



A-570-967
Administrative Review
05/01/2019-04/30/2020
Public Document
E&C/OVI: MF

July 30, 2021

MEMORANDUM TO: Christian Marsh
Acting 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; 2019-2020

I. 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), 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, 2019, through April 30, 2020. We are rescinding this administrative review, in part, for the companies for which all review requests were timely withdrawn. We preliminarily determine that because Kingtom Aluminio S.R.L. (Kingtom) exported merchandise from the Dominican Republic that is Chinese in origin, Kingtom is a third-country exporter and is not eligible for a separate rate and that because Kingtom did not identify a Chinese exporter, we are unable to use the information provided by Kingtom to apply our non-market economy calculation methodology. Additionally, we preliminarily determine that none of the companies for which an administrative review was requested, and not withdrawn, have demonstrated their eligibility for a separate rate and are, therefore, part of the China-wide entity, unless they have submitted a valid statement of no shipments.

If these preliminary results are adopted in our final results of review, we will instruct U.S. Customs and Border Protection (CBP) to assess antidumping 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.



II. BACKGROUND

On May 26, 2011, Commerce published in the *Federal Register* an AD order on aluminum extrusions from China.¹ On May 1, 2020, Commerce published a notice of opportunity to request an administrative review of the *Order*² for the POR. On May 29, 2020, we received a timely request from Kingtom for an administrative review of itself.³ Also on May 29, 2020, we received a timely request from Global Aluminum Distributor, LLC (Global) for an administrative review of Kingtom.⁴ On June 1, 2020, we received a timely request from the Aluminum Extrusions Fair Trade Committee (the petitioner) for an administrative review of 96 companies.⁵ On June 9, 2020, we received a clarification of certain company names within the petitioner's request for review.⁶

On July 10, 2020, we initiated an administrative review of the *Order* on aluminum extrusions from China for the POR with respect to 98 companies.⁷

On August 10, 2020, Kingtom submitted a certification of no shipments.⁸ Also on August 10, 2020, Anderson International (Anderson) and Sunvast Trade Shanghai (Sunvast) jointly

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

² See *Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity to Request Administrative Review*, 85 FR 25934 (May 1, 2020).

³ See Kingtom's Letter, "Aluminum Extrusions from the People's Republic of China, A-570-967 -- Request for Administrative Review," dated May 29, 2020 (Kingtom Request for Review). Kingtom's submission also included a request that we postpone this administrative review pending final resolution of certain issues before CBP.

⁴ See Global's Letter, "Aluminum Extrusions from China; A-570-967; Request for Administrative Review," dated May 29, 2020 (Global Request for Review). Global also requested, pursuant to 19 CFR 351.213(c), that we defer this administrative review by one year so as to consolidate it with the 2020-2021 POR.

⁵ See Petitioner's Letter, "Aluminum Extrusions from the People's Republic of China: Request for Administrative Review," dated June 1, 2020 (Petitioner's Request for Review).

⁶ See Petitioner's Letter, "Aluminum Extrusions from the People's Republic of China: Clarification of Request for Administrative Review," dated June 9, 2020. The petitioner corrected some spelling and also updated the list of companies. What had been listed jointly as "Foshan Gold Bridge Import and Export Co. Ltd. / Gold Bridge International" was listed separately as "Foshan Gold Bridge Import and Export Co. Ltd." and "Gold Bridge International." Additionally, what had been listed jointly as and "Fujian Minfa Aluminum Inc. / Fujian Minfa Aluminum Co., Ltd." was listed separately as "Fujian Minfa Aluminum Inc." and "Fujian Minfa Aluminum Co., Ltd." This was a step Commerce has taken on its own initiative in multiple prior segments of this proceeding. See, e.g., *Initiation of Antidumping and Countervailing Duty Administrative Reviews*, 84 FR 47242 (September 9, 2019), at Note 10. Consequently, the number of companies requested rose from 96 to 98.

⁷ See *Initiation of Antidumping and Countervailing Duty Administrative Reviews*, 85 FR 41540, 41544-41545 (July 10, 2020) (*Initiation Notice*). Several parties, including Kingtom itself, had used the name "Kingtom S.L.R." instead of "Kingtom S.R.L." in their submissions, as did Commerce in the *Initiation Notice*. The petitioner clarified the name; see Petitioner's Letter, "Aluminum Extrusions from the People's Republic of China: Clarification of Mandatory Respondent," dated April 30, 2021. Because "S.R.L." stands for *Sociedad de Responsabilidad Limitada* and is the proper business form, we corrected the error in the *Initiation Notice*. See *Initiation of Antidumping and Countervailing Duty Administrative Reviews*, 86 FR 31282 (June 11, 2021).

⁸ See Kingtom's letter, "Aluminum Extrusions from the People's Republic of China: Certification of No Sales, Shipments, or Entries," dated August 10, 2020 (Kingtom No Shipments Statement). Kingtom maintains that 1) its entries were not of Chinese origin and, therefore, its entries were not subject to the *Order*; and 2) CBP has not made a final ruling with regard to these entries and, therefore, it submitted a certification of no shipments in good faith (notwithstanding its quantity and value (Q&V) response and separate rate application (SRA)).

submitted a certification of no shipments.⁹ On August 14, 2020, Guandong Taiming Metal Products Co., LTD (Taiming), submitted what it termed a “No-Shipment Notification.”¹⁰ On August 14, 2020, Kingtom timely submitted its voluntary Q&V response.¹¹ Also on August 14, 2020, Tai-Ao Aluminium (Taishan) Co., Ltd. (Tai-Ao) timely submitted its voluntary Q&V response.¹² On August 17, 2020, Kingtom timely submitted its SRA.¹³ Also on August 17, 2020, Tai-Ao timely submitted its SRA.¹⁴ Kingtom and Tai-Ao were the only companies to submit either SRAs or SRCs. On September 3, 2020, the petitioner submitted comments on the Kingtom SRA.¹⁵

On September 4, 2020, the petitioner timely submitted a letter withdrawing its request for administrative review with regard to 11 companies (*see* the section “Rescission of Administrative Review, in Part,” below).¹⁶ Of the 87 companies that remain subject to this administrative review, only Kingtom submitted an SRA or separate rate certification (SRC). Because no company remaining under review other than Kingtom (which had already submitted a voluntary Q&V response) is eligible for selection as a mandatory respondent, we did not issue mandatory Q&Vs.

