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Scope Inquiry
Exhibition Booths
Public Document
E&C AD/CVD OIII: EBG

August 14, 2014

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

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

FROM: Eric B. Greynolds *EBG*
Program Manager
Office III
Antidumping and Countervailing Duty Operations

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

SUBJECT: Final Scope Ruling on Exhibition Booth Kits

SUMMARY

On January 8, 2014, the Department of Commerce (Department) received a scope ruling request from Districargo Inc. (Districargo)¹ to determine whether certain exhibition booth kits it imports are subject to the antidumping (AD) and countervailing duty (CVD) *Orders*.² On the basis of our analysis of the information received, we determine that the exhibition booth kits are inside the scope of the *Orders*.

BACKGROUND

On January 8, 2014, Districargo filed the Scope Request. On February 7, 2014, we extended the deadline for an initial decision until April 23, 2014.³ On March 5, 2014, we issued a deficiency

¹ See Districargo's January 8, 2014, submission (Scope Request).

² See *Aluminum Extrusions from the People's Republic of China: Antidumping Duty Order*, 76 FR 30650 (May 26, 2011) (*AD Order*) and *Aluminum Extrusions from the People's Republic of China: Countervailing Duty Order*, 76 FR 30653 (May 26, 2011) (*CVD Order*) (collectively the *Orders*).

³ See the Department's February 7, 2014, extension letter.



letter to Districargo, to which it responded on March 18, 2014.⁴ On April 11, 2014, we extended the due date for an initial decision until June 23, 2014.⁵ On June 9, 2014, we extended the deadline until August 22, 2014.⁶

To date, Petitioners have not submitted comments in this proceeding.⁷

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.

Aluminum extrusions are produced and imported in a wide variety of shapes and forms, including, but not limited to, hollow profiles, other solid profiles, pipes, tubes, bars, and rods. Aluminum extrusions that are drawn subsequent to extrusion (“drawn aluminum”) are also included in the scope.

Aluminum extrusions are produced and imported with a variety of finishes (both coatings and surface treatments), and types of fabrication. The types of coatings and treatments applied to subject aluminum extrusions include, but are not limited to, extrusions that are mill finished (*i.e.*, without any coating or further finishing), brushed, buffed, polished, anodized (including bright-dip anodized), liquid painted, or powder coated. Aluminum extrusions may also be fabricated, *i.e.*, prepared for assembly. Such operations would include, but are not limited to, extrusions that are cut-to-length, machined, drilled, punched, notched, bent, stretched, knurled, swedged, mitered, chamfered, threaded, and spun. The subject merchandise includes aluminum extrusions that are finished (coated, painted, *etc.*), fabricated, or any combination thereof.

⁴ See the Department’s March 5, 2014, deficiency letter; see also Districargo’s March 18, 2014, submission (Supplemental Filing).

⁵ See the Department’s April 11, 2014, extension letter.

⁶ See the Department’s June 9, 2014, extension letter.

⁷ Petitioners are the Aluminum Fair Trade Committee.

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

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

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

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

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

The scope also excludes collapsible tubular containers composed of metallic elements corresponding to alloy code 1080A as designated by the Aluminum Association where the tubular container (excluding the nozzle) meets each of the following dimensional characteristics:

(1) length of 37 millimeters (mm) or 62 mm, (2) outer diameter of 11.0 mm or 12.7 mm, and (3) wall thickness not exceeding 0.13 mm.

