

MEMORANDUM TO: Ronald K. Lorentzen
Deputy Assistant Secretary
for Import Administration

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

SUBJECT: Issues and Decision Memorandum for the Final Determination in
the Less-Than-Fair-Value Investigation of Aluminum Extrusions
from the People's Republic of China

SUMMARY:

We have analyzed the case and rebuttal briefs submitted by the interested parties in the antidumping duty investigation of Aluminum Extrusions from the People's Republic of China. As a result of our analysis, we have determined to apply total facts available with adverse inferences to the respondent.¹ We recommend that you approve the positions described in the "Discussion of the Issues" section of this memorandum. Below is the complete list of the issues for which we received comments and rebuttal comments from the parties. Included at the end of this memorandum is an Appendix containing a complete list of the Federal Register Notices, litigation, and other documents cited in the discussion of the issues.

I. General Issues

Comment 1: Labor Wage Rate

- A. Whether the Department Should Calculate the Surrogate Value for Labor Using Multiple Surrogate Countries or a Single Country, India
- B. If The Department Continues to Rely on a Basket of Countries, Whether that Data Should Be Limited to 2006 Data Onward and Should Exclude Ecuador
- C. Whether the Department's Wage Rate Calculation as to the Ukraine is in Error.

¹ Guang Ya Aluminium Industries Co., Ltd. ("Guang Ya"), Foshan Guangcheng Aluminium Co., Ltd. ("Guangcheng"), Kong Ah International Co., Ltd. ("Kong Ah"), and Guang Ya Aluminium Industries (Hong Kong) Ltd. ("Guang Ya HK") (collectively the "Guang Ya Group"); Zhaoqing New Zhongya Aluminum Co., Ltd. ("ZNZ"), Zhongya Shaped Aluminium (HK) Holding Limited ("Shaped Aluminum") and Karlton Aluminum Company Ltd. ("Karlton") (collectively "New Zhongya"); and Xinya Aluminum & Stainless Steel Product Co., Ltd. ("Xinya") (all parties, collectively "the Guang Ya Group/New Zhongya/Xinya").

- D. Whether To Use 2009 GNI Data Because it is Contemporaneous With the POI.
- E. Whether To Revise the Department’s “Bookend” Countries Using Absolute Differences in GNI Data.
- F. Whether to use the 2008 wage data for the Philippines rather than the 2003 data.

Comment 2: Double Remedies

Comment 3: Scope of the Antidumping and Countervailing Duty Investigations

- A. Petitioners’ Proposed Changes to the Scope
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- C. Certain Special High Purity/High Accuracy OPC Tubes
- D. Shower Doors
- E. Finish Types
- F. Wall Thicknesses of Various Sizes
- G. Heat Sinks
- H. Baluster Kits
- I. Grading Rings
- J. Aluminum Tubes and Fin Evaporator Coils

Comment 4: Affiliation and Collapsing

Comment 5: Application of Total AFA

Comment 6: Whether to Recalculate Billet Consumption Using Partial AFA or Neutral Facts Available

Comment 7: Whether to Apply Partial AFA to New Zhongya’s Constructed Export Price Sales

II. Other Issues

Because the issues identified below have been rendered moot by the Department’s Application of Total AFA to the Guang Ya Group/New Zhongya/Xinya Single Entity, we have not responded to these comments for the final determination.

A. General Issues

- Targeted Dumping
- Financial Ratios
- Surrogate Value for Aluminum Ingots
- Surrogate Value for Coating Powders
- Surrogate Value for Paints
- Surrogate Values for New Factors of Production: Aluminum Billets, Sodium Carbonate, Hydrochloric Acid, and Paints
- Surrogate Values for Movement Expenses: Foreign Inland Freight, Barge Freight, Foreign Brokerage and Handling, Ocean Freight, U.S. Brokerage and Handling, and U.S. Inland Freight

B. The Guang Ya Group Issues

- Whether to Apply Partial AFA to Channel One Sales
- Whether to Recalculate Credit Expenses Using Partial AFA

- Whether to Include Bad Debt in Indirect Selling Expenses
- Treatment of Sample Sales
- Whether to Deduct Discounts from U.S. Price
- Whether to Use AFA to Value Alkali Etching
- Surrogate Value for Steel Shelves

C. New Zhongya Issues

- Whether to Use New Zhongya’s Market Economy price for aluminum ingots
- Whether to Recalculate Surrogate Value for Sodium Hydroxide and Ammonium Bifluoride
- Whether to Use AFA to Value Aluminum Sealant, Chromaking Agent, Long Life Additive for Alkaline Etching, Deslagging Agent and Refining Agent
- Wood Packing Materials
- Whether to Value Movement Expenses Using Surrogate Values
- Whether to Deduct the Difference Between Freight Costs and Freight Revenue
- Whether to Treat Scrap Aluminum Ingot as a Direct Material Rather Than a Scrap Offset
- How to Account for the Full Weight of All Packaging Materials
- Whether to Value Wood Packing Materials Using AFA

List Of Abbreviations And Acronyms Used In This Memorandum:

<i>List Of Abbreviations And Acronyms Used In This Memorandum</i>	
<i>All cites in this table are listed alphabetically by short cite</i>	
<i>Short Cite</i>	<i>Full Cite</i>
Aavid	Aavid Thermalloy, LLC
Act	Tariff Act of 1930, as amended
AD	Antidumping
AFA	Adverse Facts Available
Agarvanshi	Agarvanshi Aluminum Ltd.
Agricultural Policies (1985)	Alex F. McCall and Timothy E. Jostling, <i>Agricultural Policies and World Markets</i> , MacMillan Pub. Co., 1985
Alumeco	Alumeco India Extrusion Limited
Alumizona	Alumizona, Inc.
Bhoruka	Bhoruka Aluminum Ltd.
Brazeway	Brazeway Inc.
Century	Century Extrusions Limited
CIT	Court of International Trade
CPI	Consumer Price Index
CVD	Countervailing Duty
Eagle Metals	Eagle Metals, Inc. and Eagle Metals Distributors, Inc. (collectively, “Eagle Metals”)
EPCG	Export Promotion Capital Goods
FEC	Fin Evaporator Coils
Floturn	Floturn, Inc.
FOP(s)	Factor(s) of Production

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G&A	General and Administrative Expenses
Gal Aluminum	Gal Aluminum Extrusion Private Limited
GAO	Government Accountability Office
GAO Report	United States Government Accountability Office, Challenges and Choices to Apply Countervailing Duties to China, GAO-06-608T (April 2006)
GATT	General Agreement on Tariffs and Trade
GNI	Gross National Income
GOC	Government of China
Guang Ya	Guang Ya Aluminium Industries Co., Ltd.
Gujarat	Gujarat Aluminum Extrusions Private Limited
HPS	Hubbell Power Systems
HTS	Harmonized Tariff Schedule
IBC	International Building Code
ILO	International Labor Organization
IMF	International Monetary Fund
Indo Alusys	Indo Alusys Industries Ltd.
Initiation Checklist	Antidumping Investigation Initiation Checklist: Aluminum Extrusions from the People's Republic of China, dated April 20, 2010.
ISIC	International Standard Industrial Classification of all Economic Activities code
ITC	International Trade Commission
Karlton	Karlton Aluminum Company Ltd.
KD	Knock Down Unit
KMB	KMB Metals LLC
LTFV	Less Than Fair Value
Maine Ornamental	Maine Ornamental, LLC
ME	Market Economy
ML&E	Materials, Labor and Energy
MOH	Manufacturing Overhead
New Asia	Xinya is also known by the English translation of its name, New Asia Aluminum & Stainless Steel Products Co., Ltd. (“New Asia”).
New Zhongya	Zhaoqing New Zhongya Aluminum Co., Ltd. (“ZNZ”), Zhongya Shaped Aluminium (HK) Holding Limited (“Shaped Aluminum”) and Karlton Aluminum Company Ltd. (“Karlton”) (collectively “New Zhongya”)
NME	Non Market Economy
NV	Normal Value
OPC	Organic Photoreceptor/Photoconductor
Petitioners	Aerolite Extrusion Company, Alexandria Extrusion Company, Benada Aluminum of Florida, Inc., William L. Bonnell Company, Inc, Frontier Aluminum Corporation, Futura Industries Corporation, Hydro Aluminum North America, Inc., Kaiser Aluminum Corporation, Profile Extrusion

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	Company, Sapa Extrusions, Inc and Western Extrusions Corporation and the United Steel, Paper and Forestry, Rubber Manufacturing, Energy, Allied Industrial and Service Workers International Union (“United Steelworkers” or “USW”) (collectively, “Petitioners”)
POI	Period of Investigation
PRC	People’s Republic of China
SAA (1979)	Trade Agreements Act of 1979, Report of the Committee on Finance United States Senate on H.R. 4537, July 17, 1979, 96 th Cong., 1st Sess. Rep. No. 96-249; Trade Agreements Act of 1979, Statement of Administrative Action, H. Doc. No. 96-153, Part II (1979), at 412.
SDMA	Shower Door, Tub and Shower Enclosures Manufacturers Alliance
SG&A	Selling, General and Administrative Expenses
Sudal	Sudal Industries Ltd.
Valco	Valco Industries Ltd.
WTO Report (2006)	World Trade Organization, <i>World Trade Report 2006</i>
Xinya	Xinya Aluminum & Stainless Steel Product Co., Ltd. (Xinya is also known by the English translation of its name, New Asia Aluminum & Stainless Steel Products Co., Ltd. (“New Asia”).
Xinya Holdings	Xinya Holdings Inc.

BACKGROUND

On November 12, 2010, the Department of Commerce published in the *Federal Register* its *Preliminary Determination* in the antidumping duty investigation of aluminum extrusions from the PRC.² On January 4, 2011, the Department published its *Amended Preliminary Determination* in the *Federal Register*.³ On December 22, 2010, New Zhongya and The Aluminum Extrusions Fair Trade Committee,⁴ and the United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied Industrial and Service Workers International Union (collectively, “Petitioners”) submitted to the Department information on the appropriate surrogate values to use as a means of valuing factors of production. Multiple parties submitted scope case briefs on January 20, 2011, and scope rebuttal briefs on January 25, 2011. On February 9, 2011, Guang Ya Group, GOC, Petitioners, and New Zhongya submitted case briefs to the Department. On February 14, 2011, the Guang Ya Group, New Zhongya, and Petitioners submitted rebuttal briefs. On February 23, 2011, the Department released a letter arranging for hearings. On

² See *Aluminum Extrusions/PRC AD Prelim* (11/12/2010).

³ See *Aluminum Extrusions/PRC AD Amended Prelim* (1/4/2011).

⁴ The Aluminum Extrusions fair Trade Committee is comprised of Aerolite Extrusion Company, Alexandria Extrusion Company, Benada Aluminum of Florida, Inc., William L. Bonnell Company, Inc., Frontier Aluminum Corporation, Futura Industries Corporation, Hydro Aluminum North America, Inc., Kaiser Aluminum Corporation, Profile Extrusions Company, Sapa Extrusions, Inc., and Western Extrusions Corporation.

March 2, 2011, the Department held a public scope hearing for the antidumping duty and countervailing duty investigations and a hearing consisting of both an open and a closed session for the antidumping duty investigation. The merchandise covered by this investigation order is aluminum extrusions, as described in the “Scope of the Investigation” section of the final determination issued concurrently with this memorandum. The POI is July 1, 2009 through December 31, 2009.

DISCUSSION OF THE ISSUES:

I. General Issues

Comment 1: Labor Wage Rate

A. Whether the Department Should Calculate the Surrogate Value for Labor Using Multiple Surrogate Countries or a Single Country, India

- New Zhongya argues that the Department should include the Indian wage rate data in its surrogate value calculation for labor as the Department stated it would in the *Aluminum Extrusions/PRC AD Prelim* (11/12/2010). Specifically, New Zhongya argues that the Department should use only the hourly wage rate for India from the ILO. According to New Zhongya, doing so would be in line with the Department’s practice for valuing non-labor FOPs. In support, New Zhongya cites *TRBs/PRC AD Final* (01/06/2010). New Zhongya adds that using data from outside the primary surrogate country will cause a mismatch between labor consumption and the primary surrogate country wages. In support, New Zhongya cites *Wooden Bedroom Furniture/PRC AD Final* (08/18/2010).
- The Guang Ya Group also argues that India’s hourly wage rate should be used exclusively. According to the Guang Ya Group, the Department’s wage rate calculation is inconsistent with *Dorbest* (Fed. Cir. 2010) as:
 - the Department’s calculation does not utilize the best available information where the Department has only determined that India, and no other country, was a reliable source for surrogate values (*i.e.*, for non-labor FOPs); and
 - the Department has only determined that India, and no other country, is a significant producer of subject merchandise.
- Petitioner argues that the Department did not use the India wage rate data in the *Preliminary Determination* as India did not report wage data under ILO Sub-Classification 28 “Manufacture of fabricated metal products except machinery and equipment,” of the ISIC-Revision 3. Accordingly, Petitioner argues that the Department should continue to not use the Indian wage rate data.

Department’s Position: We agree with Petitioner that it is not appropriate to use the India wage rate data in the final wage rate calculation in this case. In our *Aluminum Extrusions/PRC AD Amended Prelim* (01/12/2010), we explained that, in reviewing the AD margin calculations, the Department had identified an error in the calculation of the surrogate value for labor. As explained in the *Ministerial Error Memorandum* (12/21/2010), in the *Aluminum Extrusions/PRC AD Prelim* (11/12/2010), the Department erred by using an incorrect data set for the labor rate

calculation. In correcting this error, and as noted by Petitioner, we determined that India did not report wage rate data under ILO in the two-digit description under Sub-Classification 28 “Manufacture of fabricated metal products, except machinery and equipment,” of the ISIC-Revision 3. Accordingly, we excluded India from our wage rate calculation as we determined that the two-digit description under Sub-Classification 28 is the best available wage rate surrogate value on the record because it is specific and derived from industries that produce merchandise comparable to the merchandise under review.

We also disagree with New Zhongya and the Guang Ya Group’s argument that, to be consistent with *Dorbest* (CAFC 2009) and the Department’s valuation of other FOPs, the Department should use only the Indian wage data. First, with respect to New Zhongya’s argument that labor should be valued in the same manner as a non-labor FOP, *i.e.* sourced from a single country, we have since *Dorbest* (Fed. Cir. 2010) consistently stated that while information from a single surrogate country can reliably be used to value non-labor FOPs, wage data from a single surrogate country does not constitute the best available information for purposes of valuing the labor input due to the variability that exists across wages from countries with similar GNIs.⁵ Thus, although there is a strong worldwide relationship between wage rates and GNI, too much variation exists among the wage rates of comparable MEs.⁶ As a result, we find reliance on wage data from a single country is not preferable where data from multiple countries are available for the Department to use. New Zhongya’s reliance on TRBs/PRC AD Final (01/06/2010)⁷ is misplaced, as there we addressed our preference for valuing non-labor FOPs from a single country. (Emphasis added.) We did not address labor wages in that discussion.

With respect to New Zhongya’s citation to the labor arguments made by the respondent in WBF/PRC (08/16/2010),⁸ we note that for the same reasons stated supra, we did not agree with the arguments presented in that case, and so articulated in this investigation. *See* WBF/PRC (08/16/2010) at Comment 34. Accordingly, we determine that New Zhongya’s reference to WBF/PRC (08/16/2010) does not support New Zhongya’s argument. As we stated in that case, and above, wage data from a single surrogate country does not constitute the best available information for purposes of valuing the labor input due to the variability that exists across wages from countries with similar GNI. While there is a strong worldwide relationship between wage rates and GNI, too much variation exists among the wage rates of comparable MEs. There are many socio-economic, political and institutional factors, such as labor laws and policies unrelated to the size or strength of an economy, that cause significant variances in wage levels between countries. For this reason, and because labor is not traded internationally, the cross-country variability in labor rates, as a general rule, does not characterize other production inputs or impact other factor prices. As a result, we find reliance on wage data from a single country to be unreliable and arbitrary.

⁵ *See, e.g.*, Magnesium Metal/PRC AD Final (10/25/2010) and Pure Magnesium/PRC (12/23/2010).

⁶ *See, e.g.*, International Labor Organization, *Global Wage Report: 2009 Update*, (2009) at 5, 7, 10. http://www.ilo.org/wcmsp5/groups/public/---dgreports/---comm/documents/publication/wcms_116500.pdf.

⁷ New Zhongya cites, *TRBs/PRC Extension of Final Results AD Final* (12/08/2009), which was simply notification of a deadline extension, however, its argument appears to reflect an issue addressed in *TRBs/PRC AD Final* (01/06/2010) at Comment 2.

⁸ *See* New Zhongya’s Rebuttal at footnote 75.

With respect to the Guang Ya Group's argument that the Department's wage rate calculation is inconsistent with *Dorbest* (CAFC 2010), we note that in *Dorbest* (CAFC 2010) and more recently in *Dorbest* (CIT 2011), the Courts have not taken issue with our "five-step methodology" as outlined in the FOP Memorandum (10/27/2010). Accordingly, we disagree that only India has been determined to be a reliable source for surrogate values as well as a significant producer of subject merchandise. Our Preliminary FOP Memorandum explains that countries other than India are also suitable sources of surrogate values (*i.e.*, with GNIs comparable to the PRC's) and significant producers of subject merchandise (*i.e.*, based on GTA export data). Neither aspect of this methodology has been questioned by the *Dorbest* (CAFC 2010) or *Dorbest* (CIT 2011) Courts.

B. If The Department Continues to Rely on a Basket of Countries, Whether that Data Should Be Limited to 2006 Data Onward and Should Exclude Ecuador

- New Zhongya argues that, should the Department continue to use multiple surrogate countries to value labor, the Department should limit the data from 2006 onward as pre-2006 data is not contemporaneous with the POI. As a result, New Zhongya notes that only the labor data from 2006 onward, *i.e.* of Egypt, India, Indonesia, Peru, and the Ukraine, should be used.
- New Zhongya argues data from Ecuador should not be used because, although Ecuador uses USD currency, it experiences different rates of inflation than does the United States. New Zhongya adds that Ecuador's wage rate is not comparable to other wage rates used by the Department.

Department's Position: We disagree with New Zhongya's argument that the Department should only use wage data from 2006 onward due to the pre-2006 wage not being contemporaneous with the POI. By using a five-year base period, the Department is able to utilize the maximum amount of usable data from countries that are significant producers of comparable merchandise including those countries that choose not to report their data on an annual basis. Accordingly, the Department continues to determine that it is appropriate to review ILO data up to five years prior to the most recent year of available data and adjust the selected data using the appropriate CPI.⁹

We disagree with New Zhongya and determine to continue using Ecuador's wage data. First, New Zhongya has not provided evidence demonstrating that its claims regarding Ecuador are accurate or that they are relevant to the labor rate calculation.

C. Whether the Department's Wage Rate Calculation as to the Ukraine is in Error.

- Petitioner argues that the Department's calculated hourly wage rate, with respect to the Ukraine, is in error. Petitioner contends that the IMF does not report a CPI index number for the Ukraine and instead, reports a year-over-year change as a percentage. That is, the

⁹ See *Request for Comment on Calculation Methodology* (06/30/2005) at 37762 and *Isos/PRC AD Final* (11/17/2010) at Comment 2.

IMF CPI percentage value is not reported as a change from base year 2000, but rather indicates a year-over-year change as a percentage. Petitioner adds that the IMF's reported CPI percentage change from 2007 to 2008, was 25.2319 percent and the percentage change from 2008 to 2009, was 15.8946 percent. Petitioner argues that the Department erred in its calculation because the Department treated the CPI percentage change value as a 9.3373 percent *drop* from a base year of 2000, rather than properly treating the value as a 15.8946 percentage increase in price over 2008.

Department's Position: The Department agrees with Petitioner that the Ukraine's wage rate for 2009 should reflect a 15.8946 percent increase over 2008, the most recent year with usable Ukraine wage data. Accordingly, for the final determination, the Department has amended the wage rate data as to the Ukraine and recalculated the labor rate to be applied to the Petition Margin calculations.

D. Whether To Use 2009 GNI Data Because it is Contemporaneous With the POI.

- Petitioner argues that, in identifying the range of economically-comparable countries from which to value labor, the Department must use GNI data from 2009 rather than the GNI data for 2008. According to Petitioner, the 2009 GNI data was properly placed on the record by Petitioners and constitutes the best available information due to its contemporaneity with the POI. In support, Petitioner cites *Merck & Co.* (Fed Cir. 2007), *Rhone Poulenc* (Fed. Cir. 1990), *Olympia* (CIT 1998), *Shandong Huarong Gen. Corp.* (CIT 2001), *Lopez* (USSC 2001), *Chevron* (USSC 1984), *Al Tech Specialty Steel* (Fed. Cir. 1984), *Fence Posts/PRC* (4/25/2003), *Citric Trading* (CIT 2003), *Shakeproof* (CIT 2006), *Dorbest* (CIT 2006), *Candles/PRC AD Final* (06/18/2002).
- New Zhongya argues against the use of 2009 GNI data, claiming that it would not have had an opportunity to comment on the resulting revised labor rate calculation. In the alternative, New Zhongya requests an opportunity to comment on any revised calculations should the Department determine to use the 2009 GNI data.

Department's Position: We disagree with Petitioner that the Department must use the 2009 GNI data placed on the record by the Petitioner. As explained in our FOP Memorandum (10/27/2010), the Department looked to the Surrogate Country Memorandum (07/26/2010)'s list of countries with GNIs comparable to the PRC. From this list, the Department used the high and low-income countries and identified them as the bookends. As the Surrogate Country Memorandum's list is based on *per-capita* GNI data for 2008, we used the corresponding 2008 GNI data to identify all countries with World-Bank reported *per-capita* incomes that placed them in between the bookends for purposes of the labor rate calculation. The selection of the bookend surrogate countries in the Memorandum is inextricably linked to the 2008 GNI data that was available to the Department at the time the Surrogate Country Memorandum was issued. The Department notes that the publication of the World Bank Development Report's GNI data triggers updating both the bookend countries and the new GNIs associated with those countries. The 2011 World Bank Development Report, which contains the 2009 GNI data, was not available at the time of issuing the Surrogate Country Memorandum. We note that some of the data provided by Petitioner was in fact only preliminary data.¹⁰ To now re-select the bookend

¹⁰ See Petitioner's September 21, 2010, Surrogate Value Comments at Exhibit 6B, page 4.

countries based on 2009 data, as suggested by Petitioners, would result in identifying one set of economically comparable countries as a starting point for purposes of our initial surrogate country selection and a different, inconsistent, set of economically comparable countries as a starting point for purposes of our labor rate calculation. Moreover, the Department prefers to rely on a published data source for GNIs since, unlike other data sources, it represents a final result as opposed to preliminary data or data that is continually updated.

Thus, the Department determines that reliance on the 2009 GNI data would be inappropriate as it does not constitute the best available information in this case for purposes of establishing the bookend countries for the labor calculation.¹¹

E. Whether To Revise the Department’s “Bookend” Countries Using Absolute Differences in GNI Data.

- Petitioner argues that the Department should revise its bookend countries based on absolute differences in GNI data from that of the PRC, regardless of whether it continues to rely on 2008 data or relies on 2009 data. Petitioner concludes that not using absolute GNI differences above and below that of the PRC’s GNI results in the exclusion of otherwise usable wage/earning data.
- New Zhongya argues that should the Department continue to use the methodology applied in the *Preliminary Determination*, it should continue to use India and Peru as it has consistently done when relying on 2008 GNI data.
- In its Rebuttal, Petitioner argues that since the filing of the case briefs for the instant investigation, the CIT issued *Dorbest* (CIT 2011) addressing the same labor rate methodology at issue in this investigation. According to Petitioners, in that ruling, the Court stipulated that the Department must select a balanced set of countries both above and below the PRC’s GNI and that the countries cannot be arbitrarily biased toward the lower ended GNI. Petitioners assert that this supports their position that the Department should expand the upper bookend based on a per-capita GNIs exceeding the PRC’s by the same absolute difference as those below the PRC.

Department’s Position: We have determined to not revise the bookend countries for the final determination in this investigation. As an initial matter, the Department determines that an exact balance of countries with GNIs above and below the PRC is unnecessary for arriving at the best available wage value. The Department resolves that there is not an exact, absolute, and/or equidistant range of countries with GNIs relative to the PRC that can denote economic comparability

The Department further determines that Petitioner’s analysis of *Dorbest* (CIT 2011) is inaccurate. As a starting point, the facts in that case are distinct from the facts in this investigation. In *Dorbest* (CIT 2011), out of 24 countries with GNIs comparable to the PRC, only one country had a GNI above the PRC’s. In this case, out of 43 countries with GNIs comparable to the PRC, there 14 countries with GNIs above and 29 below the PRC’s GNI. In assessing that fact pattern in *Dorbest* (CIT 2011), the Court clarified that while it rejected the

¹¹ See *Shakeproof* (CIT 2006) at 1310 and *Olympia* (CIT 1998) at 1001.

bookend selection in that case because it appeared to be “arbitrarily biased towards the low end of the per capita GNI. Commerce does not have to achieve mathematical perfection in its choice of countries to act as bookends.”¹² Accordingly, we find the concerns expressed in *Dorbest* (CIT 2011) are not applicable in this case, because we have a number of countries within the bookends who’s GNIs fall above and below that of the PRC

F. Whether to use the 2008 wage data for the Philippines rather than the 2003 data.

- New Zhongya argues that the Department should use the 2008 wage data for the Philippines rather than the 2003 data as the 2008 data is contemporaneous with the POI.
- Petitioner argues that the Philippines’ 2003 data consists of earnings data, while the Philippine’s 2008 data consists of wage data, and that the former is preferred by the Department. Accordingly, Petitioner argues that the Department should continue using the Philippines’ 2003 wage rate data.

