

Application No.: 84–35A12.

Date Deemed Submitted: August 19, 2024.

Proposed Amendment: NFE seeks to amend its Certificate as follows:

1. Remove the following companies as Members of the Certificate:

- Blue Star Growers, Inc., Cashmere, WA
- Columbia Valley Fruit, L.L.C., Yakima, WA
- Honey Bear Tree Fruit Co., LLC., Yakima, WA
- Oneonta Trading Corp., The Dalles, OR
- Smith & Nelson, Inc., Tonasket, WA

2. Change the names of the following Members of the Certificate:

- HoneyBear Growers, LLC (Brewster, WA) changes to Honeybear Growers, LLC (Brewster, WA)

3. Change the Export Product coverage of the following Members of the Certificate:

- Legacy Fruit Packers LLC changes Export Product coverage from fresh apples and fresh pears to fresh apples (dropping fresh pears).
- Piepel Premium Fruit Packing LLC changes Export Product coverage from fresh apples and fresh sweet cherries to fresh apples (dropping fresh sweet cherries).
- Honeybear Growers, LLC changes Export Product coverage from fresh apples to fresh apples and fresh sweet cherries (adding fresh sweet cherries).

Northwest Fruit Exporters proposed amendment of its Certificate would result in the following Membership list:

1. Allan Bros., Naches, WA
2. AltaFresh L.L.C. dba Chelan Fresh Marketing, Chelan, WA
3. Apple House Warehouse & Storage, Inc., Brewster, WA
4. Apple King, L.L.C., Yakima, WA
5. Auvil Fruit Co., Inc. dba Gee Whiz II, LLC, Orondo, WA
6. Baker Produce, Inc., Kennewick, WA
7. Blue Bird, Inc., Peshastin, WA
8. Borton & Sons, Inc., Yakima, WA
9. Brewster Heights Packing & Orchards, LP dba Gebbers Farms, Brewster, WA
10. Chelan Fruit, Chelan, WA
11. Chiawana, Inc. dba Columbia Reach Pack, Yakima, WA
12. Chuy's Cherries LLC, Mattawa, WA
13. CMI Orchards LLC, Wenatchee, WA
14. Columbia Fresh Packing LLC, Kennewick, WA
15. Congdon Packing Co. L.L.C., Yakima, WA
16. Cowiche Growers, Inc., Cowiche, WA
17. CPC International Apple Company, Tieton, WA

18. Crane Ranch, Brewster, WA
19. Custom Apple Packers, Inc., Quincy & Wenatchee, WA
20. Diamond Fruit Growers Inc., Odell, OR
21. Domex Superfresh Growers LLC, Yakima, WA
22. Douglas Fruit Company, Inc., Pasco, WA
23. Dovex Export Company, Wenatchee, WA
24. Duckwall Fruit, Odell, OR
25. E. Brown & Sons, Inc., Milton-Freewater, OR
26. Evans Fruit Co., Inc., Yakima, WA
27. E.W. Brandt & Sons, Inc., Parker, WA
28. FirstFruits Farms, LLC, Prescott, WA
29. G&G Orchards, Inc., Yakima, WA
30. Gilbert Orchards, Inc., Yakima, WA
31. Hansen Fruit & Cold Storage Co., Inc., Yakima, WA
32. Henggeler Packing Co., Inc., Fruitland, ID
33. Honeybear Growers, LLC, Brewster, WA (for fresh apples and fresh sweet cherries)
34. Hood River Cherry Company, Hood River, OR
35. JackAss Mt. Ranch, Pasco, WA
36. Jenks Bros Cold Storage & Packing, Royal City, WA
37. Kershaw Fruit & Cold Storage, Co., Yakima, WA
38. L & M Companies, Union Gap, WA
39. Lateral Roots Farm, LLC, Wapato, WA
40. Legacy Fruit Packers LLC, Wapato, WA (for fresh apples only)
41. Manson Growers, Manson, WA
42. Matson Fruit Company, Selah, WA
43. McDougall & Sons, Inc., Wenatchee, WA
44. Monson Fruit Co., LLC, Selah, WA
45. Morgan's of Washington dba Double Diamond Fruit, Quincy, WA
46. New Columbia Fruit Packers, LLC, Wenatchee, WA
47. Northern Fruit Company, Inc., Wenatchee, WA
48. Olympic Fruit Co., Moxee, WA
49. Orchard View Farms, Inc., The Dalles, OR
50. Pacific Coast Cherry Packers, LLC, Yakima, WA
51. Piepel Premium Fruit Packing LLC, East Wenatchee, WA (for fresh apples only)
52. Pine Canyon Growers LLC, Orondo, WA
53. Polehn Farms, Inc., The Dalles, OR
54. Price Cold Storage & Packing Co., Inc., Yakima, WA
55. Quincy Fresh Fruit Co., Quincy, WA
56. Rainier Fruit Company, Selah, WA
57. River Valley Fruit, LLC, Grandview, WA
58. Roche Fruit, LLC, Yakima, WA
59. Sage Fruit Company, L.L.C., Yakima, WA

