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Scope Ruling: Event Tent
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MEMORANDUM TO: Christian Marsh
Deputy Assistant Secretary
for Antidumping and Countervailing Duty Operations

THROUGH: Richard Weible
Office Director, Office VI Antidumping and Countervailing Duty
Operations

FROM: Mark Flessner
Analyst, Office VI
Antidumping and Countervailing Duty Operations

SUBJECT: 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

SUMMARY

On November 14, 2014, the Department of Commerce (Department) received a scope ruling request from Sign-Zone, Inc.,¹ (Sign-Zone) to determine whether its “Premium Event Tent Frame” (Event Tent frame) is subject to the antidumping (AD) and countervailing duty (CVD) orders on aluminum extrusions from the People's Republic of China (PRC).² On the basis of our analysis of the comments received, we determined that the Event Tent frame is excluded from the scope of the AD and CVD orders on aluminum extrusions from the PRC.

¹ See letter from Sign-Zone to the Secretary of Commerce entitled, “Aluminum Extrusions from the People's Republic of China: Request for Scope Ruling on Certain Tent Frames,” dated November 14, 2014 (Scope Request).

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

BACKGROUND

On November 14, 2014, Sign-Zone requested that the Department determine whether its Event Tent frame is outside the scope of the *Orders*. No comments were received from any other party.

SCOPE OF THE ORDERS

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

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

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

Subject aluminum extrusions may be described at the time of importation as parts for final finished products that are assembled after importation, including, but not limited to, window frames, door frames, solar panels, curtain walls, or furniture. Such parts that otherwise meet the definition of aluminum extrusions are included in the scope. The scope includes the aluminum extrusion components that are attached (*e.g.*, by welding or fasteners) to form subassemblies, *i.e.*,

partially assembled merchandise unless imported as part of the finished goods 'kit' defined further below. The scope does not include the non-aluminum extrusion components of subassemblies or subject kits.

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

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

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

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

The scope also excludes collapsible tubular containers composed of metallic elements corresponding to alloy code 1080A as designated by the Aluminum Association where the tubular container (excluding the nozzle) meets each of the following dimensional characteristics: (1) length of 37 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 (“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, 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, 8516.90.50.00, 8516.90.80.50, 8517.70.00.00, 8529.90.73.00, 8529.90.97.60, 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 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 is dispositive.³

LEGAL FRAMEWORK

When a request for a scope ruling is filed, the Department examines the scope language of the order at issue and the description of the product contained in the scope-ruling request.⁴ Pursuant to the Department’s regulations, the Department may also examine other information, including the description of the merchandise contained in the petition, the records from the investigations, and prior scope determinations made for the same product.⁵ If the Department determines that these sources are sufficient to decide the matter, it will issue a final scope ruling as to whether the merchandise is covered by an order.⁶

³ See the *Orders*.

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

⁵ See 19 CFR 351.225(k)(1).

⁶ See 19 CFR 351.225(d).

Conversely, where the descriptions of the merchandise in the sources described in 19 CFR 351.225(k)(1) are not dispositive, the Department will consider the five additional factors set forth at 19 CFR 351.225(k)(2). These factors are: (i) the physical characteristics of the merchandise; (ii) the expectations of the ultimate purchasers; (iii) the ultimate use of the product; (iv) the channels of trade in which the product is sold; and (v) the manner in which the product is advertised and displayed. The determination as to which analytical framework is most appropriate in any given scope proceeding is made on a case-by-case basis after consideration of all evidence before the Department.

DESCRIPTION OF MERCHANDISE SUBJECT TO THIS SCOPE REQUEST

Sign-Zone described the Event Tent frame as follows:

The Premium Event Tent Frame is a frame made of extruded aluminum and non-aluminum parts, which are designed to be used with interchangeable graphics after importation. End users utilize this product as a display to promote a company's brand at indoor and outdoor trade shows. The Premium Tent Frame operates by extending out truss joints and locking pin latches to securely stand the apparatus on four corner legs. Once fully expanded, consumers can add individually-designed graphics to promote their brand at various events, by easily swapping out different graphic material.

