

## Continuation of Suspension of Liquidation

In accordance with section 735(c)(1)(B) of the Act, Commerce will instruct U.S. Customs and Border Protection (CBP) to continue to suspend liquidation of all entries of polyester textured yarn from Vietnam, as described in Appendix I of this notice, which were entered or withdrawn from warehouse for consumption on or after June 3, 2021, the date of publication of the *Preliminary Determination* of this investigation in the **Federal Register**.

Pursuant to section 735(c)(1)(B)(ii) of the Act, upon the publication of this notice, Commerce will instruct CBP to require a cash deposit equal to the weighted-average amount by which the normal value exceeds U.S. price as follows: (1) The cash deposit rate for the exporter/producer combination listed in the table above will be the rate identified in the table; (2) for all combinations of Vietnamese exporters/producers of subject merchandise that have not received their own separate rate above, the cash-deposit rate will be the cash deposit rate established for the Vietnam-wide entity; and (3) for all non-Vietnamese exporters of subject merchandise which have not received their own separate rate above, the cash-deposit rate will be the cash deposit rate applicable to the Vietnamese exporter/producer combination (or the Vietnam-wide entity) that supplied that non-Vietnamese exporter. These suspension of liquidation instructions will remain in effect until further notice.

## International Trade Commission Notification

In accordance with section 735(d) of the Act, we will notify the International Trade Commission (ITC) of our final affirmative determination of sales at less than fair value. Because the final determination in this investigation is affirmative, in accordance with section 735(b)(2) of the Act, the ITC will make its final determination as to whether the domestic industry in the United States is materially injured, or threatened with material injury, by reason of imports of subject merchandise from Vietnam no later than 45 days after our 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. 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assess, upon further instruction by Commerce, antidumping duties on all imports of the subject merchandise entered, or withdrawn from warehouse,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.

## Notification Regarding Administrative Protective Order

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

## Notification to Interested Parties

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

Dated: October 18, 2021.

### 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 covered by this investigation, polyester textured yarn, is synthetic multifilament yarn that is manufactured from polyester (polyethylene terephthalate). Polyester textured yarn is produced through a texturing process, which imparts special properties to the filaments of the yarn, including stretch, bulk, strength, moisture absorption, insulation, and the appearance of a natural fiber. This scope includes all forms of polyester textured yarn, regardless of surface texture or appearance, yarn density and thickness (as measured in denier), number of filaments, number of plies, finish (luster), cross section, color, dye method, texturing method, or packaging method (such as spindles, tubes, or beams).

The merchandise subject to this investigation is properly classified under subheadings 5402.33.3000 and 5402.33.6000 of the Harmonized Tariff Schedule of the United States (HTSUS). Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the merchandise is dispositive.

## Appendix II—List of Topics Discussed in the Issues and Decision Memorandum

- I. Summary
  - II. Background
  - III. Surrogate Country
  - IV. Separate Rate
  - V. Vietnam-Wide Rate
  - VI. Changes Since the Preliminary Determination
  - VII. Scope of the Investigation
  - VIII. Discussion of the Issues
- Comment 1: Selection of Financial Statements

- Comment 2: Calculations of Surrogate Financial Ratios  
 Comment 3: Auxiliary Electricity  
 Comment 4: Electricity Valuation  
 Comment 5: Masterbatch PET Chips Valuation  
 Comment 6: PET Chips Valuation  
 Comment 7: Scrap Offset  
 Comment 8: Polyethylene Strap

## IX. Recommendation

[FR Doc. 2021–23127 Filed 10–22–21; 8:45 am]

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[C–570–144]

### Freight Rail Coupler Systems and Certain Components 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 19, 2021.

**FOR FURTHER INFORMATION CONTACT:** Whitley Herndon, AD/CVD Operations, Office V, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–6274.

### SUPPLEMENTARY INFORMATION:

#### The Petition

On September 29, 2021, the U.S. Department of Commerce (Commerce) received a countervailing duty (CVD) petition concerning imports of freight rail coupler systems and certain components 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> On October 6, 2021, the petitioner filed an amendment to the Petition, clarifying the identity of the members of the Coalition of Freight Coupler Producers, the members of which are, or represent, domestic producers of freight rail couplers.<sup>2</sup> The Petition was

<sup>1</sup> See Petitioner's Letter, "Certain Freight Rail Coupler Systems and Components Thereof from the People's Republic of China: Petitions for the Imposition of Antidumping and Countervailing Duties," dated September 29, 2021 (the Petition).

