

DEPARTMENT OF COMMERCE**International Trade Administration**

[A-570-164, A-549-849, A-552-839]

Certain Paper Plates From the People's Republic of China, Thailand, and the Socialist Republic of Vietnam: Postponement of Preliminary Determinations in the Less-Than-Fair-Value Investigations

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

DATES: Applicable June 12, 2024.

FOR FURTHER INFORMATION CONTACT: Toni Page (the People's Republic of China (China)); Ted Pearson (Thailand); and Bryan Hansen (the Socialist Republic of Vietnam (Vietnam)), AD/CVD Operations, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482-1398, (202) 482-2631, and (202) 482-3683, respectively.

SUPPLEMENTARY INFORMATION:**Background**

On February 14, 2024, the U.S. Department of Commerce (Commerce) initiated less-than-fair-value (LTFV) investigations on imports of certain paper plates (paper plates) from China, Thailand, and Vietnam.¹ Currently, the preliminary determinations are due no later than July 3, 2024.

Postponement of Preliminary Determinations

Section 733(b)(1)(A) of the Tariff Act of 1930, as amended (the Act), requires Commerce to issue the preliminary determination in a LTFV investigation within 140 days after the date on which Commerce initiated the investigation. However, section 733(c)(1)(A)(b)(1) of the Act permits Commerce to postpone the preliminary determination until no later than 190 days after the date on which Commerce initiated the investigation if: (A) the petitioner makes a timely request for a postponement; or (B) Commerce concludes that the parties concerned are cooperating, that the investigation is extraordinarily complicated, and that additional time is necessary to make a preliminary determination. Under 19 CFR 351.205(e), the petitioner must submit a request for postponement 25 days or

¹ See *Certain Paper Plates from the People's Republic of China, Thailand, and the Socialist Republic of Vietnam: Initiation of Less-Than-Fair-Value Investigations*, 89 FR 14046 (February 26, 2024) (*Initiation Notice*).

more before the scheduled date of the preliminary determination and must state the reasons for the request. Commerce will grant the request unless it finds compelling reasons to deny the request.

On May 28, 2024, the petitioner² submitted a timely request that Commerce postpone the preliminary determinations in these LTFV investigations.³ The petitioner stated that it requests postponement because Commerce has not yet received full initial questionnaire responses from the mandatory respondents in all three investigations and needs additional time to review the responses and issue supplemental questionnaires to address issues in the respondents' questionnaire responses.⁴

For the reasons stated above and because there are no compelling reasons to deny the request, Commerce, in accordance with section 733(c)(1)(A) of the Act, is postponing the deadline for the preliminary determinations by 50 days (*i.e.*, 190 days after the date on which these investigations were initiated). As a result, Commerce will issue its preliminary determinations no later than August 22, 2024. In accordance with section 735(a)(1) of the Act and 19 CFR 351.210(b)(1), the deadline for the final determinations of these investigations will continue to be 75 days after the date of the preliminary determinations, unless postponed at a later date.

This notice is issued and published pursuant to section 733(c)(2) of the Act and 19 CFR 351.205(f)(1).

Dated: June 5, 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.

[FR Doc. 2024-12832 Filed 6-11-24; 8:45 am]

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² The petitioner is the American Paper Plate Coalition. The members of the petitioner are AJM Packaging Corporation, Aspen Products, Inc., Dart Container Corporation, Hoffmaster Group, Inc., Huhtamaki Americas, Inc., and Unique Industries, Inc.

³ See Petitioner's Letter, "Request to Postpone Preliminary Antidumping Duty Determinations," dated May 28, 2024.

⁴ *Id.*

DEPARTMENT OF COMMERCE**International Trade Administration**

[C-570-171]

Disposable Aluminum Containers, Pans, Trays, and Lids From the People's Republic of China: Initiation of Countervailing Duty Investigation

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

DATES: Applicable June 5, 2024.

FOR FURTHER INFORMATION CONTACT: Tylar Lewis, 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) 482-6009.

