemble the ultimate downstream product may lead to absurd results, particularly where the ultimate downstream product is, for example, a fire truck. Commerce explained that such an interpretation may expand the scope of the *Orders*, which are intended to cover aluminum extrusions.<sup>29</sup>

Commerce determined that the scope, taken as a whole, indicates that “subassemblies” (*i.e.*, “partially assembled merchandise”) may be excluded from the scope provided that they enter the United States as “finished goods” or “finished goods kits” and that the “subassemblies” require no further “finishing” or “fabrication.” Therefore, Commerce analyzed whether the SMVC kits at issue constituted a subassembly that enters the United States as a “finished goods kit.” In order for the SMVC kit to be excluded from the scope of the *Orders*, Commerce found that: (1) the SMVC kit must contain all of the parts necessary to assemble a complete SMVC; (2) all of the components and hardware of the SMVC kit must be fully fabricated and required no further finishing or fabrication prior to being assembled; and (3) once assembled, the SMVC must be ready for use in conjunction with the downstream product upon installation.<sup>30</sup> Based on this analysis, Commerce found that the SMVC kits at issue met the exclusion criteria for subassemblies that enter the United States as “finished goods kits.”<sup>31</sup>

#### Clenergy Solar Panels Scope Ruling<sup>32</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>33</sup> In the ruling, Commerce 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. Commerce also found that these products could be assembled “as is” into finished products for mounting solar panels. Commerce 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, Commerce concluded that the products at issue were not subject to the *Orders* because they met the criteria for exclusion from the *Orders* as finished goods kits.<sup>34</sup>

---

<sup>29</sup> *Id.* at 7.

<sup>30</sup> *Id.*

<sup>31</sup> *Id.* at 7-8.

<sup>32</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; see also Transmittal of Scope Rulings Relevant to the Clenergy Solar Panels Scope Ruling Memorandum.

<sup>33</sup> See Clenergy Solar Panels Scope Ruling at 6-7.

<sup>34</sup> *Id.* at 8-9.

## Flag Poles<sup>35</sup>

In Flag Poles, Commerce found that 5 Diamond’s flag pole sets do not meet the “finished goods kit” exclusion. Although 5 Diamond’s flag pole sets required no further fabrication once imported, Commerce found that the flag pole sets do not constitute finished goods kits because, at the time of importation, similarly-sized unassembled flag pole sections are bundled together for shipment, meaning that all of the sections necessary to assemble a final finished product (*i.e.*, the flag pole) are not packaged together as a complete set in one package. Even though 5 Diamond imported a sufficient number of packages of unassembled sections to create a predetermined number of three- and/or four-section assembled flag pole sets together on the same CBP 7501 form, after importation, the packages had to be opened, and the parts needed to fully assemble an entire flag pole had to be re-packaged before being sold to the end user.

## Foreline Hose Assembly Scope Ruling<sup>36</sup>

At issue was Agilent Technologies, Inc.’s (Agilent) Foreline Hose Assembly (FHA) that is to be used with Agilent’s Gas Chromatography Mass Spectrometer. The FHA consists of extruded aluminum parts assembled with other non-extruded aluminum components, such as flexible PVC foreline hose tubing.<sup>37</sup> Also, at the time of importation, the FHA could be imported as an assembled article, or as a complete, unassembled kit.<sup>38</sup> Agilent argued that the hose assemblies contained all the necessary components such that, once assembled, the product would be ready for installation and used with the Gas Chromatography Mass Spectrometer. Since the product could be imported into the United States as an assembled article or a complete, unassembled kit, Commerce made determinations for both of these forms in which the product could be imported. Regarding the assembled article, Commerce found that the FHA is excluded from the scope of the *Orders* as “finished merchandise,” since it is imported as a finished product that contains finished parts, including those comprised of extruded and non-extruded aluminum components, beyond mere fasteners, that are fully and permanently assembled at the time of importation.<sup>39</sup> With respect to the product being imported as a complete, unassembled kit, Commerce also found that the FHA is excluded from the scope of the *Orders* as a “finished goods kit,” since the parts contained in the kit are ready to be fully assembled into a final finished product in an “as is” state upon importation.<sup>40</sup> Commerce also found that the FHA is consistent with the “subassemblies test,” as described in the Valeo Final Remand Redetermination.<sup>41</sup>

---

<sup>35</sup> See Memorandum to Christian Marsh entitled “Final Scope Ruling on 5 Diamond Promotions, Inc.’s Aluminum Flag Pole Sets,” dated April 19, 2013 (Flag Poles Scope Ruling Memorandum); *see also* Transmittal of Scope Rulings Relevant to the Flag Poles Scope Ruling Memorandum.

