

Schedule.¹⁴ The current petition involves a modified scope as discussed below and the addition of Mexico as a subject country.

Petitioner is not aware of any outstanding antidumping or countervailing duty orders on this merchandise. Petitioner has not filed for relief from imports of the subject merchandise under section 337 of the Tariff Act, section 301 of the Trade Act of 1974,¹⁵ or section 232 of the Trade Expansion Act of 1962.

E. Scope of the Investigation and a Detailed Description of the Subject Merchandise (19 C.F.R. § 351.202(b)(5))

1. Scope of Investigation

The scope of this investigation 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 covered by the investigation include: (1) E coupler bodies; (2) E/F coupler bodies; (3) F coupler bodies; (4) E knuckles; (5) F knuckles; as set forth by the Association of American Railroads (AAR). The freight rail coupler parts are included within the scope of the investigation when imported individually.

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

¹⁴ *Freight Rail Coupler Systems and Components from China*, International Trade Commission’s Determinations, 87 Fed. Reg. 41,144 (Int’l Trade Comm. July 11, 2022), attached at **Exhibit I-6**.

¹⁵ While Petitioner did not “file for” such relief, certain FRCs from China are currently covered by Section 301 duties. On August 16, 2018, the U.S. Trade Representative imposed an *ad valorem* duty of 25% on various products from China, including subject FRCs. *See Notice of Action Pursuant to Section 301: China’s Acts, Policies, and Practices Related to Technology Transfer, Intellectual Property, and Innovation*, 83 Fed. Reg. 40,823 (Dep’t Commerce Aug. 16, 2018), attached at **Exhibit I-23**.

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 7325.99.50. These HTSUS subheadings are provided for convenience and customs purposes only; the written description of the scope of the investigation is dispositive.

2. Technical Characteristics and Uses

The merchandise subject to these investigations consists of FRCs used to connect freight railcars together. The coupler resembles a curved human hand and holds the train cars together to eliminate the dangerous task for a railroad worker to stand between cars in order to join them together. The U.S. Safety Appliance Act of 1893 mandated that all rail lines conducting interstate commerce require that cars be coupled and uncoupled without the manual assistance of a worker. The automatic coupling system became the industry standard by the early 1900s.

Each train car typically has two couplers – one in the front and one in the back. The train coupler not only links the cars together, but also absorbs shocks during braking.¹⁶ The clasped-hand device joins, or couples, automatically when one or both knuckles are open and cars are pushed together. Upon impact, the knuckle wings into the closed position and a lock drops in place, securing the coupling. The coupling is not completely tight; between the knuckles there is a little space or slack. Cars are uncoupled by lifting a lever that reaches from the coupler to the side of the car, making it unnecessary for a switchman to place himself between cars during uncoupling. Lifting the lever unlocks the knuckles and lets them swing open, allowing the cars to be pulled away from each other.¹⁷

¹⁶ XiHong Jin, et al., *Structural Health Monitoring of Train Coupling System*, 9th European Workshop on Structural Health Monitoring (July 2018), attached at **Exhibit I-9**.

¹⁷ Kevin Keefe, *Couplers*, *Trains Magazine* (May 1, 2006), attached at **Exhibit I-10**.