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DEPARTMENT OF COMMERCE

INTERNATIONAL TRADE ADMINISTRATION

C-570-165; C-552-840

Certain Paper Plates from the People's Republic of China and the Socialist Republic of Vietnam:  
Initiation of Countervailing Duty Investigations

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

DATES: Applicable February 14, 2024.

FOR FURTHER INFORMATION CONTACT: Mary Kolberg (Socialist Republic of Vietnam  
(Vietnam)) and Eliza DeLong (People's Republic of China (China)), AD/CVD Operations,  
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SUPPLEMENTARY INFORMATION:

The Petitions

On January 25, 2024, the U.S. Department of Commerce (Commerce) received  
countervailing duty (CVD) petitions concerning imports of certain paper plates (paper plates)  
from China and Vietnam filed in proper form on behalf of the American Paper Plate Coalition  
(the petitioner).<sup>1</sup> The CVD petitions were accompanied by antidumping duty (AD) petitions  
concerning imports of paper plates from China, Thailand, and Vietnam.<sup>2</sup>

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<sup>1</sup> See Petitioner's Letter, "Petitions for the Imposition of Antidumping and Countervailing Duties: Certain Paper  
Plates from the People's Republic of China, The Kingdom of Thailand, and the Socialist Republic of Vietnam,"  
dated January 25, 2024 (Petitions). The members of the American Paper Plate Coalition are AJM Packaging  
Corporation, Aspen Products, Inc., Dart Container Corporation, Hoffmaster Group, Inc., Huhtamaki Americas, Inc.,  
and Unique Industries, Inc.

<sup>2</sup> *Id.*

Between January 29 and February 6, 2024, Commerce requested supplemental information pertaining to certain aspects of the Petitions in separate supplemental questionnaires.<sup>3</sup> The petitioner filed responses to the supplemental questionnaires between January 31 and February 8, 2024.<sup>4</sup>

In accordance with section 702(b)(1) of the Tariff Act of 1930, as amended (the Act), the petitioner alleges that the Government of China (GOC) and the Government of Vietnam (GOV) (collectively, Governments) are providing countervailable subsidies, within the meaning of sections 701 and 771(5) of the Act, to producers of paper plates from China and Vietnam, and that such imports are materially injuring, or threatening material injury to, the domestic industry producing paper plates 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 CVD investigations, the Petitions were accompanied by information reasonably available to the petitioner supporting its allegations.

Commerce finds that the petitioner filed the Petitions on behalf of the domestic industry because the petitioner is an interested party as defined in section 771(9)(F) of the Act.<sup>5</sup>

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<sup>3</sup> See Commerce's Letters, "Petitions for the Imposition of Antidumping and Countervailing Duties on Imports of Certain Paper Plates from the People's Republic of China, Thailand, and the Socialist Republic of Vietnam: Supplemental Questions," dated January 29, 2024 (General Issues Questionnaire); *see also* "Petition for the Imposition of Countervailing Duties on Imports of Certain Paper Plates from Socialist Republic of Vietnam: Supplemental Questions," dated January 29, 2024; "Petition for the Imposition of Countervailing Duties on Imports of Certain Paper Plates from the People's Republic of China: Supplemental Questions," dated January 30, 2024; and Memorandum, "Phone Call," dated February 6, 2024 (February 6 Memorandum).

<sup>4</sup> See Petitioner's Letters, "Certain Paper Plates from the People's Republic of China: Response to Supplemental Questionnaire for Volume III of the Petition," dated January 31, 2024; *see also* "Certain Paper Plates from the Socialist Republic of Vietnam: Response to Supplemental Questionnaire for Volume V of the Petition," dated February 1, 2024; "Certain Paper Plates from the People's Republic of China, Thailand, and the Socialist Republic of Vietnam: Petitioner's Responses to Supplemental Questions – General Issues," dated February 2, 2024 (First General Issues Supplement); "Certain Paper Plates from the People's Republic of China, Thailand, and the Socialist Republic of Vietnam: Petitioner's Responses to Supplemental Questions – General Issues," dated February 8, 2024 (Second General Issues Supplement).