<sup>36</sup> See Memorandum to Christian Marsh, Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, entitled “Final Scope Ruling on Agilent Technologies, Inc.’s Foreline Hose Assembly,” dated August 27, 2015. (Foreline Hose Assembly Final Scope Ruling Memorandum); *see also* Transmittal of Scope Rulings Relevant to the Foreline Hose Assembly Scope Ruling Memorandum.

<sup>37</sup> *Id.* at 5-6.

<sup>38</sup> *Id.*

<sup>39</sup> *Id.* at 12-13.

<sup>40</sup> *Id.* at 13.

<sup>41</sup> *Id.* at 13-14.

In its analysis, Commerce rejected Petitioner's argument that Agilent's scope request was premature since the FHA was not yet imported at the time. Commerce, citing the *Final Rule*,<sup>42</sup> stated that, although the product was in production, this was not reason enough to proclaim that the scope request was premature. On the contrary, the *Final Rule* points out that as long as the party seeking a scope ruling can demonstrate that the product at issue is in production, that party may seek a scope ruling by Commerce.<sup>43</sup>

#### Sign-Zone Event Tents Scope Ruling<sup>44</sup>

At issue in this scope ruling were Sign-Zone's Event Tent frames that were imported into the United States as finished merchandise. This product is made of extruded aluminum and non-aluminum parts, and is used to promote a company's brand at indoor and outdoor trade shows by securely standing on four corner legs. At the time of entry, the Event Tent frames are fully and permanently assembled and ready to use, requiring no further fabrication after importation. While awning can be attached to the Event Tent frames, Commerce concluded that they are typically added after importation to the product after importation. In its analysis, Commerce found that, consistent with the Geodesic Dome Kits Scope Ruling, the Event Tent frames met the finished merchandise exclusion of the scope description on the aluminum extrusion orders. Commerce based this finding on the fact that, in addition to extruded aluminum components, the Event Tent frame includes non-extruded aluminum materials, such as plastic clamps, plastic trusses, plastic leg locks, and steel coils – all of which go beyond mere fasteners.

#### Liberty Shower Door Kits<sup>45</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, Commerce 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. Commerce found that because the glass shower panels served an integral part of the kit, were beyond mere fasteners, Liberty met the

---

<sup>42</sup> See *Final Rule*, 73 FR at 3639.

<sup>43</sup> See Foreline Hose Assembly Final Scope Ruling Memorandum, at 11-12.

<sup>44</sup> See Memorandum from Mark Flessner to Christian Marsh entitled, "Antidumping and Countervailing Duty Orders on Aluminum Extrusions from the People's Republic of China: Final Scope Ruling on Sign-Zone, Inc.'s Premium Event Tent Frame," dated January 23, 2015 (Sign-Zone Event Tent Scope Ruling Memorandum); see also Transmittal of Scope Rulings Relevant to the Sign-Zone Event Tent Scope Ruling Memorandum.

<sup>45</sup> See Letter from Davina Friedmann to Christian Marsh regarding "Antidumping and Countervailing Duty Orders on Aluminum Extrusions from the People's Republic of China: Final Scope Ruling on Liberty Hardware Manufacturing Company's Shower Door Kits," (December 9, 2015) (Liberty's Shower Door Scope Ruling Memorandum); see also Transmittal of Scope Rulings Relevant to the Liberty Hardware Manufacturing Company's Shower Door Kits Scope Ruling Memorandum.

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, Commerce determined that Liberty’s Shower Door Kits should be excluded from the *Orders*.

## INTERESTED PARTY COMMENTS

### E-Z Up’s Scope Request

E-Z Up maintains that its shelter frames should be excluded from the scope of the *Orders* because, at the time of entry, the products at issue constitute either finished merchandise, which may be imported as a fully assembled article, or a complete, unassembled kit.<sup>46</sup> In E-Z Up’s May 15, 2017 Supplemental Questionnaire Response, E-Z Up clarifies that it is requesting exclusion for its ECC and HUB products under the “finished goods kit” provision of the scope language, and is requesting exclusion for its other products (*i.e.*, ECA, ECB, ENA, and ENB) under the “finished merchandise” provision of the scope description.<sup>47</sup> Further, E-Z Up states that, upon entry, its products contain all the necessary components for assembly, requiring only the addition of a customizable textile top.<sup>48</sup> E-Z Up points out that its products are imported without a textile top,<sup>49</sup> which the customer would purchase separately.<sup>50</sup> Additionally, E-Z Up maintains that no further processing or fabrication is performed after importation.<sup>51</sup>

In its Scope Request, E-Z Up cites to the Sign-Zone Event Tent Scope Ruling, in which Commerce found that the product at issue, *i.e.*, event tents, was outside the scope of the *Orders* based on the finished merchandise provision of the scope description. E-Z Up points to Commerce’s “two-step test” to analyze whether the product at issue should be excluded from the *Orders*.<sup>52</sup> E-Z Up explains that the test involves determining: (a) whether the product consists of aluminum extrusions as parts plus an additional non-extruded aluminum component, and (b) whether the product is fully and permanently assembled and completed at the time of entry such that it requires no further finishing or fabrication after importation.<sup>53</sup> With respect to the first part of this test, E-Z Up states that its shelter frames contain non-aluminum parts that go beyond mere fasteners (*e.g.*, outer leg reinforcement tube, sliders, toggles).<sup>54, 55</sup>

