

***Worldwide Door Components, Inc. v. United States***  
**Court No. 19-00012, Slip. Op. 20-128 (CIT August 27, 2020)**  
**Final Results of Redetermination Pursuant to Court Remand**  
**Aluminum Extrusions from the People’s Republic of China**

**I. Summary**

The Department of Commerce (Commerce) has prepared these final results of redetermination in accordance with the opinion and remand order of the United States Court of International Trade (CIT or the Court) in *Worldwide Door Components, Inc., v. United States*, Court No. 19-00012, Slip. Op. 20-128 (CIT August 27, 2020) (*Remand Order*). This action arises out of Commerce’s Final Scope Ruling that certain door thresholds manufactured and imported by Worldwide Door Components, Inc. (Worldwide),<sup>1</sup> fall within the scope of the antidumping and countervailing duty *Orders* on aluminum extrusions from the People’s Republic of China (China).<sup>2</sup>

In its *Remand Order*, the Court held that Commerce erred in failing to consider whether Worldwide’s door thresholds should be excluded from the *Orders* under the finished merchandise exclusion in the scope language and remanded to Commerce to consider whether the door thresholds qualify for the finished merchandise exclusion.<sup>3</sup> Pursuant to the *Remand*

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<sup>1</sup> See Memorandum, “Antidumping and Countervailing Duty Orders on Aluminum Extrusions from the People’s Republic of China: Final Scope Rulings on Worldwide Door Components Inc., MJB Wood Group, Inc., and Columbia Aluminum Products Door Thresholds,” dated December 19, 2018 (Final Scope Ruling).

<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*).

<sup>3</sup> See *Remand Order* at 16.

*Order* and under respectful protest,<sup>4</sup> we have considered whether Worldwide's door thresholds qualify for the finished merchandise exclusion. As set forth in detail below, we continue to find that Worldwide's door thresholds are subassemblies within the scope of the *Orders* and, therefore, fail to satisfy the requirements for the finished merchandise exclusion.

## **II. Scope of the *Orders***

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

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<sup>4</sup> See *Viraj Group, Ltd. v. United States*, 343 F.3d 1371 (Fed. Cir. 2003).

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 *Orders* merely by including fasteners such as screws, bolts, *etc.* in the packaging with an aluminum extrusion product.

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

digit. A letter may also precede the four digits. The following Aluminum Association designations are representative of aluminum alloys for casting: 208.0, 295.0, 308.0, 355.0, C355.0, 356.0, A356.0, A357.0, 360.0, 366.0, 380.0, A380.0, 413.0, 443.0, 514.0, 518.1, and 712.0. The scope also excludes pure, unwrought aluminum in any form.

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

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

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

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

### III. Background

Between August 2017 and November 2018 Worldwide filed a scope ruling request and supplemental questionnaire responses asking Commerce to determine that eighteen models of door thresholds it imports are not covered by the scope of the *Orders*.<sup>5</sup> According to Worldwide, each of the products subject to its scope request contain, in addition to extruded aluminum, “non-aluminum components,” which include synthetic plastic polymers such as polyvinyl chloride (PVC), polyethylene, polyurethane, polypropylene or thermoplastic elastomer, wood, and stainless steel.<sup>6</sup> Worldwide argued that its products are “finished merchandise” because the thresholds are “fully and permanently assembled and completed at the time of entry.”<sup>7</sup> Worldwide stated that none of the products for which it requested a scope ruling require further finishing, fabrication or cutting, or repackaging after importation.<sup>8</sup>

In the Final Scope Ruling, we determined that Worldwide’s door thresholds fall within the scope of the *Orders* based on the scope language and on the sources described in 19 CFR 351.225(k)(1).<sup>9</sup> Specifically, we first determined that the extruded aluminum components in Worldwide’s door thresholds fit the description of subject aluminum extrusions as described in the *Orders*.<sup>10</sup> We also found that the aluminum extruded components of the door thresholds fit the scope inclusion of “parts for final finished products” (*i.e.*, parts for doors) that are assembled

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<sup>5</sup> See Worldwide’s Letters, “Request for a Scope Ruling Finding that Certain Fully Assembled Door Thresholds from the People’s Republic of China are Not Subject to the Antidumping and Countervailing Duty Orders on Certain Aluminum Extrusions from the People’s Republic of China,” dated August 3, 2017 (Scope Request); “Response to Supplemental Questionnaire on Scope Ruling Request for Worldwide Door Thresholds,” dated November 7, 2017 (First Supplemental Response); “Response to Second Supplemental Questionnaire on Scope Ruling Request for Worldwide Door Thresholds,” dated February 20, 2018; “Response to Third Supplemental Questionnaire on Scope Ruling Request for Worldwide Door Thresholds,” dated November 7, 2018.

<sup>6</sup> See First Supplemental Response at 3.

<sup>7</sup> *Id.* at 2.

<sup>8</sup> See Worldwide’s Letter, “Response to Petitioner’s Comments on Scope Ruling Request for Worldwide Door Thresholds,” dated January 11, 2018 at Exhibit 1.

<sup>9</sup> See Final Scope Ruling at 32-37.

<sup>10</sup> *Id.* at 33.

after importation (with additional components) to create the final finished product.<sup>11</sup> We further found that the door thresholds may be described as subassemblies, but that the non-aluminum extrusion components of Worldwide’s door thresholds would be excluded from the *Orders* pursuant to the scope language.<sup>12</sup> We also based our determination upon the express mention of “door thresholds” as an identifying end-use of “subject extrusions” within the scope of the *Orders*.<sup>13</sup> The sources described under 19 CFR 351.225(k)(1) – specifically, prior scope rulings, the report of the International Trade Commission (ITC), and the petition and supplements thereto – further supported our determination that Worldwide’s door thresholds are included within the scope of the *Orders*.<sup>14</sup> After finding that the door thresholds are covered by the scope language, we determined that the finished merchandise exclusion of the *Orders* was inapposite.<sup>15</sup>

Worldwide challenged the Final Scope Ruling before the Court, and on August 27, 2020, the Court remanded Commerce’s scope ruling for consideration of whether the finished merchandise exclusion applies to Worldwide’s door thresholds.<sup>16</sup> The Court held that, for several reasons, Commerce misinterpreted the scope language in finding Worldwide’s door thresholds subject to the *Orders*.<sup>17</sup> First, the Court found that the thresholds do not fall within the scope language covering subject aluminum extrusions described at the time of importation as parts for final finished products (*i.e.*, parts for doors) that are assembled after importation.<sup>18</sup> This provision, according to the Court, covers only aluminum extrusions that are assembled with other components after importation.<sup>19</sup> Because the aluminum extrusions in Worldwide’s door

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<sup>11</sup> *Id.*

<sup>12</sup> *Id.* at 34.

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

<sup>14</sup> *Id.* at 34-37.

<sup>15</sup> *Id.* at 35-36.

<sup>16</sup> *See Remand Order* at 16.

<sup>17</sup> *Id.* at 5-9.

<sup>18</sup> *Id.* at 6-8.

<sup>19</sup> *Id.* at 7.



thresholds are assembled with non-aluminum parts prior to importation, the Court held that they are not parts for final finished products as described in the scope.<sup>20</sup>

The Court further found that Commerce improperly relied on the scope language identifying subject extrusions with reference to their end-use and specifically listing door thresholds as an example.<sup>21</sup> The Court determined that Worldwide's door thresholds are not subject extrusions but, rather, are assembled goods containing extruded aluminum and non-aluminum components.<sup>22</sup> Furthermore, although the Court acknowledged that the scope includes subassemblies composed of aluminum and non-aluminum components,<sup>23</sup> it did not explicitly rule on Commerce's finding that Worldwide's door thresholds are subassemblies.<sup>24</sup>

The Court also held that Commerce misinterpreted the factors specified in 19 CFR 351.225(k)(1).<sup>25</sup> According to the Court, references to door thresholds in the petition, supplements thereto, and the ITC report described thresholds that are stand-alone aluminum extrusions, not assembled goods such as Worldwide's door thresholds.<sup>26</sup> The Court further held that Commerce improperly distinguished Worldwide's door thresholds from other scope rulings which involved a product that was not explicitly referenced in the scope language, because, according to the Court, Worldwide's assembled door thresholds are also not specifically identified in the scope language.<sup>27</sup>

After holding that Worldwide's assembled door thresholds are not expressly included in the general scope language, the Court concluded that Commerce erred in not analyzing whether

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<sup>20</sup> *Id.*

<sup>21</sup> *Id.* at 8-9.