The entire Premium Event Tent Frame (Item# 240029) is composed of tubular aluminum (aluminum series 6); a significant amount of extruded acrylonitrile butadiene styrene ("ABS") plastic parts (trusses, pivot clamps, leg locks, corner feet, peak top, and a crank top); steel parts (a large steel coil, smaller steel springs, and steel latches); and various fasteners (screws and washers).

The 10' x 10' Premium Event Tent Frame is imported already assembled in a 14" H x 14" W x 68" L carton. After importation, Sign-Zone ships the carton to its customers. Sign-Zone does nothing to the Premium Event Tent Frame after importation other than to ship it to the customer in question. In other words, Sign-Zone does *not* further fabricate, assemble or repack the Premium Event Tent Frame after importation.

The following is a specific list of the major parts of the Premium Event Tent Frame which are already attached and assembled upon import:

- 30 Aluminum series 6005 tubular (square, rectangular, hexagonal) poles
- 12 Truss Pivot Clamps (ABS plastic)
- 8 Side Trusses (ABS plastic)
- 4 Upper Leg Locks (ABS plastic)
- 4 Lower Leg Locks (ABS plastic)
- 4 Leg Trusses (ABS plastic)
- 4 Corner Feet (ABS plastic)
- 1 Peak Top (ABS plastic)
- 1 Center Truss (ABS plastic)

- 1 Tent Crank (ABS plastic)
- 1 Large Coil (used to extend the peak top) (steel)
- 8 Small Coils (located in side of the leg locks) (steel)
- 8 Push Button Latches (steel)

In addition, as noted above, the Premium Event Tent Frame has various fasteners, such as screws and washers.

{...}

At the time of entry, Sign-Zone classified the Premium Event Tent Frame under subheading 7616.99.5090 of the Harmonized Tariff Schedule of the United States.⁷

Of note, Sign-Zone does not list the canopy as an included part.

RELEVANT SCOPE DETERMINATIONS⁸

A. Banner Stands Kits Scope Ruling⁹

This ruling addressed banner stands and back wall kits, used to showcase graphics and other marketing materials. The requestor argued that the banner stands and back wall kits fell outside the scope of the *Orders* because they met the exclusion criteria of the scope of the *Orders*, namely that the products at issue constituted “finished merchandise containing aluminum extrusions as parts that are fully and permanently assembled and completed at the time of entry.”¹⁰

In the Banner Stands Kits Scope Ruling, the Department found that the banner stands and back wall kits met the exclusion criteria.¹¹ 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 in the Preliminary Scope Memorandum that a similar product would have been excluded if the kits contained all necessary parts to be fully assembled finished good.¹² Thus, in the Banner Stands Kits Scope Ruling, the Department found that because Skyline’s kit contained all the necessary parts, it was excluded as a “finished goods kit.”¹³

⁷ See Scope Request at 2-4.

⁸ See the memorandum from Mark Flessner to The File entitled, “Prior Scope Rulings Relevant to this Proceeding,” dated concurrently with this memorandum (Prior Scopes Memorandum).

⁹ See the memorandum from John Conniff and Eric B. Greynolds to Christian Marsh entitled, “Final Scope Ruling on Banner Stands and Back Wall Kits,” dated October 19, 2011 (Banner Stands Kits Scope Ruling); see also Prior Scopes Memorandum at Attachment 1.

¹⁰ See Banner Stands Kits Scope Ruling, at 7.

¹¹ *Id.*, at 9-10.

¹² See the memorandum from John Conniff to Ronald K. Lorentzen entitled, “Preliminary Determinations: Comments on the Scope of the Investigations,” (October 27, 2010) (Preliminary Scope Memorandum).