<sup>5</sup> The members of the American Paper Plate Coalition are interested parties as defined under section 771(9)(C) of the Act.

Commerce also finds that the petitioner demonstrated sufficient industry support for the initiation of the requested CVD investigations.<sup>6</sup>

#### Period of Investigation

Because the Petitions were filed on January 25, 2024, the period of investigation (POI) for China and Vietnam is January 1, 2023, through December 31, 2023.<sup>7</sup>

#### Scope of the Investigations

The merchandise covered by these investigations is paper plates from China and Vietnam. For a full description of the scope of these investigations, *see* the appendix to this notice.

#### Comments on the Scope of the Investigations

On January 29 and February 6, 2024, Commerce requested information and clarification from the petitioner regarding the proposed scope to ensure that the scope language in the Petitions is an accurate reflection of the products for which the domestic industry is seeking relief.<sup>8</sup> On February 2 and 8, 2024, the petitioner provided clarifications and revised the scope.<sup>9</sup> The description of merchandise covered by these investigations, 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).<sup>10</sup> 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

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<sup>6</sup> See "Determination of Industry Support for the Petitions" section, *infra*.

<sup>7</sup> See 19 CFR 351.204(b)(2).

<sup>8</sup> See General Issues Questionnaire; *see also* February 6 Memorandum.

<sup>9</sup> See First General Issues Supplement at 5-11; *see also* Second General Issues Supplement at 3-6.

<sup>10</sup> See *Antidumping Duties; Countervailing Duties; Final Rule*, 62 FR 27296, 27323 (May 19, 1997) (*Preamble*); *see also* 19 CFR 351.312.

include factual information, all such factual information should be limited to public information.<sup>11</sup> To facilitate preparation of its questionnaires, Commerce requests that scope comments be submitted by 5:00 p.m. Eastern Time (ET) on March 5, 2024, which is 20 calendar days from the signature date of this notice.<sup>12</sup> Any rebuttal comments, which may include factual information, must be filed by 5:00 p.m. ET on March 15, 2024, which is 10 calendar days from the initial comment deadline.

Commerce requests that any factual information that parties consider relevant to the scope of these investigations be submitted during that period. However, if a party subsequently finds that additional factual information pertaining to the scope of the investigations 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.<sup>13</sup> An 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 Governments of the receipt of the Petitions and provided an opportunity for consultations with

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<sup>11</sup> See 19 CFR 351.102(b)(21) (defining "factual information").

<sup>12</sup> See 19 CFR 351.303(b)(1).

<sup>13</sup> 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 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](https://access.trade.gov/help/Handbook_on_Electronic_Filing_Procedures.pdf).

respect to the Petitions.<sup>14</sup> Commerce held consultations with the GOV on February 8, 2024.<sup>15</sup>

The GOC did not request consultations.<sup>16</sup>

#### Determination of Industry Support for the Petitions

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

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<sup>14</sup> See Commerce’s Letters, “Countervailing Duty Petition on Certain Paper Plates from the People’s Republic of China,” dated January 26, 2024; and “Countervailing Duty Petition on Certain Paper Plates from the Socialist Republic of Vietnam,” dated January 29, 2024.

<sup>15</sup> See Memorandum, “Paper Plates from Vietnam: Consultations with Socialist Republic of Vietnam,” dated February 8, 2024.

<sup>16</sup> In lieu of consultations, the GOC submitted comments regarding the initiation. See GOC’s Letter, “China-USA Consultations with Respect to the Possible Initiation of Countervailing Investigation against Imports of Certain Paper Plates from China,” dated February 6, 2024.

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,<sup>17</sup> they do so for different purposes and pursuant to a separate and distinct authority. In 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.<sup>18</sup>

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 petitioner does not offer a definition of the domestic like product distinct from the scope of the investigations.<sup>19</sup> Based on our analysis of the information submitted on the record, we have determined that paper plates, as defined in the scope, constitute a single domestic like product, and we have analyzed industry support in terms of that domestic like product.<sup>20</sup>

In determining whether the petitioner has standing under section 702(c)(4)(A) of the Act, we considered the industry support data contained in the Petitions with reference to the domestic

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<sup>17</sup> See section 771(10) of the Act.