<sup>22</sup> *Id.* at 9.

<sup>23</sup> *Id.* at 16.

<sup>24</sup> *Id.* at 8.

<sup>25</sup> *Id.* at 12-14.

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

<sup>27</sup> *Id.* at 14.

the finished merchandise exclusion applies to Worldwide’s door thresholds.<sup>28</sup> Reasoning that the finished merchandise exclusion covers assembled goods containing extruded aluminum and non-aluminum components, the Court directed Commerce to consider on remand whether Worldwide’s door thresholds qualify for the exclusion.<sup>29</sup> On October 22, 2020, at the request of the petitioner, Commerce officials met with counsel for petitioner to discuss the Court’s *Remand Order*.<sup>30</sup>

On November 20, 2020, we released our Draft Results of Redetermination to interested parties.<sup>31</sup> On December 2, 2020, we received comments from the petitioner and Endura Products, Inc. (Endura).<sup>32</sup> We respond to these comments below. After considering these comments and analyzing the record, continue to find that Worldwide’s door thresholds are covered by the general scope language as “subassemblies” and are not excluded from the *Orders* under the finished merchandise exclusion.

#### **IV. Analysis**

In compliance with the *Remand Order*, these final results of redetermination consider whether Worldwide’s door thresholds satisfy the criteria for the finished merchandise exclusion. However, we are conducting this analysis under protest,<sup>33</sup> in part, because we respectfully disagree with certain aspects of the Court’s opinion. Specifically, we believe that the Federal

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<sup>28</sup> *Id.* at 9-12.

<sup>29</sup> *Id.* at 15-16.

<sup>30</sup> See Memorandum, “Ex Parte Meeting: Worldwide Door Components, Inc. v. United States Slip Op. 20-128, Court No. 19-00012, Columbia Aluminum Products, LLC v. United States Slip Op. 20-129, Court No. 19- 00013,” dated October 23, 2020.

<sup>31</sup> See “*Worldwide Door Components, Inc. v. United States*, Court No. 19-00012, Slip. Op. 20-128 (CIT August 27, 2020), Draft Results of Redetermination Pursuant to Court Remand, Aluminum Extrusions from the People’s Republic of China,” dated November 20, 2020 (Draft Results of Redetermination).

<sup>32</sup> See Petitioner and Endura’s Letter, “Aluminum Extrusions from the People’s Republic of China: Comments on Draft Results of Redetermination,” dated December 2, 2020 (Petitioner and Endura Draft Redetermination Comments).

<sup>33</sup> See *Viraj Group Ltd.*, 343 F.3d at 1376-77.

Circuit’s holdings in *Meridian* and *Whirlpool* (which were not addressed by the Court in the *Remand Order*) are instructive and support Commerce’s Final Scope Ruling. In *Meridian I* and *Whirlpool I*, the CIT held that kitchen appliance door handles assembled prior to importation and containing extruded aluminum and non-aluminum components are not covered by the general scope provisions for “parts for final finished products” or subject extrusions “identified with reference to their end use.”<sup>34</sup> Subsequently, Commerce found on remand, under protest, that the kitchen appliance door handles were outside the scope of the *Orders* because they were not covered by the general scope language.<sup>35</sup> In *Meridian II* and *Whirlpool II*, the CIT affirmed Commerce’s exclusion of the door handles from the scope of the *Orders*.<sup>36</sup> On appeal, the Federal Circuit overturned these rulings and held that the general scope language covers assemblies containing extruded aluminum and non-aluminum components.<sup>37</sup>

Specifically, in *Whirlpool III*, the Federal Circuit held that “the scope expressly includes aluminum extrusions, whether further fabricated or not, and even if incorporated into a subassembly, as well as aluminum extrusions which are identified by reference to their end use (such as kitchen appliance handles).”<sup>38</sup> The Federal Circuit further ruled that “{t}he Orders explicitly include aluminum extrusions {described as parts for final finished products} ‘that are assembled after importation’ in addition to ‘aluminum extrusion components that are attached (e.g., by welding or fasteners) to form subassemblies.’”<sup>39</sup> In considering whether the general scope language could include the door handles, which were comprised of aluminum and non-

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<sup>34</sup> See *Meridian Products, LLC v. United States*, 125 F. Supp. 3d 1306, 1312-1313 (CIT 2015) (*Meridian I*); see also *Whirlpool Corporation v. United States*, 144 F. Supp. 3d 1296, 1301-1302 (CIT 2016) (*Whirlpool I*).

<sup>35</sup> See *Meridian Products v. United States*, 180 F. Supp. 3d 1283 (CIT 2016) (*Meridian II*); see also *Whirlpool Corporation v. United States*, 182 F. Supp. 3d 1307 (CIT 2016) (*Whirlpool II*).

<sup>36</sup> See *Meridian II*, 180 F. Supp. 3d at 1292; *Whirlpool II*, 182 F. Supp. 3d at 1316.

<sup>37</sup> See *Whirlpool Corporation v. United States*, 890 F.3d 1302, 1308-1309 (Fed. Cir. 2018) (*Whirlpool III*); see also *Meridian Products, LLC v. United States*, 890 F.3d 1272, 1280-1281 (Fed. Cir. 2018) (*Meridian III*).

<sup>38</sup> See *Whirlpool III*, 890 F.3d at 1308.

<sup>39</sup> *Id.* at 1309.

aluminum components and assembled before importation, the Federal Circuit recognized that “the CIT concluded that the general scope language is not reasonably interpreted to include the assembled handles because ‘{t}he handles at issue are not themselves “extrusions” but rather are assemblies, each of which contains an extrusion, machined and surface-treated, as the principal component.’”<sup>40</sup> According to the Federal Circuit, “the CIT erred when it stated that assembly processes were absent from the specified post-extrusion processes” and that “{t}he general scope language unambiguously includes aluminum extrusions that are part of an assembly.”<sup>41</sup> Similarly, in evaluating the same type of product, in *Meridian III*, the Federal Circuit held that the CIT “improperly narrowed the scope of the antidumping duty order by finding that {door handles comprised of extruded aluminum and non-aluminum parts} are ‘assemblies’ that are not covered by the general scope description.”<sup>42</sup> In both cases, the Federal Circuit overturned the CIT’s holdings, and directed that the cases be remanded to Commerce to evaluate whether the door handles at issue satisfied the finished merchandise exclusion.<sup>43</sup>

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<sup>40</sup> *Id.* (citing *Whirlpool I*, 144 F. Supp. 3d at 1302).

<sup>41</sup> *Id.*

<sup>42</sup> *See Meridian III*, 890 F.3d at 1281.