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

Imports of the subject merchandise are provided for under the following categories of the Harmonized Tariff Schedule of the United States (HTS): 7610.10.00, 7610.90.00, 7615.10.30, 7615.10.71, 7615.10.91, 7615.19.10, 7615.19.30, 7615.19.50, 7615.19.70, 7615.19.90, 7615.20.00, 7616.99.10, 7616.99.50, 8479.89.98, 8479.90.94, 8513.90.20, 9403.10.00, 9403.20.00, 7604.21.00.00, 7604.29.10.00, 7604.29.30.10, 7604.29.30.50, 7604.29.50.30, 7604.29.50.60, 7608.20.00.30, 7608.20.00.90, 8302.10.30.00, 8302.10.60.30, 8302.10.60.60, 8302.10.60.90, 8302.20.00.00, 8302.30.30.10, 8302.30.30.60, 8302.41.30.00, 8302.41.60.15, 8302.41.60.45, 8302.41.60.50, 8302.41.60.80, 8302.42.30.10, 8302.42.30.15, 8302.42.30.65, 8302.49.60.35, 8302.49.60.45, 8302.49.60.55, 8302.49.60.85, 8302.50.00.00, 8302.60.90.00, 8305.10.00.50, 8306.30.00.00, 8418.99.80.05, 8418.99.80.50, 8418.99.80.60, 8419.90.10.00, 8422.90.06.40, 8479.90.85.00, 8486.90.00.00, 8487.90.00.80, 8503.00.95.20, 8516.90.50.00, 8516.90.80.50, 8708.80.65.90, 9401.90.50.81, 9403.90.10.40, 9403.90.10.50, 9403.90.10.85, 9403.90.25.40, 9403.90.25.80, 9403.90.40.05, 9403.90.40.10, 9403.90.40.60, 9403.90.50.05, 9403.90.50.10, 9403.90.50.80, 9403.90.60.05, 9403.90.60.10, 9403.90.60.80, 9403.90.70.05, 9403.90.70.10, 9403.90.70.80, 9403.90.80.10, 9403.90.80.15, 9403.90.80.20, 9403.90.80.30, 9403.90.80.41, 9403.90.80.51, 9403.90.80.61, 9506.51.40.00, 9506.51.60.00, 9506.59.40.40, 9506.70.20.90, 9506.91.00.10, 9506.91.00.20, 9506.91.00.30, 9506.99.05.10, 9506.99.05.20, 9506.99.05.30, 9506.99.15.00, 9506.99.20.00, 9506.99.25.80, 9506.99.28.00, 9506.99.55.00, 9506.99.60.80, 9507.30.20.00, 9507.30.40.00, 9507.30.60.00, 9507.90.60.00, and 9603.90.80.50.

The subject merchandise entered as parts of other aluminum products may be classifiable under the following additional Chapter 76 subheadings: 7610.10, 7610.90, 7615.19, 7615.20, and 7616.99 as well as under other HTS chapters. In addition, fin evaporator coils may be classifiable under HTS numbers: 8418.99.8050 and 8418.99.8060. While HTS subheadings are provided for convenience and customs purposes, the written description of the scope of these *Orders* is dispositive.

LEGAL FRAMEWORK

When a request for a scope ruling is filed, the Department examines the scope language of the order at issue and the description of the product contained in the scope-ruling request.⁸ 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.⁹ If the Department determines that these sources are sufficient to decide the matter, it will issue a final scope ruling as to whether the merchandise is covered by an order.

⁸ See *Walgreen Co. v. United States*, 620 F.3d 1350, 1357 (Fed. Cir. 2010).

⁹ See 19 CFR 351.225(k)(1).

Conversely, where the descriptions of the merchandise are not dispositive, the Department will analyze the factors set forth at 19 CFR 351.225(k)(2). These factors are: (i) the physical characteristics of the merchandise; (ii) the expectations of the ultimate purchasers; (iii) the ultimate use of the product; (iv) the channels of trade in which the product is sold; and (v) the manner in which the product is advertised and displayed. The determination as to which analytical framework is most appropriate in any given scope proceeding is made on a case-by-case basis after consideration of all evidence before the Department.

DESCRIPTION OF MERCHANDISE SUBJECT TO THIS SCOPE REQUEST

The exhibition booth kits at issue are composed of an “upright aluminum extrusion” or pole, extruded aluminum beams, and various iron buckles that are used to connect the extruded aluminum pieces together.¹⁰

Information in the request indicates that Districargo imports the items as a single shipment, in the same shipping container, on the same 7501 entry summary. At the time of importation like parts are packaged together (*i.e.*, poles with poles, and beams with beams, and buckles with buckles).¹¹ Districargo then sells the items to a distributor. Next, the distributor rents the parts in the same packaging to an exhibitor. The exhibitor then “combines the parts, as necessary, to make a complete screen kit,” and distributes (*i.e.*, rents out) the parts to the ultimate consumer (the individual exhibitor).¹²

PRIOR SCOPE RULINGS RELEVANT TO THIS PROCEEDING¹³

Preliminary Scope Memorandum¹⁴

Nexxt Show, an importer of exhibition kits from the PRC, argued that the components of the kits were made of series 6000 aluminum alloy, but the components were packaged as complete unassembled pavilion kits and exhibition frames. Nexxt Show argued that its exhibition frames and unassembled pavilion kits consisted of all the components to assemble a finished goods kit and so should have been excluded from the *Orders*.¹⁵ In the Preliminary Scope Memorandum the Department found that it was unable to determine whether Nexxt Show’s kits included all the necessary materials to assemble a finished product. In so doing, however, the Department stated that “if at the time of importation . . . the kits do contain all of the necessary parts to fully

¹⁰ See Scope Request at 2; *see also* Supplemental Filing at Exhibit D, which lists the products contained in kits at the time of importation.

