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December 20, 2019

**MEMORANDUM TO:** Jeffrey I. Kessler  
Assistant Secretary  
for Enforcement and Compliance

**FROM:** James Maeder  
Deputy Assistant Secretary  
for Antidumping and Countervailing Duty Operations

**SUBJECT:** Decision Memorandum for Preliminary Results of Antidumping  
Duty Administrative Review: Aluminum Extrusions from the  
People's Republic of China; 2018-2019

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### Summary

In response to requests from interested parties, the Department of Commerce (Commerce) is conducting an administrative review of the antidumping duty (AD) order on aluminum extrusions from the People's Republic of China (China),<sup>1</sup> in accordance with section 751(a)(1) of the Tariff Act of 1930, as amended (the Act). The period of review (POR) is May 1, 2018, through April 30, 2019. We are rescinding this administrative review, in part, for the companies for which all review requests were timely withdrawn. We preliminarily determine that none of the companies for which an administrative review was requested, and not withdrawn, have demonstrated their eligibility for a separate rate and are, therefore, part of the China-wide entity.

If these preliminary results are adopted in our final results of review, we will instruct U.S. Customs and Border Protection (CBP) to assess AD duties on all appropriate entries of subject merchandise during the POR. Interested parties are invited to comment on these preliminary results. Unless otherwise extended, we intend to issue the final results of this administrative review no later than 120 days from the date of publication of this notice, pursuant to section 751(a)(3)(A) of the Act.

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<sup>1</sup> See *Aluminum Extrusions from the People's Republic of China: Antidumping Duty Order*, 76 FR 30650 (May 26, 2011) (*Order*).

## Background

On May 1, 2019, Commerce published a notice of opportunity to request an administrative review of the *Order* for the period May 1, 2018 through April 30, 2019.<sup>2</sup> On May 31, 2019, the Aluminum Extrusions Fair Trade Committee (the petitioner) and Endura Products, Inc. (Endura) requested an administrative review of 257 companies.<sup>3</sup> On July 15, 2019, Commerce initiated a review of the 257 companies<sup>4</sup> for which a review was requested.<sup>5</sup>

In the *Initiation Notice*, Commerce stated that it intended to select respondents based on volume data reported in quantity and value (Q&V) questionnaire responses.<sup>6</sup> On August 5, 2019, Commerce posted the Q&V questionnaire on its website and placed it on the record of this review.<sup>7</sup> Separately, Commerce queried CBP's Automated Commercial System for all entries of subject merchandise suspended pursuant to the *Order*, for the period May 1, 2018 through April 30, 2019, for the companies on which we initiated a review. On August 21, 2019, Commerce placed the proprietary results of its data query on the record of this administrative review, and stated that it intended to issue Q&V questionnaires to the 10 companies with the largest import values as shown in the CBP data.<sup>8</sup> On September 9, 2019, Commerce issued the Q&V questionnaire to certain companies.<sup>9</sup> During August and September 2019, Commerce received timely Q&V questionnaire responses from the following companies: Tai-Ao Aluminium

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<sup>2</sup> See *Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity To Request Administrative Review*, 84 FR 18479, 18481 (May 1, 2019).

<sup>3</sup> See Petitioner and Endura's Letter, "Aluminum Extrusions from the People's Republic of China: Request for Administrative Review," dated May 31, 2019 (Request for Review).

<sup>4</sup> See *Initiation of Antidumping and Countervailing Duty Administrative Reviews*, 84 FR 33739 (July 15, 2019) (*Initiation Notice*); see also *Initiation of Antidumping and Countervailing Duty Administrative Reviews*, 84 FR 47242, 47248 (September 9, 2019) (*Correction Notice*).

<sup>5</sup> In their request, the petitioner and Endura grouped certain companies together as joint requests (e.g., Changshu Changshen Aluminum Products Co., Ltd./Changshu Changsheng Aluminum Products Co., Ltd.), but Commerce initiated this segment of the proceeding with respect to each named company (e.g., Changshu Changshen Aluminum Products Co., Ltd., and Changshu Changsheng Aluminium Products Co., Ltd.); this resulted in a larger number of individual companies being listed in the *Initiation Notice* than in the Request for Review; the same is true of the number of companies for which the requests were subsequently withdrawn. See *id.*; see also Request for Review.

