

10. Colorful Bright Trade Co., Ltd.
11. Dalian Beauty Seafood Company Ltd.
12. Dalian Changfeng Food Co., Ltd.
13. Dalian Guofu Aquatic Products and Food Co., Ltd.
14. Dalian Haiqing Food Co., Ltd.
15. Dalian Hengtai Foods Co., Ltd.
16. Dalian Home Sea International Trading Co., Ltd.
17. Dalian Philica International Trade Co., Ltd.
18. Dalian Philica Supply Chain Management Co., Ltd.
19. Dalian Rich Enterprise Group Co., Ltd.
20. Dalian Shanhai Seafood Co., Ltd.
21. Dalian Sunrise Foodstuffs Co., Ltd.
22. Dalian Taiyang Aquatic Products Co., Ltd.
23. Dandong Taihong Foodstuff Co., Ltd.
24. Dongwei Aquatic Products (Zhangzhou) Co., Ltd.
25. Ferrero Food
26. Fujian Chaohui Group
27. Fujian Chaowei International Trading
28. Fujian Dongshan County Shunfa Aquatic Product Co., Ltd.
29. Fujian Dongwei Food Co., Ltd.
30. Fujian Dongya Aquatic Products Co., Ltd.
31. Fujian Fuding Seagull Fishing Food Co., Ltd.
32. Fujian Haihun Aquatic Product Company
33. Fujian Hainason Trading Co., Ltd.
34. Fujian Hongao Trade Development Co.
35. Fujian R & J Group Ltd.
36. Fujian Rongjiang Import and Export Co., Ltd.
37. Fujian Zhaoan Haili Aquatic Co., Ltd.
38. Fuqing Chaohui Aquatic Food Co., Ltd.
39. Fuqing Dongwei Aquatic Products Industry Co., Ltd.
40. Fuqing Longhua Aquatic Food Co., Ltd.
41. Fuqing Minhua Trade Co., Ltd.
42. Fuqing Yihua Aquatic Food Co., Ltd.
43. Gallant Ocean Group
44. Guangdong Foodstuffs Import & Export (Group) Corporation
45. Guangdong Gourmet Aquatic Products Co., Ltd.
46. Guangdong Jinhang Foods Co., Ltd.
47. Guangdong Rainbow Aquatic Development
48. Guangdong Shunxin Marine Fishery Group Co., Ltd.
49. Guangdong Taizhou Import & Export Trade Co., Ltd.
50. Guangdong Universal Aquatic Food Co. Ltd.
51. Guangdong Wanshida Holding Corp.
52. Guangdong Wanya Foods Fty. Co., Ltd.
53. HaiLi Aquatic Product Co., Ltd.
54. Hainan Brich Aquatic Products Co., Ltd.
55. Hainan Golden Spring Foods Co., Ltd.
56. Hainan Qinfu Foods Co., Ltd.
57. Hainan Xintaisheng Industry Co., Ltd.
58. Huazhou Xinhai Aquatic Products Co. Ltd.
59. Kuehne Nagel Ltd. Xiamen Branch
60. Leizhou Bei Bu Wan Sea Products Co., Ltd.
61. Longhai Gelin Foods Co., Ltd.
62. Maoming Xinzhou Seafood Co., Ltd.
63. New Continent Foods Co., Ltd.
64. Ningbo Prolar Global Co., Ltd.
65. North Seafood Group Co.
66. Pacific Andes Food Ltd.
67. Penglai Huiyang Foodstuff Co., Ltd.
68. Penglai Yuming Foodstuff Co., Ltd.
69. Qingdao Fusheng Foodstuffs Co., Ltd.
70. Qingdao Yihexing Foods Co., Ltd.
71. Qingdao Yize Food Co., Ltd.
72. Qingdao Zhongfu International
73. Qinhuangdao Gangwan Aquatic Products Co., Ltd.
74. Raoping YuXiang Aquaculture Co., Ltd.