¹¹ See Scope Request at 2.

¹² *Id.*

¹³ For information regarding the scope rulings referenced in this section, *see* the Memorandum to the File from Eric B. Greynolds, Program Manager, Office III, Operations, “Prior Scope Rulings Relevant to this Proceeding”, dated concurrently with this memorandum.

¹⁴ See Memorandum to Ronald K. Lorentzen, Deputy Assistant Secretary for Import Administration, “Preliminary Determinations: Comments on the Scope of the Investigations,” (October 27, 2010) (Preliminary Scope Memorandum) at Comment 8; unchanged in *Aluminum Extrusions From the People’s Republic of China: Final Determination of Sales at Less Than Fair Value*, 76 FR 18524 (April 4, 2011).

¹⁵ *Id.*

assemble a final finished good then they would be excluded from the scope of these proceedings.”¹⁶

Shower Door Kits Scope Ruling¹⁷

At issue in the ruling were shower door kits consisting of: a glazed shower door panel (glass surrounded by an aluminum frame), door handles, pivot and strike door jambs (with seals), a drip rail (with vinyl and end plugs), snap-in fillers, and the required screws, spacer, washers, and tape for assembly.¹⁸ The Department found that shower doors kits contained all of the parts necessary to assemble a final finished product - a shower door - at the time of importation. Thus, the Department found that the shower door kits at issue met the description of the exclusion for finished goods kits.¹⁹

Geodesic Domes²⁰

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 good. It further argued that the products at issue required no further fabrication and are assembled “as is” from the components provided in the kits.

In the Geodesic Domes Scope Ruling, the Department explained that the product at issue met the “initial requirements for inclusion into the finished goods kit exclusion.”²¹ 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.”²² The Department found that since the products at issue consisted solely of extruded aluminum and fasteners, the exception to the exclusion provision applied. Accordingly, the Department found that the products at issue did not meet the exclusion criteria for a finished goods kit.²³

Banner Stands Scope Ruling²⁴

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

¹⁶ *Id.*

¹⁷ See Memorandum to Christian Marsh, Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, “Final Scope Ruling: Shower Door Kits,” (November 7, 2011) (Shower Door Kits Scope Ruling).

¹⁸ *Id.* at 5.

¹⁹ *Id.* at 6.

²⁰ See Memorandum to Christian Marsh, Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, “Final Scope Ruling on J.A. Hancock, Inc.’s Geodesic Structures,” (July 17, 2012) (Geodesic Domes Scope Ruling).

²¹ *Id.* at 7.

²² *Id.*

²³ *Id.*

²⁴ See the Memorandum to Christian Marsh, Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, “Final Scope Ruling on Banner Stands and Back Wall Kits,” (October 19, 2011) (Banner Stands Scope Ruling).

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.”²⁵

In the Banner Stands Scope Ruling, the Department found that the banner stands and back wall kits met the exclusion criteria.²⁶ 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.” The Department noted that in the Preliminary Scope Memorandum Nexxt Show’s exhibition kits would have been excluded if the kits contained all necessary parts to be fully assembled finished good. Thus, in the Banner Stands Scope Ruling, the Department found that because Skyline’s merchandise contained all the necessary parts, it was excluded as a “finished goods kit.”²⁷

EZ Fabric Wall Systems Scope Ruling²⁸

This ruling addressed EZ fabric wall systems consisting of the wall units, headers, and columns necessary to assemble complete lightweight, portable, and temporary commercial displays. The requestor explained that while such additional options (*e.g.*, lights, video, display monitors, shelves, counters, doors, and canopies) were available, all of the EZ fabric wall systems included in their scope ruling request contained the following basic components: wall units (with or without fabric coverings), headers, columns, and a wooden shipping container.²⁹ In the EZ Wall Systems Scope Ruling, the Department found the products at issue were similar to the products examined in the Banner Stands Scope Ruling, which were imported without readily interchangeable graphic materials. The Department found that the EZ fabric wall systems contained all of the parts required to assemble a completed exhibition frame on which readily interchangeable fabric covers with graphics may be attached. As a result, the Department found that the products at issue met the exclusion criteria in the scope of the *Orders* for “finished goods kits.”³⁰

Disappearing Door Screens Scope Ruling³¹

At issue in this ruling were disappearing door screens, which are devices that may be installed across a door opening as a screen, but may be retracted and concealed when not in use. The disappearing screens consisted of the following parts that are primarily constructed of aluminum

²⁵ *Id.* at 7.

