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TYPE: PRE-Preliminary PUBLIC NON-PUBLIC
SUB-TYPE: AFF-Affirmative
FR CITE: 75 FR 54302 FR CITE DATE: 09/07/2010

REFERENCE
MESSAGE #
(s):

CASE #(s): C-570-968

EFFECTIVE DATE: 09/07/2010 COURT CASE #:

PERIOD OF REVIEW: TO

PERIOD COVERED: TO

Notice of Lifting of Suspension Date:

TO: { Directors Of Field Operations, Port Directors }

FROM: { Director AD/CVD & Revenue Policy & Programs }

RE: NOTICE OF PRELIMINARY DETERMINATION IN COUNTERVAILING DUTY
INVESTIGATION OF ALUMINUM EXTRUSIONS FROM THE PEOPLE'S REPUBLIC OF CHINA

1. ON SEPTEMBER 7, 2010, COMMERCE PUBLISHED IN THE FEDERAL REGISTER ITS PRELIMINARY COUNTERVAILING DUTY AFFIRMATIVE DETERMINATION IN THE INVESTIGATION OF ALUMINUM EXTRUSIONS FROM THE PEOPLE'S REPUBLIC OF CHINA (C-570-968) (75 FR 54302).

2. THE MERCHANDISE COVERED BY THIS INVESTIGATION 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 MADE FROM AN ALUMINUM ALLOY WITH AN ALUMINUM ASSOCIATION SERIES DESIGNATION COMMENCING WITH THE NUMBER 6 CONTAINS MAGNESIUM AND SILICON AS THE MAJOR ALLOYING ELEMENTS, WITH MAGNESIUM ACCOUNTING FOR AT LEAST 0.1 PERCENT BUT NOT MORE THAN 2.0 PERCENT OF TOTAL MATERIALS BY WEIGHT, AND SILICON ACCOUNTING FOR AT LEAST 0.1 PERCENT BUT NOT MORE THAN 3.0 PERCENT OF TOTAL MATERIALS BY WEIGHT.

THE SUBJECT ALUMINUM EXTRUSIONS ARE PROPERLY IDENTIFIED BY A FOUR-DIGIT ALLOY SERIES WITHOUT EITHER A DECIMAL POINT OR LEADING LETTER. ILLUSTRATIVE EXAMPLES FROM AMONG THE APPROXIMATELY 160 REGISTERED ALLOYS THAT MAY

CHARACTERIZE THE SUBJECT MERCHANDISE ARE AS FOLLOWS: 1350, 3003, AND 6060.

ALUMINUM EXTRUSIONS ARE PRODUCED AND IMPORTED IN A WIDE VARIETY OF SHAPES AND FORMS, INCLUDING, BUT NOT LIMITED TO, HOLLOW PROFILES, OTHER SOLID PROFILES, PIPES, TUBES, BARS, AND RODS. ALUMINUM EXTRUSIONS THAT ARE DRAWN SUBSEQUENT TO EXTRUSION ("DRAWN ALUMINUM") ARE ALSO INCLUDED IN THE SCOPE.

ALUMINUM EXTRUSIONS ARE PRODUCED AND IMPORTED WITH A VARIETY OF FINISHES (BOTH COATINGS AND SURFACE TREATMENTS), AND TYPES OF FABRICATION. THE TYPES OF COATINGS AND TREATMENTS APPLIED TO SUBJECT ALUMINUM EXTRUSIONS INCLUDE, BUT ARE NOT LIMITED TO, EXTRUSIONS THAT ARE MILL FINISHED (I.E., WITHOUT ANY COATING OR FURTHER FINISHING), BRUSHED, BUFFED, POLISHED, ANODIZED (INCLUDING BRIGHT-DIP 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 ALUMINUM EXTRUSIONS THAT ARE ATTACHED (E.G., BY WELDING OR FASTENERS) TO FORM SUBASSEMBLIES, I.E., PARTIALLY ASSEMBLED MERCHANDISE.