⁹ See Anderson/Sunvast’s Letter, “Administrative Review of the Antidumping Duty Order on Aluminum Extrusions from the People’s Republic of China 2019-2020: Notice of No Sales of Products Under Review,” dated August 10, 2020.

¹⁰ Taiming did not submit a statement of no shipments before the expiration of the 30-day deadline specified in the *Initiation Notice* (i.e., August 10, 2020). Taiming requested and received an extension of the deadline for submitting an SRA, until August 17, 2020. See Taiming’s Letter, “Aluminum Extrusions from the People’s Republic of China: Extension Request for Separate Rate Application,” dated August 7, 2020; *see also* Commerce’s Letter granting the extension dated August 7, 2020. Taiming made a submission stating that “...under the Department’s rules, the company does not qualify for a separate rate, and submits this no-shipment certification in lieu of an SRA.” See Taiming’s Letter, “Aluminum Extrusions from the People’s Republic of China: No-Shipment Notification,” dated August 14, 2020, at 2. We therefore do not consider that Taiming submitted either an SRA or a timely statement of no shipments. As Taiming does not already have separate rate status, its status as a part of the China-wide entity would not change based upon a statement of no shipments, timely or not, in any case.

¹¹ See Kingtom’s Letter, “Aluminum Extrusions from the People’s Republic of China: Quantity and Value Questionnaire,” dated August 14, 2020 (Kingtom Q&V Response).

¹² See Tai-Ao’s Letter, “Q&V Response for Tai-Ao in the 2019-20 Administrative Review of the Antidumping Duty Order on Aluminum Extrusions from the People’s Republic of China,” dated August 14, 2020.

¹³ See Kingtom’s Letter, “Aluminum Extrusions from People’s Republic of China: Separate Rate Application,” dated August 17, 2020 (Kingtom SRA).

¹⁴ See Tai-Ao’s Letter, “Separate Rate Application for Tai-Ao Aluminium (Taishan) Co., Ltd. in the 2019-20 Administrative Review of the Antidumping Duty Order on Aluminum Extrusions from the People’s Republic of China,” dated August 17, 2020.

¹⁵ See Petitioner’s Letter, “Aluminum Extrusions from the People’s Republic of China: Petitioner’s Comments on Kingtom’s Separate Rate Application,” dated September 3, 2020.

¹⁶ See Petitioner’s Letter, “Aluminum Extrusions from the People’s Republic of China: Partial Withdrawal of Request for Administrative Review,” dated September 4, 2020 (Review Request Withdrawal). The companies for which all requests for review have been withdrawn are: (1) Asia-Pacific Light Alloy (Nantong) Technology Co., Ltd.; (2) Jiangsu Asia-Pacific Light Alloy Technology Co Ltd.; (3) Modular Assembly Technology; (4) Ningbo Xiangshan Import & Export Corporation; (5) Rollease Acmeda Pty; (6) Suzhou Mingde Aluminum; (7) Tai-Ao Aluminum (Taishan) Co., Ltd.; (8) Taizhou Puan Lighting Technology; (9) Uniton Investment Ltd.; (10) Wellste Material; and (11) Zhejiang Shiner Import and Export. With 98 companies initiated, a withdrawal of request for review for 11 companies leaves 87 companies still under review.

On October 19, 2020, the petitioner submitted a request for on-site verification of Kingtom's responses.¹⁷

On October 26, 2020, we identified Kingtom as the sole producer or exporter eligible for individual examination as a mandatory respondent in this administrative review (*see* the "Respondent Selection" section below).¹⁸

On November 4, 2020, we issued the standard AD Questionnaire to Kingtom.¹⁹ On December 10, 2020, Kingtom submitted its response to section A of the AD Questionnaire.²⁰ On December 31, 2020, Kingtom submitted its response to sections C and D of the AD Questionnaire.²¹ On January 7, 2021, the petitioner submitted comments on the SAQR, which included the public version of CBP's November 2, 2020, EAPA Consolidated Investigation 7348 determination that Global and other importers entered Chinese-origin aluminum extrusions, shipped by Kingtom from the Dominican Republic, into the customs territory of the United States through evasion.²² On January 12, 2021, Global submitted a rebuttal to the petitioner's SAQR comments.²³ On January 13, 2021, the petitioner submitted additional SAQR comments and a request to reject alleged new factual information (NFI) contained in Global's January 12, 2021, rebuttal.²⁴ On January 15, 2021, Kingtom submitted a response to the petitioner's SAQR comments.²⁵ On January 19, 2021, Global submitted a response to petitioner's request to reject alleged NFI.²⁶ On

¹⁷ See Petitioner's Letter, "Aluminum Extrusions from the People's Republic of China: Request for Verification," dated October 19, 2020.

¹⁸ See Memorandum, "Aluminum Extrusions from the People's Republic of China, 2019-2020 Administrative Review: Identification of Mandatory Respondent," dated October 26, 2020 (Respondent Identification Memorandum).

¹⁹ See Commerce's Letter, "Initial AD Questionnaire," dated November 4, 2020 (AD Questionnaire).

²⁰ See Kingtom's Letter, "Aluminum Extrusions from the People's Republic of China, Case No. A-570-967: Section A Questionnaire Response," dated December 10, 2020 (SAQR).

²¹ See Kingtom's Letter, "Aluminum Extrusions from the People's Republic of China, Case No. A-570-967: Sections C-D Questionnaire Response," dated December 31, 2020 (SCQR and SDQR, respectively).