Department’s Position: We agree with Petitioner. In calculating wage rate, the Department has a specific preference for earnings data over wage data. This is because the ILO defines “earnings,” under Chapter 5 of its Yearbook of Labor Statistics, as inclusive of wages, bonuses, and gratuities.¹³ Therefore, in order to ensure that the calculation of expected NME wage rates accurately reflects the actual remuneration received by workers, the Department prefers to rely on earnings. Accordingly, the Department will use wages only when earnings are unavailable. Therefore, because the Philippines’ 2003 data consists of earnings data, while the Philippine’s 2008 data consists of wage data, the Department determines that it will continue to use the Philippines’ 2003 data.

Comment 2: Double Remedies

- The Guang Ya Group and the GOC argue that the Department’s application of AD NME methodology concurrently with its imposition of CVDs (*Aluminum Extrusions/PRC CVD Prelim* (09/7/2010)) results in double remedy and is contrary to the proper application of U.S. AD law. The Guang Ya Group and the GOC claim that the Department’s AD NME methodology remedies both dumping and subsidies issues so that, concurrent application of CVD law results in double-counting. In support, *Uranium/France AD Final* (08/03/2004) is cited. Accordingly, they conclude that, in order to avoid double remedy, the Department must either treat the Guang Ya Group as a ME firm, basing normal value on home country prices and costs, or terminate the concurrent CVD investigation. In support, *Georgetown Steel* (Fed Cir. 1986), *GPX* (2009) and *GPX* (2010) are cited.
- Petitioner rebuts arguing that:
 - concurrent application of CVD law and AD NME methodology is lawful;
 - *Georgetown Steel* (Fed Cir. 1986) does not prevent the Department from doing so;

¹² See *Dorbest* (CIT 2011) at 14.

¹³ See FOP Memorandum (10/27/2010).

- double remedy does not occur when CVD law is concurrently applied with NME methodology;
- application of CVD law to PRC firms is reasonable as the PRC agreed to be subject to both AD and CVDs as a condition of WTO-membership;
- *GPX* (CIT 2009) and *GPX* (CIT 2010) were wrongly decided and full appeals rights have not been exhausted; and
- ME methodology cannot be applied to the Guang Ya Group because: (a) the PRC does not meet the statutory requirements; (b) doing so is contrary to law; and (c) the Act does not contemplate ME firms in a NME.

Department’s Position: The Department disagrees with the Guang Ya Group and the GOC that concurrent application of CVDs and AD NME methodology results in a double remedy. As such, the Department determines that it is not necessary to either treat the Guang Ya Group as a ME firm for purposes of the LTFV investigation or to terminate the concurrent CVD investigation. We agree with Petitioner that section 701 of the Act requires that the Department apply CVD law to firms including those in the PRC.¹⁴ While the Act does not expressly address the issue of concurrent application of CVD law and AD NME methodology, section 772(c)(1)(C) of the Act is instructive. Section 772(c)(1)(C) of the Act provides for an adjustment to the AD calculation to offset CVDs based on export subsidies. Section 772(c)(1)(C) of the Act, combined with the absence of any such corresponding adjustment to offset domestic subsidies, strongly suggests that Congress did not intend for any adjustment to be made to offset domestic subsidies. *See Central Bank of Denver* (USSC 1994) (“Congress knew how to impose aiding and abetting liability when it chose to do so. If, as respondents seem to say, Congress intended to impose aiding and abetting liability, we presume it would have used the words ‘aid’ and ‘abet’ in the statutory text. But it did not.”); *Blue Chip Stamps* (USSC 1975) (“When Congress wished to provide a remedy . . . it had little trouble in doing so expressly.”); *Franklin National Bank* (USSC 1954) (finding “no indication that that Congress intended to make this phrase of national banking subject to local restrictions, as it has done by express language in several other instances”); *Meghriq* (USSC 1996) (“Congress . . . demonstrated in CERCLA that it knew how to provide for the recovery of clean up costs, and . . . the language used to define the remedies under RCRA does not provide that remedy”); *FCC* (USSC 2003) (when Congress has intended to create exceptions to bankruptcy law requirements, “it has done so clearly and expressly”); *Dole Food* (USSC 2003) (Congress knows how to refer to an “owner” “in other than the formal sense,” and did not do so in the Foreign Sovereign Immunities Act’s definition of foreign state “instrumentality”); *Whitfield* (USSC 2005) (“Congress has imposed an explicit overt act requirement in 22 conspiracy statutes, yet has not done so in the provision governing conspiracy to commit money laundering.”).

We also agree with Petitioner that AD and CVD laws are separate regimes that provide separate remedies for distinct unfair trade practices. The CVD law provides for the imposition of duties to offset foreign government subsidies. Such subsidies may be countervailable regardless of whether they have any effect on the price of either the merchandise sold in the home market or the merchandise exported to the United States. AD duties are imposed to offset the extent to

¹⁴ In support, Petitioner cites *Wheatland Tube* (Fed. Cir. 2007), *Tennessee-Valley* (USSC 1978), and *Amendola* (Fed. Cir. 1993). Petitioner adds that there is nothing unfair about concurrent application of CVD law and AD NME methodology and cites *Ad Hoc* (Fed. Cir. 1994).

which foreign merchandise is sold in the United States at prices below its fair value. With the exception of section 772(c)(1)(C) of the Act, AD duties are calculated the same way regardless of whether there is a parallel CVD proceeding.

With respect to section 772(c)(1)(C) of the Act, the legislative history of the export subsidy adjustment establishes only that Congress considered it to satisfy the obligations of the United States under Article VI: 5 of the GATT. The legislative history does not suggest specific assumptions about whether foreign government subsidies lower prices in the United States, *i.e.*, contribute to dumping, and in fact, is not solely concerned with the effects of subsidies in the United States.¹⁵ Thus, although the Act requires a full adjustment of AD duties for CVDs based on export subsidies in all AD proceedings, it provides no basis for concluding that Congress's action was based on any specific assumptions about the effect of subsidies upon export prices. That is, the CVD and AD laws address the same unfair trade practices. It may be simply that Congress recognized the complexity of the issues that would have had to have been resolved in order to provide anything less than a complete offset for export subsidies, and simply opted for a full offset to avoid those potential problems.

Whether Congress considered the economic assumptions that might have been behind the failure of the GATT contracting parties to address domestic subsidies in Article VI: 5 is not clear. In any event, all that the contracting parties may have assumed was that domestic subsidies had a symmetrical effect upon export and domestic prices. This presumed symmetrical impact may have been a *pro rata* or *de minimis* reduction in these prices. Thus, it is not correct to conclude that Congress assumed that the GATT contracting parties assumed that domestic subsidies lower export prices, *pro rata*, still less that Congress built any assumptions about the price effects of domestic subsidies into the AD law.

The Guang Ya Group and the GOC argue that under the NME methodology, the Department compares the export price, presumably reduced by the domestic subsidies, to a NV that has been calculated using non-subsidized surrogate values. The Guang Ya Group adds that the safeguard against double counting is inherent in the ME methodology, *i.e.*, that section 772 of the Act is non-existent in the Department's NME methodology.

The argument that domestic subsidies inflate dumping margins by lowering export prices assumes that domestic subsidies in NME countries do not affect NV. However, while NME subsidies may not affect the factor *values* used to calculate NV in an NME proceeding, such subsidies may easily affect the *quantity* of factors consumed by the NME producer in manufacturing the subject merchandise. For example, a domestic subsidy in an NME country may enable a respondent to purchase more efficient equipment in turn lowering its consumption of labor, raw materials, or energy. When the surrogate values are multiplied by the NME producer's lower factor quantities, they result in lower NVs and, hence, lower dumping margins.¹⁶ Any reduction in factor usage by NME producers would reduce normal value in a

¹⁵ SAA (1979) AT 412.

¹⁶ See section 773(c)(3) of the Act.

second manner, because the final factor values are also used to calculate the amounts for SG&A, and profit¹⁷ that are additional components of normal value.

Moreover, in determining NV in NME cases, the Department does not exclusively use factor quantities in the NMEs valued in the surrogate, ME country. Some factors' values are based on the prices of imported inputs (priced in the currency of the country from which the inputs were obtained or in U.S. dollars). Given that the input suppliers in these countries are often competing with PRC suppliers of those same inputs, it is fair to conclude that those prices are influenced by subsidies in the PRC.

Finally, in some cases, the NME exports of the subject merchandise will account for a significant share of the world market, enough to influence world market prices. In such cases, particularly where the industry is export oriented or has excess capacity (as is often observed in the PRC), subsidies could increase output and exports from China, which, in turn, would reduce the prices of the good in question in world markets. These lower prices would reduce profits for producers selling in these markets which, in turn, would reduce the profit the Department derives from their financial statements, (used as surrogates for the PRC producers), and, thus, reduce NV.

The Guang Ya Group and the GOC also argue that the AD NME methodology provides a remedy for any and all countervailable subsidies such that concurrent application of CVDs is necessarily duplicative. The general premise of the Guang Ya Group and the GOC's argument is that concurrent application of AD ME methodology and CVD law do not create automatic double remedies in ME proceedings because domestic subsidies automatically lower normal value, and hence the dumping margins, *pro rata*. The AD NME methodology, on the other hand, produces a normal value that is not affected by subsidies in any way, so that it necessarily exceeds what would have been the ME dumping margin by the full amount of the subsidy, thus creating a double remedy, which the statute requires the Department to offset. The Department disagrees.

There are several reasons why subsidies in ME cases would not necessarily lower the normal value calculated by the Department, *pro rata*, below what it would have been absent any subsidies. Subsidies can be accompanied with conditions attached that reduce the cost savings to the recipient below the nominal amount of the benefit received. For example, subsidy recipients may be required to retain redundant workers, maintain higher levels of production than would be optimum, remain in economically disadvantageous locations, reduce pollution, obtain supplies from favored sources, and so forth. Even if subsidies are unaccompanied by such requirements, it is not necessarily the case that they will contribute to a lower cost of production. For example, as noted by Petitioner, subsidies could be paid out as dividends, used to increase executive pay, or could also be wasted in any number of ways.

Further, the Act provides that NV in ME cases is to be based on home market prices, where possible. Where normal value is based on home market prices, the relationship of subsidies to normal value becomes yet more tenuous. Not only is the extent to which the subsidies will affect costs uncertain but, even to the extent that subsidies may lower costs, the extent to which the

¹⁷ See, e.g., *Hebei Metals* (CIT 2005) and *Dorbest* (CIT 2006).

producer will pass these cost savings through to home market or third-country prices is uncertain. Basic economic principles indicate that the prices are a function of the supply and demand for the product in the relevant market, so that any cost savings will be reflected in prices only indirectly.

Finally, to the extent that domestic subsidies lower normal value in ME cases, they may lower export prices commensurately, so that the dumping margins may not change. Thus, it is not safe to conclude that subsidies in MEs automatically reduce dumping margins, still less that they automatically reduce dumping margins, *pro rata*.

In *Kitchen Racks/PRC AD Final* (07/24/2009) and *OTR Tires/PRC AD Final* (07/15/2008), the Department did not deduct domestic CVDs from U.S. prices because this would have resulted in the collection of total AD duties and CVDs that would have exceeded both independent remedies in full. The Federal Circuit has upheld this position.¹⁸ Similarly, the Department's refusal to treat AD duties and safeguard duties as a cost in AD calculations reflects the Department's effort to collect these distinct remedies in full, but no more.

The Department has explained that the effect of domestic subsidies upon export prices depends on many factors (*e.g.*, the supply and demand for the product on the world market, and the exporting countries' share of the world market), and is therefore speculative.¹⁹ Thus, the Department has determined that domestic subsidies do not inevitably reduce export prices, *pro rata*.²⁰

In considering the impact of domestic subsidies upon export prices, the form of the subsidy is important because, like export subsidies, some domestic subsidies give domestic producers a greater incentive to increase production than others. A production subsidy (*e.g.*, raw materials at reduced prices) reduces the unit cost of producing that merchandise and, therefore, increases the producer's profit on sales of that merchandise. This may give the producer a commercial incentive to increase production of that merchandise. In an NME, however, it is not necessarily the case that economic decisions are made on the basis of such market forces. In any event, more general subsidies (*e.g.*, general grants or debt forgiveness) would not provide that direct incentive. As noted by Petitioner, a foreign producer might use a general subsidy to modernize its plant, pay higher dividends, fund research and development, clean up the environment, make severance payments, increase the production of some other product, or waste the money. Consequently, this type of domestic subsidy will not necessarily result in any increase in production and, therefore, will not necessarily result in any reduction in export prices, still less an automatic *pro rata* reduction.

Even if a producer attempted to respond to a domestic subsidy exclusively by increasing production, it might not be able to do so, at least in the short or medium term. Various constraints (*e.g.*, limits on the supply of raw materials, energy, or transportation) might limit its

¹⁸ See *Wheatland Tube* (Fed. Cir. 2007) (reversing *Wheatland Tube* (CIT 2006)).

¹⁹ See *OTR Tires/PRC AD* (02/20/2008) at 9287.

²⁰ See *e.g.*, WTO Report (2006) at 57 and *Agricultural Policies* (1985) at 126-7.

ability to do so. Moreover, capacity expansion is time-consuming. Thus, it would be incorrect to claim that domestic subsidies automatically result in increased production.

Additionally, even if all producers in an NME country do respond to domestic subsidies by increasing production, it is an uncertainty that this increase would result in lower export prices. For example, if world market prices are increasing, it is an unrealistic assumption that an NME producer that receives a domestic subsidy will reduce its export prices by the full amount of the subsidy, as allocated under the Department's CVD methodology. Increased production and exports will tend to lower export prices *over time*, but this reduction will be neither automatic nor necessarily *pro rata*. For example, in previous cases, the ITC has determined that some PRC producers raised their prices in line with world market prices, despite having received substantial subsidies.²¹ Increased export sales will reduce the price of the subject merchandise on world markets only to the extent that the producer or producers in question supply a substantial share of the world market, so that the additional production will drive down prices in that market. Even this will take time and will not occur if other producers in the market reduce production to avoid a price war.

Congress established two separate remedies for what it evidently regards as two separate unfair trade practices. The only point at which the Act requires the Department to reconcile these separate remedies is in the adjustment of AD duties to offset export subsidies. Because neither AD nor CVD duties are concerned with economic distortion, as such, but are simply remedial duties calculated according to the detailed specifications of the Act, it follows that no overall economic distortion cap for concurrent proceedings can be distilled from the Act.

The Guang Ya Group's and the GOC's reference to *Enriched Uranium/France* (08/03/2004) is misplaced. The Department's statement that, "domestic subsidies presumably lower the price of the subject merchandise in the home and the U.S. markets" does not stand for the firm proposition that domestic subsidies are always passed through into export prices, *pro rata*. This is no more than a presumption, and a very limited one. In *Enriched Uranium/France* (08/03/2004), the Department noted that not all domestic subsidies are presumed to be fully passed through into domestic and export prices, but that the effect of domestic subsidies on the price in each market presumably was the same. For example, the reductions in price could be one percent of the subsidy in each market.

The Department also disagrees with the Guang Ya Group and the GOC's characterization of the Department's previous practice with respect to NME countries and, by implication, *Georgetown Steel* (Fed Cir. 1986).²² Specifically, it is not the case that the Department determined, in *Georgetown Steel* (Fed Cir. 1986), not to apply CVD law concurrently with the AD NME methodology because of distortions. In fact, the Department declined to apply the CVD law to the Soviet Bloc countries in the mid-1980s because of the difficulties involved in identifying and measuring subsidies in the context of those command-and-control economies, at that time. In the

²¹ See *OTR Tires/PRC ITC Final Report* (08/2008) at pages IV-5 (Table IV-2), E-3 (Table E-1) and E-6 (Table E-4), and *Circular Welded Carbon-Quality Steel Pipe/PRC ITC Preliminary Report* (07/2007) at pages V-12 ((Table V-3) V-14 (Table V-5), and V-19, showing rising average unit values on imports from China for the years 2005-2007.

²² See *Georgetown Steel* (Fed Cir. 1986) at 1310.

underlying *Georgetown Steel* (Fed Cir. 1986) proceedings, the Department determined that the concept of a subsidy had no meaning in an economy that had no markets and in which activity was controlled according to central plans.²³

The CAFC noted the broad discretion due the Department in determining what constituted a subsidy, then called a “bounty” or “grant” by the statute, and held that:

We cannot say that the administrations’ conclusion that the benefits the Soviet Union and the German Democratic Republic provided for the export of potash to the United States were not bounties or grants under section 303 was unreasonable, not in accordance with law, or an abuse of discretion.²⁴

As the CAFC stated, even if one were to label these incentives as a subsidy, in the most liberal sense of the term, the governments of these NMEs would in effect be subsidizing themselves.²⁵ Thus, we agree with Petitioner that *Georgetown Steel* (Fed Cir. 1986) did not hold that the CVD law could never be applied to exports from an NME country. It simply upheld the Department’s determination that it could not identify a “bounty or grant” in the conditions of the Soviet Bloc that were before it.

Because the Department’s prior practice of not applying the CVD law to NME countries was not based on the theory that the NME AD methodology already remedied any domestic subsidies in NME countries, the Department’s current practice of applying the CVD law to exports from the PRC remains consistent with our earlier practice.

Also, the Guang Ya Group and the GOC’s reliance on *GPX* (CIT 2009) and *GPX* (CIT 2010) is misplaced. The *GPX* (CIT 2010) decision is not final, as a final order has not been issued by the CIT, nor have all appellate rights been exhausted. Even if reliance on *GPX* (CIT 2009) and *GPX* (CIT 2010) were not misplaced, *GPX* (CIT 2009) does not support the positions attributed to it by the Guang Ya Group and the GOC. *GPX* (CIT 2009) did not find a double remedy necessarily occurs through concurrent application of the CVD law and AD NME methodology. Rather, *GPX* (2009) held that the “potential” for such double counting may exist. The finding of a “potential” for double counting in the *GPX* (2009) decision does not mean that the Department must make an adjustment to its dumping calculations in this antidumping investigation. The SAA places the burden on the respondent to demonstrate the appropriateness of any adjustment that benefits the respondent. See SAA at 829; 19 C.F.R. 351.401(b)(1) (“The interested party that is in possession of relevant information has the burden of establishing to the satisfaction of the Secretary the *amount and nature of a particular adjustment.*” (emphasis added)); *Fujitsu General Ltd.* (Fed. Cir. 1996) (explaining that a party seeking an adjustment bears the burden of proving the entitlement to the adjustment). In this case, the Guang Ya Group seeks the adjustment based on a “potential,” but has not demonstrated the amount of the adjustment and the entitlement to it. The Department maintains its previously stated position on double

²³ See *Georgetown Steel* (Fed Cir. 1986) at 1310.

²⁴ *Id.* at 1318.

²⁵ *Id.* at 1316.

remedies in *GPX* (CIT 2010).²⁶ Moreover, the Department does not agree with the CIT's interlocutory decision and will wait for a final and conclusive decision in that case.

Lastly, contrary to its assertion, the GAO Report study cited by the Guang Ya Group does not create any legitimate doubts about the Department's interpretation of the Act. While, the GAO Report indicates that the Department has decided to not apply CVD law to NME firms and that this decision has been affirmed in *Georgetown Steel* (Fed Cir. 1986),²⁷ as an initial matter, we emphasize that the GAO does not administer AD and CVD laws and has no expertise in AD and/or CVD calculations. As explained *supra*, the Department has not determined to abstain from applying CVD law concurrently with the AD NME methodology. More importantly, the GAO did not decisively conclude that double counting occurs when CVD and AD NME methodology is applied. As noted by the Guang Ya Group, the GAO Report only states that double counting *may* occur.²⁸

Comment 3: Scope of the Antidumping and Countervailing Duty Investigations

A. Petitioners' Proposed Changes to the Scope

- Petitioners argue that the Department should make the following changes to the scope of the investigations:
 - Add the words “unless imported as part of the ‘kit’ defined further below” at the end of the last sentence in the fourth paragraph so that the resulting sentence reads: “The scope includes aluminum extrusions that are attached (*e.g.*, by welding or fasteners) to form subassemblies, *i.e.*, partially assembled merchandise unless imported as part of a ‘kit’ defined further below.”
 - Add the words “fence posts, electrical conduits” in the first sentence of the fifth paragraph, before the words “heat sinks” so that the resulting sentence reads: “Subject extrusions may be identified with reference to their end use, such as fence posts, electrical conduit, heat sinks, door threshold, or carpet trim.”
 - Delete the words “finished products and” from the second sentence of the fifth paragraph so that the revised sentence reads: “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.”
 - Add the words “and requires no further finishing or fabrication, such as cutting or punching, and is assembled ‘as is’ into a finished product” at the end of the last sentence in the seventh paragraph, so that the revised sentence reads: “A 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.”

²⁶ See, *e.g.*, our analysis in *Coated Paper/PRC AD Final* (09/27/2010) IDM at Comment 2b.

²⁷ See GAO Report at 8.

²⁸ See GAO Report at 17.

- Clarify that a “kit” would not include a finished aluminum extrusion product, such as a carpet trim, with the mere inclusion of fasteners to attach the product so that the revised sentence reads: “An imported product will not be considered a ‘kit’ and therefore excluded from the scope of the investigations merely by including fasteners such as screws, bolts, *etc.*, in the packaging with an aluminum extrusion product.”

Department’s Position: Although the Department has the authority to define or clarify the scope of an investigation, it must exercise that authority in a manner which reflects the intent of the petition and does not thwart the statutory mandate to provide the relief requested in the petition.²⁹ Thus, “absent an overarching reason to modify the scope in the petition, the Department accepts it.”³⁰ No other parties provided comments opposing these specific changes to the scope of the Petition and the proposed changes are consistent with the intent of the scope of the Petition. Therefore, we have made the requested changes. Please see the “Scope of the Investigations” section of the accompanying *Federal Register* notice for the finalized scope of these investigations.

B. Clarifying Language for Covered Kits and Subassemblies

- On February 28, 2011, the Department requested that Petitioners clarify whether the Petition intended to cover the non-aluminum components of subject kits and subassemblies and to provide language if the intent of the petition was to not cover the non-aluminum components.³¹
- On March 9, 2011, Petitioners submitted a proposed revision to the scope of the investigations stipulating that it is the intent of the petition to cover only the aluminum extrusion components of entries of subject aluminum extrusion subassemblies or subject aluminum extrusions imported together with non-subject components that do not meet the definition of a kit.

Department’s Position: We agree with Petitioners that these changes reflect the intent of the petition and do not thwart the statutory mandate to provide the relief requested in the petition.³² Thus, in accord with *Softwood Lumber/Canada AD Final* (04/02/2002) IDM at “Scope Issues,” we have accepted the modifications to the scope proposed in Petitioners’ Scope Clarification Letter. Please see the “Scope of the Investigations” section of the accompanying *Federal Register* notice for the finalized scope of these investigations.

²⁹ See *Softwood Lumber/Canada AD Final* (04/02/2002) IDM at “Scope Issues.”

³⁰ See *id.* (quotations omitted).

³¹ See Petitioners’ Scope Clarification Submission.

³² See *Softwood Lumber/Canada AD Final* (04/02/2002) IDM at “Scope Issues.”

C. Certain Special High Purity/High Accuracy OPC Tubes

- Floturn contends that its OPC tubes should not be included in the scope of the investigations because they do not fall within in-scope merchandise based on (1) alloy composition; (2) shape, form and finish; (3) interchangeability with other products; (4) packaging, assembly and specified end-use; (5) required production process and equipment; and (6) special handling requirements.
- As a result, Floturn contends that the scope is overbroad, that the Department has not collected the necessary evidence to include OPC tubes within the scope of covered merchandise and that the Department has the authority to limit the scope of the investigations to exclude OPC tubes.³³
- Petitioners assert that any physical or manufacturing similarities between the OPC tubes and extrusions outside the scope are irrelevant, because the OPC tubes are comprised of a series 3 alloy, which is specifically encompassed by the scope.

Department's Position: The Department disagrees with Floturn's argument that the scope was intended to include only extrusions produced in facilities where production could be shifted from one alloy to another using the same machine and process. The scope of these investigations states that the merchandise covered by these investigations 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). Thus, as Petitioners note, the high purity of the aluminum content of the OPC tubes is irrelevant to the scope of these investigations because Floturn's OPC tubes are made of series 3 alloys³⁴ and series 3 alloys are explicitly included within the scope of these investigations. Additionally, the scope states that it covers merchandise produced in a wide variety of shapes or forms, with a variety of finishes, and types of fabrication. Moreover, none of the explicit exclusions from the scope address the elements raised by Floturn. Therefore, Floturn's arguments with respect to the lack of interchangeability, packaging, assembly, end-use, production process and facilities, and handling requirements are inapposite. As a result, we have made no changes to the scope of these investigations with respect to OPC tubes.

