APO is a violation which is subject to sanction.

Notification to Interested Parties
This determination is issued and published pursuant to sections 705(d) and 777(i) of the Act, and 19 CFR 351.210(c).


James Maeder,
Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

Appendix I
Scope of the Investigation
The merchandise covered by this investigation is aluminum foil having a thickness of 0.2 mm or less, in reels exceeding 25 pounds, regardless of width. Aluminum foil is made from an aluminum alloy that contains more than 92 percent aluminum. Aluminum foil may be made to ASTM specification B479, but can also be made to other specifications.

Regardless of specification, however, all aluminum foil meeting the scope description is included in the scope, including aluminum foil to which lubricant has been applied to one or both sides of the foil.

Excluded from the scope of this investigation is aluminum foil that is backed with paper, paperboard, plastics, or similar backing materials on one side or both sides of the aluminum foil, as well as etched capacitor foil and aluminum foil that is cut to shape. Where the nominal and actual measurements vary, a product is within the scope if application of either the nominal or actual measurement would place it within the scope based on the definitions set forth above. The products under investigation are currently classifiable under Harmonized Tariff Schedule of the United States (HTSUS) subheadings 7607.11.9000, 7607.12.3095, 7607.12.3091, 7607.12.3055, 7607.12.3005, and 7607.19.6000.

Further, merchandise that falls within the scope of this proceeding may also be entered into the United States under HTSUS subheadings 7606.11.3060, 7606.12.3095, 7606.12.3091, 7606.12.3096, 7606.12.6000, 7606.91.3095, 7606.91.6095, 7606.92.3035, and 7606.92.6095. Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope of this investigation is dispositive.

Appendix II
List of Topics Discussed in the Issues and Decision Memorandum
I. Summary
II. Background
III. Subsidies Valuation Information
IV. Use of Facts Otherwise Available and Application of Adverse Inferences
V. Analysis of the Programs
VI. Discussion of the Issues
Comment 1: Whether to Revise the Sales Denominators
Comment 2: Whether to Use Total Sales as the Denominator for the Exemptions on Exchange Tax for Foreign Exchange Transactions
Comment 3: How to Compute the Benefit Calculation for the Rediscoun Program and the Export-Oriented Working Capital Credit Program
Comment 4: Whether to Apply Adverse Facts Available (AFA) to “Other” Subsidy Programs
Comment 5: Whether Certain Ministerial Errors Exist
Comment 6: Whether the Value-Added-Tax (VAT) Exemption on the Acquisition of Operating Rights Provided a Measurable Benefit to Assam

VII. Recommendation

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DEPARTMENT OF COMMERCE
International Trade Administration

[A–351–856]
Certain Aluminum Foil From Brazil: Final Affirmative Determination of Sales at Less Than Fair Value

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

SUMMARY: The Department of Commerce (Commerce) determines that imports of certain aluminum foil (aluminum foil) from Brazil 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, 2019, through June 30, 2020.


SUPPLEMENTARY INFORMATION:

Background
On May 4, 2021, Commerce published in the Federal Register the preliminary affirmative determination, and postponement of the final determination until September 16, 2021, in the LTFV investigation of aluminum foil from Brazil.1 We invited interested parties to comment on the Preliminary Determination. A summary of the events that occurred since Commerce published the Preliminary

1 See Certain Aluminum Foil from Brazil: Preliminary Affirmative Determination of Sales at Less Than Fair Value, Postponement of Final Determination, and Extension of Provisional Measures, 86 FR 23678 (May 4, 2021), (Preliminary Determination), and accompanying Preliminary Decision Memorandum.

DETERMINATION may be found in the Issues and Decision Memorandum.2

Scope of the Investigation
The product covered by this investigation is aluminum foil from Brazil. For a complete description of the scope of this investigation, see Appendix I.