²² See Petitioner's Letter, "Aluminum Extrusions from the People's Republic of China: Comments on Kingtom's Section A Questionnaire Response," dated January 7, 2021 (Petitioner's SAQR Comments). Attachment 1 to the Petitioner's Letter placed the Enforce and Protect Act (EAPA) determination on the record (EAPA Final Determination). CBP suspended or continued to suspend the entries subject to that investigation; for entries previously extended in accordance with its interim measures, CBP changed those entries to type 03 and continued suspension with a rate adjustment. CBP's determination also referenced the then-ongoing EAPA Consolidated Investigation 7423, which also addresses Kingtom, Global, and other importers. The periods of investigation for these two EAPA proceedings are (a) January 10, 2019, through January 28, 2021, and (b) October 9, 2018, through November 2, 2020; these CBP measures therefore encompass all of Kingtom's entries in this administrative review's POR of May 1, 2019, through April 30, 2020, which are suspended as type 03 entries.

²³ See Global's Letter, "Aluminum Extrusions from the People's Republic of China; A-570-967; Rebuttal to Comments of AEFTC of January 7, 2021," dated January 12, 2021.

²⁴ See Petitioner's Letter, "Aluminum Extrusions from the People's Republic of China: Comments in Response to and Request to Reject Global Aluminum Distributor's New Factual Information," dated January 13, 2021.

²⁵ See Kingtom's Letter, "Aluminum Extrusions from the People's Republic of China, Case No. A-570-967: Response to Petitioner's Comments on Kingtom's Section A Questionnaire Response," dated January 14, 2021 (but submitted on January 15, 2021).

²⁶ See Global's Letter, "Aluminum Extrusions from the People's Republic of China; A-570-967; Legal Argument," dated January 19, 2021.

January 21, 2021, the petitioner submitted comments on the SCQR and SDQR.²⁷ On January 28, 2021, Kingtom submitted a response to the petitioner's SCQR and SDQR comments.²⁸

On January 28, 2021, we issued a letter to all interested parties requesting economic development, surrogate country (SC), and surrogate value (SV) comments and information.²⁹ On February 4, 2021, Kingtom submitted SC comments.³⁰ On February 9, 2021, the petitioner submitted SC comments.³¹ On February 9, 2021, Kingtom submitted additional SC comments.³² On February 19, 2021, Kingtom submitted SC rebuttal comments.³³ On February 19, 2021, the petitioner submitted SC rebuttal comments.³⁴

On February 23, 2021, the petitioner submitted a request to refer alleged non-payment of Section 232 duties to CBP.³⁵ On February 25, 2021, Kingtom submitted a response to the petitioner's 232 Referral Request.³⁶ On March 1, 2021, the petitioner submitted a reply to Kingtom's response to the 232 Referral Request.³⁷

²⁷ See Petitioner's Letter, "Aluminum Extrusions from the People's Republic of China: Comments on Kingtom's Sections C-D Questionnaire Responses," dated January 21, 2021.

²⁸ See Kingtom's Letter, "Aluminum Extrusions from the People's Republic of China, Case No. A-570-967: Response to Petitioner's Comments on Kingtom's Section C-D Questionnaire Response," dated January 28, 2021.

²⁹ See Commerce's Letter, "Aluminum Extrusions from the People's Republic of China, 2019-20: Request for Economic Development, Surrogate Country and Surrogate Value Comments and Information," dated January 28, 2021.

³⁰ See Kingtom's Letter, "Aluminum Extrusions from the People's Republic of China, Case No. A-570-967: Kingtom Comments on the List of Countries at the Same Level of Economic Development," dated February 4, 2021.

³¹ See Petitioner's Letter, "Aluminum Extrusions from the People's Republic of China: Comments on Surrogate Country Selection," dated February 9, 2021.

³² See Kingtom's Letter, "Aluminum Extrusions from the People's Republic of China, Case No. A-570-967: Kingtom Surrogate Country Comments," dated February 9, 2021 (the letter was actually dated "February 9, 2020," obviously a typographical error).

³³ See Kingtom's Letter, "Aluminum Extrusions from the People's Republic of China, Case No. A-570-967: Kingtom Surrogate Country Rebuttal Comments," dated February 19, 2021.

³⁴ See Petitioner's Letter, "Aluminum Extrusions from the People's Republic of China: Rebuttal Comments on Surrogate Country Selection," dated February 19, 2021.

³⁵ See Petitioner's Letter, "Aluminum Extrusions from the People's Republic of China: Request to Refer Non-Payment of Section 232 Duties to U.S. Customs and Border Protection," dated February 23, 2021 (232 Referral Request).

³⁶ See Kingtom's Letter, "Aluminum Extrusions from the People's Republic of China, Case No. A-570-967: Kingtom Response to Petitioner's Request Regarding Section 232 Duties," dated February 25, 2021.

³⁷ See Petitioner's Letter, "Aluminum Extrusions from the People's Republic of China: Comments Response to Kingtom's Response of February 25, 2021," dated March 1, 2021.

On March 5, 2021, the petitioner submitted SV comments.³⁸ On March 5, 2021, Kingtom submitted SV comments.³⁹ On March 15, 2021, the petitioner submitted SV rebuttal comments.⁴⁰ On March 15, 2021, Kingtom submitted SV rebuttal comments.⁴¹

On July 21, 2020, Commerce tolled all deadlines in administrative reviews by 60 days.⁴² On March 26, 2021, we extended the deadline for the preliminary results by 120 days.⁴³ The revised deadline for the preliminary results is now July 30, 2021.

On June 8, 2021, Kingtom submitted a request for a scope ruling concerning its extruded aluminum merchandise, requesting that we conduct a scope inquiry in conjunction with this administrative review. Because there are ongoing EAPA covered merchandise proceedings covering these entries, we are deferring a decision on initiating or not initiating a scope inquiry in this case until those proceedings are completed.⁴⁴

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 leading letter. Illustrative examples from among the approximately 160 registered alloys that may characterize the subject merchandise are as follows: 1350, 3003, and 6060.

³⁸ See Petitioner's Letter, "Aluminum Extrusions from the People's Republic of China: Submission of Surrogate Values," dated March 5, 2021.

³⁹ See Kingtom's Letter, "Aluminum Extrusions from the People's Republic of China, Case No. A-570-967: Kingtom Surrogate Value Comments," dated March 5, 2021.

⁴⁰ See Petitioner's Letter, "Aluminum Extrusions from the People's Republic of China: Rebuttal Surrogate Value Comments," dated March 15, 2021.

