

Comment 4: Whether Commerce Should Make Changes to Maan's Reported Scrap Offset

Comment 5: Whether Commerce Should Exclude All Trading Activity Related Costs From Maan's Reported Direct Material Cost

Comment 6: Whether The Department Should Include in the G&A Expenses the Omitted Loss On the Sale of Fixed Assets

V. Recommendation

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-557-826]

#### Aluminum Extrusions From Malaysia: Final Affirmative Determination of Sales at Less Than Fair Value

**AGENCY:** Enforcement and Compliance, International Trade Administration, Department of Commerce.

**SUMMARY:** The U.S. Department of Commerce (Commerce) determines that imports of aluminum extrusions from Malaysia are being, or are likely to be, sold in the United States at less than fair value (LTFV) for the period of investigation (POI) October 1, 2022, through September 30, 2023.

**DATES:** Applicable October 3, 2024.

**FOR FURTHER INFORMATION CONTACT:** Benjamin Blythe or Paola Aleman Ordaz, AD/CVD Operations, Office IV, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482-3457 or (202) 482-4031, respectively.

#### SUPPLEMENTARY INFORMATION:

##### Background

On May 7, 2024, Commerce published in the *Federal Register* its preliminary affirmative determination in the LTFV investigation of aluminum extrusions from Malaysia.<sup>1</sup> We invited interested parties to comment on the *Preliminary Determination*. On July 22, 2024, Commerce tolled certain deadlines in this administrative proceeding by seven days. The deadline for the final determination in this investigation is now September 26, 2024.<sup>2</sup>

<sup>1</sup> See *Aluminum Extrusions from Malaysia: Preliminary Affirmative Determination of Sales at Less Than Fair Value, Postponement of Final Determination, and Extension of Provisional Measures*, 89 FR 38057 (May 7, 2024) (*Preliminary Determination*), and accompanying Preliminary Decision Memorandum (PDM).

<sup>2</sup> See Memorandum, "Tolling of Deadlines for Antidumping and Countervailing Duty Proceedings," dated July 22, 2024.

A summary of the events that occurred since Commerce published the *Preliminary Determination*, as well as a full discussion of the issues raised by parties for this final determination, may be found in the Issues and Decision Memorandum.<sup>3</sup> The Issues and Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at <https://access.trade.gov>. In addition, a complete version of the Issues and Decision Memorandum can be accessed directly at <https://access.trade.gov/public/FRNoticesListLayout.aspx>.

##### Scope of the Investigation

The product covered by this investigation is aluminum extrusions from Malaysia. For a complete description of the scope of this investigation, see Appendix I.

##### Scope Comments

During the course of this investigation, Commerce received scope comments from interested parties. Commerce issued Preliminary Scope Decision Memoranda to address these comments and set aside a period of time for parties to address scope issues in scope-specific case and rebuttal briefs.<sup>4</sup> Between May 22, 2024, and June 24, 2024, Commerce received post-preliminary determination scope comments from interested parties regarding numerous products and scope-related issues. Between July 20, 2024, and August 19, 2024, Commerce received scope case and rebuttal briefs from numerous interested parties. We made changes to the scope of the investigation from the scope published in the *Preliminary Determination*, as noted in Appendix I.<sup>5</sup>

##### Verification

Commerce conducted verifications of the sales and cost information submitted by Genesis Aluminium Industries Sdn. Bhd. (Genesis)/Zenshin Industries Sdn. Bhd. (Zenshin)<sup>6</sup> and P.A. Extrusion (M)

<sup>3</sup> See Memorandum, "Decision Memorandum for the Final Affirmative Determination of Sales at Less Than Fair Value in the Investigation of Aluminum Extrusions from Malaysia," dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).

<sup>4</sup> See Memoranda, "Preliminary Scope Decision Memorandum," dated March 4, 2024, and "Preliminary Scope Decision Memorandum II," dated May 1, 2024 (collectively Preliminary Scope Decision Memoranda).

<sup>5</sup> See Memorandum, "Final Scope Decision Memorandum," dated concurrently with this notice.

<sup>6</sup> See Memoranda, "Verification of the Sales Responses of Genesis Aluminium Industries Sdn.

Sdn. Bhd. (PAE),<sup>7</sup> consistent with section 782(i) of the Tariff Act of 1930, as amended (the Act). Commerce used standard procedures to conduct the verifications, including examining relevant sales and accounting records and original source documents provided by Genesis/Zenshin and PAE.

##### Analysis of Comments Received

All issues raised in the case and rebuttal briefs submitted by interested parties in this investigation are addressed in the Issues and Decision Memorandum. A list of the issues addressed in the Issues and Decision Memorandum is attached to this notice as Appendix II.

##### Changes Since the Preliminary Determination

Based on a review of the record and comments received from interested parties regarding our *Preliminary Determination*, we made certain changes to our calculations of Genesis/Zenshin and PAE's estimated weighted-average dumping margins. For a discussion of these changes, see the Issues and Decision Memorandum.