<sup>2</sup> See Petitioner's Letters, "Amended Entry of Appearance: C–570–144," dated October 6, 2021 (Amended EOA); and "Freight Rail Coupler Systems and Certain Components Thereof from the People's Republic of China: Response to First Supplemental Questions for on Volume I General Issues and Injury Petition," dated October 6, 2021 (First General Issues Supplement). The petitioner notes that, per the Amended EOA, the members of the Coalition of Freight Coupler Producers are: McConway & Torley, LLC and the United Steel,

accompanied by an antidumping duty (AD) petition concerning freight rail couplers from China.<sup>3</sup>

On October 1, 4, 8, and 15, 2021, Commerce requested supplemental information pertaining to certain aspects of the Petition.<sup>4</sup> On October 6, 7, 12, and 18, 2021, the petitioner filed timely responses to these requests for additional information.<sup>5</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

Paper & Forestry, Rubber, Manufacturing, Energy, Allied Industrial and Service Worker International Union, AFL-CIO, CLC (the USW). The petitioner further notes that Amsted Rail Company, Inc. (Amsted) is no longer a member of the petitioning coalition and that the USW represents the workers at Amsted's Granite, IL facility. See First General Issues Supplement at 8.

<sup>3</sup> See the Petition.

<sup>4</sup> See Commerce's Letters, "Petitions for the Imposition of Antidumping and Countervailing Duties on Imports of Certain Freight Rail Coupler Systems and Components Thereof from the People's Republic of China: Supplemental Questions," dated October 4, 2021 (General Issues Supplemental); "Petition for the Imposition of Antidumping Duties on Imports of Certain Freight Rail Coupler Systems and Components Thereof from the People's Republic of China: Supplemental Questions," dated October 4, 2021; Memorandum, "Petitions for the Imposition of Antidumping and Countervailing Duties on Imports of Certain Freight Rail Coupler Systems and Components Thereof from the People's Republic of China: Phone Call with Counsel to the Petitioner," dated October 4, 2021 (October 4, 2021, Phone Call Memorandum); Memorandum, "Petitions for the Imposition of Antidumping and Countervailing Duties on Imports of Certain Freight Rail Coupler Systems and Components Thereof from the People's Republic of China: Phone Call with Counsel to the Petitioner," dated October 8, 2021 (October 8, 2021, Phone Call Memorandum); and Memorandum, "Petitions for the Imposition of Antidumping and Countervailing Duties on Imports of Certain Freight Rail Coupler Systems and Components Thereof from the People's Republic of China: Phone Call with Counsel to the Petitioner," dated October 15, 2021 (October 15, 2021, Phone Call Memorandum).

<sup>5</sup> See Petitioner's Letters, "Freight Rail Coupler Systems and Components Thereof from the People's Republic of China: Responses to Supplemental Questions for on Volume I General Issues and Injury Petition," dated October 6, 2021 (First General Issues Supplement); see also Petitioner's Letter, "Freight Rail Car Coupler Systems and Certain Components Thereof from the People's Republic of China: Response to Supplemental Questions on Volume III China Countervailing Duty Petition—Questions 9 and 11," dated October 7, 2021; "Freight Rail Car Coupler Systems and Certain Components Thereof from the People's Republic of China: Response to Second Supplemental Questions on Volume I General Issues and Injury Petition," dated October 12, 2021 (Second General Issues Supplement); and "Freight Rail Car Coupler Systems and Certain Components Thereof from the People's Republic of China: Response to Third Supplemental Questions on Volume I General Issues and Injury Petition," dated October 18, 2021 (Scope Clarification).

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)(E) of the Act. Commerce also finds that the petitioner demonstrated sufficient industry support with respect to the initiation of the requested CVD investigation.<sup>6</sup>

### Period of Investigation

Because the Petition was filed on September 29, 2021, the period of investigation is January 1, 2020, through December 31, 2020.<sup>7</sup>

### Scope of the Investigation

The merchandise covered by this investigation is freight rail couplers 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 October 1, 4, 8, and 15, 2021, Commerce requested further 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>8</sup> On October 6, 12, and 18, 2021, the petitioner revised the scope.<sup>9</sup> The description of the merchandise covered by this investigation, as described in the appendix to this notice, reflects these clarifications. In its October 18, 2021, submission, the petitioner provided additional explanation of the language in the scope of the investigation pertaining to the inclusion of freight rail couplers imported as part of a rail car ("{w}hen mounted on or to other non-subject merchandise, such as a rail car, only the complete coupler system is covered by the scope"), including freight rail couplers attached to rail cars

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

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

<sup>8</sup> See First General Issues Supplement Questionnaire; see also October 4, 2021, Phone Call Memorandum; October 8, 2021, Phone Call Memorandum; and October 15, 2021, Phone Call Memorandum.