⁴¹ See Kingtom's Letter, "Aluminum Extrusions from the People's Republic of China, Case No. A-570-967: Kingtom Rebuttal Surrogate Value Comments," dated March 15, 2021.

⁴² See Memorandum, "Tolling of Deadlines for Antidumping and Countervailing Duty Administrative Reviews," dated July 21, 2020.

⁴³ See Memorandum, "Aluminum Extrusions from the People's Republic of China: Extension of Time Limit for Preliminary Results of Antidumping Duty Administrative Review, 2019-2020," dated March 26, 2021.

⁴⁴ See Memorandum, "Administrative Review of the Antidumping Duty Order on Aluminum Extrusions from the People's Republic of China, 2019-2020: Placement of Scope Initiation Deferral Letter on the Record," dated concurrently with these preliminary results of review.

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): 7606.12.3091, 7606.12.3096, 7604.21.0010, 7604.21.0090, 7604.29.1010, 7604.29.1090, 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 the *Order* is dispositive.⁴⁵

IV. 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*, we stated that if we limited the number of respondents for individual examination in this administrative review, we intended to select respondents based on volume data reported in Q&V questionnaire responses.⁴⁶ We further stated that we 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.⁴⁷ Specifically, we explained that the wide variety of products covered by the scope of the *Order* precludes meaningful results in attempting to ascertain the largest Chinese exporters of subject merchandise using import volumes in the CBP data.⁴⁸ Additionally, the deadline for submission of an SRA or SRC was established as no later than 30 calendar days after publication of the *Initiation Notice*.⁴⁹

On July 27, 2020, we notified interested parties that the Q&V questionnaire was available on Commerce's website as of that date, and that voluntary responses to the Q&V questionnaire must be received by August 14, 2020.⁵⁰

We queried CBP's Automated Commercial System for all entries of subject merchandise suspended pursuant to the *Order*, for the POR, manufactured or exported by the companies on which we initiated this administrative review. On July 13, 2020, we placed the proprietary results of the data query on the administrative record of this proceeding, and stated that we intended to issue Q&V questionnaires to the 10 companies with the largest import values as

⁴⁵ See *Order*.

⁴⁶ *Initiation Notice*, 85 FR at 41541.

⁴⁷ *Id.*

⁴⁸ *Id.*

⁴⁹ *Id.* at 41542.

⁵⁰ See Commerce's Letter, "Administrative Review of the Antidumping Duty Order on Aluminum Extrusions from the People's Republic of China; 2019-2020: Issuance of Quantity and Value Questionnaire," dated July 27, 2020.

shown in the CBP data.⁵¹ Consistent with the *Initiation Notice*, we provided a period for interested parties to comment on the CBP data.⁵² On July 24, 2020, Kingtom and the petitioner timely submitted comments on the CBP data.⁵³ On July 31, 2020, the petitioner timely submitted a rebuttal to Kingtom's CBP Comments.⁵⁴

On October 26, 2020, we identified Kingtom as the sole producer or exporter eligible for individual examination as a mandatory respondent in this administrative review because (1) review requests for Kingtom were not withdrawn, (2) Kingtom was the only company remaining under review that submitted an SRA or SRC, and (3) Kingtom was the only company remaining under review that submitted a Q&V response.⁵⁵ As stated above, in their requests for review, both Kingtom⁵⁶ and Global⁵⁷ had requested deferral of this administrative review pending resolution of ongoing investigations by CBP involving Kingtom. On June 15, 2020, the petitioner had objected to the postponement or deferral of this administrative review with regard to Kingtom.⁵⁸ The petitioner had stated that such a deferral is not possible when a domestic interested party objects, citing 19 CFR 351.213(c)(1), which states:

(c) Deferral of administrative review -

(1) In general. The Secretary may defer the initiation of an administrative review, in whole or in part, for one year if:

- (i) The request for administrative review is accompanied by a request that the Secretary defer the review, in whole or in part; and
- (ii) None of the following persons objects to the deferral: the exporter or producer for which deferral is requested, an importer of subject merchandise of that exporter or producer, *a domestic interested party* and, in a countervailing duty proceeding, the foreign government.⁵⁹

Because the petitioner is, by definition, a domestic interested party that has objected, we did not defer this administrative review with regard to Kingtom.⁶⁰

⁵¹ See Memorandum, "2019-2020 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 13, 2020 (CBP Information Memorandum). The results of Commerce's data query are proprietary and contained in the Attachment to the CBP Information Memorandum.

⁵² *Id.* at 2 (citing *Initiation Notice*, 85 FR at 41541).

⁵³ See Kingtom's Letter, "Aluminum Extrusions from the People's Republic of China: Comments on CBP Data and Respondent Selection," dated July 24, 2020 (Kingtoms CBP Comments). See Petitioner's Letter, "Aluminum Extrusions from the People's Republic of China: Petitioner's Comments on Respondent Selection," dated July 24, 2020 (Petitioner's CBP Comments). As explained below, the issues raised by the petitioner in its comments were rendered moot by its subsequent withdrawal of request for administrative review.

⁵⁴ See Petitioner's Letter, "Aluminum Extrusions from the People's Republic of China: Petitioner's Rebuttal Comments on CBP Data and Respondent Selection," dated July 31, 2020.

⁵⁵ See Respondent Identification Memorandum.

⁵⁶ See Kingtom Request for Review at 1-2.

⁵⁷ See Global Request for Review at 1-2.

⁵⁸ See Petitioner's Letter, "Aluminum Extrusions from the People's Republic of China: Objection to Requests for Deferral," dated June 15, 2020.

⁵⁹ *Id.* at 2 (emphasis added).

⁶⁰ See Respondent Identification Memorandum at 4.

V. STATEMENTS OF NO SHIPMENTS

The *Initiation Notice* stated: “{i}f a producer or exporter named in this notice of initiation had no exports, sales, or entries during the period of review (POR), it must notify Commerce within 30 days of publication of this notice in the *Federal Register*.”⁶¹ As stated above, only Anderson, Kingtom, and Sunvast submitted timely statements of no shipments.