We disagree further with Floturn's arguments that the scope of these investigations is overbroad and unnecessarily includes OPC tubes, and that the Department has not collected the necessary evidence to include OPC tubes within the scope of covered merchandise. Although the Department has the authority to define or clarify the scope of an investigation, it must exercise that authority in a manner which reflects the intent of the petition and does not thwart the statutory mandate to provide the relief requested in the petition.³⁵ Thus,

³³ Floturn cites the following cases in support of its arguments: *Ad Hoc Shrimp Trade Action Committee* (CIT 2009) at 1175 (citing *NTN Bearing* (CIT 1990) at 731); *Duferco* (Fed. Cir. 2002) at 1089; *Save Domestic Oil II* (CIT 2002) at 1351; *Minebea Co.* (CIT 1992) at 120, aff'd *Minebea* (Fed. Cir. 1993); *Mitsubishi Electric* (Fed. Cir. 1990) (citing *Smith-Corona* (Fed. Cir. 1990)).

³⁴ See Floturn's Scope Case Brief at 5 and Exhibit B.

³⁵ See *Softwood Lumber/Canada AD Final* (04/02/2002) IDM at "Scope Issues."

“absent an overarching reason to modify the scope in the petition, the Department accepts it.”³⁶ In this case, Floturn has not provided any information that demonstrates that OPC tubes are outside the scope of these investigations, whereas Petitioners have clearly stated that they intended such products to be included and as a result we have made no changes to the scope with respect to this product.

D. Shower Doors

- SDMA asserts that the shower door industry considers a shower door or enclosure without glass to be a final finished good, known as a “Knock Down Unit” or “KD.” Therefore, SDMA argues that a KD should be excluded under the kit exception and proffers proposed language for any such exclusion.
- SDMA argues that the Department has broad discretion to determine the scope of its investigations and maintains that discretion to clarify the scope when it determines the petition to be overly broad.³⁷
- Petitioners argue that a KD kit is not a final finished good because it is lacking glass and thus not a complete shower door upon importation. Petitioners assert that aluminum extrusions imported as either assembled or unassembled shower door frames, without glass, do not fall within the kit exclusion as defined by the scope of the petitions and these investigations.

Department’s Position: The Department agrees with SDMA that we have discretion to clarify the scope of AD and CVD proceedings and, in fact, in these investigations we specifically requested that Petitioners provide clarifying language with respect to one aspect of the scope language, covered kits and subassemblies.³⁸ However, we disagree with SDMA that KDs for shower doors that do not include the glass should be excluded from these investigations because the shower door industry considers such KDs to be kits. As discussed above, the Department’s discretion to clarify the scope of an AD/CVD proceeding is limited to clarifications that reflect the *intent of the industry that filed the Petition* (emphasis added) and does not thwart its statutory mandate to provide the relief requested in the petition.³⁹ While SDMA argues that in the shower door industry the term kit has a different definition than that being used for purposes of the scope of these investigations, if we were to attempt to define items by the varying definitions used by the breadth of down-stream industries, we could potentially create a significant number of conflicting descriptions for the same term which would result in an unmanageable and unenforceable scope. That would most certainly thwart the statutory mandate to provide the relief requested in the petition.

³⁶ See *id.*

³⁷ SDMA cites to the following cases in support of its arguments: *Ad Hoc Shrimp Trade Action Committee* (CIT 2009) at 1175 (citing *NTN Bearing* (CIT 1990) at 731); *Duferco* (Fed. Cir. 2002) at 1095-96; *Minebea* (CIT 1992) at 120, *aff’d Minebea* (Fed. Cir. 1993) at 1182; *Torrington* (CIT 1990), *aff’d Torrington* (Fed. Cir. 1991) at 1278; *Mitsubishi Electric* (Fed. Cir. 1990) at 1582; *Diversified Products* (CIT 1983) at 889; *Matsushita* (Fed. Cir. 1984) at 933.

³⁸ See Comment 3B. Clarifying Language for Covered Kits and Subassemblies.

³⁹ See *Softwood Lumber/Canada AD Final* (04/02/2002) IDM at “Scope Issues.”

Moreover, the plain language of the scope as articulated in the Petition indicates that the imported kit must contain all necessary components at the time of importation to create a final finished good to be considered a kit that is excluded from these investigations. In our Preliminary Scope Determination, we determined that an excluded kit was “a packaged combination of parts that contains, at the time of importation, all of the necessary parts to fully assemble a final finished good.” Based on that description, a KD kit for a shower door is a final finished good only when the glass is included.⁴⁰ Since the preliminary determination, none of the parties placed information on the record that warrants changing our determination. Accordingly, we have made no changes to the scope of these investigations for this product. Therefore, based on the plain language of the scope and the clear intent of the petitioning industry, we continue to find the KD kits described by SDMA do not qualify for the exclusion because they do not contain all the necessary components at the time of importation to create a final finished good (*e.g.*, the kits do not include the glass required for a finished shower door). As a result, SDMA’s kits for unassembled shower doors that do not include the glass fall within the scope of these investigations.

E. Finish Types

- SDMA argues that the Department should clarify the scope of the investigations to exclude certain finished aluminum extrusions which are not produced domestically. Specifically, SDMA seeks to exclude certain extrusions, such as those with bright-dipped anodizing finishes, because it claims such finishes are not produced in the United States.
- Petitioners contend that it provided its comments concerning finish types in its September 27, 2010 submission, which Petitioners claim the Department analyzed in the Preliminary Scope Determination. As a result, Petitioners state that there is no reason to provide additional descriptions of its finish types.

Department’s Position: We agree with Petitioners. As we stated in the Preliminary Scope Determination, the plain language of the scope does not restrict the coverage to only certain types of finished aluminum extrusions.⁴¹ Moreover, our Preliminary Scope Determination also explained that the scope covers a spectrum of finished goods, and the Department’s practice is to prohibit selectively excluding narrow specifications within the range of products covered by a proceeding without an appropriate basis to do so.⁴² In this case, no party has submitted a sufficient basis for the Department to narrow the scope of these proceedings. Since none of the parties provided information on the record that warrants changing our determination with respect to finish types, we have made no changes to the scope of these investigations for this issue.

⁴⁰ See Preliminary Scope Determination at 13.

⁴¹ See Preliminary Scope Determination at 15.

⁴² *Id.* at 10.

F. Wall Thicknesses of Various Sizes

- Eagle Metals argues that the Department should use its inherent authority to define the scope of the investigations and add language that would exclude certain products based a specific set of criteria (*e.g.*, dimensions, trademark die marks, *etc.*, as provided by Eagle Metals).
- Eagle Metals contends that these extrusions should be excluded because they are not similar or competitive with domestically produced aluminum extrusions; the domestic producers, including Petitioners, are incapable and unwilling to produce them; and Petitioners should not be able to seek AD/CVD orders on products that are not produced or under development to be produced domestically. Eagle Metals further asserts that Petitioners have failed to provide factual support for their arguments to the contrary.⁴³
- Petitioners argue that Eagle Metals' exclusion request should be rejected because Petitioners are able to manufacture items falling within the requested language and, even if Eagle Metals were able to prove Petitioners could not, the items that Eagle Metals wants to exclude are still similar to, and competitive with, domestic like products and, thus, should be included in the scope.⁴⁴

Department's Position: The Department agrees with Petitioners and has rejected the proposed exclusion. The Department has the authority to define or clarify the scope of an investigation; however, the Department exercises this authority in a manner that reflects the intent of the petition and does not thwart its statutory mandate to provide the relief requested in the petition.⁴⁵ Thus, "absent an overarching reason to modify the scope in the petition, the Department accepts it."⁴⁶ The description of subject merchandise in the petition indicates that extrusions made from aluminum alloys with an Aluminum Association series designation beginning with the number 6 are covered by these investigations, *i.e.*, extrusions made of 6061 alloy fall within the range of covered merchandise. Additionally, in their comments and case briefs, Petitioners have confirmed that the scope, as currently written, is an accurate reflection of the products for which they seek relief.⁴⁷ Therefore, the scope modifications proposed by Eagle Metals are inconsistent with the intent of the petition because Eagle Metals' extrusions are made of series 6 alloys, which are specifically named in the scope of these investigations. Thus, excluding such extrusions would fail to provide the relief requested in the petition.

Furthermore, as we noted in the Preliminary Scope Determination, when the scope covers a large spectrum of finished goods, the Department's practice is to prohibit selectively

⁴³ Eagle Metals cites to the following in support of its argument: *Ad Hoc Shrimp Trade Action Committee (CIT 2009)* at 1175; *NTN Bearing (CIT 1990)*; *Torrington (CIT 1990)*; *Polyvinyl Alcohol/Taiwan AD Prelim (09/13/2010)* at 55553; *Lined Paper/India AD Prelim (04/17/2006)* at 19708.

⁴⁴ Petitioners cite to the following in support of their argument: *Cold-Rolled Steel Flat Products/Argentina AD Final (07/09/1993)* at 37071-76; *Stainless Steel Angle/Japan, Korea, Spain AD Prelim (01/21/2001)* at 2882.

⁴⁵ See *Softwood Lumber/Canada AD Final (04/02/2002)* IDM at "Scope Issues."

⁴⁶ See *id.*

⁴⁷ See Petitioners' 10/13/2010, Scope Submission at 2-3; Petitioners' Scope Rebuttal Brief at 15-17.

excluding narrow specifications within the range of products covered by a proceeding without an appropriate basis to do so.⁴⁸ Eagle Metals' claims that a product is unimportant to the Petitioner or has certain specific physical characteristics are not sufficient bases to modify the scope of an investigation.⁴⁹ Moreover, even if Petitioners do not produce this specific extrusion as claimed by Eagle Metals that is not an adequate reason to exclude the extrusion from the scope of these investigations when Petitioners expressly intended it to be included because it competes with their merchandise.⁵⁰ The Department disagrees with Eagle Metals that Petitioners must be capable or actively developing the capability to produce the exact product that Eagle Metals seeks to exclude. In *Polyvinyl Alcohol/Taiwan AD Prelim* (09/13/2010), the Department rejected an exclusion request because the Petitioner opposed the proposed exclusion and stated that it was capable of manufacturing products that were competitive with the products within the proposed exclusions.⁵¹ Similarly, in this case, Petitioners oppose Eagle Metals' proposed exclusion and state that they are capable of producing merchandise that is competitive with the products that Eagle Metals seeks to exclude.⁵² For these reasons, and because 6000 series aluminum alloys are explicitly included in scope of these investigations, we continue to determine that the scope covers aluminum extrusions made from alloy series 6061, regardless of wall thickness, length, or die marks.

G. Heat Sinks

- Aavid argues that the petition fails to define heat sinks and that there is a clear distinction between finished and unfinished heat sinks (*i.e.*, heat sink blanks) as evidenced by a *Diversified Products* analysis.⁵³ According to Aavid, finished heat sinks must undergo a series of rigorous testing and engineering that other aluminum extrusions do not go

⁴⁸ See Preliminary Scope Determination at Comment 4, page 10.

⁴⁹ See, *e.g.*, *Circular Welded Austenitic Pipe/PRC AD Prelim* (09/05/2008) at 51789 ("Furthermore, Prudential's claims that the products at issue are 'small-volume' products that are unimportant to the domestic industry do not provide a basis for modifying the scope.") (*unchanged in Circular Welded Austenitic Pipe/PRC AD Final* (01/28/2009)).

⁵⁰ See *Activated Carbon/PRC AD Final* (03/02/2007) IDM at Comment 2 (finding respondent's products to be in scope despite allegations that the domestic industry did not produce them because the products were included in plain language of the scope, which is dispositive). See also *Light-Walled Rectangular Pipe and Tube/Mexico AD Final* (09/02/2004) IDM at Comment 5 ("Although Prolamsa argues that pre-primed subject merchandise should be excluded because petitioners do not manufacture this product, the statute does not require that petitioners currently produce every type of product that is encompassed by the scope of the investigation."); *Hot-Rolled Carbon Steel Flat Products/Netherlands AD Final* (10/3/2001) IDM at Comment 6 (finding respondent's product within the plain language of the scope, and not accepting respondent's argument that Battery Quality Steel should be excluded from the scope because, *inter alia*, there was no qualified supplier of the Battery Quality Steel in the U.S. and only minimal interest in Battery Quality Steel by the U.S. producers) (*remanded on other grounds, Corus Staal* (CIT 2003)).

⁵¹ See *Polyvinyl Alcohol/Taiwan AD Prelim* (09/13/2010) at 55553 (rejecting respondent's proposed exclusion because Petitioner opposed the proposed exclusion and stated it was capable of producing products that were competitive with products within the proposed exclusion).

⁵² See Petitioners' 10/13/2010 Scope Submission at 2-3; Petitioners' Scope Rebuttal Brief at 16.

⁵³ See *Diversified Products* (CIT 1983).

through. Aavid asserts that because the record shows that petitioners produce only “heat sink blanks,” only heat sink blanks, and not finished heat sinks, should be included in the scope of these investigations. Thus, Aavid argues that the Department should use its inherent authority to clarify the scope of an AD/CVD proceeding to exclude heat sinks from the scope of these investigations.⁵⁴

- Petitioners argue that the Department should continue to determine that heat sinks, regardless of end use or degree of finishing, are included in the scope of the investigations for the following reasons: (1) the scope of the Petition unambiguously covers all aluminum extrusions, finished or unfinished, and specifically mentions heat sinks; (2) the Department owes deference to the intent of the petition; (3) Aavid’s reliance on *Diversified Products* is misplaced; and (5) even under a *Diversified Product* analysis, heat sinks are still within the same class or kind of merchandise as other types of aluminum extrusions.⁵⁵
- Brazeway argues that Aavid’s exclusion request should be denied for the following reasons: (1) the scope of these investigations has always included aluminum extrusions that are attached to form subassemblies, such as heat sinks; (2) heat sinks are clearly defined by the petition and *Preliminary Determination*; (3) the Department must uphold the intent of the Petitioners; and (5) Aavid’s proposed exclusionary language would create an administrative enforcement problem and risk of circumvention in any resulting AD or CVD order.⁵⁶

Department’s Position: We agree with Petitioners and Brazeway and continue to determine that heat sinks, regardless of the specialization of the end use, are covered by the scope of the investigations. The language of the scope includes both finished and unfinished aluminum extrusions and the description explicitly mentions heat sinks, without limitation to heat sink blanks. The Department disagrees with Aavid that it should use its inherent authority to modify the scope of the investigations as requested by Aavid. Although the Department has the authority to define or clarify the scope of an investigation, as discussed in several other scope-related comments above, the Department must use this authority in a manner which reflects the intent of the petition and fulfills the Department’s statutory mandate to provide

⁵⁴ Aavid cites to the following to support its argument: *Ad Hoc Shrimp Trade Action Committee* (CIT 2009) at 1175; *Allegheny Bradford* (CIT 2004) at 1187; *Minebea* (CIT 1992) at 119; *NTN Bearing* (CIT 1990); *Torrington* (CIT 1990); *Diversified Products* (CIT 1983) at 889; 19 CFR 351.225(k); Aluminum Extrusions/PRC ITC Preliminary Report (June 2010); *Aluminum Extrusions/PRC AD Initiation (04/27/2010)*; *Aluminum Extrusions/PRC CVD Initiation Notice (04/27/2010)*; *Aluminum Extrusions/PRC AD Prelim (11/12/10)*.

⁵⁵ Petitioners cite to the following in support of their arguments: *Ad Hoc Shrimp Trade Action Committee* (CIT 2009) at 1174-75; *Sunstrand Corp.* (CIT 1995) at 1102-04; *Minebea* (CIT 1992); *Torrington* (CIT 1992) at 1026; *Diversified Products* (CIT 1983); 19 CFR 351.225(k)-(k)(2); *Polites* Remand Results (CIT No. 09-387); *Softwood Lumber/Canada AD Final (04/02/2002)* IDM at “Scope Issues” and Comment 52; *Stainless Steel Wire Rod/Japan AD Final (07/29/1998)* at 40442-43; *Mushrooms/Chile AD Final (10/22/1998)* at 56616; *AFBs/Singapore CVD Final (05/03/1989)*; Aluminum Extrusions/PRC ITC Preliminary Report (June 2010); at I-8, I-11, 8.

⁵⁶ Brazeway cites to the following in support of its argument: *Ad Hoc Shrimp Trade Action Committee* (CIT 2009) at 1174-75; *Diversified Products* (CIT 1983); *Aluminum Extrusions/PRC AD Prelim (11/12/2010)*; *Aluminum Extrusions/PRC AD Initiation (04/27/2010)*; *Aluminum Extrusions/PRC CVD Initiation (04/27/2010)*.

the relief requested by the petitioning industry.⁵⁷ Thus, “absent an overarching reason to modify the scope in the petition, the Department accepts [the scope].”⁵⁸ In our Preliminary Scope Determination,⁵⁹ we addressed the issue of heat sinks, and, more specifically, Aavid’s arguments about additional testing and engineering. Such testing and engineering are not factors for determining the scope of these investigations, and accordingly, in that determination we concluded that heat sinks, regardless of the specialization of the end-use, testing or engineering, are covered by the plain language of the scope of these investigations.⁶⁰

The Department also disagrees with Aavid that the petition fails to define a heat sink and that Petitioners could not have intended to include finished heat sinks within the scope. The petition covers both finished and unfinished extrusions, and explicitly includes heat sinks. Moreover, Petitioners have repeatedly argued that they intended to include heat sinks, both finished and unfinished.⁶¹ The Department also disagrees with Aavid that the failure to name Aavid in the petition is evidence of Petitioners’ intent to exclude Aavid’s products from the scope. Failure to name a specific entity is not dispositive of the intent of a petition.⁶² We are also not persuaded by Aavid’s argument that it is relevant whether Petitioners produce a specific item covered by the scope description; Petitioners are not required to produce every product encompassed by the scope description for an individual product to be covered.⁶³

The Department further disagrees with Aavid that a *Diversified Products* analysis is necessary to determine whether Aavid’s heat sinks are within the same class or kind of merchandise as other aluminum extrusions. The *Diversified Products* criteria, which are set forth in 19 CFR 351.225(k)(2) of the Department’s regulations, are generally utilized when issues arise as to whether a product is included within the scope of an antidumping or

⁵⁷ See *Narrow Woven Ribbons/Taiwan AD Prelim* (02/18/2010) at 7247 (unchanged in *Narrow Woven Ribbons/Taiwan AD Final* (07/19/2010)). See also *Softwood Lumber/Canada AD Final* (04/02/2002) IDM at “Scope Issues” after Comment 49.

⁵⁸ *Id.*

⁵⁹ See Preliminary Scope Determination, Comment 9, at 13.

⁶⁰ *Id.* at 14.

⁶¹ See Petitioners’ 10/22/2010 Scope Submission at 2-5; Petitioners’ Scope Case Brief at 4-5; and Petitioners’ Scope Rebuttal Brief at 4-9.

⁶² See *Polyester Staple Fiber/Korea AD Final* (03/30/2000) IDM at Comment 4.

⁶³ See *Activated Carbon/PRC AD Final* (03/02/2007) IDM at Comment 2 (finding respondent’s products to be in scope despite allegations that the domestic industry did not produce them because the products were included in plain language of the scope, which is dispositive). See also *Light-Walled Rectangular Pipe and Tube/Mexico AD Final* (09/02/2004) IDM at Comment 5 (“Although Prolamsa argues that pre-primed subject merchandise should be excluded because petitioners do not manufacture this product, the statute does not require that petitioners currently produce every type of product that is encompassed by the scope of the investigation.”); *Hot-Rolled Carbon Steel Flat Products/Netherlands AD Final* (10/3/2001) IDM at Comment 6 (finding respondent’s product within the plain language of the scope, and not accepting respondent’s argument that Battery Quality Steel should be excluded from the scope because, inter alia, there was no qualified supplier of the Battery Quality Steel in the U.S. and only minimal interest in Battery Quality Steel by the U.S. producers) (*remanded on other grounds, Corus Staal* (CIT 2003)).

countervailing duty order or a suspended investigation.⁶⁴ As a result, such arguments do not apply to the scope of a proceeding prior to issuance of an AD or CVD order. Accordingly, we have made no changes to the scope of these investigations with respect to heat sinks.⁶⁵

H. Baluster Kits

- Maine Ornamental argues that its imported baluster kits contain aluminum extrusions in a variety of powdered coated finishes to match wood and composite wood decking and railings. Maine Ornamental contends that the kits are packed ready for retail customer sales and customer installation and contain five to ten balusters, assembly fasteners, connectors, and detailed installation instructions, thus containing all the necessary components to assemble a final finished good, and as such, represent unassembled finished goods. As a result, Maine Ornamental argues that its baluster kits are more similar to shower doors with glass, or exhibition kits, which the Department excluded from the scope of the investigations, rather than a package of plastic and screws combined with aluminum powder coated extrusions. Therefore, Maine Ornamental argues that its baluster kits are not inputs for the production of downstream products but rather are unassembled finished goods and should be excluded from the scope of the investigations.
- Maine Ornamental argues that if its baluster kits cannot be excluded from the scope of these investigations based on product specifications and description of its use, then the Department should analyze the *factors* provided for in 19 CFR 351.225(k)(2) of the Department's regulations: (a) the physical characteristics of the baluster kits; (b) the expectations of the ultimate purchasers; (c) the ultimate use of the product; (d) the channels of trade; and, (e) the manner in which the product is advertised and displayed.
- Petitioners argue that the Department should reject Maine Ornamental's request to exclude baluster kits from the scope of the investigations. Petitioners contend that baluster kits represent a packaged collection of individual balusters, which comprise a single element of a railing or deck system, and, therefore, do not represent a finished product. Petitioners argue that a single baluster is analogous to carpet trim, which is a final good that is also a basic aluminum extrusion, covered by the scope of these proceedings.
- Petitioners argue that Maine Ornamental's balusters are meant to be connected to a deck railing, which is subsequently attached to a deck. Thus, Petitioners contend, that contrary to Maine Ornamental's claim, the baluster kits do not include the railing or the decking necessary to install a finished railing or decking system, but rather include only the baluster extrusions in addition to fastener components. Thus, Petitioners argue that the essential character of Maine Ornamental's baluster kits is that they are powder coated aluminum balusters. As a result, Petitioners assert, the written description of the merchandise is dispositive.⁶⁶

⁶⁴ See 19 CFR 351.225(a). See also *Activated Carbon/PRC AD Final* (03/02/2007) IDM at Comment 2.

⁶⁵ Because the Department has made no changes to the scope of these investigations by adding language excluding heat sinks, the Department need not make a determination as to the administrability of the proposed exclusionary language.

⁶⁶ Petitioners cite *Mushrooms/Chile AD Final* (10/22/1998) in support of their position.

Department's Position: We agree with Petitioners that baluster kits are not excluded "kits" as defined by the scope of the investigations and therefore constitute subject merchandise. The scope of the Petitions defines an excluded kit as "a packaged combination of parts that contains, at the time of importation, all of the necessary parts to fully assemble a final finished good and requires no further finishing or fabrication, such as cutting or punching, and is assembled 'as is' into a finished product.⁶⁷" Maine Ornamental's own description of the product indicates that such balusters are designed to work with other parts to form a larger structure. Specifically, although Maine Ornamental contends that its baluster kits contain all the necessary components to assemble a final finished good, it also states that the balusters, if used as directed, represent parts of structures to form a balustrade or deck rail. Thus, we agree with Petitioners that a baluster kit represents a packaged collection of individual parts, which comprise a single element of a railing or deck system, and, therefore, do not represent a finished product.

Further, we disagree with Maine Ornamental's contention that the fact that these balusters meet IBC and International Code Council strength and safety requirements, distinguishes, for the purposes of these investigations, the balusters from aluminum extrusions that do not have to meet such requirements. We note that the IBC and International Code Council strength and safety requirements are not a factor for determining the scope of these investigations.

Additionally, we find that a *Diversified Products* analysis applying the criteria outlined in 19 CFR 351.225(k)(2) is not appropriate for this phase in the proceeding. Specifically, 19 CFR 351.225 addresses issues that arise regarding the scope of an antidumping or countervailing duty order or a suspended investigation. As a result, such arguments do not apply to the scope of a proceeding prior to issuance of an AD or CVD order.

Finally, we disagree with Maine Ornamental's contention that its balusters are excluded from the scope of the investigations because the Aluminum Extrusions/PRC ITC Preliminary Report (June 2010) states that the scope excludes unassembled final finished goods containing aluminum extrusions, and describes the merchandise subject to the investigations as inputs for the production of downstream products. Although Maine Ornamental argues that its baluster kits are final finished goods, its own description of baluster kits indicates that the balusters function as an input for the production of a downstream product, such as a balustrade or a deck rail. As a result, Maine Ornamental's citation to the Aluminum Extrusions/PRC ITC Preliminary Report (June 2010) does not support its contention that the baluster kits should be excluded from the scope of the order.

Therefore, for the reasons above, we have not made any changes to the scope of these investigations with respect to baluster kits.

⁶⁷ While this language will change slightly in the final determinations for purposes of clarification, the intent of the language does not change.

I. Grading Rings

- HPS contends that grading rings, which are used with surge arresters to protect the electrical insulation of power equipment attached to high voltage power lines from damage associated with overvoltage surges on the line, are outside the scope of these investigations.⁶⁸ HPS argues that grading rings are finished products containing aluminum extrusions as parts that are fully and permanently assembled and completed at the time of importation into the United States which meet the exclusion for “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, picture frames, and solar panels.”