##### Use of Adverse Facts Available

As discussed in the *Preliminary Determination*, pursuant sections 776(a) and (b) of the Act, Commerce determined an estimated weighted-average dumping margin based on adverse facts available (AFA) to EL Aluminium Billet (M) Sdn Bhd, Kosan Aluminum Extrusion SDN. BHD, and the Winstar Group. No party commented on our application of AFA. Accordingly for this final determination, we continue to find that the application of AFA pursuant to sections 776(a) and (b) of the Act is warranted to determine the estimated weighted-average dumping margins for EL Aluminium Billet (M) Sdn Bhd, Kosan Aluminum Extrusion SDN. BHD, and the Winstar Group.

##### All-Others Rate

Section 735(c)(5)(A) of the Act provides that the estimated weighted-average dumping margin for all other producers and exporters not

Bhd. and Zenshin Industries Sdn. Bhd. in the Less-Than-Fair-Value Investigation of Aluminum Extrusions from Malaysia," dated August 12, 2024; and "Verification of the Cost Response of Genesis Aluminium Industries SDN BHD in the Less-Than-Fair-Value Investigation of Aluminum Extrusions from Malaysia," dated August 13, 2024.

<sup>7</sup> See Memoranda, "Verification of the Sales Response of P.A. Extrusion (M) Sdn. Bhd. in the Less-Than-Fair-Value Investigation of Aluminum Extrusions from Malaysia," dated August 12, 2024; and "Verification of the Cost Response of P.A. Resources Berhad. in the Less Than Fair Value Investigation of Aluminum Extrusions from Malaysia," dated August 12, 2024.

individually investigated shall be equal to the weighted average of the estimated weighted-average dumping margins established for individually investigated exporters and producers, excluding rates that are zero, *de minimis*, or determined entirely under section 776 of the Act, *i.e.*, facts otherwise available.

However, pursuant to section 735(c)(5)(B) of the Act, if the estimated weighted-average dumping margins established for all exporters and producers individually investigated are zero, *de minimis*, or determined entirely under section 776 of the Act (*i.e.*, based entirely on facts otherwise available or adverse facts available), Commerce may use any reasonable method to establish the estimated weighted-average dumping margin for all other producers and exporters.

The SAA clarifies that if the estimated weighted-average dumping margins

established for all exporters and producers individually investigated are zero, *de minimis*, or determined entirely under section 776 of the Act, then the expected method for establishing the estimated all-others rate for exporters and producers not individually investigated is to weight average the zero and *de minimis* estimated weighted-average dumping margins and the estimated weighted-average dumping margins based on facts available, provided that volume data is available, unless doing so is not feasible, or the results would not be reasonably reflective of potential dumping margins for non-investigated exporters or producers.<sup>8</sup>

In the final determination, Commerce calculated estimated weighted-average dumping margins for Genesis/Zenshin and PAE that are equal to zero and based the dumping margins for the

companies that failed to respond to Commerce's quantity and value (Q&V) questionnaire on AFA. Further, because the information necessary to calculate a weighted average was not available, calculating the all-others rate pursuant to the expected method was not feasible. Accordingly, as another reasonable method we calculated an all-others rate equal to a simple average of the two mandatory respondents' zero percent estimated weighted-average dumping margins and the three estimated weighted-average dumping margins that Commerce based on AFA and assigned to the companies that failed to respond to Commerce's Q&V questionnaire.<sup>9</sup>

**Final Determination**

Commerce determines that the following estimated weighted-average dumping margins exist:<sup>10</sup>

Exporter/producer	Weighted-average dumping margin (percent)
Genesis Aluminium Industries Sdn. Bhd.; Zenshin Industries Sdn. Bhd	0.00
P.A. Extrusion (M) Sdn. Bhd	0.00
EL Aluminium Billet (M) Sdn Bhd	* 27.51
Kosan Aluminum Extrusion SDN. BHD	* 27.51
Winstar Group	* 27.51
All Others	16.51

\* Rate based on AFA.

Consistent with section 733(b)(3) of the Act, Commerce has determined that the individually examined respondents listed above with zero percent estimated weighted-average dumping margins have not sold subject merchandise at LTFV during the POI.

**Disclosure**

Commerce intends to disclose the calculations performed in connection with this final determination to interested parties within five days of any public announcement or, if there is no public announcement, within five days of the date of publication of this notice in the **Federal Register**, in accordance with 19 CFR 351.224(b).

**Continuation of Suspension of Liquidation**

In accordance with section 735(c)(1)(B) of the Act, Commerce will instruct U.S. Customs and Border Protection (CBP) to continue to suspend

liquidation of all applicable entries of subject merchandise, as described in Appendix I of this notice, which were entered, or withdrawn from warehouse, for consumption on or after May 7, 2024, the date of publication of the **Preliminary Determination** in the **Federal Register**, except for the entries of subject merchandise produced and exported by Genesis/Zenshin and produced and exported by PAE. These suspension of liquidation instructions will remain in effect until further notice.