E-Z Up claims that its collapsible shelter frames meet the second criterion of Commerce’s “two-step test”<sup>56</sup> because, when its merchandise is imported as a finished goods kit (*i.e.*, E-Z Up’s ECC and HUB products), the kit contain all of the parts necessary to fully assemble the parts into a finished good, with no further finishing or fabrication, citing, *e.g.*, Clenergy Solar Panels Scope

---

<sup>46</sup> See E-Z Up’s Scope Request at 2.

<sup>47</sup> See E-Z Up’s May 15, 2017, Supplemental Questionnaire Response at 1.

<sup>48</sup> See E-Z Up’s Scope Request at 2-3.

<sup>49</sup> See E-Z Up’s December 4, 2017 Supplemental Questionnaire Response at 1.

<sup>50</sup> See E-Z Up’s Scope Request at 14.

<sup>51</sup> *Id.* at 2.

<sup>52</sup> *Id.* at 13.

<sup>53</sup> *Id.* at 15.

<sup>54</sup> *Id.*

<sup>55</sup> See Attachments A and B of this memorandum for a description of these components.

<sup>56</sup> See E-Z Up’s Scope Request at 16.

Ruling Memorandum.<sup>57</sup> E-Z Up contends that in that scope ruling for example, Commerce found it unreasonable to require non-essential parts to constitute a complete solar panel mounting system in order for the finished good to be excluded from the scope of the *Orders*.<sup>58</sup> In this regard, E-Z Up maintains that its customized textile tops are not required to be included with the imported E-Z Up collapsible shelter frames in order for the products at issue to be excluded from the *Orders* as finished goods or finished goods kit. Additionally, E-Z Up maintains that because the customized textile tops are readily interchangeable customized part based on customer needs, its collapsible shelter frames are imported as a complete subassembly with all the necessary parts, providing additional support for Commerce to find them outside the scope of the *Orders*.<sup>59</sup>

#### Petitioner's April 17, 2015 Comments

The petitioner posits that E-Z Up has not provided sufficient evidence to demonstrate that the products for which it requests exclusion under the “finished merchandise” and “finished goods kits” exclusions in the scope of the *Orders* are actually excluded. Specifically, the petitioner argues that E-Z Up has not shown that its products are fully and permanently assembled and completed at the time of entry, a requirement necessary for exclusion as finished merchandise.<sup>60</sup> The petitioner contends because E-Z Up has not demonstrated that its merchandise requires no further finishing or fabrication after importation, its requisite products cannot qualify for exclusion under the finished goods kit provision. The petitioner points out that the finished goods kits exclusion requires that kits be imported on the same CBP Entry Summary (7501 Form), and requests Commerce obtain evidence establishing this fact. The petitioner argues that Commerce should require E-Z Up to provide such documentary evidence, without which Commerce should reject E-Z Up's Scope Request<sup>61</sup>

The petitioner disagrees with E-Z Up's reliance upon Commerce's scope rulings for Sign-Zone<sup>62</sup> and Flag Poles scope rulings<sup>63</sup> because the merchandise at issue in those scope rulings required no re-sorting or re-packing of kit components at the time of entry into the United States; that is, the event tents were individually packaged for retail sale at the time of importation, and did not have to be re-bundled into a kit after importation. Petitioner avers that contrary to those scope rulings, here, E-Z Up's products appear to require re-packaging after importation with other components, such as textile tops, prior to shipping the final product to customers, an issue that the petitioner urges Commerce to clarify for the record

No other party submitted comments.

---

<sup>57</sup> See E-Z Up's Scope Request at 14.

<sup>58</sup> *Id.* at 12-13.

<sup>59</sup> *Id.* at 18.

<sup>60</sup> See Petitioner's April 17, 2017 Scope Comments at 2.

<sup>61</sup> *Id.* at 2.

<sup>62</sup> *Id.* at 3-4, referencing Scope Ruling Memorandum, “Aluminum Extrusions from the People's Republic of China: Scope Ruling on Certain Tenet Frames,” dated November 14, 2014 (Sign-Zone Scope Ruling).

<sup>63</sup> See Petitioner's April 17, 2017 Scope Comments at 4, referencing the Flag Poles Scope Ruling Memorandum, “Aluminum Extrusions from the People's Republic of China: Scope Ruling on 5 Diamond Promotions, Inc.'s Aluminum Flag Pole Sets,” dated April 19, 2013 (5 Diamond Scope Ruling Memorandum).