<sup>43</sup> *See Meridian III*, 890 F.3d at 1282; *see also Whirlpool III*, 890 F.3d at 1312. In *Meridian III*, the Federal Circuit directed Commerce to first clarify whether the door handles entered the United States fully assembled, and if they did, to consider whether the finished merchandise exclusion applied. *See Meridian III*, 890 F.3d at 1281-1282. In *Meridian IV* the CIT subsequently directed Commerce to consider the applicability of the finished merchandise exclusion if it found the door handles entered in assembled form. *See Meridian Products LLC v. United States*, 357 F. Supp. 3d 1351, 1356 (2019) (*Meridian IV*). The CIT further ordered in *Meridian IV* that if Commerce were to find the door handles were assembled upon entry and still covered by the *Orders*, Commerce needed to explain whether the entire door handle, or just the extruded aluminum components, are subject to the *Orders*. *Id.* at 1357. In *Whirlpool IV*, the CIT similarly remanded the case to Commerce to determine whether the door handles qualify for the finished merchandise exclusion. *See Whirlpool Corporation v. United States*, 357 F. Supp. 3d 1358 (CIT 2019) (*Whirlpool IV*). In *Whirlpool IV*, the Court also directed that if Commerce found the finished merchandise exclusion did not apply and the handles are covered by the scope of the *Orders*, it must state its reasoning and explain whether the entire assembly, or just the extruded aluminum component, is covered, including consideration of the scope language providing that “{t}he scope does not include the non-aluminum extrusion components of subassemblies.” *Whirlpool IV*, 357 F. Supp. 3d at 1363. The parties in *Whirlpool* subsequently entered into a stipulation of dismissal, and on May 1, 2019, the CIT dismissed the case. *See* “Order of Dismissal,” *Whirlpool Corporation v. United States*, CIT No. 14-00199 (May 1, 2019) (*Whirlpool Order of Dismissal*). In its second remand in *Meridian*, Commerce determined that the door handles did not qualify for the finished merchandise exclusion, and only the extruded aluminum components were subject to the *Orders*. *See Meridian Products, LLC v.*

Notwithstanding the Federal Circuit opinions in *Whirlpool III* and *Meridian III* discussed above, which were not addressed by the CIT in the *Remand Order*, the CIT held that products comprised of extruded aluminum and non-aluminum components are not covered by the general scope language identifying subject extrusions by reference to their end use (including door thresholds), or as “parts for final finished products that are assembled after importation” (including door frames).<sup>44</sup> Specifically, the CIT concluded that Commerce erred in finding that Worldwide’s door thresholds fit the scope language providing that “{s}ubject aluminum extrusions may be described at the time of importation as parts for final finished products that are assembled after importation, including ... door frames ... Such parts that otherwise meet the definition of aluminum extrusions are included in the scope.”<sup>45</sup> The CIT stated that this provision “is inapplicable to the issues presented by Worldwide’s imported products” because:

Commerce failed to recognize that the subject of the first sentence quoted above is “{s}ubject *aluminum extrusions*.” ... The sentence refers to the way that goods may be described “at the time of importation,” but according to the uncontested facts, Worldwide’s door thresholds are not “aluminum extrusions” at the time of importation; rather, they are door thresholds that contain an aluminum extrusion as a component in an assembly. The aluminum extrusion component in each, which is not itself the imported article, becomes part of an assembly before, not after, importation. The effect of the quoted sentence is that an extrusion that has undergone any of various types of processing (but not assembly) after being extruded but prior to importation, to adapt it to a particular use as a part for a final finished product that is assembled after importation, still is an “extrusion” for purposes of the scope and remains within the general scope language, no matter how it is described upon importation.<sup>46</sup>

According to the CIT, its conclusion that Worldwide’s door thresholds do not constitute “parts for final finished products” is confirmed by the sentence in the *Orders* explaining that “{s}uch

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*United States*, 2020 WL 1672840 (CIT April 6, 2020) (*Meridian V*). The Court sustained Commerce’s second remand in *Meridian V* because the plaintiffs did not file comments with Commerce or the Court objecting to the second remand. *Id.*

<sup>44</sup> See *Remand Order* at 6-9.

<sup>45</sup> *Id.* at 6-7.

<sup>46</sup> *Id.* at 7.

parts {for final finished goods} that otherwise meet the definition of aluminum extrusions are included in the scope.”<sup>47</sup> According to the CIT, “Worldwide’s door thresholds do not meet that definition: they are not, in the words of the scope language, ‘aluminum extrusions which are shapes and forms, produced by an extrusion process.’”<sup>48</sup>

The CIT also held in its *Remand Order* that Commerce erred in finding Worldwide’s door thresholds covered by the scope language providing that “subject extrusions may be identified with reference to their end use, such as ... door thresholds ... 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.”<sup>49</sup> According to the CIT, Worldwide’s door thresholds do not otherwise meet the scope definition of “subject extrusions,” because they are not “aluminum extrusions which are shapes and forms, produced by an extrusion process,” but rather are “goods assembled from multiple components, only one of which has been fabricated from an aluminum extrusion.”<sup>50</sup>

Therefore, in accordance with the Court’s opinion, under respectful protest, these final results of redetermination do not consider whether Worldwide’s door thresholds are covered by the general scope language as “parts for final finished products,” or as subject aluminum extrusions identified with reference to their end use.

Consistent with the Court’s *Remand Order*, we examined the language of the *Orders* and the description of the products contained in Worldwide’s Scope Request, First Supplemental Response, Second Supplemental Response, and Third Supplemental Response. As noted above, Worldwide’s door thresholds enter the United States as assembled products containing extruded

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<sup>47</sup> *Id.*

<sup>48</sup> *Id.* at 7-8.

<sup>49</sup> *Id.* at 8.

<sup>50</sup> *Id.* at 8-9.

aluminum and non-aluminum components.<sup>51</sup> Thus, we have examined whether such door thresholds meet the exclusion in 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.”<sup>52</sup> Our analysis also discusses the subassemblies provision in the general scope language, and we consider the finished merchandise exclusion in the context of the entire framework of the scope of the *Orders*, as well as the relevant sources in 19 CFR 351.225(k)(1), *i.e.*, the petition, supplements to the petition, and Commerce’s prior scope determinations. In analyzing the description of the products in question and the scope language, we continue to find that the extruded aluminum components of Worldwide’s door thresholds are included in the scope of the *Orders* because the door thresholds are subassemblies within the meaning of the general scope language. Because of this analysis, and as explained in more detail below, we also disagree, under respectful protest, with the Court that the Federal Circuit’s rulings in the *Shenyang Yuanda 2015* decision on the subassemblies provision are inapposite to this case.<sup>53</sup> Finally, because we find the door thresholds are subassemblies under the general scope language, we also find that they do not meet the exclusion criteria for “finished merchandise” and are therefore covered by the scope of the *Orders*.

#### A. The General Scope Language and Finished Merchandise Exclusion

The scope of the *Orders* is divided into two parts: the general scope language and the specific exclusions from the general scope language. The general scope language describes the subject merchandise, in relevant part, as “aluminum extrusions which are shapes and forms, produced by an extrusions process, made from aluminum alloys having metallic elements

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<sup>51</sup> See *Remand Order* at 7; see also First Supplemental Response at 3.

<sup>52</sup> See *Orders*.

<sup>53</sup> *Id.* at 11 (citing *Shenyang Yuanda Aluminum Indus. Eng’g Co. v. United States*, 776 F.3d 1351 (Fed. Cir. 2015) (*Shenyang Yuanda 2015*)).

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).”<sup>54</sup> The scope further states that “{a}luminum 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.”<sup>55</sup> The general scope language further provides:

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.<sup>56</sup>

Relevant for this remand are the express exclusions for finished merchandise. The scope of the *Orders* excludes “finished merchandise containing 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.”<sup>57</sup>

In examining the finished merchandise exclusion, it is necessary to evaluate the general scope language which, like the finished merchandise exclusion, also refers to assembled merchandise. In particular, we find relevant the general scope language that “{t}he 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’ {.}”<sup>58</sup> This sentence can be understood in three parts.

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<sup>54</sup> See *Orders*.