<sup>6</sup> See *Initiation Notice*, 84 FR at 33739-33740; and *Correction Notice*, 84 FR at 47248 n.11.

<sup>7</sup> See Commerce's Letter, "Administrative Review of the Antidumping Duty Order on Aluminum Extrusions from the People's Republic of China; 2018-2019: Issuance of Quantity and Value Questionnaire," dated August 5, 2019 (Q&V Issuance Letter).

<sup>8</sup> See Memorandum, "2018-2019 Administrative Review of the Antidumping Duty Order on Aluminum Extrusions from the People's Republic of China: U.S. Customs and Border Protection Data," dated August 21, 2019 (CBP Information Memorandum). The results of Commerce's data query are proprietary, and contained in Attachment 1 of the CBP Information Memorandum.

<sup>9</sup> See Commerce's Letters to Aactiva Leisure Inc.; Cosco (JM) Aluminum Development Co. Ltd; ETLA Technology (Wuxi) Co. Ltd; Kanal Precision Aluminum Product Co., Ltd; Precision Metal Works Ltd.; Shanghai Tongtai Precise Aluminum Alloy Manufacturing Co. Ltd.; Summit Heat Sinks Metal Co, Ltd; and Union Industry (Asia) Co., Ltd., dated September 9, 2019.

(Taishan) Co., Ltd.;<sup>10</sup> ETLA Technology (Wuxi) Co. Ltd;<sup>11</sup> and Shanghai Tongtai Precise Aluminum Alloy Manufacturing Co. Ltd.<sup>12</sup> During this same time, Commerce also received no-shipment letters from the following companies: Xin Wei Aluminum Company Limited;<sup>13</sup> Guangdong Xin Wei Aluminum Products Co., Ltd.;<sup>14</sup> Xin Wei Aluminum Co.;<sup>15</sup> Permasteelisa Hong Kong Limited;<sup>16</sup> Permasteelisa South China Factory;<sup>17</sup> and Changshu Changsheng Aluminum Products Co., Ltd.<sup>18</sup> On September 6, 2019, Commerce received a timely separate rate application (SRA) from Tai-Ao Aluminium (Taishan) Co., Ltd.<sup>19</sup>

On October 15, 2019, the petitioner and Endura timely withdrew their request for review of 205 companies for which no other interested party requested a review.<sup>20</sup> Among the companies for which all review requests were withdrawn were all companies that had submitted SRAs, separate rate certifications (SRCs), or certifications of no shipments. Requests for an administrative review remain in place for the following companies:

1. Activa Leisure Inc.
2. Allied Maker Limited
3. Birchwoods (Lin'an) Leisure Products Co., Ltd.
4. Changzhou Changzhen Evaporator Co., Ltd.
5. Changzhou Changzheng Evaporator Co., Ltd.
6. Cosco (J.M.) Aluminum Co., Ltd.
7. Cosco (JM) Aluminum Development Co. Ltd
8. Dynabright International Group (HK) Ltd.
9. Dynamic Technologies China

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<sup>10</sup> See Tai-Ao Aluminium (Taishan) Co., Ltd.'s Letter, "Q&V Response for Tai-Ao in the 2018-19 Administrative Review of the Antidumping Duty Order on Aluminum Extrusions from the People's Republic of China," dated August 30, 2019.

<sup>11</sup> See ETLA Technology (Wuxi) Co. Ltd's Letter, "Response to Quantity & Value Questionnaire," dated September 24, 2019.

<sup>12</sup> See Shanghai Tongtai Precise Aluminum Alloy Manufacturing Co. Ltd.'s Letter, "Aluminum Extrusions from People's Republic of China: Response to Quality & Value Questionnaire," dated September 24, 2019.

