



## U.S. Customs and Border Protection

February 24, 2025

### **PUBLIC VERSION**

EAPA Cons. Case 7890

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**Re: Notice of Determination as to Evasion**

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Pursuant to an examination of the record in Enforce and Protect Act (EAPA) investigation 7890, U.S. Customs and Border Protection (CBP) has determined that there is substantial evidence that Amek Aluminum & Stainless, Inc. (Amek); Centric Pipe LLC (Centric Pipe); Copley International Group Co Ltd (Copley); Energy Pipe & Equipment Rentals LLC (Energy Pipe); Kana Energy Services Inc. (Kana); LE Commodities, LLC (LE Commodities); Lixin Energy Group (HK) Co., Limited (Lixin Energy); Longfellow Energy, LP (Longfellow); Trek Metals Inc. (Trek Metals); and TSPGA LLC (TSPGA) (collectively, the Importers) entered merchandise covered by antidumping (AD) and countervailing (CVD) duty orders A-570-943 and C-570-944 (covered merchandise)<sup>1</sup> into the customs territory of the United States through evasion.<sup>2</sup> Substantial evidence demonstrates that the Importers imported oil country tubular goods (OCTG) from the People’s Republic of China (China) into the United States by undervaluation, misclassification, and transshipment through Thailand. The Importers did not declare that the merchandise was subject to the *AD/CVD Orders* on entry and, as a result, no cash deposits were collected on the merchandise.

## Background

On January 18, 2024 and February 1, 2024, the U.S. OCTG Manufacturers Association (the Alleger), a trade association of domestic producers of OCTG, submitted allegations to CBP that the Importers were evading the *AD/CVD Orders* on OCTG from China.<sup>3</sup> The Allegations

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<sup>1</sup> See 19 C.F.R. § 165.1.

<sup>2</sup> See *Certain Oil Country Tubular Goods from the People’s Republic of China: Amended Final Affirmative Countervailing Duty Determination and Countervailing Duty Order*, 75 FR 3203 (January 20, 2010); see also *Certain Oil Country Tubular Goods from the People’s Republic of China: Amended Final Determination of Sales at Less Than Fair Value and Antidumping Duty Order*, 75 FR 28551 (May 21, 2010) (collectively, the *AD/CVD Orders*).

<sup>3</sup> See Letter from the Alleger, “Oil Country Tubular Goods from China: Request for an Investigation under the Enforce and Protect Act,” dated January 18, 2024 (Centric Pipe Allegation); see also Letter from the Alleger, “Oil Country Tubular Goods from China: Request for an Investigation under the Enforce and Protect Act,” dated January 18, 2024 (Energy Pipe Allegation); see also Letter from the Alleger, “Oil Country Tubular Goods from China: Request for an Investigation under the Enforce and Protect Act,” dated January 18, 2024 (Kana Allegation); see also Letter from the Alleger, “Oil Country Tubular Goods from China: Request for an Investigation under the Enforce and Protect Act,” dated January 18, 2024 (LE Commodities Allegation); see also Letter from the Alleger, “Oil Country Tubular Goods from China: Request for an Investigation under the Enforce and Protect Act,” dated January 18, 2024 (Lixin Energy Allegation); see also Letter from the Alleger, “Oil Country Tubular Goods from China: Request for an Investigation under the Enforce and Protect Act,” dated January 18, 2024 (Longfellow Allegation); see also Letter from the Alleger, “Oil Country Tubular Goods from China: Request for an Investigation under the Enforce and Protect Act,” dated January 18, 2024 (Trek Metals Allegation); see also Letter from the Alleger, “Oil Country Tubular Goods from China: Request for an Investigation under the Enforce and Protect Act,” dated January 18, 2024 (TSPGA Allegation); see also Letter from the Alleger, “Oil Country Tubular Goods from China: Request for an Investigation under the Enforce and Protect Act,” dated February 1, 2024 (Amek Allegation); see also Letter from the Alleger, “Oil Country Tubular Goods from China: Request for an Investigation under the Enforce and Protect Act,” dated February 1, 2024 (Copley Allegation) (collectively, the Allegations). The Alleger, the U.S. OCTG Manufacturers Association, is a trade association entirely composed of domestic producers of OCTG and, thus, meets the definition of an interested party that is permitted to submit an EAPA allegation pursuant to 19 U.S.C. § 1517(a)(6)(A)(ii), 19 C.F.R. § 165.1(2), and 19 C.F.R. § 165.11(a). See Allegations at 6 and Exhibits 10-11.

asserted that the Importers were importing Chinese-origin OCTG that was transshipped through Thailand.<sup>4</sup> On February 1, 2024, CBP acknowledged receipt of the Allegations.<sup>5</sup>

CBP found the information in the Allegations reasonably suggested that the Importers entered covered merchandise into the customs territory of the United States through evasion.<sup>6</sup> Consequently, on February 23, 2024, CBP initiated an EAPA investigation pursuant to Title IV, section 421 of the Trade Facilitation and Trade Enforcement Act of 2015.<sup>7</sup> After the initiation of this investigation, CBP issued CBP Form 28 (CF-28) questionnaires to each of the Importers concerning certain entries of OCTG and requested the corresponding entry and production documentation.<sup>8</sup> Each Importer submitted a CF-28 response concerning its respective entry from Petroleum Equipment (Thailand) Co., Ltd. (PET) or Thai Oil Pipe Co., Ltd. (TOP).<sup>9</sup> After receiving these CF-28 responses, CBP added a memorandum to the administrative record containing the emails in which CBP issued the CF-28s to Copley and Lixin Energy and information on a freight forwarder that PET and TOP used, named Yifan Shipping (Thailand) Co., Ltd (Yifan Shipping Thailand).<sup>10</sup>

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<sup>4</sup> *Id.* at 1-2, 7-11, and Exhibits 4-9.

<sup>5</sup> See 19 C.F.R. § 165.12; *see also* Email from CBP, “EAPA 7890 - Official Receipt of Properly Filed Allegation,” dated February 1, 2024 (Centric Pipe Official Receipt); *see also* Email from CBP, “EAPA 7891 - Official Receipt of Properly Filed Allegation,” dated February 1, 2024 (LE Commodities Official Receipt); *see also* Email from CBP, “EAPA 7892 - Official Receipt of Properly Filed Allegation,” dated February 1, 2024 (Amek Official Receipt); *see also* Email from CBP, “EAPA 7893 - Official Receipt of Properly Filed Allegation,” dated February 1, 2024 (TSPGA Official Receipt); *see also* Email from CBP, “EAPA 7894 - Official Receipt of Properly Filed Allegation,” dated February 1, 2024 (Energy Pipe Official Receipt); *see also* Email from CBP, “EAPA 7895 - Official Receipt of Properly Filed Allegation,” dated February 1, 2024 (Kana Official Receipt); *see also* Email from CBP, “EAPA 7896 - Official Receipt of Properly Filed Allegation,” dated February 1, 2024 (Longfellow Official Receipt); *see also* Email from CBP, “EAPA 7897 - Official Receipt of Properly Filed Allegation,” dated February 1, 2024 (Lixin Energy Official Receipt); *see also* Email from CBP, “EAPA 7898 - Official Receipt of Properly Filed Allegation,” dated February 1, 2024 (Trek Metals Official Receipt); *see also* Email from CBP, “EAPA 7854 - Official Receipt of Properly Filed Allegation,” dated February 1, 2024 (Copley Official Receipt).

<sup>6</sup> See 19 U.S.C. § 1517(b)(1); *see also* 19 C.F.R. § 165.15.

<sup>7</sup> See 19 U.S.C. § 1517(b)(5); *see also* 19 C.F.R. § 165.13; *see also* CBP Memorandum, “Initiation of Investigation for EAPA 7890-7898 and 7954 (Consolidated Case 7890),” dated February 23, 2024 (EAPA 7890 Initiation).

<sup>8</sup> On March 6-7, 2024, CBP issued CF-28s to Amek on entry [ # ]9168 from Petroleum Equipment (Thailand) Co., Ltd. (PET); Centric Pipe on entry [ # ]0302 from PET; Copley on entry [ # ]4344 from Thai Oil Pipe Co., Ltd (TOP); Energy Pipe on entry [ # ]5182 from TOP; Kana on entry [ # ]9625 from TOP; LE Commodities on entry [ # ]0211 from PET; Lixin Energy on entry [ # ]4351 from TOP; Longfellow on entry [ # ]0436 from TOP; Trek Metals on entry [ # ]0931 from TOP; and TSPGA on entry [ # ]4954 from PET.

<sup>9</sup> Each of the Importers submitted a CF-28 response on the following dates: Amek on March 21, 2024; Centric Pipe and TSPGA on April 2, 2024; Copley and Energy Pipe on April 3, 2024; Kana on April 4, 2024; Longfellow and Trek Metals on April 5, 2024; and LE Commodities and Lixin Energy on April 10, 2024. After CBP announced the EAPA investigation to the Importers, we asked them to bracket their respective CF-28 responses. As a result, the bracketed versions of the respective CF-28 responses are as follows: *See* Letter from Amek, “Bracketing of Amek’s CF-28 Response,” dated July 23, 2025; *see also* Letter from Centric Pipe, “EAPA Investigation #7890; CF-28 Response,” dated July 30, 2024; *see also* Letter from Energy Pipe, “CF-28 Response,” dated July 11, 2024; *see also* Letter from Kana, “CF-28 Response,” dated July 26, 2024; *see also* Letter from LE Commodities, “Response to Request for Information (CF-28),” dated July 22, 2024; *see also* Letter from Longfellow, “Response to EAPA Cons. Case 7890 March 7, 2024, CF-28 Request for Information,” dated July 12, 2024; *see also* Letter from Trek Metals, “CF-28 Response,” dated July 21, 2024; *see also* Letter from TSPGA, “Bracketing of TSPGA’s CF-28 Response,” dated July 19, 2024; *see also* Copley’s “CF-28 Response,” dated August 8, 2024; and *see also* Lixin Energy’s “CF-28 Response,” dated August 8, 2024.

<sup>10</sup> See CBP Memorandum, “Adding Information to the Administrative Record of EAPA 7890,” dated May 22, 2024 (May Memorandum).

After evaluating the information on the record, CBP determined that reasonable suspicion existed that the Importers imported Chinese-origin OCTG into the United States that had been transshipped through Thailand.<sup>11</sup> This information included the facts that PET’s production line was purportedly not assembled, its American Petroleum Institute (API) license was deactivated before its expiration date, the [ SITUATION DESCRIPTION ] Thai companies transship Chinese product to the United States as a product of Thailand,” its Chinese ownership, and the fact that PET’s raw material documents were surreptitiously copied from each other to give the appearance that more raw material shipments occurred.<sup>12</sup> It also included the facts that TOP was Chinese-owned, affiliated with Chinese OCTG suppliers, and exported more OCTG to the United States in 2023 than its facility was purportedly able to produce, as well as the [ SITUATION DESCRIPTION ] Thai companies transship Chinese product to the United States as a product of Thailand,” and the [ SITUATION DESCRIPTION ].<sup>13</sup> CBP [ EVENT DESCRIPTION ] and it contained allegations of transshipment pertaining to TOP, PET, and Yifan Shipping Thailand.<sup>14</sup>

Consequently, on May 31, 2024, CBP issued a notice of initiation of investigation and interim measures (NOI) to the Importers and the Allegor.<sup>15</sup> This notice informed the Allegor and the Importers of the initiation of the investigation and of CBP’s decision to impose interim measures on their entries based on a reasonable suspicion of evasion.<sup>16</sup> The notice also informed the Allegor and the Importers that the entries covered by the investigation are those entered for consumption, or withdrawn from warehouse for consumption, from February 1, 2023, through the pendency of this investigation.<sup>17</sup> As part of interim measures, CBP suspended the Importers’ entries that entered after the initiation of the investigation pursuant to its authority under 19 U.S.C. § 1517(e).