<sup>55</sup> *Id.*

<sup>56</sup> *Id.*

<sup>57</sup> *Id.*

<sup>58</sup> *Id.*



First, included in the scope of the *Orders* are aluminum extrusion components that are attached by some mechanism (including, but not limited to, welding or fasteners) to form subassemblies. This language is broad enough to cover single aluminum extrusion components that are attached to other aluminum extrusion components, or attached to non-aluminum extrusion components, or some combination thereof, at the time of importation. This is further supported by the scope language which provides that “{t}he scope does not include the non-aluminum extrusion components of subassemblies {.”<sup>59</sup>

Second, there is a distinction in the scope between a subassembly which is covered by the general scope language, and an assembly which satisfies the finished merchandise exclusion for “finished merchandise containing extrusions as parts that are fully and permanently assembled and completed at the time of entry.”<sup>60</sup> We note that “subassemblies” is broadly defined in the scope as “partially assembled merchandise {, }” which is distinct from products which are “fully and permanently assembled and completed” finished merchandise.<sup>61</sup> In other words, a subassembly could also be described as an intermediate product or any other partially assembled product that is something less than the full, permanent, and completed final finished product that would satisfy the finished merchandise exclusion. In examining whether the aluminum extrusion components of an assembly are within the scope pursuant to the subassemblies language, or whether the entire assembly is excluded under the finished merchandise exclusion, we must consider whether the product is “partially assembled,” as opposed to “fully and permanently assembled and completed.”<sup>62</sup> Further, the fact that the subassembly could be described in its own right with reference to its end use, or that such subassembly requires no further fabrication

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

<sup>60</sup> *Id.*

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

<sup>62</sup> *Id.*

or assembly to perform its function as a subassembly, does not mean that it will constitute finished merchandise under the exclusion.

Third, in evaluating the subassemblies language in the general scope language, we note that there is a specific reference to the finished goods kit exclusion, which means that products which satisfy the subassemblies language may, nonetheless, be excluded under the finished goods kit exclusion.<sup>63</sup> However, the subassemblies language does not similarly reference the finished merchandise exclusion. For example, the scope does *not* contain the following language: “{t}he 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’ ***or finished merchandise exclusion.***”<sup>64</sup> The lack of such express language supports the conclusion that products that are included in the scope because they satisfy the subassemblies language cannot also be excluded as finished merchandise under the finished merchandise exclusion.

This conclusion is further confirmed by the product examples provided in the finished merchandise exclusion, which refer to “finished merchandise containing 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.”<sup>65</sup> We find that these product examples do not constitute subassemblies within the meaning of the general scope language, but, rather, are examples of fully and permanently assembled and completed products. Accordingly, an assembled aluminum

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<sup>63</sup> *Id.*

<sup>64</sup> *Id.*

<sup>65</sup> *Id.*

extrusion door frame without glass could be considered a subassembly, and therefore covered by the scope, thus falling short of the final finished door with glass which would be excluded.

In light of the above, based on the scope language and structure of the scope as a whole, we find that there is a delineation in the scope between: (1) aluminum extrusion components that are attached (with other aluminum extrusions and/or with non-aluminum extrusion components at the time of importation) to form subassemblies; and (2) “finished merchandise containing extrusions as parts that are fully and permanently assembled and completed at the time of entry,”<sup>66</sup> which expressly does not constitute a subassembly. With respect to the first category, the aluminum extrusion components of the subassembly are subject to the *Orders*; however, the non-aluminum extrusion components would not be subject to the *Orders*. With respect to the second category, the entire finished merchandise, including the aluminum extrusion components and non-aluminum extrusion components, would not be subject to the *Orders*.

This reading of the scope language is consistent with the Petition and related documents. With respect to the subassemblies language, the original scope, as proposed in the Petition, provided that “{t}he scope includes aluminum extrusions that are partially assembled into subassemblies of finished merchandise, whether or not the extrusions are attached by welding or fasteners.”<sup>67</sup> Exhibit I-5 to the Petition described “{a}luminum extrusions partially assembled into intermediate goods” and provided examples of “{t}wo or more aluminum extrusions partially assembled (*e.g.*, via welding, mechanical fasteners, or other attachment mechanism)

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<sup>66</sup> *Id.*

<sup>67</sup> See Petition for the Imposition of Antidumping and Countervailing Duties Against Aluminum Extrusions from the People’s Republic of China, Inv. Nos. A-570-967, C-570-968 at Volume I, pages 4-5 (March 31, 2010) (Petition). Commerce has placed the Petition, along with other relevant documents from the antidumping and countervailing duty investigations on aluminum extrusions from China, on the record for this scope proceeding. See Memorandum, “Documents for Draft Redeterminations of: *Worldwide Door Components, Inc. v. United States*, Slip Op. 20-128, Court No. 19-00012, *Columbia Aluminum Products, LLC v. United States*, Slip Op. 20-129, Court No. 19-00013,” dated November 20, 2020.

into an intermediate good where the aluminum extrusions constitute the essential material component of the subassembly{.}"<sup>68</sup> Subsequently, in response to Commerce's request to "{make} a clear distinction between 'subassemblies' that are covered and 'kits' that are not covered," the petitioners clarified that "the scope is intended to cover aluminum extrusions that are attached to form partially assembled final finished goods, *except where* such extrusions are imported in a 'kit' along with all of the necessary parts to assemble a fully-assembled final good."<sup>69</sup> The petitioners subsequently proposed to revise the scope to include the "unless imported as part of a 'kit'" clause in the subassemblies paragraph, and Commerce accepted this change, as reflected in the final scope language of the *Orders*.<sup>70</sup> Through their explanation and revisions, the petitioners clearly and consistently expressed their intent to exclude from the *Orders* certain aluminum extrusions imported as part of a kit, but include in the *Orders* other aluminum extrusions that are attached to form subassemblies that are not imported as part of a kit.

Thus, based on the scope language and the structure of the scope as a whole, we find that there is a delineation in the scope among three categories of products: (1) aluminum extrusion components that are already attached to form subassemblies, *i.e.*, assembled, upon importation (not excluded); (2) aluminum extrusions components in a packaged combination of parts that are unassembled at the time of importation, and that will undergo assembly upon importation into a final finished good (excluded under the finished goods kit exclusion); and (3) "finished merchandise containing extrusions as parts that are fully and permanently assembled and

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<sup>68</sup> *Id.* at Petition Exhibit I-5.

<sup>69</sup> See Petitioner's Letter, "Aluminum Extrusions from the People's Republic of China: Petitioners' Response to Commerce's April 6, 2010 Request for Clarification of Certain Items in The Petition," dated April 9, 2010 (Petitioners' April 9, 2010 Letter) at 4 (emphasis in original).

<sup>70</sup> See Petitioner's Letter, "Antidumping and Countervailing Duty Investigations on Certain Aluminum Extrusions from China: Petitioners' Comments Concerning the Scope of Investigation," dated May 10, 2010 at 2.

completed at the time of entry,” (excluded under the finished merchandise exclusion), but which does not include a subassembly.<sup>71</sup>

With respect to the finished merchandise exclusion, the original scope language contained broader examples of finished merchandise, but the petitioners revised the scope language several times to make the examples of finished merchandise representative of merchandise which is fully and permanently assembled and completed at the time of entry. For instance, the scope in the petition put forth the following examples of finished merchandise: “window frames, door frames, picture frames, and solar panels.”<sup>72</sup> Soon thereafter, the petitioners proposed revising the examples of finished merchandise to make the windows and doors examples more complete: “windows with glass, doors, picture frames, and solar panels.”<sup>73</sup> Subsequently, on March 9, 2011, the petitioners proposed revising the doors and picture frames examples of finished merchandise to be even more complete: “windows *with glass*, doors *with glass or vinyl*, picture frames *with glass pane and backing material*, and solar panels;”<sup>74</sup> Commerce published this language in the *Orders*. In sum, the petitioners made clear that they intended the finished merchandise exclusion to apply only to those assemblies which could be considered fully and permanently assembled and completed at the time of entry, and not subassemblies within the meaning of the general scope language.