<sup>13</sup> See Xin Wei Aluminum Company Limited, Guangdong Xin Wei Aluminum Products Co., Ltd., and Xin Wei Aluminum Co.'s Letter, "Aluminum Extrusions from the People's Republic of China: Certification of No Sales, Shipments, or Entries," dated August 14, 2019.

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

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

<sup>16</sup> See Permasteelisa Hong Kong Limited and Permasteelisa South China Factory Letter, "Aluminum Extrusions from the People's Republic of China: Notice of No Sales," dated August 29, 2019.

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

<sup>18</sup> See Changshu Changsheng Aluminum Products Co., Ltd.'s Letter, "Aluminum Extrusions from the People's Republic: Statement of No Shipments," dated September 4, 2019; *see also* Changshu Changsheng Aluminium Products Co., Ltd.'s Letter, "Aluminum Extrusions from the People {sic} Republic of China: Submission of Statement of No Shipments," dated September 5, 2019.

<sup>19</sup> See Tai-Ao Aluminium (Taishan) Co., Ltd. Letter, "Separate Rate Application for Tai-Ao Aluminium (Taishan) Co., Ltd. in the 2018-19 Administrative Review of the Antidumping Duty Order on Aluminum Extrusions from the People's Republic of China," dated September 6, 2019.

<sup>20</sup> See Petitioner and Endura's Letter, "Aluminum Extrusions from the People's Republic of China: Partial Withdrawal of Request for Administrative Review," dated October 15, 2019 (Withdrawal Letter). For a list of the companies for which all requests for review were withdrawn, *see* Appendix II of the *Federal Register* notice which this memorandum accompanies.

10. ETLA Technology (Wuxi) Co. Ltd
11. First Union Property Limited
12. Foshan Jinlan Aluminum Co. Ltd.
13. Foshan JinLan Aluminum Co., Ltd.
14. Foshan Shanshui Fenglu Aluminum Co., Ltd.
15. Guangdong Hao Mei Aluminum Co., Ltd.
16. Guangdong Weiye Aluminum Factory Co., Ltd.
17. Guangdong Xingfa Aluminum Co., Ltd.
18. Hanwood Enterprises Limited
19. Hanyung Metal (Suzhou) Co., Ltd.
20. Honsense Development Company
21. Innovative Aluminum (Hong Kong) Limited
22. Jiangsu Changfa Refrigeration Co.
23. Jiangyin Trust International Inc.
24. Jiangyin Xinhong Doors and Windows Co., Ltd.
25. JMA (HK) Company Limited
26. Justhere Co., Ltd.
27. Kanal Precision Aluminum Product Co., Ltd
28. Kromet International
29. Kromet International Inc.
30. Kromet Intl Inc
31. Longkou Donghai Trade Co., Ltd.
32. Metaltek Group Co., Ltd.
33. Ningbo Yili Import and Export Co., Ltd.
34. North China Aluminum Co., Ltd.
35. PanAsia Aluminum (China) Limited
36. Pingguo Aluminum Company Limited
37. Pingguo Asia Aluminum Co., Ltd.
38. Popular Plastics Company Limited
39. Precision Metal Works Ltd.
40. Shangdong Nanshan Aluminum Co., Ltd.
41. Shanghai Tongtai Precise Aluminum Alloy Manufacturing Co. Ltd.
42. Shenzhen Jiuyuan Co., Ltd.
43. Skyline Exhibit Systems (Shanghai) Co. Ltd.
44. Summit Heat Sinks Metal Co, Ltd
45. tenKsolar (Shanghai) Co., Ltd.
46. Tianjin Jinmao Import & Export Corp., Ltd.
47. Tianjin Ruxin Electric Heat Transmission Technology Co., Ltd.
48. Top-Wok Metal Co., Ltd.
49. Union Industry (Asia) Co., Ltd.
50. Zhejiang Anji Xinxiang Aluminum Co., Ltd.
51. Zhejiang Yongkang Listar Aluminum Industry Co., Ltd.
52. Zhongshan Gold Mountain Aluminum Factory Ltd.

