A-570-967
Admin. Review
05/01/2016-04/30/2017
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DATE: July 23, 2018

MEMORANDUM TO: Gary Taverman
Deputy Assistant Secretary
for Antidumping and Countervailing Duty Operations,
performing the non-exclusive functions and duties of the
Assistant Secretary for Enforcement and Compliance

FROM: James Maeder
Associate Deputy Assistant Secretary
for Antidumping and Countervailing Duty Operations
performing the duties of Deputy Assistant Secretary
for Antidumping and Countervailing Duty Operations

SUBJECT: Issues and Decisions Memorandum for the Final Results of the Antidumping Duty Administrative Review: Aluminum Extrusions from the People's Republic of China; 2016-2017

I. SUMMARY

The Department of Commerce (Commerce) is conducting an administrative review of the antidumping duty (AD) order[1] on aluminum extrusions from the People's Republic of China (China).[2] The period of review (POR) is May 1, 2016, through April 30, 2017. These final results cover 29 companies for which an administrative review was initiated and not rescinded.[3] We recommend finding that 26 of these companies are part of the China-wide entity because they each failed to submit both a Quantity and Value (Q&V) response and information to establish their eligibility for a separate rate. We also recommend rescission of this review with regard to the remaining three companies. These recommendations make one change from the *Preliminary Results*[4] for these final results, in accordance with the position described in the

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[1] *See Aluminum Extrusions from the People's Republic of China: Antidumping Duty Order*, 76 FR 30650 (May 26, 2011) (*Order*).
[2] *See Initiation of Antidumping and Countervailing Duty Administrative Reviews*, 82 FR 31292 (July 6, 2017) (*Initiation Notice*).
[3] Initially, this administrative review covered 220 companies. *See Initiation Notice*, 82 FR at 31294. However, Commerce rescinded this administrative review with respect to 191 companies for which all review requests were timely withdrawn. *See Aluminum Extrusions from the People's Republic of China: Preliminary Results of Antidumping Duty Administrative Review and Rescission of Review in Part; 2016-2017*, 83 FR 5604 (February 8, 2018) (*Preliminary Results*), and accompanying Preliminary Decision Memorandum.
[4] *See Preliminary Results*, 83 FR at 5605.

"Discussion of the Issues" section of this memorandum.

II. BACKGROUND

Commerce initiated this administrative review on July 6, 2017.[5] On February 8, 2018, Commerce published the *Preliminary Results* of this administrative review in the *Federal Register*.[6] At that time, we invited interested parties to comment on the *Preliminary Results*.[7] On March 13, 2018, we received case briefs from the petitioner[8] and Xin Wei Aluminum Company Limited, Guangdong Xin Wei Aluminum Products Co., Ltd., Xin Wei Aluminum Co. Ltd., Xin Wei Aluminum Co., and Regal Ideas Inc. (collectively, Xin Wei/Regal).[9] On March 19, 2018, we received rebuttal briefs from the petitioner and Tai-Ao Aluminium (Taishan) Co., Ltd. (Tai-Ao).[10] No other party submitted case or rebuttal briefs. Between June 5 and July 5, 2018, we extended the deadline for the final results.[11] The current deadline for these final results is July 23, 2018.

III. 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

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[5] *See Initiation of Antidumping and Countervailing Duty Administrative Reviews*, 82 FR 31292 (July 6, 2017) (*Initiation Notice*).
[6] *See Preliminary Results*, 83 FR at 5604.
[7] *Id.*, 83 FR at 5606; *see also* 19 CFR 351.309.
[8] The petitioner is the Aluminum Extrusions Fair Trade Committee.
[9] *See* Petitioner Letter re: Aluminum Extrusions from the People's Republic of China: Case Brief, dated March 13, 2018 (Petitioner Case Brief); and Xin Wei/Regal Letter re: Aluminum Extrusions from the People's Republic of China: Case Brief, dated March 13, 2018 (Xin Wei/Regal Case Brief). (Regal is the importer for the three Xin Wei companies.)
[10] *See* Petitioner Letter re: Aluminum Extrusions from the People's Republic of China: Rebuttal Brief, dated March 19, 2018 (Petitioner Rebuttal Brief); and Tai-Ao Letter re: Tai-Ao's Administrative Rebuttal Brief: Administrative Review of the Antidumping Duty Order on Aluminum Extrusions from the People's Republic of China: Review Period – 5/1/16-4/30/17, dated March 19, 2018 (Tai-Ao Rebuttal Brief).
[11] *See* Memorandum, "Aluminum Extrusions from the People's Republic of China: Extension of Time Limit for Final Results of Antidumping Duty Administrative Review, 2016-2017," dated June 5, 2018; and Memorandum, "Aluminum Extrusions from the People's Republic of China: Extension of Time Limit for Final Results of Antidumping Duty Administrative Review, 2016-2017," dated July 5, 2018.