SUPPLEMENTARY INFORMATION:**The Petition**

On May 16, 2024, the U.S. Department of Commerce (Commerce) received a countervailing duty (CVD) petition concerning imports of disposable aluminum containers, pans, trays, and lids (disposable aluminum containers) from the People's Republic of China (China) filed in proper form on behalf of the Aluminum Foil Container Manufacturers Association and certain of its individual member companies (collectively, the petitioners).¹ The CVD petition was accompanied by an antidumping duty (AD) petition concerning imports of disposable aluminum containers from China.²

Between May 20 and 28, 2024, Commerce requested supplemental information pertaining to certain aspects of the Petition.³ On May 23 and 29, 2024, the petitioners filed timely responses to these requests for additional information.⁴

¹ See Petitioners' Letter, "Petition for the Imposition of Antidumping and Countervailing Duties," dated May 16, 2024 (the Petition). The individual member companies supporting the Petition are Durable Packaging International; D&W Fine Pack, LLC; Handi-foil Corp.; Penny Plate, LLC; Reynolds Consumer Products, LLC; Shah Foil Products, Inc.; Smart USA, Inc.; and Trinidad/Benham Corp.

² *Id.*

³ See Commerce's Letters, "Supplemental Questions," dated May 20, 2024 (General Issues Questionnaire); and "Supplemental Questions," dated May 20, 2024; see also Memorandum, "Phone Call with Counsel to the Petitioner," dated May 28, 2024 (May 28 Memorandum).

⁴ See Petitioners' Letters, "Petitioners' Supplement and Amendment to Volume I Relating to Request for the Imposition of Antidumping and Countervailing Duties on Imports from China," dated May 23, 2024 (First General Issues Supplement); "Petitioners' Supplement to Volume III Relating to Petition for the Imposition of Countervailing Duties on Imports from China,"

Continued

In accordance with section 702(b)(1) of the Tariff Act of 1930, as amended (the Act), the petitioners allege that the Government of China (GOC) is providing countervailable subsidies, within the meaning of sections 701 and 771(5) of the Act, to producers of disposable aluminum containers from China, and that such imports are materially injuring, or threatening material injury to, the domestic industry producing disposable aluminum containers in the United States. Consistent with section 702(b)(1) of the Act and 19 CFR 351.202(b), for those alleged programs on which we are initiating a CVD investigation, the Petition was accompanied by information reasonably available to the petitioners supporting their allegations.

Commerce finds that the petitioners filed the Petition on behalf of the domestic industry because the petitioners are interested parties as defined in sections 771(9)(C) and (E) of the Act.⁵ Commerce also finds that the petitioners demonstrated sufficient industry support with respect to the initiation of the requested CVD investigation.⁶

Period of Investigation

Because the Petition were filed on May 16, 2024, the period of investigation (POI) for China is January 1, 2023, through December 31, 2023.⁷

Scope of the Investigation

The merchandise covered by this investigation is disposable aluminum containers from China. For a full description of the scope of this investigation, see the appendix to this notice.

Comments on the Scope of the Investigation

Between May 20 and 28, 2024, Commerce requested information and clarification from the petitioners regarding the proposed scope to ensure that the scope language in the Petition is an accurate reflection of the products for which the domestic industry is seeking relief.⁸ Between May 23 and 29,

dated May 23, 2024; and “Petitioners’ 2nd Supplement and Amendment to Volume I Relating to the Request for the Imposition of Antidumping and Countervailing Duties on Imports from China,” dated May 29, 2024 (Second General Issues Supplement).

⁵ The Aluminum Foil Container Manufacturers Association is an interested party under section 771(7)(E) of the Act, while the individual members supporting the Petition are interested parties under section 771(7)(C) of the Act.

⁶ See section on “Determination of Industry Support for the Petition,” *infra*.

⁷ See 19 CFR 351.204(b)(2).

⁸ See General Issues Questionnaire; see also May 28 Memorandum.