Department’s Position: HPS’ 10/26/2010 Scope Submission describes grading rings as “constructed from straight hollow aluminum tubing . . . which allows the vendor to bend the straight tubing into a circular shape and then be welded into a hoop with a smooth weld joint.”⁶⁹ It further states that “mounting straps are then welded around the perimeter of the formed round hoop. . . .”⁷⁰ HPS explains that when a customer orders a high voltage arrester, “the specified grading ring . . . is attached as a required accessory to the arrester shipment.”⁷¹ As we stated in our Preliminary Scope Determination, the clear language of the scope as articulated in the Petition, the *Aluminum Extrusions/PRC AD Initiation* (04/27/2010), and the *Aluminum Extrusions/PRC CVD Initiation* (04/27/2010) indicates that aluminum extrusions in the shape of “tubes” are included in the scope, without regard to end-use. Thus, based on the description of the product provided by HPS, this product appears to be comprised of an extruded aluminum tube with attachments, and therefore, scope merchandise in keeping with paragraph 5 of the scope of the investigations. Accordingly, we have made no changes to the scope of these investigations with respect to grading rings.

J. Aluminum Tubes and Fin Evaporator Coils

- Brazeway argues that the Department should amend the scope of the investigations to include HTS categories that cover FECs (*i.e.*, HTS categories 8418.99.80.50 and 8418.99.80.60), in order to prevent circumvention of the order.
- Brazeway asserts that FECs are within the scope of the investigations because they are subassemblies for refrigeration units made from extruded aluminum tubes of alloy series designation 1 or 3.⁷²

⁶⁸ HPS cites the scope language published in *Aluminum Extrusions/PRC AD Initiation* (04/27/2010) and *Aluminum Extrusions/PRC CVD Prelim* (09/7/2010) in support of its opinion.

⁶⁹ See HPS’ 10/26/2010 Scope Submission at 2.

⁷⁰ *Id.*

⁷¹ *Id.*

⁷² Brazeway cites the following cases in support of its position: *Aluminum Extrusions/PRC AD Prelim* (11/12/2010) at 69405.

- Finally, Brazeway argues that by omitting the two applicable HTS numbers for FECs, the Department provides importers an opportunity to avoid paying appropriate cash deposit or bond requirements or duties through inadvertent error or circumvention.

Department’s Position: We agree with Brazeway that we should amend the scope of these investigations to include the HTS categories under which FECs might enter U.S. Customs Territory (*i.e.*, HTS category 8418.99.80.50 (Refrigerators, freezers and other refrigerating or freezing equipment, electric or other; heat pumps, other than the air conditioning machines of heading 8415; parts thereof: Other:) and category 8418.99.80.60 (Refrigerators, freezers and other refrigerating or freezing equipment, electric or other; heat pumps, other than the air conditioning machines of heading 8415; parts thereof: Other: Other: Other). While HTS categories contained within the descriptive scope language of an AD or CVD proceeding are not dispositive of coverage under the scope of the proceeding they are helpful to both importers and CBP. Therefore, we will amend the scope of these investigations to include the HTS numbers for FECs.

Comment 4: Affiliation and Collapsing

- The Guang Ya Group argues that the Department’s preliminary decision to collapse the Guang Ya Group with New Zhongya and Xinya is not supported by evidence on the record and is contrary to the statute, the regulations, and past cases because 1) there is no common ownership among the sibling-related companies; 2) the companies share no managers or board members; 3) there are no intertwined operations; 4) there is no record of significant transactions among the companies; and 5) there is no actual or potential for price manipulation.⁷³
- The Government of China (“GOC”) argues that the Department’s collapsing of the Guang Ya Group, New Zhongya, and Xinya and their treatment as a single entity is unlawful, not supported by substantial evidence, and contrary to the Department’s consistent past practice. The GOC asserts that the Department has cited no evidence of: 1) a significant potential for the manipulation of price or production; 2) common ownership; 3) overlap between the companies’ boards; 4) intertwined operations; 5) involvement in production and pricing decisions; 6) sharing of facilities or employees; or 7) significant transactions between the producers.^{74,75}
- New Zhongya argues that there is no evidence on the record indicating any significant potential for manipulation of price or production based on ownership by siblings of the Guang Ya Group, New Zhongya, and Xinya. New Zhongya claims that there has been no case where the Department collapsed companies “related purely by family.” According to New Zhongya, in every case where companies related by family have been collapsed,

⁷³ The Guang Ya Group cites *DRAMs - IM and Above/Korea AD Prelim* (06/7/2001); *Salmon/Chile AD Prelim* (08/09/2001); *Hontex* (CIT 2005); *Stainless Steel Bar/India AD Final* (09/15/2009).

⁷⁴ The GOC cites 351.401(f)(2).

⁷⁵ The GOC cites *Diamond Sawblades/PRC AD Final* (05/22/2006); *Ball Bearings/Various AD Final* (09/16/2005) IDM at comment 10; *SSSS/Taiwan AD Final* (02/09/2004) IDM at comment 7; *Pasta/Italy AD Final* (2/11/2003) IDM at comment 6; and *Stainless Steel Bar/Germany AD Final* (01/23/2002).

there has been business or coordination among the companies with respect to subject merchandise, contrary to the facts in this investigation. New Zhongya further argues that it is not affiliated with Alumizona or KMB.

- Petitioners argue that it has been the Department’s more recent practice to collapse producers of merchandise under consideration with significant ownership by a family grouping, where a family grouping owns nearly all of two or more producers, and where the family members control those producers through their positions as directors and managers.”⁷⁶ Furthermore, Petitioners claim that the lack of evidence of intertwined operations among the Guang Ya Group, New Zhongya, and Xinya does not preclude a decision to collapse these entities and is consistent with recent Department practice.⁷⁷ Petitioners cite *Stainless Steel Bar/India AD Final (09/15/2009)* and *Isos/PRC AD Final (12/28/2009)*, where the Department specifically found no evidence of intertwined operations, but in both cases concluded that the common ownership and control by a family grouping supported a finding of a “significant potential for manipulation,” and collapsed the sibling companies.
- Petitioners argue that New Zhongya misrepresented the facts regarding its relationship to its customers Alumizona and KMB, and that the Department should find that these companies were affiliated with New Zhongya throughout the POI.

Department’s Position: The Department disagrees with the contentions of the Guang Ya Group, the GOC and New Zhongya that the Department’s determination to collapse the Guang Ya Group, New Zhongya and Xinya into a single entity is unsupported by the record evidence and contrary to law.

When considering whether to collapse two or more companies into a single entity for the purposes of an antidumping investigation or administrative review, 19 C.F.R. § 351.401(f) states that the Department will treat two or more affiliated producers as a single entity where: (1) those producers have production facilities for similar or identical products that would not require substantial retooling of either facility in order to restructure manufacturing priorities; and (2) where there is a significant potential for the manipulation of price or production. In identifying a significant potential for the manipulation of price or production, the factors the Department may consider include: (A) the level of common ownership; (B) the extent to which managerial employees or board members of one firm sit on the board of directors of an affiliated firm; and (C) whether operations are intertwined, such as through the sharing of sales information, involvement in production and pricing decisions, the sharing of facilities or employees, or significant transactions between affiliated producers. In conducting this analysis, the Department is not required to find that the companies in question have acted in concert. Rather, the Department is concerned with the potential for the companies to act in concert or out of common interests.

⁷⁶ *Isos/PRC AD Final (12/28/2009)* IDM at comment 3, citing *Stainless Steel Bar/India AD Final (09/15/2009)* IDM at comment 1 and *Fish Fillets/Vietnam AD Prelim (03/17/2009)* IDM at comment 5D.

⁷⁷ Petitioner cites *Stainless Steel Bar/India AD Final (09/15/2009)* IDM at comment 1 (“we acknowledge, as Venus and Sieves claim, that there is no information on the record in the current review to indicate that the operations of the two companies are directly intertwined”); *Isos/PRC AD Final (12/28/2009)* IDM at comment 3 (“we find insufficient record evidence to support a finding of intertwined operations”).

In examining these factors as they pertain to a significant potential for manipulation, we consider the possibility of future manipulation.⁷⁸ The preamble underscores the importance of considering the possibility of future manipulation: “a standard based on the potential for manipulation focuses on what may transpire in the future.” *Id.* We have, therefore, examined the relevant factors in light of the possibility of future manipulation.

Our decision to collapse Guang Ya Group, New Zhongya and Xinya into a single entity for the purposes of this investigation is based on findings that (1) Guang Ya Group, New Zhongya and Xinya are affiliated; (2) a shift in production by any of these companies would not require substantial retooling (if any); and (3) there is a significant potential for price or production manipulation due to, among other factors, evidence of significant family ownership and senior managers who (a) have a significant influence over the production and sales decisions of these companies and (b) belong to the same family. The Department’s comprehensive analysis, including references to business proprietary record information, is contained in a separate memorandum on the file.⁷⁹ Based on this analysis, we find that the record evidence supports collapsing the Guang Ya Group, New Zhongya and Xinya into a single entity for the purposes of this final determination. Moreover, this is consistent with the Department’s practice to collapse producers of merchandise under consideration which share significant ownership by a family grouping and thus evidence the potential for future price or production manipulation.⁸⁰

Further, we disagree with the GOC and New Zhongya that the fact that siblings may have ownership interest in these three entities does not meet the standard of demonstrating a significant potential for the manipulation of price or production under 19 C.F.R. § 351.401(f)(1). In this particular case, record evidence supports a finding that the siblings do not merely have an ownership interest, but rather that they have majority ownership of each of the entities in question. It is undisputed that this family is virtually the sole owner of the Guang Ya Group and New Zhongya, and the information on the record indicates that Xinya is also owned by the Kuang family.⁸¹

Besides being virtually the only shareholders, the record of this proceeding shows that Kuang family members sit on the boards and have management positions at Guang Ya Group, and New Zhongya.⁸² While Xinya provided information regarding its directors and managers, this information could not be verified and, as a result, we do not know the extent to which Kuang family members are involved in the management or the board of directors at Xinya. We do have evidence, however, that the brother-in-law of the Kuang owners of the other two enterprises is the general manager of Xinya.

⁷⁸ See Preamble, Antidumping Duties; Countervailing Duties; Final Rule, 62 FR 27296, 27346 (May 19, 1997).

⁷⁹ See Final Affiliation/Collapsing Memo.

⁸⁰ See *Stainless Steel Bar/India AD Final* (09/15/2009) IDM at comment 1; *Isos/PRC AD Final* (12/28/2009) IDM at comment 3; and *Fish Fillets/Vietnam AD Prelim* (03/17/2009) IDM at comment 5D.

⁸¹ See Final Affiliation/Collapsing Memo.

⁸² See Final Affiliation/Collapsing Memo.

The fact that the Kuang family is the largest shareholder in all three companies, combined with the fact that the family holds senior leadership positions in each company, clearly shows that the family has the ability and financial incentive to coordinate their actions in order to direct the Guang Ya Group/New Zhongya/Xinya to act in concert with each other.

The Guang Ya Group also argues that it is significant that the record does not indicate that related siblings of the Kuang family who are shareholders/board members and/or managers of Guang Ya Group also sit on any board or management committee of New Zhongya and its affiliates or of Xinya and its affiliates. We disagree. Instead, we agree with Petitioners that there exists a significant potential for manipulation because of the level of common ownership by the family grouping itself, and that there is no need to show that one individual owns, or serves on the boards, of two or more companies. As we explained in the Preliminary Affiliation/Collapsing Memo and in our Final Affiliation/Collapsing Memo, the Kuang family grouping constitutes a “person” for purposes of our analysis, and in that regard this family grouping is the person owning, on the board and/or acting as a manager at each company.⁸³

In cases such as this one, where the family grouping is the majority owner of all the entities in question, the Department finds that this ownership structure provides the family grouping the ability and financial incentive to coordinate their actions to act in concert with each other.⁸⁴ While Guang Ya Group argues that there is no evidence of actual price manipulation, the standard for collapsing does not require a finding that the parties in question have acted in concert, but rather that there is the potential for the companies to act in concert or out of common interests.⁸⁵ In situations where the family grouping enjoys near total ownership and control over the companies, and where each entity produces merchandise under consideration, we find that the family grouping is in a position to have significant influence over the production and sales decisions of each of the entities.⁸⁶

With regard to Guang Ya Group’s assertion that the Department’s reliance on *Hontex* (CIT 2004) is misplaced, and that the Department’s current determination is contrary to that decision, we disagree. In the Preliminary Affiliation/Collapsing Memo, and here, the Department relies on *Hontex* (CIT 2005) only for the proposition that the CIT affirmed the Department’s ability to apply the market-economy inquiry into the potential for manipulation to include NME exporters’ export decisions, rather than simply relying on whether or not the companies share production facilities.⁸⁷ We agree that in *Hontex* (CIT 2004), the collapsing analysis employed by the Department was based on the fact that the two entities shared a manager, and revolved around intertwined operations,⁸⁸ while in the present case, our analysis centers on the family grouping, and is more concerned with the potential for manipulation by this family grouping, as discussed

⁸³ See also *Light-Walled Rectangular Pipe and Tube/Turkey AD Final* (09/02/2004) IDM at comment 10

⁸⁴ See *Stainless Steel Bar/India AD Final* (09/15/2009) IDM at comment 1; *Isos/PRC AD Final* (12/28/2009) IDM at comment 3; and *Fish Fillets/Vietnam AD Prelim* (03/17/2009) IDM at comment 5D.

⁸⁵ See *id.*

⁸⁶ See *id.*

⁸⁷ See *Hontex* (CIT 2004) at 1233-1234.

⁸⁸ *Id.*

above. Nevertheless, in both cases, the Department's focus remains on the potential for manipulation as reflected in the ownership, production and management structures of each respective case.

With regard to New Zhongya's contention that there has been no case where the Department collapsed companies based on familial relationships, without intertwined operations, we disagree. As Petitioners pointed out, in both *Stainless Steel Bar/India AD Final (09/15/2009)* and *Isos/PRC AD Final (12/28/2009)* we stated explicitly that the lack of intertwined operations in each of those cases did not prohibit the finding of a significant potential for manipulation. Nevertheless, in this case, there is some evidence on the record of intertwined operations in the form of significant payments to the owner of New Zhongya, as found on New Zhongya's accounting records at verification. While the nature of these payments is not clear, the lack of clarity is a direct result of the parties' failure to be forthcoming about the nature of these transactions.⁸⁹ As an initial matter, neither company acknowledged any operational or financial interactions in their questionnaire responses. Additionally, once the Department discovered these transactions in New Zhongya's accounting records during verification, the explanation from the minority owner of New Zhongya and the explanation from its majority owner were inconsistent.⁹⁰

Further, verification is a spot check, not an exhaustive examination of the respondent's business.⁹¹ Therefore, it does not provide Department verifiers an opportunity to inspect every line item in the company's books and records in extensive detail. Moreover, at Xinya, the Department saw limited Xinya documentation and was precluded from viewing any financial or corporate documentation related to Xinya's parent entities and operations, notwithstanding having provided Xinya with a verification agenda outlining the specific types of documentation required for verification.⁹² Thus, the fact that the Department did not uncover additional evidence of intertwined transactions during the course of these verifications is not telling. Accordingly, notwithstanding the absence of further evidence of intertwined operations, pursuant to 19 CFR 351.401(f)(2)(iii), we find that the relationship between the Guang Ya Group, New Zhongya and Xinya poses a significant potential for the manipulation of price or production.

Regarding the GOC's argument that the Department's decision to collapse Xinya with Guang Ya Group and New Zhongya is not based on a complete record because Xinya was not a respondent in this investigation, we are mindful that Xinya is not a fully-participating respondent. Rather than respond to our antidumping questionnaire, Xinya argued that it was not affiliated with the Guang Ya Group or New Zhongya, and submitted documentation purporting to demonstrate this claim. Rather than simply applying adverse inferences to Xinya for not responding to our questionnaire, the Department attempted to verify the documentation submitted by Xinya. However, Xinya made absolutely no attempt at verification to provide documentation that would support its ownership claims or substantiate the legitimacy of the ownership documents it had

⁸⁹ See New Zhongya's Verification Report for the specifics of these transactions.

⁹⁰ See New Zhongya's Verification Report at 10.

⁹¹ See *Micron Technology* (Fed. Cir. 1997)

⁹² See December 2, 2010, Letter to Xinya regarding Less-Than-Fair Value Investigation of Aluminum Extrusions from the People's Republic of China, with enclosed Verification Agenda.

earlier submitted to the Department. In fact, Xinya made it clear that it would not provide the documents and insisted that the sole person made available for verification did not have any information regarding the company's ultimate owners. Therefore, we have determined that we are unable to rely on Xinya's submitted ownership information for purposes of this final determination. Thus, we base our affiliation and collapsing analysis on the information that is on the record and has been verified.⁹³

Finally, we agree with Petitioners that New Zhongya was not fully forthcoming with information relating to its business relationship to Alumizona, during the last month of the POI.⁹⁴ We also agree with Petitioners that New Zhongya was not fully forthcoming with information relating to its business relationship to KMB.⁹⁵

Additionally, at the verification of New Zhongya it also became clear that the claimed CEP sales through Alumizona reported by New Zhongya that took place during the period when New Zhongya and Alumizona were indisputably affiliated through the Kuang Wing Wah ownership equity in Alumizona, were in fact transfer prices between these two affiliated entities. Specifically, New Zhongya reported transactions with its affiliate, Alumizona, and represented them as the downstream sales from the affiliate, rather than submitting data for the downstream sales to the first unaffiliated customer. Therefore, the Department is unable to discern the quantity and value of New Zhongya's unreported CEP sales and, thus, is unable to determine whether or not its CEP sales represent a small percentage of its total sales. Therefore, the Department finds that the application of facts available is necessary because there is not complete and verifiable data on the record for New Zhongya's CEP sales. The Department normally determines whether to apply partial or total AFA in circumstances where a respondent has not provided complete and verifiable information. In this case, the Department has determined that New Zhongya is part of a single entity, *i.e.*, the Guang Ya Group/New Zhongya/Xinya, and has determined to apply total AFA to this entity. *See* the Guang Ya Group/New Zhongya/Xinya AFA Memo for full discussion of this issue. Accordingly, we have determined not to apply partial AFA in this case.

Comment 5: Application of Total AFA

- Petitioners argue that the Department should apply total AFA to the Guang Ya Group/New Zhongya/Xinya single entity because Xinya failed to cooperate to the best of its ability by not responding to the AD questionnaire.⁹⁶ Petitioners claim that where one component of a collapsed entity fails to cooperate to the best of its ability, the

⁹³ *See* Affiliation/Collapsing Memo.

⁹⁴ *See* New Zhongya Verification Report at 6.

⁹⁵ *See* New Zhongya Verification Report at 7.

⁹⁶ Petitioners cite the Department's Letter to Xinya dated Nov. 19, 2010; the Department's Letter to Xinya dated November 10, 2010; the Department's Letter to Xinya dated October 29, 2010, and Xinya's Letter dated November 12, 2010, at page 1.

Department's practice is to assign AFA to the entire collapsed entity⁹⁷ and that it should do so for the final determination in this investigation. Petitioners argue that as total AFA, the Department should select the 33.18 percent petition margin (as recalculated in the *Amended Preliminary Determination*).⁹⁸

- Furthermore, Petitioners contend that the Department instructed Xinya that it would conduct an on-site verification “to verify the complete ownership” of the company and its owners⁹⁹ and that Xinya was required to make the relevant documentation and people available at verification, but failed to do so.¹⁰⁰ Petitioners contend therefore that pursuant to section 776(b) of the Act, the Department should disregard the unverified information provided by Xinya and should make adverse inferences regarding the affiliation between Xinya's owners, the Kuang family, the Guang Ya Group, and New Zhongya.
- In addition, Petitioners argue that if the Department does not apply total AFA based on Xinya's failure to cooperate, it should recalculate the Guang Ya Group's aluminum billet consumption using partial AFA, or in the alternative, neutral FA, because the billet consumption reported by the Guang Ya Group in its post-verification supplemental questionnaire response is inconsistent with billet consumption data submitted by the Guang Ya Group at verification as a minor correction.
- The Guang Ya Group argues that in the final determination the Department should not attribute Xinya's purported failure to cooperate to the Guang Ya Group and should not resort to total AFA for the Guang Ya Group/New Zhongya/Xinya entity. Furthermore, the Guang Ya Group argues that in considering the appropriate action to take with respect to Xinya's purported failure to cooperate, the Department should rely upon its own standard, as articulated in the *Preliminary Determination*, that if an entity fails to cooperate then it is to be considered part of the China-wide entity, and thus the Department does not examine whether an entity is affiliated or should be collapsed with any other entity participating in this investigation.¹⁰¹
- In addition, the Guang Ya Group argues that the Department should use the factors for aluminum billet consumption as reported by the Guang Ya Group in its post-verification supplemental response. The Guang Ya Group contends that a review of the data submitted by the Guang Ya Group confirms that it followed the Department's instructions and reported the consumption of billets as discussed and verified.
- With respect to New Zhongya, Petitioners argue that New Zhongya misrepresented the facts surrounding its CEP sales, and its affiliations with customers Alumizona and KMB, in such a way as to artificially give the appearance that its CEP sales quantity was lower than it really was. Therefore, Petitioners contend that the Department should apply partial AFA to New Zhongya's CEP sales.

⁹⁷ Petitioners cite *Bicycles/PRC AD Final* (04/30/1996) IDM at Comment 8 and *Light-Walled Rectangular Pipe and Tube/Turkey AD Final* (09/02/2004) IDM at Comment 11.

⁹⁸ See *Aluminum Extrusions/PRC AD Amended Prelim* (1/4/2011).

⁹⁹ Petitioners cite Xinya's Verification Report at page 5.

¹⁰⁰ Petitioners cite *Id.*

¹⁰¹ The Guang Ya Group cites the *Aluminum Extrusions/PRC AD Prelim* (11/12/2010) at 69408.

- New Zhongya argues that its CEP sales were fewer than five percent during the POI. Further, New Zhongya argues that Katy and Cynthia Kwong’s family relationship is insufficient to establish affiliation with New Zhongya under the U.S. AD statute, and thus, sales to the companies owned by these persons were not CEP sales. Finally, New Zhongya argues that even if the affiliated CEP sales are over five percent, the Department should still deem it unnecessary to consider them to calculate a margin.

Department Position: The Department determines it is appropriate to treat the Guang Ya Group, New Zhongya, and Xinya as a single entity for the final determination.¹⁰² Furthermore, the Department determines that application of FA to the single entity (Guang Ya Group/New Zhongya/Xinya) is appropriate because the entity: (A) withheld information requested by the Department; (B) failed to provide such information in a timely manner or in the form or manner requested; (C) significantly impeded the proceeding under the AD statute; and (D) provided information that cannot be verified.¹⁰³

Moreover, the Department has determined that the application of total facts available with an adverse inference, *i.e.*, AFA, is appropriate.¹⁰⁴ As total AFA the Department is applying the highest rate from the petition, as recalculated for the final determination, of 33.28 percent.¹⁰⁵

Section 731 of the Act directs the Department to determine whether a class or kind of foreign merchandise is being, or is likely to be, sold in the United States at LTFV. In the event such a determination is affirmative, as it is in this investigation, section 735(c)(1)(B)(i) of the Act directs the Department to determine the estimated weighted-average dumping margin for each exporter and producer individually investigated.

Sections 776(a)(1) and (2) of the Act provide that the Department shall apply “facts otherwise available” if the necessary information is not on the record, or an interested party: (A) withholds information that has been requested by the Department; (B) fails to provide such information in a timely manner or in the form or manner requested by the Department, subject to sections 782(c)(1) and (e) of the Act; (C) significantly impedes a proceeding under the AD statute; or (D) provides such information but the information cannot be verified, the Department shall, subject to section 782(d) of the Act, use facts otherwise available in reaching the applicable determination. Section 782(c)(1) of the Act also provides that if an interested party “promptly after receiving a request from {the Department} for information, notifies {the Department} that such party is unable to submit the information requested in the requested form and manner, together with a full explanation and suggested alternative form in which such party is able to submit the information,” the Department may modify the requirements to avoid imposing an unreasonable burden on that party.

¹⁰² See Final Affiliation/Collapsing memo.

¹⁰³ See sections 776(a)(1) and (2)(A)-(D) of the Act; see also Final Affiliation/Collapsing Memo; and Guang Ya Group/New Zhongya/Xinya AFA Memo Final.

¹⁰⁴ See Final Affiliation/Collapsing Memo; and Guang Ya Group/New Zhongya/Xinya AFA Memo Final.

¹⁰⁵ See Petition Rate Recalculation Memo.

Section 782(d) of the Act provides that, if the Department determines that a response to a request for information does not comply with the request, the Department will inform the person submitting the response of the nature of the deficiency and shall, to the extent practicable, provide that person the opportunity to remedy or explain the deficiency. If that person submits further information that continues to be unsatisfactory, or this information is not submitted within the applicable time limits, the Department may, subject to section 782(e) of the Act, disregard all or part of the original and subsequent responses, as appropriate.

Section 782(e) of the Act states that the Department shall not decline to consider information deemed “deficient” under section 782(d) if: (1) the information is submitted by the established deadline; (2) the information can be verified; (3) the information is not so incomplete that it cannot serve as a reliable basis for reaching the applicable determination; (4) the interested party has demonstrated that it acted to the best of its ability; and (5) the information can be used without undue difficulties.