#### B. Worldwide’s Door Thresholds

As discussed above, in the Final Scope Ruling Commerce determined that the general scope language includes the aluminum extrusion components of Worldwide’s door thresholds,

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<sup>71</sup> See *Orders*.

<sup>72</sup> See Petition at Volume I at 5.

<sup>73</sup> See Petitioners’ April 9, 2010 Letter at Attachment 3.

<sup>74</sup> See Petitioner’s Letter, “Antidumping and Countervailing Duty Investigations on Certain Aluminum Extrusions from the People’s Republic of China: Petitioners’ Response to Commerce’s Inquiry Regarding Subassemblies and Unfinished Kits,” dated March 9, 2011 at Exhibit A.

and we continue to do so in these final results of redetermination.<sup>75</sup> Specifically, information on the record indicates that Worldwide’s door thresholds, as imported into the United States, consist of aluminum extrusions that also contain non-aluminum components such as synthetic plastic polymers such as polyvinyl chloride (PVC), polyethylene, polyurethane, polypropylene or thermoplastic elastomer, wood, and stainless steel.<sup>76</sup> We continue to find that the aluminum extrusion components of Worldwide’s door thresholds satisfy the scope description for covered aluminum extrusions, because they are an aluminum extrusion plate of an aluminum alloy corresponding to the Aluminum Association series 6XXX alloy.<sup>77</sup>

Furthermore, because the Court did not rule on Commerce’s determination in the Final Scope Ruling that Worldwide’s assembled door thresholds are subassemblies,<sup>78</sup> in these final results of redetermination we will continue to consider whether Worldwide’s door thresholds are included in the general scope language covering “aluminum extrusion components that are attached (*e.g.*, by welding or fasteners) to form subassemblies, *i.e.*, partially assembled merchandise.”<sup>79</sup> When applying the subassemblies provision and considering the applicability of the finished merchandise exclusion, we find it appropriate and necessary to analyze whether the door thresholds at issue are either: (1) aluminum extrusion components that are attached (with other aluminum extrusions and/or with non-aluminum extrusion components at the time of importation) to form subassemblies; or (2) “finished merchandise containing extrusions as parts that are fully and permanently assembled and completed at the time of entry,”<sup>80</sup> which does not constitute a subassembly. With respect to the first category, the aluminum extrusion components

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<sup>75</sup> See Final Scope Ruling at 38.

<sup>76</sup> See First Supplemental Response at 3.

<sup>77</sup> See Final Scope Ruling at 33.

<sup>78</sup> See *Remand Order* at 8.

<sup>79</sup> See *Orders*.

<sup>80</sup> *Id.*

of the subassembly are subject to the *Orders*; however, the non-aluminum extrusion components would not be subject to the *Orders*. With respect to the second category, the entire finished merchandise, including the aluminum extrusion components and non-aluminum extrusion components, would not be subject to the *Orders*.

Based on the description of Worldwide’s door thresholds discussed above, we find that the thresholds constitute aluminum extrusion components that are attached with non-aluminum extrusion components at the time of importation to form a subassembly, as described by the general scope language of the *Orders*. Specifically, the door thresholds constitute “partially assembled merchandise,” or an intermediate product, and therefore, they are not the fully and permanently assembled and completed final finished product, that would satisfy the finished merchandise exclusion. Worldwide stated that its door thresholds contain all the necessary components for installation within a door frame or residential or commercial building, and provided a report from a testing laboratory documenting how the door thresholds are mounted within door frames and permanent building structures.<sup>81</sup> This description indicates that Worldwide’s door thresholds do not function on their own, but rather are incorporated into a larger downstream product. Furthermore, because Commerce’s scope ruling on Worldwide’s door thresholds was issued in a joint scope ruling on similar door thresholds imported by MJB and Columbia Aluminum Products (Columbia), we find the product descriptions provided by MJB and Columbia are also instructive in our analysis of Worldwide’s door thresholds. MJB explained that each of the products subject to its scope request is designed for use in “single or double exterior doors.”<sup>82</sup> Columbia stated in its First Supplemental Response that the door

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<sup>81</sup> See First Supplemental Response at 3; and Final Scope Ruling at 11, 20.

<sup>82</sup> See Final Scope Ruling at 13.

thresholds at issue are designed to fit standard door sizes in the United States.<sup>83</sup> In other words, the door thresholds must work in tandem with other components to be functional.<sup>84</sup> Therefore, we find that MJB, Worldwide, and Columbia’s product descriptions are consistent in indicating that the door thresholds are not in and of themselves the final finished product, but rather a component of a larger downstream product. Accordingly, we continue to find that the door thresholds meet the scope description of a “subassembly.” A subassembly is merchandise which is designed for the sole purpose of becoming part of a larger whole. We find that the thresholds, or subassemblies, are intermediary products that require incorporation in a downstream product to function.<sup>85</sup>

We disagree with Worldwide’s argument that its door thresholds are subject to the finished merchandise exclusion because, according to Worldwide, they are “finished merchandise” that are “fully and permanently assembled and completed at the time of entry” and do not require “further finishing, fabrication or cutting, or repackaging after importation.”<sup>86</sup> On this point we find instructive the Federal Circuit’s *Shenyang Yuanda 2015* decision, noted above. In *Shenyang Yuanda*, the Federal Circuit affirmed Commerce’s finding that Shenyang Yuanda’s curtain wall units did not fall within the finished merchandise exclusion because the curtain wall units at issue were subassemblies meant to be fastened together to form a completed curtain wall.<sup>87</sup> This is also consistent with the analysis in the Meridian Door Handles Second Remand Redetermination, in which Commerce found that the Type B handles were “subassemblies” that were intended to “become part of a larger whole” and that therefore, they were not finished

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<sup>83</sup> *Id.* at 14.

<sup>84</sup> *Id.*

<sup>85</sup> See Scope Request, generally.

<sup>86</sup> See Worldwide’s Letter, “Response to Petitioner’s Comments on Scope Ruling Request for Worldwide Door Thresholds,” dated January 11, 2018 at 2 and Exhibit 1.

<sup>87</sup> See *Shenyang Yuanda 2015*, 776 F.3d at 1358.



merchandise containing extrusions.<sup>88</sup> Consistent with *Shenyang Yuanda 2015* and the analysis provided in the Meridian Door Handles Second Remand Redetermination, we find whether the door thresholds are inherently part of a larger whole is relevant in determining if the thresholds are either excluded finished goods or included subassemblies. In this case, we find that Worldwide’s door thresholds are akin to Shenyang Yuanda’s curtain wall units or the door handles at issue in Meridian, and are designed to be attached with other components after importation to produce the completed downstream product, just as curtain wall units or door handles were designed to be part of the final product, a curtain wall or kitchen appliance, respectively. Worldwide’s door thresholds are not themselves finished merchandise which perform a function independent of the larger downstream product.<sup>89</sup> Rather, in order to function, the door thresholds must be attached to other components after importation to become part of the downstream product. Therefore, Worldwide’s description of its door thresholds as “ready for use at the time of import” and requiring “no further processing or manufacturing” at the time of entry does not mean that such thresholds constitute finished merchandise under the exclusion.

As a result of extensive litigation, Commerce revised its interpretation of the scope of the *Orders* to bring it into compliance with the holdings of the Courts. In responding to the facts at issue in Worldwide, we have defined “finished merchandise” and “subassemblies” in this analysis consistent with the Courts’ holdings, including *Shenyang Yuanda 2015*. Moreover, the CIT affirmed Commerce’s Meridian Door Handles Second Remand Redetermination, in which Commerce explained that a product constituting a subassembly within the meaning of the general scope language (and not qualifying as a finished goods kit) cannot also be excluded from

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<sup>88</sup> See Meridian Door Handles Second Remand Redetermination at 31.