Pursuant to section 735(c)(1)(B)(ii) of the Act and 19 CFR 351.210(d), where appropriate, Commerce will instruct CBP to require a cash deposit equal to the estimated weighted-average dumping margin or the estimated all-others rate, as follows: (1) the cash deposit rate for the companies listed above that exported the subject merchandise will be equal to the company-specific estimated weighted-average dumping margin determined in

this final determination; (2) if the exporter is not a company identified above but the producer is, then the cash deposit rate will be equal to the company-specific estimated weighted-average dumping margin established for that producer of the subject merchandise; and (3) the cash deposit rate for all other producers and exporters will be equal to the estimated weighted-average dumping margin for all other producers and exporters.

Because the estimated weighted-average dumping margins for Genesis/Zenshin and PAE are zero percent, entries of subject merchandise that are produced and exported by Genesis/Zenshin or produced and exported by PAE will not be subject to suspension of liquidation or cash deposit requirements. In such situations, Commerce also applies the exclusion to the provisional measures to the producer/exporter combination that was examined in the investigation.

<sup>8</sup> See Statement of Administrative Action Accompanying the Uruguay Round Agreements Act, H.R. Doc. 103-316, Vol. 1 (1994) (SAA) at 873.

<sup>9</sup> See Issues and Decision Memorandum at Comment 2.

<sup>10</sup> In the **Preliminary Determination**, Commerce determined that Genesis and Zenshin should be collapsed and treated as a single entity. No party

commented on this decision. For this final determination, Commerce has continued to treat Genesis and Zenshin as a single entity. Although Commerce selected P.A. Resources Berhad (PARB) as a mandatory respondent, PARB reported that it is a holding company that is not involved in the production or exportation of the merchandise under investigation but that its subsidiary, P.A. Extrusion

(M) Sdn. Bhd., produced the merchandise under investigation and sold that merchandise to the United States during the POI. Consequently, Commerce determined an estimated weighted-average dumping margin for P.A. Extrusion (M) Sdn. Bhd., the only producer and exporter of the merchandise under consideration owned by PARB. See **Preliminary Determination** PDM at 4

Accordingly, Commerce will not be directing CBP to suspend liquidation of entries of subject merchandise produced and exported by Genesis/Zenshin or produced and exported by PAE. However, entries of subject merchandise from these companies with any other producer/exporter combination (*i.e.*, where Genesis/Zenshin, is either the producer or the exporter, but not both; and where PAE is either producer or the exporter, but not both), or entries of subject merchandise exported by third parties that sourced the subject merchandise from the excluded producer/exporter combinations, will be subject to suspension of liquidation and the cash deposit instructions at the all others rate.

Further, because the estimated weighted-average dumping margin is zero for subject merchandise produced and exported by Genesis/Zenshin and produced and exported by PAE, entries of such merchandise will be excluded from the potential antidumping duty order. Such an exclusion will not be applicable to merchandise exported to the United States by Genesis/Zenshin or PAE in any other producer/exporter combinations or by third parties that sourced subject merchandise from the excluded producer/exporter combination.

### U.S. International Trade Commission Notification

In accordance with section 735(d) of the Act, Commerce will notify the U.S. International Trade Commission (ITC) of this final affirmative determination of sales at LTFV. Because Commerce's final determination is affirmative, in accordance with section 735(b)(2) of the Act, the ITC will make its final determination as to whether the domestic industry in the United States is materially injured, or threatened with material injury, by reason of imports or sales (or the likelihood of sales) for importation of subject aluminum extrusions no later than 45 days after this final determination. If the ITC determines that such injury does not exist, this proceeding will be terminated, all cash deposits posted will be refunded, and suspension of liquidation will be lifted. If the ITC determines that such injury does exist, Commerce will issue an antidumping duty order directing CBP to assess, upon further instruction by Commerce, antidumping duties on all imports of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the effective date of the suspension of liquidation, as discussed in the "Continuation of

Suspension of Liquidation" section above.

### Administrative Protective Order

This notice serves as the only reminder to parties subject to an administrative protective order (APO) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Timely written notification of the return or destruction of APO materials, or conversion to judicial protective order, is hereby requested. Failure to comply with the regulations and terms of an APO is a sanctionable violation.

### Notification to Interested Parties

This final determination and notice are issued and published in accordance with sections 735(d) and 777(i) of the Act and 19 CFR 351.210(c).

Dated: September 26, 2024.

### Abdelali Elouaradia,

*Deputy Assistant Secretary for Enforcement and Compliance.*

### Appendix I

#### Scope of the Investigation

The merchandise subject to this investigation are aluminum extrusions, regardless of form, finishing, or fabrication, whether assembled with other parts or unassembled, whether coated, painted, anodized, or thermally improved. Aluminum extrusions 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, subject aluminum extrusions made from an aluminum alloy with an Aluminum Association series designation commencing with the number 1 contain not less than 99 percent aluminum by weight. Subject aluminum extrusions made from an aluminum alloy with an Aluminum Association series designation commencing with the number 3 contain manganese as the major alloying element, with manganese accounting for not more than 3.0 percent of total materials by weight. Subject aluminum extrusions made from an aluminum alloy with an Aluminum Association series designation commencing with the number 6 contain 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 scope also includes merchandise made from an aluminum alloy with an Aluminum Association series designation commencing with the number 5 (or proprietary equivalents or other certifying body equivalents) that have a magnesium content accounting for up to but not more than 2.0 percent of total materials by weight.