## Scope of the Order

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

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

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

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

Subject extrusions may be identified with reference to their end use, such as fence posts, electrical conduits, door thresholds, carpet trim, or heat sinks (that do not meet the finished heat

sink exclusionary language below). Such goods are subject merchandise if they otherwise meet the scope definition, regardless of whether they are ready for use at the time of importation. The following aluminum extrusion products are excluded: aluminum extrusions made from aluminum alloy with an Aluminum Association series designations commencing with the number 2 and containing in excess of 1.5 percent copper by weight; aluminum extrusions made from aluminum alloy with an Aluminum Association series designation commencing with the number 5 and containing in excess of 1.0 percent magnesium by weight; and aluminum extrusions made from aluminum alloy with an Aluminum Association series designation commencing with the number 7 and containing in excess of 2.0 percent zinc by weight.

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

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

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

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

Imports of the subject merchandise are provided for under the following categories of the Harmonized Tariff Schedule of the United States (HTSUS): 7604.29.3060; 7604.29.3090; 7604.29.5050; 7604.29.5090; 8541.90.00.00, 8708.10.30.50, 8708.99.68.90, 6603.90.8100, 7616.99.51, 8479.89.94, 8481.90.9060, 8481.90.9085, 9031.90.9195, 8424.90.9080, 9405.99.4020, 9031.90.90.95, 7616.10.90.90, 7609.00.00, 7610.10.00, 7610.90.00, 7615.10.30,

7615.10.71, 7615.10.91, 7615.19.10, 7615.19.30, 7615.19.50, 7615.19.70, 7615.19.90, 7615.20.00, 7616.99.10, 7616.99.50, 8479.89.98, 8479.90.94, 8513.90.20, 9403.10.00, 9403.20.00, 7604.21.00.00, 7604.29.10.00, 7604.29.30.10, 7604.29.30.50, 7604.29.50.30, 7604.29.50.60, 7608.20.00.30, 7608.20.00.90, 8302.10.30.00, 8302.10.60.30, 8302.10.60.60, 8302.10.60.90, 8302.20.00.00, 8302.30.30.10, 8302.30.30.60, 8302.41.30.00, 8302.41.60.15, 8302.41.60.45, 8302.41.60.50, 8302.41.60.80, 8302.42.30.10, 8302.42.30.15, 8302.42.30.65, 8302.49.60.35, 8302.49.60.45, 8302.49.60.55, 8302.49.60.85, 8302.50.00.00, 8302.60.90.00, 8305.10.00.50, 8306.30.00.00, 8414.59.60.90, 8415.90.80.45, 8418.99.80.05, 8418.99.80.50, 8418.99.80.60, 8419.90.10.00, 8422.90.06.40, 8473.30.20.00, 8473.30.51.00, 8479.90.85.00, 8486.90.00.00, 8487.90.00.80, 8503.00.95.20, 8508.70.00.00, 8515.90.20.00, 8516.90.50.00, 8516.90.80.50, 8517.70.00.00, 8529.90.73.00, 8529.90.97.60, 8536.90.80.85, 8538.10.00.00, 8543.90.88.80, 8708.29.50.60, 8708.80.65.90, 8803.30.00.60, 9013.90.50.00, 9013.90.90.00, 9401.90.50.81, 9403.90.10.40, 9403.90.10.50, 9403.90.10.85, 9403.90.25.40, 9403.90.25.80, 9403.90.40.05, 9403.90.40.10, 9403.90.40.60, 9403.90.50.05, 9403.90.50.10, 9403.90.50.80, 9403.90.60.05, 9403.90.60.10, 9403.90.60.80, 9403.90.70.05, 9403.90.70.10, 9403.90.70.80, 9403.90.80.10, 9403.90.80.15, 9403.90.80.20, 9403.90.80.41, 9403.90.80.51, 9403.90.80.61, 9506.11.40.80, 9506.51.40.00, 9506.51.60.00, 9506.59.40.40, 9506.70.20.90, 9506.91.00.10, 9506.91.00.20, 9506.91.00.30, 9506.99.05.10, 9506.99.05.20, 9506.99.05.30, 9506.99.15.00, 9506.99.20.00, 9506.99.25.80, 9506.99.28.00, 9506.99.55.00, 9506.99.60.80, 9507.30.20.00, 9507.30.40.00, 9507.30.60.00, 9507.90.60.00, and 9603.90.80.50.