With regard to Anderson and Sunvast, we followed our standard procedure. We issued Customs instructions⁶² requesting that CBP port officers check again to ensure that there were no POR entries by these companies in order to confirm the information we had received from CBP in response to our CBP inquiry and we placed on the record in the CBP Information Memorandum. We received no reply from CBP indicating that the information contained in the CBP Information Memorandum – that there were no entries by Anderson or Sunvast – was incorrect. We therefore preliminarily find that Anderson and Sunvast had no exports, sales, or entries during the POR. Consequently, as stated below, we make no finding with regard to the separate rate status of Anderson or Sunvast; the separate rate status that these companies held upon initiation of this administrative review remains unchanged. In accordance with our standard practice, we do not rescind the review with regard to Anderson and Sunvast; if unchanged, a final determination of no shipments will be made in the final results.

With regard to Kingtom, the circumstances are unique. Kingtom requested a review of itself as “an exporter of aluminum extrusions that *may be* subject to this antidumping duty order” in order “to preserve their rights to the process as the deadline for CBP’s decisions {is} . . . after the deadline to request review.”⁶³ The Q&V questionnaire to which Kingtom provided a response stated:

In providing the information in the chart below, please provide the total quantity in kilograms and total value (in U.S. dollars) of all your sales to the United States during the period May 1, 2019, through April 30, 2020, of merchandise covered by the scope of the order (*see* Attachment II), *produced in China*.⁶⁴

Kingtom’s response stated that the Q&Vs reported reflected Kingtom’s “sales of merchandise manufactured and exported from the Dominican Republic.”⁶⁵ Kingtom submitted an SRA in which it stated, “{i}t has a sale of subject merchandise to an unaffiliated purchaser in the United States that was made during the POR or that is related to a suspended entry *of subject merchandise* during the POR.”⁶⁶ In the same response, it stated, “{i}t has, under its own name(s), made a shipment *of subject merchandise* that was entered for consumption in the United States during the period of review.”⁶⁷ Further, Kingtom stated in its SRA, “{t}he applicant certifies that it will, to the maximum extent possible, provide a direct legible photocopy (not a copy of a copy) of all of the following original documents for the sale by invoice date *of*

⁶¹ See *Initiation Notice*, 85 FR at 41540.

⁶² See CBP Message Number 1028405, dated January 28, 2021, which is on the record of this review.

⁶³ See Kingtom Request for Review at 2 (emphasis added).

⁶⁴ See Kingtom Q&V Response at 1 (emphasis added).

⁶⁵ *Id.* (Sic.)

⁶⁶ See Kingtom SRA at 6-7 (emphasis added).

⁶⁷ *Id.* at 7 (emphasis added).

subject merchandise to an unaffiliated customer in the United States during the POR/POI for a commercial transaction.”⁶⁸ Notably, the required CBP 7501 Entry Summary which Kingtom submitted did not fulfill this requirement.⁶⁹ Despite these assertions, Kingtom certified that it had no shipments of subject merchandise during the POR:

In accordance with 19 CFR 351.213(d)(3), Kingtom Aluminio S.R.L. (“Kington”), an exporter of aluminum extrusions from the Dominican Republic hereby certifies that it had no entries, exports, or sales of subject merchandise into the United States during the period of review encompassing May 1, 2019 through April 30, 2020.⁷⁰

As noted above, on November 2, 2020, CBP issued a Notice of Determination as to Evasion, in which CBP concluded that “substantial evidence” demonstrated that the aluminum extrusions imported from “the claimed manufacturer, Kingtom Aluminio SRL (Kington)” were of Chinese-origin and “were transshipped” with the “country of origin claimed as the Dominican Republic.”⁷¹ CBP “further” determined that “substantial evidence indicates that the Importers imports were entered through evasion, resulting in the avoidance of applicable AD/CVD deposits or other security.”⁷² Accordingly, CBP determined that it would “rate adjust and change” type 01 entries of the merchandise at issue to “type 03 and continue suspension until instructed to liquidate these entries.”⁷³

Throughout these, and indeed all of its, submissions, and contrary to CBP’s EAPA determination, Kingtom has maintained that its entries were manufactured in the Dominican Republic and, therefore, are not subject to the *Order*.⁷⁴ Conversely, Kingtom has certified that it has made shipments, sales, or entries of subject merchandise.⁷⁵ We preliminarily find that these representations by Kingtom are contradictory in law and fact.

Under Title IV, Section 421 of the Trade Facilitation and Trade Enforcement Act of 2015, commonly known as EAPA, Congress added section 517 of the Act, which authorized CBP to determine, as part of its evasion proceedings, that merchandise has evaded an AD or countervailing duty (CVD) order, and to reclassify the country of origin of that merchandise pursuant to such a determination.⁷⁶ The data contained in the CBP Information Memorandum, including the EAPA Final Determination,⁷⁷ demonstrate that the port inquiries (such as we issued with regard to Anderson and Sunvast) regarding Kingtom are not reliable.

Under our standard practice for “no shipments,” when there is a certification of no shipments by a respondent and CBP determines that there are in fact type 03 entries from that respondent, we

⁶⁸ *Id.* (emphasis added).

⁶⁹ *Id.* at Exhibit 2.

⁷⁰ See Kingtom No Shipments Statement at Attachment 1.

⁷¹ *Id.* at 1.

⁷² *Id.* at 2 and 5.

⁷³ *Id.* at 18.

⁷⁴ See, e.g., Kingtom SAQR, SCQR, and SDQR.

⁷⁵ See Kingtom Q&V Response at 1; and Kingtom SRA at 6-7.

⁷⁶ See section 571(d) of the Act.

⁷⁷ See Petitioner’s SAQR Comments at Attachment 1.

rely on CBP's determination and assess the entries at the applicable AD rate.⁷⁸ In section 517(d) of the Act, Congress provided CBP with the authority to implement certain remedies if it makes a determination "that covered merchandise was entered into the customs territory of the United States through evasion," including the authority to re-identify as entries subject to AD/CVD orders entries that were declared upon entry as not subject to AD/CVD orders.⁷⁹

Here, CBP has, through its EAPA proceedings, determined that there has been both evasion of antidumping duties regarding the entries in question and transshipment.⁸⁰ Thus, the entries of aluminum extrusions by Kingtom are subject to the *Order*. It is our understanding that Congress intended for both AD/CVD trade remedy laws and CBP's evasion laws to be implemented and enforced in tandem, to prevent and address injurious dumping and subsidies, as well as to prevent and address evasion and transshipment.