The country of origin of the aluminum extrusion is determined by where the metal is extruded (*i.e.*, pressed through a die).

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.

Subject aluminum extrusions are produced and imported with a variety of coatings and surface treatments, and types of fabrication. The types of coatings and treatments applied to 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), liquid painted, electroplated, chromate converted, powder coated, sublimated, wrapped, and/or bead blasted. Subject aluminum extrusions may also be fabricated, *i.e.*, prepared for assembly, or thermally improved. Such operations would include, but are not limited to, extrusions that are cut-to-length, machined, drilled, punched, notched, bent, stretched, stretch-formed, hydroformed, knurled, swaged, mitered, chamfered, threaded, spun, etched, and engraved. Performing such operations in third countries does not otherwise remove the merchandise from the scope of the investigation.

The types of products that meet the definition of subject merchandise include but are not limited to, the aluminum extrusion portions of vehicle roof rails and sun/moon roof framing, solar panel racking rails and framing, tradeshow display fixtures and framing, parts for tents or clear span structures, fence posts, drapery rails or rods, electrical conduits, door thresholds, flooring trim, electric vehicle battery trays, heat sinks, signage or advertising poles, telescoping poles, or cleaning system components.

Aluminum extrusions may be heat sinks, which are fabricated aluminum extrusions that dissipate heat away from a heat source and may serve other functions, such as structural functions. Heat sinks come in a variety of sizes and shapes, including but not limited to a flat electronic heat sink, which is a solid aluminum extrusion with at least one flat side used to mount electronic or mechanical devices; a heat sink that is a housing for electronic controls or motors; lighting heat sinks, which dissipate heat away from LED devices; and process and exchange heat sinks, which are tube extrusions with fins or plates used to hold radiator tubing. Heat sinks are included in the scope, regardless of whether the design and production of the heat sinks are organized around meeting specified thermal performance requirements and regardless of whether they have been tested to comply with such requirements. For purposes of the investigations on aluminum extrusions from the People's Republic of China, only heat sinks designed and produced around meeting specified thermal performance requirements and tested to comply with such requirements are included in the scope. Excluded from the scope of the investigation are large, multi-finned extruded aluminum heat sinks designed to dissipate heat, meeting the

following criteria: (1) an aspect ratio (defined as the ratio of the area of a void in an extrusion to the size of the smallest gap opening at the entrance of that void and calculated by dividing the void area by the square of the gap opening) greater than 15 to 1; or (2) the circumscribing circle diameter (defined as the diameter of the smallest circle that will entirely enclose the extrusion's cross-sectional profile) rounded up to the next half inch, exceeds 10 inches, and the weight-per-foot (defined as the theoretical weight of the profile as extruded prior to any machining that may remove material and calculated by multiplying the area of the profile in square inches by 1.2) exceeds 3.50 pounds per foot.

Merchandise that is comprised solely of aluminum extrusions or aluminum extrusions and fasteners, whether assembled at the time of importation or unassembled, is covered by the scope in its entirety. A fastener is any material or part that serves an attachment function, fastens two or more components, or serves to prevent or restrict movement of a component or another item. Examples of fasteners include, but are not limited to, nuts, bolts, clamps, and end caps.

The scope also includes aluminum extrusions contained in merchandise that is a part or subassembly of a larger whole, whether or not the merchandise also contains a component other than aluminum extrusions that is beyond a fastener. Such merchandise may be either assembled or unassembled at the time of importation. A "part or subassembly" is defined as a unit designed to be attached to, or incorporated with, one or more other units or components into a larger completed product. Only the aluminum extrusion portion of the merchandise described in this paragraph, whether assembled or unassembled, is subject merchandise included in the scope and subject to duties. Examples of merchandise that is a part or subassembly of a larger whole include, but are not limited to, window parts or subassemblies; door unit parts or subassemblies; shower and bath parts or subassemblies; solar panel mounting systems; fenestration system parts or subassemblies, such as units which make up a curtain wall, and window walls and window wall units, which collectively make up a fenestration system on the side of a building; and parts or subassemblies of storefronts; furniture parts or subassemblies; appliance parts or subassemblies, such as fin evaporator coils and systems for refrigerators; railing or deck system parts or subassemblies; fence system parts or subassemblies; motor vehicle parts or subassemblies, such as bumpers for motor vehicles; trailer parts or subassemblies, such as side walls, flooring, and roofings; electric vehicle charging station parts or subassemblies; or signage or advertising system parts or subassemblies. Parts or subassemblies described by this paragraph that are subject to duties in their entirety pursuant to existing antidumping and countervailing duty orders (defined as those antidumping and countervailing duty orders that are in effect as of the date of publication of order resulting from this investigation) are excluded from the scope of this investigation. Any part or subassembly

that otherwise meets the requirements of this scope and that is not covered by other antidumping and/or countervailing duty orders remains subject to the scope of the investigation.