²⁶ *Id.* at 9-10.

²⁷ *Id.* at 9 – 10.

²⁸ See Memorandum to Christian Marsh, Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, “Final Scope Ruling on EZ Fabric Wall Systems,” (November 9, 2011) (EZ Wall Systems Scope Ruling).

²⁹ *Id.* at 7.

³⁰ *Id.* at 9-10.

³¹ See Memorandum to Christian Marsh, Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, “Final Scope Ruling on Law St. Enterprises, LLC’s Disappearing Door Screens,” (September 12, 2013) (Disappearing Door Screens Scope Ruling).

hollow profiles whose aluminum is designated as Aluminum 6063 (or AA 6063): housing, a top track, a bottom track, a track protector, and a side profile. Additionally, the disappearing screens included a mesh screen, a rubber magnet, and an accessory kit.³² The requestor argued that the disappearing screens may be assembled “as is” and that further fabrication and cutting are not necessarily required for installation.³³ In the Disappearing Door Screens Scope Ruling, the Department analyzed whether the disappearing screens met two criteria in the scope that define finished goods kits: 1) 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 2) requires no further finishing or fabrication, such as cutting or punching, and is assembled “as is” into a finished product. The Department found that the disappearing screens did not meet the first criterion because upon importation it was necessary for the kits to be opened, re-arranged, and re-packaged, before being sold to the end user as a kit ready to be assembled into a finished good.³⁴

Flag Pole Sets Scope Ruling³⁵

At issue in this ruling were flag pole sets designed to hold banners. Both sets came with one of three different top sections, each of which includes a dimple that allows the sections to interlock and a plastic end cap that prevents harmers that are attached to the flag pole set from ripping. The sets were sold without harmers. The requestor explained that similarly-sized sections of both models of flag pole sets were bundled together for importation and were entered as separately bundled packages. Each shipment contained a set number of packages of unassembled sections designed and intended to create a predetermined number of three- and/or four-section assembled flag poles sets after the packages entered U.S. customs territory. The packages were entered together on the same Customs Entry Summary (form 7501).³⁶

In the Flag Pole Sets Scope Ruling, the Department found that the flag pole kits did not meet the criteria for an excluded finished goods kit because, at the time of importation, similarly-sized unassembled flag pole sections were bundled together for shipment, meaning that all of the sections necessary to assemble a final finished product were not packaged together as a complete set in one package and, thus it was necessary for the packages to be opened, and repackaged before being sold to the end user.³⁷

ARGUMENTS FROM INTERESTED PARTIES

Districargo’s Arguments

The exhibition booth kits at issue are analogous to the products examined in the Shower Door Kits Scope Ruling because they contain, at the time of importation, all of the necessary parts to

³² *Id.* at 5.

³³ *Id.*

³⁴ *Id.* at 9.

³⁵ See Memorandum to Christian Marsh, Deputy Assistant Secretary for AD and CVD Operations, “Aluminum Extrusions from the People’s Republic of China: Final Scope Ruling on 5 Diamond Promotions Inc.’s Aluminum Flag Pole Sets,” (April 19, 2013) (Flag Pole Sets Scope Ruling).

³⁶ *Id.* at 5.

³⁷ *Id.* at 9.

fully assemble final finished goods and require no further finishing or fabrication for assembly.³⁸ On this basis, the Department should find that the exhibition booths are finished goods kits that are outside the scope of the *Orders*.³⁹

Department's Position: Pursuant to 19 CFR 351.225(k)(1), the Department examined the language of the *Orders* and the description of the product contained in the Scope Request and Supplemental Filing, as well as previous rulings made by the Department. We find that the language of the scope along with an analysis of the Department's prior scope rulings is dispositive as to whether the products at issue are subject merchandise. Accordingly, for this determination, the Department finds it unnecessary to consider the additional factors specified in 19 CFR 351.225(k)(2).

The scope of the *Orders* explicitly excludes finished goods kits, which are defined as “a packaged combination of parts that contains, at the time of importation, all of the necessary parts to fully assemble a final finished good and requires no further finishing or fabrication, such as cutting or punching, and is assembled ‘as is’ into a finished product.” For the reasons set forth below, we find that the exhibition booth kits at issue do not meet the exclusion criteria for “finished goods kits” and are inside the scope of the *Orders*.