<sup>9</sup> See First General Issues Supplement at 1–7 and Exhibit I–Supp–1; see also Second General Issues Supplement at 1–4 and Exhibit I–2Supp–1; and Scope Clarification at Exhibit I–3Supp–1.

in, and imported from, third countries ("{s}ubject merchandise includes coupler components as defined above that have been further processed or further assembled, including those coupler components attached to a rail car in third countries.>").<sup>10</sup> While Commerce has adopted this provision for purposes of initiation, we invite parties to this proceeding to comment on this provision along with their scope comments (as detailed below).

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>11</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 determination. If scope comments include factual information, all such factual information should be limited to public information.<sup>12</sup> To facilitate preparation of its questionnaires, Commerce requests that all interested parties submit scope comments by 5:00 p.m. Eastern Time (ET) on November 8, 2021, which is 20 calendar days from the signature date of this notice.<sup>13</sup> Any rebuttal comments, which may include factual information, must be filed by 5:00 p.m. ET on November 18, 2021, which is 10 calendar days from the initial comment deadline.<sup>14</sup>

Commerce requests that any factual information that the parties consider relevant to the scope of the investigation be submitted during this time 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 scope comments must also be filed on the record of the concurrent AD and CVD investigations.

### Filing Requirements

All submissions to Commerce must be filed electronically via Enforcement and Compliance (E&C)'s Antidumping Duty and Countervailing Duty Centralized

<sup>10</sup> See Scope Clarification.

<sup>11</sup> See *Antidumping Duties; Countervailing Duties*, 62 FR 27296, 27323 (May 19, 1997) (*Preamble*).

<sup>12</sup> See 19 CFR 351.102(b)(21) (defining "factual information").

<sup>13</sup> See 19 CFR 351.303(b).

<sup>14</sup> Commerce's practice dictates that where a deadline falls on a weekend or Federal holiday, the appropriate deadline is the next business day. See *Notice of Clarification: Application of "Next Business Day" Rule for Administrative Determination Deadlines Pursuant to the Tariff Act of 1930, As Amended*, 70 FR 24533 (May 10, 2005); see also 19 CFR 351.303(b).

Electronic Service System (ACCESS), unless an exception applies.<sup>15</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 CVD Petition.<sup>16</sup> The GOC requested consultations,<sup>17</sup> which were held via video conference on October 18, 2021.<sup>18</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 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 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>19</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>20</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>21</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>22</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 of freight rail couplers in 2020.<sup>23</sup> The petitioner estimated production for the only other known producer of freight rail couplers in the United States.<sup>24</sup> The petitioner compared its production to the estimated total 2020 production of the domestic like product for the entire domestic industry.<sup>25</sup> We relied on data provided by the petitioner for purposes of measuring industry support.<sup>26</sup>

On October 7, 2021, we received comments on industry support from Wabtec Corporation (Wabtec), a U.S. importer of freight rail couplers.<sup>27</sup> On October 8, 2021, the petitioner responded to the comments from Wabtec.<sup>28</sup> On October 12, 2021, we received additional comments from Wabtec.<sup>29</sup> On October 13, 2021, we received comments on industry support from Strato, Inc. (Strato), a U.S. importer of freight rail couplers.<sup>30</sup> On October 14, 2021, the petitioner responded to the comments from Strato and Wabtec.<sup>31</sup>

<sup>23</sup> See Petition at Volume I at 3–4; see also First General Issues Supplement at 8–10 and Exhibit I–Supp–2; and Second General Issues Supplement at 4–5.

<sup>24</sup> See Petition at Volume I at 3–4 and Exhibit I–5; see also First General Issues Supplement at 9–10 and Exhibit I–Supp–2; and Second General Issues Supplement at 5 and Exhibit I–2Supp–2.

<sup>25</sup> See Petition at Volume I at 3–4 and Exhibit I–5; see also First General Issues Supplement at 8–10 and Exhibit I–Supp–2; and Second General Issues Supplement at 5.