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<sup>11</sup> See Letter from CBP, “Notice of Initiation of Investigation and Interim Measures - EAPA Cons. Case 7890,” dated May 31, 2024 (NOI).

<sup>12</sup> *Id.*

<sup>13</sup> *Id.*

<sup>14</sup> *Id.*

<sup>15</sup> *Id.*

<sup>16</sup> *Id.*; see also 19 U.S.C. § 1517(e); see also 19 C.F.R. § 165.24.

<sup>17</sup> See 19 C.F.R. § 165.2. Entries covered by the investigation include entries up to one year prior to the date CBP officially received the Allegations, this is also known as the period of investigation (POI)

CBP issued requests for information (RFI) to the Importers, PET, and TOP.<sup>18</sup> Most of these parties responded to the RFIs, except Copley and Lixin Energy.<sup>19</sup> On July 26, 2024, CBP

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<sup>18</sup> See Letter from CBP to Amek, “EAPA 7890 - Request for Information from Amek Aluminum & Stainless, Inc.,” dated May 31, 2024; *see also* Letter from CBP to Centric Pipe, “EAPA 7890 - Request for Information from Centric Pipe LLC,” dated May 31, 2024; *see also* Letter from CBP to Copley, “EAPA 7890 - Request for Information from Copley International Group Co Lt,” dated May 31, 2024; *see also* Letter from CBP to Energy Pipe, “EAPA 7890 – Request for Information from Energy Pipe and Equipment Rentals LLC,” dated May 31, 2024; *see also* Letter from CBP to Kana, “EAPA 7890 - Request for Information from Kana Energy Services Inc,” dated May 31, 2024; *see also* Letter from CBP to LE Commodities, “EAPA 7890 - Request for Information from LE Commodities LLC,” dated May 31, 2024; *see also* Letter from CBP to Lixin Energy, “EAPA 7890 - Request for Information from Lixin Energy Group HK CO Limited,” dated May 31, 2024; *see also* Letter from CBP to Longfellow, “EAPA 7890 - Request for Information from Longfellow Energy, LP,” dated May 31, 2024; *see also* Letter from CBP to PET, “EAPA 7890 - Request for Information from Petroleum Equipment (Thailand), Ltd.,” dated May 31, 2024; *see also* Letter from CBP to TOP, “EAPA 7890 - Request for Information from Thai Oil Pipe Co., Ltd.,” dated May 31, 2024; *see also* Letter from CBP to Trek Metals, “EAPA 7890 - Request for Information from Trek Metals, Inc.,” dated May 31, 2024; *see also* Letter from CBP to TSPGA, “EAPA 7890 - Request for Information from TSPGA LLC,” dated May 31, 2024; *see also* Letter from CBP to PET, “EAPA 7890 – Request for Information from Petroleum Equipment (Thailand), Ltd.,” dated August 16, 2024; *see also* Letter from CBP to TOP, “Request for Information from Thai Oil Pipe Co., Ltd.,” dated August 16, 2024; *see also* Letter from CBP to Amek, “EAPA 7890 – Request for Information from Amek Aluminum & Stainless, Inc.,” dated August 23, 2024; *see also* Letter from CBP to Centric Pipe, “EAPA 7890 – Request for Information from Centric Pipe LLC,” dated August 23, 2024; *see also* Letter from CBP to Energy Pipe, “EAPA 7890 – Request for Information from Energy Pipe and Equipment Rentals LLC,” dated August 23, 2024; *see also* Letter from CBP to TSPGA “EAPA 7890 – Request for Information from TSPGA LLC,” dated August 23, 2024; *see also* Letter from CBP to Kana, “EAPA 7890 – Request for Information from Kana Energy Services Inc.,” dated August 26, 2024; *see also* Letter from CBP to LE Commodities, “Request for Information from LE Commodities,” dated August 26, 2024; *see also* Letter from CBP to Longfellow, “EAPA 7890 – Request for Information from {Longfellow Energy, LP},” dated August 26, 2024; *see also* Letter from CBP to Trek Metals, “Request for Information from Trek Metals, Inc.,” dated August 26, 2024.

<sup>19</sup> See Letter from Amek, “Response to Request for Information dated May 31, 2024,” dated July 12, 2024 (Amek RFI). The cover page is dated July 9, 2024 but CBP received it July 12, 2024. *See also* Letter from Centric Pipe, “EAPA Investigation #7890; Request for Information Response,” dated July 9, 2024 (Centric Pipe RFI); *see also* Letter from Energy Pipe, “Response to Request for Information,” dated July 9, 2024 (Energy Pipe RFI); *see also* Letter from Kana, “Response to Request for Information,” dated July 16, 2024 (Kana RFI). The cover page is dated July 12, 2024 but CBP received it July 16, 2024. *See also* Letter from LE Commodities, “Response to Request for Information dated May 31, 2024,” dated July 9, 2024 (LE Commodities RFI); *see also* Letter from Longfellow, “Response to EAPA Cons. Case 7890 May 31, 2024, Request for Information,” dated June 28, 2024 (Longfellow RFI); *see also* Letter from PET, “Response to Request for Information dated May 31, 2024,” dated July 9, 2024 (PET RFI); *see also* Letter from TOP, “EAPA Case No. 7890 – Thai Oil Pipe Co., Ltd. RFI Response,” dated July 9, 2024 (TOP RFI); *see also* Letter from Trek Metals, “EAPA 7890: Trek Metals’ Response to Request for Information,” dated July 4, 2024 (Trek Metals RFI); *see also* Letter from TSPGA, “Response to Request for Information dated May 31, 2024,” dated July 5, 2024 (TSPGA RFI). The cover page is dated July 3, 2024 but CBP received it July 5, 2024. *See also* Letter from PET, “Response to Supplemental Request for Information dated August 16, 2024,” dated September 10, 2024 (PET Supplemental RFI); *see also* Letter from TOP, “EAPA Case No. 7890 – Thai Oil Pipe Co., Ltd. Supplemental RFI Response,” dated September 10, 2024 (TOP Supplemental RFI); *see also* Letter from TSPGA, “Response to Supplemental Request for Information dated August 23, 2024,” dated September 13, 2024 (TSPGA Supplemental RFI); *see also* Letter from Centric Pipe, “EAPA Investigation #7890; Supplemental Request for Information Response,” dated September 16, 2024 (Centric Pipe Supplemental RFI); *see also* Letter from Kana, “Response to Supplemental Request for Information,” dated September 16, 2024 (Kana Supplemental RFI); *see also* Letter from Longfellow, “Response to EAPA Cons. Case 7890 August 26, 2024, Supplemental Request for Information,” dated September 16, 2024 (Longfellow Supplemental RFI); *see also* Letter from Trek Metals, “EAPA 7890: Trek Metals’ Response to Supplemental Request for Information,” dated September 16, 2024; *see also* Letter from Amek, “Response to Supplemental Request for Information,” dated September 17, 2024; *see also* Letter from Energy Pipe, “Responses to Supplemental RFI,” dated September 17,

extended the deadline to make a determination as to evasion for this case until February 18, 2025.<sup>20</sup> CBP officials conducted verifications in Thailand at PET’s facility from October 28, 2024 to November 1, 2024 and at TOP’s facility from November 4, 2024 to November 8, 2024.<sup>21</sup> CBP also added two memoranda to the case record composed of additional research results such as website screenshots and entry documents.<sup>22</sup> On December 19, 2024, the Alleger, Amek, Centric Pipe, Energy Pipe, Kana, LE Commodities, Longfellow, Trek Metals, and TSPGA submitted written arguments.<sup>23</sup> The Alleger, Amek, Centric Pipe, Energy Pipe, Kana, LE Commodities, Longfellow, Trek Metals, and TSPGA submitted responses to written arguments on January 3, 2025 and January 6, 2025.<sup>24</sup>

## **Analysis as to Evasion**

Under 19 U.S.C. § 1517(c)(1)(A), to reach a determination as to evasion in this case, CBP must “make a determination, based on substantial evidence, with respect to whether such covered merchandise entered into the customs territory of the United States through evasion.” Evasion is

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2024; *see also* Letter from LE Commodities, “Response to Supplemental Request for Information,” dated September 20, 2024; *see also* CBP Memorandum, “Adding Information to the Administrative Record of EAPA 7890,” dated November 25, 2024 (November 25 Memorandum) at Attachment 5 for email reminders to Copley and Lixin Energy.

<sup>20</sup> *See* Letter from CBP, “Notice of Extension of Final Determination,” dated July 26, 2024, in accordance with 19 U.S.C. § 1517(c)(1)(B) and 19 C.F.R. § 165.22(c). CBP issues the determination notice five business days after the determination decision. *See* 19 C.F.R. § 165.27(b). Technically it was extended to February 17, 2025. However, because that day is a public holiday (Washington’s Birthday), the extended deadline is actually February 18, 2025.

<sup>21</sup> *See* CBP Memorandum, “On-Site Verification Report,” dated December 6, 2024 (Verification Report).

<sup>22</sup> *See* November 25 Memorandum; *see also* CBP Memorandum, “Adding Information to the Administrative Record of EAPA 7890,” dated November 27, 2024 (November 27 Memorandum).

<sup>23</sup> *See* Letter from the Alleger, “Submission of Written Argument,” dated December 26, 2024 (Alleger Written Arguments); *see also* Letter from Amek, “Amek Aluminum & Stainless, Inc. Written Argument,” dated December 26, 2024 (Amek Written Arguments); *see also* Letter from Centric Pipe, “Oil Country Tubular Goods from the People’s Republic of China – Written Arguments,” dated December 26, 2024 (Centric Pipe Written Arguments); *see also* Letter from Energy Pipe, “CBP EAPA Investigation 7890 Written Argument of Energy Pipe & Equipment Rentals, LLC,” dated December 19, 2024 (Energy Pipe Written Arguments); *see also* Letter from Kana, “KANA Energy Services Inc.’s Written Arguments,” dated December 19, 2024 (Kana Written Arguments); *see also* Letter from LE Commodities, “LE Commodities LLC Written Argument,” dated December 26, 2024 (LE Commodities Written Arguments); *see also* Letter from Longfellow, “Submission of Written Arguments EAPA Cons. Case 7890,” dated December 19, 2024 (Longfellow Written Arguments); *see also* Letter from Trek Metals, “EAPA 7890: Trek Metals’ Written Arguments,” dated December 19, 2024 (Trek Metals Written Arguments); *see also* Letter from TSPGA, “TSPGA LLC - Written Argument,” dated December 26, 2024 (TSPGA Written Arguments). The Alleger, Amek, Centric Pipe, LE Commodities, and TSPGA resubmitted their written arguments per CBP’s request.