2024, the petitioners provided clarifications and revised the scope.⁹ The description of merchandise covered by this investigation, as described in the appendix to this notice, reflects these clarifications.

As discussed in the *Preamble* to Commerce’s regulations, we are setting aside a period for interested parties to raise issues regarding product coverage (*i.e.*, scope).¹⁰ Commerce will consider all comments received from interested parties and, if necessary, will consult with interested parties prior to the issuance of the preliminary determinations. If scope comments include factual information, all such factual information should be limited to public information.¹¹ To facilitate preparation of its questionnaires, Commerce requests that scope comments be submitted by 5:00 p.m. Eastern Time (ET) on June 25, 2024, which is 20 calendar days from the signature date of this notice.¹² Any rebuttal comments, which may include factual information, must be filed by 5:00 p.m. ET on July 5, 2024, which is 10 calendar days from the initial comment deadline.¹³

Commerce requests that any factual information that parties consider relevant to the scope of the investigation be submitted during that time period. However, if a party subsequently finds that additional factual information pertaining to the scope of the investigation may be relevant, the party must contact Commerce and request permission to submit the additional information. All scope comments must be filed simultaneously on the records of the concurrent AD and CVD investigations.

Filing Requirements

All submissions to Commerce must be filed electronically via Enforcement and Compliance’s Antidumping Duty and Countervailing Duty Centralized Electronic Service System (ACCESS), unless an exception applies.¹⁴ An

⁹ See First General Issues Supplement at 2–6 and Exhibit GEN–Supp–2; see also Second General Issues Supplement at 2–3 and Exhibit GEN–2Supp–1.

¹⁰ See *Antidumping Duties; Countervailing Duties; Final Rule*, 62 FR 27296, 27323 (May 19, 1997) (*Preamble*).

¹¹ See 19 CFR 351.102(b)(21) (defining “factual information”).

¹² See 19 CFR 351.303(b)(1).

¹³ *Id.*

¹⁴ See *Antidumping and Countervailing Duty Proceedings: Electronic Filing Procedures; Administrative Protective Order Procedures*, 76 FR 39263 (July 6, 2011); see also *Enforcement and Compliance; Change of Electronic Filing System Name*, 79 FR 69046 (November 20, 2014), for details of Commerce’s electronic filing requirements, effective August 5, 2011. Information on using

electronically filed document must be received successfully in its entirety by the time and date it is due.

Consultations

Pursuant to sections 702(b)(4)(A)(i) and (ii) of the Act, Commerce notified the Government of China of the receipt of the Petition and provided an opportunity for consultations with respect to the Petition.¹⁵ The GOC did not request consultations.

Determination of Industry Support for the Petition

Section 702(b)(1) of the Act requires that a petition be filed on behalf of the domestic industry. Section 702(c)(4)(A) of the Act provides that a petition meets this requirement if the domestic producers or workers who support the petition account for: (i) at least 25 percent of the total production of the domestic like product; and (ii) more than 50 percent of the production of the domestic like product produced by that portion of the industry expressing support for, or opposition to, the petition. Moreover, section 702(c)(4)(D) of the Act provides that, if the petition does not establish support of domestic producers or workers accounting for more than 50 percent of the total production of the domestic like product, Commerce shall: (i) poll the industry or rely on other information in order to determine if there is support for the petition, as required by subparagraph (A); or (ii) determine industry support using a statistically valid sampling method to poll the “industry.”

Section 771(4)(A) of the Act defines the “industry” as the producers as a whole of a domestic like product. Thus, to determine whether a petition has the requisite industry support, the statute directs Commerce to look to producers and workers who produce the domestic like product. The U.S. International Trade Commission (ITC), which is responsible for determining whether “the domestic industry” has been injured, must also determine what constitutes a domestic like product in order to define the industry. While both Commerce and the ITC apply the same statutory definition regarding the domestic like product,¹⁶ they do so for different purposes and pursuant to a separate and distinct authority. In

ACCESS can be found at <https://access.trade.gov/help.aspx> and a handbook can be found at https://access.trade.gov/help/Handbook_on_Electronic_Filing_Procedures.pdf.