<sup>89</sup> See Final Scope Ruling at 11, 20.

the scope as finished merchandise.<sup>90</sup> We have also incorporated our analysis that a product that constitutes a subassembly (and is not a finished goods kit) cannot qualify for the finished merchandise exclusion into recent scope rulings.<sup>91</sup>

Lastly, we need not examine the finished goods kit exclusion, because information collected in this proceeding indicates that the door thresholds enter the United States fully assembled, rather than entering as a packaged combination of parts containing all parts necessary to fully assemble the final finished good.<sup>92</sup> Accordingly, Worldwide's door thresholds are not excluded from the scope by means of the finished goods kit exclusion.

Therefore, based on our finding that the door thresholds are "subassemblies," we find that they do not constitute "finished merchandise containing 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."<sup>93</sup> Consequently, we find that the extruded aluminum components of the door thresholds at issue are within the scope of the *Orders* while the non-aluminum components – including synthetic plastic polymers such as PVC, polyethylene, polyurethane, polypropylene or thermoplastic elastomer, wood, and stainless steel – that are assembled with the extruded aluminum parts of the door thresholds are "non-aluminum extrusion components of subassemblies" that are not subject to the scope of the *Orders*.

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<sup>90</sup> See *Meridian Door Handles Second Remand Redetermination; Meridian Products, LLC, v. United States*, No. 13-00246, 2020 WL 1672840 (CIT April 6, 2020) (We note that the Court did not reach the merits of Commerce's redetermination but sustained it because neither the plaintiff nor plaintiff-intervenor filed comments with Commerce or the CIT objecting to Commerce's remand redetermination.)

<sup>91</sup> See, e.g., Memoranda, "Antidumping and Countervailing Duty Orders on Aluminum Extrusions from the People's Republic of China: Final Scope Ruling on Schletter Grounding Clamps," dated August 10, 2020; and "Antidumping and Countervailing Duty Orders on Aluminum Extrusions from the People's Republic of China: Final Scope Ruling on CCM Solar Mounts," dated May 14, 2020.

<sup>92</sup> See First Supplemental Response at 3.

<sup>93</sup> See *Orders*.

## V. Interested Party Comments on Draft Results of Redetermination

### Comment 1: Whether the Federal Circuit's Decisions in *Whirlpool III* and *Meridian III* are Relevant to this Scope Ruling

#### *The Petitioner and Endura's Comments:*

- The petitioner and Endura agree that the Federal Circuit's decisions in *Meridian III* and *Whirlpool III* are instructive and support Commerce's original scope ruling that Worldwide's door thresholds are included within the scope of the *Orders*.<sup>94</sup>
- As Commerce reiterated in its Draft Results of Redetermination, the Federal Circuit confirmed that the general scope language covers assemblies containing extruded aluminum and non-aluminum components.<sup>95</sup>

#### **Commerce's Position:**

We agree with the petitioner and Endura that the Federal Circuit's decisions in *Meridian III* and *Whirlpool III* are relevant to Commerce's Final Scope Ruling on Worldwide's door thresholds. The *Meridian* and *Whirlpool* lines of cases and Worldwide's Final Scope Ruling undertake a similar inquiry on whether products assembled prior to importation and containing extruded aluminum and non-aluminum components are described in the general scope language of the *Orders*. Like Worldwide's door thresholds, the kitchen appliance door handles at issue in *Meridian* and *Whirlpool* were assemblies containing extruded aluminum and non-aluminum components.<sup>96</sup> Similar to the *Remand Order* on Worldwide's door thresholds, the Court's analysis in *Meridian I* and *Whirlpool I* focused on the general scope language describing "parts

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<sup>94</sup> See Petitioner and Endura Draft Redetermination Comments at 3.

<sup>95</sup> *Id.* at 3-4 (citing *Whirlpool III*, 890 F.3d at 1308-1309).

<sup>96</sup> See *Meridian I*, 125 F. Supp. 3d at 1309, 1312; *Whirlpool I*, 144 F. Supp. 3d at 1299, 1302.

for final finished products that are assembled after importation” and subject extrusions “identified with reference to their end use.”<sup>97</sup>

In *Meridian I*, the Court explained that the subject merchandise under the *Orders* is an aluminum extrusion, defined by the general scope language as “a shape or form produced by an extrusion process.”<sup>98</sup> The Court further explained that extrusions that are anodized or fabricated are subject extrusions that can be covered by the scope language providing that “{s} subject aluminum extrusions may be described at the time of importation as parts for final finished products that are assembled after importation” or extrusions “identified with reference to their end use.”<sup>99</sup> However, the CIT stated that “no scope language in the *Orders* is so open-ended as to sweep into the scope all assembled goods that contain one or more aluminum extrusions as parts,” and further concluded that the assembled door handles did not fit the general scope description of an extrusion.<sup>100</sup>

Specifically, the Court in *Meridian I* explained that the assembled handles were not included in the scope as “{s} subject aluminum extrusions {that} may be described at the time of importation as parts for final finished products that are assembled after importation,” because:

{that} sentence is addressing an “extrusion,” *i.e.*, a shape or form produced by an extrusion process, not a good which, when imported, is an assembled good containing an extrusion. As the scope language states in the following sentence, “{s}uch parts that otherwise meet the definition of aluminum extrusions are included in the scope.”<sup>101</sup>

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<sup>97</sup> See *Meridian I*, 125 F. Supp. 3d at 1312-1313; *Whirlpool I*, 144 F. Supp. 3d at 1300-1302. Although the Court recognized that assemblies comprised of aluminum extrusions and non-aluminum components could be covered by the “subassemblies” provision of the general scope language, Commerce’s did not rely on that provision in its scope rulings on the kitchen appliance door handles. See *Meridian I*, 125 F. Supp. 3d at 1313; *Whirlpool I*, 144 F. Supp. 3d at 1302-1303. The Court therefore stated that it did not make a ruling on whether the door handles would fall within the scope of the *Orders* under the “subassemblies” provision. See *Meridian II*, 180 F. Supp. 3d at 1290-1291; *Whirlpool II*, 182 F. Supp. 3d at 1314.

<sup>98</sup> See *Meridian I*, 125 F. Supp. 3d at 1312.

<sup>99</sup> *Id.* at 1310, 1312-1313.

<sup>100</sup> *Id.* at 1312.

<sup>101</sup> *Id.* at 1312-1313.

The Court similarly found that Commerce erred in finding that the assembled door handles were covered by the general scope language as extrusions identified by their end use.<sup>102</sup> According to the Court, the assembled door handle at issue was “not an extrusion but rather ... an assembly containing an extrusion ... According to the general scope language, an ‘extrusion’ is a shape or a form produced by an extrusion process, not by an assembly process performed upon an extrusion and other components.”<sup>103</sup>

In *Whirlpool I*, the Court similarly stated that the scope language covers aluminum extrusions that undergo certain post-extrusion processes, including drawing, fabricating, and finishing.<sup>104</sup> However, the Court explained that because the general scope language does not describe “assembly” as a type of post-extrusion process, “{i}t is not reasonable to interpret the scope language to place within the *Orders*, as a general matter, *any* assembled good containing an aluminum extrusion, as defined therein.”<sup>105</sup> The Court held that although the extruded-aluminum component of the door threshold was produced by an extrusion process, “{t}he handles at issue are not themselves ‘extrusions’ but rather are assemblies, each of which contains an extrusion, machined and surface-treated, as the principal component.”<sup>106</sup> The Court further held that “it is not consistent with the record facts to conclude that the assembled article is ‘produced by an extrusion process’ when only one component of the assembly was extruded and the good, in the form in which it is imported, is the result of an assembly, not an extrusion, process.”<sup>107</sup>

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<sup>102</sup> *Id.* at 1313.

