



## DEPARTMENT OF COMMERCE

### International Trade Administration

[C-489-840]

### Common Alloy Aluminum Sheet from the Republic of Türkiye: Preliminary Results of the Countervailing Duty Administrative Review; 2022

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

**SUMMARY:** The U.S. Department of Commerce (Commerce) preliminarily determines that  
countervailable subsidies were provided to producers and/or exporters of common alloy  
aluminum sheet (CAAS) from the Republic of Türkiye (Türkiye), during the period of review  
(POR) January 1, 2022, through December 31, 2022. Interested parties are invited to comment  
on these preliminary results.

**DATES:** Applicable [INSERT DATE OF PUBLICATION IN THE **FEDERAL REGISTER**].

**FOR FURTHER INFORMATION CONTACT:** Mark Hoadley, AD/CVD Operations, Office  
VII, Enforcement and Compliance, International Trade Administration, U.S. Department of  
Commerce, 1401 Constitution Avenue, NW, Washington, DC 20230; telephone: (202) 482-  
3148.

### SUPPLEMENTARY INFORMATION:

#### Background

On June 12, 2023, Commerce initiated this administrative review of the countervailing  
duty order on CAAS from Türkiye.<sup>1</sup> The mandatory company respondents are Assan  
Aluminyum Sanayi ve Ticaret A.S., Kibar Americas, Inc., and Kibar Dış Ticaret A.S.

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<sup>1</sup> See *Initiation of Antidumping and Countervailing Duty Administrative Reviews*, 88 FR 38021 (June 12, 2023); see also *See Common Alloy Aluminum Sheet from Bahrain, India, and the Republic of Turkey: Countervailing Duty Orders*, 86 FR 22144 (April 27, 2021) (*Order*).

(collectively, Assan) and Teknik Aluminyum Sanayi A.S. (Teknik). On December 12, 2023, Commerce extended the deadline for these preliminary results to April 26, 2024.<sup>2</sup>

For a complete description of the events that followed the initiation of the review, *see* the Preliminary Decision Memorandum.<sup>3</sup> A list of topics discussed in the Preliminary Decision Memorandum is included as an appendix to this notice. The Preliminary Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic System (ACCESS). ACCESS is available to registered users at <https://access.trade.gov>. In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly at <https://access.trade.gov/public/FRNoticesListLayout.aspx>.

### **Scope of the *Order***

The merchandise covered by the *Order* is CAAS from Türkiye. For a complete description of the scope of this *Order*, *see* the Preliminary Decision Memorandum.

### **Methodology**

Commerce is conducting this administrative review in accordance with section 751(a)(1)(A) of the Tariff Act of 1930, as amended (the Act). For each of the subsidy programs preliminarily found to be countervailable, Commerce preliminarily determines that there is a subsidy, *i.e.*, a financial contribution from an authority that gives rise to a benefit to the recipient and that the subsidy is specific.<sup>4</sup> For a full description of the methodology underlying Commerce's preliminary conclusions, *see* the Preliminary Decision Memorandum.

### **Companies Not Selected for Individual Examination**

The Act and Commerce's regulations do not directly address the subsidy rate to be applied to companies not selected for individual examination where Commerce limits its

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<sup>2</sup> *See* Memorandum, "Extension of Deadline for Preliminary Results of Review," dated December 12, 2023.

<sup>3</sup> *See* Memorandum, "Decision Memorandum for the Preliminary Results of the Countervailing Duty Administrative Review of Common Alloy Aluminum Sheet from Türkiye; 2022," dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

<sup>4</sup> *See* sections 771(5)(B) and (D) of the Act regarding financial contribution; section 771(5)(E) of the Act regarding benefit; and section 771(5A) of the Act regarding specificity.

examination in an administrative review pursuant to section 777A(e)(2) of the Act. However, Commerce normally determines the rates for non-selected companies in reviews in a manner that is consistent with section 705(c)(5) of the Act, which provides instructions for calculating the all others rate in an investigation. Section 777A(e)(2) of the Act provides that “the individual countervailable subsidy rates determined under subparagraph (A) shall be used to determine the all-others rate under section 705(c)(5) {of the Act}.” Section 705(c)(5)(A) of the Act states that for companies not investigated, in general, we will determine an all-others rate by weight averaging the countervailable subsidy rates established for each of the companies individually investigated, excluding zero and *de minimis* rates or any rates based solely on the facts available.

Accordingly, to determine the rate for companies not selected for individual examination, Commerce’s practice is to weight average the net subsidy rates for the selected mandatory respondents, excluding rates that are zero, *de minimis*, or based entirely on facts available.<sup>5</sup> We preliminarily determine that Assan received countervailable subsidies that are above *de minimis* and are not based entirely on facts available and that Teknik received countervailable subsidies that are below *de minimis*. Therefore, we preliminarily determine to apply the net subsidy rate calculated for Assan to the non-selected companies.<sup>6</sup> The companies for which a review was requested, and which were not selected for individual examination as mandatory respondents or found to be cross-owned with a mandatory respondent, are: ASAS Aluminyum Sanayi ve Ticaret A.S.; Assan; P.M.S. Metal Profil Aluminum Sanayi Ve Ticaret A.S.; and Teknik.

**Preliminary Results of Review**

Commerce preliminarily determines the following net countervailable subsidy rates exist for the period January 1, 2022, through December 31, 2022:

Company	Subsidy Rate (percent <i>ad valorem</i> )
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<sup>5</sup> See, e.g., *Certain Pasta from Italy: Final Results of the 13th (2008) Countervailing Duty Administrative Review*, 75 FR 37386, 37387 (June 29, 2010).