¹⁵ See Commerce’s Letters “Invitation for Consultation to Discuss the Countervailing Duty Petition on Certain Alkyl Phosphate Esters from the People’s Republic of China,” dated April 25, 2024.

¹⁶ See section 771(10) of the Act.

addition, Commerce's determination is subject to limitations of time and information. Although this may result in different definitions of the like product, such differences do not render the decision of either agency contrary to law.¹⁷

Section 771(10) of the Act defines the domestic like product as "a product which is like, or in the absence of like, most similar in characteristics and uses with, the article subject to an investigation under this title." Thus, the reference point from which the domestic like product analysis begins is "the article subject to an investigation" (*i.e.*, the class or kind of merchandise to be investigated, which normally will be the scope as defined in the petition).

With regard to the domestic like product, the petitioners do not offer a definition of the domestic like product distinct from the scope of the investigation.¹⁸ Based on our analysis of the information submitted on the record, we have determined that disposable aluminum containers, as defined in the scope, constitute a single domestic like product, and we have analyzed industry support in terms of that domestic like product.¹⁹

In determining whether the petitioners have standing under section 702(c)(4)(A) of the Act, we considered the industry support data contained in the Petition with reference to the domestic like product as defined in the "Scope of the Investigation," in the appendix to this notice. To establish industry support, the petitioners provided their 2023 production data of the domestic like product.²⁰ The petitioners estimated the production of the domestic like product for the remaining U.S. producers of disposable aluminum containers based on the Aluminum Foil Container Manufacturers Association's knowledge

¹⁷ See *USEC, Inc. v. United States*, 132 F. Supp. 2d 1, 8 (CIT 2001) (citing *Algoma Steel Corp., Ltd. v. United States*, 688 F. Supp. 639, 644 (CIT 1988), *aff'd Algoma Steel Corp., Ltd. v. United States*, 865 F.2d 240 (Fed. Cir. 1989)).

¹⁸ See Petition at Volume I (pages 11–13); see also First General Issues Supplement at 7–11.

¹⁹ For a discussion of the domestic like product analysis as applied to this case and information regarding industry support, see Checklist, "Disposable Aluminum Containers, Pans, Trays, and Lids from the People's Republic of China," dated concurrently with, and hereby adopted by, this notice (China CVD Initiation Checklist), at Attachment II, Analysis of Industry Support for the Antidumping and Countervailing Duty Petitions Covering Disposable Aluminum Containers, Pans, Trays, and Lids from the People's Republic of China. This checklist is on file electronically via ACCESS.

²⁰ See Petition at Volume I (pages 3–4 and Exhibit GEN–2); see also First General Issues Supplement at 7 and Exhibit GEN–Supp–3.

of the industry.²¹ We relied on data provided by the petitioners for purposes of measuring industry support.²²

Our review of the data provided in the Petition, the First General Issues Supplement, and other information readily available to Commerce indicates that the petitioners have established industry support for the Petition.²³ First, the Petition established support from domestic producers (or workers) accounting for more than 50 percent of the total production of the domestic like product and, as such, Commerce is not required to take further action to evaluate industry support (*e.g.*, polling).²⁴ Second, the domestic producers (or workers) have met the statutory criteria for industry support under section 702(c)(4)(A)(i) of the Act because the domestic producers (or workers) who support the Petition account for at least 25 percent of the total production of the domestic like product.²⁵ Finally, the domestic producers (or workers) have met the statutory criteria for industry support under section 702(c)(4)(A)(ii) of the Act because the domestic producers (or workers) who support the Petition account for more than 50 percent of the production of the domestic like product produced by that portion of the industry expressing support for, or opposition to, the Petition.²⁶ Accordingly, Commerce determines that the Petition was filed on behalf of the domestic industry within the meaning of section 702(b)(1) of the Act.²⁷

Injury Test

Because China is a "Subsidies Agreement Country" within the meaning of section 701(b) of the Act, section 701(a)(2) of the Act applies to this investigation. Accordingly, the ITC must determine whether imports of the subject merchandise from China materially injure, or threaten material injury to, a U.S. industry.