Moreover, we see no reason to deviate from our standard practice in response to certifications of no shipments when CBP information indicates that certain entries are subject to an AD or CVD order.

Consequently, we preliminarily find that Kingtom's statement of no shipments conflicts with its own statements and with CBP's EAPA Final Determination. Accordingly, if this finding is unchanged in the final results of this review, we will instruct CBP to assess antidumping duties on Kingtom's POR entries at the applicable AD rate.

As set forth below in the section titled "Separate Rates," because Kingtom has not demonstrated eligibility for a separate rate in this administrative review, the AD rate applicable to Kingtom's entries during the POR is the PRC-wide rate, 86.01 percent.

VI. RESCISSION OF ADMINISTRATIVE REVIEW, IN PART

Pursuant to 19 CFR 351.213(d)(1), Commerce 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 September 4, 2020, the petitioner timely withdrew its request for review of 11 companies.⁸¹ Commerce is rescinding this review, in part, with respect to the 11 companies for which all requests for review were timely withdrawn, in accordance with 19 CFR 351.213(d)(1).⁸²

⁷⁸ See, e.g., *Certain Steel Nails from the People's Republic of China: Final Results of the Fourth Antidumping Duty Administrative Review*, 79 FR 19316 (April 8, 2014), and accompanying Issues and Decision Memorandum at Comment 14.

⁷⁹ See section 517(d).

⁸⁰ See Kingtom No Shipments Statement at Attachment 1, at 1.

⁸¹ See Review Request Withdrawal. A request for an administrative review therefore remains in place for the 86 companies listed in the attachment to this memorandum.

⁸² See Appendix II of the accompanying *Federal Register* notice for a complete list of the 11 companies.

VII. NON-MARKET ECONOMY COUNTRY

Commerce considers China to be a non-market economy (NME) country.⁸³ 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.⁸⁴ 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.

VIII. 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 rate.⁸⁵

In the *Initiation Notice*, Commerce notified parties of the application process by which exporters may obtain separate-rate status in an NME proceeding.⁸⁶ 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*,⁸⁷ as further developed by *Silicon Carbide*.⁸⁸ However, if Commerce determines that a company is wholly foreign-owned, then an analysis of the *de jure* and *de facto* criteria is not necessary to determine whether it is independent from government control.⁸⁹

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.⁹⁰ For entities which currently do not have a separate

⁸³ 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), and accompanying memorandum, "China's Status as a Non-Market Economy."

⁸⁴ 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).

⁸⁵ 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).

⁸⁶ See *Initiation Notice*, 85 FR at 41542.

⁸⁷ 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*).

⁸⁸ 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*).

⁸⁹ 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).

⁹⁰ See *Initiation Notice*, 83 FR at 32271-32272.

rate from a completed segment of the proceeding, to demonstrate eligibility for a separate rate, Commerce requires an SRA.⁹¹ Companies that submit an 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.⁹²

As stated above, only Tai-Ao and Kingtom submitted an SRA or SRC.⁹³ Regarding Tai-Ao, the request for review was withdrawn,⁹⁴ so there will be no change in its separate rate status.

With regard to Kingtom, record evidence reflects that Kingtom is a Dominican company,⁹⁵ making Kingtom a third-country exporter to the United States of Chinese merchandise. As a third-country exporter of Chinese merchandise, Kingtom cannot receive its own separate rate. Instead, to benefit from a rate separate from the China-wide entity, Kingtom would have to request a review of the exporter of merchandise from China to the Dominican Republic. Here, Kingtom's submissions do not identify a Chinese exporter to which we can tie Kingtom's exports to the United States.⁹⁶ Neither do the petitioner's submissions identify such a Chinese exporter on the record. Accordingly, there is no exporter from the NME to which we can apply a separate rate.

Thus, we preliminarily find that Kingtom has not identified the appropriate producer or exporter from China of the merchandise which it has exported to the United States that would be eligible for a separate rate in this administrative review.

Also, as set out previously, Anderson and Sunvast submitted timely statements of no shipments. Based on the above, we preliminarily determine that the following companies (listed in alphabetical order) have not demonstrated eligibility for a separate rate in this administrative review:

1. Allpower Display Co., Ltd
2. Amidi Zhuhai
3. Beauty Sky Technology Co. Ltd
4. Changshu Changsheng Aluminum Products Co., Ltd
5. Chenming Industry and Commerce Shouguang Co., Ltd.
6. China International Freight Co. Ltd
7. China State Decoration Group Co., Ltd.
8. CRRC Changzhou Auto Parts Co. Ltd*
9. Custom Accessories Asia Ltd.
10. Everfoison Industry Ltd.

⁹¹ *Id.*

⁹² *Id.*

⁹³ As stated above, we do not consider that Taiming submitted either an SRA or a timely statement of no shipments. As Taiming does not already have separate rate status, its status as a part of the China-wide entity would not change based upon a statement of no shipments, whether or not timely.

⁹⁴ *See* Review Request Withdrawal.

⁹⁵ *See, e.g.,* Kingtom SRA at 10.

⁹⁶ We further note that we would be unable to apply an NME calculation methodology using Kingtom's section C and D responses given that Kingtom is an market-economy company and no Chinese producer or exporter has been identified.