SUBJECT EXTRUSIONS MAY BE IDENTIFIED WITH REFERENCE TO THEIR END USE, SUCH AS HEAT SINKS, DOOR THRESHOLDS, OR CARPET TRIM. SUCH GOODS ARE SUBJECT MERCHANDISE IF THEY OTHERWISE MEET THE SCOPE DEFINITION, REGARDLESS OF WHETHER THEY ARE FINISHED PRODUCTS AND 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, PICTURE FRAMES, AND SOLAR PANELS. THE SCOPE ALSO EXCLUDES FINISHED GOODS CONTAINING ALUMINUM EXTRUSIONS THAT ARE ENTERED UNASSEMBLED IN A "KIT." A KIT IS UNDERSTOOD TO MEAN A PACKAGED COMBINATION OF PARTS THAT CONTAINS, AT THE TIME OF IMPORTATION, ALL OF THE NECESSARY PARTS TO FULLY ASSEMBLE A FINAL FINISHED GOOD.

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.

IMPORTS OF THE SUBJECT MERCHANDISE ARE PROVIDED FOR UNDER THE FOLLOWING CATEGORIES OF THE HARMONIZED TARIFF SCHEDULE OF THE UNITED STATES ("HTS"): 7604.21.0000, 7604.29.1000, 7604.29.3010, 7604.29.3050, 7604.29.5030, 7604.29.5060, 7608.20.0030, AND 7608.20.0090. 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 HTS CHAPTERS. WHILE HTS SUBHEADINGS ARE PROVIDED FOR CONVENIENCE AND CUSTOMS PURPOSES, THE WRITTEN DESCRIPTION OF THE SCOPE IN THIS PROCEEDING IS DISPOSITIVE.

3. FOR FURTHER REPORTING PURPOSES THIS CASE HAS BEEN ASSIGNED INVESTIGATION NUMBER C-570-968.

4. FOR IMPORTS OF ALUMINUM EXTRUSIONS FROM THE PEOPLE'S REPUBLIC OF CHINA, CBP SHALL SUSPEND LIQUIDATION OF SUCH SHIPMENTS ENTERED, OR WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION, ON OR AFTER SEPTEMBER 7, 2010. EFFECTIVE SEPTEMBER 7, 2010, CBP SHALL REQUIRE, FOR SUCH ENTRIES, A CASH DEPOSIT OR THE POSTING OF A BOND EQUAL TO THE SUBSIDY RATE FOR THE COMPANIES LISTED BELOW:

PRODUCER: GUANG YA ALUMINUM INDUSTRIES CO., LTD. (AND ITS AFFILIATES: FOSHAN GUANGCHENG ALUMINUM CO., LTD. AND YONGI GUANG HAI ALUMINUM INDUSTRY CO., LTD) (PART OF THE COMPANY GROUP COLLECTIVELY KNOWN AS THE GUANG YA COMPANIES)

EXPORTER: GUANG YA ALUMINUM INDUSTRIES HONG KONG AND KONG AH INTERNATIONAL COMPANY LIMITED (PART OF THE COMPANY GROUP COLLECTIVELY KNOWN AS THE GUANG YA COMPANIES)

CASE NUMBER: C-570-968-001

SUBSIDY RATE: 6.18 PERCENT

PRODUCER: ZHAOQING NEW ZHONGYA ALUMINUM CO., LTD. (AND ITS AFFILIATE KARLTON ALUMINUM COMPANY LTD. (PART OF THE COMPANY GROUP COLLECTIVELY KNOWN AS THE ZHONGYA COMPANIES)

EXPORTER: ZHONGYA SHAPED ALUMINUM HK HOLDING LTD. (PART OF THE COMPANY GROUP COLLECTIVELY KNOWN AS THE ZHONGYA COMPANIES)

CASE NUMBER: C-570-968-002

SUBSIDY RATE: 10.37 PERCENT

PRODUCER: DRAGONLUXE LIMITED

EXPORTER: DRAGONLUXE LIMITED

CASE NUMBER: C-570-968-003

SUBSIDY RATE: 137.65 PERCENT

PRODUCER: MILAND LUCK LIMITED

EXPORTER: MILAND LUCK LIMITED

CASE NUMBER: C-570-968-004

SUBSIDY RATE: 137.65 PERCENT

PRODUCER: LIAOYANG ZHONGWANG ALUMINUM PROFILE CO. LTD. /LIAONING ZHONGWANG GROUP

EXPORTER: LIAOYANG ZHONGWANG ALUMINUM PROFILE CO. LTD. /LIAONING
ZHONGWANG GROUP
CASE NUMBER: C-570-968-005
SUBSIDY RATE: 137.65%

5. IF ANY ENTRIES OF THIS MERCHANDISE ARE EXPORTED BY A FIRM OTHER THAN THE MANUFACTURER, THEN THE FOLLOWING INSTRUCTIONS APPLY:

A. IF THE EXPORTER OF THE SUBJECT MERCHANDISE DOES NOT HAVE ITS OWN RATE BUT THE MANUFACTURER HAS ITS OWN RATE, THE CASH DEPOSIT OR BONDING RATE WILL BE THE MANUFACTURER'S RATE.