Furthermore, section 776(b) of the Act states that if the Department “finds that an interested party has failed to cooperate by not acting to the best of its ability to comply with a request for information from {the Department}, {the Department}, in reaching the applicable determination under this title, may use an inference that is adverse to the interests of that party in selecting from among the facts otherwise available.”¹⁰⁶

The Guang Ya Group

The Guang Ya Group has two producers/exporters, Guang Ya and Guangcheng, that produced and exported merchandise under consideration to the U.S. during the POI. The main input materials used to produce the merchandise under consideration are aluminum ingots and/or billets. The Guang Ya Group reported aluminum billet consumption for Guangcheng and aluminum ingot consumption for Guang Ya in its initial September 7, 2010, section D questionnaire response. However, in its first supplemental questionnaire response, without providing any explanation, the Guang Ya Group submitted a revised database in which it did not report any aluminum billet consumption for either factory. Rather, this latter database reported consumption of aluminum ingots for all CONNUMs produced by these two producers.¹⁰⁷

On November 12, 2010, the Department issued a supplemental questionnaire to the Guang Ya Group directing it to report aluminum billet consumption, or explain why it does not need to report this input. Specifically, the supplemental questionnaire stated, at item 2:

The Guang Ya Group reported in Exhibit D.11 of its September 29, 2010, supplemental questionnaire response that {Guangcheng} had market economy purchases of aluminum billets but the Guang Ya Group did not report aluminum billet consumption in its FOP database. Please revise and resubmit the Guang Ya Group’s FOP database to report per

¹⁰⁶ See also SAA at 870.

¹⁰⁷ See Exhibit D-11 of the Guang Ya Group’s September 29, 2010, supplemental questionnaire response.

unit consumption of aluminum billets or explain why the Guang Ya Group should not report aluminum billet consumption.¹⁰⁸

In its November 22, 2010, supplemental questionnaire response the Guang Ya Group stated: “The Guang Ya Group has revised its factors of production (“FOP”) database to identify aluminum billet separate from aluminum ingot. *See* Exhibit D.29.” However, Exhibit D.29, the Guang Ya Group’s “Revised GYG FOP File Printout,” did not include aluminum billet consumption, nor did the revised FOP database. The Guang Ya Group provided no explanation for this omission.

At verification, the Guang Ya Group presented aluminum billet consumption factors as a minor correction.¹⁰⁹ The Guang Ya Group stated that it had inadvertently failed to report aluminum billet consumption as requested by the Department in its November 22, 2010, supplemental questionnaire response in spite of its statement in that response that it had revised its FOP database to report aluminum billet consumption. In addition, for the first time, the Guang Ya Group informed the Department that Guangcheng not only purchases billets, but it also purchases aluminum ingot, which Guang Ya then processes into billet on Guangcheng’s behalf. Item 3 of the Guang Ya Group’s prepared list of minor corrections submitted to Department verifiers on the first day of verification stated: “Guang Ya did not report billet as an input separately, but included billet input quantities within the Ingot total. In so doing it is able to show billet as a separate factor. Attachment C provides the separate FOP tables as described. If this correction is accepted, Guang Ya {Group} will revise the consolidated FOP tables to show billet as an input material factor.” The Department determined that under these particular circumstances (*i.e.*, if Guang Ya Group could demonstrate that its reported ingot consumption captured the quantity of purchased billet consumed in production of subject merchandise) it would accept Attachment C as a minor correction. At verification, the Department did not note deficiencies in Attachment C or inconsistencies among Attachment C and the Guang Ya Group’s books and records.

After verification, the Department issued a post-verification supplemental questionnaire to the Guang Ya Group instructing it to submit a revised database pursuant to minor corrections and other changes in data found at verification. This supplemental questionnaire explicitly directed the Guang Ya Group to make no other changes to the data other than those specified. However, in the revised consolidated Guangcheng/Guang Ya FOP database submitted in response to the Department’s post-verification supplemental questionnaire, the Guang Ya Group reported billet consumption for far fewer CONNUMs than it reported in its verification correction, Attachment C, “Consumption of production factors per unit – Guang Cheng.” Furthermore, the per-unit consumption quantities of aluminum billets and ingots that were reported in the Guang Ya Group’s post-verification supplemental response were inconsistent with the consumption rates reported Attachment C of the minor corrections reviewed by the Department at verification.¹¹⁰

¹⁰⁸ “GC” refers to Guangcheng.

¹⁰⁹ *See* Exhibit 1 of the Guang Ya Group Verification Report. CONNUM is the term we use to identify a product or group of products comprising certain physical characteristics.

¹¹⁰ The Department notes the post-verification consumption figures were also inconsistent with Guang Ya Group’s September 7, 2010, C & D questionnaire response, which was also not consistent with the verified data.

Xinya

For the preliminary determination, the Department collapsed the Guang Ya Group, New Zhongya, and Xinya into a single entity.¹¹¹ In determining to treat the Guang Ya Group, New Zhongya, and Xinya as a single entity, the Department stated that it preliminarily found that the Kuang¹¹² family grouping holds full ownership of the Guang Ya Group, New Zhongya and Xinya, all of which are producers and/or exporters of merchandise under consideration in this investigation. Subsequent to the preliminary determination, the Department sent the standard AD questionnaire to Xinya on October 29, 2010. The Department stated in its questionnaire cover letter:

On October 27, 2010, we completed the preliminary determination in this investigation and preliminarily found that the Guang Ya Aluminium Industries Co., Ltd., Foshan Guangcheng Aluminium Co., Ltd., Kong Ah International Company Limited, Guang Ya Aluminium Industries (Hong Kong) Limited, (collectively, the “Guang Ya Group”), Zhaoqing New Zhongya Aluminum Co., Ltd., Zhongya Shaped Aluminium (HK) Holding Limited and Karlton Aluminum Company Ltd. (collectively “New Zhongya”), and Xinya should be collapsed and treated as a single entity for purposes of the Department’s analysis in this investigation. The Guang Ya Group and New Zhongya have already submitted questionnaire responses in this investigation. **Since we are treating the Guang Ya Group, New Zhongya, and Xinya as a single entity, we require that New Asia {aka Xinya}¹¹³ submit a full response to the enclosed questionnaire.** (Emphasis in original.)¹¹⁴

On November 4, 2010, Xinya responded to the Department claiming it had made no sales of merchandise under consideration during the POI. Xinya stated: “We had no sales to the United States of the subject extruded aluminum merchandise during the July 1, 2009 to December 31, 2009 POI. Accordingly, we do not believe that we are supposed to answer the questionnaire . . . {and request} not to have to answer the questionnaire.”¹¹⁵

On November 10, 2010, the Department issued a letter to Xinya repeating its statement from the Department’s October 29, 2010, letter that the Department determined that the Guang Ya Group, New Zhongya and Xinya “are affiliated and should be treated as a single entity for purposes of this investigation.” Furthermore, the Department stated that “because New Asia {aka Xinya} is considered by the Department to be a single entity with the Guang Ya Group and New Zhongya, both of which had sales to the United States during the POI, we continue to require that New

¹¹¹ See Prelim Affiliation/Collapsing Memo. This determination remains unchanged for the final in this investigation. See also Final Affiliation/Collapsing Memo.

¹¹² In this proceeding, parties identified as Kuang or Kwong have been identified to be members of the same family who simply spell their surnames differently depending upon whether they use the Chinese or Hong Kong spelling.

¹¹³ Xinya is also known by the English translation of its name, New Asia Aluminum & Stainless Steel Products Co., Ltd. (“New Asia”).

¹¹⁴ See the AD questionnaire issued to Xinya dated October 29, 2010.

¹¹⁵ See Xinya’s November 4, 2010, letter to the Department.

Asia respond to the Department’s original questionnaire.” In addition, the Department explained in detail why Xinya was required to submit a response to sections A, C, and D of the AD questionnaire. The Department stated:

Section A information is required for all sub-entities comprising the respondent entity. Even if New Asia {aka Xinya} itself had no sales to the United States, Section C information relating to aspects of New Asia’s sales methodology, accounting methodology, etc., along with a complete sales reconciliation, is necessary for the Department to verify your claims of no sales to the United States. In addition, a section D response is required covering all facilities of the single entity regardless of the sales market of the merchandise produced by that facility. Page D-6 of the October 29, 2010, questionnaire sent to New Asia states that “The factors file should contain information relating to all of the merchandise produced in each facility that is of the same model or product type as the merchandise sold to the United States, **including the portion of production of those models or product types not destined for the United States.**”

Similarly, page D-2 of the Questionnaire states: “If you produce the merchandise under consideration at more than one facility, **you must report the factor use at each location**”. You must also report the output of the merchandise under consideration at each of the various facilities during the POI.” New Asia {aka Xinya}, being part of the Guang Ya Group/New Zhongya/New Asia single entity, is one of the facilities for which factor use information is required.

Thus, New Asia {aka Xinya} must provide a list of all control number (“CONNUMs”) produced by New Asia during the POI. Additionally, for any of these CONNUMs that were sold to the United States during the POI by the Guang Ya Group/New Zhongya/New Asia entity, New Asia is required to report the relevant factors of production (“FOPs”) in an FOP dataset, as explained in the original questionnaire. Further, the Department continues to require a response to all the other requests for information in Section D in order to properly analyze, and verify, Xinya’s Section D response.¹¹⁶ (Emphasis in original.)

On November 12, 2010, Xinya responded to the Department’s November 10, 2010, letter stating it was not affiliated with New Zhongya or the Guang Ya Group and provided certain documents purporting to demonstrate its ownership. This documentation indicated that Xinya is owned by Xinya Holdings and also indicated the ownership of Xinya Holdings.¹¹⁷ Based on these documents Xinya stated “Thus, it would appear that the questionnaire was erroneously sent to us and we should not and need not answer.” Furthermore, Xinya requested that “all questionnaire deadlines be held in abeyance (until at least 2 weeks after a Department determination as to the above)”

¹¹⁶ See the Department’s November 10, 2010, letter issued to Xinya.

¹¹⁷ Due to the proprietary nature of this discussion, *see also* Guang Ya Group/New Zhongya/Xinya AFA Memo Final.

On November 18, 2010, the Department issued a supplemental questionnaire regarding Xinya's November 12, 2010, submission. In the cover letter we stated that Xinya's submission did not demonstrate it was not affiliated with New Zhongya and the Guang Ya Group, that it was required to respond to the Department's questionnaire and that due to statutory deadlines, the Department could not hold its deadlines in abeyance. The Department stated:

Because your current submission does not adequately demonstrate that New Asia {aka Xinya} is not affiliated with the Guang Ya Aluminium Industries Co., Ltd., Foshan Guangcheng Aluminium Co., Ltd., Kong Ah International Company Limited, Guang Ya Aluminium Industries (Hong Kong) Limited, (collectively, the "Guang Ya Group")/Zhaoqing New Zhongya Aluminum Co., Ltd., Zhongya Shaped Aluminium (HK) Holding Limited and Karlton Aluminum Company Ltd. (collectively "New Zhongya"), we must continue to require that New Asia respond to the Department's questionnaire.

Given the statutory deadlines for this investigation, the Department is unable to grant New Asia's {aka Xinya} request that the questionnaire response deadlines be held in abeyance. This investigation is conducted on a schedule dictated by law. In addition, questionnaire responses are subject to on-site verification. In order for the Department to have adequate time to analyze New Asia's questionnaire responses, issue supplemental questionnaires, and conduct verification of New Asia's response(s), the Department must receive New Asia's complete response(s) to sections A, C, and D of the Department's questionnaire, as outlined in the Department's November 9, 2010, letter to New Asia, by the close of business on November 22, 2010. The Department will analyze New Asia's questionnaire response(s), issue supplemental questionnaires (as needed). Moreover, the Department will base its determination as to whether New Asia should be treated as a single entity with on its analysis of New Asia's response(s) to the original questionnaire and its responses to the questionnaire attached to this letter.¹¹⁸

On November 29, 2010, Xinya responded to the Department's supplemental questionnaire but did not submit any response to sections A, C, or D of the AD questionnaire. Xinya stated in its cover letter only that it was responding to the Department's supplemental questionnaire

On December 2, 2010, the Department issued a verification outline to Xinya requesting that Xinya notify the Department where corporate documents for Xinya and Xinya Holdings Limited, (Xinya's immediate owner), were located, so that the Department would be able to determine the appropriate verification site. The Department stated in the cover letter:

¹¹⁸ See the cover letter to the Department's November 18, 2010, supplemental questionnaire.

Please advise via email as soon as possible after receipt of this letter at what location New Asia {aka Xinya} maintains ownership and corporate documents for Xinya Holdings Limited and for New Asia so that we may determine whether verification will be conducted at New Asia's offices at Guijiang Middle Road, Dali Town, Nanhai District, Foshan Guangdong Province, People's Republic of China and/or at Xinya Holdings Limited's offices in Hong Kong or somewhere else.¹¹⁹

Furthermore, the Department stated:

If ownership and corporate documents are maintained at a location other than at New Asia's {aka Xinya} offices in Foshan, the verification date may have to be changed. In this case, we will discuss with you other possible dates to determine what date would be practical for you. Please provide complete street addresses for both locations. We note that it may be necessary to extend the verification beyond December 10, 2010, to include additional days and locations.¹²⁰

Moreover, the Department stated:

Please note the following facts: (1) the information gathered during the verification will be used solely for the purposes of this proceeding; and (2) it is in New Asia's {aka Xinya} interest to cooperate since failure to permit verification may result in the Department relying on adverse "facts available" under section 776 of the Tariff Act of 1930, as amended (the Act).¹²¹

Prior to verification, in response to the Department's enquiries, Xinya informed the Department that verification should take place at Foshan. While in the PRC, the Department verifiers spoke with Mr. Zhong Jian Qiu ("Mr. Zhong"), the general manager of Xinya and again stressed that verification would require that the Department have access to documentation showing the ultimate owners of Xinya, and access to persons knowledgeable of the ultimate ownership of Xinya.¹²² At verification in Foshan, however, Xinya failed to provide requested documentation regarding its ultimate ownership or have available appropriate personnel who had knowledge of Xinya's ultimate ownership. Instead, Mr. Zhong stated what he believed to be the ultimate ownership structure of Xinya and identified the parties he believed to be its directors and or hold management positions.¹²³

At verification, the Department verifiers asked Mr. Zhong to describe the ultimate ownership of Xinya's ultimate owner(s). Mr. Zhong said that he was not familiar with the ultimate ownership, of a parent company, Xinya Holdings, after 2008. The Department verifiers asked to talk to someone who was knowledgeable of the ownership of Xinya Holdings after 2008. Mr. Zhong

¹¹⁹ See the cover letter to the December 2, 2010, Xinya verification outline.

¹²⁰ *Id.*

¹²¹ *Id.*

¹²² See Xinya's Verification Report at page five, footnote 3.

¹²³ Due to the proprietary nature of this discussion, see Guang Ya Group/New Zhongya/Xinya AFA Memo Final.

said that there was no one on hand to speak to regarding Xinya Holdings and described the ownership that he believed was correct. In addition, we asked to see the original of Xinya's articles of association. Mr. Zhong said he did not have access to this document.

Additionally, the Department verifiers asked to see the originals of ownership documents relating to the ownership of Xinya Holdings that had been submitted to the Department. Mr. Zhong stated that these documents were not at the verification site in Foshan. The Department verifiers pointed out that Xinya had submitted copies of these documents to the Department, and that they would like to speak to the person responsible for maintaining them or submitting them to the Department. Mr. Zhong said that the person who prepared the documents for submission to the Department was not in that day. The Department verifiers asked to speak to the party/entity Mr. Zhong claimed was Xinya's owner(s). Mr. Zhong said that he was not present and that he was rarely at the factory.

The Department verifiers noted to Mr. Zhong that there seemed to be no relevant documentation, nor any knowledgeable person to speak with in order to verify the ultimate ownership of Xinya at the Foshan location. The Department verifiers asked whether the proper documentation and people to talk to may be at the Xinya Holdings offices in Hong Kong. The Department verifiers proposed that they verify there, or any other accessible place Mr. Zhong deemed appropriate to locate the documents and necessary personnel. Mr. Zhong replied that this was not his concern, and that he had done all he intended to do in this matter. The Department verifiers reminded Mr. Zhong that the company had not provided any of the requested documentation substantiating the reported ownership of either Xinya Holdings or other possible owners of Xinya and thus had not demonstrated the ultimate ownership of Xinya. He provided no further documentation or response on this point.

New Zhongya

The Department requested that New Zhongya report U.S. sales of subject merchandise following the reporting methodology laid out in the questionnaire.¹²⁴ In preparing a response to a request from the Department, it is presumed that a respondent is familiar with its own records. The Department's questionnaire instructs companies to "report each U.S. sale of merchandise entered for consumption during the POI." In its September 8, 2010, Sections C and D questionnaire response at page 2, New Zhongya stated that:

we reported EP for all sales sold directly from Zhongya HK to all unrelated U.S. customers...One of Zhongya HK's customers Alumizona is a U.S. company... Mr. Kwong Wing Wah, one of the shareholders of Zhongya HK, held 50 percent shares of Alumizona Inc before December 1, 2009. Therefore, the sales to Alumizona falling in the {POI} were CEP sales. However, according to the QV chart we reported in Section A, the CEP sales only accounts for 4.1 percent of Zhongya HK's total sales to the United States during the POI, thus, we just report EP sales in Section C database.

¹²⁴ See, e.g., the Department's AD questionnaire, dated July 16, 2010, at C-1 and D-1.

On October 12, 2010, the Department issued a supplemental questionnaire to New Zhongya directing it to report the CEP sales in its database. In addition, the Department asked New Zhongya to please explain why it reported sales to Alumizona and KMB Metals LLC as EP sales.¹²⁵

On October 20, 2010, New Zhongya submitted a letter requesting that the Department grant a ten-day extension until October 28, 2010, to respond to the Department's October 12, 2010, supplemental questionnaire. In addition to the extension request, New Zhongya stated that it was still waiting for an answer from the Department as to whether or not it needed to report its CEP sales in light of Department precedent that a respondent need not report CEP sales in an investigation if they represent fewer than five percent of total sales during the POI.

On October 20, 2010, the Department responded to New Zhongya, explaining that because New Zhongya reported that less than five percent of its U.S. sales were CEP sales, the Department was allowing it to not to report these sales, as is our practice. The Department stated, however, that if the Department finds that New Zhongya's CEP sales constituted more than five percent of its U.S. sales, the Department may value those sales with the FA for the final, and may use adverse inferences, as appropriate.¹²⁶

In its November 2, 2010, Second Supplemental Response, New Zhongya elaborated on its explanation of why it reported all POI sales to KMB and the last month of the POI's sales to Alumizona as EP sales rather than CEP sales, stating that Kwong Wing Wah held 50 percent of the shares in Alumizona before December 1, 2009, and so it considered sales during that period as CEP sales. After December 1, 2009, Kwong Wing Wah transferred his 50 percent share to Katy Kwong. Therefore, New Zhongya explained, it considered the sales made by Zhongya HK to Alumizona since December 1, 2009, were sales to an unaffiliated entity. With respect to its sales to KMB New Zhongya stated that these sales are reported as EP sales because KMB has no affiliation with the New Zhongya companies.¹²⁷

In its November 29, 2010, Third Supplemental Questionnaire Response to the Department's November 17, 2010, 3rd Supplemental Questionnaire, in which the Department asked numerous questions regarding New Zhongya's relationship to Alumizona and KMB in an effort to ascertain whether the transactions in question had properly been reported as EP sales, New Zhongya added that "we have added the CEP sales to the Section C database as an exercise of caution."¹²⁸ However, New Zhongya did not provide any other narrative regarding these sales.

On December 3, 2010, the Department verifiers departed for the PRC to conduct the verifications of the Guang Ya Group, New Zhongya, and Xinya. On December 13, 2010, the Department verifiers arrived at New Zhongya to begin the verification. It was at verification that the Department verifiers discovered that New Zhongya had not reported its CEP sales, and instead,

¹²⁵ See the Department's letter to New Zhongya, dated October 12, 2010.

¹²⁶ See the Department's letter to New Zhongya, dated October 20, 2010.

¹²⁷ See New Zhongya's November 2, 2010, Second Supplemental Response at page 7.

¹²⁸ See New Zhongya's November 29, 2010, Third Supplemental Response at page 7.

had reported as its CEP sales the prices and details of the transactions between itself and its U.S. affiliate Alumizona during the period it acknowledged its affiliation with Alumizona.¹²⁹ As a result, the Department is unable to discern the quantity or value of the unreported CEP transactions.

Analysis

Section 776(a)(1) and (a)(2)(A), (B), (C) and (D) of the Act provides that the Department shall apply “facts otherwise available” if the necessary information is not on the record, or if an interested party: withholds information that has been requested by the Department, fails to provide such information in a timely manner or in the form or manner requested by the Department, significantly impedes a proceeding under the AD statute, or provides information but the information cannot be verified. The determination to use facts otherwise available is subject to section 782(d) of the Act.

776(a)(1): Necessary Information to calculate a reliable margin is not on the record for Guang Ya Group/New Zhongya/Xinya.

The Guang Ya Group

At verification, the Guang Ya Group presented a minor correction to the Department to report aluminum billet consumption. The Department reviewed and accepted this information at verification; and in a post-verification supplemental questionnaire requested that the Guang Ya Group revise its FOP database to incorporate this correction. However, the FOP database the Guang Ya Group submitted in response to the Department’s post-verification supplemental questionnaire reported aluminum billet consumption for only a small subset of the CONNUMs identified at verification as consuming billets. Moreover, the post-verification database also contained inaccurate ingot consumption for all CONNUMs that were in the minor correction examined at verification. Thus, based on the Guang Ya Group’s verified data, the post-verification database it provided to the Department contains inaccurate billet and ingot consumption for CONNUMs comprising 75 percent of the Guang Ya Group’s total CONNUMs and 89 percent by value, and 90 percent by quantity, of its reported U.S sales.¹³⁰ Based on the above, the Department finds that the Guang Ya Group’s reported aluminum billet and ingot consumption is unreliable for purposes of calculating an accurate dumping margin.¹³¹

Importantly, aluminum billets and ingots are the most significant components of NV, thus, the consumption rates of these two inputs have a significant impact on the accuracy of the calculated margin. Accordingly, the Department finds that because the Guang Ya Group did not accurately report its aluminum billet consumption, and did not accurately report a significant portion of its ingot consumption, the Department does not have the necessary information to calculate an accurate NV for Guang Ya Group’s U.S. sales, and thus does not have the necessary information to calculate a reliable margin.

¹²⁹ See New Zhongya Verification Report at 7.

¹³⁰ Due to the proprietary nature of this discussion, see Guang Ya Group/New Zhongya/Xinya AFA Memo Final.

¹³¹ Billets and ingots may be consumed in varying combinations to produce a particular CONNUM.

Xinya

Xinya failed to submit any response to sections A, C and D of the Department's AD questionnaire in spite of the Department's repeated requests that it do so. While Xinya claims it had no U.S. sales of merchandise under consideration during the POI,¹³² as part of the collapsed entity, the Department would still need to analyze its production and FOP data. The Department calculates NV using the average of the FOPs from all production facilities of an entity that produced the CONNUMs sold to the United States regardless of the market to which the respective factory sold the merchandise.¹³³ In this case, although the Department does not have any indication that Xinya sold subject merchandise to the United States, the record indicates that Xinya produced like merchandise during the POI. Because Xinya failed to provide any production data, the Department lacks information required to calculate an accurate NV for the collapsed entity, which is in turn necessary for the Department to calculate a reliable margin for the collapsed entity. Accordingly, the Department finds that because Xinya failed to provide any FOP data, necessary information to calculate a reliable margin is not on the record.

New Zhongya

New Zhongya did not report its U.S. CEP sales, as it claimed it had. In fact, the record is now clear that the "sales" data submitted by New Zhongya as CEP sales data was data regarding transactions between itself and one U.S. affiliate, Alumizona.¹³⁴ Therefore, we are unable to determine the extent of the unreported sales and there are no data on the record to calculate margins for New Zhongya's claimed CEP sales.

776(a)(2) (A): Guang Ya Group/New Zhongya/Xinya failed to provide information in accordance with Sections 776(a)(2) (A), (B), (C) and (D) of the Act.

The Guang Ya Group

The Guang Ya Group failed to provide such information in a timely manner or in the form or manner requested subject to sections 782(c)(1) and (e) of the Act.

First, the Guang Ya Group failed to revise its FOP database to include aluminum billet consumption as requested by the Department in a supplemental questionnaire even though it claimed that it had done so in the narrative of its supplemental questionnaire response. Second, after verification, the Guang Ya Group failed to provide aluminum billet consumption data consistent with its verified data, as requested by the Department. As the Guang Ya Group did not notify the Department of any difficulty in submitting this information, and there was no indication of any difficulty in submitting the information, the Department finds that sections 782(c)(1) or (2) of the Act are not relevant to this determination. Accordingly, we find that the

¹³² See Xinya's November 4, 2010, submission.

¹³³ See *Graphite Electrodes/PRC AD Final* (01/14/2009) IDM at Comment 3.B.

¹³⁴ See *NewZhongya Verification Report* at 7.

Guang Ya Group failed to provide information in a timely manner or in the form or manner requested within the meaning of section 776(a)(2)(B) of the Act.

The Guang Ya Group significantly impeded this proceeding, within the meaning of section 776(a)(2)(C) of the Act.

First, the Guang Ya Group significantly impeded this proceeding by unilaterally removing aluminum billet consumption from its FOP database subsequent to submission of its initial questionnaire response without any explanation or notice to the Department. This action inhibited the Department's analysis of the Guang Ya Group's consumption rates of the two most significant components comprising NV, *i.e.*, aluminum billets and ingots. Second, as described above, the Guang Ya Group significantly impeded this proceeding by failing to revise its FOP database to include aluminum billet consumption as requested by the Department in a supplemental questionnaire even though it claimed that it had done so in the narrative of its supplemental questionnaire response. Finally, the Guang Ya Group impeded this proceeding by reporting inaccurate aluminum billet and ingot consumption data for 75 percent of its CONNUMs in its post-verification database that would serve as the NV comparison for 90 percent by quantity and 89 percent by value, of its U.S. sales.