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): 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.

IV. DISCUSSION OF THE ISSUES

Comment 1: Adjustment of Liquidation Instructions

The Petitioner's Case Brief

- Commerce should exercise its authority[12] to correct its liquidation instructions in this administrative review to reflect the appropriate AD rate in effect as a result of the court-mandated reduction in the all-others countervailing duty (CVD) rate from the *MacLean-Fogg* litigation.[13]
- As a result of the *MacLean-Fogg* litigation, Commerce's original 374.15 percent all-others CVD rate was reduced to 7.37 percent with only 0.26 percent in export subsidies.[14]
- Although Commerce issued liquidation instructions to update the all-others rate for the CVD investigation, Commerce did not issue liquidation instructions to account for the commensurate reduction in the offset for export subsidies in the less-than-fair-value (LTFV) investigation.[15]
- At a minimum, going forward, Commerce should issue liquidation instructions that direct U.S. Customs and Border Protection (CBP) to collect cash deposits in the correct amount (*i.e.*, 32.53 percent) for companies that received a separate rate in the LTFV investigation, but have not been reviewed.[16]

Tai-Ao's Rebuttal Brief

- Commerce should deny the petitioner's request that Commerce issue extraordinary liquidation instructions concerning respondents for which this administrative review was rescinded at the petitioner's request.[17]
- Granting the petitioner's request would require Commerce to violate its regulations,

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[12] According to the petitioner, the Court of Appeals for the Federal Circuit (CAFC) has found that Commerce has the authority to correct its liquidation instructions before entries have been liquidated. *See* Petitioner Case Brief, at 4-5 (citing *Ugine v. United States*, 551 F.3d 1339 (Fed. Cir 2009) (*Ugine*)).
[13] *See* Petitioner Case Brief, at 1-4 (citing *See MacLean-Fogg Co.* v. *United States*, 853 F. Supp. 2d 1253 (CIT 2012); *MacLean-Fogg Co.* v. *United States*, 853 F. Supp. 2d 1336 (CIT 2012); *MacLean-Fogg Co.* v. *United States*, 885 F. Supp. 2d 1337 (CIT 2012); *MacLean-Fogg Co.* v. *United States*, 32 F. Supp. 3d 1358 (CIT 2014); *MacLean-Fogg Co.* v. *United States*, 753 F.3d 1237 (Fed. Cir. 2014); *MacLean-Fogg Co.* v. *United States*, 106 F. Supp. 3d 1356 (CIT 2015) (collectively *MacLean-Fogg*)).
[14] *Id.* at 3.
[15] *Id.* at 2 (citing *MacLean-Fogg*).
[16] *Id.* at 6-7.
[17] *See* Tai-Ao Rebuttal Brief, at 5-6.

which require that CBP liquidate entries at cash deposit rates paid upon entry for companies whose review requests have been rescinded.[18]

- Granting petitioner's request is also contrary to the agency's policy of adjusting AD cash deposit rates using contemporaneous CVD information rather than information from the original CVD investigation.[19]
- The petitioner has had multiple opportunities to raise its concerns for revised AD cash deposit instructions (*e.g.*, following the *MacLean-Fogg* litigation, in which it was a participant), but opted not to (*i.e.*, rescinded scores of reviews).[20] Accordingly, the petitioner's claim – that it first became aware of this issue during this administrative review – does not withstand scrutiny.[21]
- That the CAFC affirmed Commerce's being forced to change *ultra vires* liquidation instructions issued after a challenged review does not authorize Commerce to violate its regulations that mandate automatic "as entered" liquidation instructions for companies not subject to review.[22]

Commerce's Position: Section 772(c)(1)(C) of the Tariff Act of 1930, as amended (the Act) requires that the starting price for export price (EP) or constructed export price (CEP) be increased by "the amount of any countervailing duties imposed on the subject merchandise… to offset an export subsidy." Where there is an ongoing CVD investigation, but no outstanding CVD order, instead of adding the CVD amount for export subsidies to the EP or CEP, we adjust the estimated weighted-average dumping margin calculated for cash deposit purposes to reflect the impact of these duties on the dumping margin calculation.[23] In instances where the countervailing duty amount reduces the dumping margin to *de minimis*, the respondent is still included in the AD order and liquidation is still suspended; however, the antidumping cash deposit rate will be zero.[24]

Consistent with its practice, Commerce offset the AD cash deposit rates in the LTFV investigation by the original amount of export subsidies determined in the CVD investigation.[25] However, as a result of litigation in the CVD investigation of aluminum extrusions from China,[26] Commerce amended the CVD final determination, thereby reducing the all-others rate from the 374.15 percent rate established in the CVD investigation to 7.37 percent.[27]