11. Foshan City Fangyuan Ceramic
12. Foshan City Nanhai Yongfeng Aluminum
13. Foshan City Top Deal Import and Export Co., Ltd.
14. Foshan Gold Bridge Import and Export Co. Ltd.
15. Foshan Golden Promise Import and Export Co., Ltd.
16. Foshan Guangshou Import and Export Co., Ltd.
17. Foshan Xingtao Aluminum Profile Co., Ltd.
18. Fujian Minfa Aluminum Inc.
19. Fujian Minfa Aluminum Co., Ltd.
20. Fuzhou Ruifuchang Trading Co., Ltd.
21. Fuzhou Sunmodo New Energy Equipment Co., Ltd.
22. Gebruder Weiss
23. Gold Bridge International
24. Grupo Emb
25. Grupo Europeo La Optica
26. Grupo Pe No Mato In
27. Guangdong Gaoming Guangtai Shicai
28. Guangdong Gaoxin Communication Equipment Industrial Co., Ltd.
29. Guangdong Golden China Economy
30. Guangdong Maoming Foreign Trade Enterprise Development Co.
31. Guangdong Taiming Metal Products Co., LTD.
32. Guangdong Victor Aluminum Co., Ltd.
33. Guangzhou Jintao Trade Company
34. Hangzhou Evernew Machinery & Equipment Co., Ltd.
35. Hangzhou Tonny Electric and Tools Co., Ltd.
36. Hefei Sylux Imp. & Exp. Co., Ltd.
37. Hong Kong Dayo Company, Ltd.
38. Huazhijie Plastic Products
39. Huiqiao International Shanghai
40. Ilshim Almax
41. Jer Education Technology
42. Jiangsu Weatherford Hongda Petroleum Equipment Co., Ltd.
43. Jiangsu Yizheng Haitian Aluminum Industrial
44. Jiang Yin Ming Ding Aluminum & Plastic Products Co.Ltd
45. Jilin Qixing Aluminum Industries Co., Ltd.
46. Jin Lingfeng Plastic Electrical Appliance
47. Kanal Precision Aluminum Product Co. Ltd.
48. Kingtom Aluminio SRL
49. Larkcop International Co Ltd
50. Ledluz Co Ltd
51. Liansu Group Co. Ltd
52. Links Relocations Beijing
53. Marshall International
54. Ningbo Deye Inverter Technology
55. Ningbo Hightech Development
56. Ningbo Winjoy International Trading

57. Orient Express Container
58. Ou Chuang Plastic Building Material (Zhejiang) Co., Ltd.
59. Pentagon Freight Service
60. Pro Fixture Hong Kong
61. Qingdao Sea Nova Building
62. Qingdao Yahe Imports and Exports
63. Sewon
64. Shandong Huajian Aluminum Industry
65. Shanghai EverSkill M&E Co., Ltd.
66. Shanghai Jingxin Logistics
67. Shanghai Ouma Crafts Co, Ltd.
68. Shanghai Phidix Trading
69. Sinogar Aluminum
70. Transwell Logistics Co., Ltd.
71. United Aluminum
72. Wanhui Industrial China
73. Wenzhou Yongtai Electric Co., Ltd.
74. Winstar Power Technology Limited
75. Wisechain Trading Ltd.
76. Wuxi Lotus Essence
77. Wuxi Rapid Scaffolding Engineering
78. Wuxi Zontai Int'l Corporation Ltd.
79. Xuancheng Huilv Aluminum Industry Co., Ltd.
80. Yekalon Industry Inc
81. Yonn Yuu Enterprise Co., Ltd.
82. Yuyao Royal Industrial
83. Zhejiang Guoyao Aluminum Co., Ltd.
84. Zhongshan Broad Windows and Doors and Curtain
85. ZL Trade Shanghai

IX. THE CHINA-WIDE ENTITY

We preliminarily find that the 85 companies listed above are part of the China-wide entity in this administrative review because these 85 companies failed to submit a valid SRA, SRC, or timely certification of no shipments. Commerce's policy regarding conditional review of the China-wide entity applies to this administrative review.⁹⁷ 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 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,⁹⁸ is not subject to change.

⁹⁷ 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).

⁹⁸ See *Aluminum Extrusions from the People's Republic of China: Final Results of Antidumping Duty Administrative Review; 2018–2019*, 85 FR 19726 (April 8, 2020).

X. 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 separate-rate recipients. 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.

XI. CASH DEPOSIT RATE APPLICABLE TO KINGTOM

Our standard CBP cash deposit instruction language for NME proceedings states the following:

3. If any entries of this merchandise are exported by a firm other than the exporters listed above then the following instructions apply:
 - A. If the {country} or non-{country} exporter of the subject merchandise has its own rate, use the applicable exporter's rate for determining the cash deposit rate.
 - B. For all exporters of subject merchandise that have not been assigned a separate rate, the cash deposit rate will be the {country}-wide rate {of xx.xx percent/xx.xx / dollars per (specify unit of measure, e.g., piece, metric ton)}.
 - C. For all non-{country} exporters of subject merchandise that have not received their own rate, the cash deposit rate will be the rate applicable to the {country} exporter that supplied that non-{country} exporter.

Subparagraph C would normally be the paragraph applicable to a non-Chinese exporter entering Chinese-origin aluminum extrusions subject to the *Order*. Here, we cannot identify such a Chinese exporter. Thus, for the purposes of these preliminary results of review, we are assigning the China-wide rate to merchandise that is Chinese in origin and exported to the United States from the Dominican Republic by Kingtom. This preliminary decision is consistent with Commerce's presumption that a Chinese company is a part of the China-wide entity absent evidence to the contrary. Accordingly, the cash deposit rate we preliminarily assign to Chinese-origin merchandise exported by Kingtom from the Dominican Republic to the United States is the rate applicable to the China-wide entity, *i.e.*, 86.01 percent.

XII. ASSESSMENT RATE APPLICABLE TO KINGTOM

In addition, for the reasons described above, we preliminarily determine that the applicable AD rate to be applied to Kingtom's entries of Chinese-origin aluminum extrusions exported from the Dominican Republic to the United States during the POR is 86.01 percent. If these findings remain unchanged for the final results, we shall instruct CBP to liquidate at that rate.

XIII. SECTION 232 DUTIES

As set forth above in the “Background” section, the petitioner submitted a request to refer alleged non-payment of Section 232 duties to CBP.⁹⁹ Kingtom responded by stating that the petitioner’s allegation could be resolved by Commerce simply issuing a supplemental questionnaire concerning payment of 232 duties.¹⁰⁰ In the petitioner’s reply to Kingtom’s response, the petitioner described Kingtom’s request as “...a thinly-veiled attempt to contradict its original questionnaire response.”¹⁰¹ We make no finding for these preliminary results with regard to alleged non-payment of Section 232 duties. We intend to refer this matter to CBP for further consideration.