<sup>24</sup> *See* Letter from Longfellow, “Submission of Response to Written Arguments EAPA Cons. Case 7890,” dated January 3, 2025; *see also* Letter from the Alleger, “EAPA Cons. Case No. 7890, Oil Country Tubular Goods from China: Alleger’s Responses to Written Argument,” dated January 6, 2025 (Alleger Response to Written Arguments); *see also* Letter from Amek, “Response to Alleger’s Written Argument,” dated January 6, 2025 (Amek Response to Written Arguments); *see also* Letter from Centric Pipe, “Oil Country Tubular Goods from the People’s Republic of China – Response to Written Arguments,” dated January 6, 2025 (Centric Pipe Response to Written Arguments); *see also* Letter from LE Commodities, “Response to Alleger’s Written Argument,” dated January 6, 2025 (LE Commodities Response to Written Arguments); *see also* Letter from Trek Metals, “Trek Metals’ Response to Alleger’s Written Argument,” dated January 6, 2025 (Trek Metals Response to Written Arguments); *see also* Letter from TSPGA, “Response to Alleger’s Written Argument,” dated January 6, 2025 (TSPGA Response to Written Arguments); *see also* Letter from Energy Pipe, “Energy Pipe & Equipment Rentals, LLC’s Response to Written Argument of Alleger,” dated January 11, 2025; *see also* Letter from Kana, “KANA Energy Services Inc.’s Resubmission of Response to Written Arguments,” dated January 14, 2025 (Kana Response to Written Arguments). Energy Pipe and Kana resubmitted their response to written arguments per CBP’s instructions.

defined as “the entry of covered merchandise into the customs territory of the United States for consumption by means of any document or electronically transmitted data or information, written or oral statement, or act that is material and false, or any omission that is material and that results in any cash deposit or other security of any amount of applicable antidumping or countervailing duties being reduced or not being applied with respect to the covered merchandise.”<sup>25</sup> As discussed below, substantial evidence on the record indicates that the Importers entered Chinese-origin OCTG through evasion.

### *TOP*

TOP stated that it manufactures OCTG in Thailand “starting from either [ CATEGORY ] billets or mother pipe.”<sup>26</sup> TOP described mother pipe as a hollow pipe.<sup>27</sup> TOP stated that it produced some mother pipes out of [ CATEGORY ] billets in Thailand and imported other mother pipes from China.<sup>28</sup> TOP noted that there was no difference between the two kinds of mother pipe except that one is imported from China.<sup>29</sup> Additionally, numerous record documents denote TOP’s purchase and importation of mother pipe from China, such as [ DOCUMENT TYPES ].<sup>30</sup>

Although mother pipe sometimes has the connotation of being a raw material and of being a large diameter pipe used to create smaller pipes, the mother pipe TOP imported from China was OCTG in all but name and had the [ DESCRIPTION ] outer diameter, wall thickness, and length as the OCTG it exported to the Importers. Accordingly, the physical characteristics of TOP’s mother pipes from China meet the definition of OCTG as described in the scope of the *AD/CVD Orders*:

The scope of this order consists of certain oil country tubular goods (“OCTG”), which are hollow steel products of circular cross-section, including oil well casing and tubing, of iron (other than cast iron) or steel (both carbon and alloy), whether seamless or welded, regardless of end finish (e.g., whether or not plain end, threaded, or threaded and coupled) whether or not conforming to American Petroleum Institute (“API”) or non-API specifications, whether finished (including limited service OCTG products) or unfinished (including green tubes and limited service OCTG products), whether or not thread protectors are attached. The scope of the order also covers OCTG coupling stock. Excluded from the scope of the order are: casing or tubing containing 10.5 percent or more by weight of chromium; drill pipe; unattached couplings; and unattached thread protectors.<sup>31</sup>

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<sup>25</sup> See 19 C.F.R. § 165.1; see also 19 U.S.C. § 1517(a)(5)(A). According to 19 U.S.C. § 1517(a)(3), “The term ‘covered merchandise’ means merchandise that is subject to— (A) an antidumping duty order issued under section 1673e of this title; or (B) a countervailing duty order issued under section 1671e of this title.”

<sup>26</sup> See TOP RFI at 1; see also TOP Supplemental RFI at 8; see also Verification Report at 20, 22.

<sup>27</sup> See Verification Report at 20; see also TOP RFI at Exhibit 32; see also TOP Supplemental RFI at Exhibit S1-3.1.

<sup>28</sup> See Verification Report at 20-23.

<sup>29</sup> *Id.*

<sup>30</sup> See, e.g., TOP RFI at Exhibit 38 and Exhibit 51, pages 10-11, 1352-1353, 1368, 1394-1395, 1401, 1450, 3768-3769, etc.

<sup>31</sup> See *AD/CVD Orders*.

Mother pipes are pipes, and as such, are hollow and circular by definition. CBP's observations of mother pipes and pictures of TOP's mother pipes also reinforce that they are hollow and have a circular-cross section.<sup>32</sup> TOP imports the mother pipes at several different steel grades; therefore, they are made out of steel.<sup>33</sup> Although the covered merchandise can be seamless or welded, TOP noted that it "[ PROCEDURE DESCRIPTION ]."<sup>34</sup> [ PROCEDURE DESCRIPTION ] and so TOP's imported mother pipe would have been [ PROCEDURE ] in China.<sup>35</sup> Thus, TOP's mother pipe was [ CATEGORY ] when it entered Thailand. Furthermore, nothing on the record indicates that TOP's imported mother pipes met any of the *AD/CVD Order's* exclusions. The exceptions to the scope do not apply because nowhere on the record are the mother pipes claimed to be drill pipes, unattached couplings, unattached thread protectors, or to contain 10.5 percent or more weight of chromium. Thus, TOP's mother pipes from China meet the description of covered merchandise based on the plain language of the scope of OCTG when they entered Thailand.

Correspondingly, TOP imported these mother pipes from [ # ] known Chinese producers of OCTG during the POI: [ COMPANIES ].<sup>36</sup> The company catalogs of these suppliers indicate that they each produce OCTG in China.<sup>37</sup> The U.S. Department of Commerce (Commerce) also listed [ COMPANIES ] as Chinese producers of OCTG in its 2010 AD proceeding on OCTG from China (A-570-943).<sup>38</sup> The fact that these suppliers are also Chinese producers of OCTG is consistent with the fact that TOP imported mother pipe/OCTG covered by the *AD/CVD Orders*.<sup>39</sup> Additionally, TOP's affiliate Jiangyin Long Bright Drill Pipe Manufacturing Co., Ltd. (Long Bright) has a factory in China, an API 5CT certificate for OCTG, and advertises various OCTG sizes.<sup>40</sup> As such, Long Bright offers another potential source of Chinese-origin OCTG even though TOP claimed it did not source from them.<sup>41</sup>

TOP's production process on its mother pipes from China also supports that those mother pipes are Chinese-origin OCTG. TOP explained that its OCTG production process has [ # ] production steps when it starts with [ CATEGORY ] billets and that a pipe is considered a mother pipe at step [ # AND DESCRIPTION ].<sup>42</sup> In contrast, TOP performs [ # ] steps, at most, when its production in Thailand starts with mother pipes imported from China.<sup>43</sup> TOP sometimes does not perform [ PROCEDURES ] and so it may perform as few as [ # ] production steps in

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<sup>32</sup> See TOP Supplemental RFI at Exhibit S1-3.1; see also Verification Report at 20, 51.

<sup>33</sup> See Verification Report at 20.

<sup>34</sup> See TOP RFI at 39.

<sup>35</sup> See Verification Report at 21.

<sup>36</sup> See TOP RFI at Exhibit 38.

<sup>37</sup> See Verification Report at 26; see also TOP Verification Exhibits at Exhibit 6, pages 7, 12-14; Exhibit 7, page 11; and Exhibit 8, pages 3, 14-15, 39.

<sup>38</sup> See *AD/CVD Orders*; see also Centric Pipe Allegation at Exhibit 1, pages 13, 17.

<sup>39</sup> See TOP RFI at Exhibit 38.

<sup>40</sup> See November 25 Memorandum at Attachment 40, page 5; see also Kana Allegation at Exhibit 7, pages 2-3, 8, 10, 12, 15-19; see also November 25 Memorandum at Attachment 40, page 9.

<sup>41</sup> See Lixin Energy Allegation at Exhibit 6, pages 4, 25, and Exhibit 7; see also TOP RFI at 5; see also Verification Report at 19.

<sup>42</sup> See Verification Report at 19-20, 22; see also TOP RFI at Exhibit 32 in which TOP stated that its OCTG production process has [ # ] production steps and that a pipe became mother pipe at step [ # ] in the second column from the right.

<sup>43</sup> See Verification Report 22-23.



Thailand on mother pipes imported from China.<sup>44</sup> Regardless, even if TOP performed all [ # ] production steps on its mother pipes from China, those production steps would not change the mother pipe/OCTG's country of origin according to the scope of the *AD/CVD Orders* for the following reasons:

- [ # AND DESCRIPTION ] – The scope of the *AD/CVD Orders* provides that OCTG is covered regardless of its end finish, including whether or not it is [ DESCRIPTION ]. This [ DESCRIPTION ] affects the end finish. Accordingly, it does not affect whether the OCTG is in or out of the scope of the *AD/CVD Orders*.
- [ # AND DESCRIPTION ] – The scope of the *AD/CVD Orders* provides that OCTG is covered regardless of its end finish, including whether or not it is [ DESCRIPTION ]. This [ DESCRIPTION ] affects the end finish. Accordingly, this does not affect whether the OCTG is in or out of the scope of the *AD/CVD Orders*.
- [ # AND DESCRIPTION ] – This [ PROCEDURE DESCRIPTION ].<sup>45</sup> As such, it does not alter the physical characteristics of the mother pipe/OCTG in any way and so does not affect whether it is in or out of the scope of the *AD/CVD Orders*.
- [ # AND DESCRIPTION ] – The scope of the *AD/CVD Orders* provides that OCTG is covered regardless of its end finish, including whether or not it is [ DESCRIPTION ]. This [ DESCRIPTION ] affects the end finish. Accordingly, it does not affect whether the OCTG is in or out of the scope of the *AD/CVD Orders*.
- [ # AND DESCRIPTION ] – This [ DESCRIPTION ] does not alter the physical characteristics of the mother pipe/OCTG in any way and so does not affect whether it is in or out of the scope of the *AD/CVD Orders*.
- [ # AND DESCRIPTION ] – This [ PROCEDURE DESCRIPTION ] and so does not alter the physical characteristics of the OCTG in any way or affect whether it is in or out of the scope of the *AD/CVD Orders*.
- [ # AND DESCRIPTION ] – The scope of the *AD/CVD Orders* includes unfinished OCTG, such as green tubes. Because [ PROCEDURE DESCRIPTION ], this step does not affect whether the mother pipe/OCTG is in or out of the scope of the *AD/CVD Orders*.
- [ # AND DESCRIPTION ] – The scope of the *AD/CVD Orders* includes unfinished OCTG, such as green tubes. Because [ PROCEDURE DESCRIPTION ] this step does not affect whether the mother pipe/OCTG is in or out of the scope of the *AD/CVD Orders*.

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<sup>44</sup> *Id.* at 25. [ MERCHANDISE DESCRIPTION ].