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[18] *Id.* at 6.
[19] *Id.* at 6-7.
[20] *Id.* at 7-8.
[21] *Id*.
[22] *Id.* at 8-9 (citing *Ugine*).
[23] *See*, *e.g.*, *Notice of Final Determination of Sales at Less Than Fair Value: Certain Cold-Rolled Carbon Steel Flat Products from Brazil*, 67 FR 62134, 62135 (October 3, 2002), and accompanying Issues and Decision Memorandum.
[24] *See Dupont Teijin Films USA, LP v. United States*, Court No. 02-00463, Slip Op. 04-70 (CIT June 18, 2004), *aff'd*. *Dupont Teijin Films USA, LP v. United States*, 407 F. 3d 1211 (Fed. Cir. 2005).
[25] *See Aluminum Extrusions from the People's Republic of China: Final Determination of Sales at Less Than Fair Value*, 76 FR 18524 (April 4, 2011); *see also Aluminum Extrusions from the People's Republic of China: Notice of Correction to the Final Determination of Sales at Less Than Fair Value*, 76 FR 20627 (April 13, 2011).
[26] *See MacLean-Fogg*.
[27] *See Aluminum Extrusions from the People's Republic of China: Final Affirmative Countervailing Duty Determination,* 76 FR 18521 (April 4, 2011); and *Aluminum Extrusions from the People's Republic of China: Notice of Court Decision Not in Harmony With Final Affirmative Countervailing Duty Determination and Notice of Amended Final Affirmative Countervailing Duty Determination*, 77 FR 74466 (December 14, 2012).

We note that there are 23 companies that are still assigned the AD separate rate established in the LTFV investigation, which was offset by the original amount of CVD export subsidies. Of these companies, two are under review in the current administrative review. Of the remaining 21 companies, review requests were timely withdrawn, or no review request was made, in this segment of the proceeding.

China Square Industrial Ltd and USA Worldwide Door Components (PINGHU) Co., Ltd. are the two companies which began this administrative review with an AD separate rate established in the LTFV investigation, and which are still subject to this review. However, we now consider these companies to be part of the China-wide entity, because they each failed to submit both (1) a response to Commerce's Q&V questionnaire and (2) information to establish eligibility for a separate rate.[28] The China-wide entity rate was updated in the last administrative review of this *Order*, and that rate will apply in these final results.[29] Accordingly, because we have included China Square Industrial Ltd and USA Worldwide Door Components (PINGHU) Co., Ltd. as part of the China-wide entity for these final results, we have made no adjustment to their rate to account for CVD export subsidies.

For the remaining 21 companies that are still assigned the AD separate rate established in the LTFV investigation, Commerce lacks the statutory authority to revise the cash deposit rates with respect these companies, because they are not currently under review.[30] The petitioner argues that Commerce should instruct CBP to increase these companies' assessment rates to the correct AD rate prior to liquidation, stating that, "while {the petitioner} withdrew its administrative review request on many of these companies, their entries will be suspended until {Commerce} issues its final results."[31] However, liquidation instructions have already been issued to CBP for all companies that are not under review in the current administrative review, and absent a review of those companies, we lack a legal means of adjusting the cash deposit rate through this administrative review for those companies.

Nevertheless, we agree with the petitioner that the cash deposit rate currently in effect for these 21 companies is based, *in part*, on an export subsidy offset, which was invalidated by the CAFC.[32] Therefore, consistent with Commerce's authority to self-initiate a changed circumstances review (CCR) when presented with sufficient information that such a review is warranted,[33] we initiated an expedited CCR of the *Order* to recalculate the cash deposit rate for the 21 exporters/producers who retain a separate rate assigned in the LTFV investigation to

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[28] *See Preliminary Results*, 83 FR at 5606.
[29] *See Aluminum Extrusions from the People's Republic of China: Final Results of Antidumping Duty Administrative Review; 2015–2016*, 82 FR 52265, 52267 (November 13, 2017) (*2015-2016 Aluminum Extrusions Final*).
[30] *See* section 751(a)(1) of the act ("At least once during each 12-month period beginning on the anniversary of the date of publication of… an antidumping duty order under this title… the administering authority, *if* a request for such a review has been received and after publication of notice of such review in the Federal Register, shall…(B) review, and determine … the amount of any antidumping duty, and… shall publish in the Federal Register the results of such review, together with notice of any duty to be assessed, estimated duty to be deposited, or investigation to be resumed.") (emphasis added).
[31] *See* Petitioner Case Brief, at 6.
[32] *See MacLean-Fogg*.
[33] *See* Section 751(b)(1) of the Act; *see also* 19 CFR 351.216 and 351.221(c)(3).