## COMMERCE POSITION

We examined the language of the *Orders* and the description of the products contained in E-Z Up's Scope Request, as well as previous rulings made by Commerce. 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, Commerce 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 merchandise at issue, E-Z Up's collapsible shelter frames, *i.e.*, the Eclipse, Endeavor, and HUB, which may be imported fully assembled or in a kit form, meet the exclusion criteria for "finished merchandise" and "finished goods kits."

As an initial matter, we disagree with the petitioner's arguments that the record does not provide sufficient evidence to find that E-Z Up's collapsible shelter frames meet the exclusion requirements under the "finished merchandise" and "finished goods kits" described in the scope of the *Orders*. E-Z Up's Scope Request and its supplemental questionnaire responses provide the necessary information to make such a determination. In particular, as mentioned above, E-Z Up's Scope Request and its May 15, 2017 Supplemental Questionnaire Response not only contain pictures demonstrating the how the merchandise at issue is imported, but also provide detailed information on the components included in each product, including the material and number of pieces thereof.<sup>64</sup>

Record evidence indicates that E-Z Up's collapsible shelter frames may be imported as an unassembled kit or as a fully assembled product.<sup>65</sup> In addition to the description of the merchandise at issue, EZ-Up provided photographs of the merchandise in both an unassembled and assembled state.<sup>66</sup> We first address the E-Z Up's Eclipse (ECA and ECB) and Endeavor (ENA and ENB) products, which E-Z Up states is assembled prior to importation.

The scope of the *Orders* excludes "finished merchandise containing aluminum extrusions *as parts* that are fully and permanently assembled and completed at the time of entry..." (emphasis added). Thus, the scope language describes excluded finished merchandise as "containing aluminum extrusions *as parts*..." Thus, the excluded "finished merchandise" must contain aluminum extrusions "as parts," plus an additional non-extruded aluminum component. Otherwise, this specific language (*i.e.*, "as parts") would be read out of the scope, resulting in the different condition "containing aluminum extrusions that are fully and permanently assembled and completed at the time of entry." Thus, to give effect to this "as parts" language, we find that to qualify for the finished merchandise exclusion the product must contain aluminum extrusions as parts, and must include some non-extruded aluminum component.

This interpretation is supported by the illustrative examples of excluded "finished merchandise" contained in the scope, all of which contain extruded aluminum and non-extruded aluminum components (*e.g.*, finished windows with glass, doors with glass or vinyl, etc.). In comparison,

---

<sup>64</sup> See E-Z UP's Scope Request at 2-4, 13-18, and Exhibit 3; see also E-Z Up's May 15, 2017 Supplemental Questionnaire Response, at 1-2, and at Exhibits S-1 and SA-2.

<sup>65</sup> See E-Z Up's Scope Request at 2.

<sup>66</sup> *Id.* at S-1 and SA-2; see also, E-Z Up's May 15, 2017 Supplemental Questionnaire Response.

we note that those products specifically included in the *Orders*, such as window frames and door frames, do not constitute finished merchandise because they cannot be considered to “contain{ } aluminum extrusions as parts that are fully and permanently assembled and completed at the time of entry.”<sup>67</sup> Rather, the in-scope window frames and door frames are the only parts of the product.

Moreover, we find that the term “as parts” in the scope exclusion necessarily requires a plural construction, rather than encompassing both the singular “part” and plural “parts,” given the context provided by other terms in the exclusion, such as “containing” and “assembled” as well the examples of excluded finished merchandise, all of which contain at least an aluminum extrusion component and non-extruded aluminum component.

We also draw guidance from the “finished goods kit” exclusionary language in the scope in both our analysis of the models EZ-Up claims are excluded as “finished goods” and those it claims are “finished goods kits.” The scope language states: “{t}he 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 assemble a *final finished good* . . . .”<sup>68</sup> Thus, we find that the difference between “finished goods” and “finished goods kits,” as described in the scope, is that the former is assembled upon entry while the latter is unassembled upon entry. The scope goes on to state that “{a}n 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....” In light of this language, Commerce also finds that a finished product entering the United States as an assembled good that is solely extruded aluminum, save for fasteners, would fall within the scope of the *Orders*, precisely as an identical unassembled product in kit-form that consists solely of extruded aluminum, save for fasteners, would fall within the scope of the *Orders*. Accordingly, to read the scope to apply in a consistent manner to a given product—whether the product enters assembled as a finished good or unassembled as a finished goods kit—we are considering the fasteners language when considering whether a product constitutes a finished good that is excluded from the *Orders*.