<sup>26</sup> See Petition at Volume I at 2–4 and Exhibits I–3 through I–5; see also First General Issues Supplement at 7–10 and Exhibits I–Supp–2 and I–Supp–3; and Second General Issues Supplement at 4–5 and Exhibit I–2Supp–2.

<sup>27</sup> See Wabtec’s Letter, “Certain Freight Rail Coupler Systems and Components Thereof from the People’s Republic of China: Request for Department to Deny the Petitions for Imposition of Duties Filed by the Coalition of Freight Coupler Producers as Legally Infirm,” dated October 7, 2021.

<sup>28</sup> See Petitioner’s Letter, “Freight Rail Coupler Systems and Certain Components Thereof from the People’s Republic of China: Response to Wabtec,” dated October 8, 2021 (Petitioner Letter I).

<sup>29</sup> See Wabtec’s Letter, “Certain Freight Rail Coupler Systems and Components Thereof from the People’s Republic of China: Reply in Support of Request for Department to Deny the Petitions for Imposition of Duties Filed by the Coalition of Freight Coupler Producers,” dated October 12, 2021.

<sup>30</sup> See Strato’s Letter, “Strato Support for Rejecting Petition: Antidumping & Countervailing Duty Investigation of Freight Rail Coupler Systems and Components Thereof from the People’s Republic of China,” dated October 13, 2021.

<sup>31</sup> See Petitioner’s Letter, “Freight Rail Car Coupler Systems and Certain Components Thereof from the People’s Republic of China: Response to Strato and Wabtec,” dated October 14, 2021 (Petitioner Letter II).

<sup>15</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>16</sup> See Commerce’s Letter, “Countervailing Duty Petition on Certain Freight Rail Coupler Systems and Components Thereof from the People’s Republic of China,” dated September 29, 2021.

<sup>17</sup> See GOC’s Letter, “Certain Freight Rail Coupler Systems and Components Thereof from the People’s Republic of China: Request for Consultation to Discuss the Countervailing Duty Investigation Petition,” dated October 11, 2021.

<sup>18</sup> See Memorandum, “Petitions for the Imposition of Countervailing Duties on Imports of Certain Freight Rail Coupler Systems and Components Thereof from the People’s Republic of China: Consultations with Officials from the Government of China,” dated October 18, 2021.

<sup>19</sup> See section 771(10) of the Act.

<sup>20</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>21</sup> See Petition at Volume I at 16–21 and Exhibits I–4, I–7, and I–15; see also First General Issues Supplement at 10–11; and Second General Issues Supplement at 6–7.

<sup>22</sup> For a discussion of the domestic like product analysis as applied to this case and information regarding industry support, see Checklist, “Countervailing Duty Investigation Initiation Checklist: Certain Freight Rail Coupler Systems and Components Thereof from the People’s Republic of China,” dated concurrently with this **Federal Register** notice (China CVD Initiation Checklist) at Attachment II, Analysis of Industry Support for the Antidumping and Countervailing Duty Petitions Covering Certain Freight Rail Coupler Systems and Components Thereof from the People’s Republic of China (Attachment II).

Our review of the data provided in the Petition, the First General Issues Supplement, the Second General Issues Supplement, Petitioner Letters I and II, and other information readily available to Commerce indicates that the petitioner has established industry support for the Petition.<sup>32</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>33</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>34</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 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>35</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>36</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 benefitting from countervailable subsidies and that such imports 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>37</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>38</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>39</sup>

### Initiation of CVD Investigation

Based upon our examination of the Petition and supplemental responses, 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 33 of the 35 alleged programs. Additionally, we find that there is sufficient information to initiate on the allegation of the creditworthiness of CRRC Corporation Limited (CRRC) and will explore this allegation in the 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* 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 eight companies in China as producers and/

or exporters of freight rail couplers.<sup>40</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. We intend instead to issue Q&V questionnaires to each potential respondent for which the petitioner has provided a complete address.

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 at <https://enforcement.trade.gov/questionnaires/questionnaires-ad.html>. 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 2, 2021. 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 <http://enforcement.trade.gov/apo>. 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

<sup>32</sup> See China CVD Initiation Checklist at Attachment II.

<sup>33</sup> *Id.*; *see also* section 702(c)(4)(D) of the Act.

<sup>34</sup> See China CVD Initiation Checklist at Attachment II.