B. WHERE NEITHER THE EXPORTER NOR THE MANUFACTURER CURRENTLY HAS ITS OWN RATE OR THE MANUFACTURER IS UNKNOWN, USE THE 'ALL OTHERS' RATE OF 137.65 PERCENT TO ESTABLISH THE CASH DEPOSIT OR BONDING RATE.

6. IN ACCORDANCE WITH T.D. 85-145, AT THE DISCRETION OF CBP, CUSTOMS OFFICERS MAY ACCEPT EITHER A SINGLE-ENTRY BASIC IMPORTATION AND ENTRY BOND OR A CONTINUOUS BASIC IMPORTATION AND ENTRY BOND ONLY IF THE AMOUNT OF THE ESTIMATED ANTIDUMPING OR COUNTERVAILING DUTY IS LESS THAN FIVE PERCENT AD VALOREM (OR THE EQUIVALENT). OTHERWISE, WHERE THE IMPORTER HAS THE OPTION TO POST A BOND FOR ESTIMATED ANTIDUMPING OR COUNTERVAILING DUTIES, CUSTOMS OFFICERS MUST REQUIRE A SINGLE-ENTRY BASIC IMPORTATION AND ENTRY BOND PURSUANT TO T.D. 85-145. YOU ARE INSTRUCTED TO ADHERE TO THE REQUIREMENTS OF T.D. 85-145 WITH RESPECT TO THESE BONDING REQUIREMENTS.

7. IF THERE ARE ANY QUESTIONS REGARDING THIS MATTER BY CBP OFFICERS, THE IMPORTING PUBLIC OR INTERESTED PARTIES, PLEASE CONTACT DAVINA HASHMI OR RON TRENTHAM AT THE OFFICE OF AD/CVD OPERATIONS, IMPORT ADMINISTRATION, INTERNATIONAL TRADE ADMINISTRATION, U.S. DEPARTMENT OF COMMERCE, AT (202) 482-0984 OR (202) 482-3577, RESPECTIVELY (GENERATED BY O3:JC).

8. THERE ARE NO RESTRICTIONS ON THE RELEASE OF THIS INFORMATION.

MICHAEL B. WALSH

Company Details

*Party Indicator Value:

I = Importer, M = Manufacturer, E = Exporter, S = Sold To Party

Case #	Rate	Party Indicator*	Party ID	Party Name
C-570-968-001	6.18	E		GUANG YA ALUMINUM INDUSTRIES HONG KONG (SEE PARAGRAPH 4 FOR AFFILIATES)
C-570-968-001	6.18	M		GUANG YA ALUMINUM INDUSTRIES CO., LTD. (SEE PARAGRAPH 4 FOR AFFILIATES)
C-570-968-002	10.37	E		ZHONGYA SHAPED ALUMINUM HK HOLDING LTD. (SEE PARAGRAPH 4 FOR AFFILIATES)
C-570-968-002	10.37	M		ZHAOQING NEW ZHONGYA ALUMINUM CO., LTD. (SEE PARAGRAPH 4 FOR AFFILIATES)
C-570-968-003	137.65	E		DRAGONLUXE LIMITED
C-570-968-003	137.65	M		DRAGONLUXE LIMITED
C-570-968-004	137.65	E		MILAND LUCK LIMITED
C-570-968-004	137.65	M		MILAND LUCK LIMITED
C-570-968-005	137.65	E		LIAOYANG ZHONGWANG ALUMINUM PROFILE CO. LTD./LIAONING ZHONGWANG
C-570-968-005	137.65	M		LIAOYANG ZHONGWANG ALUMINUM PROFILE CO. LTD./LIAONING ZHONGWANG