In prior scope rulings, Commerce revised its analysis of the exclusions to include subassemblies of ultimate downstream products or systems, provided they enter the United States, as is relevant to the Eclipse (ECA and ECB) and Endeavor (ENA and ENB) products in this case, fully and permanently assembled and completed at the time of entry and ready for installation in the downstream product with no further finishing or fabrication.<sup>69</sup>

E-Z Up argues that its assembled products qualify as finished merchandise under the scope description of the *Orders*.<sup>70</sup> Upon examination of information submitted on this segment of the proceeding, including E-Z Up’s Scope Request and supplemental information provided in E-Z

---

<sup>67</sup> See the *Orders*.

<sup>68</sup> *Id.*

<sup>69</sup> See Preliminary SMVC Ruling, at 6-8 and unchanged in the Final SMVC Scope Ruling; Valeo Remand Redetermination, at 9-10; and Assembled Motor Cases Scope Ruling, at 13-14.

<sup>70</sup> See E-Z Up’s Scope Request at 2 and 16.

Up's supplemental questionnaire responses, we find that, similar to the Sign-Zone Event Tent Scope Ruling, E-Z Up's collapsible shelter frame ECA, ECB, ENA, and ENB models are imported as a finished product and are, thus, excluded from the scope of the *Orders*. We find that these products contain finished parts, including those composed of extruded and non-extruded aluminum components, beyond mere fasteners, and are fully and permanently assembled at the time of importation.<sup>71</sup>

Concerning E-Z Up's collapsible shelter frames ECA, ECB, ENA, and ENB, we examined whether, in its assembled state at the time of importation, the merchandise at issue contains aluminum extrusions "as parts." We find that it does (including *i.e.*, inner, outer and middle trusses, and inner and outer legs),<sup>72</sup> plus additional non-extruded aluminum components – *e.g.*, outer leg reinforcement tube, sliders, toggles, and peak pole – each of which goes beyond a mere fastener; these components provide structural support to the frame, allow the legs to extend and retract, and enable the structure to fold, respectively.<sup>73,74</sup> These components are very similar to those used in Sign-Zone's Premium Event Tent. Sign-Zone's event tent, which is imported in an already assembled manner, included aluminum poles, and non-extruded aluminum components, such as plastic trusses and leg locks and steel coils.<sup>75</sup> Because, at the time of entry, E-Z Up's collapsible shelter frames ECA, ECB, ENA, and ENB contain both aluminum extrusions and non-extruded aluminum components that are assembled and require no further finishing or fabrication, we find that these products meet the scope definition of "finished merchandise."

Further, with respect to textile tops that may be added to the collapsible shelter frames, record evidence indicates that E-Z Up's customers may add customizable textile tops to its collapsible shelter frames. According to E-Z Up, the textile tops are shipped to customers after importation from a facility within the United States.<sup>76</sup> We find this to be analogous to the Event Tent frames product in which Sign-Zone's awnings, which can be attached to the Event Tent frames, constitute an interchangeable part that is typically added to the frames after importation, such that no further finishing or packaging is required before reaching the ultimate customer for assembly purposes.<sup>77</sup> In this regard, E-Z Up's collapsible shelter frames are imported into the United States as finished merchandise, as described above, wherein a non-extruded aluminum component, *i.e.*, a textile top, may be added to the frame after importation and shipped to the customer from within the United States. Because E-Z Up adds a textile top to the collapsible shelter frame after importation, the addition of this component does not impact our analysis of whether E-Z Up's collapsible shelter frames constitute finished merchandise upon importation.

---

<sup>71</sup> *Id.* at 7.

<sup>72</sup> See Attachments A and B of this memorandum for a description of these components.

<sup>73</sup> See E-Z Up's Scope Request at Exhibit 3; see also Sign-Zone Event Tent Scope Ruling at 5.

<sup>74</sup> Based on the list of components provided in E-Z Up's Scope Request, the components are nearly identical, regardless of whether the merchandise is imported into the United States as "finished merchandise" or as a "finished goods kit." See E-Z Up's Scope Request at Exhibit 3.

<sup>75</sup> See Sign-Zone Event Tent Scope Ruling at 5, included in the Transmittal of Scope Rulings Relevant to the E-Z Up Final Scope Ruling Memorandum.

<sup>76</sup> See E-Z Up's December 14, 2017, Supplemental Questionnaire Response at 1.

<sup>77</sup> See Sign-Zone's January 27, 2015, Scope Ruling Memorandum at 11.

