



## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-552-839]

#### **Certain Paper Plates from the Socialist Republic of Vietnam: Final Affirmative Determination of Sales at Less Than Fair Value and Final Affirmative Determination of Critical Circumstances, in Part**

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

**SUMMARY:** The U.S. Department of Commerce (Commerce) determines that certain paper plates (paper plates) from the Socialist Republic of Vietnam (Vietnam) are being, or are likely to be, sold in the United States at less than fair value (LTFV) for the period of investigation (POI) July 1, 2023, through December 31, 2023.

**DATES:** Applicable [Insert date of publication in the *Federal Register*].

**FOR FURTHER INFORMATION CONTACT:** Bryan Hansen, AD/CVD Operations, Office I, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue, NW, Washington, DC 20230; telephone: (202) 482-3683.

#### **SUPPLEMENTARY INFORMATION:**

##### Background

On September 5, 2024, Commerce published in the *Federal Register* its preliminary affirmative determination in the LTFV investigation of paper plates from Vietnam and invited interested parties to comment.<sup>1</sup> For a complete description of the events that followed the *Preliminary Determination*, see the Issues and Decision Memorandum.<sup>2</sup>

---

<sup>1</sup> See *Certain Paper Plates from the Socialist Republic of Vietnam: Preliminary Affirmative Determination of Sales at Less Than Fair Value, Preliminary Affirmative Determination of Critical Circumstances, in Part, Postponement of Final Determination, and Extension of Provisional Measures*, 89 FR 72375 (September 5, 2024) (*Preliminary Determination*), and accompanying Preliminary Decision Memorandum (PDM).

<sup>2</sup> See Memorandum, “Issues and Decision Memorandum for the Final Affirmative Determination of Sales at Less Than Fair Value of Certain Paper Plates from the Socialist Republic of Vietnam,” dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).

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 products covered by this investigation are paper plates from Vietnam. For a complete description of the scope of this investigation, *see* Appendix I.

### Scope Comments

We received no comments from interested parties on the scope of the investigation as it appeared in the *Preliminary Determination*. Therefore, we made no changes to the scope of the investigation.

### Verification

Commerce verified sales and factors of production information submitted by Go-Pak Paper Products Vietnam Co., Ltd. (Go-Pak Vietnam) for use in our final determination, consistent with section 782(i) of the Tariff Act of 1930, as amended (the Act).<sup>3</sup> We used standard verification procedures, including an examination of relevant sales and accounting records, and original source documents provided by Go-Pak Vietnam.

### Analysis of Comments Received

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

### Final Affirmative Determination of Critical Circumstances, in Part

---

<sup>3</sup> *See* Memoranda, "Factors of Production Verification Report," dated October 15, 2024; and "Sales Verification Report," dated October 25, 2024.

Commerce preliminarily determined, in accordance with section 733(e)(1) of the Tariff Act of 1930, as amended (the Act), and 19 CFR 351.206(c)(1), that critical circumstances exist with respect to imports of paper plates for the Vietnam-wide entity but not for Go-Pak Vietnam.<sup>4</sup> Further, for the final determination, pursuant to section 735(a)(3)(B) of the Act and 19 CFR 351.206, we continue to find that critical circumstances exist for the Vietnam-wide entity and that critical circumstances do not exist for Go-Pak Vietnam.<sup>5</sup>

#### Changes Since the *Preliminary Determination*

Based on our review and analysis of the information at verification and comments received from interested parties, we made certain changes to the calculation of Go-Pak Vietnam's estimated weighted-average dumping margin. For a discussion of these changes, *see* the Issues and Decision Memorandum.

#### Vietnam-Wide Entity and Use of Adverse Facts Available

Consistent with the *Preliminary Determination*,<sup>6</sup> Commerce continues to find, pursuant to sections 776(a) and (b) of the Act, that the use of facts otherwise available, with adverse inferences, is warranted in determining the dumping rate for the Vietnam-wide entity. For this final determination there is no new information on the record that would cause us to revisit our decision in the preliminary determination. Therefore, as adverse facts available (AFA), we have continued to assign a rate of 165.27 percent, which is the highest dumping margin alleged in the petition, to the Vietnam-wide entity.<sup>7</sup>

#### Separate Rates

No interested party commented on Commerce's preliminary separate rate determination<sup>8</sup> and we have no basis to reconsider this determination. Accordingly, we continue to find that Go-Pak Vietnam is the sole respondent eligible for a separate rate.