Allegations and Evidence of Material Injury and Causation

The petitioners allege that imports of the subject merchandise are benefiting

²¹ See Petition at Volume I (pages 3–4 and Exhibits GEN–2 and GEN–3); see also First General Issues Supplement at 6–7 and Exhibit GEN–Supp–3.

²² See Petition at Volume I (pages 3–4 and Exhibits GEN–2 and GEN–3); see also First General Issues Supplement at 6–7 and Exhibit GEN–Supp–3. For further discussion, see Attachment II of the China AD Initiation Checklist.

²³ See Attachment II of the China CVD Initiation Checklist.

²⁴ *Id.*; see also section 702(c)(4)(D) of the Act.

²⁵ See Attachment II of the China CVD Initiation Checklist.

²⁶ *Id.*

²⁷ *Id.*

from countervailable subsidies and that such imports are causing, or threaten to cause, material injury to the U.S. industry producing the domestic like product. In addition, the petitioners allege that subject imports from China exceed the negligibility threshold provided for under section 771(24)(A) of the Act.²⁸

The petitioners contend that the industry's injured condition is illustrated by the significant and increasing volume of subject imports, declining market share, underselling and price depression and/or suppression, lost sales and revenues, declines in unit net sales, declines in production and U.S. shipments, and declines in profitability and operating income.²⁹ We assessed the allegations and supporting evidence regarding material injury, threat of material injury, causation, cumulation, as well as negligibility, and we have determined that these allegations are properly supported by adequate evidence and meet the statutory requirements for initiation.³⁰

Initiation of CVD Investigation

Based upon the examination of the Petition and supplemental responses, we find that they meet the requirements of section 702 of the Act. Therefore, we are initiating a CVD investigation to determine whether imports of disposable aluminum containers from China benefit from countervailable subsidies conferred by the GOC. In accordance with section 703(b)(1) of the Act and 19 CFR 351.205(b)(1), unless postponed, we will make our preliminary determinations no later than 65 days after the date of this initiation.

China

Based on our review of the Petition, we find that there is sufficient information to initiate a CVD investigation on 16 programs alleged by the petitioners. For a full discussion of the basis for our decision to initiate on each program, see the China CVD Initiation Checklist. A public version of

²⁸ See Petition at Volume I (pages 14–15 and Exhibit GEN–8); see also First General Issues Supplement at 12.

²⁹ See Petition at Volume I (pages 14–28 and Exhibits GEN–6 and GEN–8 through GEN–13); see also First General Issues Supplement at 11–12 and Exhibit GEN–Supp–4.

³⁰ See China CVD Initiation Checklist at Attachment III, Analysis of Allegations and Evidence of Material Injury and Causation for the Antidumping and Countervailing Duty Petitions Covering Disposable Aluminum Containers, Pans, Trays, and Lids from the People's Republic of China.

the initiation checklist for this investigation is available on ACCESS.

Respondent Selection

In the Petition, the petitioners identify 78 companies in China as producers and/or exporters of disposable aluminum containers.³¹ Commerce intends to follow its standard practice in CVD investigations and calculate company-specific subsidy rates in this investigation. In the event that Commerce determines that the number of companies is large and it cannot individually examine each company based on Commerce's resources, where appropriate, Commerce intends to select respondents based on U.S. Customs and Border Protection (CBP) data for U.S. imports of disposable aluminum containers during the POI under the appropriate Harmonized Tariff Schedule of the United States subheadings listed within the "Scope of the Investigation" in the appendix to this notice.