75. Rizhao Meijia Aquatic Foodstuff Co., Ltd.
76. Rizhao Meijia Keyuan Foods Co. Ltd.
77. Rizhao Rongjin Aquatic
78. Rizhao Rongxing Co. Ltd.
79. Rizhao Smart Foods Company Limited
80. Rongcheng Sanyue Foodstuff Co., Ltd.
81. Rongcheng Yin Hai Aquatic Product Co., Ltd.
82. Rushan Chunjiangyuan Foodstuffs Co., Ltd.
83. Rushan Hengbo Aquatic Products Co., Ltd.
84. Savvy Seafood Inc.
85. Sea Trade International Inc.
86. Shanghai Finigate Integrated
87. Shanghai Zhoulian Foods Co., Ltd.
88. Shantou Freezing Aquatic Product Foodstuffs Co.
89. Shantou Haili Aquatic Product Co. Ltd.
90. Shantou Haimao Foodstuff Factory Co., Ltd.
91. Shantou Jiazhou Food Industrial Co., Ltd.
92. Shantou Jinping Oceanstar Business Co., Ltd.
93. Shantou Jintai Aquatic Product Industrial Co., Ltd.
94. Shantou Longsheng Aquatic Product Foodstuff Co., Ltd.
95. Shantou Ocean Best Seafood Corporation
96. Shantou Red Garden Food Processing Co., Ltd./Shantou Red Garden Foodstuff Co., Ltd.
97. Shantou Ruiyuan Industry Co., Ltd.
98. Shantou Wanya Foods Fty. Co., Ltd.
99. Shantou Yuexing Enterprise Company
100. Shengyuan Aquatic Food Co., Ltd.
101. Suizhong Tieshan Food Co., Ltd.
102. Thai Royal Frozen Food Zhanjiang Co., Ltd.
103. Tongwei Hainan Aquatic Products Co., Ltd.
104. Time Seafood (Dalian) Company Limited
105. Xiamen East Ocean Foods Co., Ltd.
106. Xiamen Granda Import and Export Co., Ltd.
107. Yangjiang Dawu Aquatic Products Co., Ltd.
108. Yangjiang Guolian Seafood Co., Ltd.
109. Yangjiang Haina Datong Trading Co.
110. Yantai Longda Foodstuffs Co., Ltd.
111. Yantai Tedfoods Co., Ltd.
112. Yantai Wei-Cheng Food Co., Ltd.
113. Yixing Magnolia Garment Co., Ltd.
114. Zhangzhou Donghao Seafoods Co., Ltd.
115. Zhangzhou Fuzhiyuan Food Co., Ltd.
116. Zhangzhou Tai Yi Import & Export Trading Co., Ltd.
117. Zhangzhou Xinhui Foods Co., Ltd.
118. Zhangzhou Xinwanya Aquatic Product Co., Ltd.
119. Zhangzhou Yanfeng Aquatic Product & Foodstuff Co., Ltd.
120. Zhanjiang Evergreen Aquatic Product Science and Technology Co., Ltd.
121. Zhanjiang Fuchang Aquatic Products Co., Ltd.
122. Zhanjiang Fuchang Aquatic Products Freezing Plant
123. Zhanjiang Go-Harvest Aquatic Products Co., Ltd.
124. Zhanjiang Guolian Aquatic Products Co., Ltd.
125. Zhanjiang Longwei Aquatic Products Industry Co., Ltd.
126. Zhanjiang Universal Seafood Corp.
127. Zhaoan Yangli Aquatic Co., Ltd.
128. Zhejiang Evernew Seafood Co.
129. Zhejiang Xinwang Foodstuffs Co., Ltd.
130. Zhenye Aquatic (Huilong) Ltd.
131. Zhoushan Genho Food Co., Ltd.
132. Zhoushan Green Food Co., Ltd.
133. Zhoushan Haizhou Aquatic Products
134. Zhuanghe Yongchun Marine Products