<sup>6</sup> See Memorandum, “Calculation of Subsidy Rate for Non-Selected Companies Under Review,” dated concurrently with this memorandum.

Assan Aluminyum Sanayi ve Ticaret A.S. <sup>7</sup>	1.08
Teknik Aluminyum Sanayi A.S.	0.19 ( <i>de minimis</i> )
Companies Not Selected for Individual Examination	1.08

## Disclosure and Public Comment

Commerce intends to disclose its calculations performed to interested parties for these preliminary results 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).

Case briefs or other written comments may be submitted to the Assistant Secretary for Enforcement and Compliance.<sup>8</sup> Commerce will notify interested parties of the deadline for submission of case briefs. Rebuttal briefs, limited to issues raised in the case briefs, may be filed not later than five days after the date for filing case briefs.<sup>9</sup> Interested parties who submit case briefs or rebuttal briefs in this proceeding must submit: (1) a table of contents listing each issue; and (2) a table of authorities.<sup>10</sup>

As provided under 19 CFR 351.309(c)(2) and (d)(2), in prior proceedings we have encouraged interested parties to provide an executive summary of their brief that should be limited to five pages total, including footnotes. In this review, we instead request that interested parties provide at the beginning of their briefs a public, executive summary for each issue raised in their briefs.<sup>11</sup> Further, we request that interested parties limit their public executive summary of each issue to no more than 450 words, not including citations. We intend to use the public executive summaries as the basis of the comment summaries included in the issues and decision memorandum that will accompany the final determination in this investigation. We request that interested parties include footnotes for relevant citations in the public executive summary of each

<sup>7</sup> This rate is applicable to Assan and its cross-owned companies Kibar Americas, Inc., and Kibar Dış Ticaret A.S.

<sup>8</sup> See 19 CFR 351.309(c)(1)(ii); see also 19 CFR 351.303 for general filing requirements.

<sup>9</sup> See 19 CFR 351.309(d); see also *Administrative Protective Order, Service, and Other Procedures in Antidumping and Countervailing Duty Proceedings*, 88 FR 67069, 67077 (September 29, 2023) (*APO and Service Procedures*).

<sup>10</sup> See 19 CFR 351.309(c)(2) and (d)(2).

<sup>11</sup> We use the term “issue” here to describe an argument that Commerce would normally address in a comment of the Issues and Decision Memorandum.

issue. Note that Commerce has amended certain of its requirements pertaining to the service of documents in 19 CFR 351.303(f).<sup>12</sup>

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing, limited to issues raised in the case and rebuttal briefs, must submit a written request to the Assistant Secretary for Enforcement and Compliance, U.S. Department of Commerce, filed electronically, using ACCESS. Hearing requests should contain the party's name, address, and telephone number, the number of participants, and a list of the issues to be discussed. Issues raised in the hearing will be limited to those raised in the case and rebuttal briefs. An electronically filed request must be received successfully in its entirety by ACCESS by 5:00 p.m. Eastern Time, within 30 days of the publication date of this notice. If a request for a hearing is made, parties will be notified of the time and date of the hearing.<sup>13</sup>

Unless the deadline is extended pursuant to section 751(a)(3)(A) of the Act and 19 CFR 351.213(h)(2), Commerce intends to issue the final results of this administrative review, including the results of its analysis of the issues raised by the parties in any written briefs, no later than 120 days after the date of publication of these preliminary results.

### **Assessment Rates**

In accordance with 19 CFR 351.221(b)(4)(i), Commerce preliminarily assigned a subsidy rate in the amount for the producer/exporter shown above. Upon completion of the administrative review, consistent with section 751(a)(1) of the Act and 19 CFR 351.212(b)(2), Commerce shall determine, and U.S. Customs and Border Protection (CBP) shall assess, countervailing duties on all appropriate entries covered by this review. Commerce intends to issue assessment instructions to CBP no earlier than 35 days after the date of publication of the final results of this review in the **Federal Register**.

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<sup>12</sup> See *APO and Service Procedures*.

<sup>13</sup> See 19 CFR 351.310(d).

If a timely summons is filed at the U.S. Court of International Trade, the assessment instructions will direct CBP not to liquidate relevant entries until the time for parties to file a request for a statutory injunction has expired (*i.e.*, within 90 days of publication).

### **Cash Deposit Requirements**

In accordance with section 751(a)(2)(C) of the Act, Commerce also intends upon publication of the final results, to instruct CBP to collect cash deposits of the estimated countervailing duties in the amounts calculated in the final results of this review for the respective companies listed above with regard to shipments of subject merchandise entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this review. If the rate calculated in the final results is zero or *de minimis*, no cash deposit will be required on shipments of the subject merchandise entered or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this review.

For all non-reviewed firms, CBP will continue to collect cash deposits of estimated countervailing duties at the all-others rate (*i.e.*, 3.45 percent).<sup>14</sup> These cash deposit requirements, when imposed, shall remain in effect until further notice.

### **Notification to Interested Parties**

These preliminary results of review are issued and published in accordance with sections 751(a)(1) and 777(i)(1) of the Act and 19 CFR 351.213(h)(2) and 351.221(b)(4).

Dated: April 26, 2024.

**Ryan Majerus,**  
*Deputy Assistant Secretary  
for Policy and Negotiations,  
performing the non-exclusive functions and duties  
of the Assistant Secretary for Enforcement and Compliance.*

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<sup>14</sup> See *Order*, 86 FR at 22145.

## Appendix

### List of Topics Discussed in the Preliminary Decision Memorandum

- I. Summary
- II. Background
- III. Scope of the Order
- IV. Rate for Non-Selected Companies
- V. Subsidies Valuation Information
- VI. Benchmarks and Interest Rates
- VII. Analysis of Programs
- VIII. Recommendation

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