The subject merchandise entered as parts of other aluminum products may be classifiable under the following additional Chapter 76 subheadings: 7610.10, 7610.90, 7615.19, 7615.20, and 7616.99, as well as under other HTSUS chapters. In addition, fin evaporator coils may be classifiable under HTSUS numbers: 8418.99.80.50 and 8418.99.80.60. While HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope of this *Order* is dispositive.<sup>21</sup>

### Respondent Selection

Section 777A(c)(1) of the Act directs Commerce to calculate an individual weighted-average dumping margin for each known exporter and producer of the subject merchandise. However, section 777A(c)(2) of the Act gives Commerce discretion to limit its examination to a reasonable number of exporters or producers if it is not practicable to determine an individual weighted average dumping margins for each known exporter and producer because of the large number of companies involved in the review.

In the *Initiation Notice*, Commerce stated that if it limited the number of respondents for individual examination in this administrative review, it intended to select respondents based on volume data reported in Q&V questionnaire responses.<sup>22</sup> Commerce further stated that it intended to limit the number of Q&V questionnaires issued in the review based on import values in the CBP data for aluminum extrusions from China.<sup>23</sup> Specifically, Commerce explained that the wide variety of products covered by the scope of the *Order* would preclude meaningful

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<sup>21</sup> See *Order*.

<sup>22</sup> See *Initiation Notice*, 82 FR at 31292-31293; see also *Correction Notice*, 84 FR at 47248 n.11.

<sup>23</sup> See *Initiation Notice*, 82 FR at 31292-31293; see also *Correction Notice*, 84 FR at 47248 n.11.

results in attempting to ascertain the largest Chinese exporters of subject merchandise using import volumes in the CBP data.<sup>24</sup>

As stated above, on August 21, 2019, Commerce placed the CBP Information Memorandum on the record of this administrative review, and stated that it intended to issue Q&V questionnaires to the 10 companies with the largest import values as shown in the CBP data.<sup>25</sup> On August 30, 2019, the petitioner and Endura submitted comments on the CBP Information Memorandum.<sup>26</sup> However, upon the submission of the Withdrawal Letter, all the points raised in the petitioners' comments on the CBP Information Memorandum were rendered moot (*see* "Separate Rates" section, *infra*, for additional detail); consequently, we do not address them here.

As stated above, Commerce posted the Q&V Issuance Letter for voluntary Q&Vs and subsequently issued mandatory Q&V questionnaires to the 10 companies with the largest import values (as reflected in the CBP data) which had not already voluntarily submitted a Q&V response.<sup>27</sup> During August and September 2019, Commerce received timely Q&V questionnaire responses from the following companies: Tai-Ao Aluminium (Taishan) Co., Ltd.;<sup>28</sup> ETLA Technology (Wuxi) Co. Ltd.;<sup>29</sup> and Shanghai Tongtai Precise Aluminum Alloy Manufacturing Co. Ltd.<sup>30</sup>

On October 15, 2019, the petitioner and Endura timely withdrew their request for review of 205 companies, including all companies eligible for selection as a mandatory respondent.<sup>31</sup> Because no company for which a review was requested, and not withdrawn, demonstrated its eligibility for a separate rate in this administrative review (*see* "Separate Rates" section, below, for additional detail), Commerce did not select any remaining company as a mandatory respondent.

#### Rescission of Administrative Review, in Part

Pursuant to 19 CFR 351.213(d)(1), the Secretary will rescind an administrative review, in whole or in part, if the party that requested the review withdraws its request within 90 days of the date of publication of the notice of initiation of the requested review. On October 15, 2019, the

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<sup>24</sup> *See Initiation Notice*, 82 FR at 31292-31293; *see also Correction Notice*, 84 FR at 47248 n.11.