<sup>18</sup> 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)).

<sup>19</sup> See Petitions at Volume I (pages 11-13); see also First General Issues Supplement at 17-18.

<sup>20</sup> For a discussion of the domestic like product analysis as applied to these cases and information regarding industry support, see Countervailing Duty Investigation Initiation Checklists: Certain Paper Plates from the People's Republic of China and the Socialist Republic of Vietnam (Country-Specific CVD Initiation Checklists) at Attachment II, Analysis of Industry Support for the Antidumping and Countervailing Duty Petitions Covering Certain Paper Plates from the People's Republic of China, Thailand, and the Socialist Republic of Vietnam (Attachment II). These checklists are dated concurrently with this notice and on file electronically via ACCESS.

like product as defined in the “Scope of the Investigations,” in the appendix to this notice. To establish industry support, the petitioner provided its own shipments of the domestic like product in 2023 and compared this to the estimated total 2023 shipments of the domestic like product for the entire domestic industry.<sup>21</sup> Because total industry production data for the domestic like product for 2023 are not reasonably available to the petitioner, and the petitioner has established that shipments are a reasonable proxy for production data,<sup>22</sup> we have relied on the data provided by the petitioner for purposes of measuring industry support.<sup>23</sup>

Our review of the data provided in the Petitions, the First General Issues Supplement, the Second General Issues Supplement, and other information readily available to Commerce indicates that the petitioner has established industry support for the Petitions.<sup>24</sup> First, the Petitions 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 in order to evaluate industry support (*e.g.*, polling).<sup>25</sup> 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 Petitions account for at least 25 percent of the total production of the domestic like product.<sup>26</sup> 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

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<sup>21</sup> See First General Issues Supplement at 12-14, 16, and Attachments 2-4; *see also* Second General Issues Supplement at 7-8 and Attachment 1.

<sup>22</sup> See Petitions at Volume I (page 4 and Exhibit I-2); *see also* First General Issues Supplement at 12 and 14.

<sup>23</sup> See Petitions at Volume I (pages 3-4); *see also* First General Issues Supplement at 11-16 and Attachments 2-4; and Second General Issues Supplement at 7-8 and Attachment 1.

<sup>24</sup> See Petitions at Volume I (pages 3-4); *see also* First General Issues Supplement at 11-16 and Attachments 2-4; and Second General Issues Supplement at 6-8 and Attachments 1-3. For further discussion, *see* Attachment II of the Country-Specific CVD Initiation Checklists.

<sup>25</sup> See Attachment II of the Country-Specific CVD Initiation Checklists; *see also* section 702(c)(4)(D) of the Act.

<sup>26</sup> See Attachment II of the Country-Specific CVD Initiation Checklists.

support the Petitions 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 Petitions.<sup>27</sup> Accordingly, Commerce determines that the Petitions were filed on behalf of the domestic industry within the meaning of section 702(b)(1) of the Act.<sup>28</sup>

### Injury Test

Because China and Vietnam are “Subsidies Agreement Countries” within the meaning of section 701(b) of the Act, section 701(a)(2) of the Act applies to these investigations.

Accordingly, the ITC must determine whether imports of the subject merchandise from China and/or Vietnam materially injure, or threaten material injury to, a U.S. industry.

### Allegations and Evidence of Material Injury and Causation

The petitioner alleges that imports of the subject merchandise are benefitting 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 petitioner alleges that subject imports from China and Vietnam exceed the negligibility threshold provided for under section 771(24)(A) of the Act.<sup>29</sup>

The petitioner contends that the industry’s injured condition is illustrated by the significant volume of subject imports; underselling and price depression and/or suppression; loss of market share; decrease in production volume and capacity utilization; and lost sales and revenues.<sup>30</sup> We assessed the allegations and supporting evidence regarding material injury, threat of material injury, causation, as well as negligibility, and we have determined that these

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<sup>27</sup> *Id.*

<sup>28</sup> *Id.*

<sup>29</sup> See Petitions at Volume I (pages 15-16 and Exhibit I-8).

