

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 the order is dispositive.

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-570-145]

#### Certain Freight Rail Couplers and Parts Thereof From the People's Republic of China: Antidumping Duty Order

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

**SUMMARY:** Based on affirmative final determinations by the U.S. Department of Commerce (Commerce) and the U.S. International Trade Commission (ITC), Commerce is issuing an antidumping duty order on certain freight rail couplers and parts thereof (freight rail couplers) from the People's Republic of China (China).

**DATES:** Applicable July 14, 2023.

**FOR FURTHER INFORMATION CONTACT:** Drew Jackson or Zachary Shaykin, AD/CVD Operations, Office IV, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482-4406 or (202) 482-2638, respectively.

#### SUPPLEMENTARY INFORMATION:

##### Background

In accordance with sections 735(d) and 777(i) of the Tariff Act of 1930, as amended (the Act), On May 30, 2023, Commerce published in the **Federal Register** its affirmative final determination in the less-than-fair-value (LTFV) investigation of freight rail couplers from China.<sup>1</sup> On July 3, 2023, the ITC notified Commerce of its final determination, pursuant to section 735(d) of the Act, that an industry in the United States is materially injured within the meaning of section 735(b)(1)(A)(i) of the Act by reason of LTFV imports freight rail couplers from China, and that critical circumstances do not exist with respect to dumped

imports of freight rail couplers from China.<sup>2</sup>

#### Scope of the Order

The products covered by this order are freight rail couplers from China. For a complete description of the scope of this order, see the appendix to this notice.

#### Antidumping Duty Order

On July 3, 2023, in accordance with section 735(d) of the Act, the ITC notified Commerce of its final determination that an industry in the United States is materially injured within the meaning of section 735(b)(1)(A)(1) of the Act by reason of imports of freight rail couplers from China.<sup>3</sup> Therefore, Commerce is issuing this antidumping duty order in accordance with sections 735(c)(2) and 736 of the Act. Because the ITC determined that imports of freight rail couplers from China are materially injuring a U.S. industry, unliquidated entries of such merchandise from China, entered or withdrawn from warehouse for consumption, are subject to the assessment of antidumping duties.

Therefore, in accordance with section 736(a)(1) of the Act, Commerce will direct U.S. Customs and Border Protection (CBP) to assess, upon further instruction by Commerce, antidumping duties equal to the amount by which the normal value of the merchandise exceeds the export price (or constructed export price) of the merchandise, for all relevant entries of freight rail couplers from China. Antidumping duties will be assessed on unliquidated entries of freight rail couplers from China, or withdrawn from warehouse, for consumption, on or after March 13, 2023, the date of publication of the *Preliminary Determination* in the **Federal Register**.<sup>4</sup>

#### Continuation of Suspension of Liquidation

In accordance with section 736 of the Act, Commerce will instruct CBP to continue to suspend liquidation on all relevant entries of freight rail couplers from China. These instructions suspending liquidation will remain in effect until further notice.

Commerce will also instruct CBP to require cash deposits equal to the

<sup>2</sup> See ITC's Letter, Notification of ITC Final Determinations, dated July 3, 2023.

<sup>3</sup> *Id.*

<sup>4</sup> See *Certain Freight Rail Couplers and Parts Thereof from the People's Republic of China: Preliminary Affirmative Determination of Sales at Less Than Fair Value and Preliminary Affirmative Determination of Critical Circumstances*, 88 FR 15372 (March 13, 2023) (*Preliminary Determination*).

<sup>1</sup> See *Certain Freight Rail Couplers and Parts Thereof from the People's Republic of China: Final Affirmative Determination of Sales at Less-Than-Fair Value and Final Affirmative Determination of Critical Circumstances*, 88 FR 34485 (May 30, 2023) (*Final Determination*).

estimated weighted-average dumping margins indicated in the tables below. Accordingly, effective on the date of publication in the **Federal Register** of the notice of the ITC's final affirmative injury determination, CBP will require, at the same time as importers would normally deposit estimated duties on subject merchandise, a cash deposit equal to the rates listed below. Commerce determined that all exporters of Chinese freight rail couplers are part of the China-wide entity.<sup>5</sup> Accordingly, the China-wide entity rate listed below applies to all exporters.