The scope excludes aluminum extrusions contained in fully and permanently assembled merchandise, if the assembled merchandise is not a part or subassembly of a larger whole. To be excluded under this paragraph, the assembled merchandise must also contain a component other than aluminum extrusions, beyond fasteners. In addition, to be excluded under this paragraph, the assembled merchandise must be ready for use as imported, without undergoing after importation any processing, fabrication, finishing, or assembly or the addition of parts or material (with the exception of consumable parts or material or interchangeable media or tooling).

The scope also excludes aluminum extrusions contained in unassembled merchandise if the unassembled merchandise is not a part or subassembly of a larger whole. To be excluded under this paragraph, the unassembled merchandise must also contain a component other than aluminum extrusions, beyond fasteners. In addition, to be excluded under this paragraph, the unassembled merchandise must be a packaged combination of parts that is ready to be assembled as imported, without undergoing after importation any processing, fabrication, or finishing or the addition of parts or material (with the exception of consumable parts or material or interchangeable media or tooling). To be excluded under this paragraph, the unassembled merchandise must be sold and enter as a discrete kit on one Customs entry form.

Examples of such excluded assembled and unassembled merchandise include windows with glass, door units with door panel and glass, motor vehicles, trailers, furniture, appliances, and solar panels and solar modules. Window walls and window wall units are not considered windows with glass for purposes of this exclusion.

The scope also excludes merchandise containing multiple subassemblies of a larger whole with non-extruded aluminum components beyond fasteners. A subassembly that meets the definition of subject merchandise, including any product expressly identified as subject merchandise in this scope, can only be excluded if it is fully and permanently assembled with at least one other different subassembly, and where (1) at least one of the subassemblies, if entered individually, would not itself be subject to the scope; (2) the aluminum extrusions within the merchandise collectively account for 50 percent or less of the actual weight of the combined multiple subassemblies (without including any non-extruded aluminum fasteners in the calculations); and (3) the aluminum extrusions within the merchandise collectively account for 50 percent or less of the number of pieces of the combined multiple subassemblies (without including any non-extruded aluminum fasteners in the calculations).

The scope also includes aluminum extrusions that have been further processed

in a third country, including, but not limited to, the finishing and fabrication processes described above, assembly, whether with other aluminum extrusion components or with non-aluminum extrusion components, or any other processing that would not otherwise remove the merchandise from the scope if performed in the country of manufacture of the in-scope product. Third country processing; finishing; and/or fabrication, including those processes described in the scope, does not alter the country of origin of the subject aluminum extrusions.

The following aluminum extrusion products are excluded: aluminum extrusions made from an aluminum alloy with an Aluminum Association series designations commencing with the number 2 (or proprietary equivalents or other certifying body equivalents) and containing in excess of 1.5 percent copper by weight; aluminum extrusions made from an aluminum alloy with an Aluminum Association series designation commencing with the number 5 (or proprietary equivalents or other certifying body equivalents) and containing in excess of 2.0 percent magnesium by weight; and aluminum extrusions made from an aluminum alloy with an Aluminum Association series designation commencing with the number 7 (or proprietary equivalents or other certifying body equivalents) and containing in excess of 2.0 percent zinc by weight.

The scope also excludes aluminum alloy sheet or plates produced by means other than the extrusion process, such as aluminum products produced by a method of continuous casting or rolling. Cast aluminum products are also excluded. The scope also excludes 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 (not including proprietary equivalents or other certifying body equivalents) 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 are extruded drawn solid profiles made from an aluminum alloy with the Aluminum Association series designation commencing with the number 1, 3, or 6 (or proprietary equivalents or other certifying body equivalents), including variants on individual alloying elements not to circumvent the other Aluminum Association series designations, which meet each of the following characteristics: (1) solid cross sectional area greater than 62.4 mm<sup>2</sup> and less than 906 mm<sup>2</sup>, (2) minimum electrical conductivity of 58% of the international annealed copper standard (IACS) or maximum resistivity of 2.97 μΩ/cm, (3) a uniformly applied nonelectrically conductive temperature-resistant coating co-extruded over characteristic (1) of either polyamide, cross-linked polyethylene, or silicone rubber material which meets the following standards: (a) Vicat A temperature threshold

of >140 degrees Celsius, (b) flammability requirements of UL 94V-0, and (c) a minimum coating thickness of 0.10 mm and maximum coating thickness of 2.0 mm, with a maximum thickness tolerance of  $\pm 0.20$  mm, (4) characteristic 3 may or may not be encapsulated with a "Precision Drawn Tubing," wall thicknesses less than 1.2mm, which is mechanically fixed in place, and (5) packaged in straight lengths, bent or formed and/or attached to hardware.