<sup>30</sup> *Id.* at 15-39 and Exhibits I-2, I-3, I-7 through I-35; see also First General Issues Supplement at 18-19.



allegations are properly supported by adequate evidence and meet the statutory requirements for initiation.<sup>31</sup>

### Initiation of CVD Investigations

Based upon the examination of the Petitions and supplemental responses, we find that they meet the requirements of section 702 of the Act. Therefore, we are initiating CVD investigations to determine whether imports of paper plates from China and Vietnam benefit from countervailable subsidies conferred by the GOC and the GOV. 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 these initiations.

### China

Based on our review of the Petitions, we find that there is sufficient information to initiate a CVD investigation on all of the 19 programs alleged by the petitioner. 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 the initiation checklist for this investigation is available on ACCESS.

### Vietnam

Based on our review of the Petitions, we find that there is sufficient information to initiate a CVD investigation on all of the 22 programs alleged by the petitioner. For a full discussion of the basis for our decision to initiate on each program, *see* the Vietnam CVD Initiation Checklist. A public version of the initiation checklist for this investigation is available on ACCESS.

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<sup>31</sup> *See* Country-Specific CVD Initiation Checklists at Attachment III, Analysis of Allegations and Evidence of Material Injury and Causation for the Antidumping and Countervailing Duty Petitions Covering Certain Paper Plates from the People's Republic of China, Thailand, and the Socialist Republic of Vietnam.

## Respondent Selection

The petitioner identified 149 companies in China and nine companies in Vietnam as producers and/or exporters of paper plates.<sup>32</sup> Commerce intends to follow its standard practice in CVD investigations and calculate company-specific subsidy rates in these investigations. In the event that Commerce determines that the number of companies is large and it cannot individually examine each company based upon Commerce's resources, Commerce intends to select mandatory respondents as discussed below.

Commerce normally selects mandatory respondents in CVD investigations using U.S. Customs and Border Protection (CBP) entry data for U.S. imports under the appropriate Harmonized Tariff Schedule of the United States (HTSUS) subheadings listed in the scope of the investigations.<sup>33</sup> However, for these investigations, because the HTSUS subheading listed in the scope is a basket category, we cannot rely on CBP entry data in selecting respondents. Therefore, Commerce will rely on quantity and value (Q&V) questionnaires for respondent selection.

Further, due to the large number of producers and/or exporters identified in the Petition for China, Commerce has determined to limit the number of Q&V questionnaires that it will issue to exporters and producers based on CBP data for paper plates from China during the POI

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<sup>32</sup> See First General Issues Supplement at 3-4 and Attachment 1.

<sup>33</sup> On February 9, 2024, Commerce released CBP data on U.S. imports of paper plates from China and Vietnam under administrative protective order (APO) to all parties with access to information protected by APO and indicated that interested parties wishing to comment on the CBP data and/or respondent selection must do so within three business days after the publication date of the notice of initiation of these investigations. See Memoranda, "Certain Paper Plates from the People's Republic of China Countervailing Duty Petition: Release of U.S. Customs and Border Protection Entry Data," dated February 9, 2024; "Certain Paper Plates from the Socialist Republic of Vietnam Countervailing Duty Petition: Release of U.S. Customs and Border Protection Entry Data," dated February 9, 2024. 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>.

under the appropriate HTSUS subheadings listed in the “Scope of the Investigations,” in the appendix. Accordingly, Commerce will send Q&V questionnaires to the largest producers and exporters that are identified in the CBP data for which there is complete address information on the record. With respect to Vietnam, Commerce intends to send Q&V questionnaires to all producers and exporters that are identified in the Petition for which there is complete address information on the record.

Commerce will post the Q&V questionnaires along with filing instructions on Commerce’s website at <https://www.trade.gov/ec-adcvd-caseannouncements>.

