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July 12, 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
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Antidumping and Countervailing Duty Operations

SUBJECT: Aluminum Foil from the People's Republic from China –
Circumvention Inquiry with Respect to the Republic of Korea and
the Kingdom of Thailand: Extension of 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 65 days, respectively.³ On February 27, 2023, we further extended the deadlines for issuing the

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*).

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



preliminary and final determinations in these inquiries by 15 days.⁴ The current deadline for the final determinations is August 2, 2023.

II. EXTENSION OF TIME LIMIT FOR 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... .” We have received a large number of case and rebuttal briefs, many of which are of substantial length and complexity.⁵ Further, these circumvention inquiries pose numerous sophisticated 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 final determinations in these circumvention inquiries. Therefore, Commerce has determined to further extend the deadlines for the 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 62 days, the deadlines for issuing final determinations in these inquiries, until October 3, 2023.

⁴ 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 February 27, 2023.

⁵ See Dingsheng Group’s Letter, “Case Brief on Behalf of the Dingsheng Group in Aluminum Foil from the People’s Republic of China: Circumvention Inquiry from Thailand,” dated May 1, 2023; see also the Flexible Packaging Association’s Coalition for Aluminum Foil Security’s Letter, “Aluminum Foil from the People’s Republic of China: Anti-Circumvention Inquiry With Respect to the Republic of Thailand and Korea – Case Brief,” dated May 1, 2023; and Hanon Systems Alabama Corp.’s Letter, “Aluminum Foil from The People’s Republic of China: Hanon Systems Alabama Corp.’s Case Brief,” dated May 1, 2023; and Korean Producers’ Letter, “Certain Aluminum Foil from the People’s Republic of China: Korean Producers’ Case Brief,” dated May 1, 2023; and Manakin Industries, Inc.’s Letter, “Case Brief of Manakin Industries, Inc.,” dated May 1, 2023; and Now Plastics’ Letter, “Aluminum Foil from the People’s Republic of China; Comments on the Preliminary Anti-Circumvention Determination,” dated May 1, 2023 (resubmitted May 4, 2023); and Petitioners’ Letter, “Petitioners’ Case Brief (Korea),” dated May 1, 2023; and Petitioners’ Letter, “Petitioners’ Case Brief (Thailand),” dated May 1, 2023; and Sankyu-Thai Co., Ltd.’s Letter, “Aluminum Foil from the People’s Republic of China: Circumvention Inquiry With Respect to the Kingdom of Thailand: Case Brief,” dated May 1, 2023; and Selig Sealing Products, Inc.’s Letter, “Aluminum Foil from the People’s Republic of China: Selig’s Public Comments on the Preliminary Determination in the Circumvention Inquiry with Respect to the Republic of Korea,” dated May 1, 2023; and the Flexible Packaging Association’s Coalition for Aluminum Foil Security’s Letter, “Aluminum Foil from the People’s Republic of China: Anti-Circumvention Inquiry With Respect to the Republic of Thailand and Korea – Rebuttal Case Brief,” dated May 25, 2023; and Hanon Systems Alabama Corp.’s Letter, “Aluminum Foil from The People’s Republic of China: Hanon Systems Alabama Corp.’s Rebuttal Case Brief,” dated May 25, 2023; and Korean Producers’ Letter, “Certain Aluminum Foil from the People’s Republic of China: Korean Producers’ Rebuttal Brief,” dated May 25, 2023; and LFFlex, LLC’s Letter, “Certain Aluminum Foil from the People’s Republic of China Circumvention Inquiry: Rebuttal Comments,” dated May 25, 2023 (resubmitted May 26, 2023); and Now Plastics’ Letter, “Aluminum Foil from the People’s Republic of China; Rebuttal Comments,” dated May 25, 2023; and Petitioners’ Letter, “Petitioners’ Rebuttal Brief (Korea),” dated May 25, 2023; and Petitioners’ Letter, “Petitioners’ Rebuttal Brief (Thailand),” dated May 25, 2023.



Agree



Disagree

Dana S Mermelstein

7/12/2023

Dana S. Mermelstein

Director

AD/CVD Operations, Office VI

Enforcement and Compliance