**Appendix II**

**Companies Preliminarily Found to Have No Shipments**

1. Zhangzhou Hongwei Foods Co., Ltd.
2. Zhanjiang Regal Integrated Marine Resources Co., Ltd.

**Appendix III**

**List of Topics Discussed in the Preliminary Decision Memorandum**

- I. Summary
- II. Background
- III. Scope of the *Order*
- IV. Discussion of the Methodology
- V. Recommendation

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**DEPARTMENT OF COMMERCE**

**International Trade Administration**

[C–570–146]

**Certain Freight Rail Couplers and Parts Thereof From the People’s Republic of China: Initiation of Countervailing Duty Investigation**

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

**DATES:** Applicable October 18, 2022.

**FOR FURTHER INFORMATION CONTACT:** Terre Keaton Stefanova, AD/CVD Operations, Office II, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–1280.

**SUPPLEMENTARY INFORMATION:**

**The Petition**

On September 28, 2022, the U.S. Department of Commerce (Commerce) received a countervailing duty (CVD) petition concerning imports of certain freight rail couplers and parts thereof (freight rail couplers) from the People’s Republic of China (China) filed in proper form on behalf of the Coalition of Freight Coupler Producers (the

petitioner).<sup>1</sup> The Petition was accompanied by antidumping duty (AD) petitions concerning imports of freight rail couplers from China and Mexico.<sup>2</sup>

Between September 30 and October 7, 2022, Commerce requested supplemental information pertaining to certain aspects of the Petition in separate supplemental questionnaires.<sup>3</sup> On October 4, 6, and 11, 2022, the petitioner filed timely responses to these requests for additional information.<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) is providing countervailable subsidies, within the meaning of sections 701 and 771(5) of the Act, to producers of freight rail couplers in China and that such imports are materially injuring, or threatening material injury to, the domestic industry producing 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 a CVD investigation, the Petition is supported by information reasonably available to the petitioner.

Commerce finds that the petitioner filed the Petition on behalf of the domestic industry because the petitioner is an interested party as

defined in section 771(9)(F) of the Act. Commerce also finds that the petitioner demonstrated sufficient industry support with respect to the initiation of the requested CVD investigation.<sup>5</sup>

#### Period of Investigation

Because the Petition was filed on September 28, 2022, the period of investigation is January 1, 2021, through December 31, 2021.<sup>6</sup>

#### Scope of the Investigation

The products covered by this investigation are certain freight rail couplers and parts thereof from China. For a full description of the scope of this investigation, see the appendix to this notice.

#### Comments on Scope of the Investigation

On September 30 and October 7, 2022, Commerce requested information from the petitioner regarding the proposed scope to ensure that the scope language in the Petition is an accurate reflection of the products for which the domestic industry is seeking relief.<sup>7</sup> On October 4 and 11, 2022, the petitioner revised the scope.<sup>8</sup> The description of merchandise covered by this investigation, 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>9</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 include factual information,<sup>10</sup> all such factual information should be limited to public information. To facilitate preparation of its questionnaires, Commerce requests that all interested parties submit such comments by 5:00 p.m. Eastern Time (ET) on November 7, 2022. Any rebuttal comments, which may include factual information, must be filed by 5:00 p.m. ET on November

17, 2022, which is ten calendar days from the initial comment deadline.

Commerce requests that any factual information that parties consider relevant to the scope of the investigation be submitted during this period. However, if a party subsequently finds that additional factual information pertaining to the scope of the investigation may be relevant, the party may contact Commerce and request permission to submit the additional information. All such submissions must be filed 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 (E&C) Antidumping Duty and Countervailing Duty Centralized Electronic Service System (ACCESS), unless an exception applies.<sup>11</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 GOC of the receipt of the Petition and provided it the opportunity for consultations with respect to the Petition.<sup>12</sup> The GOC requested consultations,<sup>13</sup> which were held via video conference on October 17, 2022.<sup>14</sup>

#### Determination of Industry Support for the Petition

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

<sup>1</sup> See Petitioner's Letter, "Certain Freight Rail Couplers and Parts Thereof from the People's Republic of China and the United Mexican States: Petitions for the Imposition of Antidumping and Countervailing Duties," dated September 28, 2022 (Petition). The members of the Coalition of Freight Coupler Producers are McConway & Torley LLC and the United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied Industrial and Service Workers International Union.