On May 30, 2024, Commerce released the CBP data for imports of disposable aluminum containers from China under administrative protective order (APO) to all parties with access to information protected by APO and indicated that interested parties wishing to comment regarding the CBP data and/or respondent selection must do so within three business days of the publication date of the notice of initiation of this investigation.³² Comments must be filed electronically using ACCESS. An electronically filed document must be received successfully, in its entirety, by ACCESS no later than 5:00 p.m. ET on the date noted above. Commerce will not accept rebuttal comments regarding the CBP data or respondent selection.

Interested parties must submit applications for disclosure under APO in accordance with 19 CFR 351.305(b). Instructions for filing such applications may be found on Commerce's website at <https://www.trade.gov/administrative-protective-orders>.

Distribution of Copies of the Petition

In accordance with section 702(b)(4)(A) of the Act and 19 CFR 351.202(f), a copy of the public version of the Petition has been provided to the GOC via ACCESS. To the extent practicable, we will attempt to provide a copy of the public version of the

³¹ See Petition at Volume I (page 10 and Exhibit GEN-5); see also First General Issues Supplement at 2 and Exhibit GEN-Supp-1.

³² See Memorandum, "Petition for the Imposition of Countervailing Duties on Imports of Disposable Aluminum Containers, Pans, and Trays from the People's Republic of China: Release of U.S. Customs and Border Protection Entry Data," dated May 30, 2024.

Petition to each exporter named in the Petition, as provided under 19 CFR 351.203(c)(2).

ITC Notification

Commerce will notify the ITC of its initiation, as required by section 702(d) of the Act.

Preliminary Determination by the ITC

The ITC will preliminarily determine, within 45 days after the date on which the Petition were filed, whether there is a reasonable indication that imports of disposable aluminum containers from China are materially injuring, or threatening material injury to, a U.S. industry.³³ A negative ITC determination will result in the investigation being terminated.³⁴ Otherwise, this CVD investigation will proceed according to statutory and regulatory time limits.

Submission of Factual Information

Factual information is defined in 19 CFR 351.102(b)(21) as: (i) evidence submitted in response to questionnaires; (ii) evidence submitted in support of allegations; (iii) publicly available information to value factors of production under 19 CFR 351.408(c) or to measure the adequacy of remuneration under 19 CFR 351.511(a)(2); (iv) evidence placed on the record by Commerce; and (v) evidence other than factual information described in (i)–(iv). Section 351.301(b) of Commerce's regulations requires any party, when submitting factual information, to specify under which subsection of 19 CFR 351.102(b)(21) the information is being submitted³⁵ and, if the information is submitted to rebut, clarify, or correct factual information already on the record, to provide an explanation identifying the information already on the record that the factual information seeks to rebut, clarify, or correct.³⁶ Time limits for the submission of factual information are addressed in 19 CFR 351.301, which provides specific time limits based on the type of factual information being submitted. Interested parties should review the regulations prior to submitting factual information in this investigation.

Extensions of Time Limits

Parties may request an extension of time limits before the expiration of a time limit established under 19 CFR 351.301, or as otherwise specified by

³³ See section 703(a)(1) of the Act.

³⁴ *Id.*

³⁵ See 19 CFR 351.301(b).

³⁶ See 19 CFR 351.301(b)(2).

Commerce. In general, an extension request will be considered untimely if it is filed after the expiration of the time limit established under 19 CFR 351.301, or as otherwise specified by Commerce.³⁷ For submissions that are due from multiple parties simultaneously, an extension request will be considered untimely if it is filed after 10:00 a.m. ET on the due date. Under certain circumstances, Commerce may elect to specify a different time limit by which extension requests will be considered untimely for submissions which are due from multiple parties simultaneously. In such a case, we will inform parties in a letter or memorandum of the deadline (including a specified time) by which extension requests must be filed to be considered timely. An extension request must be made in a separate, standalone submission; under limited circumstances we will grant untimely filed requests for the extension of time limits, where we determine, based on 19 CFR 351.302, that extraordinary circumstances exist. Parties should review Commerce's regulations concerning the extension of time limits and the *Time Limits Final Rule* prior to submitting factual information in this investigation.³⁸

Certification Requirements

Any party submitting factual information in an AD or CVD proceeding must certify to the accuracy and completeness of that information.³⁹ Parties must use the certification formats provided in 19 CFR 351.303(g).⁴⁰ Commerce intends to reject factual submissions if the submitting party does not comply with the applicable certification requirements.