<sup>103</sup> *Id.*

<sup>104</sup> *See Whirlpool I*, 144 F. Supp. 3d at 1300.

<sup>105</sup> *Id.* at 1302.

<sup>106</sup> *Id.* at 1301-1302.

<sup>107</sup> *Id.* at 1302.

The Court in *Whirlpool I* also stated that the general scope language covering “parts for final finished products that are assembled after importation” or subject extrusions “identified with reference to their end use” “does not expand the scope beyond ‘extrusions’ as defined elsewhere in the general scope language, as is made clear by the following sentence: ‘Such parts that *otherwise meet the definition of aluminum extrusions* are included in the scope.’”<sup>108</sup>

Accordingly, the Court reasoned that aluminum extrusions that underwent the post-extrusion processes described in the *Orders* – *i.e.*, drawing, fabricating, or finishing – are covered by the general scope language as “parts for final finished products that are assembled after importation” or subject extrusions “identified with reference to their end use.”<sup>109</sup> However, according to the Court, products that are assembled prior to importation and that contain an aluminum extrusion and non-aluminum components are not covered by the general scope language.<sup>110</sup>

In *Whirlpool III* and *Meridian III*, the Federal Circuit ruled against the CIT’s interpretation that the general scope language cannot include assemblies of extruded aluminum and non-aluminum components. In *Whirlpool III*, the Federal Circuit held:

Although the CIT properly recognized that “the general scope language provides that {an aluminum extrusion} remains in the scope even though it has been subjected to one of three specified types of post-extrusion processes,” the CIT erred when it stated that assembly processes were absent from the specified post-extrusion processes ... The general scope language unambiguously includes aluminum extrusions that are part of an assembly.<sup>111</sup>

The Federal Circuit further explained that “{t}he *Orders* explicitly include aluminum extrusions {described as parts for final finished products} ‘that are assembled after importation’ in addition to ‘aluminum extrusion components that are attached (*e.g.*, by welding or fasteners) to form

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<sup>108</sup> *Id.*

<sup>109</sup> *Id.* at 1300-1301.

<sup>110</sup> *Id.* at 1302.

<sup>111</sup> *See Whirlpool III*, 890 F.3d at 1309.

subassemblies.”<sup>112</sup> The Federal Circuit furthermore agreed with the interpretation – advanced by the petitioner – that “the scope expressly includes aluminum extrusions, whether further fabricated or not ... as well as aluminum extrusions which are identified by reference to their end use (such as kitchen appliance handles)...”<sup>113</sup> The Federal Circuit in *Meridian III*, in evaluating a similar product, also held that the CIT “improperly narrowed the scope of the antidumping duty order by finding that {door handles comprised of extruded aluminum and non-aluminum parts} are ‘assemblies’ that are not covered by the general scope description.”<sup>114</sup>

In considering whether Worldwide’s door thresholds are “parts for final finished products” or subject extrusions “identified with reference to their end use,” the Court’s *Remand Order* interprets the general scope language in a manner similar to the Court’s analysis in *Whirlpool I* and *Meridian I*. Specifically, in the *Remand Order*, the Court referenced the scope language providing that subject extrusions may go through post-extrusion processes such as drawing, finishing, and fabricating.<sup>115</sup> The Court explained that although the scope “lists as exemplars various types of fabrication and similar processing that an extrusion may undergo prior to importation and still be an aluminum ‘extrusion’ for purposes of the *Orders* ... {t}he description of such processing does not include assembly.”<sup>116</sup> Accordingly, the Court stated that Commerce erred in finding that the aluminum extrusion components of Worldwide’s door thresholds fell under the scope provision providing that “{s}ubject aluminum extrusions may be described at the time of importation as parts for final finished products that are assembled after

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<sup>112</sup> *Id.*

<sup>113</sup> *Id.* at 1308.

<sup>114</sup> *See Meridian III*, 890 F.3d at 1281.

<sup>115</sup> *See Remand Order* at 6.

<sup>116</sup> *Id.* at 7, n.3.

importation,” because “Commerce failed to recognize that the subject of the ... sentence ... is ‘{s}subject *aluminum extrusions*.’”<sup>117</sup> The Court further explained:

The sentence refers to the way that goods may be described “at the time of importation,” but according to the uncontested facts, Worldwide’s door thresholds are not “aluminum extrusions” at the time of importation; rather, they are door thresholds that contain an aluminum extrusion as a component in an assembly. The aluminum extrusion component in each, which is not itself the imported article, becomes part of an assembly before, not after, importation. The effect of the quoted sentence is that an extrusion that has undergone any of various types of processing (but not assembly) after being extruded but prior to importation, to adapt it to a particular use as a part for a final finished product that is assembled after importation, still is an “extrusion” for purposes of the scope and remains within the general scope language, no matter how it is described upon importation.<sup>118</sup>

In the *Remand Order*, the Court also held that Commerce erred in concluding that Worldwide’s door thresholds are covered by the general scope language providing that “subject extrusions may be identified with reference to their end use.”<sup>119</sup> Specifically, the Court explained that Commerce misinterpreted the scope language, because:

{T}he subject of the ... sentence quoted from the *Orders* ... is “{s}subject *extrusions*” ... Worldwide’s door thresholds are not “extrusions”: they are not, in the words of the scope language, “aluminum extrusions which are shapes and forms, produced by an extrusion process,” and they do not, therefore, “otherwise meet the scope definition.”<sup>120</sup>

Rather, according to the Court, Worldwide’s door thresholds, “are goods assembled from multiple components, only one of which has been fabricated from an aluminum extrusion.”<sup>121</sup>

Because the Federal Circuit ruled in *Meridian III* and *Whirlpool III* that the general scope language includes assemblies comprised of extruded aluminum and non-aluminum components, we continue to find that the Federal Circuit’s decisions in those cases are instructive

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<sup>117</sup> *Id.* at 6-7.

<sup>118</sup> *Id.* at 7.

<sup>119</sup> *Id.* at 8.

<sup>120</sup> *Id.* at 8-9.

<sup>121</sup> *Id.* at 9.



and support Commerce’s Final Scope Ruling that Worldwide’s assembled door thresholds are included within the *Orders* under the general scope language describing “parts for final finished products” and subject extrusions “identified with reference to their end use.”

**Comment 2: Whether Commerce’s Determination that Worldwide’s Door Thresholds are Included in the *Orders* under the “Subassemblies” Provision Rather than Excluded as Finished Merchandise is Supported by Substantial Evidence**

*The Petitioner and Endura’s Comments:*

- The petitioner and Endura agree with Commerce’s conclusion that, even considering the finished merchandise exclusion, Worldwide’s door thresholds meet the scope description of a subassembly and are not excludable as finished merchandise.<sup>122</sup>
- In addition to the evidence Commerce cited in its Draft Results of Redetermination, other information on the record supports the conclusion that Worldwide’s door thresholds are not the fully and permanently assembled and completed final finished product that would satisfy the finished merchandise exclusion, but rather are intermediary products designed to be attached with other components after importation to produce the completed downstream product.<sup>123</sup>
- In the underlying scope proceeding, the petitioner and Endura submitted information demonstrating that the industry considers the complete door unit (including the threshold, remaining three door frame parts, door panel, door glass, hinges, weather sealing and other hardware products) to be the finished product, not the threshold.<sup>124</sup>

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<sup>122</sup> See Petitioner and Endura Draft Redetermination Comments at 4.