Also excluded from the scope are extruded tubing and drawn over a ID plug and through a OD die made from an aluminum alloy with the Aluminum Association series designation commencing with the number 3, 5, or 6 (or proprietary equivalents or other certifying body equivalents), including variants on individual alloying elements not to circumvent the other Aluminum Association series designations, which meet each of the following characteristics: (1) an outside mean diameter no greater than 30 mm with a tolerance less than or equal to  $\pm 0.10$  mm, (2) uniform wall thickness no greater than 2.7 mm with wall tolerances less than or equal to  $\pm 0.1$  mm, (3) may be coated with materials, including zinc, such that the coating material weight is no less than 3 g/m<sup>2</sup> and no greater than 3 g/m<sup>2</sup>, and (4) packaged in continuous coils, straight lengths, bent or formed.

The scope also excludes fully and permanently assembled glass refrigerator shelves with decorative aluminum trim meeting the following characteristics: (1) aluminum trim meeting Aluminum Association series 6063-T5 designation that is anodized; (2) aluminum trim length of not more than 800mm, and (3) aluminum trim width of not more than 40mm. Such fully and permanently assembled glass refrigerator shelves include other components in addition to the aluminum trim, including, but not limited to, glass, steel, and plastic. Only fully and permanently assembled glass refrigerator shelves that require no further processing, fabrication, finishing, assembly, or the addition of any parts or material are excluded. Imports of glass refrigerator shelves are classified under HTSUS 8418.99.8050, which is being included for convenience.

Also excluded from the scope of this investigation is certain rectangular wire, imported in bulk rolls or precut strips and produced from continuously cast rolled aluminum wire rod, which is subsequently extruded to dimension to form rectangular wire with or without rounded edges. The product is made from aluminum alloy grade 1070 or 1370 (not including proprietary equivalents or other certifying body equivalents), with no recycled metal content allowed. The dimensions of the wire are 2.95 mm to 6.05 mm in width, and 0.65 mm to 1.25 mm in thickness. Imports of rectangular wire are provided for under Harmonized Tariff Schedule of the United States (HTSUS) subheadings 7605.19.0000, 7604.10.5000, or 7616.99.5190.

Also excluded from the scope of the antidumping and countervailing duty investigations on aluminum extrusions from the People's Republic of China are all products covered by the scope of the antidumping and countervailing duty orders

on Aluminum Extrusions from the People's Republic of China. See *Aluminum Extrusions from the People's Republic of China: Antidumping Duty Order*, 76 FR 30650 (May 26, 2011); and *Aluminum Extrusions from the People's Republic of China: Countervailing Duty Order*, 76 FR 30653 (May 26, 2011) (collectively, Aluminum Extrusions from the People's Republic of China). Solely for the investigations on aluminum extrusions from the People's Republic of China, the following is an exhaustive list of products where the aluminum extrusion portions thereof meet the definition of subject merchandise. The language contained in the rest of the scope applies to this exhaustive list of products. Merchandise that is not included in the following list that meets the definition of subject merchandise in the 2011 antidumping and countervailing duty orders on Aluminum Extrusions from the People's Republic of China remains subject to the earlier orders. No other section of this scope language that provides examples of subject merchandise is exhaustive. The aluminum extrusion portions of the following products are included in the scope of the investigations on aluminum extrusions from the People's Republic of China, whether assembled or unassembled: heat sinks as described above; cleaning system components like mop parts and subassemblies and poles; banner stand and back wall parts and subassemblies; fabric wall systems; drapery rails; side mount valve controls; water heater anodes; solar panel mounting systems; automotive heating and cooling system components; assembled motor cases with stators; louver assemblies; event décor; window wall and window wall units and parts; trade booths; micro channel heat exchangers; telescoping poles, pole handles, and pole attachments; flagpoles; wind sign frames; foreline hose assembly; electronics enclosures; parts and subassemblies for storefronts, including portal sets; light poles; air duct registers; outdoor sporting goods parts and subassemblies; glass refrigerator shelves; aluminum ramps; handicap ramp system parts and subassemblies; frames and parts for tents and clear span structures; parts and subassemblies for screen enclosures, patios, and sunrooms; parts and subassemblies for walkways and walkway covers; aluminum extrusions for Light Emitting Diode (LED) lights; parts and subassemblies for screen, storm, and patio doors; pontoon boat parts and subassemblies, including rub rails, flooring, decking, transom structures, canopy systems, seating; boat hulls, framing, ladders, and transom structures; parts and subassemblies for docks, piers, boat lifts and mounting; recreational and boat trailer parts and subassemblies, including subframes, crossmembers, and gates; solar tracker assemblies with gears; garage door framing systems; door threshold and sill assemblies; highway and bridge signs; bridge, street, and highway rails; scaffolding, including planks and struts; railing and support systems; parts and subassemblies for exercise equipment; weatherstripping; door bottom and sweeps; door seals; floor transitions and trims; parts and subassemblies for modular walls and

office furniture; truck trailer parts and subassemblies; boat cover poles, outrigger poles, and rod holders; bleachers and benches; parts and subassemblies for elevators, lifts, and dumbwaiters; parts and subassemblies for mirror and framing systems; window treatments; parts and subassemblies for air foils and fans; bus and Recreational Vehicle (RV) window frames; sliding door rails; dock ladders; parts and subassemblies for RV frames and trailers; awning, canopy, and sunshade structures and their parts and subassemblies; marine motor mounts; linear lighting housings; and cluster mailbox systems.