Information in Districargo's submissions (*e.g.*, narrative statements, photographs, and product specifications, and packing lists), indicate that the exhibition booth kits at issue are comprised of extruded aluminum products with a series designation commencing with the number 6, save for iron buckles that are used to connect the various extruded aluminum parts.⁴⁰ We find that the iron buckles are akin to fasteners in that their purpose is to connect the extruded aluminum parts of the exhibition booth together. Concerning fasteners, the scope of the *Orders* states that:

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.

Additionally, in the Geodesic Domes Scope Ruling, the Department found that since the products at issue consisted solely of extruded aluminum and fasteners, the exception to the exclusion provision applied. Accordingly, in the Geodesic Domes Scope Ruling, the Department found that the products at issue did not meet the exclusion criteria for a finished goods kit.⁴¹ Thus, because the exhibition booth kits at issue do not contain non-extruded aluminum parts other than fasteners, we find the exhibition booth kits fail to meet the Department's initial tests for determining whether a good constitutes a finished goods kit, as established in the scope of the *Order* and the Geodesic Domes Scope Ruling.⁴²

³⁸ See Shower Doors Scope Ruling at 5.

³⁹ See Scope Request at 3.

⁴⁰ *Id.*, at 2; see also Supplemental Filing at 1 and at Exhibit D, which contains a list of the pieces included at the time of importation.

⁴¹ See Geodesic Scope Ruling at 7.

⁴² *Id.*

Furthermore, information from Districargo indicates that it imports the exhibition booth kits at issue as a single shipment, in the same shipping container, on the same 7501 entry summary and that at the time of importation like parts are packaged together (*i.e.*, poles with poles, and beams with beams, and buckles with buckles).⁴³ Information from Districargo further indicates that Districargo acts as the importer of record and that a separate firm, Pyramid Construction Services Inc. (Pyramid), acts as the “ultimate consignee.”⁴⁴ Information from Districargo also indicates that Pyramid does not transfer or sell the products at issue, but instead that Pyramid enters the materials into “service inventory,” and then “assembles” the products at issue per the specific requests of the rental client (aka the exhibitor).⁴⁵

Based on this information, we find that Districargo imports the products at issue in separate packaging (*i.e.*, poles with poles, beams with beams, and buckles with buckles), the products are subsequently transferred to Pyramid where the kits pieces remain unassembled in “service inventory,” and that Pyramid, acting as a distributor, unpacks, rearranges, and rents the various parts to the ultimate consumer. We find this fact pattern is akin to that examined in the Disappearing Door Screens Scope Ruling in which the Department found that the products at issue were inside the scope of the *Orders* because upon importation it was necessary for the kits to be opened, re-arranged, and re-packaged, before being sold to the end user as a kit ready to be assembled into a finished good.⁴⁶

Lastly, because we find that the exhibition booth kits at issue are, save for buckles, comprised entirely out of extruded aluminum products, they do not meet the criteria for a finished goods kit and, thus, are distinct from the products in the Shower Door Kits Scope Ruling, which contained non-aluminum parts beyond fasteners.⁴⁷ Further, unlike the products at issue in the instant proceeding, the shower door kits were not, subsequent to importation, unpacked, rearranged, and rented out of inventory to the ultimate consumer.⁴⁸

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 the exhibition booth kits at issue are inside the scope of the *Orders*.

⁴³ See Scope Request at 2; *see also* Supplemental Filing at 2.

⁴⁴ See Supplemental Filing at 2.

⁴⁵ *Id.*, at 3; *see also* Exhibit B, which contains a proposal from one of Pyramid’s rental clients “to provide labor and equipment” for an exhibition event.

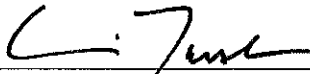
⁴⁶ See Disappearing Door Screen Scope Ruling at 9; *see also* the Flag Pole Sets Scope Ruling at 9, in which the Department found that the flag pole kits did not meet the criteria for an excluded finished goods kit “because, at the time of importation, similarly-sized unassembled flag pole sections were bundled together for shipment, meaning that all of the sections necessary to assemble a final finished product were not packaged together as a complete set in one package and, thus it was necessary for the packages to be opened, and repackaged before being sold to the end user.”

⁴⁷ See Shower Door Kits Scope Ruling at 6.

⁴⁸ *Id.* at 5, which contains a description of the products at issue in the Shower Door Kits Scope Ruling.

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

Agree Disagree



Christian Marsh
Deputy Assistant Secretary
for Antidumping and Countervailing Duty Operations

8/14/14

Date