#### Estimated Weighted-Average Dumping Margins

The estimated weighted-average dumping margins are as follows:

Exporter/producer	Estimated weighted-average dumping margin (percent)	Estimated weighted-average dumping margin adjusted for export subsidy offset(s) (percent) <sup>6</sup>
China-Wide Entity	169.90	139.49

#### Critical Circumstances

With respect to the ITC's negative critical circumstances determination on imports of freight rail couplers, Commerce intends to instruct CBP to lift suspension and to refund any cash deposits made to secure the payment of estimated antidumping duties with respect to entries of the subject merchandise from China entered, or withdrawn from warehouse, for consumption on or after December 13, 2022 (*i.e.*, 90 days prior to the date of the publication of the *Preliminary Determination*), but before March 13, 2023 (*i.e.*, the date of publication of the *Preliminary Determination*).

#### Establishment of the Annual Inquiry Service Lists

On September 20, 2021, Commerce published the final rule titled "*Regulations to Improve Administration and Enforcement of Antidumping and Countervailing Duty Laws*" in the

<sup>5</sup> See *Final Determination*.

<sup>6</sup> The estimated weighted-average dumping margin listed in the *Preliminary Determination* did not reflect an adjustment for export subsidies found in the companion countervailing duty investigation of freight rail couplers from China. Commerce will instruct CBP to refund the difference between the unadjusted estimated weighted-average dumping margin collected as cash deposits (*i.e.*, 169.90 percent) after the publication of the *Preliminary Determination* and the estimated weighted-average dumping margin adjusted for export subsidy offset(s) (*i.e.*, 139.49).

**Federal Register.**<sup>7</sup> On September 27, 2021, Commerce also published the notice titled “*Scope Ruling Application; Annual Inquiry Service List; and Informational Sessions*” in the **Federal Register**.<sup>8</sup> The *Final Rule* and *Procedural Guidance* provide that Commerce will maintain an annual inquiry service list for each order or suspended investigation, and any interested party submitting a scope ruling application or request for circumvention inquiry shall serve a copy of the application or request on the persons on the annual inquiry service list for that order, as well as any companion order covering the same merchandise from the same country of origin.<sup>9</sup>

In accordance with the *Procedural Guidance*, for orders published in the **Federal Register** after November 4, 2021, Commerce will create an annual inquiry service list segment in Commerce’s online e-filing and document management system, Antidumping and Countervailing Duty Electronic Service System (ACCESS), available at <https://access.trade.gov>, within five business days of publication of the notice of the order. Each annual inquiry service list will be saved in ACCESS, under each case number, and under a specific segment type called “AISL-Annual Inquiry Service List.”<sup>10</sup>

Interested parties who wish to be added to the annual inquiry service list for an order must submit an entry of appearance to the annual inquiry service list segment for the order in ACCESS within 30 days after the date of publication of the order. For ease of administration, Commerce requests that law firms with more than one attorney representing interested parties in an order designate a lead attorney to be included on the annual inquiry service list. Commerce will finalize the annual inquiry service list within five business days thereafter. As mentioned in the

<sup>7</sup> See *Regulations to Improve Administration and Enforcement of Antidumping and Countervailing Duty Laws*, 86 FR 52300 (September 20, 2021) (*Final Rule*).

<sup>8</sup> See *Scope Ruling Application; Annual Inquiry Service List; and Informational Sessions*, 86 FR 53205 (September 27, 2021) (*Procedural Guidance*).

<sup>9</sup> *Id.*

<sup>10</sup> This segment will be combined with the ACCESS Segment Specific Information (SSI) field which will display the month in which the notice of the order or suspended investigation was published in the **Federal Register**, also known as the anniversary month. For example, for an order under case number A-000-000 that was published in the **Federal Register** in January, the relevant segment and SSI combination will appear in ACCESS as “AISL-January Anniversary.” Note that there will be only one annual inquiry service list segment per case number, and the anniversary month will be pre-populated in ACCESS.