Exporters/producers of paper plates from China and Vietnam that do not receive Q&V questionnaires by mail may still submit a response to the Q&V questionnaire and can obtain the Q&V questionnaire from Enforcement and Compliance’s website. Responses to the Q&V questionnaire must be submitted by the relevant producers/exporters no later than 5:00 p.m. ET on February 28, 2024, which is two weeks from the signature date of this notice. All Q&V questionnaire responses must be filed electronically via ACCESS. An electronically filed document must be received successfully, in its entirety, by ACCESS no later than 5:00 p.m. ET on the deadline noted above.

Commerce intends to finalize its decision regarding respondent selection within 20 days of publication of this notice.

#### Distribution of Copies of the Petitions

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 Petitions has been provided to the GOC and the GOV via ACCESS. To the

extent practicable, we will attempt to provide a copy of the public version of the Petitions to each exporter named in the Petitions, 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 Petitions were filed, whether there is a reasonable indication that imports of paper plates from China and/or Vietnam are materially injuring, or threatening material injury to, a U.S. industry.<sup>34</sup> A negative ITC determination for either country will result in the investigation being terminated with respect to that country.<sup>35</sup> Otherwise, these CVD investigations 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 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 submitted<sup>36</sup> 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

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<sup>34</sup> See section 703(a)(1) of the Act.

<sup>35</sup> *Id.*

<sup>36</sup> See 19 CFR 351.301(b).

factual information seeks to rebut, clarify, or correct.<sup>37</sup> 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 these investigations.

### 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 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.<sup>38</sup> 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. Parties should review Commerce's regulations concerning the extension of time limits and the *Time Limits Final Rule* prior to submitting factual information in these investigations.<sup>39</sup>

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<sup>37</sup> See 19 CFR 351.301(b)(2).

<sup>38</sup> See 19 CFR 351.302.

<sup>39</sup> 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>.

### Certification Requirements

Any party submitting factual information in an AD or CVD proceeding must certify to the accuracy and completeness of that information.<sup>40</sup> Parties must use the certification formats provided in 19 CFR 351.303(g).<sup>41</sup> 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 these investigations should ensure that they meet the requirements of 19 CFR 351.103(d) (e.g., by filing the required letters of appearance). Note that Commerce has modified certain of its requirements for serving documents containing business proprietary information and has made additional clarifications and corrections to its AD/CVD regulations.<sup>42</sup>

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

Dated: February 14, 2024

/s/ Ryan Majerus

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Ryan Majerus  
Deputy Assistant Secretary  
for Policy and Negotiations,  
performing the non-exclusive functions and duties  
of the Assistant Secretary for Enforcement and Compliance

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<sup>40</sup> See section 782(b) of the Act.

<sup>41</sup> See *Certification of Factual Information to Import Administration During Antidumping and Countervailing Duty Proceedings*, 78 FR 42678 (July 17, 2013) (*Final Rule*). Additional information regarding the *Final Rule* is available at <https://access.trade.gov/Resources/filing/index.html>.

<sup>42</sup> See *Administrative Protective Order, Service, and Other Procedures in Antidumping and Countervailing Duty Proceedings*, 88 FR 67069 (September 29, 2023).

## Appendix

### Scope of the Investigations

The merchandise subject to these investigations is certain paper plates. Paper plates subject to these investigations may be cut from rolls, sheets, or other pieces of paper and/or paper board. Paper plates subject to these investigations 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 these investigations may be uncolored, white, colored, or printed. Printed paper plates subject to these investigations 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 these investigations 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 these investigations remain covered by the scope of these investigations whether imported alone, or in any combination of subject and non-subject merchandise. When paper plates subject to these investigations are imported in combination with non-subject merchandise, only the paper plates subject to these investigations are subject merchandise.

The paper plates subject to these investigations 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 investigations 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 investigations 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 these investigations 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 these investigations 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 these investigations are paper bowls, paper buckets, and paper food containers with closeable lids.

Paper plates subject to these investigations are currently classifiable under HTSUS subheading 4823.69.0040. Paper plates subject to these investigations also may be classified under HTSUS subheading 4823.61.0040. If packaged with other articles, the paper plates subject to these investigations 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.