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

<sup>36</sup> *Id.*

<sup>37</sup> See Petition at Volume I at 27 and Exhibit I–27.

<sup>38</sup> *Id.* at 14–16, 22–44 and Exhibits I–3 through I–5, I–11, I–13, I–14, and I–17 through I–47; *see also* First General Issues Supplement at 11–13 and Exhibit I–Supp–3.

<sup>39</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 Coupler Systems and Components Thereof from the People’s Republic of China.

<sup>40</sup> See Petition at Volume I at Exhibit I–10.

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>41</sup> A negative ITC determination will result in the investigation being terminated.<sup>42</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)–(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>43</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>44</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>45</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 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>46</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>47</sup> Parties must use the certification formats provided in 19 CFR 351.303(g).<sup>48</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 administrative protective order 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

<sup>45</sup> See 19 CFR 351.302.

<sup>46</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 <http://www.gpo.gov/fdsys/pkg/FR-2013-09-20/html/2013-22853.htm>.

<sup>47</sup> See section 782(b) of the Act.

<sup>48</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 [http://enforcement.trade.gov/lei/notices/factual\\_info\\_final\\_rule\\_FAQ\\_07172013.pdf](http://enforcement.trade.gov/lei/notices/factual_info_final_rule_FAQ_07172013.pdf).

CFR 351.103(d)).<sup>49</sup> Note that Commerce has temporarily modified certain of its requirements for serving documents containing business proprietary information, until further notice.<sup>50</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 19, 2021.

**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—Scope of the Investigation

The scope of this investigation covers freight rail car coupler systems and certain components thereof. Freight rail car coupler systems are composed of, at minimum, four main components (knuckles, coupler bodies, coupler yokes, and follower blocks, as specified below) but may also include other items (e.g., coupler locks, lock lift assemblies, knuckle pins, knuckle throwers, and rotors). The components covered by the investigation include: (1) E coupler bodies; (2) E/F coupler bodies; (3) F coupler bodies; (4) E yokes; (5) F yokes; (6) E knuckles; (7) F knuckles; (8) E type follower blocks; and (9) F type follower blocks, as set forth by the Association of American Railroads (AAR). The freight rail coupler components are included within the scope of the investigation when imported individually, or in some combination thereof, such as in the form of a coupler fit (a coupler body and knuckle assembled together), independent from a coupler system.

Subject freight rail car coupler systems and components are included within the scope whether finished or unfinished, whether imported individually or with other subject or non-subject components, whether assembled or unassembled, whether mounted or unmounted, or if joined with non-subject merchandise, such as other non-subject system parts or a completed rail car. Finishing includes, but is not limited to, arc washing, welding, grinding, shot blasting, heat treatment, machining, and assembly of various components. When a subject coupler system or subject components are mounted on or to other non-subject merchandise, such as a rail car, only the coupler system or subject components 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” 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 coupler systems and components, whether fully

<sup>49</sup> See *Antidumping and Countervailing Duty Proceedings: Documents Submission Procedures; APO Procedures*, 73 FR 3634 (January 22, 2008).

<sup>50</sup> See *Temporary Rule Modifying AD/CVD Service Requirements Due to COVID–19; Extension of Effective Period*, 85 FR 41363 (July 10, 2020).

<sup>41</sup> See section 703(a)(1) of the Act.

<sup>42</sup> *Id.*

<sup>43</sup> See 19 CFR 351.301(b).

<sup>44</sup> See 19 CFR 351.301(b)(2).

assembled, unfinished or finished, or attached to a rail car, is the country where the subject coupler components were cast or forged. Subject merchandise includes coupler components as defined above that have been further processed or further assembled, including those coupler components attached to a rail car 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 components. The inclusion, attachment, joining, or assembly of non-subject components with subject components or coupler systems either in the country of manufacture of the in-scope product or in a third country does not remove the subject components or coupler systems from the scope.

The coupler systems 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 rail cars 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. These HTSUS subheadings are provided for convenience and customs purposes only; the written description of the scope of the investigation is dispositive.

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-549-843]

#### **Polyester Textured Yarn From Thailand: 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 polyester textured yarn from Thailand is being, or is likely to be, sold in the United States at less than fair value (LTFV). The period of investigation is October 1, 2019, through September 30, 2020.

**DATES:** Applicable October 25, 2021.

**FOR FURTHER INFORMATION CONTACT:** Stephanie Berger, AD/CVD Operations, Office III, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482-2483.