60. Stemilt Growers, LLC, Wenatchee, WA
61. Symms Fruit Ranch, Inc., Caldwell, ID
62. The Dalles Fruit Company, LLC, Dallesport, WA
63. Underwood Fruit & Warehouse Co., Bingen, WA
64. Valicoff Fruit Company, Inc., Wapato, WA
65. Washington Cherry Growers, Peshastin, WA
66. Washington Fruit & Produce Co., Yakima, WA
67. Western Sweet Cherry Group, LLC, Yakima, WA
68. Whitby Farms, Inc. dba: Farm Boy Fruit Snacks LLC, Mesa, WA
69. WP Packing LLC, Wapato, WA
70. Yakima Fruit & Cold Storage Co., Yakima, WA
71. Zirkle Fruit Company, Selah, WA

Dated: August 29, 2024.

Amanda Reynolds,

Acting Director, Office of Trade and Economic Analysis, International Trade Administration, U.S. Department of Commerce.

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DEPARTMENT OF COMMERCE

International Trade Administration

[A–552–839]

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

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

SUMMARY: The U.S. Department of Commerce (Commerce) preliminarily 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). The period of investigation (POI) is July 1, 2023, through December 31, 2023. Interested parties are invited to comment on this preliminary determination.

DATES: Applicable September 5, 2024.

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

This preliminary determination is made in accordance with section 733(b) of the Tariff Act of 1930, as amended (the Act). Commerce published the notice of initiation of this investigation in the **Federal Register** on February 26, 2024.¹ On June 12, 2024, Commerce postponed the preliminary determination of this investigation until August 22, 2024.² On July 22, 2024, Commerce tolled certain deadlines in this administrative proceeding by seven days.³ The deadline for the preliminary determination is now August 29, 2024.

For a complete description of the events that followed the initiation of this investigation, *see* the Preliminary Decision Memorandum.⁴ A list of topics included in the Preliminary Decision Memorandum is included as Appendix II to this notice. The Preliminary 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 Preliminary 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 certain paper plates from Vietnam. For a complete description of the scope of this investigation, *see* Appendix I.

Scope Comments

In accordance with the preamble to Commerce's regulations,⁵ the *Initiation Notice* set aside a period of time for parties to raise issues regarding product coverage (*i.e.*, scope).⁶ No interested party commented on the scope of the investigation as it appeared in the *Initiation Notice*. Commerce is not preliminarily modifying the scope language as it appeared in the *Initiation Notice*. *See* the scope in Appendix I to this notice.