<sup>45</sup> *Id.* at 22.

- [ # AND DESCRIPTION ] – The scope of the *AD/CVD Orders* includes unfinished OCTG, such as green tubes. Because [ PROCEDURE DESCRIPTION ] does not affect whether the OCTG is in or out of the scope of the *AD/CVD Orders*.
- [ # AND DESCRIPTION ] – This [ DESCRIPTION ] does not alter the physical characteristics of the mother pipe/OCTG in any way and so does not affect whether it is in or out of the scope of the *AD/CVD Orders*.
- [ # AND DESCRIPTION ] – This [ DESCRIPTION ] does not alter the physical characteristics of the mother pipe/OCTG in any way and so does not affect whether it is in or out of the scope of the *AD/CVD Orders*.<sup>46</sup>

Therefore, these [ # AND DESCRIPTION ] are all minor [ DESCRIPTION ] that do not change the country of origin of TOP’s mother pipe/OCTG from Chinese-origin merchandise to Thai-origin nor do they remove the mother pipes/OCTG from the scope of the *AD/CVD Orders*. As such, the mother pipes TOP imported from China remain Chinese-origin OCTG covered by the scope of the *AD/CVD Orders*.

TOP noted that it imported mother pipes instead of the [ CATEGORY ] billets to decrease turnaround times for its customers.<sup>47</sup> This consideration appears to explain why TOP used mother pipes rather than [CATEGORY ] billets as the starting point of its OCTG production in Thailand the [ FREQUENCY ] of the time. At verification, TOP estimated that [ # RANGE ] percent of its OCTG production began with mother pipes from China.<sup>48</sup> However, TOP’s 2023 purchase records indicate that according to weight TOP used mother pipe from China for [ # ] percent of its OCTG and used [ CATEGORY ] billets for [ # ] percent of its OCTG.<sup>49</sup> When calculated by value, TOP used mother pipe from China for [ # ] percent of its OCTG in 2023 and used [ CATEGORY ] billets for [ # ] percent of its OCTG.<sup>50</sup> Furthermore, [ FREQUENCY ] of this Chinese mother pipe/OCTG went to the United States. TOP’s POI export sales to the United States comprised [ # ] percent of its total sales by weight and [ # ] percent of its total sales by value.<sup>51</sup> Therefore, the [ FREQUENCY ] of TOP’s OCTG was derived from Chinese-origin mother pipes, and the [ FREQUENCY ] of it went to the United States during the POI.

In addition to considerations of timeliness, TOP also imported mother pipe because its [ SITUATION DESCRIPTION ].<sup>52</sup> TOP’s product brochure indicates it can [ CAPABILITY

<sup>46</sup> *Id.* at 22; *see also* TOP RFI at Exhibit 43.

<sup>47</sup> *See* Verification Report at 20.

<sup>48</sup> *Id.*

<sup>49</sup> *See* TOP Supplemental RFI at Exhibit S1-18. [ CALCULATION ] percent mother pipe by weight in 2023. [ CALCULATION AND PERCENTAGE ] billets by weight in 2023. The start of the POI begins with entries entering the U.S. on February 1, 2023. However, those entries’ date of production precedes their exportation date, which in turn precedes their entry date; thus, POI entry merchandise would incorporate inputs, such as mother pipe and billets, from at least January 2023.

<sup>50</sup> *Id.* [ # ] Thai Baht in mother pipe purchases during 2023 ÷ 34.8 exchange rate for 2023 = [ # ] billet purchases during 2023 ÷ 34.8 exchange rate = [ CALCULATION ] percent mother pipe in 2023.

<sup>51</sup> *See* TOP RFI at Exhibit 47. [ CALCULATION ] percent of sales were exported to the United States by weight. [ CALCULATION ] percent of sales were exported to the United States by value.

<sup>52</sup> *Id.* at Exhibit 26, pages 7-8; *see also* November 25 Memorandum at Attachment 37, page 13; *see also* Verification Report at 19-20.

DESCRIPTION ].<sup>53</sup> However, TOP officials stated during verification that their claims to produce OCTG up to [ # ] mostly referred to the threading machine's capacity.<sup>54</sup> Because TOP sourced [ FREQUENCY ] imported mother pipes from China, it sourced this [ SIZE ] OCTG from China as well.<sup>55</sup> Moreover, threading is a minor process that only affects the end finish and does not change the country of origin of the merchandise covered by the scope of the *AD/CVD Orders*; therefore, this [ SIZE ] OCTG would continue to be Chinese-origin.<sup>56</sup>

Additionally, record evidence indicates that TOP cannot produce Thai-origin OCTG above [ SIZE ] in diameter as well. TOP's [ PROCEDURE ], hot rolling, and straightening machines can only produce OCTG up to/including [ SIZE ] in diameter.<sup>57</sup> The only production steps at TOP's facility that have a capacity to produce pipe greater than [ SIZE ] are those occurring after heat treatment [ DESCRIPTION ] and straightening [ DESCRIPTION ], all of which are minor production steps: [ PRODUCTION STEP DESCRIPTIONS ].<sup>58</sup> As such, TOP would have, at most, performed only minor production steps on any OCTG larger than [ SIZE ]. Such minor production steps do not affect the country of origin. Because TOP sourced [ FREQUENCY ] imported mother pipes from China, it sourced mother pipe/OCTG larger than [ SIZE ] from China as well.<sup>59</sup> Moreover, the production steps noted above are minor processes that do not change the country of origin of the merchandise covered by the scope of the *AD/CVD Orders*; therefore, OCTG larger than [ SIZE ] would continue to be Chinese-origin.<sup>60</sup>

TOP's records indicated that it produced [ # ] percent of its OCTG from [ CATEGORY ] billets in 2023.<sup>61</sup> TOP claimed that the OCTG it exported to Trek Metals and Energy Pipe was produced solely from [ CATEGORY ] billets.<sup>62</sup> The production documents Trek Metals and Energy Pipe provided likewise indicated that the OCTG they obtained from TOP originated from [ CATEGORY ] billets.<sup>63</sup> However, there is reason to doubt the accuracy of these documents.

The raw material documents Trek Metals and TOP provided for Trek Metals entry [ # ]6308 ostensibly indicate it was produced from [ RAW MATERIAL AND COUNTRY ].<sup>64</sup> Trek Metals provided [ DOCUMENT TYPE AND COMPANIES ].<sup>65</sup> These [ DOCUMENT TYPE AND COMPANY ].<sup>66</sup> However, TOP provided [ DOCUMENT TYPE AND COMPANY ].<sup>67</sup>

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<sup>53</sup> *Id.*

<sup>54</sup> See Verification Report at 20.

<sup>55</sup> See TOP Supplemental RFI at Exhibit S1-18.

<sup>56</sup> See *AD/CVD Orders*.

<sup>57</sup> See Verification Report at 20.

<sup>58</sup> *Id.* at 22. [ PROCEDURE DESCRIPTION ] are not considered significant enough to change country of origin as well though.

<sup>59</sup> See TOP Supplemental RFI at Exhibit S1-18.

<sup>60</sup> See *AD/CVD Orders*.

<sup>61</sup> See TOP Supplemental RFI at Exhibit S1-18. [ CALCULATION AND PERCENTAGE ] billets by weight in 2023. The start of the POI begins with entries entering the U.S. on February 1, 2023. However, those entries' date of production precedes their exportation date, which in turn precedes their entry date; thus, POI entry merchandise would incorporate inputs, such as mother pipe and billets, from at least January 2023.

<sup>62</sup> See Verification Report at 26.

<sup>63</sup> See Trek Metals RFI at Exhibit 19; see also Energy Pipe RFI.

<sup>64</sup> See Trek Metals RFI at Exhibit 19, Entry No. 3.

<sup>65</sup> *Id.* at Exhibit 19, Entry No. 3, pages 57-59.

<sup>66</sup> *Id.*; see also Alleger Written Arguments at 26-30.

<sup>67</sup> See TOP RFI at Exhibit 51, pages 3522-3541.

The [ DOCUMENT TYPE, COMPANY, AND DATE ].<sup>68</sup> Although the list and format of [ EVENT DESCRIPTION ].<sup>69</sup> [ CALCULATION DESCRIPTION ] and were not clerical errors.<sup>70</sup> Also, it is notable that these were the only the sets of [ DOCUMENT TYPE ] for the same entry that were submitted by both Trek Metals and TOP, TOP did not provide [ DOCUMENT TYPE ] for any other Trek Metals entries. It is likely that TOP created one or both sets of the [ DOCUMENT TYPE, COMPANIES, AND COUNTRY ].

Certain other evidence casts doubt on the authenticity of TOP's documents from entry [ # ]6308 as well. [ SITUATION DESCRIPTION ] between TOP, TOP's affiliate E-Leader (Hong Kong) Limited (E-Leader), and Trek Metals.<sup>71</sup> In the purchase orders for both entries, [ COMPANY ] indicated that the [ DOCUMENT INFORMATION DESCRIPTION ] (see affiliation discussion below).<sup>72</sup> Thus, [ SITUATION DESCRIPTION ] casts more doubt on the reliability of the entry documents.

Additionally, the accuracy and reliability of TOP's raw material documents is called into question by TOP's multiple false statements to CBP discussed further below. These false statements indicated TOP's willingness to resort to deceptive practices when it was in its interest to do so. Because TOP made the false statements to CBP, CBP finds that TOP failed to cooperate to the best of its ability to CBP's requests for information, and is drawing adverse inferences as it relates to TOP's interests from facts otherwise available on the record. In light of the adverse inferences CBP is placing on TOP for these statements, CBP finds that TOP created [ DOCUMENT TYPE ] to give the appearance that it produced the OCTG from [ CATEGORY ] billets rather than mother pipe.

#### *TOP's Affiliation with E-Leader*

TOP made multiple false statements concerning its affiliation with its financial agent and trading company E-Leader and the number of bank accounts it used. TOP told CBP that it used only one bank account to receive funds from sales: [ DESCRIPTION ].<sup>73</sup> However, record evidence indicates that TOP had [ SITUATION DESCRIPTION ].<sup>74</sup> Furthermore, TOP also used E-Leader's [ SITUATION DESCRIPTION ].<sup>75</sup>

TOP asserted that [ PROCEDURE DESCRIPTION ].<sup>76</sup> TOP further asserted that it [ SITUATION DESCRIPTION ].<sup>77</sup> TOP repeated these claims during verification, and company officials stated "that they do not have any direct transactions with E-Leader and believe that

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<sup>68</sup> See Trek Metals RFI at Exhibit 19, Entry No. 3; see also TOP RFI at Exhibit 51, pages 3522-3541.

<sup>69</sup> See TOP RFI at Exhibit 51, pages 3522-3541. [ DOCUMENT DESCRIPTION ].

<sup>70</sup> *Id.* For example, heat number [ DOCUMENT DESCRIPTION ] do not match.

<sup>71</sup> See TOP RFI at Exhibit 31, Sale 7a & 7b.

<sup>72</sup> *Id.* at Exhibit 31, Sale 7a, page 1 and Sale 7b, page 1.

<sup>73</sup> *Id.* at 37-38.