The Guang Ya Group provided information that cannot be verified by the Department within the meaning of section 776(a)(2)(D) of the Act.

The aluminum billet and ingot consumption data reported by the Guang Ya Group in its post-verification supplemental response is not consistent with the data verified by the Department. The Guang Ya Group provided no explanation with respect to these inconsistencies. Therefore, because the aluminum billet consumption rates submitted in response to the Department's post-verification supplemental questionnaire are not consistent with the verified data, it is not verified. Further, because it was submitted after verification, it could not be verified after receipt. Accordingly, we find that The Guang Ya Group provided information that cannot be verified by the Department within the meaning of section 776(a)(2)(D) of the Act.

Xinya

Xinya withheld material information requested by the Department within the meaning of section 776(a)(2)(A) of the Act

As stated above, Xinya failed to submit responses to sections A (corporate structure and ownership), C (U.S. sales) and D (factors of production) of the Department's AD questionnaire in spite of the Department's repeated requests that it do so. While Xinya submitted limited ownership information, this data was grossly incomplete and does not constitute an adequate response. Accordingly, the Department finds that Xinya withheld material information requested by the Department.

Xinya significantly impeded this proceeding, within the meaning of section 776(a)(2)(C) of the Act.

First, as described above, Xinya impeded this proceeding by failing to submit any response to sections A, C and D of the Department's AD questionnaire in spite of the Department's repeated requests that it do so. Second, at verification in Foshan, Xinya failed to provide requested documentation regarding its ultimate ownership or have available appropriate personnel who had knowledge of Xinya's ultimate ownership. Third, Xinya declined to allow verification of the ownership documentation to take place at any additional facility and specifically stated to the Department that it would not provide any additional information or participate in any further verification activities. Fourth, at no time did Xinya indicate that it could not provide this information, but merely stated that any individuals at the company knowledgeable about the issue at hand would not be made available to the Department. No reasons were provided by the company. Accordingly, the Department finds that Xinya significantly impeded this proceeding.

Xinya provided information that cannot be verified by the Department within the meaning of section 776(a)(2)(D) of the Act

Because Xinya failed to provide requested documentation (e.g., originals of the documentation it had provided to the Department, or any corroborating documentation) regarding its ultimate ownership at verification or have available appropriate personnel who had knowledge of Xinya's ultimate ownership available at verification, the Department was unable to verify Xinya's claims with respect to its ultimate ownership. Accordingly, the Department finds that Xinya provided information that cannot be verified by the Department.

New Zhongya

New Zhongya failed to provide such information in a timely manner or in the form or manner requested, within Section 776(a)(2)(B) of the Act.

First, notwithstanding the Department's warning about the consequences of incomplete reporting, New Zhongya failed to include CEP sales in its U.S. sales database as requested by the Department in the AD questionnaire, deciding that it was unnecessary because, it claimed, the quantity of its CEP sales as a percentage of U.S. sales during the POI was below the five percent threshold established by Department practice. However, we are unable to discern if such sales actually fall below five percent of its total U.S. sales during the POI due to New Zhongya's incomplete reporting. Second, New Zhongya failed to provide CEP sales data in its supplemental questionnaire response even though it claimed that it had done so in the narrative of its November 29, 2010, Third Supplemental Response. However, because New Zhongya stated in the narrative of this response that it had provided the data, and provided transactional data that it purported to be the CEP transactions, the Department was not aware until verification that the data New Zhongya had reported as CEP sales to the first unaffiliated U.S. entity were in fact transfer prices between New Zhongya and its U.S. affiliate Alumizona. As New Zhongya did not notify the Department of any difficulty in submitting this information, and there was no indication of any difficulty in submitting the information, the Department finds that sections 782(c)(1) or (2) of the Act are not relevant to this determination. Accordingly, the Department

finds that New Zhongya failed to provide information in a timely manner or in the form or manner requested within the meaning of section 776(a)(2)(B) of the Act.

New Zhongya significantly impeded this proceeding, within the meaning of section 776(a)(2)(C) of the Act.

First, New Zhongya significantly impeded this proceeding by unilaterally deciding that it was unnecessary to report its CEP sales in the submission of its initial questionnaire response without any explanation or notice to the Department. This action inhibited the Department's analysis of New Zhongya's CEP sales and deprived the Department of determining the significance of those sales in its analysis. Second, as described above, New Zhongya significantly impeded this proceeding by misrepresenting in the narrative of its November 29, 2010, Third Supplemental Response the sales it reported as CEP sales in its accompanying U.S. sales database. Thus, because New Zhongya did not report its actual CEP transactions and did not identify the quantity or value of the unreported transactions we are unable to determine the universe of unreported sales and what percent of total POI sales are unreported.

New Zhongya provided information that cannot be verified by the Department within the meaning of section 776(a)(2)(D) of the Act.

The claimed CEP sales data reported by New Zhongya in its November 29, 2010, Third Supplemental Response were not, in fact, CEP sales data. New Zhongya merely provided the transfer prices for transactions between itself and one affiliate (Alumizona). Therefore, there is no record information of the actual CEP sales made by New Zhongya's U.S. affiliate. Accordingly, the Department finds that New Zhongya's November 29, 2010, Third Supplemental Response provided information that cannot be verified by the Department within the meaning of section 776(a)(2)(D) of the Act.

Application of Total FA

The Department has determined it is appropriate to treat the Guang Ya Group, New Zhongya, and Xinya as a single entity for purposes of this investigation.¹³⁵ Based on the analysis above, the Department finds that necessary information is not on the record to calculate a reliable margin for the Guang Ya Group/New Zhongya/Xinya entity. The Department further finds that Guang Ya Group/New Zhongya/Xinya withheld information that has been requested by the Department; failed to provide such information in a timely manner or in the form or manner requested; significantly impeded this proceeding under the AD statute; and provided information that could not be verified.

First, with regard to factors of production, the Guang Ya Group submitted inaccurate data concerning its consumption of aluminum billets and ingots, the two most significant inputs to production of aluminum extrusions. Second, Xinya did not provide any FOP data. Third, as discussed in detail above, New Zhongya failed to provide its U.S. CEP sales transactions in its sales database and the Department does not have sufficient data to quantify either the quantity or

¹³⁵ See Final Affiliation/Collapsing Memo.

value of these missing sales. Thus the Department does not have an accurate universe of U.S. sales for which to calculate an accurate dumping margin. Further, as a result of the significant inaccuracies in Guang Ya Group's data and the complete lack of FOP information from Xinya, the Department determines that the pervasive deficiencies on the record render the calculation of an accurate NV impossible. Because significant data elements were not reported, and the record of this investigation does not contain all of the information required to accurately determine NV in accordance with section 751(a)(2) of the Act, the Department finds that it is unable to perform any comparisons to U.S. prices and therefore, is unable to calculate a reliable margin.

Based on the above, the Department has determined that the information to construct an accurate and otherwise reliable margin is not available on the record with respect to Guang Ya Group/New Zhongya/Xinya because the Guang Ya Group/New Zhongya/Xinya withheld information that had been requested, significantly impeded this proceeding, and provided information that could not be verified, pursuant to sections 776(a)(1) and (2)(A), (B), (C) and (D) of the of Act.

Use of Adverse Inferences in Selecting Facts Available

In accordance with section 776(b) of the Act, the Department determines that the Guang Ya Group/New Zhongya/Xinya collapsed entity has failed to cooperate by not acting to the best of its ability to comply with our requests for information. To examine whether an interested party cooperated by acting to the best of its ability under section 776(b) of the Act, the Department considers, *inter alia*, the accuracy and completeness of submitted information and whether the interested party has hindered the calculation of accurate dumping margins.¹³⁶ Compliance with the "best of its ability" standard is determined by assessing whether the interested party has put forth its maximum best effort to provide the Department with full and complete answers to all inquiries in an investigation.¹³⁷ To conclude that a party has not cooperated to the best of its ability and to draw an adverse inference under section 776(b) of the Act, the Department examines two factors: (1) that a reasonable and responsible respondent would have known that the requested information was required to be kept and maintained under the applicable statutes, rules, and regulations; and (2) that the respondent under investigation not only has failed to promptly produce the requested information, but further that the failure to respond fully is the result of the respondent's lack of cooperation in either: (a) failing to keep and maintain all required records, or (b) failing to put forth its maximum efforts to investigate and obtain the requested information from its records.¹³⁸ While intentional conduct, such as deliberate concealment or inaccurate reporting, surely evinces a failure to cooperate, the AD statute does not contain an intent element.¹³⁹

The Department finds that the Guang Ya Group/New Zhongya/Xinya entity failed to cooperate to the best of its ability in accordance with section 776(b) of the Act, for all the reasons

¹³⁶ See, e.g., *Carbon Quality Steel/ Brazil AD Final* (February 4, 2000).

¹³⁷ See *Nippon Steel* (Fed. Cir. 2003).

¹³⁸ *Id.*

¹³⁹ *Id.*

enumerated above. First, it is clear that the Guang Ya Group had information concerning aluminum billet consumption, and knew that the Department required this information. The Guang Ya Group failed to provide this information in a timely manner by removing aluminum billet consumption from its FOP database, without explanation, and then failing to report it after it was requested by the Department in a supplemental questionnaire. Further, the Guang Ya Group impeded this proceeding by submitting consumption data for aluminum billets after verification inconsistent with the aluminum billet consumption actually verified. Second, Xinya failed to respond to the Department's AD questionnaire although the Department requested that it do so on three occasions. Moreover, Xinya failed to provide documents requested by the Department at verification and failed to make personnel available as instructed in the verification outline and requested at verification. Third, New Zhongya failed to provide complete and accurate U.S. sales data as requested by the Department.

Thus, the Department finds that the application of FA with an adverse inference is warranted. In cases where the entirety of the entirety of the FOP data is found to be unusable because the producer failed to cooperate to the best of its ability, and thus NV cannot be reasonably determined, the Department's practice is to apply total AFA.¹⁴⁰

The Guang Ya Group's argument that the Department should not attribute Xinya's purported failure to cooperate to the Guang Ya Group is rendered moot by the Guang Ya Group's own failure to provide information requested by the Department. Further, because the Department determines for the final determination that the Guang Ya Group, New Zhongya and Xinya comprise a single entity for purposes of this investigation, it is proper to apply total AFA to the entire entity.¹⁴¹

The Department disagrees with the Guang Ya Group that it should find that Xinya is part of the PRC-wide entity. In the *Preliminary Determination* we found that Da Yang was part of the PRC-wide entity because the Department issued a quantity and value questionnaire to Da Yang during the respondent selection phase of this segment of the proceeding and Da Yang failed to respond. That is not the case with Xinya, to whom the Department did not issue a quantity and value questionnaire because it was not named as a potential producer/exporter in the Petition. Xinya was identified as a potential respondent in this investigation only after the Guang Ya Group identified a potential sibling relationship with Xinya in its section A questionnaire response dated August 16, 2010, and New Zhongya identified a potential sibling relationship with Xinya in its separate rate application dated July 29, 2010, which was well after quantity and value questionnaires were due to the Department on May 11, 2010. Further, we have found based on the verifiable record evidence that Xinya is under the control of the Kuang family grouping, and thus not part of the PRC-wide entity.¹⁴²

The Department disagrees with the Petitioners that it should apply partial AFA to the Guang Ya Group's aluminum billet consumption. In cases involving NME countries, such as the instant one, the respondent must supply the Department with complete and accurate U.S. sales and FOP

¹⁴⁰ See, e.g., *Hand Trucks/PRC AD Final* (07/28/2008); *Bags/Thailand AD Final* (01/17/2007).

¹⁴¹ See Final Affiliation/Collapsing Memo.

¹⁴² *Id.*

data in order for the Department to accurately calculate the respondent's dumping margin. Where one, or both, of these data sets is so incomplete that it cannot serve as a reliable basis for reaching the applicable determination, the Department may decline to consider a respondent's information in its entirety, and apply adverse facts available under section 776(b) of the Act.¹⁴³ Crucially, partial AFA is generally used only to fill limited gaps in the record.¹⁴⁴ Indeed, the U.S. Court of International Trade has previously upheld the Department's determination that pervasive deficiencies in portions of information submitted can undermine the reliability of a respondent's submissions, and has recognized that the Department requires accurate information to make a reliable determination.¹⁴⁵

In this instance, the Guang Ya Group failed to report accurate FOP consumption for the most significant material inputs (*i.e.*, aluminum ingots and aluminum billets) required to produce aluminum extrusions. Accordingly, the Department finds that the magnitude of the deficiencies with respect to the Guang Ya Group's reporting consumption is so extensive that it prohibits the Department from calculating a reliable margin using partial AFA, and thus, total AFA is appropriate.

Additionally, the Department disagrees with the Guang Ya Group that it reported its aluminum billet consumption as requested by the Department in its post-verification supplemental questionnaire. The questionnaire instructed the Guang Ya Group to “[p]lease revise and resubmit {the Guang Ya Group’s} U.S. sales and factors of production database based on verification findings and minor corrections presented by {the Guang Ya Group} on the first day of verification as instructed in the attached supplemental questionnaire.”¹⁴⁶ Furthermore, at question five the Department instructed the Guang Ya Group to “Revise and resubmit {the Guang Ya Group’s} U.S. sales database and FOP database to include minor corrections presented by GYG at verification in the People’s Republic of China and Hong Kong as specified in verification Exhibit 1, ‘On Site AD Verification of Guang Ya Aluminium Industries Co., Ltd. and Foshan Guangcheng Aluminium Co., Ltd., First Day Minor Corrections’.”¹⁴⁷ Furthermore, at question 5.C. the Department stated “As one of its minor corrections, {the Guang Ya Group} revised its FOP tables to show billets as a separate FOP from aluminum ingots” and instructed the Guang Ya Group to “Revise {the Guang Ya Group’s}’s FOP database to reflect the consumption factors for billets and aluminum ingots as two separate inputs.”¹⁴⁸ However, the Guang Ya Group failed to report aluminum billet and ingot consumption data consistent with the aluminum billet and ingot consumption data included in verification Exhibit 1, referenced above. The Department is unable to correlate the verified aluminum billet/ingot consumption rates

¹⁴³ *Tissue Paper/PRC AD Prelim* (04/13/2010) at 18814 (citing *Steel Authority of India* (CIT 2001)), unchanged in *Tissue Paper/PRC AD Final* (10/18/2010).

¹⁴⁴ *Steel Authority of India* (CIT 2001) at 928 (noting that the Department has a “long standing practice of limiting the use of partial facts available” and “only uses partial facts available to ‘fill gaps’ in the record”); see *Garlic/PRC AD Final* (12/30/2003) and accompanying Issues and Decisions Memorandum at Comment 3 (“When essential components of a response are missing . . . the Department is justified in using total AFA.”).

¹⁴⁵ *Id.*

¹⁴⁶ See the cover letter to the Guang Ya Group Post-Verification Supplemental Questionnaire.

¹⁴⁷ See the Guang Ya Group Post-Verification Supplemental Questionnaire.

¹⁴⁸ *Id.*

reported in verification Exhibit 1 with the aluminum billet/ingot consumption rates reported in the Guang Ya Group's Post-Verification supplemental response. Thus, we do not have reliable, verified aluminum billet/ingot consumption data on the record to use to calculate a reliable margin.

With respect to New Zhongya's arguments regarding affiliation with the U.S. parties and reporting of its CEP transactions the Department disagrees. As an initial matter, New Zhongya was clearly affiliated with Alumizona for the first five months of the POI, and because Alumizona made sales to unaffiliated parties in the United States, these are properly considered CEP transactions.

The Department disagrees with New Zhongya's argument that the purported CEP sales transactions are "unusual" and "represent a small percentage" of New Zhongya's sales, and thus the Department should ignore these transactions for purposes of calculating a margin. First, the Department disagrees with New Zhongya's characterization of the circumstances presented in *Orange Juice/Brazil AD Final* (01/13/2006) as applicable to facts of this investigation. In *Orange Juice /Brazil AD Final* (01/13/2006), the Department explained our practice in determining whether or not to examine all U.S. sales transactions in LTFV investigations. We explained that "{a}lthough the Department is not required to examine all U.S. sales transactions in LTFV investigations, our practice has been to disregard transactions only when they are both unusual and represent a small percentage (*i.e.*, typically less than five percent) of a respondent's total sales."¹⁴⁹ In that case, the Department had discovered unreported U.S. sales at verification and determined that, as the volume of sales in question was small and, further, there were no discrepancies regarding the types of transactions, it was appropriate to disregard those transactions.¹⁵⁰ In the instant investigation, we find that the circumstances regarding New Zhongya's CEP sales do not fit the fact patterns in the referenced cases. Specifically, because New Zhongya submitted transactions to its affiliate, Alumizona, and represented them as the downstream sales from the affiliate, rather than submitting data for the downstream sales to the first unaffiliated customer, the Department is unable to discern exactly how much of New Zhongya's sales are CEP sales. Thus, the Department is unable to determine whether or not New Zhongya's CEP sales represent a small percentage of its total sales. Accordingly, we do not find that New Zhongya's CEP sales are sales that are not representative of the respondent's selling practices in the U.S. market as discussed in *ATV/Japan AD Final* (1/31/1989), nor do we find that New Zhongya's CEP sales are sales of the type that could be said to be unusual, unlike the small volume of trial sales found in *Pure Mag/Rus AD Final* (09/27/2001).

Secondly, the Department disagrees with New Zhongya's argument that its participation in this investigation was prejudiced because it was not considered a mandatory respondent at the onset of the investigation. As a voluntary respondent, New Zhongya had as much time as other

¹⁴⁹ See *Orange Juice /Brazil AD Final* (01/13/2006) IDM at Comment 6.

¹⁵⁰ See, *e.g.*, *Pure Magnesium/Russia AD Final* (09/27/2001) IDM at Comment 10 (where the Department disregarded a small volume of trial sales); and *ATV/Japan AD Final* (1/31/1989) at 4867 (where the Department stated that it would consider excluding sales "when those sales are not representative of the respondent's selling practices in the U.S. market, or where those sales are so small that they would have an insignificant effect on the margin").

respondents to compile and submit its original questionnaire responses.¹⁵¹ New Zhongya should have responded fully and accurately regarding its CEP transactions in its responses. Further, the Department identified inconsistencies in New Zhongya's data at an early stage of its participation, and requested that New Zhongya submit its CEP sales on October 12, 2010. Instead of complying, New Zhongya insisted that its CEP sales were under five percent, without providing the actual quantities of the relevant sales, and did not need to be reported. Thus, we find that New Zhongya's failure to submit CEP sales data was not caused by the timing of the investigation, but rather by New Zhongya's failure to submit accurate and complete information to the Department. Additionally, at New Zhongya's request, the Department granted numerous deadline extensions for New Zhongya's supplemental questionnaire responses.¹⁵²

Lastly, the Department disagrees with New Zhongya that it has been fully cooperative and, therefore, adverse inferences are not warranted. New Zhongya argues, citing *Ta Chen Stainless Steel Pipe, Ltd. v. United States*, Slip Op. 99-117 (October 28, 1999), that adverse inferences are not warranted where (a) the Department has left a complex concept such as affiliation without clear definition and (b) where the respondent had a good faith belief as to non-affiliation. The Department finds this argument not compelling in the instant investigation. Regardless of whether New Zhongya was affiliated with Alumizona during the past month of the POI or KMB throughout the POI, there is no question that it was affiliated with Alumizona during the first five months of the POI and made CEP sales in the United States, as clearly acknowledged by New Zhongya. Thus, notwithstanding its clear acknowledgement of the existence of CEP sales, New Zhongya did not accurately report the quantity or value of those transactions, and subsequently provided transactions which it mis-reported as the CEP sales. We do not find that this is the behavior of a party cooperating to the best of its ability to provide accurate and timely information.

Comment 6: Whether to Recalculate Billet Consumption Using Partial AFA or Neutral Facts Available

- Petitioners argue that the Department should recalculate the Guang Ya Group's aluminum billet consumption using partial AFA, or in the alternative, using neutral FA, because the billet consumption reported by the Guang Ya Group in its post-verification supplemental questionnaire response is inconsistent with billet consumption data submitted by the Guang Ya Group at verification as a minor correction. Furthermore, Petitioners claim that the methodology the Guang Ya Group used to calculate billet consumption is flawed.

¹⁵¹ See New Zhongya's June 29, 2010, Separate Rate Application Response; New Zhongya's August 16, 2010, Section A Response; and New Zhongya's September 8, 2010, Sections C & D Response.

¹⁵² See, e.g., letters on the record of this investigation, granting two extensions of time for *each* of the supplemental questionnaires that address CEP sales data: 1) the Department's letter to New Zhongya dated October 12, 2010; 2) the Department's letter to New Zhongya dated October 15, 2010; 3) the Department's letter to New Zhongya dated October 20, 2010; 4) the Department's letter to New Zhongya dated October 28, 2010.

- The Guang Ya Group argues that the Department should use the factors for aluminum billet consumption as reported by the Guang Ya Group in its post-verification supplemental response. The Guang Ya Group contends that a review of the data submitted by the Guang Ya Group confirms that it followed the Department's instructions and reported the consumption of billets as discussed and verified.

Department's Position: The Department agrees with Petitioners that the Guang Ya Group did not submit aluminum billet consumption data in its post-verification supplemental questionnaire response that are consistent with the minor correction for billet consumption presented by the Guang Ya Group to, and accepted and verified by, the Department at verification. Due to the magnitude of this discrepancy and the implications for the calculation of an accurate AD margin, the Department determines that the application of partial or neutral FA in this instance is not appropriate. Accordingly, the Department determines that application of total AFA to the collapsed Guang Ya Group/New Zhongya/Xinya entity is appropriate as discussed in this memorandum at "Comment 5: Application of Total AFA."

Comment 7: Whether to Apply Partial AFA to New Zhongya's Constructed Export Price Sales

- Petitioners argue that New Zhongya misrepresented the facts surrounding its CEP sales, and its affiliation with customers Alumizona and KMB, in such a way as to artificially give the appearance that its CEP sales quantity was lower than it really was. Therefore, the Department should apply partial AFA to New Zhongya's CEP sales.
- New Zhongya argues that the Department should not value its CEP sales using adverse inferences. New Zhongya argues that its CEP sales were fewer than five percent during July through November 2009, and it is the Department practice not to require reporting of CEP sales when they are less than five percent of total sales. Further, New Zhongya argues that Katy Kwong and Cynthia Kwong's family relationship is insufficient to establish affiliation under the US antidumping statute, and so sales to their companies were not CEP sales. New Zhongya argues that even if the affiliated CEP sales are over five percent, the Department should still deem it unnecessary to use them to calculate a margin as New Zhongya has been fully cooperative and, therefore, adverse inferences are not warranted.

Department's Position: The Department finds that New Zhongya failed to cooperate to the best of its ability pursuant to section 776(b) of the Act by not reporting its CEP sales and by not reporting the full quantity and value of these sales, as requested by the Department. *See* Comment 5: Application of Total AFA, above; *see also* Guang Ya Group/New Zhongya/Xinya AFA Memo. Further, because the Department has determined that Guang Ya Group/New Zhongya/Xinya should be collapsed and treated as a single entity, the Department has analyzed whether this collective entity has cooperated to the best of its ability in responding to the Department's requests for information. As discussed above, the Department has determined based on a number of factors that this entity has not cooperated to the best of its ability and that

there is insufficient information on the record to calculate an accurate and reliable margin for this collective entity. Accordingly, we are applying total AFA to the collapsed entity. For a more detailed discussion of this issue, *see* Comment 5: Application of Total AFA, above; *see also* Guang Ya Group/New Zhongya/Xinya AFA Memo.

RECOMMENDATION

Based on our analysis of the comments received, we recommend adopting the above positions. If these recommendations are accepted, we will publish the final determination of this investigation and the final weighted-average dumping margins in the *Federal Register*.