With regard to E-Z Up's Eclipse (ECC) and HUB products, which E-Z Up states are imported in the form of a kit, we first examine whether, consistent with our test established in *Geodesic Domes*, the product consists of aluminum extrusions beyond mere fasteners. As mentioned above, these products contain both extruded and non-extruded aluminum components. Specifically, as finished goods kits, the collapsible shelter frames ECC and HUB models include extruded aluminum parts, (*i.e.*, inner, outer and middle trusses, and inner and outer legs) and non-extruded aluminum components, *i.e.*, steel outer leg reinforcement tube, plastic sliders, plastic toggles, and steel peak pole, which provide structural support to the frame, allow the legs to extend and retract, and enable the structure to fold, respectively.<sup>78, 79</sup> For instance, we find that steel leg reinforcement tube and peak poles act as structural pieces necessary to the function of the collapsible tents and, therefore, clearly go beyond a mere fastener, a requirement of the exclusion language in the scope description of the *Orders* and set forth in the *Geodesic Domes Kits Scope Ruling*. We similarly find that that plastic sliders and toggles serve as more than mere fasteners because they allow the legs to extend and retract, and the frame to collapse, respectively.

Next, we consider whether the collapsible shelter frames ECC and HUB products meet the definition of a "finished goods kit" as a packaged combination of parts that contain, at the time of importation, all 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. Based on the description of the product in this unassembled state, coupled with the corresponding photographs in E-Z Up's Scope Request and in E-Z Up's May 15, 2017 Supplemental Questionnaire Response, we find that that the parts contained in the collapsible shelter frames ECC and HUB products are ready to be fully assembled into a final finished product in an "as is" state upon importation, thereby meeting the definition for a finished goods kit, consistent with *Agilent's unassembled Foreline Hose Assembly*.<sup>80</sup> In that scope ruling, Commerce found that the merchandise at issue, *i.e.*, *Agilent's Foreline Hose Assembly*, may be imported in both an assembled and unassembled state. In its unassembled state, the merchandise at issue, the *Foreline Hose Assembly*, included all the components (*i.e.*, the *KF16 Elbow*, the *KF16 Hose Adapter* and a non-extruded aluminum component (*i.e.*, the *Foreline Hose*)) necessary to fully assemble the merchandise into a final, finished product at the time of importation, requiring no further finishing or fabrication.<sup>81</sup>

As part of E-Z Up's argument that its collapsible shelter frame ECC and HUB products meet the exclusionary requirements of a "finished goods kit," E-Z Up points to the *Event Tent Scope Ruling Memorandum*, in which Commerce determined that the choice of awning is dependent upon the customer's specifications. E-Z Up argues that in this regard, Commerce determined it would be unreasonable to require the inclusion of the interchangeable awnings at the time of importation in order to recognize that product as a finished goods kit.<sup>82</sup>

---

<sup>78</sup> See E-Z Up's Scope Request at Exhibit 3; *see also* *Sign-Zone Event Tent Scope Ruling* at 5.

<sup>79</sup> See Attachments A and B of this memorandum for a description of these components.

<sup>80</sup> See *Foreline Hose Assembly Final Scope Ruling Memorandum* at 13.

<sup>81</sup> See *Agilent's Foreline Hose Assembly Scope Memorandum* at 5-6 and 13.

<sup>82</sup> See E-Z Up's Scope Request at 14; *see also*, *Sign-Zone Event Tent Scope Ruling Memorandum* at 11.

E-Z Up also cites the Flag Poles scope ruling, explaining that in that scope ruling, Commerce found that the flag poles were designed to hold and display interchangeable graphic flags based upon the end customer's needs and design specifications. E-Z Up argues that in this regard, Commerce found it unreasonable to require that flag pole kits be imported with customizable flags.<sup>83</sup> E-Z Up posits that its own collapsible shelter frames are similar, in nature, to the finding in the Event Tents Scope Ruling Memorandum, because its own products are imported without the customizable textile top.<sup>84</sup> E-Z Up maintains it would be unreasonable to require such tops to be included in the kits at the time of importation as a basis for Commerce to determine the collapsible shelter frame ECC and HUB products are "finished goods kits."<sup>85</sup>

We agree. In determining whether E-Z Up's collapsible shelter frame ECC and HUB products meet the exclusionary requirements of a "finished goods kit," we find that information on the record of this segment substantiates the fact that the merchandise is imported in an unassembled state without the customizable textile top, as stated in E-Z Up's supplemental questionnaire responses.<sup>86</sup> Commerce made a similar determination with Sign-Zone's event tents. As explained in the Sign-Zone Scope Ruling Memorandum, we find in this instance that, absent this customizable textile top, at the time of importation, E-Z Up's collapsible shelter frame ECC and HUB products contain all the parts necessary to fully assemble the collapsible shelter frame ECC and HUB products into a final finished product in an "as is" state. Comparable to the determination made in the Sign-Zone Scope Ruling Memorandum,<sup>87</sup> we find it unreasonable to require inclusion of the textile tops at the time of importation and for purposes of recognizing E-Z Up's collapsible shelter frame ECC and HUB products as finished goods kits.