<sup>74</sup> *Id.* at Exhibit 31, Sale 1, pages 24, 26; Sale 4, pages 68, 70; Sale 5, page 36; Sale 8, page 23; and Exhibit 51, page 103, etc.; see also TOP Supplemental RFI at Exhibit S1-20.1, page 4.

<sup>75</sup> See Trek Metals RFI at 26, 30, 35 and Exhibit 9, pages 85, 99, and Exhibit 22.

<sup>76</sup> See TOP Supplemental RFI at 9-10.

<sup>77</sup> *Id.*

Lixin {Energy} buys and sells to E-Leader.”<sup>78</sup> TOP also “claimed it was not aware if E-Leader is connected to any other importers.”<sup>79</sup> However, record evidence from multiple sources contradict these claims.

Kana and Trek Metals both indicated that TOP was closely connected with E-Leader and, therefore, had “direct transactions” with them. Specifically, Kana and Trek Metals both stated that E-Leader acted as a financial agent for TOP. Kana stated that

E-Leader – acts as a financial supporter/agent between Kana and TOP ... TOP needs certain amount of payment to be paid first for them to purchase raw materials and run their manufacturing. E-Leader comes in to fill that gap. E-Leader also assists Kana to expedite the manufacturing process for all Kana Purchase Orders to TOP{.}<sup>80</sup>

Similarly, Trek Metals stated that “[ PROCECURE DESCRIPTION ]. E-Leader is named commercial representative for TOP.”<sup>81</sup> Trek Metals further stated that “{p}er Jun Li from TOP and E-Leader, TOP authorized E-Leader Limited as TOP’s sale agent to {sic} US market.”<sup>82</sup> Because E-Leader acted as TOP’s “financial supporter/agent,” “[ RELATIONSHIP DESCRIPTION ],” “commercial representative,” and “sales agent,” it is in close and regular contact with TOP concerning its financial and sales-related transactions. As such, TOP’s claim that it did not have “direct transactions” with E-Leader is false.

E-Leader and TOP also share a common [ POSITION ], Jun Li. Jun Li was present during verification when CBP discussed E-Leader with TOP.<sup>83</sup> Jun Li [ PROCEDURE DESCRIPTION ].<sup>84</sup> Jun Li’s signature on E-Leader documents is similar to his signatures on TOP documents, which suggests that the same person signed them:

[ THREE SCREENSHOTS OF TOP’S AND E-LEADER’S COMPANY STAMPS AND JUN LI’S SIGNATURE ]<sup>85</sup>

Moreover, Trek Metals stated “{p}er Jun Li from TOP and E-Leader...”, which corroborates that it is the same Jun Li and that he simultaneously works for both TOP and E-Leader.<sup>86</sup>

Additionally, an E-Leader business report denoted that [ SITUATION DESCRIPTION ].<sup>87</sup> Jun Li’s LinkedIn profile indicates he has also been TOP’s general manager since March 2012.<sup>88</sup> TOP noted that [ NAME ] is its general manager, is in charge of sales, and is one of the people

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<sup>78</sup> See Verification Report at 27.

<sup>79</sup> *Id.*

<sup>80</sup> See Kana RFI at 28, 30. On page 26, Kana also stated “E-Leader provides the financial support between TOP and Kana{.}”

<sup>81</sup> See Trek Metals RFI at 19. On page 15, Trek Metals also stated “E-Leader – Commercial agent for TOP{.}”

<sup>82</sup> *Id.* at 24.

<sup>83</sup> See Verification Report at 19, 21, 24, 26-27, 47.

<sup>84</sup> See Trek Metals RFI at 24 and Exhibits 21-22. [ EMAIL ADDRESSES ].

<sup>85</sup> *Id.* at Exhibit 19, Entry No. 3, page 13 and Exhibit 21, page 1; see also TOP RFI at Exhibit 31, Sale #1, pages 4, 8.

<sup>86</sup> See Trek Metals RFI at 24.

<sup>87</sup> See November 25 Memorandum at Attachment 50.

<sup>88</sup> *Id.* at Attachment 37, page 9.

responsible for finding U.S. customers.<sup>89</sup> Thus, Jun Li is in a [ SITUATION DESCRIPTION ] at E-Leader and TOP. TOP and E-Leader’s sharing of the same [ POSITION ] suggests/indicates that they are affiliated companies. As such, TOP’s claim that it [ SITUATION DESCRIPTION ] is false.<sup>90</sup> Furthermore, because TOP and E-Leader share a common [ SITUATION DESCRIPTION ]. Thus, TOP’s claim that [ PROCEDURE DESCRIPTION ] is also false.

Kana’s and Trek Metals’ RFI responses also contradicted TOP’s statement that “[ EVENT DESCRIPTION ].”<sup>91</sup> Kana stated that it “came into contact with E-Leader through TOP’s introduction, to resolve the payment terms disagreement between Kana and TOP{.}”<sup>92</sup> Trek Metals stated that “TOP authorized E-Leader Limited as TOP’s sale agent to {sic} US market.”<sup>93</sup> Additionally, Trek Metals provided an [ DOCUMENT TYPE ] that it received from [ NAME ].<sup>94</sup> [ EVENT DESCRIPTION ].<sup>95</sup> The [ DOCUMENT DESCRIPTION ].<sup>96</sup> For convenience, the [ DOCUMENT TYPE ] is quoted in full below:

[

#### EXTENDED DOCUMENT QUOTATION

] <sup>97</sup>

Because [ SITUATION DESCRIPTION ].<sup>98</sup> Because [ EVENT DESCRIPTION ], TOP’s claims that [ PROCEDURE DESCRIPTION ] are false. Furthermore, the preceding information, and the fact that TOP and E-Leader shared common [ DESCRIPTION ], indicate that E-Leader and TOP have a close working relationship and that TOP was aware of E-Leader’s interactions with the other importers, such as Kana and Trek Metals. Therefore, TOP’s claim that “it was not aware if E-Leader is connected to any other importers {other than [ COMPANY ]}” is false.<sup>99</sup>

#### *TOP’s Affiliation with Jiangsu Top Steel*

TOP also made false statements concerning its affiliate Jiangsu Top Steel Co., Ltd. (Jiangsu Top Steel). Jiangsu Top Steel functioned as a [ DESCRIPTION ] and its website advertises TOP’s Thai factory and OCTG.<sup>100</sup> TOP stated that [ EVENT DESCRIPTION AND YEAR ], and it was

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<sup>89</sup> See TOP RFI at 1, 30-31; see also TOP Supplemental RFI at 11.

<sup>90</sup> *Id.*

<sup>91</sup> See TOP Supplemental RFI at 9.

<sup>92</sup> See Kana Supplemental RFI at 11.

<sup>93</sup> See Trek Metals RFI at 24.

<sup>94</sup> *Id.* at 15 and Exhibit 22.

<sup>95</sup> *Id.* at Exhibit 22.

<sup>96</sup> *Id.*

<sup>97</sup> *Id.* at Exhibit 22, page 4.

<sup>98</sup> *Id.* at Exhibit 22.

<sup>99</sup> See Verification Report at 27.

<sup>100</sup> See Kana Allegation at Exhibit 6, pages 6-7, 9 13-15, 17-19, 25; see also November 25 Memorandum at Attachment 40, pages 2, 10-11 for more recent screenshots of Jiangsu Top Steel’s website; see also TOP RFI at 18 and Exhibit 17 where it was referred to as a “former affiliate;” see also TOP Supplemental RFI at 12.

deregistered in [ YEAR ].<sup>101</sup> TOP provided screenshots from China’s [ DESCRIPTION ], which it claimed showed deregistration.<sup>102</sup> Although these screenshots ostensibly indicate deregistration, they are not documents that TOP filed to deregister Jiangsu Top Steel. Therefore, CBP again asked TOP during verification to provide Jiangsu Top Steel’s deregistration documents to substantiate the validity of these screenshots.<sup>103</sup> In response, TOP claimed it could not provide Jiangsu Top Steel’s deregistration documents.<sup>104</sup>

TOP claimed that [ SITUATION DESCRIPTION ] was the only one running Jiangsu Top Steel, and that he has since left the company group.<sup>105</sup> However, TOP stated that [ SITUATION DESCRIPTION ] of TOP; therefore, TOP should have had access to a record of Jiangsu Top Steel’s deregistration because they share a common owner, [ NAME ].<sup>106</sup> Furthermore, TOP stated that [ NAME ] controls TOP’s day-to-day operations and its affiliated group of companies.<sup>107</sup> As such, TOP should have had a record of Jiangsu Top Steel’s deregistration.

Moreover, despite Jiangsu Top Steel’s purported [ YEAR ] deregistration, Jiangsu Top Steel’s two websites continue to add new content and advertise TOP’s factory and its OCTG, all of which corroborates that it is not deregistered.<sup>108</sup> For example, these two websites contain 12 news/blog articles posted in 2024 and four news/blog articles posted in 2023.<sup>109</sup> In one January 22, 2024 article, Jiangsu Top Steel stated that it “continues to be a leading supplier in the steel industry....”<sup>110</sup> One of these websites also contains copyright dates after the [ YEAR ] deregistration: “Copyright – 2023-2024 : All Rights Reserved. Jiangsu Top Steel Co.,Ltd” and “Copyright – 2020-2023 : All Rights Reserved. Jiangsu Top Steel Co.,Ltd{.}”<sup>111</sup>

Other websites indicate that Jiangsu Top Steel is still operational as well. February 2024 screenshots of LinkedIn profiles for two Jiangsu Top Steel employees indicate that they worked there as of that date; a February 2024 screenshot of the vendor website ExportHub also listed Jiangsu Top Steel as a current wholesaler.<sup>112</sup> Thus, the above evidence indicates that Jiangsu Top Steel is operational and that TOP’s claim that it is deregistered is false. Furthermore, TOP’s false statements concerning Jiangsu Top Steel and E-Leader indicate that TOP has repeatedly resorted to deceptive practices in this investigation to further its interests; therefore, it is unlikely that TOP’s raw material documents are accurate or reliable.

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<sup>101</sup> See Verification Report at 19; *see also* TOP Supplemental RFI at 12; *see also* TOP RFI at 18 and Exhibit 17. TOP incorrectly stated once that [ EVENT DESCRIPTION ].

<sup>102</sup> See TOP RFI at Exhibit 17; *see also* TOP Supplemental RFI at Exhibits S1-14 and S1-15.

<sup>103</sup> See Verification Report at 19.

<sup>104</sup> *Id.*

<sup>105</sup> *Id.*; *see also* TOP RFI at 18.

<sup>106</sup> See TOP RFI at 2, 6, 9-10 and Exhibits 9-10. TOP stated that [ NAME ] “directly holds [ # ] shares of TOP and indirectly holds [ # ] shares of TOP via holding [ # ] shares of TOP’s parent companies [ COMPANIES ].”

<sup>107</sup> *Id.* [ NAME ] also controls TOP’s day-to-day operations and affiliated group of companies.

<sup>108</sup> See November 25 Memorandum at Attachment 40, pages 1-4; *see also* Alleger Voluntary Factual Information at Exhibit 4 and Exhibit 5, pages 95-99, 101-107.

<sup>109</sup> *Id.* These recent news/blog articles were posted by “admin.”

<sup>110</sup> See November 25 Memorandum at Attachment 40, page 3.

<sup>111</sup> See Alleger Voluntary Factual Information at Exhibit 5, pages 4, 22.