Agree

Disagree

Ronald K. Lorentzen
Deputy Assistant Secretary
for Import Administration

Date

APPENDIX: CITATIONS

<i>Short Cite Table For Litigation</i>	
<i>All cites in this table are listed alphabetically by short cite</i>	
Short Cite	Full Cite
<i>Ad Hoc</i> (Fed. Cir. 1994)	<i>Ad Hoc Committee Of AZ-NM-TX-FL Producers of Gray Portland Cement v. United States</i> , 13 F.3d 398 (Fed. Cir. 1994)
<i>Ad Hoc Shrimp Trade Action Committee</i> (CIT 2009)	<i>Ad Hoc Shrimp Trade Action Committee v. United States</i> , 637 F. Supp. 2d 1166 (CIT 2009)
<i>Al Tech Specialty Steel</i> (Fed. Cir. 1984)	<i>Al Tech Specialty Steel Corp. v. United States</i> , 745 F.2d 632 (Fed. Cir. 1984)
<i>Allegheny Bradford</i> (CIT 2004)	<i>Allegheny Bradford Corp. v. United States</i> , 342 F. Supp. 2d 1172 (CIT 2004)
<i>Amendola</i> (Fed. Cir. 1993)	<i>Amendola v. Secretary, Department of Health and Human Services</i> , 989 F.2d 1180 (Fed. Cir. 1993)
<i>Blue Chip Stamps</i> (USSC 1975)	<i>Blue Chip Stamps v. Manor Drug Stores</i> , 421 U.S. 723 (USSC 1975)
<i>Central Bank of Denver</i> (USSC 1994)	<i>Central Bank of Denver v. First Interstate Bank</i> , 511 U.S. 164 (USSC 1994)
<i>Chevron</i> (USSC 1984)	<i>Chevron U.S.A. Inc. v. Natural Res. Def. Council</i> , 467 U.S. 837 (USSC 1984)
<i>Citric Trading</i> (03/04/2003)	<i>Citric Trading Co., Ltd. v. United States</i> , 27 CIT 356 (March 4, 2003)
<i>Corus Staal</i> (CIT 2003)	<i>Corus Staal BV et al. v. United States</i> , 259 F. Supp. 2d 1253 (CIT 2003)
<i>Diversified Products</i> (CIT 1983)	<i>Diversified Products Corp. v. United States</i> , 572 F. Supp. 883 (CIT 1983)
<i>Dole Food</i> (USSC 2003)	<i>Dole Food Co. v. Patrickson</i> , 538 U.S. 468 (USSC 2003)
<i>Dorbest</i> (CIT 2011)	<i>Dorbest Ltd. v. United States</i> , Slip Op. 11-14 (CIT Feb. 9, 2011)
<i>Dorbest</i> (CIT 2006)	<i>Dorbest Limited, et al. v. United States</i> , 462 F. Supp. 2d 1262 (CIT 2006)
<i>Dorbest</i> (CIT 2008)	<i>Dorbest Limited, et al. v. United States</i> , No. 05-00003, Slip Op. 08-24 (CIT 2008)
<i>Dorbest</i> (Fed. Cir. 2010)	<i>Dorbest Limited, et al. v. United States</i> , 604 F.3d 1363 (Fed. Cir. 2010)
<i>Duferco</i> (Fed. Cir. 2002)	<i>Duferco Steel, Inc., v. United States</i> , 296 F.3d 1087 (Fed. Cir. 2002)
<i>Eckstrom Industries</i> (Fed. Cir. 2001)	<i>Eckstrom Industries, Inc. v. United States</i> , 254 F.3d 1068 (Fed. Cir. 2001)
<i>FCC</i> (USSC 2003)	<i>FCC v. NextWave Personal Communications, Inc.</i> , 537 U.S. 293 (USSC 2003)
<i>Franklin National Bank</i> (USSC 1954)	<i>Franklin National Bank v. New York</i> , 347 U.S. 373 (USSC 1954)

Short Cite Table For Litigation	
<i>All cites in this table are listed alphabetically by short cite</i>	
Short Cite	Full Cite
<i>Fujitsu General Ltd.</i> (Fed. Cir. 1996)	<i>Fujitsu General Ltd. v. United States</i> , 88 F.3d 1034 (Fed. Cir. 1996)
<i>Georgetown Steel</i> (Fed Cir. 1986)	<i>Georgetown Steel Corp. v. United States</i> , 801 F.2d. 1308 (Fed. Cir. 1986)
<i>GPX</i> (CIT 2009)	<i>GPX International Tire Corporation v. United States</i> , 645 F. Supp. 2d 1231 (CIT 2009)
<i>GPX</i> (CIT 2010)	<i>GPX International Tire Corporation v. United States</i> , Slip Op. 10-84 (CIT 2010)
<i>Hebei Metals</i> (CIT 2005)	<i>Hebei Metals & Minerals Imp. & Exp. Corp. v. United States</i> , 366 F. Supp. 2d 1264 (CIT 2005)
<i>Hontex</i> (CIT 2005)	<i>Hontex Enterprises, Inc. v. United States</i> , 387 F. Supp. 2d 1353 (CIT 2005)
<i>Hontex</i> (CIT 2004)	<i>Hontex Enterprises v. United States</i> , 342 F. Supp 2d 1225 (CIT 2004)
<i>Lopez</i> (USSC 2001)	<i>Lopez v. Davis</i> , 531 U.S. 230 (2001)
<i>Matsushita</i> (Fed. Cir. 1984)	<i>Matsushita Electric Industrial Co., Ltd. v. United States</i> , 750 F.2d 927 (Fed. Cir. 1984)
<i>Meghrig</i> (USSC 1996)	<i>Meghrig v. KFC Western, Inc.</i> , 516 U.S. 479 (USSC 1996)
<i>Merck & Co.</i> (Fed. Cir. 2007)	<i>Merck & Co. v. High-Tech Pharmacal Co.</i> , 482 F. 3d 1317 (Fed. Cir. 2007)
<i>Micron Technology</i> (Fed. Cir. 1997)	<i>Micron Tech., Inc. v. United States</i> , 117 F.3d 1386 (Fed. Cir. 1997)
<i>Minebea</i> (CIT 1992)	<i>Minebea Co. v. United States</i> , 782 F. Supp. 117 (CIT 1992)
<i>Minebea</i> (Fed. Cir. 1993)	<i>Minebea Co. v. United States</i> , 984 F.2d 1178 (Fed. Cir. 1993)
<i>Mitsubishi Electric</i> (Fed. Cir. 1990)	<i>Mitsubishi Electric Corp. v. United States</i> , 898 F.2d 1577 (Fed. Cir. 1990)
<i>Nippon Steel</i> (Fed. Cir. 2003)	<i>Nippon Steel Corporation v. United States</i> , 337 F.3d 1373 (Fed. Cir. 2003)
<i>NTN Bearing</i> (CIT 1990)	<i>NTN Bearing Corp. of America v. United States</i> , 747 F. Supp. 726 (CIT 1990)
<i>Olympia Industrial</i> (CIT 1998)	<i>Olympia Industrial v. United States</i> , 22 CIT 387, 392, 7 F. Supp. 2d 997 (CIT 1998)
<i>Polites Remand Results</i> (CIT No. 09-387)	Final Results of Redetermination Pursuant to Voluntary Remand at 10, <i>Constantine N. Polites & Co. v. United States</i> , No. 09-00387, dated August 25, 2010 (final judgment pending)
<i>Rhone Poulenc</i> (Fed. Cir. 1990)	<i>Rhone Poulenc, Inc. v. United States</i> , 899 F.2d 1185 (Fed. Cir. 1990)
<i>Save Domestic Oil I</i> (CIT 2002)	<i>Save Domestic Oil, Inc. v. United States</i> , 116 F.Supp.2d 1342 (CIT 2002)
<i>Save Domestic Oil II</i> (CIT 2002)	<i>Save Domestic Oil, Inc. v. U.S.</i> , 240 F.Supp.2d 1342 (CIT 2002)

Short Cite Table For Litigation	
<i>All cites in this table are listed alphabetically by short cite</i>	
Short Cite	Full Cite
<i>Shakeproof</i> (CIT 2006)	<i>Shakeproof Assembly Components Div. of Ill v. United States</i> , 30CIT 1173 (CIT 2006)
<i>Shandong Huarong Gen. Corp.</i> (CIT 2001)	<i>Shandong Huarong Gen. Corp. v. United States</i> , 159 F. Supp. 2d 714 (CIT 2001)
<i>Smith-Corona</i> (Fed. Cir. 1990)	<i>Smith-Corona Group, Consumer Products Div., SCM Corp.</i> , 713 F.2d 1568 (Fed. Cir. 1990)
<i>Steel Authority of India</i> (CIT 2001)	<i>Steel Authority of India, Ltd. v. United States</i> , 2001 Ct. Int. Trade Lexis 159, Slip Op. 2001-149 (CIT 2001)
<i>Sunstrand Corp.</i> (CIT 1995)	<i>Sunstrand Corp. v. United States</i> , 890 F. Supp. 1100 (CIT 1995)
<i>Ta Chen Stainless Steel Pipe</i> (CIT 1999)	<i>Ta Chen Stainless Steel Pipe, Ltd. v. United States</i> , Slip Op. 99-117 (CIT 1999)
<i>Tennessee-Valley</i> (USSC 1978)	<i>Tennessee-Valley v. Hill</i> , 437 U.S. 153 (USSC 1978)
<i>Torrington</i> (CIT 1990)	<i>Torrington Co. v. United States</i> , 745 F. Supp. 718, (CIT 1990)
<i>Torrington</i> (CIT 1992)	<i>Torrington Co. v. United States</i> , 786 F. Supp. 1021 (CIT 1992)
<i>Torrington</i> (Fed. Cir. 1991)	<i>Torrington Co. v. United States</i> , 938 F.2d 1276, (Fed. Cir. 1991)
<i>Washington International Insurance Company</i> (CIT 2009)	<i>Washington International Insurance Company V. United States</i> , Court No. 08-00156, Slip Op. 09-78 (CIT 2009)
<i>Wheatland Tube</i> (CIT 2006)	<i>Wheatland Tube Co., v. United States</i> , 414 F. Supp. 2d 1271 (CIT 2006)
<i>Wheatland Tube</i> (Fed. Cir. 2007)	<i>Wheatland Tube Co., v. United States</i> , 495 F.3d 1355 (Fed. Cir. 2007)
<i>Whitfield</i> (USSC 2005)	<i>Whitfield v. United States</i> , 543 U.S. 209 (USSC 2005)

Antidumping/Countervailing Duty Proceeding Federal Register Cite Table	
<i>All cites in this table are listed alphabetically by short cite</i>	
Short Cite	Long Cite
<i>Activated Carbon/PRC AD Final</i> (03/02/2007)	<i>Notice of Final Determination of Sales At Less Than Fair Value: Certain Activated Carbon from the People's Republic of China</i> , 72 FR 9508 (March 2, 2007) and accompanying Issues and Decision Memorandum
<i>AFBs/Singapore CVD Final</i> (05/03/1989)	<i>Antifriction Bearings (Other Than Tapered Roller Bearings) and Parts Thereof From Singapore: Final Affirmative Countervailing Duty Determinations and Countervailing Duty Orders</i> , 54 FR 19125 (May 3, 1989)
<i>Aluminum Extrusions/PRC AD Amdended Prelim</i>	<i>Aluminum Extrusions From the People's Republic of China: Notice of Amended Preliminary Determination of Sales at</i>

<i>Antidumping/Countervailing Duty Proceeding Federal Register Cite Table</i>	
<i>All cites in this table are listed alphabetically by short cite</i>	
Short Cite	Long Cite
(01/27/2011)	<i>Less Than Fair Value</i> , 76 FR 323 (January 4, 2011)
<i>Aluminum Extrusions/PRC AD Amended Prelim</i> (1/4/2011)	<i>Aluminum Extrusions From the People's Republic of China: Notice of Amended Preliminary Determination of Sales at Less Than Fair Value</i> , 76 FR 323 (January 4, 2011)
<i>Aluminum Extrusions/PRC AD Initiation</i> (04/27/2010)	<i>Aluminum Extrusions from the People's Republic of China: Initiation of Antidumping Duty Investigation</i> , 75 FR 22109 (April 27, 2010)
<i>Aluminum Extrusions/PRC AD Prelim</i> (11/12/2010)	<i>Aluminum Extrusions From the People's Republic of China: Notice of Preliminary Determination of Sales at Less Than Fair Value, and Preliminary Determination of Targeted Dumping</i> , 75 FR 69403 (November 12, 2010)
<i>Aluminum Extrusions/PRC CVD Initiation</i> (04/27/2010)	<i>Aluminum Extrusions from the People's Republic of China: Initiation of Countervailing Duty Investigation</i> , 75 FR 22114 (April 27, 2010)
<i>Aluminum Extrusions/PRC CVD Prelim</i> (09/7/2010)	<i>Aluminum Extrusions From the People's Republic of China: Preliminary Affirmative Countervailing Duty Determination</i> , 75 FR 54302 (September 7, 2010)
<i>ATV/Japan AD Final</i> (01/31/1989)	<i>Final Determination of Sales at Less Than Fair Value: Certain All Terrain Vehicles from Japan</i> , 54 FR 4864 (January 31, 1989)
<i>Bags/Thailand AD Final</i> (01/17/2007)	<i>Polyethylene Retail Carrier Bags from Thailand: Final Results of Antidumping Duty Administrative Review</i> , 72 FR 1982 (January 17, 2007) and accompanying Issues and Decision Memorandum
<i>Ball Bearings/Various AD Final</i> (09/16/2005)	<i>Ball Bearings and Parts Thereof from France, Germany, Italy, Japan, Singapore, and the United Kingdom: Final Results of Antidumping Duty Administrative Reviews</i> , 70 FR 54711 (September 16, 2005) and accompanying Issues and Decision Memorandum
<i>Bicycles/PRC AD Final</i> (04/30/1996) IDM	<i>Notice of Final Determination of Sales at Less Than Fair Value: Bicycles From the People's Republic of China</i> , 61 FR 19026 (April 30, 1996) and accompanying Issues and Decision Memorandum
<i>Bricks/PRC AD Final</i> (08/02/2010)	<i>Certain Magnesia Carbon Bricks From the People's Republic of China: Final Determination of Sales at Less Than Fair Value and Critical Circumstances</i> , 75 FR 45468 (August 2, 2010) and accompanying Issues and Decision Memorandum
<i>Candles/PRC AD Final</i> (06/18/2002)	<i>Petroleum Wax Candles from the People's Republic of China: Notice of Final Results of New Shipper Review</i> , 67 FR 41395 (June 18, 2002)
<i>Carbon Quality Steel/Brazil AD Final</i> (February 4, 2000)	<i>Notice of Final Determination of Sales at Less Than Fair Value: Certain Cold-Rolled Flat-Rolled Carbon Quality Steel Products From Brazil</i> , 65 FR 5554 (February 4, 2000)

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<i>All cites in this table are listed alphabetically by short cite</i>	
Short Cite	Long Cite
<i>Circular Welded Austenitic Pipe/PRC AD Prelim (09/05/2008)</i>	<i>Circular Welded Austenitic Stainless Pressure Pipe from the People's Republic of China: Preliminary Determination of Sales at Less Than Fair Value and Postponement of Final Determination, 73 FR 51788 (September 5, 2008),</i>
<i>Circular Welded Austenitic Pipe/PRC CVD Final (01/28/2009)</i>	<i>Circular Welded Austenitic Stainless Pressure Pipe from the People's Republic of China: Final Affirmative Countervailing Duty Determination, 74 FR 4936 (January 28, 2009) and accompanying Issues and Decision Memorandum</i>
<i>Circular Welded Carbon-Quality Steel Pipes/PRC ITC Prelim (07/2007)</i>	<i>Circular Welded Carbon Quality Steel Pipe from the People's Republic of China, ITC Preliminary Report, (Publ. 3938 July 2007)</i>
<i>Coated Paper/PRC AD Final (09/27/2010) IDM</i>	<i>Certain Coated Paper Suitable for High-Quality Print Graphics Using Sheet-Fed Presses From the People's Republic of China: Final Determination of Sales at Less Than Fair Value, 75 FR 59217 (September 27, 2010) and accompanying Issues and Decision Memorandum</i>
<i>Cold-Rolled Carbon/PRC AD Final (5/21/2000)</i>	<i>Final Determination of Sales at Less Than Fair Value: Certain Cold-Rolled Carbon Quality Steel Products from the People's Republic of China, 65 FR 34660 (May 21, 2000)</i>
<i>Cold-Rolled Steel Flat Products/Argentina AD Final (07/09/1993)</i>	<i>Notice of Final Determination of Sales at Less Than Fair Value: Certain Cold-Rolled Carbon Steel Flat Products from Argentina, 58 FR 37062 (July 9, 1993)</i>
<i>Color Television Receivers/PRC AD Final (04/16/2004)</i>	<i>Final Determination of Sales at Less Than Fair Value and Negative Final Determination of Critical Circumstances for the Antidumping Duty Investigation of Certain Color Television Receivers from the People's Republic of China, 69 FR 20594, (April 16, 2004) and accompanying Issues and Decision Memorandum</i>
<i>CVP-23/PRC AD Final (11/17/2004)</i>	<i>Notice of Final Determination of Sales at Less Than Fair Value: Carbazole Violet Pigment 23 from the People's Republic of China, 69 FR 67304 (November 17, 2004) and accompanying Issues and Decision Memorandum</i>
<i>Diamond Sawblades/PRC AD Final (05/22/2006)</i>	<i>Final Determination of Sales at Less Than Fair Value and Final Partial Affirmative Determination of Critical Circumstances: Diamond Sawblades and Parts Thereof from the People's Republic of China, 71 FR 29303 (May 22, 2006) and accompanying Issues and Decision Memorandum</i>
<i>DRAMs - IM and Above/Korea AD Prelim (06/07/2001)</i>	<i>Dynamic Random Access Memory Semiconductors of One Megabit or Above From the Republic of Korea: Preliminary Results of Antidumping Duty Administrative Review, 66 FR 30688 (June 7, 2001)</i>

<i>Antidumping/Countervailing Duty Proceeding Federal Register Cite Table</i>	
<i>All cites in this table are listed alphabetically by short cite</i>	
Short Cite	Long Cite
<i>Fence Posts/PRC AD Final (04/25/2003)</i>	<i>Notice of Final Determination of Sales at Less Than Fair Value: Lawn and Garden Steel Fence Posts From the People's Republic of China, 68 FR 20373 (April 25, 2003)</i>
<i>Fish Fillets/Vietnam AD Final (03/17/2009)</i>	<i>Certain Frozen Fish Fillets From the Socialist Republic of Vietnam: Final Results of the Antidumping Duty Administrative Review and New Shipper Reviews, 74 FR 11349 (March 17, 2009) and accompanying Issues and Decision Memorandum</i>
<i>FMTCs/PRC AD Final (01/18/2011)</i>	<i>Folding Metal Tables and Chairs From the People's Republic of China: Final Results of 2007-2008 Deferred Antidumping Duty Administrative Review and Final Results of 2008-2009 Antidumping Duty Administrative Review, 76 FR 2883 (January 18, 2011) and accompanying Issues and Decision Memorandum</i>
<i>Garlic/PRC AD Final (12/30/2003)</i>	<i>Fresh Garlic from the People's Republic of China: Final Results of Antidumping Duty New Shipper Review for Xiangcheng Yisheng Foodstuffs Co., Ltd., 68 FR 75210 (December 30, 2003) and accompanying Issues and Decision Memorandum</i>
<i>Graphite Electrodes/PRC AD Final (01/14/2009) IDM</i>	<i>Final Determination of Sales at Less Than Fair Value and Affirmative Determination of Critical Circumstances: Small Diameter Graphite Electrodes from the People's Republic of China, 74 FR 2049 (January 14, 2009) and accompanying Issues and Decision Memorandum</i>
<i>Hand Trucks/PRC AD Final (07/28/2008)</i>	<i>Hand Trucks and Certain Parts Thereof from the People's Republic of China; Final Results of 2005-2006 Administrative Review, 73 FR 43684 (July 28, 2008) and accompanying Issues and Decision Memorandum</i>
<i>Hot-Rolled Carbon Steel Flat Products/India CVD Final (07/26/2010)</i>	<i>Certain Hot-Rolled Carbon Steel Flat Products From India: Final Results of Countervailing Duty Administrative Review, 75 FR 43488 (July 26, 2010) and accompanying Issues and Decision Memorandum</i>
<i>Hot-Rolled Carbon Steel Flat Products/Netherlands AD Final (10/03/2001)</i>	<i>Certain Hot-Rolled Carbon Steel Flat Products From The Netherlands: Notice of Final Determination of Sales at Less Than Fair Value, 66 FR 50408 (October 3, 2001) and accompanying Issues and Decision Memorandum.</i>
<i>Isos/PRC AD Final (11/17/2010)</i>	<i>Chlorinated Isocyanurates from the People's Republic of China: Final Results of 2008-2009 Antidumping Duty Administrative Review, 75 FR 70212 (November 17, 2010) and accompanying Issues and Decision Memorandum</i>
<i>Isos/PRC AD Final (12/28/2009)</i>	<i>Chlorinated Isocyanurates from the People's Republic of China: Final Results of New Shipper Review, 74 FR 68575 (December 28, 2009), and accompanying Issues and Decision Memorandum</i>
<i>Kitchen Racks/PRC AD</i>	<i>Certain Kitchen Appliance Shelving and Racks From the People's</i>

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All cites in this table are listed alphabetically by short cite

Short Cite	Long Cite
<i>Final (07/24/2009)</i>	<i>Republic of China: Final Determination of Sales at Less Than Fair Value, 74 FR 36656 (July 24, 2009) and accompanying Issues and Decision Memorandum</i>
<i>Laminated Woven Sacks/PRC AD Final (03/18/2011)</i>	<i>Laminated Woven Sacks From the People's Republic of China: Final Results of First Antidumping Duty Administrative Review, 76 FR 14906 (March 18, 2011)</i>
<i>Laminated Woven Sacks/PRC AD Prelim (09/13/2010)</i>	<i>Laminated Woven Sacks From the People's Republic of China: Preliminary Results of Antidumping Duty Administrative Review, 75 FR 55568 (September 13, 2010)</i>
<i>Light-Walled Rectangular Pipe and Tube/Mexico AD Final (09/02/2004)</i>	<i>Light-Walled Rectangular Pipe and Tube From Mexico: Notice of Final Determination of Sales at Less Than Fair Value, 69 FR 53677 (September 2, 2004) and accompanying Issues and Decision Memorandum</i>
<i>Light-Walled Rectangular Pipe and Tube/Turkey AD Final (09/02/2004) IDM</i>	<i>Light-Walled Rectangular Pipe and Tube From Turkey: Notice of Final Determination of Sales at Less Than Fair Value, 69 FR 53675 (September 2, 2004) and accompanying Issues and Decision Memorandum</i>
<i>Lined Paper/India AD Prelim (04/17/2006)</i>	<i>Certain Lined Paper Products from India: Preliminary Determination of Sales at Less Than Fair Value, Postponement of Final Determination, and Affirmative Preliminary Determination of Critical Circumstances in Part, 71 FR 19706 (April 17, 2006)</i>
<i>Magnesium Metal/PRC AD Final (10/25/2010)</i>	<i>Magnesium Metal From the People's Republic of China: Final Results of the 2008-2009 Antidumping Duty Administrative Review of the Antidumping Duty Order, 75 FR 65450 (October 25, 2010) and accompanying Issues and Decision Memorandum</i>
<i>Mushrooms/Chile AD Final (10/22/1998)</i>	<i>Notice of Final Determination of Sales at Less Than Fair Value: Certain Preserved Mushrooms from Chile, 63 FR 56613, (October 22, 1998)</i>
<i>Narrow Woven Ribbons/PRC AD Prelim (02/18/2010)</i>	<i>Narrow Woven Ribbons with Woven Selvedge from the People's Republic of China: Preliminary Determination of Sales at Less Than Fair Value and Postponement of Final Determination, 75 FR 7244 (February 18, 2010)</i>
<i>Narrow Woven Ribbons/Taiwan AD Final (07/19/2010)</i>	<i>Notice of Final Determination of Sales at Less Than Fair Value: Narrow Woven Ribbons with Woven Selvedge from Taiwan, 75 FR 41804 (July 19, 2010) and accompanying Issues and Decision Memorandum</i>
<i>OCTG/PRC AD Final (04/19/2010)</i>	<i>Certain Oil Country Tubular Goods from the People's Republic of China: Final Determination of Sales at Less Than Fair Value, Affirmative Final Determination of Critical Circumstances and Final Determination of Targeted Dumping, 75 FR 20335 (April 19, 2010)</i>

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<i>Orange Juice/Brazil AD Final (01/13/2006) IDM</i>	<i>Notice of Final Determination of Sales at Less Than Fair Value and Affirmative Final Determination of Critical Circumstances: Certain Orange Juice from Brazil, 71 FR 2183 (January 13, 2006) and accompanying Issues and Decision Memorandum</i>
<i>OTR Tires/PRC AD Prelim (02/20/2008)</i>	<i>Certain New Pneumatic Off-The-Road Tires From the People's Republic of China; Preliminary Determination of Sales at Less Than Fair Value and Postponement of Final Determination, 73 FR 9278 (February 20, 2008)</i>
<i>OTR Tires/PRC AD Final (07/15/2008)</i>	<i>Certain New Pneumatic Off-The-Road Tires from the People's Republic of China: Final Affirmative determination of Sales at less Than fair Value and Partial Affirmative Determination of Critical Circumstances, 73 FR 40485 (July 15, 2008) and accompanying Issues and Decision Memorandum</i>
<i>OTR Tires/PRC ITC Final Report (08/2008)</i>	<i>Certain New Pneumatic Off-the-Road Tires from China, ITC final Report (Publ. 4031, August 2008)</i>
<i>Pasta/Italy AD Final (02/11/2003)</i>	<i>Notice of Final Results of Antidumping Duty Administrative Review and Determination Not to Revoke in Part: Certain Pasta from Italy, 68 FR 6882 (February 11,2003) and accompanying Issues and Decision Memorandum</i>
<i>Pasta/Italy AD Final (06/14/1996)</i>	<i>Notice of Final Determination of Sales at Less Than .Fair Value: Certain Pasta from Italy, 61 FR 30326 (June 14, 1996)</i>
<i>Pencils/PRC AD Prelim (12/28/2005)</i>	<i>Certain Cased Pencils from the People's Republic of China; Preliminary Results of Antidumping Duty Administrative Review and Intent to Rescind in Part, 70 FR 76755, 76761 (December 28, 2005)</i>
<i>PET Film/India AD Final (02/17/2005)</i>	<i>Certain Polyethylene Terephthalate Film, Sheet and Strip from India: Final Results Administrative Review, 70 FR 8072 (February 17, 2005) and accompanying Issues and Decision Memorandum</i>
<i>Polyester Staple Fiber/Korea AD Final (03/30/2000)</i>	<i>Polyester Staple Fiber from the Republic of Korea: Final Determination of Sales at Less Than Fair Value, 65 FR 16880 (March 30, 2000) and accompanying Issues and Decision Memorandum</i>
<i>Polyvinyl Alcohol/Taiwan AD Prelim (09/13/2010)</i>	<i>Polyvinyl Alcohol from Taiwan: Preliminary Determination of Sales at Less Than Fair Value and Postponement of Final Determination, 75 FR 55552 (September 13, 2010)</i>
<i>Pure Magnesium/PRC AD Final (12/14/2009)</i>	<i>Pure Magnesium from the People's Republic of China: Final Results of Antidumping Duty Administrative Review, 74 FR 66089 (December 14, 2009) and accompanying Issues and Decision Memorandum</i>
<i>Pure Magnesium/PRC AD Final (12/16/2008)</i>	<i>Pure Magnesium from the People's Republic of China: Final Results of Antidumping Duty Administrative Review, 73 FR 76336</i>