<sup>25</sup> *See* CBP Information Memorandum.

<sup>26</sup> *See* Petitioners' Letter, "Aluminum Extrusions from the People's Republic of China: Comments on U.S. Customs and Border Protection Data," dated August 30, 2019 (Petitioners' CBP Information Comments).

<sup>27</sup> *See* Q&V Issuance Letter; *see also* Commerce's Letters to Aactiva Leisure Inc.; Cosco (JM) Aluminum Development Co. Ltd; ETLA Technology (Wuxi) Co. Ltd; Kanal Precision Aluminum Product Co., Ltd; Precision Metal Works Ltd.; Shanghai Tongtai Precise Aluminum Alloy Manufacturing Co. Ltd.; Summit Heat Sinks Metal Co, Ltd; and Union Industry (Asia) Co., Ltd., dated September 9, 2019.

<sup>28</sup> *See* Tai-Ao Aluminium (Taishan) Co., Ltd.'s Letter, "Q&V Response for Tai-Ao in the 2018-19 Administrative Review of the Antidumping Duty Order on Aluminum Extrusions from the People's Republic of China," dated August 30, 2019.

<sup>29</sup> *See* ETLA Technology (Wuxi) Co. Ltd's Letter, "Response to Quantity & Value Questionnaire," dated September 24, 2019.

<sup>30</sup> *See* Shanghai Tongtai Precise Aluminum Alloy Manufacturing Co. Ltd.'s Letter, "Aluminum Extrusions from People's Republic of China: Response to Quality & Value Questionnaire," dated September 24, 2019.

<sup>31</sup> *See* Withdrawal Letter. All requests for review have been withdrawn for 205 companies and 52 remain subject to administrative review, totaling the 257 companies upon which this review was initiated.

petitioner and Endura timely withdrew their request for review of 205 companies.<sup>32</sup> Commerce is rescinding this review, in part, with respect to the 205 companies for which all requests for review were timely withdrawn, in accordance with 19 CFR 351.213(d)(1).<sup>33</sup>

### Non-Market Economy Country

Commerce considers China to be a non-market economy (NME) country.<sup>34</sup> In accordance with section 771(18)(C)(i) of the Act, any determination that a foreign country is an NME country shall remain in effect until revoked by Commerce.<sup>35</sup> None of the parties to this proceeding contested such treatment. Therefore, we continue to treat China as an NME country for purposes of these preliminary results.

### Separate Rates

Pursuant to section 771(18)(C)(i) of the Act, a designation of a country as an NME remains in effect until it is revoked by Commerce. Accordingly, there is a rebuttable presumption that all companies within China are subject to government control and, thus, should be assessed a single AD duty rate.<sup>36</sup>

In the *Initiation Notice*, Commerce notified parties of the application process by which exporters may obtain separate-rate status in an NME proceeding.<sup>37</sup> It is Commerce's policy to assign all exporters of the merchandise subject to review in NME countries a single rate unless an exporter can affirmatively demonstrate an absence of government control, both in law (*de jure*) and in fact (*de facto*), with respect to exports. To establish whether a company is sufficiently independent to be entitled to a separate, company-specific rate, Commerce analyzes each exporting entity in an NME country under the test established in *Sparklers*,<sup>38</sup> as further developed by *Silicon Carbide*.<sup>39</sup> However, if Commerce determines that a company is wholly foreign-owned, then an

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<sup>32</sup> See Withdrawal Letter. The number 205 reflects the names of the companies as listed in the *Initiation Notice*. See *Initiation Notice*, 84 FR at 33739; and *Correction Notice*, 84 FR at 47248.

<sup>33</sup> See Appendix II of the *Federal Register* notice which this memorandum accompanies for a complete list of the 205 companies.