<sup>112</sup> See November 25 Memorandum at Attachment 40, pages 11-20.

## *Lixin Energy and Copley*

Record evidence concerning Lixin Energy and Copley likewise reflect TOP's involvement in other deceptive practices. Lixin Energy and Copley entered OCTG from TOP and [ MERCHANDISE TYPE ] from PET into the United States.<sup>113</sup> Record evidence indicates that Lixin Energy and Copley undervalued several of these entries. CBP's records indicate that Copley declared entry [ # ]6554's merchandise was worth \$[ # ].<sup>114</sup> The invoice TOP provided for the entry denotes that the merchandise's value as instead \$[ # ].<sup>115</sup> This invoice indicated it was on an [ DOCUMENT DESCRIPTION ].<sup>116</sup> TOP provided another invoice for [ DESCRIPTION ] that did not [ DOCUMENT DESCRIPTION ] amounts; however, its total amount matched the other invoice's total.<sup>117</sup> TOP provided a bank receipt in which Copley paid TOP the \$[ # AND DESCRIPTION ] of the merchandise on the second invoice.<sup>118</sup> This corroborates that the value of the merchandise on the invoices rather than the value declared to CBP was the correct value. Copley did not respond to CBP's RFI and so did provide any further information on this entry. Thus, CBP finds that Copley undervalued entry [ # ]6554 by [ # ] percent or \$[ # ].<sup>119</sup>

CBP's records indicate that Copley declared value on entry [ # ]7032 was \$[ # ].<sup>120</sup> The invoice TOP provided for the entry denotes that the merchandise's value was instead \$[ # ].<sup>121</sup> This invoice indicated it was on a [ DOCUMENT DESCRIPTION ].<sup>122</sup> TOP provided a second invoice to Copley as well for [ DESCRIPTION ].<sup>123</sup> It did not [ DOCUMENT DESCRIPTION ] amounts but its total matched the first invoice's total.<sup>124</sup> Although the merchandise's weight on both invoices was [ SITUATION DESCRIPTION ], CBP's records indicate the entry was exported on [ DATE ] and the sale's bill of lading lists that export date as well.<sup>125</sup> Further, other than entry [ # ]6554 (discussed above), TOP did not export any other shipments to Copley around this time.<sup>126</sup> Thus, they are the correct invoices for entry [ # ]7032 in spite of the weight discrepancy. TOP provided a bank receipt in which Copley paid TOP the \$[ # AND DESCRIPTION ] of the merchandise on the second invoice.<sup>127</sup> This corroborates that the value of the merchandise on TOP's invoices, rather than the value Copley declared to CBP, was the correct value. Copley did not respond to CBP's RFI and so did provide any further information

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<sup>113</sup> See Lixin Energy Allegation; see also Copley Allegation; see also November 25 Memorandum at Attachments 45 and 61.

<sup>114</sup> See November 25 Memorandum at Attachment 45.

<sup>115</sup> See TOP RFI at Exhibit 31, Sale 8, page 2.

<sup>116</sup> *Id.*

<sup>117</sup> *Id.* at Exhibit 31, Sale 8, page 28.

<sup>118</sup> *Id.* at Exhibit 31, Sale 8, page 20.

<sup>119</sup> [ CALCULATION ] percent.

<sup>120</sup> See November 25 Memorandum at Attachment 45.

<sup>121</sup> See TOP RFI at Exhibit 31, Sale 4, page 2.

<sup>122</sup> *Id.* at Exhibit 31, Sale 8, page 2.

<sup>123</sup> *Id.* at Exhibit 31, Sale 4, page 73.

<sup>124</sup> *Id.*

<sup>125</sup> See November 25 Memorandum at Attachment 45; see also TOP RFI at Exhibit 31, Sale 4, pages 39-41.

<sup>126</sup> See November 25 Memorandum at Attachment 45.

<sup>127</sup> See TOP RFI at Exhibit 31, Sale 4, page 66.



on this entry. Thus, CBP finds that Copley undervalued entry [ # ]7032 by [ # ] percent or \$[ # ].<sup>128</sup>

CBP's records indicate Lixin Energy declared value for entry [ # ]1752 was \$[ # ].<sup>129</sup> The invoice TOP provided for the entry denotes that the merchandise's value was instead \$[ # ].<sup>130</sup> This invoice indicated it was on an [ DOCUMENT DESCRIPTION ].<sup>131</sup> TOP provided another invoice that was on a [ DOCUMENT DESCRIPTION ] amounts; however, its total matched the other's invoice's total.<sup>132</sup> TOP provided a bank receipt in which Lixin Energy paid TOP the \$[ # AND DESCRIPTION ] of the merchandise on the second invoice.<sup>133</sup> This corroborates that the merchandise's value on the invoices rather than the value declared to CBP was the correct value. Lixin Energy did not respond to CBP's RFI and so did provide any further information on this entry. Thus, CBP finds that Lixin Energy undervalued entry [ # ]1752 by [ # ] percent or \$[ # ].<sup>134</sup>

CBP's records indicate Lixin Energy's declared value on entry [ # ]6547 was \$[ # ].<sup>135</sup> The invoice PET provided for the entry denotes that the merchandise's value was instead \$[ # ].<sup>136</sup> This invoice indicated it was on an [ DOCUMENT DESCRIPTION ].<sup>137</sup> PET also provided a preceding pro forma invoice with similar, but not identical, weights and product values.<sup>138</sup> The pro forma invoice's weights and product values are identical to those listed on the purchase order Lixin Energy issued to TOP.<sup>139</sup> The pro forma invoice and the previously mentioned invoice's weights and product values are also similar, but not identical, to the [ DOCUMENT DESCRIPTION ] listed on the Thai export declaration.<sup>140</sup> This indicates that even though the first invoice was on a [ DOCUMENT DESCRIPTION ] and so indicate the correct product value. PET provided another invoice for [ DESCRIPTION ] that had the same total amount as the first one.<sup>141</sup> PET provided bank receipts in which Lixin Energy paid PET the \$[ NUMBERS AND DESCRIPTIONS ] for the merchandise.<sup>142</sup> This corroborates that the value of the merchandise on the invoices rather than the value declared to CBP was the correct value. Lixin Energy did not respond to CBP's RFI and so did provide any further information on this entry. Thus, CBP finds that Lixin Energy undervalued entry [ # ]6547 by [ # ] percent or \$[ # ].<sup>143</sup>

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<sup>128</sup> [ CALCULATION ] percent.

<sup>129</sup> See November 25 Memorandum at Attachment 45.

<sup>130</sup> See TOP RFI at Exhibit 31, Sale 6, page 2.

<sup>131</sup> *Id.*

<sup>132</sup> *Id.* at Exhibit 31, Sale 6, page 29.

<sup>133</sup> *Id.* at Exhibit 31, Sale 6, page 21.

<sup>134</sup> [ CALCULATION ] percent.

<sup>135</sup> See November 25 Memorandum at Attachment 61. This entry's merchandise was [ MERCHANDISE ], but it was undervalued, nonetheless.

<sup>136</sup> See PET RFI at Exhibit IV.13, Count 10, page 2.

<sup>137</sup> *Id.*

<sup>138</sup> *Id.* at Exhibit IV.13, Count 10, page 15.

<sup>139</sup> *Id.* at Exhibit IV.13, Count 10, page 1.

<sup>140</sup> *Id.* at Exhibit IV.13, Count 10, pages 12-13.

<sup>141</sup> *Id.* at Exhibit IV.13, Count 10, page 17.

<sup>142</sup> *Id.* at Exhibit IV.13, Count 10, pages 14, 16. The payment amount was \$[ # ] less than the invoice amount but still corresponds much more closely to the invoice than to the declared amount.

<sup>143</sup> [ CALCULATION ] percent.

Copley, Lixin Energy, and two other importers are affiliated with a longstanding OCTG producer in China that may provide an additional source of covered OCTG that TOP exported to Copley, Lixin Energy, and the other Importers. Although Lixin Energy also sometimes acted as [ SITUATION DESCRIPTION ], not enough evidence exists on the record to determine whether Lixin Energy and Copley are affiliated with TOP.<sup>144</sup>

Copley and Lixin Energy were registered in Hong Kong, China in 2014 and 2018, respectively.<sup>145</sup> Although Copley and Lixin Energy did not respond to the RFIs, their CF-28 responses and CBP's research results indicate that they have a common address, shared management, the same parent company, and so are affiliated companies.<sup>146</sup> As discussed in detail in the NOI, Copley and Lixin Energy were involved in the same shipment of OCTG from TOP that was ultimately destined for the consignee Optima Steel International LLC (Optima).<sup>147</sup> Copley and Lixin Energy use the same broker, [ COMPANY ], who emailed the same person, Bill Hu [ NAME ], regarding the completion of Copley's and Lixin Energy's CF-28 responses.<sup>148</sup> Copley and Lixin Energy also share the same director, Guan Xujian, and their CF-28 responses listed the same contact person, Allen Wang (aka Allen [ NAME ]), on multiple entry documents.<sup>149</sup>

Entry documents and one website indicate that Copley and Lixin Energy are located at the same address: Room 413, 4/F, Lucky Centre, 165-171 Wan Chai Road, Wan Chai, Hong Kong.<sup>150</sup> CBP research indicated that another importer named Haylier International Limited (Haylier) was incorporated in 2023 in Hong Kong at the same address.<sup>151</sup> Haylier also shares the following with Copley and Lixin Energy: the same customs broker, the same [ DESCRIPTION ] Optima, the same product, and the same exporter TOP.<sup>152</sup> Haylier imported OCTG from TOP into the United States in April 2024.<sup>153</sup> Moreover, [ NAME ]'s email address was listed as Haylier's email address.<sup>154</sup> Bill Hu is listed on a business information website as the vice president of Copley's and Lixin Energy's soon to be discussed parent company.<sup>155</sup> Thus, [ NAME ] is likely

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<sup>144</sup> See Trek Metals VFI at 13, 15, 19-20, 22, 24, 30, 33.

<sup>145</sup> See November 25 Memorandum at Attachments 4, 6.

<sup>146</sup> *Id.*; see also Copley CF-28 Response; see also Lixin Energy CF-28 Response; see also NOI at 5, 14.

<sup>147</sup> See NOI at 14-15.

<sup>148</sup> *Id.*; see also May Memorandum at Attachment 1; see also Trek Metals RFI at Exhibits 9-10.

<sup>149</sup> See Copley CF-28 Response at 7; see also Lixin Energy CF-28 Response at 7. Allen Wang uses one email address for Copley and a different email address for Lixin Energy. See Copley CF-28 Response at 7-8, 219-220, 226, 229-230; see also Lixin Energy CF-28 Response at 7-8, 362-363, 369-373.

<sup>150</sup> See November 25 Memorandum at Attachment 6, pages 2, 4-5; see also Lixin Energy CF-28 Response at 362-363, 371-373. Copley was also listed at two other Hong Kong addresses: Room 2103, Tung Chiu Commercial Center 193, Lockhart Rd, Wan Chai, Hong Kong, China and 23 Harbour Road, Suites 904-905, 9<sup>th</sup> Floor, Wan Chai District, Hong Kong, China. See Copley CF-28 Response at 1.