Methodology

Commerce is conducting this investigation in accordance with section 731 of the Act. Commerce has calculated export prices in accordance with section 772(a) of the Act. Because Vietnam is a non-market economy country, within the meaning of section 771(18) of the Act,⁷ Normal value is calculated in accordance with section 773(c) of the Act. In addition, pursuant to sections 776(a) and (b) of the Act, Commerce preliminarily relied upon facts otherwise available, with adverse inferences, for the Vietnam-wide entity.

For a full description of the methodology underlying the preliminary determination, *see* the Preliminary Decision Memorandum.

Preliminary Affirmative Determination of Critical Circumstances, in Part

In accordance with section 733(e) of the Act and 19 CFR 351.206, Commerce preliminarily finds that critical circumstances exist for the Vietnam-Wide entity but not for Go-Pak Paper Products Vietnam Co., Ltd. For a full description of the methodology and results of Commerce's analysis, *see* the Preliminary Decision Memorandum.

Combination Rates

In the *Initiation Notice*,⁸ Commerce stated that it would calculate producer/exporter combination rates for the respondents that are eligible for a separate rate in this investigation. Policy Bulletin 05.1 describes this practice.⁹ In this investigation, we assigned a producer/exporter combination rate for Go-Pak Paper Products Vietnam Co., Ltd., *i.e.*, the sole respondent eligible for a separate rate.

Preliminary Determination

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

Exporter	Producer	Weighted-average dumping margin (percent)	Cash deposit rate (adjusted for export subsidy offset) (percent)
Go-Pak Paper Products Vietnam Co., Ltd.	Go-Pak Paper Products Vietnam Co., Ltd.	0.00	0.00
Vietnam-Wide Entity	* 165.27	159.79

* Rate based on facts available with adverse inferences.

Suspension of Liquidation

In accordance with section 733(d)(2) of the Act, for companies included in the Vietnam-wide entity, Commerce will direct U.S. Customs and Border Protection (CBP) to suspend liquidation of entries of subject merchandise, as described in Appendix I, entered, or withdrawn from warehouse, for

consumption on or after the date which is 90 days before the date of publication of this notice in the **Federal Register**. Further, pursuant to section 733(d)(1)(B) of the Act and 19 CFR 351.205(d), Commerce will instruct CBP to require a cash deposit equal to the weighted-average amount by which normal value exceeds U.S. price, as indicated in the

table above, as follows: (1) for the Vietnam-wide entity, the cash deposit rate is equal to the estimated weighted-average dumping margin listed in the table; (2) for all combinations of Vietnamese producers/exporters of merchandise under consideration that have not established eligibility for their own separate rates, the cash deposit rate

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*).
² See *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*, 89 FR 49833 (June 12, 2024).
³ See Memorandum, "Tolling of Deadlines for Antidumping and Countervailing Duty Proceedings," dated July 22, 2024.

⁴ See Memorandum, "Decision Memorandum for the Preliminary 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 (Preliminary Decision Memorandum).
⁵ See *Antidumping Duties; Countervailing Duties*, 62 FR 27296, 27323 (May 19, 1997).
⁶ See *Initiation Notice*, 89 FR at 14047.
⁷ See *Raw Honey from the Socialist Republic of Vietnam: Final Results of Antidumping Duty*

Changed Circumstances Review, 89 FR 64411 (August 7, 2024).
⁸ See *Initiation Notice*, 89 FR at 14051.
⁹ 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 on Commerce's website at <https://access.trade.gov/Resources/policy/bull05-1.pdf>.

will be equal to the estimated weighted-average dumping margin established for the Vietnam-wide entity; and (3) for all third-country exporters of 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.

Because the estimated weighted-average dumping margin for a certain producer/exporter combination is zero or *de minimis* (i.e., less than 0.5 percent), Commerce is directing CBP not to suspend liquidation of entries of subject merchandise from that producer/exporter combination. Entries of subject merchandise from this exporter supplied by any other producer, or from this producer that supplied any other exporter, or from third-country exporters that sourced from the excluded producer/exporter combination, are not entitled to this exclusion from suspension of liquidation and are subject to the provisional measures at the cash deposit rate established for the Vietnam-wide entity.