¹³ See Banner Stands Kits Scope Ruling, at 9-10.

B. Side Mount Valve Control Kits Scope Rulings¹⁴

At issue in the scope ruling were certain side-mount valve controls (SMVC) kits that are used in pumping apparatuses that 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.”¹⁵

In the scope ruling, the Department 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.” The Department explained that it identified a concern with its prior analysis, namely that it may lead to unreasonable results. The Department explained that an 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. The Department explained that such an interpretation may expand the scope of the *Orders*, which are intended to cover aluminum extrusions.¹⁶

The Department 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, the Department analyzed whether the SMVC kits at issue constituted a subassembly that enters the United States as a “finished goods kit.” In order for such a kit to be excluded from the scope of the *Orders*, the Department found that: (1) the SMVC kit contained all of the parts necessary to assemble a complete SMVC; (2) all of the components and hardware of the SMVC kit were fully fabricated and required no further finishing or fabrication prior to being assembled; and (3) once assembled, the SMVC was ready for use in conjunction with the downstream product upon installation.¹⁷ Based on this information, the Department found that the SMVC kits at issue met the exclusion criteria for subassemblies that enter the United States as “finished goods kits.”¹⁸

¹⁴ See the 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 Prior Scopes Memorandum at Attachment 2.

¹⁵ See Preliminary SMVC Kits Scope Ruling at 2.

¹⁶ *Id.*, at 7.

¹⁷ *Id.*

¹⁸ *Id.*, at 7-8.

C. Drapery Rail Kits (Redetermination)¹⁹

In the original drapery rail kits scope ruling, the Department determined that certain drapery rail kits imported by the Rowley Company (Rowley) were covered by the scope of the *Orders* because the kits were not imported with draperies. The Department subsequently requested a voluntary remand, and on remand, determined that Rowley's drapery rail kits were excluded from the *Orders* as finished goods kits. In its redetermination, the Department noted that the drapery rail kits were designed to be used with readily interchangeable drapes or curtains that could be changed to fit the end customer's needs. The Department found it unreasonable to require that the drapery rail kits be imported with the customizable draperies or curtains and, in determining that Rowley's drapery rail kits were outside the scope of the *Orders*, determined that they contained all the parts necessary to fully assemble a final, finished product.

D. Geodesic Domes Kits²⁰

At issue in the ruling were certain geodesic dome frame kits consisting solely of extruded aluminum parts along with nuts, bolts, and washers. The requestor argued that the products at issue constituted finished goods kits because the kits contained all the components necessary to assemble a final finished geodesic dome playground set. It further argued that the products at issue required no further fabrication and are assembled "as is" from the components provided in the kits.

In the ruling, the Department explained that the product at issue met the "initial requirements for inclusion into the finished goods kit exclusion."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

¹⁹ See *Final Results of Redetermination Pursuant to Court Remand, Aluminum Extrusions from the People's Republic of China, Rowley Company v. United States*, Court No. 12-0005 (February 27, 2013) (Drapery Rail Kits Remand Final). See also *Rowley Company v. United States*, Consol. Ct. No. 12-00055 (CIT May 23, 2013) (Court Order affirming Remand Redetermination) (Drapery Rail Kits Redetermination). See also Prior Scopes Memorandum at Attachment 3.

²⁰ See the memorandum from Brooke Kennedy to Christian Marsh entitled, "Final Scope Ruling on J.A. Hancock, Inc.'s Geodesic Structures," dated July 17, 2012 (Geodesic Domes Kits Scope Ruling); see also Prior Scopes Memorandum at Attachment 4.

²¹ See Geodesic Domes Kits Scope Ruling, at 7.

