



A-570-053
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February 27, 2023

MEMORANDUM TO: Dana S. Mermelstein
Director, Office VI
Antidumping and Countervailing Duty Operations

THROUGH: Erin Kearney
Program Manager, Office VI
Antidumping and Countervailing Duty Operations

FROM: Mark Flessner
Senior International Trade Compliance Analyst, Office VI
Antidumping and Countervailing Duty Operations

SUBJECT: Aluminum Foil from the People's Republic of China –
Circumvention Inquiry with Respect to the Republic of Korea and
the Kingdom of Thailand: Extension of Preliminary and Final
Determinations in Circumvention Inquiries

I. BACKGROUND

On July 18, 2022, the Department of Commerce (Commerce) published notice of its initiation of country-wide circumvention inquiries¹ to determine whether certain aluminum foil that is completed in the Republic of Korea and the Kingdom of Thailand using inputs from the People's Republic of China (China), are circumventing the antidumping (AD) and countervailing duty (CVD) orders on certain aluminum foil from China.² On December 1, 2022, we extended the deadlines for issuing the preliminary and final determinations in these inquiries by 75 days and

¹ See *Certain Aluminum Foil from the People's Republic of China: Initiation of Circumvention Inquiry on the Antidumping Duty and Countervailing Duty Orders*, 87 FR 42702 (July 18, 2022) (*Initiation Notice*) and accompanying Initiation Memorandum.

² See *Certain Aluminum Foil from the People's Republic of China: Final Affirmative Determination of Sales at Less Than Fair Value*, 83 FR 9282 (March 5, 2018); see also *Certain Aluminum Foil from the People's Republic of China: Amended Final Determination of Sales at Less than Fair Value and Antidumping Duty Order*, 83 FR 17362 (April 19, 2018); *Countervailing Duty Investigation of Certain Aluminum Foil from the People's Republic of China: Final Affirmative Determination*, 83 FR 9274 (March 5, 2018); and *Certain Aluminum Foil from the People's Republic of China: Amended Final Affirmative Countervailing Duty Determination and Countervailing Duty Order*, 83 FR 17360 (April 19, 2018) (*Orders*).



65 days, respectively.³ The current deadline for the preliminary determinations is February 28, 2023, and that for final determinations is July 18, 2023.

II. EXTENSION OF TIME LIMIT FOR PRELIMINARY AND FINAL RESULTS

Pursuant to 19 CFR 351.302(b), “{u}nless expressly precluded by statute, the Secretary may, for good cause, extend any time limit... .” Throughout this inquiry, Commerce has received (and responded to) a significant amount of comments from, and held meetings with, interested parties, importers, and members of Congress concerning the decision to initiate, the procedures for, and the potential implications of these inquiries.⁴ Additionally, these inquiries pose numerous complex methodological issues which Commerce requires more time to analyze.

For the above-mentioned reasons and because these inquiries are extraordinarily complicated, additional time is required in order to issue the preliminary and final determinations in these

³ See Memorandum, “Aluminum Foil from the People’s Republic of China – Circumvention Inquiry with Respect to Korea and Thailand: Extension of Preliminary and Final Determinations in Circumvention Inquiries,” dated December 1, 2022.

⁴ See, e.g., Flexible Packaging Association’s Letter, “Aluminum Foil from the People’s Republic of China: The Flexible Packaging Association’s Coalition for Aluminum Foil Security’s Comments on Initiation and Rebuttal Factual Information,” dated September 16, 2022; see also LFFlex’s Letter, “Certain Aluminum Foil from the People’s Republic of China Circumvention Inquiry: Comments on Circumvention Initiation from Thailand,” dated September 16, 2022; and the Flexible Packaging Association’s Letter, “Aluminum Foil from the People’s Republic of China: The Flexible Packaging Association’s Coalition for Aluminum Foil Security’s Comments on Initiation and Rebuttal Factual Information,” dated September 16, 2022; and UATH’s Letter, “Aluminum Foil from the People’s Republic of China: Circumvention Inquiry With Respect to the Republic of Korea: Comments on the Self-Initiation of the Circumvention Inquiry,” dated September 16, 2022; Petitioners’ Letter, “Antidumping and Countervailing Duty Orders on Certain Aluminum Foil From the People’s Republic of China – Petitioners’ Submission of New Factual Information Concerning the Department’s Self-Initiation of This Segment,” dated September 16, 2022; and Dingsheng’s Letter, “Aluminum Foil from the People’s Republic of China: Circumvention Inquiry from Thailand: 30-Day Comments on Initiation,” dated September 19, 2022; and Memorandum, “Circumvention Inquiries on Aluminum Foil from the People’s Republic of China -- Republic of Korea and Republic of Korea: Video Meeting,” dated October 7, 2022; and Memorandum, “Circumvention Inquiries on Aluminum Foil from the People’s Republic of China -- Republic of Korea and Republic of Korea: Video Meeting,” dated October 7, 2022; and U.S. Representative Brian Fitzpatrick’s Letter dated October 14, 2022; and Petitioners’ Letter, “Antidumping and Countervailing Duty Orders on Certain Aluminum Foil From the People’s Republic of China – Petitioners’ Rebuttal to Respondents’ Comments on Department of Commerce’s Initiation of Inquiry,” dated October 21, 2022; and Commerce’s Letter dated October 27, 2022; and Memorandum, “Circumvention Inquiries on Aluminum Foil from the People’s Republic of China -- Republic of Korea and Republic of Korea: Video Meeting,” dated October 27, 2022; and U.S. Representative Scott Fitzgerald’s Letter dated November 1, 2022; and U.S. Representative Bryan Steil’s Letter, “Anti-Circumvention Inquiry (Assembly in 3rd County) -- Korea/Thailand; Case A-570-053,” dated November 14, 2022; and Memorandum, “Circumvention Inquiries on Aluminum Foil from the People’s Republic of China -- Republic of Korea and Republic of Korea: Video Meeting,” dated November 16, 2022; and Senator Patrick J. Toomey’s Letter dated December 8, 2022; and Commerce’s Letter dated December 20, 2022; and U.S. Representative Abigail Spanberger’s Letter dated January 13, 2023; and Commerce’s Letter dated January 20, 2023; and Memorandum, “Circumvention Inquiries on Aluminum Foil from the People’s Republic of China -- Republic of Korea and Republic of Korea: Video Meeting,” dated January 24, 2023; and Packaging Coalition’s Letter, dated January 31, 2023; and Representative James P. McGovern’s Letter, “Anti-Circumvention Inquiry - Imports of Certain Aluminum Foil from the Republic of Korea and the Kingdom of Thailand (Case A-570-053),” dated January 31, 2023; and Memorandum, “Circumvention Inquiries on Aluminum Foil from the People’s Republic of China -- Republic of Korea and Kingdom of Thailand: Video Meeting,” dated February 14, 2023; and Memorandum, “Circumvention Inquiries on Aluminum Foil from the People’s Republic of China -- Republic of Korea and Kingdom of Thailand: Video Meeting,” dated February 16, 2023.

circumvention inquiries. Therefore, Commerce has determined to further extend the deadlines for the preliminary and final determinations in these inquiries, in accordance with 19 CFR 351.302(b). Thus, we are hereby informing interested parties that we are extending, by 15 days, the deadlines for issuing both the preliminary and final determinations in these inquiries, until March 15, 2023, and August 2, 2023, respectively.



Agree



Disagree

2/27/2023

X Dana S Mermelstein

Signed by: Dana Mermelstein

Dana S. Mermelstein

Director

AD/CVD Operations, Office VI

Enforcement and Compliance