Imports of the subject merchandise are primarily provided for under the following categories of the HTSUS: 7604.10.1000; 7604.10.3000; 7604.10.5000; 7604.21.0010; 7604.21.0090; 7604.29.1010; 7604.29.1090; 7604.29.3060; 7604.29.3090; 7604.29.5050; 7604.29.5090; 7608.10.0030; 7608.10.0090; 7608.20.0030; 7608.20.0090; 7609.00.0000; 7610.10.0010; 7610.10.0020; 7610.10.0030; 7610.90.0040; and 7610.90.0080.

Imports of the subject merchandise, including subject merchandise entered as parts of other products, may also be classifiable under the following additional HTSUS categories, as well as other HTSUS categories: 6603.90.8100; 7606.12.3091; 7606.12.3096; 7615.10.2015; 7615.10.2025; 7615.10.3015; 7615.10.3025; 7615.10.5020; 7615.10.5040; 7615.10.7125; 7615.10.7130; 7615.10.7155; 7615.10.7180; 7615.10.9100; 7615.20.0000; 7616.10.9090; 7616.99.1000; 7616.99.5130; 7616.99.5140; 7616.99.5190; 8302.10.3000; 8302.10.6030; 8302.10.6060; 8302.10.6090; 8302.20.0000; 8302.30.3010; 8302.30.3060; 8302.41.3000; 8302.41.6015; 8302.41.6045; 8302.41.6050; 8302.41.6080; 8302.42.3010; 8302.42.3015; 8302.42.3065; 8302.49.6035; 8302.49.6045; 8302.49.6055; 8302.49.6085; 8302.50.0000; 8302.60.3000; 8302.60.9000; 8305.10.0050; 8306.30.0000; 8414.59.6590; 8415.90.8045; 8418.99.8005; 8418.99.8050; 8418.99.8060; 8419.50.5000; 8419.90.1000; 8422.90.0640; 8424.90.9080; 8473.30.2000; 8473.30.5100; 8479.89.9599; 8479.90.8500; 8479.90.9596; 8481.90.9060; 8481.90.9085; 8486.90.0000; 8487.90.0080; 8503.00.9520; 8508.70.0000; 8513.90.2000; 8515.90.2000; 8516.90.5000; 8516.90.8050; 8517.71.0000; 8517.79.0000; 8529.90.7300; 8529.90.9760; 8536.90.8585; 8538.10.0000; 8541.90.0000; 8543.90.8885; 8547.90.0020; 8547.90.0030; 8547.90.0040; 8708.10.3050; 8708.29.5160; 8708.80.6590; 8708.99.6890; 8807.30.0060; 9031.90.9195; 9401.99.9081; 9403.99.1040; 9403.99.9010; 9403.99.9015; 9403.99.9020; 9403.99.9040; 9403.99.9045; 9405.99.4020; 9506.11.4080; 9506.51.4000; 9506.51.6000; 9506.59.4040; 9506.70.2090; 9506.91.0010; 9506.91.0020; 9506.91.0030; 9506.99.0510; 9506.99.0520; 9506.99.0530; 9506.99.1500; 9506.99.2000; 9506.99.2580; 9506.99.2800; 9506.99.5500; 9506.99.6080; 9507.30.2000; 9507.30.4000; 9507.30.6000; 9507.30.8000; 9507.90.6000; and 9603.90.8050.

While HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope is dispositive.

## Appendix II

### List of Topics Discussed in the Issues and Decision Memorandum

- I. Summary
- II. Background
- III. Changes Since the *Preliminary Determination*
- IV. Discussion of the Issues
  - Comment 1: Whether Commerce Should Terminate the Investigation
  - Comment 2: Whether Commerce Correctly Determined the All-Others Rate
  - Comment 3: Whether Commerce Incorrectly Applied Two Different Manufacturer Codes to Genesis/Zenshin
  - Comment 4: Whether Commerce Erred by Using Sales Outside the POI in its Analysis
  - Comment 5: Whether Commerce Should Continue to Apply the Cohen's *d* Test to Genesis/Zenshin's U.S. Sales
  - Comment 6: Whether Genesis/Zenshin is Affiliated with Certain Press Metal Companies
  - Comment 7: Whether Genesis/Zenshin is Affiliated with a Home Market Customer
  - Comment 8: Whether Commerce Should Correct Genesis/Zenshin's General and Administrative (G&A) Expense Ratio
  - Comment 9: Whether Commerce Should Use Genesis/Zenshin's Revised Sales Data
  - Comment 10: Whether Certain Sales by PAE are Outside the Ordinary Course of Trade
  - Comment 11: Whether Commerce Should Apply Partial Adverse Facts Available to PAE
  - Comment 12: Whether Commerce Should Correct its Major Input Adjustment to PAE's Costs
  - Comment 13: Whether Commerce Should Correct PAE's G&A Expense Ratio
  - Comment 14: Whether Commerce Should Adjust PAE's Total Cost of Manufacturing
- V. Recommendation

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-201-860]

### Aluminum Extrusions From Mexico: Final Affirmative Determination of Sales at Less Than Fair Value

**AGENCY:** Enforcement and Compliance, International Trade Administration, Department of Commerce.

**SUMMARY:** The U.S. Department of Commerce (Commerce) determines that imports of aluminum extrusions from Mexico are being, or are likely to be, sold in the United States at less than fair value (LTFV) for the period of investigation (POI) October 1, 2022, through September 30, 2023.