*Procedural Guidance*, the new annual inquiry service list will be in place until the following year, when the *Opportunity Notice* for the anniversary month of the order is published.

Commerce may update an annual inquiry service list at any time as needed based on interested parties’ amendments to their entries of appearance to remove or otherwise modify their list of members and representatives, or to update contact information. Any changes or announcements pertaining to these procedures will be posted to the ACCESS website at <https://access.trade.gov>.

### Special Instructions for Petitioners and Foreign Governments

In the *Final Rule*, Commerce stated that, “after an initial request and placement on the annual inquiry service list, both petitioners and foreign governments will automatically be placed on the annual inquiry service list in the years that follow.”<sup>11</sup> Accordingly, as stated above, the petitioners and foreign governments should submit their initial entry of appearance after publication of this notice in order to appear in the first annual inquiry service list for those orders for which they qualify as an interested party. Pursuant to 19 CFR 351.225(n)(3), the petitioners and foreign governments will not need to resubmit their entries of appearance each year to continue to be included on the annual inquiry service list. However, the petitioners and foreign governments are responsible for making amendments to their entries of appearance during the annual update to the annual inquiry service list in accordance with the procedures described above.

### Notification to Interested Parties

This notice constitutes the antidumping duty order with respect to freight rail couplers from China pursuant to section 736(a) of the Act. Interested parties can find a list of antidumping duty orders currently in effect at <https://enforcement.trade.gov/stats/iastats1.html>.

This antidumping duty order is published in accordance with section 736(a) of the Act and 19 CFR 351.211(b).

Dated: July 7, 2023.

**Lisa W. Wang,**

*Assistant Secretary for Enforcement and Compliance.*

### Appendix

#### Scope of the Order

The scope of this order covers certain freight railcar couplers (also known as “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 order 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 the order 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 order 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.

<sup>11</sup> See *Final Rule*, 86 FR at 52335.

The couplers that are the subject of this order 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 9803.00.50. 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 order is dispositive.

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-580-889]

#### Diocetyl Terephthalate From the Republic of Korea: Notice of Initiation and Preliminary Results of Antidumping Duty Changed Circumstances Review

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

**SUMMARY:** In response to a request for a changed circumstances review (CCR), the U.S. Department of Commerce (Commerce) is initiating a CCR of the antidumping duty (AD) order on diocetyl terephthalate (DOTP) from the Republic of Korea (Korea). Additionally, Commerce preliminarily determines that Aekyung Chemical Co., Ltd. (AKC) is the successor-in-interest to Aekyung Petrochemical Co., Ltd. (AKP). Interested parties are invited to comment on these preliminary results.

**DATES:** Applicable July 14, 2023.

**FOR FURTHER INFORMATION CONTACT:** Laurel LaCivita, 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) 482-4243.

#### SUPPLEMENTARY INFORMATION:

#### Background

On August 18, 2017, Commerce published the AD order on DOTP from Korea in the *Federal Register*.<sup>1</sup> On December 6, 2022, AKC requested that Commerce conduct an expedited CCR of the *Order*, in accordance with section

<sup>1</sup> See *Diocetyl Terephthalate from the Republic of Korea: Antidumping Duty Order*, 82 FR 39409 (August 18, 2017) (*Order*).

751(b) of the Tariff Act of 1930, as amended (the Act), 19 CFR 351.216(d), and 19 CFR 351.221(c)(3)(ii) to determine that AKC is the successor-in-interest to AKP and is entitled to the cash deposit rate currently in effect for AKP.<sup>2</sup> On January 5, 2023, Commerce issued a request for supplemental information to AKC, which we determined was necessary for the CCR request to be considered complete.<sup>3</sup> On May 24, 2023, AKC resubmitted its initial CCR request with complete responses to Commerce's request for supplemental information included,<sup>4</sup> at which point Commerce considered the complete CCR request to be submitted in proper form.