Scope Comments
In accordance with the Preamble to Commerce’s regulations,3 the Initiation Notice4 set aside a period of time for parties to raise issues regarding product coverage (i.e., scope).5 Certain interested parties commented on the scope of this investigation as it appeared in the Initiation Notice, and we addressed these comments in the Preliminary Scope Decision Memorandum.6 Interested parties were provided an opportunity to comment on the Preliminary Scope Decision Memorandum.7 However, we received no scope case briefs requesting changes to the scope of the investigation from interested parties in any of the antidumping duty or countervailing duty investigations of aluminum foil from the Republic of Armenia, Brazil, the Sultanate of Oman, the Russian Federation, and the Republic of Turkey.8 Additionally, we received a

2 See Memorandum, “Issues and Decision Memorandum for the Final Affirmative Determination of Sales at Less Than Fair Value Investigation of Certain Aluminum Foil from Brazil,” dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).

3 See Antidumping Duties; Countervailing Duties, Final Rule, 62 FR 27296, 27323 (May 19, 1997).


5 Id.

6 See Memorandum, “Antidumping and Countervailing Duty Investigations of Certain Aluminum Foil from the Republic of Armenia, Brazil, the Sultanate of Oman, the Russian Federation, and the Repub of Turkey—Petitioners’ Final Scope Comments,” dated September 8, 2021 (Petitioners’ Final Scope Comments). On September 13, 2021, Commerce received a letter requesting that Commerce reject Petitioners’ Final Scope Comments, to which Commerce rejected this request in its reply on September 15, 2021. See Matthew McConkey’s Letter, “Certain Aluminum Foil from Armenia, Brazil, the Sultanate of Oman, the Russian Federation, and the Republic of Turkey—Petitioners’ Final Scope Comments Regarding Solicitation of Final Scope Comments,” dated September 13, 2021; see also Commerce’s Letter, “Antidumping Duty Investigations on Certain Aluminum Foil from Armenia, Brazil, the
Changes Since the Preliminary Determination

Based on our analysis of the comments received and our findings related to our request for information in lieu of verification, we have made certain changes to the margin calculations for CBA. In light of these changes to the margin calculations and the resulting revised estimated weighted-average dumping margin for CBA, we have also revised the all-others rate. For a discussion of these changes, see the Issues and Decision Memorandum.

All-Others Rate

Section 735(c)(5)(A) of the Act provides that the estimated weighted-average dumping margin for all other producers and exporters not individually investigated shall be equal to the weighted average of the estimated weighted-average dumping margins established for exporters and producers individually investigated excluding rates that are zero, de minimis, or determined entirely under section 776 of the Act.

Commerce calculated an individual estimated weighted-average dumping margin for CBA and assigned a rate based entirely on facts otherwise available to Arconic, the two respondents selected for individual examination in this investigation. Because the only individually calculated dumping margin not zero, de minimis, or based entirely on facts otherwise available, is the estimated weighted-average dumping margin calculated for CBA, we have assigned the margin calculated for CBA to all other producers and exporters, pursuant to section 735(c)(5)(A) of the Act.

Final Determination

Pursuant to section 735 of the Act, the final estimated weighted-average dumping margins are as follows:

<table>
<thead>
<tr>
<th>Exporter or producer</th>
<th>Estimated weighted-average dumping margin (percent)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arconic Ind. E Com de Metias LTDA</td>
<td>* 63.50</td>
</tr>
<tr>
<td>Companhia Brasileira de Aluminio/CBA Itapissuma</td>
<td>13.93</td>
</tr>
<tr>
<td>All Others</td>
<td>13.93</td>
</tr>
</tbody>
</table>

* Adverse Facts Available (AFA).

Disclosure

We intend to disclose the calculations performed in this final determination

12 Commerce preliminarily determined that Companhia Brasileira de Aluminio and CBA Itapissuma are affiliated, within the meaning of sections 771(33)(B) and (G) of the Act, and should be treated as a single entity, in accordance with 19 CFR 351.401(f). See Preliminary Decision Memorandum. Commerce received no comments regarding this preliminary determination. Accordingly, Commerce continues to find that Companhia Brasileira de Aluminio and CBA Itapissuma are affiliated and continues to treat these companies as a single entity.
Brazil no later than 45 days after this final determination. If the ITC determines that such injury does not exist, this proceeding will be terminated, and all cash deposits posted will be refunded 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 instruction by Commerce, antidumping duties on all imports of the subject merchandise 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.