Notification to Interested Parties

Interested parties must submit applications for disclosure under APO in accordance with 19 CFR 351.305. Parties wishing to participate in this investigation should ensure that they meet the requirements of 19 CFR 351.103(d) (e.g., by filing the required letters of appearance). Note that

³⁷ See 19 CFR 351.302.

³⁸ See 19 CFR 351.301; see also *Extension of Time Limits; Final Rule*, 78 FR 57790 (September 20, 2013) (*Time Limits Final Rule*), available at <https://www.gpo.gov/fdsys/pkg/FR-2013-09-20/html/2013-22853.htm>.

³⁹ See section 782(b) of the Act.

⁴⁰ See *Certification of Factual Information to Import Administration During Antidumping and Countervailing Duty Proceedings*, 78 FR 42678 (July 17, 2013) (*Final Rule*); see also frequently asked questions regarding the *Final Rule*, available at https://enforcement.trade.gov/lei/notices/factual_info_final_rule_FAQ_07172013.pdf.

Commerce has amended certain of its requirements pertaining to the service of documents in 19 CFR 351.303(f).⁴¹

This notice is issued and published pursuant to sections 702 and 777(i) of the Act, and 19 CFR 351.203(c).

Dated: June 5, 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.

Appendix

Scope of the Investigation

The merchandise covered by this investigation is disposable aluminum containers, pans, trays, and lids produced primarily from flat-rolled aluminum. The subject merchandise includes disposable aluminum containers, pans, trays, and lids regardless of shape or size and whether or not wrinkled or smooth.

The term “disposable” is used to identify an aluminum article that is designed to be used once, or for a limited number of times, and then recycled or otherwise disposed.

“Containers, pans, and trays” are receptacles for holding goods.

The subject disposable aluminum lids are intended to be used in combination with disposable containers produced from aluminum or other materials (e.g., paper or plastic). Where a disposable aluminum lid is imported with a non-aluminum container, only the disposable aluminum lid is included in the scope.

Disposable aluminum containers, pans, trays, and lids are also included within the scope regardless of whether the surface has been embossed, printed, coated (including with a non-stick substance), or decorated, and regardless of the style of the edges. The inclusion of a non-aluminum lid or dome sold or packaged with an otherwise in-scope article does not remove the article from the scope, however, only the disposable aluminum container, pan, tray, and lid is covered by the scope definition.

Disposable aluminum containers, pans, trays, and lids are typically used in food-related applications, including but not limited to food preparation, packaging, baking, barbecuing, reheating, takeout, or storage, but also have other uses. Regardless of end use, disposable aluminum containers, pans, trays, and lids that meet the scope definition and are not otherwise excluded are subject merchandise.

Excluded from the scope are disposable aluminum casks, drums, cans, boxes and similar containers (including disposable aluminum cups and bottles) properly classified under Harmonized Tariff Schedule of the United States (HTSUS) subheading 7612.90. However, aluminum containers, pans, trays, and lids that would otherwise be covered by the scope are not excluded based solely on the fact that they are being

classified under HTSUS subheading 7612.90.5000 due to the thickness of aluminum being less than 0.04 mm or greater than 0.22 mm.

The flat-rolled aluminum used to produce the subject articles may be made to ASTM specifications ASTM B479 or ASTM B209–14, but can also be made to other specifications. Regardless of the specification, however, all disposable aluminum containers, pans, trays, and lids meeting the scope description are included in the scope.