**SUPPLEMENTARY INFORMATION:**

### Background

On June 3, 2021, Commerce published its *Preliminary Determination*.<sup>1</sup> Commerce invited interested parties to comment on the *Preliminary Determination*.

For a complete description of the events that followed the *Preliminary Determination*, see the Issues and Decision Memorandum.<sup>2</sup> The Issues and Decision Memorandum is a public document and is available 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 <https://access.trade.gov/public/FRNoticesListLayout.aspx>.

### Scope Comments

On May 26, 2021, we issued the Preliminary Scope Decision Memorandum.<sup>3</sup> The scope case briefs were due on July 9, 2021.<sup>4</sup> We did not receive any scope case briefs from interested parties. Therefore, Commerce has not made any changes to the scope of this investigation since the *Preliminary Determination*.

### Scope of the Investigation

The product covered by this investigation is polyester textured yarn from Thailand. For a complete description of the scope of this investigation, see Appendix I.

<sup>1</sup> See *Polyester Textured Yarn from Thailand: Preliminary Affirmative Determination of Sales at Less Than Fair Value, Postponement of Final Determination, and Extension of Provisional Measures*, 86 FR 29746 (June 3, 2021) (*Preliminary Determination*), and accompanying Preliminary Decision Memorandum (PDM).

<sup>2</sup> See Memorandum, "Decision Memorandum for the Final Affirmative Determination in the Less-Than-Fair-Value Investigation of Polyester Textured Yarn from Thailand," dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).

<sup>3</sup> See Memorandum, "Antidumping Duty Investigations of Polyester Textured Yarn from Indonesia, Malaysia, Thailand, and Vietnam: Preliminary Scope Decision Memorandum," dated May 26, 2021 (Preliminary Scope Decision Memorandum).

<sup>4</sup> The scope case briefs were due "no later than 15 days after the responses to the scope supplemental questionnaires on intermingled textured yarn are filed." *Id.* at 3. The last scope supplemental response was submitted on June 24, 2021. See Recron (Malaysia) Sdn. Bhd.'s Letter, "Scope Supplemental Questionnaire Response," dated June 24, 2021. No information was provided in the responses to the scope supplemental questionnaires that was sufficient for us to revise our findings in the Preliminary Scope Decision Memorandum.

### Verification

Commerce was unable to conduct on-site verification of the information relied upon in making its final determination in this investigation. However, we took additional steps in lieu of an on-site verification to verify the information relied upon in making this final determination, in accordance with section 782(i) of the Tariff Act of 1930, as amended (the Act).<sup>5</sup>

### Analysis of Comments Received

All issues raised in the case and rebuttal briefs by parties in this investigation are discussed in the Issues and Decision Memorandum. A list of the issues raised in the Issues and Decision Memorandum is attached to this notice as Appendix II.

### Changes From the Preliminary Determination

Based on our analysis of the comments received, we made certain changes to the margin calculation for Sunflag Thailand Ltd. (Sunflag) since the *Preliminary Determination*. See the Issues and Decision Memorandum for a discussion of these changes.

### Use of Adverse Facts Available

The mandatory respondent Jong Stit Co., Ltd. (Jong Stit) did not respond to Commerce's initial antidumping duty questionnaire in this investigation.<sup>6</sup> Therefore, in the *Preliminary Determination*, pursuant to sections 776(a) and 776(b) of the Act, we assigned to Jong Stit the highest Petition margin based on adverse facts available (AFA). No party filed comments concerning the *Preliminary Determination* with respect to Jong Stit, and there is no new information on the record that would cause us to revisit the *Preliminary Determination*. Accordingly, we continue to find that the application of AFA pursuant to sections 776(a) and (b) of the Act is warranted with respect to Jong Stit. Consistent with the *Preliminary Determination*, Commerce has assigned to Jong Stit the highest Petition margin, which is 56.80 percent. For further information, see the section "Application of Facts Available and Use of Adverse Inferences" in the *Preliminary Determination* PDM.

### All-Others Rate

Section 735(c)(5)(A) of the Act provides that the estimated weighted-

<sup>5</sup> See Commerce's Letter, "Antidumping Duty (AD) In Lieu of Verification Questions," dated July 6, 2021, and Sunflag's Letter, "Polyester Textured Yarn from Thailand: Response to the In Lieu of Verification Questionnaire," dated July 14, 2021.

<sup>6</sup> See *Preliminary Determination* PDM at 2.