<sup>151</sup> See November 25 Memorandum at Attachment 8, pages 2, 3. Also known as Hailier International Co., Ltd.

<sup>152</sup> *Id.* at Attachment 7; Attachment 8, pages 1-2; and Attachment 59.

<sup>153</sup> *Id.*

<sup>154</sup> *Id.* at Attachment 7, page 2. That email address is [ EMAIL ADDRESS ]. It also listed [ NAME AND TELEPHONE NUMBER ]. See also May Memorandum at Attachment 1, pages 1-2. Trek Metals emailed [ EMAIL ADDRESS ] numerous times; he also appears to work for or be an intermediary for [ COMPANY AND ADDRESS ]. See Trek Metals RFI at Exhibit 19 (Other Suppliers-Not TOP), pages 43-45, 47-48, 58.

<sup>155</sup> See November 25 Memorandum at Attachment 6, page 11.

to be Haylier's manager and so Haylier is affiliated with Copley and Lixin Energy through common management.

Haylier, Copley, and Lixin Energy are affiliated with an importer named Wynn International Group Co. Ltd. (Wynn) as well. Although Wynn's address was in Samoa, Wynn imported OCTG couplings into the United States.<sup>156</sup> Like Haylier, Copley, and Lixin Energy, Wynn listed Optima as a [ DESCRIPTION ].<sup>157</sup> Wynn's contact information also listed Bill Hu's name and email address along with the name and email address of another person: "[ NAME AND EMAIL ADDRESS ]."<sup>158</sup> Some of TOP's invoices listed "[ NAME ]" as Copley's contact person, which appears to be the same person and so corroborates Wynn's affiliation with Copley.<sup>159</sup>

Copley, Lixin Energy, Haylier, and Wynn have a common parent company in China, the OCTG manufacturer Shandong Yonglijingong Petroleum Equipment Co.,Ltd., aka Shangdong Yongli Precision Petroleum Equipment Co., Ltd. and Dongying City Yong Li Jing Gong Petroleum Machinery Manufacturing Co., Ltd (Yongli). Yongli may also be related to Yonglijingong (HK) Co., Limited, which was also known as Wynn Precision (Hong Kong) Co., Ltd.<sup>160</sup> Yongli was established in China in 2008.<sup>161</sup> Several bank-related documents list Copley's address as "[ ADDRESS ] as Yongli.<sup>162</sup> Yongli's website lists +86-546-866819 as its phone number, which [ EVENT DESCRIPTION ].<sup>163</sup> A Yongli employee's email signature block also listed [ PHONE NUMBER ] as Yongli's phone number, which [ PROCEDURE DESCRIPTION ].<sup>164</sup>

Katherine [ NAME ] of Yongli appears to be the same person as Copley's [ NAME ] and Wynn's [ NAME ], which indicates she works for all three companies.<sup>165</sup> Her birth name appears to be Kai Wang, who is listed as a Yongli shareholder on a business website.<sup>166</sup> [ EVENT DESCRIPTION ] on behalf of Yongli, which indicates that he works for Yongli in addition to Copley and Lixin Energy.<sup>167</sup> Bill Hu is listed as Yongli's Vice President on a business website.<sup>168</sup> Additionally, Mr. Hu's email signature contains a phone number with a Chinese country code, which denotes a location consistent with his position at Yongli in China.<sup>169</sup> As such, Bill Hu appears to be a manager for Copley, Lixin Energy, Haylier, Wynn, and Yongli.

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<sup>156</sup> *Id.* at Attachment 6, pages 5-6, 9-10. Its address was Level 5, Development Bank of Samoa Building, Beach Road, Apia, Samoa. Wynn's address was once listed as Dongying city, Shandong Province, China also.

<sup>157</sup> *Id.* at Attachment 6, pages 9-10 and Attachment 58.

<sup>158</sup> *Id.* at Attachment 6, pages 6, 10, and Attachment 63, pages 2230, 2232-2233, 2245, 2259-2260, 2262-2264, 2271, 2273-2274.

<sup>159</sup> *See* TOP RFI at Exhibit 31, Sale 4, page 73 and Sale 8, page 28.

<sup>160</sup> *See* November 25 Memorandum at Attachment 6, page 29.

<sup>161</sup> *Id.* at Attachment 6, pages 15, 17.

<sup>162</sup> *See* TOP RFI at Exhibit 31, Sale 4, pages 65-66, and Sale 8, page 23.

<sup>163</sup> *Id.* at Exhibit 31, Sale 4, page 73, and Sale 8, page 28; *see also* November 25 Memorandum at Attachment 6, page 16; *see also* Trek Metals RFI at Exhibit 19 (Other Suppliers-Not TOP), pages 81-83.

<sup>164</sup> *See* TOP RFI at Exhibit 31, Sale 4, page 73, and Sale 8, page 28; *see also* Trek Metals RFI at Exhibit 19 (Other Suppliers-Not TOP), pages 81-83.

<sup>165</sup> *See* November 25 Memorandum at Attachment 6, pages 30-32; *see also* Trek Metals RFI at Exhibit 19 (Other Suppliers-Not TOP), pages 77, 81-84.

<sup>166</sup> *See* Trek Metals RFI at Exhibit 19 (Other Suppliers-Not TOP), pages 81-83.

<sup>167</sup> *Id.* at Exhibit 19, Entry No. 11, pages 10-11.

<sup>168</sup> *See* November 25 Memorandum at Attachment 6, page 11.

<sup>169</sup> *See* May Memorandum at Attachment 1, page 2; *see also* NOI at 14.

Copley, Lixin Energy, and Wynn imported [ # ] of shipments from Yongli.<sup>170</sup> This indicates that part of the reason for creation of these companies was to facilitate the movement of Yongli's merchandise. Correspondingly, Copley and Lixin Energy influenced TOP to [ PROCEDURE DESCRIPTION ] for their entries from TOP. Specifically, Copley's and Lixin Energy's purchase orders to TOP state "[ DOCUMENT DESCRIPTION ]."<sup>171</sup> However, it is noteworthy that Yongli can produce more than [ PRODUCE ]; its website states that it "can produce all API standard products," which includes OCTG.<sup>172</sup> Additionally, a conference-related website denoted that Yongli's "products mainly include API and premium thread tubing and casing, coupling, pup joint *etc.*"<sup>173</sup> Thus, Yongli produces OCTG that would be subject to AD/CVD. As such, it appears that Copley and Lixin Energy did not cooperate with CBP's EAPA investigation to avoid being connected to Yongli, who is both their parent company and a Chinese OCTG producer.

### *PET*

PET stated that its OCTG production in Thailand began from either hollow steel billets from China or from solid round billets (also known as solid billets, round steel billets, or [ DESCRIPTION ]).<sup>174</sup> PET stated that it also used solid round billets to produce hollow steel billets in Thailand and that the solid round billets and hollow steel billets have the same chemical composition.<sup>175</sup> Numerous record documents, such as [ DOCUMENT TYPES ], corroborate that PET purchased and imported hollow steel billets from China.<sup>176</sup>

The physical characteristics of PET's hollow steel billets from China place them firmly within the scope of the *AD/CVD Orders*.<sup>177</sup> As noted in the name, hollow steel billets are a steel product. CBP officials' observations of hollow steel billets and the pictures PET provided of them confirm that they are of circular cross-section and are hollow in the middle.<sup>178</sup> Because PET's hollow steel billets from China are essentially tubes or casing that were [ PROCEDURE ] and PET did not [ PROCEDURE ] them in Thailand, that indicates that PET's hollow steel billets from China were [ PROCEDURE ] in China.<sup>179</sup> Thus, because the [ SITUATION DESCRIPTION ], PET's hollow steel billets were [ DESCRIPTION ] when it imported them. Finally, nothing on the record indicates that these hollow steel billets met any of the *AD/CVD Order's* exclusions. Nowhere on the record are they claimed to be drill pipes, unattached couplings, unattached thread protectors, or to contain 10.5 percent or more weight of chromium. Thus, the physical characteristics of the hollow steel pipes demonstrate that they are Chinese-origin OCTG covered by the *AD/CVD Orders*.<sup>180</sup>

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<sup>170</sup> See November 25 Memorandum at Attachments 45, 57-58, 61, 63.

<sup>171</sup> See TOP RFI at Exhibit 31, Sale 4, page 1; Sale 6, page 1; Sale 7a, page 1; and Sale 7b, page 1.

<sup>172</sup> See November 25 Memorandum at Attachment 6, pages 16-17, 19, 21, 23.

<sup>173</sup> *Id.* at Attachment 6, page 21.

<sup>174</sup> See Verification Report at 5; see also PET RFI at 44 and Exhibit V-7; see also PET Supplemental RFI at 23, 27.

<sup>175</sup> See Verification Report at 5; see also PET RFI at 44.

<sup>176</sup> See PET RFI at Exhibit VI 5.1.1; see also PET Supplemental RFI at Exhibit 36.

<sup>177</sup> See *AD/CVD Orders*.

<sup>178</sup> See Verification Report at 5, 31; see also PET Supplemental RFI at 27 and Exhibit 39.

<sup>179</sup> See Verification Report at 4-5.

<sup>180</sup> See *AD/CVD Orders*.

The physical characteristics of hollow steel pipes indicate that they are covered by the *AD/CVD Orders*. Further, the record indicates that PET’s purported production in Thailand did not change the country of origin of the merchandise covered by the scope of the *AD/CVD Orders*. PET claimed that its OCTG production process beginning with solid round billets has [ # ] steps and that its OCTG process beginning with hollow steel billets has [ # ] steps.<sup>181</sup> Except for the [ SITUATION DESCRIPTION ] as indicated below:

[

PRODUCTION STEP TABLE

]

For comparison, PET claimed it performed [ # AND DESCRIPTION ] production steps on its hollow steel billets from China that TOP performed on its mother pipes from China, namely [ PROCEDURES ].<sup>182</sup> As previously discussed, these [ # ] production steps are minor and do not affect the country of origin under the *AD/CVD Orders*. PET claimed that it also performed, at most, [ # ] production steps on its hollow steel billets from China that TOP did not perform on its mother pipes from China, namely [ PROCEDURES ].<sup>183</sup> That goes to down to [ # ] production steps though if the optional ones are removed. Regardless, the [ # ] additional steps PET claims to perform either do not affect the country of origin or PET did not actually perform them. As such, PET’s hollow steel billets were Chinese-origin OCTG covered by the *AD/CVD Orders* when they imported them, and PET did not perform any production steps in Thailand that would have affected their country of origin.

The [ PROCEDURES ] that PET claimed to perform do not alter the physical structure of the OCTG and, thus, have no bearing on whether the hollow steel billets are in or out of the scope of the *AD/CVD Orders*.<sup>184</sup> [ PROCEDURE DESCRIPTION ].<sup>185</sup> Thus, it is not a mandatory production step and so has no bearing on whether hollow steel billets are in or out of the scope of the *AD/CVD Orders*.<sup>186</sup> [ PROCEDURE DESCRIPTION ].<sup>187</sup> Because this step affects the [ DESCRIPTION ] and the scope of the *AD/CVD Orders* includes OCTG “regardless of end finish,” this step has no bearing on whether hollow steel billets are in or out of the scope of the *AD/CVD Orders*.<sup>188</sup>

PET claimed it performed heat treatment on its hollow steel billets from China and that they needed to undergo heat treatment, “{o}therwise {that} pipe cannot be used in oil industry.”<sup>189</sup> However, PET and TOP acknowledged during verification that J55 and K55 steel grade OCTG

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<sup>181</sup> See Verification Report at 6-7; see also PET RFI at Exhibit V.3.