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

<sup>3</sup> See Commerce's Letters, "Petitions for the Imposition of Antidumping and Countervailing Duties on Imports of Certain Freight Rail Couplers and Parts Thereof from the People's Republic of China and Mexico: Supplemental Questions," dated September 30, 2022 (Commerce's First General Issues Supplemental); and "Petition for the Imposition of Countervailing Duties on Imports of Certain Freight Rail Couplers and Parts Thereof from the People's Republic of China: Supplemental Questions," dated October 3, 2022; see also Memorandum, "Phone Call with Counsel to the Petitioner," dated October 7, 2022 (Commerce's Second General Issues Supplemental).

<sup>4</sup> See Petitioner's Letters, "Certain Freight Rail Couplers and Parts Thereof from the People's Republic of China and the United Mexican States: Response to Supplemental Questions for Volume I Common Issues and Injury Petition," dated October 4, 2022 (First General Issues Supplement); "Certain Freight Rail Couplers and Parts Thereof from the People's Republic of China: Petitioner's Supplemental Questionnaire Response," dated October 6, 2022; and "Certain Freight Rail Couplers and Parts Thereof from the People's Republic of China and the United Mexican States: Response to Second Supplemental Questions for Volume I Common Issues and Injury Petition," dated October 11, 2022 (Second General Issues Supplement).

<sup>5</sup> See section on "Determination of Industry Support for the Petition," *infra*.

<sup>6</sup> See 19 CFR 351.204(b)(2).

<sup>7</sup> See Commerce's First General Issues Supplemental at 3-4; see also Commerce's Second General Issues Supplemental at 1-2.

<sup>8</sup> See First General Issues Supplement at 1-3 and Exhibit I-Supp-1; see also Second General Issues Supplement at 2 and Exhibit I-Supp2-4.

<sup>9</sup> See *Antidumping Duties; Countervailing Duties, Final Rule*, 62 FR 27296, 27323 (May 19, 1997) (*Preamble*).

<sup>10</sup> See 19 CFR 351.102(b)(21) (defining "factual information").

<sup>11</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).

<sup>12</sup> See Commerce's Letter, Consultations with the GOC, dated October 6, 2022.

<sup>13</sup> See GOC's Letter, "Request for Consultation to Discuss the Countervailing Duty Investigation Petition," dated October 11, 2022.

<sup>14</sup> See Memorandum, "Consultations with Officials from the Government of the People's Republic of China (China)," dated October 17, 2022.

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 domestic like product in order to define the industry. While both Commerce and the ITC must apply the same statutory definition regarding the domestic like product,<sup>15</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>16</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 investigation.<sup>17</sup> Based on our analysis of the information submitted on the record, we have determined that freight rail couplers, 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>18</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 Petition with reference to the domestic like product as defined in the “Scope of the Investigation,” in the appendix to this notice. To establish industry support, the petitioner provided its own production and compared this to the estimated total 2021 production of the domestic like product for the entire U.S. industry.<sup>19</sup> We relied on data provided by the petitioner for purposes of measuring industry support.<sup>20</sup>

Our review of the data provided in the Petition, 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 Petition.<sup>21</sup> First, the Petition 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>22</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 Petition account for at least 25 percent of the total production of the domestic like product.<sup>23</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

<sup>18</sup> For a discussion of the domestic like product analysis as applied to this case and information regarding industry support, *see* CVD Investigation Initiation Checklist, “Certain Freight Rail Couplers and Parts Thereof from the People’s Republic of China,” dated concurrently with this notice (China CVD Initiation Checklist), at Attachment II (Analysis of Industry Support for the Antidumping and Countervailing Duty Petitions Covering Certain Freight Rail Couplers and Parts Thereof from the People’s Republic of China and Mexico).

<sup>19</sup> *See* Petition at Volume I (4–5 and Exhibits I–5 and I–18); *see also* First General Issues Supplement at 4–8 and Exhibits I–Supp–2 and I–Supp–3.

<sup>20</sup> *See* Petition at Volume I (4–5 and Exhibits I–5 and I–18); *see also* First General Issues Supplement at 4–8 and Exhibits I–Supp–2 and I–Supp–3.