reflect the revised CVD export subsidy rates from the *CVD Amended Final Determination*.[34] In addition, we also issued the preliminary results in that CCR, recognizing that Commerce's ability to amend its AD cash deposit instructions to account for the changes to the export subsidy rate through a CCR commenced from the effective date of the *CVD Amended Final Determination*.[35]

Comment 2: Xin Wei/Regal Separate Rate

Xin Wei/Regal's Case Brief

- Commerce's preliminary finding that Xin Wei/Regal was not eligible for a separate rate in this administrative review and its failure to withdraw Xin Wei/Regal from the administrative is incorrect and unfounded, since Xin Wei/Regal filed a certification of no sales, shipments, or entries.[36]
- Commerce should have concluded that Xin Wei/Regal is a separate rate company and rescinded its administrative review for the company. Commerce should revise this finding in the final results to determine that Xin Wei/Regal is eligible for a separate rate.[37]

The Petitioner's Rebuttal Brief

- In its final results, Commerce should confirm the accuracy of Xin Wei/Regal's claims by reviewing the record and ensuring that its filing was timely, as well as confirming that Xin Wei/Regal, in fact, had no shipments.[38]

Commerce's Position: We agree with Xin Wei/Regal, and have made a finding of no shipments with respect to Xin Wei/Regal in these final results.

In the *Preliminary Results*, we stated:

> Of the companies for which an administrative review was requested, and not withdrawn, none submitted an SRA, SRC, or certification of no shipments. Therefore, 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: {…} (15) Guangdong Xin Wei Aluminum Products Co., Ltd.; {…} (28) Xin Wei Aluminum Co. Ltd.; and (29) Xin Wei Aluminum Company Limited.[39]

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[34] *See Aluminum Extrusions from the People's Republic of China: Initiation of Expedited Changed Circumstances Review, and Preliminary Results of Changed Circumstances Review*, 83 FR 34548 (July 20, 2018) (*CCR Initiation*); *see also Aluminum Extrusions from the People's Republic of China: Amended Final Affirmative Countervailing Duty Determination Pursuant to Court Decision*, 80 FR 69640 (November 10, 2015) (*CVD Amended Final Determination*).
[35] *See CCR Initiation*, 83 FR at XX.
[36] *See* Xin Wei/Regal Case Brief, at 2.
[37] *Id.* at 2-3.
[38] *See* Petitioner Rebuttal Brief, at 1-2.
[39] *See Preliminary Results*, 83 FR at 5606.

Upon further review of the record of this proceeding, we find that our preliminary statement with respect to Xin Wei/Regal was incorrect. On July 20, 2017, Xin Wei/Regal timely submitted a certification of no shipments.[40] However, we inadvertently did not consider the Xin Wei/Regal No-Shipment Letter in the *Preliminary Results*. We have reviewed Xin Wei/Regal's certification of no shipments during the POR subsequent to the *Preliminary Results*, and have confirmed the accuracy of Xin Wei/Regal's claims therein.

Specifically, on March 21, 2018, we posted to the record the port inquiries in Customs message numbers 8080303 (pertaining to Xin Wei Aluminum Company Limited and Xin Wei Aluminum Co. Ltd.) and 8080306 (pertaining to Guangdong Xin Wei Aluminum Products Co., Ltd.). We received no information from CBP in response to our port inquiries to contradict either the entry data original received from CBP[41] or the Xin Wei/Regal No-Shipment Letter. Therefore, we find that the Xin Wei/Regal No-Shipment Letter was both timely and accurate, and satisfies the requirements of section 351.213(d)(3) of Commerce's regulations that there were no entries, exports, or sales of the subject merchandise during the POR.

Consequently, we find that Guangdong Xin Wei Aluminum Products Co., Ltd., Xin Wei Aluminum Company Limited, and Xin Wei Aluminum Co. Ltd. had no POR shipments. As a result, these companies' separate rates remain unchanged from the last administrative review.

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[40] *See* Xin Wei/Regal Letter re: Aluminum Extrusions from the People's Republic of China: Certification of No Sales, Shipments, or Entries, dated July 20, 2017 (Xin Wei/Regal No-Shipment Letter).
[41] *See* Memorandum, "2016-2017 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 July 17, 2017.

V. RECOMMENDATION

We recommend applying the above methodology for these final results.

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Agree Disagree

7/23/2018

X ____________________________

Signed by: GARY TAVERMAN

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Gary Taverman
Deputy Assistant Secretary
for Antidumping and Countervailing Duty Operations,
performing the non-exclusive functions and duties of the
Assistant Secretary for Enforcement and Compliance