²² *Id.*

²³ *Id.*

E. Event Décor Parts Kits²⁴

At issue in the ruling were decor parts and kits used to construct display booths and backdrops for wedding receptions, conventions and other events. The parts and kits were comprised primarily of “Gorilla Pipes,” aluminum extrusion upright and crossbar tubes of varying lengths and fabrications. The requestor offered three models of Gorilla Pipes, which are sold in three different ways: (1) individual Gorilla Pipes, which can be ordered in any quantity and combination and with additional parts, such as steel bases and decorative materials; (2) Pipe Kits, which contain a minimum of two upright Gorilla Pipes, one crossbar Gorilla Pipe, and two weighted steel bases, in order to form a minimum of one complete display structure; and (3) Pipe and Drape Kits, which are Pipe Kits with additional decorative materials of the customer’s choosing, such as drapes, garlands and lighting. In the Event Décor Parts Kits Scope Ruling, the Department found the individually-sold Gorilla Pipes, when sold without the requisite weighted-steel bases, did not contain all parts necessary to fully assemble a complete display structure.²⁵ In this regard, the Department found the individually-sold Gorilla Pipes to be akin to subject shower door frames and enclosures that do not contain the glass panels at the time of importation. The Department further determined that Pipe Kits and Pipe and Drape Kits were excluded from the scope of the Orders because they were akin to the products examined in the EZ Fabric Wall System Scope Ruling²⁶ and, thus, were finished goods kits that contain, at the time of importation, all parts necessary to fully assemble a complete display structure.²⁷

F. Boat Poles and Rod Holders Scope Ruling²⁸

At issue in this scope ruling were boat cover poles, rod holders, and rod racks. The poles were composed of two telescoping tubes of anodized extruded aluminum, an injection molded nylon locking device with a stainless steel pin, nylon injection molded end caps, and a snap button made of nylon injection and stainless steel. The poles were designed to support a boat cover and prevent it from collecting water which could stain and damage the cover. The poles were fully assembled and individually packaged. The rod holders and rod racks were devices designed to store or hold a fishing rod and reel. They were made from extruded aluminum and also came with a soft flexible PVC injection molded liner to protect the fishing rod.²⁹ Concerning the boat cover poles, specifically, the Department found that because the poles met the Department’s first test, as established in the Geodesic Domes Kits Scope Ruling (*e.g.*, the poles contained non-extruded aluminum materials that went beyond fasteners), and because they entered the United States as a pole that was immediately ready, with no further assembly or completion, to stand

²⁴ See the memorandum from Raquel Silva to Christian Marsh entitled, “Antidumping Duty (AD) and Countervailing Duty (CVD) Orders on Aluminum Extrusions from the People’s Republic of China (PRC): Final Scope Ruling on Traffic Brick Network LLC’s Event Décor Parts and Kits,” dated December 2, 2013 (Event Décor Parts Kits Scope Ruling); *see also* Prior Scopes Memorandum at Attachment 5.

²⁵ See Event Décor Parts Kits Scope Ruling, at 10.

²⁶ See the memorandum from John Conniff and Eric B. Greynolds to Christian Marsh entitled, “Antidumping and Countervailing Duty Orders on Aluminum Extrusions from the People’s Republic of China (PRC): Final Scope Ruling on EZ Fabric Wall Systems,” dated November 9, 2011 (EZ Fabric Wall System Scope Ruling).

²⁷ *Id.*

²⁸ See the memorandum from Eric B. Greynolds to Christian Marsh entitled, “Final Scope Ruling on Telescoping Boat Cover Poles, Fishing Rod Holders, and Fishing Rod Racks,” dated August 18, 2014 (Boat Poles and Rod Holders Scope Ruling); *see also* Prior Scopes Memorandum at Attachment 6.

²⁹ See Boat Poles and Rod Holders Scope Ruling, at 5.

alone and be used to prop up a tarp that covers the deck of a boat, the poles constituted excluded “finished goods” under the scope of the *Orders*.³⁰

G. Motorized Arm Set Kits³¹

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

ARGUMENTS FROM INTERESTED PARTIES

Sign-Zone’s Comments

Sign-Zone argues that the Event Tent frame is finished merchandise at the time of entry to the United States and, therefore, is outside the scope of the order. Sign-Zone further states that all the components of the Event Tent frame are already assembled and ready to use at the time of importation. Sign-Zone maintains that it does nothing to the Event Tent frame after importation other than to ship it to the customer (*i.e.*, performs no further manufacturing, assembly, or repacking).