---

<sup>4</sup> *See Preliminary Determination*, 89 FR at 72376.

<sup>5</sup> *See* Issues and Decision Memorandum at 2-4.

<sup>6</sup> *See Preliminary Determination* PDM at 11-15.

<sup>7</sup> *Id.*

<sup>8</sup> *Id.* at 9-11.

### Combination Rates

Consistent with the *Preliminary Determination*, and Policy Bulletin 05.1,<sup>9</sup> Commerce calculated a producer/exporter combination rate for Go-Pak Vietnam, *i.e.*, the sole respondent eligible for a separate rate.

### Final Determination

Commerce determines that the following estimated weighted-average dumping margins exist:

<b>Exporter</b>	<b>Producer</b>	<b>Weighted-Average Dumping Margin (percent)</b>	<b>Cash Deposit Rate (Adjusted for Export Subsidy Offset) (percent)</b>
Go-Pak Paper Products Vietnam Co., Ltd.	Go-Pak Paper Products Vietnam Co., Ltd.	30.42	24.89
Vietnam-Wide Entity		165.27*	159.74

\* Rate based on AFA.

### Disclosure

Commerce intends to disclose the calculations performed in 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) and (C) of the Act, we will instruct U.S. Customs and Border Protection (CBP) to suspend liquidation of all appropriate entries of subject merchandise, as described in Appendix I of this notice, which were entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice in the *Federal Register* for Go-Pak Vietnam.

---

<sup>9</sup> See Enforcement and Compliance's Policy Bulletin No. 05.1, regarding, "Separate-Rates Practice and Application of Combination Rates in Antidumping Investigations involving Non-Market Economy Countries," (April 5, 2005) (Policy Bulletin 05.1), available at <https://access.trade.gov/Resources/policy/bull05-1.pdf>.

Section 733(e)(2) of the Act provides that, given an affirmative determination of critical circumstances, any suspension of liquidation shall apply to unliquidated entries of subject merchandise entered, or withdrawn from warehouse, for consumption on or after the later of: (a) the date which is 90 days before the date on which the suspension of liquidation was first ordered; or (b) the date on which notice of initiation of the investigation was published.

Commerce finds that critical circumstances exist for imports of subject merchandise produced or exported by the Vietnam-wide entity. In accordance with section 733(e)(2)(A) of the Act, the suspension of liquidation shall apply to unliquidated entries of shipments of subject merchandise from the producer(s) or exporter(s) identified in this paragraph that were entered, or withdrawn from warehouse, for consumption on or after June 7, 2024, which is 90 days before the publication of the *Preliminary Determination*. 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), upon the publication of this notice, Commerce will instruct CBP to require a cash deposit for estimated antidumping duties for appropriate entries.

Commerce will instruct CBP to require the following cash deposits of estimated antidumping duties for all appropriate entries: (1) for the producer/exporter combinations listed in the table above, the applicable cash deposit rate is listed in the table for that combination; (2) for all combinations of Vietnamese producers/exporters of the merchandise under consideration that have not established eligibility for a separate rates, the cash deposit rate will be equal to the estimated weighted-average dumping margin established for the Vietnam-wide entity; and (3) for all third-country exporters of the merchandise under consideration not listed in the table above, the cash deposit rate is the cash deposit rate applicable to the Vietnamese producer/exporter combination that supplied that third-country exporter or, if the exporter/producer combination does not have its own rate, the cash deposit rate will be the Vietnam-wide rate. These suspension of liquidation instructions will remain in effect until further notice.

## U.S. International Trade Commission (ITC)

In accordance with section 735(d) of the Act, we will notify the ITC of this final affirmative determination of sales at LTFV. Because Commerce's final determination in this investigation 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 of paper plates no later than 45 days after this final determination. If the ITC determines that material injury or threat of material injury does not exist, the proceeding will be terminated and all cash deposits will be refunded or canceled, 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 instructions by Commerce, antidumping duties on all imports of the subject merchandise that are entered, or withdrawn from warehouse, for consumption on or after the effective date of the suspension of liquidation, as discussed above in the "Continuation of Suspension of Liquidation" section.

