

April 20, 2010

Mr. Ronald K. Lorentzen
Deputy Assistant Secretary of Commerce for Import Administration
U.S. Department of Commerce
Room 1870
1401 Constitution Avenue, N.W.
Washington, D.C. 20230

**RE: Comments to Department of Commerce on Retrospective
Antidumping and Countervailing Duty System**

Dear Mr. Lorentzen:

Alcoa Inc. ("Alcoa") provides these comments in response to the Department's Federal Register notice, 75 Fed. Reg. 16079 (March 31, 2010). Alcoa is a purchaser and importer of products subject to trade remedy proceedings and has experienced first-hand the inequities of the current retrospective system of collection and assessment of these duties. We commend the Department for soliciting a broad range of public input on this important question. We urge that the Department include in its forthcoming report to Congress a clear discussion of the inequities of the retrospective system.

Under the current system, importers do not know, and cannot know, the amount of duties that may be applied to their imports subject to antidumping and countervailing duty proceedings. The results depend on Commerce Department calculations that use information not available to importers and, in many cases (especially non-market economy cases), to exporters and foreign producers as well. No other country in the world presents importers with such an untenable situation.

The result for Alcoa is the loss of access to imports of vital raw materials in the U.S. market. We lose access imports in this country even if we are not liable to pay these additional duties. Quite simply, if foreign suppliers have a market other than the U.S. to sell to, they will avoid the U.S. We know first-hand about this risk.

Alcoa supports enforcement of our trade remedy laws; but we believe there is a better way to enforce them without penalizing importers and manufacturers in the United States that need globally priced and competitive raw materials for manufacturing. The law should allow importers to know their duty liability in advance of importation. They should be able to pay these duties at the time of

importation without the uncertainty and fear of massive increases later. This approach would be fair to all concerned and would protect domestic petitioners from dumped or subsidized imports without creating unacceptable risks for importers and unacceptable shortages for downstream users.

Thank you for the opportunity to comment on this important issue. We ask that your report to Congress reflect our views.

Sincerely,

A handwritten signature in black ink, appearing to read "RJM McHale". The signature is written in a cursive style with a large initial "R" and "J" and a distinct "McHale" at the end.

Robert J. McHale
Director of Metal Purchases
Alcoa Inc.