The petitioner argues out that in order to meet Commerce's exclusionary requirements, the components for E-Z Up's collapsible shelter frame ECC and HUB products must be listed on the same entry, *i.e.*, Customs Entry Summary (7501 Form), as evidence of the manner in which the merchandise enters into the United States.<sup>88</sup> Commerce sought clarification of the manner in which E-Z Up's products are entered into the United States, *e.g.*, how the merchandise is packaged and whether it enters on the same Customs Entry Summary.<sup>89</sup> E-Z Up's May 15, 2017 Supplemental Questionnaire Response demonstrates that the merchandise at issue enters on the same Customs Entry Summary.<sup>90</sup> In this same supplemental questionnaire response, and in E-Z Up's July 21, 2017 Supplemental Questionnaire Response, E-Z Up explains that in instances in which the merchandise is packaged into two boxes, the boxes are clearly labeled with an item number and a corresponding suffix (*i.e.*, Part A and Part B), and that this information is also included on both the invoice and packing list.<sup>91</sup> The record indicates that these boxes are always shipped in the same container.<sup>92</sup> This situation is analogous to the one evaluated by Commerce

---

<sup>83</sup> See E-Z UP's Scope Request at 10-11.

<sup>84</sup> See E-Z UP's December 4, 2017 Supplemental Questionnaire Response at 1.

<sup>85</sup> See E-Z UP's Scope Request at 10-11 and 18.

<sup>86</sup> See, *e.g.*, E-Z UP's December 4, 2017 Supplemental Questionnaire Response at 1.

<sup>87</sup> See Sign-Zone Scope Ruling Memorandum at 11.

<sup>88</sup> See Petitioner's April 17, 2017 Scope Comments at 2.

<sup>89</sup> See letter to E-Z Up, "Aluminum Extrusions from the People's Republic of China: Supplemental Questionnaire on E-Z Up Highly Engineered Collapsible Shelter Frames," (April 20, 2017) at 2.

<sup>90</sup> See E-Z UP's May 15, 2017 Supplemental Questionnaire Response at 2.

<sup>91</sup> *Id.*; see also E-Z Up's July 21, 2017 Supplemental Questionnaire Response at 4-5.

<sup>92</sup> See E-Z UP's May 15, 2017 Supplemental Questionnaire Response at 2.

in Liberty's Shower Door Kits Scope Memorandum. In that memorandum, Commerce points out that the record supported the fact that Liberty's shipments of its shower door kits were listed on a single Customs entry, despite the fact that the merchandise was distributed in two boxes and may enter in multiple containers.<sup>93</sup> Thus, the fact that E-Z Up's merchandise is imported in more than one box, does not preclude us from determining that E-Z Up's collapsible shelter frames ECC and HUB are excluded as finished goods kits, because that merchandise is listed on the same Customs entry.

Further, regarding E-Z Up's claim that its collapsible shelter frames are subassemblies because they become part of a system or product after importation by the addition of a customizable textile top, we determine that the merchandise at issue already meets the exclusionary requirements of a "finished good" and "finished goods kit" at the time of importation. Therefore, we need not evaluate whether the merchandise meets Commerce's subassemblies test. Accordingly, we determine that E-Z Up's collapsible shelter frames, which may be assembled at importation or imported in kit form, meets the exclusion provisions of 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 E-Z Up's Eclipse 10x10 (ECA), Eclipse 10x15 (ECB), Endeavor 10x10 (ENA), and Endeavor 10x15 (ENB) collapsible shelter frames, which are fully assembled at importation, meet the criteria for finished merchandise, which the language of the *Orders* expressly excludes (*i.e.*, the merchandise at issue constitutes "finished merchandise containing aluminum extrusions as parts that are fully and permanently assembled and completed at the time of entry"). We further recommend finding that E-Z Up's Eclipse 10x20 (ECC) and HUB 15x15 (HUB) collapsible shelter frames, which are imported unassembled in the form of a finished goods kit, meet the criteria for a finished goods kit, which the language of the *Orders* expressly excludes (*i.e.*, "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...and is assembled 'as is' into a finished product").

---

<sup>93</sup> See Liberty's Shower Door Kits Scope Ruling Memorandum at 10.