Notification Regarding Administrative Protective Orders

This notice will serve as a final reminder to the parties subject to 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 return or destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

Notification to Interested Parties

This determination and this notice are issued and published in accordance with sections 735(d) and 777(i)(1) of the Act, and 19 CFR 351.210(c).


James Maeder,
Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

Appendix I

Scope of the Investigation

The merchandise covered by this investigation is aluminum foil having a thickness of 0.2 mm or less, in reels exceeding 25 pounds, regardless of width. Aluminum foil is made from an aluminum alloy that contains more than 92 percent aluminum. Aluminum foil may be made to ASTM specification ASTM B479, but can also be made to other specifications. Regardless of specification, however, all aluminum foil meeting the scope description is included in the scope, including aluminum foil to which lubricant has been applied to one or both sides of the foil.

Excluded from the scope of this investigation is aluminum foil that is backed with paper, cardboard, plastics, or similar backing materials on one side or both sides of the aluminum foil, as well as etched capacitor foil and aluminum foil that is cut to shape. Where the nominal and actual measurements vary, a product is within the scope if application of either the nominal or actual measurement would place it within the scope based on the definitions set forth above. The products under investigation are currently classifiable under Harmonized Tariff Schedule of the United States (HTSUS) subheadings 7607.11.3000, 7607.11.6090, 7607.11.9030, 7607.11.9060, 7607.11.9090, and 7607.19.6060.

Further, merchandise that falls within the scope of this proceeding may also be entered into the United States under HTSUS subheadings 7606.11.3060, 7606.11.6000, 7606.12.3045, 7606.12.3055, 7606.12.3091, 7606.12.3096, 7606.12.6000, 7606.91.3095, 7606.91.6095, 7606.92.3035, and 7606.92.6095. Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope of this investigation is dispositive.

Appendix II

List of Topics Discussed in the Issues and Decision Memorandum

I. Summary
II. Background
III. Changes Since the Preliminary Determination
IV. Discussion of the Issues
V. Recommendation

Scope of the Investigation

The product covered by this investigation is aluminum foil from Oman. For a complete description of the scope of this investigation, see Appendix I.

Scope Comments

In accordance with the Preamble to Commerce’s regulations, the Initiation Notice set aside a period of time for parties to raise issues regarding product coverage (i.e., scope). Certain interested parties commented on the scope of the investigation as it appeared in the Initiation Notice, and we addressed the comments in the Preliminary Scope Decision Memorandum. Interested parties were provided an opportunity to comment on the Preliminary Scope Decision Memorandum. We received

In the Preliminary Determination, and in accordance with section 770(a)(1) of the Tariff Act of 1930, as amended (the Act), and 19 CFR 351.210(b)(4), Commerce aligned the final determination of this countervailing duty (CVD) investigation with the final determination in the companion antidumping duty (AD) investigation of aluminum foil from Oman.

A summary of the events that occurred since Commerce published the Preliminary Determination, may be found in the 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 http://enforcement.trade.gov/ ftn/.

DEPARTMENT OF COMMERCE
International Trade Administration

Certain Aluminum Foil from the Sultanate of Oman: Final Affirmative Countervailing Duty Determination

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

SUMMARY: The Department of Commerce (Commerce) determines that countervailable subsidies are being provided to producers and exporters of certain aluminum foil (aluminum foil) from the Sultanate of Oman (Oman) during the period of investigation, January 1, 2019, through December 31, 2019.


SUPPLEMENTARY INFORMATION:

Background

On March 5, 2021, Commerce published the Preliminary Determination in the Federal Register.\(^1\)

\(^1\) See Certain Aluminum Foil from the Sultanate of Oman: Preliminary Affirmative Countervailing Duty Determination.\(^2\)