XIV. KINGTOM SCOPE INQUIRY

As stated above, Kingtom submitted a request for a scope ruling concerning its extruded aluminum merchandise, requesting that we conduct a scope inquiry in conjunction with this administrative review. Because there are ongoing EAPA covered merchandise proceedings covering these entries, we are deferring a decision on initiating or not initiating a scope inquiry in this case until those proceedings are completed. We have placed the letter deferring a decision on initiation of the scope inquiry on the record of this review.¹⁰²

XV. RECOMMENDATION

We recommend applying the above methodology for these preliminary results.



Agree



Disagree

7/30/2021

X

Signed by: CHRISTIAN MARSH

Christian Marsh
Acting Assistant Secretary
for Enforcement and Compliance

⁹⁹ See 232 Referral Request.

¹⁰⁰ See Kingtom’s Letter, “Aluminum Extrusions from the People’s Republic of China, Case No. A-570-967: Kingtom Response to Petitioner’s Request Regarding Section 232 Duties,” dated February 25, 2021, at 2-3.

¹⁰¹ See Petitioner’s Letter, “Aluminum Extrusions from the People’s Republic of China: Comments Response to Kingtom’s Response of February 25, 2021,” dated March 1, 2021.

¹⁰² See Memorandum, “Administrative Review of the Antidumping Duty Order on Aluminum Extrusions from the People’s Republic of China, 2019-2020: Placement of Scope Initiation Deferral Letter on the Record,” dated concurrently with this memorandum.

ATTACHMENT

Companies Remaining Under Review

1. Allpower Display Co., Ltd
2. Amidi Zhuhai
3. Anderson International
4. Beauty Sky Technology Co. Ltd
5. Changshu Changsheng Aluminum Products Co., Ltd
6. Chenming Industry and Commerce Shouguang Co., Ltd.
7. China International Freight Co. Ltd
8. China State Decoration Group Co., Ltd.
9. CRRC Changzhou Auto Parts Co. Ltd*
10. Custom Accessories Asia Ltd.
11. Everfoison Industry Ltd.
12. Foshan City Fangyuan Ceramic
13. Foshan City Nanhai Yongfeng Aluminum
14. Foshan City Top Deal Import and Export Co., Ltd.
15. Foshan Gold Bridge Import and Export Co. Ltd.
16. Foshan Golden Promise Import and Export Co., Ltd.
17. Foshan Guangshou Import and Export Co., Ltd.
18. Foshan Xingtao Aluminum Profile Co., Ltd.
19. Fujian Minfa Aluminum Inc.
20. Fujian Minfa Aluminum Co., Ltd.
21. Fuzhou Ruifuchang Trading Co., Ltd.
22. Fuzhou Sunmodo New Energy Equipment Co., Ltd.
23. Gebruder Weiss
24. Gold Bridge International
25. Grupo Emb
26. Grupo Europeo La Optica
27. Grupo Pe No Mato In
28. Guangdong Gaoming Guangtai Shicai
29. Guangdong Gaoxin Communication Equipment Industrial Co., Ltd.
30. Guangdong Golden China Economy
31. Guangdong Maoming Foreign Trade Enterprise Development Co.
32. Guangdong Taiming Metal Products Co., LTD.
33. Guangdong Victor Aluminum Co., Ltd.
34. Guangzhou Jintao Trade Company
35. Hangzhou Evernew Machinery & Equipment Co., Ltd.
36. Hangzhou Tonny Electric and Tools Co., Ltd.
37. Hefei Sylux Imp. & Exp. Co., Ltd.
38. Hong Kong Dayo Company, Ltd.
39. Huazhijie Plastic Products
40. Huiqiao International Shanghai
41. Ilshim Almax
42. Jer Education Technology

43. Jiangsu Weatherford Hongda Petroleum Equipment Co., Ltd.
44. Jiangsu Yizheng Haitian Aluminum Industrial
45. Jiang Yin Ming Ding Aluminum & Plastic Products Co.Ltd
46. Jilin Qixing Aluminum Industries Co., Ltd.
47. Jin Lingfeng Plastic Electrical Appliance
48. Kanal Precision Aluminum Product Co. Ltd.
49. Kingtom Aluminio SLR
50. Larkcop International Co Ltd
51. Ledluz Co Ltd
52. Liansu Group Co. Ltd
53. Links Relocations Beijing
54. Marshall International
55. Ningbo Deye Inverter Technology
56. Ningbo Hightech Development
57. Ningbo Winjoy International Trading
58. Orient Express Container
59. Ou Chuang Plastic Building Material (Zhejiang) Co., Ltd.
60. Pentagon Freight Service
61. Pro Fixture Hong Kong
62. Qingdao Sea Nova Building
63. Qingdao Yahe Imports and Exports
64. Sewon
65. Shandong Huajian Aluminum Industry
66. Shanghai EverSkill M&E Co., Ltd.
67. Shanghai Jingxin Logistics
68. Shanghai Ouma Crafts Co, Ltd.
69. Shanghai Phidix Trading
70. Sinogar Aluminum
71. Sunvast Trade Shanghai
72. Transwell Logistics Co., Ltd.
73. United Aluminum
74. Wanhui Industrial China
75. Wenzhou Yongtai Electric Co., Ltd.
76. Winstar Power Technology Limited
77. Wisechain Trading Ltd.
78. Wuxi Lotus Essence
79. Wuxi Rapid Scaffolding Engineering
80. Wuxi Zontai Int'l Corporation Ltd.
81. Xuancheng Huilv Aluminum Industry Co., Ltd.
82. Yekalon Industry Inc
83. Yonn Yuu Enterprise Co., Ltd.
84. Yuyao Royal Industrial
85. Zhejiang Guoyao Aluminum Co., Ltd.
86. Zhongshan Broad Windows and Doors and Curtain
87. ZL Trade Shanghai