**DATES:** Applicable October 3, 2024.

**FOR FURTHER INFORMATION CONTACT:** Fred Baker or Carolyn Adie, AD/CVD Operations, Office VI, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482-2924 or (202) 482-6250, respectively.

#### SUPPLEMENTARY INFORMATION:

##### Background

On May 7, 2024, Commerce published in the *Federal Register* its preliminary affirmative determination in the LTFV investigation of aluminum extrusions from Mexico.<sup>1</sup> We invited interested parties to comment on the *Preliminary Determination*. On July 22, 2024, Commerce tolled certain deadlines in this administrative proceeding by seven days. The deadline for the final determination of this investigation is now September 26, 2024.<sup>2</sup>

A summary of the events that occurred since Commerce published the *Preliminary Determination*, as well as a full discussion of the issues raised by parties for this final determination, may be found in the Issues and Decision Memorandum.<sup>3</sup> The Issues and Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at <https://access.trade.gov>. In addition, a complete version of the Issues and Decision Memorandum can be accessed directly at <https://access.trade.gov/public/FRNoticesListLayout.aspx>.

##### Scope of the Investigation

The product covered by this investigation is aluminum extrusions from Mexico. For a complete description of the scope of this investigation, see Appendix I.

##### Scope Comments

During the course of this investigation, Commerce received scope comments from interested parties.

<sup>1</sup> See *Aluminum Extrusions from Mexico: Preliminary Affirmative Determination of Sales at Less Than Fair Value, Postponement of Final Determination, and Extension of Provisional Measures*, 89 FR 38037 (May 7, 2024) (*Preliminary Determination*), and accompanying Preliminary Decision Memorandum (PDM).

<sup>2</sup> See Memorandum, "Tolling of Deadlines for Antidumping and Countervailing Duty Proceedings," dated July 22, 2024.

<sup>3</sup> See Memorandum, "Decision Memorandum for the Final Affirmative Determination of Sales at Less Than Fair Value in the Investigation of Aluminum Extrusions from Mexico," dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).

Commerce issued Preliminary Scope Decision Memoranda to address these comments and set aside a period of time for parties to address scope issues in scope-specific case and rebuttal briefs.<sup>4</sup> Between May 22, 2024, and June 24, 2024, Commerce received post-preliminary determination scope comments from interested parties regarding numerous products and scope-related issues. Between July 20, 2024, and August 19, 2024, Commerce received scope case and rebuttal briefs from numerous interested parties. We made changes to the scope of the investigation from the scope published in the *Preliminary Determination*, as noted in Appendix I.<sup>5</sup>

##### Verification

As provided in section 782(i) of the Tariff Act of 1930, as amended (the Act), Commerce verified the sales and cost information submitted by Aluminio de Baja California, S.A. de C.V. (ABC)<sup>6</sup> and Aluminio Texcoco S.A. de C.V. (ALUTEX),<sup>7</sup> including ALUTEX's U.S. affiliate Marvol Metal Solutions (Marvol),<sup>8</sup> for use in our final determination. We used standard verification procedures, including an examination of relevant sales and accounting records, and original source documents provided by ABC, ALUTEX, and Marvol.

##### Analysis of Comments Received

All issues raised in the case and rebuttal briefs submitted by interested parties in this investigation are addressed in the Issues and Decision Memorandum. A list of the issues addressed in the Issues and Decision Memorandum is attached to this notice as Appendix II.

##### Changes Since the Preliminary Determination

We made certain changes regarding ABC's and ALUTEX's reported sales and

<sup>4</sup> See Memoranda, "Preliminary Scope Decision Memorandum," dated March 4, 2024, and "Preliminary Scope Decision Memorandum II," dated May 1, 2024 (collectively Preliminary Scope Decision Memoranda).

<sup>5</sup> See Memorandum, "Final Scope Decision Memorandum," dated concurrently with this notice.

<sup>6</sup> See Memoranda, "Verification of the Sales Response of Aluminio de Baja California, S.A. de C.V.," dated July 26, 2024, and "Verification of the Cost Response of Aluminio de Baja California, S.A. de C.V. d.b.a. ABC Aluminum Solutions," dated August 15, 2024.

<sup>7</sup> See Memorandum, "Verification of the Sales Response of ALUTEX," dated July 26, 2024; see also Memorandum, "Verification of the Cost Response of Aluminio Texcoco, S.A. de C.V.," dated August 24, 2024.

<sup>8</sup> See Memorandum, "Verification of Sales Response of Marvol Metal Solutions," dated July 26, 2024.