Should the final estimated weighted-average dumping margin be zero or *de minimis* for the producer/exporter combination identified above, entries of merchandise from this producer/exporter combination will be excluded from the order. Such exclusion will not be applicable to merchandise exported to the United States by any other producer/exporter combinations or by third-country exporters that sourced from the excluded producer/exporter combination.

Section 733(e)(2) of the Act provides that, given an affirmative determination of critical circumstances, in part, any suspension of liquidation shall apply to unliquidated entries of 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 preliminarily finds that critical circumstances exist for imports of subject merchandise from the Vietnam-wide entity. In accordance with section 733(e)(2)(A) of the Act, the suspension of liquidation shall apply to all unliquidated entries of merchandise from the Vietnam-wide entity that were entered, or withdrawn from warehouse, for consumption on or after the date

which is 90 days before the publication of this notice.

To determine the cash deposit rate, Commerce normally adjusts the estimated weighted-average dumping margin by the amount of domestic subsidy pass-through and export subsidies determined in a companion countervailing duty (CVD) proceeding when CVD provisional measures are in effect. Accordingly, where Commerce has made a preliminary affirmative determination for domestic subsidy pass-through or export subsidies, Commerce has offset the calculated estimated weighted-average dumping margin by the appropriate rate(s). Any such adjusted rates may be found in the "Preliminary Determination" section's chart of estimated weighted-average dumping margins above.

Should provisional measures in the companion CVD investigation expire prior to the expiration of provisional measures in this LTFV investigation, Commerce will direct CBP to begin collecting cash deposits at a rate equal to the estimated weighted-average dumping margins calculated in this preliminary determination unadjusted for the passed-through domestic subsidies or for export subsidies at the time the CVD provisional measures expire.

These suspension of liquidation instructions will remain in effect until further notice.

Disclosure

Commerce intends to disclose to interested parties the calculations and analysis performed in connection with this preliminary determination within five days of its public announcement or, if there is no public announcement, within five days of the date of publication of this notice in accordance with 19 CFR 351.224(b). Consistent with 19 CFR 351.224(e), Commerce will analyze and, if appropriate, correct any timely allegations of significant ministerial errors by amending the preliminary determination. However, consistent with 19 CFR 351.224(d), Commerce will not consider incomplete allegations that do not address the significance standard under 19 CFR 351.224(g) following the preliminary determination. Instead, Commerce will address such allegations in the final determination together with issues raised in the case briefs or other written comments.

Verification

As provided in section 782(i)(1) of the Act, Commerce intends to verify information relied upon in making its final determination.

Public Comment

Case briefs or other written comments on non-scope issues may be submitted to the Assistant Secretary for Enforcement and Compliance no later than seven days after the date on which the last verification report is issued in this investigation.¹⁰ Rebuttal briefs, limited to issues raised in the case briefs, may be filed not later than five days after the date for filing case briefs.¹¹ Interested parties who submit case briefs or rebuttal briefs in this proceeding must submit: (1) a table of contents listing each issue; and (2) a table of authorities.¹²

As provided under 19 CFR 351.309(c)(2) and (d)(2), in prior proceedings we have encouraged interested parties to provide a public executive summary of their brief that should be limited to five pages total, including footnotes. In this investigation, we instead request that interested parties provide at the beginning of their briefs a public executive summary for each issue raised in their briefs.¹³ Further, we request that interested parties limit their public executive summary of each issue to no more than 450 words, not including citations. We intend to use the public executive summaries as the basis of the comment summaries included in the issues and decision memorandum that will accompany the final determination in this investigation. We request that interested parties include footnotes for relevant citations in the public executive summary of each issue. Note that Commerce has amended certain of its requirements pertaining to the service of documents in 19 CFR 351.303(f).¹⁴

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing, limited to issues raised in the case and rebuttal briefs, must submit a written request to the Assistant Secretary for Enforcement and Compliance, U.S. Department of Commerce, within 30 days after the date of publication of this notice in the **Federal Register**. Requests should contain the party's name, address, and telephone number, the number of

¹⁰ Case briefs and rebuttal briefs submitted in response to this preliminary determination should not include scope-related issues.