AKC explained that it requested a CCR because AKP changed its name pursuant to a merger agreement, in which the companies formerly known as Aekyung Chemical Co., Ltd., and AK ChemTech Co., Ltd., were merged into AKP, under the new company name, AKC.<sup>5</sup> The legal entity formerly known as AKP continues to exist under the name of AKC.<sup>6</sup> However, due to the merger, the legal entities formerly known as Aekyung Chemical Co., Ltd., and AK ChemTech Co., Ltd., ceased to exist effective November 1, 2021. Pursuant to the merger agreement, all assets, liabilities, rights, and obligations as well as any intangible rights of proprietary nature (including but not limited to licenses and permits, employment and contractual relationships, and litigations) of the former Aekyung Chemical Co., Ltd., and AK ChemTech Co., Ltd., were transferred to and assumed by post-merger AKC.<sup>7</sup> AKC explained further that prior to the merger, neither the former Aekyung Chemical Co., Ltd., nor AK ChemTech Co., Ltd., had any involvement in the production, sale, or

<sup>2</sup> See AKC's Letter, "Request for Changed Circumstances Review and Successor-in-Interest Determination," dated December 6, 2022 (Initial CCR Request).

<sup>3</sup> See Commerce's Letter, "Request for Additional Information," dated January 3, 2023.

<sup>4</sup> See AKC's Letter, "Response to the Department's January 5 Request for Additional Information," dated May 23, 2023, inclusive of Volume I (Resubmission of the Initial CCR Request) and Volume II (Response to Request for Supplementary Information) (Complete CCR Request).

<sup>5</sup> See Complete CCR Request at Volume I, Attachments 1, "Merger Agreement," and 2, "Notice of Merger."

<sup>6</sup> The business registration number and corporation registration number assigned to AKP continue to be assigned to AKC after the merger. The business registration certificates for pre-merger AKP and post-merger AKC are provided in Attachment 3 of AKC's Initial CCR request and Volume I of AKC's Complete CCR Request.

<sup>7</sup> See Complete CCR Request at Volume I at 3.

distribution of DOTP.<sup>8</sup> In addition, after the merger, the operations of DOTP conducted by AKP prior to the merger continued to be performed by the company under the new legal name, AKC.<sup>9</sup> As a result, AKC explained that the merger did not affect the management or internal organization structure of the DOTP business, production, supplier relationships, or customer base.<sup>10</sup>

We received no comments from interested parties concerning this request.

#### Scope of the Order

The merchandise covered by this *Order* is DOTP, regardless of form. For a complete description of the scope of the *Order*, see the Preliminary Decision Memorandum.<sup>11</sup>

#### Initiation of CCR

Pursuant to section 751(b)(1) of the Act, and 19 CFR 351.216, Commerce will conduct a CCR of an order upon receipt of information or a review request from an interested party for a review of an AD order which shows changed circumstances sufficient to warrant a review of the order. The information submitted by AKC supporting its claim to be the successor-in-interest to AKP demonstrates changed circumstances sufficient to warrant such a review.<sup>12</sup> Therefore, in accordance with section 751(b)(1)(A) of the Act and 19 CFR 351.216(d) and (e), we are initiating a CCR based upon the information contained in AKC's CCR Request.

#### Preliminary Results of Review

Section 351.221(c)(3)(ii) of Commerce's regulations permits Commerce to combine the notice of initiation of a CCR and the notice of preliminary results if Commerce concludes that expedited action is warranted.<sup>13</sup> In this instance, because the record contains information necessary to make a preliminary finding, we find that expedited action is

<sup>8</sup> *Id.*

<sup>9</sup> *Id.*

<sup>10</sup> *Id.* at 3-4.

<sup>11</sup> See Memorandum, "Decision Memorandum for Initiation and Preliminary Results of Changed Circumstances Review: Diocetyl Terephthalate from the Republic of Korea," dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

<sup>12</sup> See 19 CFR 351.216(d).

<sup>13</sup> See 19 CFR 351.221(c)(3)(ii); see also *Certain Pasta from Italy: Initiation and Preliminary Results of Antidumping Duty Changed Circumstances Review*, 80 FR 33480, 33480-41 (June 12, 2015) (*Pasta from Italy Preliminary Results*), unchanged in *Certain Pasta from Italy: Final Results of Changed Circumstances Review*, 80 FR 48807 (August 14, 2015) (*Pasta from Italy Final Results*).