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	(December 16, 2008) and accompanying Issues and Decision Memorandum
<i>Pure Magnesium/PRC AD Final (12/23/2010)</i>	<i>Pure Magnesium From the People’s Republic of China: Final Results of the 2008-2009 Antidumping Duty Administrative Review of the Antidumping Duty Order, 75 FR 80791 (December 23, 2010) and accompanying Issues and Decision Memorandum</i>
<i>Pure Magnesium/Russia AD Final (09/27/2001) IDM</i>	<i>Notice of Final Determination of Sales at Not Less Than Fair Value: Pure Magnesium From the Russian Federation, 66 FR 49347 (September 27, 2001) and accompanying Issues and Decision Memorandum</i>
<i>Request for Comment on Calculation Methodology (06/30/2005)</i>	<i>Expected Non-Market Economy Wages: Request for Comment on Calculation Methodology, 70 FR 37761 (June 30, 2005)</i>
<i>Salmon/Chile AD Prelim (04/09/2001)</i>	<i>Notice of Preliminary Results of Antidumping Duty Administrative Review and Partial Rescission of Antidumping Duty Administrative Review: Fresh Atlantic Salmon From Chile, 66 FR 18431 (April 9, 2001)</i>
<i>Seamless Carbon and Alloy Steel Standard, Line, and Pressure Pipe/PRC AD Final (09/21/2010)</i>	<i>Certain Seamless Carbon and Alloy Steel Standard, Line, and Pressure Pipe from the People’s Republic of China: Final Determination of Sales at Less Than Fair Value and Critical Circumstances, in Part, 75 FR 57449 (September 21, 2010) and accompanying Issues and Decision Memorandum</i>
<i>Seamless Refined Copper Pipe and Tube/PRC AD Final (10/01/2010)</i>	<i>Seamless Refined Copper Pipe and Tube From the People’s Republic of China: Final Determination of Sales at Less Than Fair Value, 75 FR 60725 (October 1, 2010) and accompanying Issues and Decision Memorandum</i>
<i>Semiconductors/Taiwan</i>	<i>See Notice of Final Determination of Sales at Less than Fair Value: than Fair Value: Static Random Access Memory Semiconductors From Taiwan, 63 FR 8909, 8932 (February 23, 1998).</i>
<i>Shrimp/PRC AD Final (12/08/2004)</i>	<i>Notice of Final Determination of Sales at Less Than Fair Value: Certain Frozen and Canned Warmwater Shrimp From the People’s Republic of China, 69 FR 70997 (December 8, 2004) and accompanying Issues and Decision Memorandum</i>
<i>Silicon Metal/PRC AD Final (01/12/2010)</i>	<i>Silicon Metal from the People’s Republic of China: Final Results and Partial Rescission of Antidumping Duty Administrative Review, 75 FR 1592 (January 12, 2010) and accompanying Issues and Decision Memorandum</i>
<i>Sodium Hexametaphosphate/PRC AD Final (02/04/2008)</i>	<i>Final Determination of Sale at Less Than Fair Value: Sodium Hexametaphosphate from the People’s Republic of China, 73 FR 6479 (February 4, 2008) and accompanying Issues and Decision Memorandum</i>

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<i>Softwood Lumber/Canada AD Final (04/02/2002)</i>	<i>Notice of Final Determination of Sales at Less Than Fair Value: Certain Softwood Lumber Products from Canada, 67 FR 15539 (April 2, 2002) and accompanying Issues and Decision Memorandum</i>
<i>SSSS/Taiwan AD Final (02/09/2004)</i>	<i>Stainless Steel Sheet and Strip in Coils From Taiwan; Final Results and Partial Rescission of Antidumping Duty Administrative Review, 69 FR 5960 (February 9, 2004) and accompanying Issues and Decision Memorandum</i>
<i>Stainless Steel Bar/Brazil AD Final (07/14/2009)</i>	<i>Stainless Steel Bar From Brazil: Final Results of Antidumping Duty Administrative Review, 74 FR 33995, (July 14, 2009)</i>
<i>Stainless Steel Bar/Germany AD Final (01/23/2002)</i>	<i>Notice of Final Determination of Sales at Less Than Fair Value: Stainless Steel Bar From Germany, 67 FR 3159 (January 23, 2002) and accompanying Issues and Decision Memorandum</i>
<i>Stainless Steel Bar/India AD Final (09/15/2009)</i>	<i>Stainless Steel Bar from India: Final Results of Antidumping Duty Administrative Review, 74 FR 47198 (September 15, 2009) and accompanying Issues and Decision Memorandum</i>
<i>Stainless Steel Wire Rod/Japan AD Final (07/29/1998)</i>	<i>Stainless Steel Wire Rod from Japan: Final Determination of Sales at Less Than Fair Value, 63 FR 40434 (July 29, 1998)</i>
<i>Steel Grating/PRC AD Final (06/08/2010)</i>	<i>Certain Steel Grating from the People's Republic of China: Final Affirmative Countervailing Duty Determination, 75 FR 32362 (June 8, 2010) and accompanying Issues and Decision Memorandum</i>
<i>Steel Threaded Rod/PRC AD Final (02/27/2009)</i>	<i>Certain Steel Threaded Rod from the People's Republic of China: Final Determination of Sales at Less Than Fair Value, 74 FR 8907 (February 27, 2009) and accompanying Issues and Decision Memorandum</i>
<i>Tissue Paper/PRC AD Final (02/14/2005)</i>	<i>Notice of Final Determination of Sales at Less Than Fair Value: Certain Tissue Paper Products from the People's Republic of China, 70 FR 7475 (February 14, 2005) and accompanying Issues and Decision Memorandum</i>
<i>Tissue Paper/PRC AD Final (10/09/2009)</i>	<i>Certain Tissue Paper Products From the People's Republic of China: Final Results and Partial Rescission of the 2007-2008 Antidumping Duty Administrative Review and Determination Not To Revoke in Part, 74 FR 52176 (October 9, 2009) and accompanying Issues and Decision Memorandum</i>
<i>Tissue Paper/PRC AD Prelim (04/13/2010)</i>	<i>Certain Tissue Paper Products From the People's Republic of China: Preliminary Results of the 2008-2009 Administrative Review, 75 FR 18812 (April 13, 2010)</i>
<i>TRBs/Japan AD Final (03/13/1997)</i>	<i>Tapered Roller Bearings and Parts Thereof, Finished and Unfinished, From Japan, and Tapered Roller Bearings, Four Inches or Less in Outside Diameter, and Components Thereof,</i>

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<i>TRBs/PRC AD Final (01/06/2010)</i>	<i>Tapered Roller Bearings and Parts Thereof, Finished and Unfinished, Final Results of the 2007-2008 Administrative Review of the Antidumping Duty Order, 75 FR 844 (January 6, 2010) and accompanying Issues and Decision Memorandum</i>
<i>TRBs/PRC AD Prelim (11/6/1996)</i>	<i>Tapered Roller Bearings and Parts Thereof, Finished and Unfinished, From Japan, and Tapered Roller Bearings, Four Inches or Less in Outside Diameter, and Components Thereof, From Japan; Preliminary Results of Antidumping Duty Administrative Reviews and Partial Termination of Administrative Reviews, 61 FR 57391, 57392 (November 6, 1996)</i>
<i>TRBs/PRC Extension of Final Results AD Final (12/08/2009)</i>	<i>See Tapered Roller Bearings and Parts Thereof, Finished and Unfinished, from the People's Republic of China; Extension of Time Limit for the Final Results of the 2007-2008 Administrative Review of the Antidumping Duty Order, 75 FR 64663 (December 8, 2009)</i>
<i>Uranium/France AD Final (08/03/2004)</i>	<i>Notice of Final Results of Antidumping Duty Administrative Review: Low Enriched Uranium From France, 69 FR 46501 (August 3, 2004) and accompanying Issues and Decision Memorandum</i>
<i>Urea/Russia AD Final (02/21/2003)</i>	<i>Notice of Final Determination of Sales at Less Than Fair Value: Urea Ammonium Nitrate Solutions From the Russian Federation, 68 FR 9977 (February 21, 2003) and accompanying Issues and Decision Memorandum</i>
<i>Welded Carbon Steel Pipes and Tubes /Thailand AD Final (10/16/1998)</i>	<i>Certain Welded Carbon Steel Pipes and Tubes from Thailand: Final Results of Antidumping Duty Administrative Review, 63 FR 55578 (October 16,1998) and accompanying Issues and Decision Memorandum and accompanying Issues and Decision Memorandum</i>
<i>Wire Decking/PRC AD Final (06/10/2010)</i>	<i>Wire Decking from the People's Republic of China: Final Determination of Sales at Less Than Fair Value, 75 FR 32905 (June 10, 2010) and accompanying Issues and Decision Memorandum</i>
<i>Wooden Bedroom Furniture/PRC AD Final (08/17/2009)</i>	<i>Wooden Bedroom Furniture form the People's Republic of China: Final Results of Antidumping Duty Administrative Review and New Shipper Reviews, 74 FR 41374 (August 17, 2009) and accompanying Issues and Decision Memorandum</i>
<i>Wooden Bedroom Furniture/PRC AD Final (08/18/2010)</i>	<i>Wooden Bedroom Furniture From the People's Republic of China: Final Results and Final Rescission in Part, 75 FR 50992 (August 18, 2010) and accompanying Issues and Decision Memorandum</i>

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<i>Wooden Bedroom Furniture/PRC AD Final (12/06/2006)</i>	<i>Wooden Bedroom Furniture from the People’s Republic of China: Final Results of the 2004-2005 Semi-Annual New Shipper Reviews, 71 FR 70739 (December 6, 2006) and accompanying Issues and Decision Memorandum</i>

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<i>Aavid’s 10/13/2010 Scope Submission</i>	<i>Letter from Aavid, “Antidumping Duty Investigation of Aluminum Extrusions from the People’s Republic of China: Comments on Scope ,” dated October 13, 2010</i>
<i>Aavid’s 10/21/2010 Scope Submission</i>	<i>Letter from Aavid, “Antidumping Duty Investigation of Aluminum Extrusions from the People’s Republic of China: Comments in Response to Petitioner’s Rebuttal on Scope ,” dated October 21, 2010</i>
<i>Aavid’s Scope Case Brief</i>	<i>Aavid’s scope case brief, “Aluminum Extrusions from the People’s Republic of China: Case Brief Regarding Issues of Scope,” dated January 20, 2011</i>
<i>AD questionnaire issued to Xinya, dated October 29, 2010</i>	<i>The Department’s letter to Xinya regarding Less-Than-Fair Value Investigation of Aluminum Extrusions from the People’s Republic of China: Antidumping Questionnaire, dated October 29, 2010.</i>
<i>Aluminum Extrusions/PRC ITC Preliminary Report (June 2010)</i>	<i>Certain Aluminum Extrusions From China, Investigation Nos. 701-TA-475 and 731-TA-1177 (Preliminary), Publication 4153, June 2010</i>
<i>Amended Prelim Petition Rate Recalculation Memo</i>	<i>Memorandum regarding: Investigation of Certain Aluminum Extrusions from the People’s Republic of China: Petition Rate Recalculation, dated March 28, 2011.</i>
<i>Brazeway’s 10/19/2010 Scope Submission</i>	<i>Letter from Brazeway, “Antidumping Duty Investigation on Certain Aluminum Extrusions from China: Brazeway Inc.’s Reponse to Additional Scope Exclusion Requests,” dated October 19, 2010</i>
<i>Brazeway’s 12/15/2010 Scope Submission</i>	<i>Letter from Brazeway, “Certain Aluminum Extrusions from China - Brazeway, Inc.’s Request for Inclusion of Certain HTS Numbers in the Scope and/or CBP Instructions,” dated December 15, 2010</i>
<i>Brazeway’s Scope Case Brief</i>	<i>Brazeway’s case brief, “Aluminum Extrusions from China: Case Brief for Scope Issues,” dated</i>

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December 2, 2010, Xinya verification outline	The Department's letter to Xinya regarding Less-Than-Fair Value Investigation of Aluminum Extrusions from the People's Republic of China: Verification Outline, dated December 2, 2010.
Department's AD questionnaire, dated July 16, 2010	The Department's Antidumping Questionnaire, dated July 16, 2010.
Department's letter to New Zhongya dated October 12, 2010	the Department's letter to New Zhongya regarding: Less-Than-Fair Value Investigation of Aluminum Extrusions from the People's Republic of China: Extension of the Deadline for Submitting the Sections A, C and D Responses to the October 1, 2010, Antidumping Duty Supplemental Questionnaire, dated October 12, 2010.
Department's letter to New Zhongya dated October 15, 2010	the Department's letter to New Zhongya regarding: Less-Than-Fair Value Investigation of Aluminum Extrusions from the People's Republic of China: 2 nd Extension of the Deadline for Submitting the Sections A, C and D Responses to the October 1, 2010, Antidumping Duty Supplemental Questionnaire, dated October 15, 2010.
Department's letter to New Zhongya dated October 20, 2010	the Department's letter to New Zhongya regarding: Less-Than-Fair Value Investigation of Aluminum Extrusions from the People's Republic of China: Extension of the Deadline for Submitting the Section A, C and D 2 nd Supplemental Questionnaire. Sections A and D due October 19, 2010 and Section C due October 22, 2010, dated October 20, 2010.
Department's letter to New Zhongya dated October 28, 2010	the Department's letter to New Zhongya regarding: Less-Than-Fair Value Investigation of Aluminum Extrusions from the People's Republic of China: 2 nd Extension of the Deadline for Submitting the Section A, C and D 2 nd Supplemental Questionnaire. Sections A and D due November 1, 2010, dated October 28, 2010.
Department's Letter to Xinya dated November 10, 2010	The Department's Letter to Xinya regarding Less-Than-Fair Value Investigation of Aluminum Extrusions from the People's Republic of China, dated November 10, 2010.
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Department's Letter to Xinya dated October 29, 2010	The Department's Letter to Xinya regarding Less-Than-Fair Value Investigation of Aluminum Extrusions from the People's Republic of China, dated October 29, 2010.
Department's November 18, 2010, supplemental questionnaire to Xinya	The Department's letter to Xinya regarding Less-Than-Fair Value Investigation of Aluminum Extrusions from the People's Republic of China: supplemental questionnaire, dated November 18, 2010.

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Eagle Metals’ 10/12/2010 Scope Submission	Letter from Eagle Metals, “Aluminum Extrusions from China (CVD/AC): Correction to Additional Scope Comments,” dated October 12, 2010
Eagle Metals’ 10/13/2010 Scope Submission	Letter from Eagle Metals, “Aluminum Extrusions from China (CVD/AC): Clarification to Scope Comments and Additional Scope Comments,” dated October 13, 2010
Eagle Metals’ 10/21/2010 Scope Submission	Letter from Eagle Metals, “Antidumping Duty Investigation of Aluminum Extrusions from the People’s Republic of China: Comments on Petitioners’ Scope Comment Response,” dated October 21, 2010
Eagle Metals’ Scope Case Brief	Eagle Metals’ scope case brief, “Aluminum Extrusions from China (CVD/AC): Case Brief on Scope Issues,” dated
Final Affiliation/Collapsing Memo	Memorandum regarding: Investigation of Aluminum Extrusions from the People's Republic of China: Final Determination Regarding Affiliation and Collapsing of Guang Ya Aluminium Industries'Co., Ltd., Foshan Guangcheng Aluminium Co., Ltd., Kong Ah International Co., Ltd., and Guang Ya Aluminium Industries (Hong Kong) Ltd.; Zhaoqing New Zhongya Aluminum Co., Ltd., Zhongya ShapedAluminium (HK) Holding Ltd., Karlton Aluminum Co" Ltd.; Xinya Aluminum & Stainless Steel Product Co., Ltd. and Da Yang Aluminum Co., Ltd., dated March 28, 2011.
Floturn’s 10/07/2010 Scope Submission	Letter from Floturn, “Re: Aluminum Extrusions from the People’s Republic of China,” dated October 7, 2010
Floturn’s Scope Case Brief	Floturn’s scope case brief, “Aluminum Extrusions from the People’s Republic of China; Floturn, Inc. Scope Case Brief,” dated January 20, 2011
FOP Memorandum (10/27/2010)	Antidumping Duty Investigation of Aluminum Extrusions from the People’s Republic of China: Selection of Factor Values for Guang Ya Aluminium Industries Co., Ltd., Foshan Guangcheng Aluminium Co., Ltd., Kong Ah International Co., Ltd, and Guang Ya Aluminium Industries (Hong Kong) Ltd. (collectively the “Guang Ya Group”) and Zhaoqing New Zhongya Aluminum Co., Ltd., Zhongya Shaped Aluminium (HK) Holding Ltd. and Karlton Aluminum Co., Ltd. (collectively “New Zhongya”), and Xinya Aluminum & Stainless Steel Product Co., Ltd., dated October 27, 2001.
Guang Ya Group Verification Report	Memorandum regarding: Verification of the Sales and Factors Responses of Guang Ya Aluminium Industries Co., Ltd., Foshan Guangcheng Aluminium Co., Ltd., Kong Ah International Company Limited, and Guang Ya Aluminium Industries (Hong Kong) Limited, (collectively, “GYG” or “Guang Ya Group”) in the Antidumping Investigation of Aluminum Extrusions from the People’s Republic of China, dated January 28, 2011.

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Guang Ya Group. Post-Verification Supplemental Questionnaire	the Department's letter to the Guang Ya Group regarding Less-Than-Fair Value Investigation of Aluminum Extrusions from the People's Republic of China: Supplemental Questionnaire Due January 27, 2011, dated January 26, 2011.
Guang Ya Group/New Zhongya/Xinya AFA Memo	Memorandum regarding: Application of Total Adverse Facts Available for the Guang Ya Group/New Zhongya/Xinya in the Antidumping Duty Investigation of Aluminum Extrusions from the People's Republic of China, dated March 28, 2011
Guang Ya Group's Post-Verification supplemental response	Guang Ya Group's Post-Verification supplemental questionnaire response dated February 1, 2011.
Guang Ya Group's September 29, 2010, supplemental questionnaire response	Guang Ya Group's September 29, 2010, submission regarding 2 nd Supplemental Section D Questionnaire Response.
Guang Ya Group's September 7, 2010, C & D questionnaire response	Guang Ya Group's September 7, 2010, submission regarding Section C & D Questionnaire Response.
HPS' 10/26/2010 Scope Submission	Letter from HPS, "Aluminum Extrusions from China: Request for Scope Determination with Respect to Grading Rings," dated October 26, 2010
Maine Ornamental's 10/22/2010 Scope Submission	Letter from Maine Ornamental, "Maine Ornamental Scope Clarification Information request Relating to Baluster Kits in the Antidumping and Countervailing Duty Investigations of Aluminum Extrusions from the People's Republic of China: Comments in Response to Petitioner's Rebuttal on Scope," dated October 22, 2010
Maine Ornamental's Scope Case Brief	Maine Ornamental's scope case brief, "Supplement to the Maine Ornamental Scope Clarification Information Request of October 21, 2010 Relating to Baluster Kits in the Antidumping and Countervailing Duty Investigations of Aluminum Extrusions from the People's Republic of China," dated January 20, 2011
Ministerial Error Memorandum (12/21/2010)	Ministerial Error Memorandum, Aluminum Extrusions from the People's Republic of China, Preliminary Determination of Sales at Less Than Fair Value," dated December 21, 2010.
New Zhongya Verification Report	Memorandum regarding the Verification of the Sales and Factors Responses of Zhaoqing New Zhongya Aluminum Co., Ltd. ("ZNZ"), Zhongya Shaped Aluminium (HK) Holding Limited ("Shaped Aluminum") and Karlton Aluminum Company Ltd. ("Karlton") (collectively "New Zhongya") in the Less-Than-Fair Value Investigation of Aluminum Extrusions from the People's Republic of China, dated January 28, 2011.
New Zhongya's	New Zhongya's September 8, 2010, submission regarding Aluminum

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New Zhongya's June 29, 2010, Separate Rate Application Response	New Zhongya's Separate Rate Application Response, dated June 29, 2010.
New Zhongya's November 2, 2010, Second Supplemental Response	New Zhongya's November 2, 2010, submission regarding Aluminum Extrusions from China: Antidumping.
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Petition Rate Recalculation Memo	March 28, 2011, Memorandum to the File, regarding Investigation of Certain Aluminum Extrusions from the People's Republic of China: Petition Rate Recalculation
Petitioners' 10/13/2010 Scope Submission	Letter from Petitioners, "Antidumping Duty Investigation on Certain Aluminum Extrusions from China: Petitioners' Responses to Additional Scope Exclusion Requests," dated October 13, 2010
Petitioners' 10/19/2010 Scope Submission	Letter from Petitioners, "Antidumping Duty Investigation on Certain Aluminum Extrusions from the People's Republic of China: Reponse to Reply Scope Comments Filed by The Shower Door Manufacturers," dated October 19, 2010
Petitioners' 10/22/2010 Scope Submission	Letter from Petitioners, "Antidumping Duty Investigation on Certain Aluminum Extrusions from the People's Republic of China: Petitioners' Response to Additional Scope Comments Filed Aavid Thermalloy," dated October 22, 2010
Petitioners' Scope Case Brief	Petitioners' scope case brief, "Antidumping and Countervailing Duty Investigation on Certain Aluminum Extrusions from the People's Republic of China: Petitioners' Case Brief Regarding Scope Related Issues," dated January 20, 2011
Petitioners' Scope Clarification Submission	Letter from Petitioners, "Antidumping and Countervailing Duty Investigations on Certain Aluminum Extrusions from China: Petitioners' Comments Concerning the Scope of Investigation," dated May 10, 2010
Petitioners' Scope Rebuttal Brief	Petitioners' rebuttal scope case brief, "Antidumping and Countervailing Duty Investigation on Certain Aluminum Extrusions from the People's Republic of China: Petitioners' Rebuttal Brief

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	Regarding Scope Related Issues,” dated January 25, 2011
Prelim Affiliation/Collapsing Memo	Memorandum regarding: Investigation of Aluminum Extrusions from the People's Republic of China: Preliminary Determination Regarding Affiliation and Collapsing of Guang Ya Aluminium Industries'Co., Ltd., Foshan Guangcheng Aluminium Co., Ltd., Kong Ah International Co., Ltd., and Guang Ya Aluminium Industries (Hong Kong) Ltd.; Zhaoqing New Zhongya Aluminum Co., Ltd., Zhongya ShapedAluminium (HK) Holding Ltd., Karlton Aluminum Co" Ltd.; Xinya Aluminum & Stainless Steel Product Co., Ltd. and Da Yang Aluminum Co., Ltd., dated October 27, 2010.
Preliminary Scope Determination	Memorandum to the File: Aluminum Extrusions from the People’s Republic of China (“PRC”): Preliminary Determinations: Comments on the Scope of the Investigations, dated October 27, 2010
SDMA’s 10/07/2010 Scope Submission	Letter from SDMA, “Aluminum Extrusions from the People’s Republic of China: Reply Scope Comments for Clarification Request,” dated October 7, 2010
SDMA’s Scope Case Brief	SDMA’s scope case brief, “Aluminum Extrusions from the People’s Republic of China: Case Brief for Scope Related Issues,” dated January 20, 2011
SDMA’s Scope Rebuttal Brief	SDMA’s rebuttal scope case brief, “Certain Aluminum Extrusions from the People’s Republic of China; Rebuttal Case Brief for Scope-Related Issues,” dated January 25, 2011
Surrogate Country Memorandum (07/26/2010)	Request for a List of Surrogate Countries for an Antidumping Duty Investigation of Aluminum Extrusions from the People’s Republic of China (PRC), dated July 26, 2010.
Xinya’s Letter dated November 12, 2010	Xinya’s Letter to the Department regarding Less-Than-Fair Value Investigation of Aluminum Extrusions from the People’s Republic of China, dated November 12, 2010.
Xinya’s November 4, 2010, letter to the Department	Xinya’s November 4, 2010, letter to the Department regarding Less-Than-Fair Value Investigation of Aluminum Extrusions from the People’s Republic of China: Antidumping Questionnaire.
Xinya’s Verification Report	Memorandum regarding the Verification Report of the Sales and Factors of Production Responses of New Asia Aluminum & Stainless Steel Products Co., Ltd. in the Antidumping Duty Investigation of Aluminum Extrusions from the People’s Republic of China, dated January 28, 2011.