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

3/7/2018

X *James Maeder*

\_\_\_\_\_  
Signed by: JAMES MAEDER

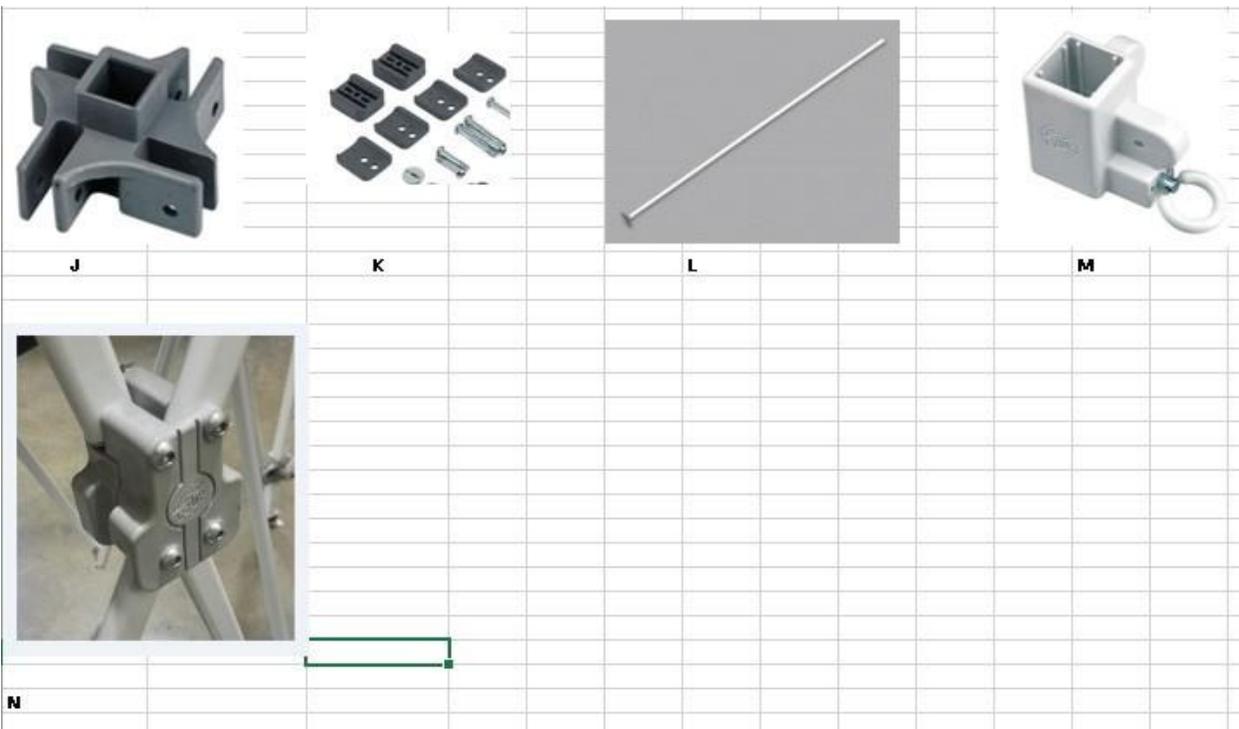
\_\_\_\_\_  
James Maeder  
Associate Deputy Assistant Secretary  
for Antidumping and Countervailing Duty Operations  
performing the duties of Deputy Assistant Secretary  
for Antidumping and Countervailing Duty Operations

## ATTACHMENT A

	DESCRIPTION	MATERIAL	Number of Component Pieces				Picture Reference
			Eclipse & Endeavor	Eclipse & Endeavor	Eclipse	Hub	
			10x10	10x15	10x20	15x15	
Outer Trusses	Structural Piece	Series 6 Extruded Aluminum	16	20	24	24	n/a
Inner Trusses – long	Structural Piece	Series 6 Extruded Aluminum	4	6	8	12	n/a
Inner Trusses - short	Structural Piece	Series 6 Extruded Aluminum	4	6	8	0	n/a
Middle Trusses - short	Structural Piece	Series 6 Extruded Aluminum	n/a	4	8	12	n/a
Pivot Bracket	Permit the structure to fold	Plastic	n/a	1	2	0	N
Outer/inner legs	Structural Piece	Series 6 Extruded Aluminum	4	4	6	6	n/a
Outer Leg Reinforcement Tube	Structural Piece	Steel	4	4	6	0	E
Sliders	Permit the structure to fold	Plastic	4	4	6	6	M
Leg Caps	Add strength and connect the bolted sections	Plastic	4	4	6	6	H
Toggles	Permit the legs to extend/retract	Plastic	4	4	6	6	I
Peak Beam	Structural Piece	Series 6 Extruded Aluminum	1	2	3	1	n/a
Peak Beam Cap	Attaches inner trusses to peak beam	Plastic	1	2	3	1	A
Peak Pole	Structural Piece	Steel	1	2	3	1	L
Peak Pole Plastic Top	Support for Fabric Top	Plastic	1	2	3	1	L
Peak Slider	Permit the structure to fold	Plastic	1	2	3	1	J
¼ in. nuts and bolts	Fasteners	Steel	52	86	104	n/a	n/a
Truss End Caps		Plastic	48	72	96	96	G
Spacers		Plastic	40	56	64	48	K
Washers	Fasteners	Plastic	52	80	88	n/a	n/a

Steel L-Bracket	Attaches outer trusses to peak trusses	Steel	4	6	6	6	F
Outer Truss	Support for truss cross sections	Plastic	16	20	24	0	D
Top Attachment Nuts	Fastener	Steel	4	6	8	6	C
Sidewall hanger	Fastener	Steel	4	6	6	6	B





ATTACHMENT C