Petitioner’s Comments

Petitioner did not comment.

DEPARTMENT’S POSITION

The Department examined the language of the *Orders* and the description of the products contained in this Scope Request, as well as previous rulings made by the Department. We find

³⁰ *Id.*, at 12.

³¹ See the memorandum from Mandy Mallott to Christian Marsh entitled, “Final Scope Ruling on Pacific Product Solutions’ Motorized Arm Set Kits,” dated November 4, 2014 (Motorized Arm Set Kits Scope Ruling); *see also* Prior Scopes Memorandum at Attachment 7.

that the description of the products, the scope language, and prior rulings are, together, dispositive as to whether the products at issue are subject merchandise, in accordance with 19 CFR 351.225(k)(1). Accordingly, for this determination, the Department finds it unnecessary to consider the additional factors specified in 19 CFR 351.225(k)(2). For the reasons set forth below, we find that the Event Tent frame merchandise at issue meets the exclusion criteria for “finished merchandise.”

As noted above, 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.”³² The Department frequently refers to this as the “finished goods” exclusion.

The list of components in the Scope Request demonstrates 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, plastic feet, a plastic peak top, a plastic crank, steel coils, and steel button latches – all of which go beyond mere fasteners.³³ Therefore, we find that the Event Tent frame meets our first test for determining whether a good constitutes a finished good or finished goods kit, as established in the Geodesic Domes Kits Scope Ruling.³⁴

Further, information in Sign-Zone’s Scope Request indicates that its Event Tent frame is merchandise containing aluminum extrusions that is fully and permanently assembled and completed at the time of entry.³⁵ For example, Sign-Zone contends that photographs show that the Event Tent frame is completely assembled when it enters the United States.³⁶ The Event Tent frame requires no re-sorting or re-packaging of kit components upon importation; nor does it require further finishing, assembly (other than setting up the tent upon use, like any other tent), or fabrication prior to use.

Additionally, we conclude that the awnings which are typically added to the frame after importation are interchangeable with other such awnings. Choice of awnings is dependent upon and subject to the taste of the individual consumer. Relying on our reasoning in the Drapery Rail Kits (Redetermination) and Event Décor Parts Kits scope rulings, we determine that it would be unreasonable to require the inclusion of awnings at the time of importation in order to recognize the Event Tent frame as a finished goods kit.

Furthermore, Sign-Zone’s Event Tent shares physical characteristics with Pacific Product’s motorized arm set kits and the Boat Poles in the Boat Poles and Rod Holders Scope Ruling, as each of these products are combinations of aluminum and nonaluminum parts which hold a canopy in place. Unlike Pacific Product’s kits, however, and similar to the Boat Poles, the Event Tent (as noted above) is fully fabricated and assembled at the time of import. Accordingly, consistent with our determination on the Boat Poles in the Boat Poles and Rod Holders Scope

³² See the *Orders*.

³³ See Scope Request at 3.

³⁴ See Geodesic Domes Kits Scope Ruling at 7, where 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.

³⁵ See Scope Request at 2 and 3.

³⁶ *Id.*, at Exhibits 2 and 3.

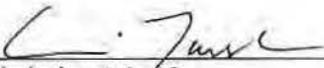
Ruling, we determine that Sign-Zone's Event Tent frame is excluded from the scope as a finished good.

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 Event Tent is a finished good that falls under the exclusion to the scope of the *Orders* for "finished merchandise containing aluminum extrusions as parts that are fully and permanently assembled and completed at the time of entry."

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

1/23/15

Date