### 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 determination and this notice are issued and published pursuant to sections 735(d) and 777(i)(1) of the Act, and 19 CFR 351.210(c).

Dated: January 21, 2025.

**Abdelali Elouaradia,**

*Deputy Assistant Secretary*

*for Enforcement and Compliance.*

## Appendix I

### Scope of the Investigation

The merchandise subject to this investigation is certain paper plates. Paper plates subject to this investigation may be cut from rolls, sheets, or other pieces of paper and/or paper board. Paper plates subject to this investigation have a depth up to and including two (2.0) inches, as measured vertically from the base to the top of the lip, or the edge if the plate has no lip. Paper plates subject to this investigation may be uncolored, white, colored, or printed. Printed paper plates subject to this investigation may have any type of surface finish, and may be printed by any means with images, text and/or colors on one or both surfaces. Colored paper plates subject to this investigation may be colored by any method, including but not limited to printing, beater-dyeing, and dip-dyeing. Paper plates subject to this investigation may be produced from paper of any type (including, but not limited to, bamboo, straws, bagasse, hemp, kenaf, jute, sisal, abaca, cotton inters and reeds, or from non-plant sources, such as synthetic resin (petroleum)-based resins), may have any caliper or basis weight, may have any shape or size, may have one or more than one section, may be embossed, may have foil or other substances adhered to their surface, and/or may be uncoated or coated with any type of coating.

The paper plates subject to this investigation remain covered by the scope of this investigation whether imported alone, or in any combination of subject and non-subject merchandise. When paper plates subject to this investigation are imported in combination with non-subject merchandise, only the paper plates subject to this investigation are subject merchandise.

The paper plates subject to this investigation include paper plates matching the above description that have been finished, packaged, or otherwise processed in a third country by performing finishing, packaging, or processing that would not otherwise remove the merchandise from the scope of the investigation if performed in the country of manufacture of the paper plates. Examples of finishing, packaging, or other processing in a third country that would not otherwise remove the merchandise from the scope of the investigation if performed in the country of manufacture of the paper plates include, but are not limited to, printing, application of other surface treatments such as coatings, repackaging, embossing, and application of foil surface treatments.

Excluded from the scope of this investigation are paper plates molded or pressed directly from paper pulp (including but not limited to unfelted pulp), which are currently classifiable under subheading 4823.70.0020 of the Harmonized Tariff Schedule of the United States (HTSUS).

Also excluded from the scope of this investigation are articles that otherwise would be covered but which exhibit the following two physical characteristics: (a) depth (measured vertically from the base to the top of the lip, or edge if no lip) equal to or greater than 1.25 inches but less than two (2.0) inches, and (b) a base not exceeding five (5.0) inches in diameter if round, or not exceeding 20 square inches in area if any other shape.

Also excluded from the scope of this investigation are paper bowls, paper buckets, and paper food containers with closeable lids.

Paper plates subject to this investigation are currently classifiable under HTSUS subheading 4823.69.0040. Paper plates subject to this investigation also may be classified under HTSUS subheading 4823.61.0040. If packaged with other articles, the paper plates subject to this investigation also may be classified under HTSUS subheadings 9505.90.4000 and 9505.90.6000.

While the HTSUS subheading(s) are provided for convenience and customs purposes, the written description of the subject merchandise is dispositive.

## Appendix II

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

- I. Summary
- II. Background
- III. Final Affirmative Determination of Critical Circumstances, in Part
- IV. Adjustment to Cash Deposit Rate for Export Subsidies
- V. Changes Since the *Preliminary Determination*
- VI. Application of Facts Available and Use of Adverse Inference
- VII. Discussion of the Issues
  - Comment 1: Selection of Surrogate Value for Paper Input
  - Comment 2: Selection of Surrogate Financial Statements
  - Comment 3: Separate Valuation of Domestic Inland Freight Insurance
  - Comment 4: Calculation of Scrap Offset
- VIII. Recommendation

[FR Doc. 2025-01806 Filed: 1/27/2025 8:45 am; Publication Date: 1/28/2025]