¹¹ See 19 CFR 351.309(d); see also *Administrative Protective Order, Service, and Other Procedures in Antidumping and Countervailing Duty Proceedings*, 88 FR 67069, 67077 (September 29, 2023) (*APO and Service Final Rule*).

¹² See 19 CFR 351.309(c)(2) and (d)(2).

¹³ We use the term "issue" here to describe an argument that Commerce would normally address in a comment of the Issues and Decision Memorandum.

¹⁴ See *APO and Service Final Rule*.

participants, whether any participant is a foreign national, and a list of the issues to be discussed. If a request for a hearing is made, Commerce intends to hold the hearing at a date and time to be determined. Parties should confirm the date, time, and location of the hearing two days before the scheduled date.

Postponement of Final Determination and Extension of Provisional Measures

Section 735(a)(2) of the Act provides that a final determination may be postponed until not later than 135 days after the date of the publication of the preliminary determination if, in the event of an affirmative preliminary determination, a request for such postponement is made by exporters who account for a significant proportion of exports of the subject merchandise, or in the event of a negative preliminary determination, a request for such postponement is made by the petitioner. Pursuant to 19 CFR 351.210(e)(2), Commerce requires that requests by respondents for postponement of a final antidumping duty determination be accompanied by a request for extension of provisional measures from a four-month period to a period not more than six months in duration.

On August 22 and 28, 2024, Go-Pak Paper Products Vietnam Co., Ltd. and the American Paper Plate Coalition¹⁵ (*i.e.*, the petitioner) requested that Commerce postpone the final determination and that the provisional measures be extended to a period not to exceed six months, respectively.¹⁶ In accordance with section 735(a)(2)(A) of the Act and 19 CFR 351.210(b)(2)(ii), because: (1) the preliminary determination is affirmative; (2) the requesting exporter accounts for a significant proportion of exports of the subject merchandise; and (3) no compelling reasons for denial exist, Commerce is postponing the final determination and extending the provisional measures from a four-month period to a period not greater than six months. Accordingly, Commerce will make its final determination no later than 135 days after the date of publication of this preliminary determination.

¹⁵ The members of the Coalition are: AJM Packaging Corporation; Aspen Product Inc.; Dart Container Corporation; Hoffmaster Group, Inc.; Huhtamaki Americas, Inc.; and Unique Industries, Inc.

¹⁶ See Go-Pak Paper Products Vietnam Co., Ltd.'s Letter, "Request to Extend Final Determination," dated August 22, 2024; and Petitioner's Letter, "Request to Postpone the Deadline for Final Determination," August 28, 2024.

U.S. International Trade Commission Notification

In accordance with section 733(f) of the Act, Commerce will notify the U.S. International Trade Commission (ITC) of its preliminary determination of sales at LTFV. If the final determination is affirmative, the ITC will determine before the later of 120 days after the date of this preliminary determination or 45 days after the final determination whether these imports of certain paper plates from Vietnam are materially injuring, or threaten material injury to, the U.S. industry.

Notification to Interested Parties

This preliminary determination is issued and published in accordance with sections 733(f) and 777(i)(1) of the Act and 19 CFR 351.205(c).

Dated: August 29, 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 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 Preliminary Decision Memorandum

- I. Summary
- II. Background
- III. Period of Investigation
- IV. Discussion of the Methodology
- V. Currency Conversion
- VI. Preliminary Affirmative Determination of Critical Circumstances
- VII. Adjustment Under Section 777A(F) of the Act
- VIII. Adjustment to the Cash Deposit Rate for Export Subsidies
- IX. Recommendation

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