<sup>21</sup> *See* Petition at Volume I (3–5 and Exhibits I–1 through I–3, I–5, and I–18); *see also* First General Issues Supplement at 4–8 and Exhibits I–Supp–2 through I–Supp–4. For further discussion, *see* Attachment II of the China CVD Initiation Checklist.

<sup>22</sup> *See* China CVD Initiation Checklist at Attachment II; *see also* section 702(c)(4)(D) of the Act.

<sup>23</sup> *See* China CVD Initiation Checklist at Attachment II.

workers) who support the Petition 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 Petition.<sup>24</sup> Accordingly, Commerce determines that the Petition was filed on behalf of the domestic industry within the meaning of section 702(b)(1) of the Act.<sup>25</sup>

### Injury Test

Because China is a “Subsidies Agreement Country” within the meaning of section 701(b) of the Act, section 701(a)(2) of the Act applies to this investigation. Accordingly, the ITC must determine whether imports of the subject merchandise from China 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 benefiting 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 exceed the negligibility threshold provided for under section 771(24)(A) of the Act.<sup>26</sup>

The petitioner contends that the industry’s injured condition is illustrated by a significant volume of subject imports; reduced market share; underselling and price depression and/or suppression; lost sales and revenues; declines in production, U.S. shipments, and capacity utilization; decline in employment; and decline in financial performance.<sup>27</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 allegations are properly supported by adequate evidence, and meet the statutory requirements for initiation.<sup>28</sup>

### Initiation of CVD Investigation

Based upon our examination of the Petition and supplemental responses,

<sup>24</sup> *Id.*

<sup>25</sup> *Id.*

<sup>26</sup> *See* Petition at Volume I (34 and Exhibit I–34).

<sup>27</sup> *See* Petition at Volume I (16–17, 24–57, and Exhibits I–3, I–4, I–15 through I–18, and I–21 through I–63); *see also* First General Issues Supplement at 9–12 and Exhibits I–Supp–5 through I–Supp–7.

<sup>28</sup> *See* China CVD Initiation Checklist at Attachment III (Analysis of Allegations and Evidence of Material Injury and Causation for the Antidumping and Countervailing Duty Petitions Covering Certain Freight Rail Couplers and Parts thereof from the People’s Republic of China and Mexico).

<sup>15</sup> *See* section 771(10) of the Act.

<sup>16</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* 865 F.2d 240 (Fed. Cir. 1989)).

<sup>17</sup> *See* Petition at Volume I (17–21 and Exhibit I–19); *see also* First General Issues Supplement at 8–9.

we find that the Petition meets the requirements of section 702 of the Act. Therefore, we are initiating a CVD investigation to determine whether imports of freight rail couplers from China benefit from countervailable subsidies conferred by the GOC. Based on our review of the Petition, we find that there is sufficient information to initiate a CVD investigation on all 33 of the alleged programs. Additionally, we find that there is sufficient information to initiate on the allegation pertaining to the uncreditworthiness of CRRC Corporation Limited (CRRC) and will conduct the appropriate investigation, should CRRC be selected as a mandatory respondent. For a full discussion of the basis for our decision to initiate on each program, see the China CVD Initiation Checklist. The initiation checklist for this investigation is available on ACCESS. In accordance with section 703(b)(1) of the Act and 19 CFR 351.205(b)(1), unless postponed, we will make our preliminary determination no later than 65 days after the date of this initiation.

### Respondent Selection

The petitioner named twelve companies in China as producers and/or exporters of freight rail couplers.<sup>29</sup> Commerce intends to follow its standard practice in CVD investigations and calculate company-specific subsidy rates in this investigation. 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, where appropriate, Commerce intends to select mandatory respondents based on quantity and value (Q&V) questionnaires issued to the potential respondents. 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 investigation. However, for this investigation, one of the HTSUS subheadings under which the subject merchandise would enter (*i.e.*, 8607.30.1000) is a basket category under which non-subject merchandise may enter. Therefore, we cannot rely on CBP entry data in selecting respondents. Because there are twelve producers and/or exporters identified in the Petition, Commerce intends instead to issue Q&V questionnaires to each potential

respondent for which the petitioner has provided a complete address.