Disposable aluminum containers, pans, trays, and lids are currently classifiable under HTSUS subheading 7615.10.7125. Further, merchandise that falls within the scope of this proceeding may also be entered into the United States under HTSUS subheadings 7612.90.1090, 7615.10.3015, 7615.10.3025, 7615.10.7130, 7615.10.7155, 7615.10.7180, 7615.10.9100, and 8309.90.0000. Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope of this proceeding is dispositive.

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DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–170]

Disposable Aluminum Containers, Pans, Trays, and Lids From the People’s Republic of China: Initiation of Less-Than-Fair-Value Investigation

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

DATES: Applicable June 5, 2024.

FOR FURTHER INFORMATION CONTACT: Alexander Cipolla, AD/CVD Operations, Office III, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–4956.

SUPPLEMENTARY INFORMATION:

The Petition

On May 16, 2024, the U.S. Department of Commerce (Commerce) received an antidumping duty (AD) petition concerning imports of disposable aluminum containers, pans, trays, and lids (disposable aluminum containers) from the People’s Republic of China (China) filed in proper form on behalf of the Aluminum Foil Container Manufacturers Association and certain of its individual member companies (collectively, the petitioners).¹ The

Petition was accompanied by a countervailing duty (CVD) petition concerning imports of disposable aluminum containers from China.²

Between May 20 and May 28, 2024, Commerce requested supplemental information pertaining to certain aspects of the Petition in supplemental questionnaires.³ The petitioners responded to Commerce’s supplemental questionnaires between May 23 and May 29, 2024.⁴

In accordance with section 732(b) of the Tariff Act of 1930, as amended (the Act), the petitioners allege that imports of disposable aluminum containers from China are being, or are likely to be, sold in the United States at less than fair value (LTFV) within the meaning of section 731 of the Act, and that imports of such products are materially injuring, or threatening material injury to, the disposable aluminum containers industry in the United States. Consistent with section 732(b)(1) of the Act, the Petition was accompanied by information reasonably available to the petitioners supporting their allegations.

Commerce finds that the petitioners filed the Petition on behalf of the domestic industry, because the petitioners are interested parties, as defined in sections 771(9)(C) and (E) of the Act.⁵ Commerce also finds that the petitioners demonstrated sufficient industry support for the initiation of the requested LTFV investigation.⁶

individual member companies supporting the Petition are Durable Packaging International; D&W Fine Pack, LLC; Handi-foil Corp.; Penny Plate, LLC; Reynolds Consumer Products, LLC; Shah Foil Products, Inc.; Smart USA, Inc.; and Trinidad/Benham Corp.

² *Id.*

³ See Commerce’s Letters, “Supplemental Questions,” dated May 20, 2024 (General Issues Questionnaire) and “Supplemental Questions,” dated May 20, 2024; see also Memorandum, “Phone Call with Counsel to Petitioner,” dated May 28, 2024 (May 28 Memorandum).

⁴ See Petitioners’ Letters, “Petitioners’ Supplement and Amendment to Volume I Relating to Request for the Imposition of Antidumping and Countervailing Duties on Imports from China,” dated May 23, 2024 (First General Issues Supplement); “Petitioners’ Supplement to Volume II Relating to Petition for the Imposition of Antidumping Duties on Imports from China,” dated May 23, 2024 (China AD Supplement); and “Petitioners’ 2nd Supplement and Amendment to Volume I Relating to the Request for the Imposition of Antidumping and Countervailing Duties on Imports from China,” dated May 29, 2024 (Second General Issues Supplement).

⁵ The Aluminum Foil Container Manufacturers Association is an interested party under section 771(7)(E) of the Act, while the individual members supporting the Petition are interested parties under section 771(7)(C) of the Act.

⁶ See section on “Determination of Industry Support for the Petition,” *infra*.

⁴¹ See *Administrative Protective Order, Service, and Other Procedures in Antidumping and Countervailing Duty Proceedings*, 88 FR 67069 (September 29, 2023).

¹ See Petitioners’ Letter, “Petition for the Imposition of Antidumping and Countervailing Duties,” dated May 16, 2024 (the Petition). The