<sup>34</sup> See *Antidumping Duty Investigation of Certain Aluminum Foil from the People's Republic of China: Affirmative Preliminary Determination of Sales at Less-Than-Fair Value and Postponement of Final Determination*, 82 FR 50858, 50861 (November 2, 2017) (citing Memorandum, "China's Status as a Non-Market Economy," dated October 26, 2017).

<sup>35</sup> See, e.g., *Brake Rotors from the People's Republic of China: Preliminary Results and Partial Rescission of the 2004/2005 Administrative Review and Preliminary Notice of Intent To Rescind the 2004/2005 New Shipper Review*, 71 FR 26736 (May 8, 2006), unchanged in *Brake Rotors from the People's Republic of China: Final Results and Partial Rescission of the 2004/2005 Administrative Review and Notice of Rescission of 2004/2005 New Shipper Review*, 71 FR 66304 (November 14, 2006).

<sup>36</sup> See, e.g., *Notice of Final Determination of Sales at Less Than Fair Value, and Affirmative Critical Circumstances, In Part: Certain Lined Paper Products from the People's Republic of China*, 71 FR 53079, 53082 (September 8, 2006).

<sup>37</sup> See *Initiation Notice*, 84 FR at 33740-33741.

<sup>38</sup> See *Final Determination of Sales at Less Than Fair Value: Sparklers from the People's Republic of China*, 56 FR 20588 (May 6, 1991) (*Sparklers*).

<sup>39</sup> See *Notice of Final Determination of Sales at Less Than Fair Value: Silicon Carbide from the People's Republic of China*, 59 FR 22585 (May 2, 1994) (*Silicon Carbide*).

analysis of the *de jure* and *de facto* criteria is not necessary to determine whether it is independent from government control.<sup>40</sup>

In order to demonstrate eligibility for separate-rate status, Commerce requires entities for which a review was requested, and which were assigned a separate rate in the most recent segment of this proceeding in which they participated, to submit an SRC stating that they continue to meet the criteria for obtaining a separate rate.<sup>41</sup> For entities which currently do not have a separate rate from a completed segment of the proceeding, to demonstrate eligibility for a separate rate, Commerce requires a SRA.<sup>42</sup> Companies that submit a SRA or SRC which are subsequently selected as mandatory respondents must respond to all parts of Commerce's questionnaire in order to be eligible for separate rate status.<sup>43</sup>

As stated above, of the companies for which a review was requested, and not withdrawn, none submitted a SRA, SRC, or certification of no shipments. Accordingly, no company for which a request for administrative review remains in place has demonstrated that it is entitled to a separate rate. We, therefore, preliminarily determine that the following companies are not eligible for a separate rate in this administrative review:

1. Activa Leisure Inc.
2. Allied Maker Limited
3. Birchwoods (Lin'an) Leisure Products Co., Ltd.
4. Changzhou Changzhen Evaporator Co., Ltd.
5. Changzhou Changzheng Evaporator Co., Ltd.
6. Cosco (J.M.) Aluminum Co., Ltd.
7. Cosco (JM) Aluminum Development Co. Ltd
8. Dynabright International Group (HK) Ltd.
9. Dynamic Technologies China
10. ETLA Technology (Wuxi) Co. Ltd
11. First Union Property Limited
12. Foshan Jinlan Aluminum Co. Ltd.
13. Foshan JinLan Aluminum Co., Ltd.
14. Foshan Shanshui Fenglu Aluminum Co., Ltd.
15. Guangdong Hao Mei Aluminum Co., Ltd.
16. Guangdong Weiye Aluminum Factory Co., Ltd.
17. Guangdong Xingfa Aluminum Co., Ltd.
18. Hanwood Enterprises Limited
19. Hanyung Metal (Suzhou) Co., Ltd.
20. Honsense Development Company
21. Innovative Aluminum (Hong Kong) Limited
22. Jiangsu Changfa Refrigeration Co.
23. Jiangyin Trust International Inc.

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<sup>40</sup> See, e.g., *Final Results of Antidumping Duty Administrative Review: Petroleum Wax Candles from the People's Republic of China*, 72 FR 52355, 52356 (September 13, 2007).