<sup>123</sup> *Id.*

<sup>124</sup> *Id.* at 4-5 (citing Wiley Rein LLP’s Letter, “Aluminum Extrusions from the People’s Republic of China: Comments on Worldwide’s Scope Ruling Request,” dated November 20, 2017 (Petitioner and Endura November 20, 2017 Letter) at 6, 24, Exhibit 1 (November 17, 2017 Declaration of Bruce Procton) and Exhibit 3 (Declaration of Larry Sanford); see also Wiley Rein LLP’s Letter, “Aluminum Extrusions from the People’s Republic of China: Submission of Exhibits,” dated September 4, 2018 (Petitioner and Endura September 4, 2018 Letter) at Exhibit 2 (Declaration of Tim Foster).

- The petitioner and Endura also submitted information in the underlying scope proceeding demonstrating that door thresholds are highly customizable and generally require further finishing and fabrication before assembly into a finished door unit. Although door thresholds are available in standard lengths, they are generally manufactured to a longer length that is cut or machined according to order-specific requirements.<sup>125</sup>
- Because of the need to customize door thresholds to meet the requirements of a specific door assembly, it would not make economic sense to finish customization of a threshold prior to importation, and it is likely that imported door thresholds are further cut to size at the importers' domestic facilities or at pre-hangers' facilities. The overwhelming number of thresholds sold in the United States are sold to pre-hangers, who obtain all the necessary components and assemble the entire finished door unit, which is sold to builders or contractors, who then install the finished door unit into a building. These components include the door threshold, the remaining door frame, parts or door jambs, door panel, door glass, hinges, weathersealing, and other hardware products.<sup>126</sup>
- As Commerce reiterated in its Draft Results of Redetermination, Worldwide Door stated that its door thresholds contain all the necessary components for installation within a door frame or residential or commercial building, and provided a report from a testing laboratory documenting how the thresholds are mounted within door frames and permanent building structures, which indicates that the door thresholds do not function on their own, but rather are incorporated into a larger downstream product.<sup>127</sup>

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<sup>125</sup> *Id.* at 5 (citing Petitioner and Endura November 20, 2017 Letter at 25; November 10, 2017 Declaration of Bruce Procton).

<sup>126</sup> *Id.* at 5-6 (citing Petitioner and Endura November 20, 2017 Letter at 6, 26-27; November 10, 2017 Declaration of Bruce Procton; Declaration of Larry Sanford; and Declaration of Tim Foster).

<sup>127</sup> *Id.* at 6 (citing Draft Results of Redetermination at 23; Final Scope Ruling at 11).

- Petitioner and Endura also provided a declaration from the Director of Millwork Purchasing at BMC indicating that when pre-hung doors it assemblies are tested for compliance with building codes, the finished product tested is the entire door unit and not the individual components, including door thresholds.<sup>128</sup>
- Pre-hangers often further customize the door after collecting all the necessary parts for assembling the finished door unit, resulting in additional finishing and fabrication of the door parts. The only thresholds that are sold separately are “replacement” parts – *e.g.*, if a threshold is damaged or for a remodel – and even those thresholds sold as replacement parts also generally must be cut to size to match the door assembly in which they will be installed.<sup>129</sup>

**Commerce’s Position:**

We agree with the petitioner and Endura that Worldwide’s door thresholds are covered by the “subassemblies” provision of the general scope language and do not satisfy the criteria of the finished merchandise exclusion. Based on the description of Worldwide’s door thresholds discussed above, we continue to find that the thresholds constitute aluminum extrusion components that are attached with non-aluminum extrusion components at the time of importation to form a subassembly, as described by the general scope language of the *Orders*. As explained above, Worldwide stated that its door thresholds contain all the necessary components for installation within a door frame or residential or commercial building, and provided a report from a testing laboratory documenting how the door thresholds are mounted

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<sup>128</sup> *Id.* (citing Declaration of Tim Foster).

<sup>129</sup> *Id.* at 6-7 (citing Petitioner and Endura November 20, 2017 Letter at 23-26; November 10, 2017 Declaration of Bruce Procton; Declaration of Larry Sanford; Wiley Rein LLP’s Letter, “Aluminum Extrusions from the People’s Republic of China: Response to Worldwide’s Comments,” dated January 19, 2018 (Petitioner and Endura January 19, 2018 Letter) at Exhibit 3 (January 18, 2018 Declaration of Bruce Procton); and Declaration of Tim Foster).

within door frames and permanent building structures.<sup>130</sup> This description indicates that Worldwide’s door thresholds do not function on their own, but rather are incorporated into a larger downstream product. As such, the door thresholds constitute “partially assembled merchandise,” or an intermediate product, and therefore they are not the fully and permanently assembled and completed final finished product that would satisfy the finished merchandise exclusion.

The record evidence cited by the petitioner and Endura further supports our conclusion that Worldwide’s door thresholds function as subassemblies that are part of a larger downstream product and, thus, are not excludable as finished merchandise.<sup>131</sup> The record evidence submitted by the petitioner and Endura indicates that door “pre-hangers” obtain all of the components necessary to assemble an entire door unit that is subsequently installed in a building.<sup>132</sup> Beyond the door threshold, a completed door unit requires additional parts, such as door jambs, a door panel, glass, hinges, weatherstripping, and other hardware parts.<sup>133</sup> Moreover, the record evidence submitted by the petitioner and Endura indicates that the completed door unit is highly customizable, and may require additional cutting and machining of the door threshold.<sup>134</sup> Door pre-hangers may further customize door thresholds, along with other door unit components, before final assembly of the door unit.<sup>135</sup> Although door thresholds are available in a variety of standard lengths, they are generally manufactured to a longer length that is cut or machined to

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<sup>130</sup> See First Supplemental Response at 3; and Final Scope Ruling at 11, 20.

<sup>131</sup> See November 17, 2017 Declaration of Bruce Procton; *see also* Declaration of Tim Foster; and Declaration of Larry Sanford.

<sup>132</sup> See November 17, 2017 Declaration of Bruce Procton; *see also* Declaration of Tim Foster; and Declaration of Larry Sanford.

<sup>133</sup> See November 17, 2017 Declaration of Bruce Procton; *see also* Declaration of Tim Foster.

<sup>134</sup> See November 17, 2017 Declaration of Bruce Procton; *see also* Declaration of Tim Foster; Declaration of Larry Sanford; and January 18, 2018 Declaration of Bruce Procton.

<sup>135</sup> See November 17, 2017 Declaration of Bruce Procton; *see also* Declaration of Tim Foster.

meet the requirements of a specific order.<sup>136</sup> The evidence submitted by the petitioner and Endura also indicates that in the remodeling market segment for door thresholds, thresholds can be sold as parts of pre-hung door units or as replacement parts for finished door assemblies.<sup>137</sup> Thresholds sold by retailers in the remodeling segment often require further cutting and sizing to meet the specific requirements of the door assembly into which the thresholds are incorporated.<sup>138</sup> Thus, we find that the information submitted by the petitioner and Endura is consistent with and supports our determination that Worldwide's door thresholds are not, in and of themselves, final finished products, but are, rather, an intermediate product that is meant to be incorporated into a larger downstream product, which is the finished merchandise.

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<sup>136</sup> See November 17, 2017 Declaration of Bruce Procton.

<sup>137</sup> See Petitioner and Endura November, 20, 2017 Letter at 6; *see also* November 17, 2017 Declaration of Bruce Procton; and Declaration of Larry Sanford.

<sup>138</sup> See Declaration of Larry Sanford.

## VI. Final Results of Redetermination

In these final results of redetermination, we continue to find that the extruded aluminum components of Worldwide's door thresholds are within the scope of the *Orders* and the non-extruded aluminum components are outside the scope of the *Orders*. Additionally, we continue to find that Worldwide's door thresholds do not qualify for the finished merchandise exclusion.

Dated: December 23, 2020

12/23/2020

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Signed by: JEFFREY KESSLER  
Jeffrey I. Kessler  
Assistant Secretary  
for Enforcement and Compliance