In addition, Commerce will post the Q&V questionnaire along with filing instructions on E&C's website at <https://access.trade.gov/resources/questionnaires/questionnaires-ad.html>. Producers/exporters of freight rail couplers from China 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 E&C's website. In the event Commerce decides to limit the number of respondents individually investigated, Commerce intends to base respondent selection on the responses to the Q&V questionnaire that it receives.

Responses to the Q&V questionnaire must be submitted by the relevant Chinese producers/exporters no later than 5:00 p.m. ET on November 1, 2022, which is two weeks from the signature date of this notice. All Q&V 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.

Interested parties must submit applications for disclosure under administrative protective order (APO) in accordance with 19 CFR 351.305(b). Instructions for filing such applications may be found on E&C's website at <https://www.trade.gov/administrative-protective-orders>. Commerce intends to finalize its decisions regarding respondent selection within 20 days of publication of this notice.

### Distribution of Copies of the Petition

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 Petition has been provided to the GOC via ACCESS. Furthermore, to the extent practicable, Commerce will attempt to provide a copy of the public version of the Petition to each exporter named in the Petition, 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 Petition was filed, whether there is a reasonable indication that imports of freight rail couplers from China are materially injuring, or threatening material injury to, a U.S. industry.<sup>30</sup> A

negative ITC determination will result in the investigation being terminated.<sup>31</sup> Otherwise, this investigation 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) through (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>32</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 factual information seeks to rebut, clarify, or correct.<sup>33</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 this investigation.

### 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.<sup>34</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, Commerce 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

<sup>31</sup> *Id.*

<sup>32</sup> See 19 CFR 351.301(b).

<sup>33</sup> See 19 CFR 351.301(b)(2).

<sup>34</sup> See 19 CFR 351.302.

<sup>29</sup> See Petition at Volume I (13 and Exhibit I–10).

<sup>30</sup> See section 703(a)(1) of the Act.

request must be made in a separate, stand-alone 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 extension requests or factual information in this investigation.<sup>35</sup>

#### Certification Requirements

Any party submitting factual information in an AD or CVD proceeding must certify to the accuracy and completeness of that information.<sup>36</sup> Parties must use the certification formats provided in 19 CFR 351.303(g).<sup>37</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 this investigation should ensure that they meet the requirements of document submission procedures (e.g., the filing of letters of appearance as discussed at 19 CFR 351.103(d)) (e.g., by filing the required letter of appearance).<sup>38</sup> Note that Commerce has temporarily modified certain of its requirements for serving documents containing business proprietary information, until further notice.<sup>39</sup>

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

Dated: October 18, 2022.

**Lisa W. Wang,**

*Assistant Secretary, for Enforcement and Compliance.*

#### Appendix

##### Scope of the Investigation

The scope of this investigation covers certain freight railcar couplers (also known as

<sup>35</sup> See 19 CFR 351; 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>.

<sup>36</sup> See section 782(b) of the Act.

<sup>37</sup> See *Certification of Factual Information to Import Administration During Antidumping and Countervailing Duty Proceedings*, 78 FR 42678 (July 17, 2013) (*Final Rule*); see also frequently asked questions regarding the *Final Rule*, available at [https://enforcement.trade.gov/lei/notices/factual\\_info\\_final\\_rule\\_FAQ\\_07172013.pdf](https://enforcement.trade.gov/lei/notices/factual_info_final_rule_FAQ_07172013.pdf).

<sup>38</sup> See *Antidumping and Countervailing Duty Proceedings: Documents Submission Procedures; APO Procedures*, 73 FR 3634 (January 22, 2008).

<sup>39</sup> See *Temporary Rule Modifying AD/CVD Service Requirements Due to COVID-19; Extension of Effective Period*, 85 FR 41363 (July 10, 2020).

“fits” or “assemblies”) and parts thereof. Freight railcar couplers are composed of two main parts, namely knuckles and coupler bodies but may also include other items (e.g., coupler locks, lock lift assemblies, knuckle pins, knuckle throwers, and rotors). The parts of couplers that are covered by the investigation include: (1) E coupler bodies, (2) E/F coupler bodies, (3) F coupler bodies, (4) E knuckles, and (5) F knuckles, as set forth by the Association of American Railroads (AAR). The freight rail coupler parts (i.e., knuckles and coupler bodies) are included within the scope of this investigation when imported separately. Coupler locks, lock lift assemblies, knuckle pins, knuckle throwers, and rotors are covered merchandise when imported in an assembly but are not covered by the scope when imported separately.