<sup>41</sup> See *Initiation Notice*, 84 FR at 33740-33741.

<sup>42</sup> *Id.*

<sup>43</sup> *Id.*

24. Jiangyin Xinhong Doors and Windows Co., Ltd.
25. JMA (HK) Company Limited
26. Justhere Co., Ltd.
27. Kanal Precision Aluminum Product Co., Ltd
28. Kromet International
29. Kromet International Inc.
30. Kromet Intl Inc
31. Longkou Donghai Trade Co., Ltd.
32. Metaltek Group Co., Ltd.
33. Ningbo Yili Import and Export Co., Ltd.
34. North China Aluminum Co., Ltd.
35. PanAsia Aluminum (China) Limited
36. Pingguo Aluminum Company Limited
37. Pingguo Asia Aluminum Co., Ltd.
38. Popular Plastics Company Limited
39. Precision Metal Works Ltd.
40. Shangdong Nanshan Aluminum Co., Ltd.
41. Shanghai Tongtai Precise Aluminum Alloy Manufacturing Co. Ltd.
42. Shenzhen Jiuyuan Co., Ltd.
43. Skyline Exhibit Systems (Shanghai) Co. Ltd.
44. Summit Heat Sinks Metal Co, Ltd
45. tenKsolar (Shanghai) Co., Ltd.
46. Tianjin Jinmao Import & Export Corp., Ltd.
47. Tianjin Ruxin Electric Heat Transmission Technology Co., Ltd.
48. Top-Wok Metal Co., Ltd.
49. Union Industry (Asia) Co., Ltd.
50. Zhejiang Anji Xinxiang Aluminum Co., Ltd.
51. Zhejiang Yongkang Listar Aluminum Industry Co., Ltd.
52. Zhongshan Gold Mountain Aluminum Factory Ltd.

### The China-Wide Entity

We preliminarily find that the 52 companies for which a review was requested, and not withdrawn, are not eligible for a separate rate because none submitted a SRA, SRC, or certification of no shipments. As a result, Commerce preliminarily finds these 52 companies are part of the China-wide entity.

Commerce's policy regarding conditional review of the China-wide entity applies to this administrative review.<sup>44</sup> Under this policy, the China-wide entity will not be under review unless a party specifically requests, or Commerce self-initiates, a review of the entity. Because no party

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<sup>44</sup> See *Antidumping Proceedings: Announcement of Change in Department Practice for Respondent Selection in Antidumping Duty Proceedings and Conditional Review of the Nonmarket Economy Entity in NME Antidumping Duty Proceedings*, 78 FR 65963, 65970 (November 4, 2013).

requested a review of the China-wide entity in the instant review, the entity is not under review, and the entity's current rate, *i.e.*, 86.01 percent,<sup>45</sup> is not subject to change.

### Adjustments for Countervailable Subsidies

To determine whether to grant a domestic pass-through adjustment for the separate-rate recipients, Commerce typically relies on the experience of the mandatory respondents examined in the review, subject to section 777A(f)(2) of the Act. Because no company established eligibility for an adjustment under section 777A(f) of the Act for countervailable domestic subsidies, for these preliminary results, Commerce did not make an adjustment pursuant to section 777A(f) of the Act for countervailable domestic subsidies for any companies under review. Furthermore, because the China-wide entity is not under review, we made no adjustment for countervailable export subsidies for the China-wide entity pursuant to section 772(c)(1)(C) of the Act.

### Conclusion

We recommend applying the above methodology for these preliminary results.

\_\_\_\_\_  
Agree

\_\_\_\_\_  
Disagree

12/20/2019

**X** 

Signed by: JEFFREY KESSLER

\_\_\_\_\_  
Jeffrey I. Kessler  
Assistant Secretary  
for Enforcement and Compliance

<sup>45</sup> See *Aluminum Extrusions from the People's Republic of China: Final Results of Antidumping Duty Administrative Review; 2017–2018*, 84 FR 56164 (October 21, 2019), at 56165.