Subject freight railcar couplers and parts are included within the scope whether finished or unfinished, whether imported individually or with other subject or nonsubject parts, whether assembled or unassembled, whether mounted or unmounted, or if joined with nonsubject merchandise, such as other nonsubject parts or a completed railcar. Finishing includes, but is not limited to, arc washing, welding, grinding, shot blasting, heat treatment, machining, and assembly of various parts. When a subject coupler or subject parts are mounted on or to other nonsubject merchandise, such as a railcar, only the coupler or subject parts are covered by the scope.

The finished products covered by the scope of this investigation meet or exceed the AAR specifications of M-211, “Foundry and Product Approval Requirements for the Manufacture of Couplers, Coupler Yokes, Knuckles, Follower Blocks, and Coupler Parts” and/or AAR M-215 “Coupling Systems,” or other equivalent domestic or international standards (including any revisions to the standard(s)).

The country of origin for subject couplers and parts thereof, whether fully assembled, unfinished or finished, or attached to a railcar, is the country where the subject coupler parts were cast or forged. Subject merchandise includes coupler parts as defined above that have been further processed or further assembled, including those coupler parts attached to a railcar in third countries. Further processing includes, but is not limited to, arc washing, welding, grinding, shot blasting, heat treatment, painting, coating, priming, machining, and assembly of various parts. The inclusion, attachment, joining, or assembly of nonsubject parts with subject parts or couplers either in the country of manufacture of the in-scope product or in a third country does not remove the subject parts or couplers from the scope.

The couplers that are the subject of this investigation are currently classifiable in the Harmonized Tariff Schedule of the United States (HTSUS) statistical reporting number 8607.30.1000. Unfinished subject merchandise may also enter under HTSUS statistical reporting number 7326.90.8688. Subject merchandise attached to finished railcars may also enter under HTSUS

statistical reporting numbers 8606.10.0000, 8606.30.0000, 8606.91.0000, 8606.92.0000, 8606.99.0130, 8606.99.0160, or under subheading 9803.00.5000 if imported as an Instrument of International Traffic. Subject merchandise may also be imported under HTSUS statistical reporting number 7325.99.5000. These HTSUS subheadings are provided for convenience and customs purposes only; the written description of the scope of this investigation is dispositive.

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-570-145, A-201-857]

#### Certain Freight Rail Couplers and Parts Thereof From the People's Republic of China and Mexico: Initiation of Less-Than-Fair-Value Investigations

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

**DATES:** Applicable October 18, 2022.

**FOR FURTHER INFORMATION CONTACT:** Zachary Shaykin (the People's Republic of China (China)); and Jon Hall-Eastman or Samuel Brummitt (Mexico); AD/CVD Operations, Offices IV and III, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482-2638, (202) 482-1468, or (202) 482-7851, respectively.

#### SUPPLEMENTARY INFORMATION:

##### The Petitions

On September 28, 2022, the U.S. Department of Commerce (Commerce) received antidumping duty (AD) petitions concerning imports of certain freight rail couplers and parts thereof (freight rail couplers) from China and Mexico filed in proper form on behalf of the Coalition of Freight Coupler Producers (the petitioner).<sup>1</sup> The Petitions were accompanied by a countervailing duty (CVD) petition concerning imports of freight rail couplers from China.<sup>2</sup>

Between September 30 and October 11, 2022, Commerce requested

<sup>1</sup> See Petitioner's Letter, “Certain Freight Rail Couplers and Parts Thereof from the People's Republic of China and the United Mexican States: Petitions for the Imposition of Antidumping and Countervailing Duties,” dated September 28, 2022 (Petitions). The members of the Coalition of Freight Coupler Producers are McConway & Torley LLC and the United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied Industrial and Service Workers International Union.

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