<sup>182</sup> See Verification Report at 6-7, 21-22.

<sup>183</sup> *Id.* at 6-7.

<sup>184</sup> *Id.* at 7-9.

<sup>185</sup> *Id.* at 8.

<sup>186</sup> See *AD/CVD Orders*.

<sup>187</sup> See Verification Report at 8.

<sup>188</sup> See *AD/CVD Orders*.

<sup>189</sup> See PET RFI at 44; see also PET Supplemental RFI at 27 where PET also implied heat treatment was needed.

do not undergo heat treatment.<sup>190</sup> Because PET often exported J55 or K55 steel grade OCTG to its customers and those steel grades do not undergo heat treatment, PET did not always perform heat treatment on OCTG.<sup>191</sup> The fact that not all OCTG undergoes heat treatment indicates that it is not a mandatory step in the production of OCTG.<sup>192</sup> Correspondingly, the U.S. Court of Appeals for the Federal Circuit (Federal Circuit) and the U.S. Court of International Trade (CIT) upheld Commerce's assessment that green tube from China, which is unfinished OCTG, did not undergo a substantial transformation when it was heat treated in a third country and, therefore, it remained subject to the *AD/CVD Orders*.<sup>193</sup> In other words, that unfinished green tube continued to be Chinese-origin OCTG despite its heat treatment in a third country. Therefore, these facts indicate that any heat treatment PET performed in Thailand on its hollow steel billets from China did not change them from Chinese-origin OCTG into Thai-origin OCTG according to the scope of the *AD/CVD Orders*.

PET claimed that it performed [ PROCEDURE ] on the hollow steel billets to ensure that the [ SITUATION DESCRIPTION ].<sup>194</sup> However, this step would only affect the hollow steel billets' [ SITUATION DESCRIPTION ]; therefore, it would not affect whether the hollow steel billets were in or out of the scope of the *AD/CVD Orders*.<sup>195</sup> Additionally, although PET claimed it performed this step, record evidence indicates that the company did not.

PET estimated that the weight loss resulting from primarily [ PROCEDURE ] and to a lesser extent other production steps was about [ # RANGE ] percent.<sup>196</sup> However, a comparison in the chart below of several of PET's hollow steel billet imports to their corresponding export shipments to the United States show that almost all the weights match exactly. Of the two net weights that do not match, one was [ # ] percent lower, which is well below the weight loss range PET attributed to primarily [ PROCEDURE ], and the other net weight inexplicably increased by [ # ] percent.<sup>197</sup> As such, the matching net weights of the incoming hollow steel billets and outgoing OCTG corroborate that PET did not perform [ PROCEDURE ] on its imported hollow steel billets.<sup>198</sup>

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<sup>190</sup> See Verification Report at 4, 7-8, 19, 22.

<sup>191</sup> See Centric Pipe Allegation at Exhibit 4, pages 4-16.

<sup>192</sup> Other steel grades of OCTG do require heat treatment. Nevertheless, heat treatment is not a universal practice of all OCTG. See, e.g., Verification Report at 4, 19.

<sup>193</sup> See *Bell Supply Company, LLC v. United States*, 393 F. Supp. 3d 1229 (CIT July 22, 2019) (*Bell Supply*); see also Allegations at Exhibit 3, pages 6, 9.

<sup>194</sup> See Verification Report at 8.

<sup>195</sup> *Id.*; see also *AD/CVD Orders*.

<sup>196</sup> See Verification Report at 8, 11.

<sup>197</sup> [ CALCULATION ] percent decrease.

<sup>198</sup> See Verification Report at 8.

PET's Imported Hollow Steel Billets Compared to its Exported OCTG										
COO	Arrival Date in TH	OD (mm)	WT (mm)	NW (mt)	PET's Export Date	OD (mm)	WT (mm)	NW (mt)	Importer	Source
[ ]	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]	Centric Pipe	199
[ ]	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]	Centric Pipe	200
[ ]	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]	Centric Pipe	201
[ ]	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]	Centric Pipe	202
[ ]	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]	LE Commodities	203
[ ]	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]	LE Commodities	204
[ ]	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]	TSPGA	205

COO = Country of Origin, TH = Thailand, OD = Outer Diameter, WT = Wall Thickness, NW = Net Weight, mt = Metric Tons  
Some of the figures in the OD, WT, and NW columns have been rounded.

PET claimed that [ PROCEDURES ] were required for its production of OCTG from hollow steel billets from China.<sup>206</sup> However, record evidence indicates that PET does not actually perform these steps. PET explained that the hollow steel billets from China must be [ PROCEDURE DESCRIPTION ].<sup>207</sup> PET averred that it purchased these [ YEAR AND MACHINERY ] and had not purchased or upgraded any machinery, including the [ MACHINERY ], since 2023.<sup>208</sup> However, these [ MACHINERY ] were not present in a video PET provided to CBP and that was taken at its facility on [ DATE ].<sup>209</sup> In other words, the [ SITUATION DESCRIPTION ] were not installed by [ DATE ].<sup>210</sup> Because CBP officials viewed these [ MACHINERY ] during their October 28-November 1, 2024 verification of PET's facility, PET installed these [ MACHINERY ] sometime during the [ # ] months between [ DATE ] and October 28, 2024 and not in [ YEAR ].<sup>211</sup> Therefore, these facts indicate that PET could not alter the [ DESCRIPTION ] of its hollow steel billets from China before [ DATE ].

<sup>199</sup> See PET RFI at Exhibit V-7, pages 7, 24; see also Centric Pipe RFI at Exhibit V-18g, pages 3, 10-13. This was entry [ # ]5822.

<sup>200</sup> See PET RFI at Exhibit V-7, pages 11, 25; Exhibit IV.13, Count 3, pages 17, 36, 44, 48, 52, 55, 76; Exhibit VI 5.1.3.b.1; and Exhibit VI 5.1.3.b.2; see also Centric Pipe RFI at Exhibit V-18i, pages 5, 34-38. This was entry [ # ]8342. All the other fields match exactly and the table it appears in is a large table with manually entered figures, thus, the arrival date in Thailand appears to be a clerical error accidentally omitting [ MONTH ] in the date.

<sup>201</sup> See PET RFI at Exhibit V-7, pages 5, 27; see also Centric Pipe RFI at Exhibit V-18c, pages 3, 9-11. This was entry [ # ]1020.

<sup>202</sup> See PET RFI at Exhibit V-7, page 23; see also Centric Pipe RFI at Exhibit V-18f, pages 3, 17-26. This was entry [ # ]0302. Although the arrival date in Thailand only lists the year [ # ], the mill test certificates are dated to [ DATE ], which predates PET's [ DATE ] export date. Because the other fields match exactly, the net weight appears to be in error and intended to be rounded as [ # ]. This entry was declared under an incorrect HTSUS number; all documents, except for the entry summary, indicate this entry contained OCTG.

<sup>203</sup> See PET RFI at Exhibit V-7, pages 9, 24; see also LE Commodities RFI at Exhibit V-3 and Exhibit V-18a, pages 5, 46, 55-57. This was entry [ # ]9668.

<sup>204</sup> See PET RFI at Exhibit V-7, page 7; Exhibit IV, Count 2, page 14; Exhibit VI 5.1.6.g, page 18; Exhibit VI 5.1.8.j, page 2. On page 335, this import is dated to [ DATE ] and its net weight has two lines: [ CALCULATION ]. The corresponding import invoice is dated [ DATE ] on page 1531. [ EVENT DESCRIPTION ]. See also LE Commodities RFI at Exhibit V-18b, pages 7, 21, 23, 36. This was entry [ # ]4018.

<sup>205</sup> See PET RFI at Exhibit V-7, pages 13, 25; Exhibit IV.13, Count 8, pages 1-4, 10, 12; Exhibit VI 5.1.8.b.1; and Exhibit VI 5.1.8.b.2; see also TSPGA RFI at Exhibit V-3e, page 2, and Exhibit V-18, pages 292, 296, 298. This was entry [ # ]7211.

<sup>206</sup> See Verification Report at 8, 17, 37.

<sup>207</sup> *Id.*

<sup>208</sup> *Id.* at 5, 17-18.

<sup>209</sup> *Id.* at 17; see also PET RFI at Exhibit V.16. The [ DATE ] filming date appeared on screen during the video.

<sup>210</sup> *Id.*

<sup>211</sup> See Verification Report at 37.

Because PET did not have the [ SITUATION DESCRIPTION ] of its hollow steel billets until recently, their [ DESCRIPTION ] were already final when PET received them from China. These final dimensions are reflected in the documents that provided the information for the above chart, which concerned importation into Thailand, exportation from Thailand, and entry into the United States. These documents and the above chart denote that the hollow steel billets PET imported from China had the same dimensions as the OCTG it exported to Centric Pipe, LE Commodities, and TSPGA. Thus, the corresponding dimensions in the above chart corroborate that PET did not perform [ PROCEDURES ] on its hollow steel billets from China.

CBP asked PET to explain why the [ SITUATION DESCRIPTION ] in the video; however, PET never provided an explanation for their absence.<sup>212</sup> Because PET claimed to have purchased the [MACHINERY AND YEAR ] when it clearly did not have them before [ DATE ], CBP finds that PET made a false statement concerning the purchase date of its [ MACHINERY ].<sup>213</sup> PET made this false statement to give CBP the impression that it performed [ PROCEDURES ] before [ DATE ] and to strengthen its argument that the hollow steel billets underwent major production steps in Thailand. However, the fact that PET was willing to take steps to give CBP a false impression concerning these two production steps indicates that it would take steps to give a false impression on its other production steps as well. Furthermore, the fact that PET imported its hollow steel billets with finalized dimensions and falsely claimed to perform [ PROCEDURES ] suggests that PET imported completed OCTG from China and so did not alter the structure of its hollow steel billets using [ MACHINERY AND PROCEDURE ]. However, even if PET performed [ PROCEDURE ], the language of the *AD/CVD Order* indicates that it would not change the country of origin of the hollow steel billets.

This was not the first time in this investigation that PET made false statements to deceive CBP. PET told some of its workers not to speak to CBP during verification, which reflects its lack of transparency.<sup>214</sup> Also, before this investigation's NOI, PET provided surreptitiously copied raw material documents to give CBP the impression that it only used [ RAW MATERIAL ] in its OCTG production.<sup>215</sup> PET provided sales contracts, invoices, packing lists, proofs of payments, Thai import declarations, and mill test certificates ostensibly pertaining to the raw materials used to produce Amek's, Centric Pipe's, LE Commodities', and TSPGA's merchandise.<sup>216</sup> However, as extensively described in the NOI, each set of these documents contained numerous matching fields indicating that one set of documents was copied from the other.<sup>217</sup> PET then changed the dates so they occurred before each entry's export date. The intended effect was to give CBP the impression that PET received more raw material shipments from [ COUNTRY ] than it actually did and that it only used [ RAW MATERIAL ] to produce its OCTG.<sup>218</sup>

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<sup>212</sup> *Id.* at 18.

<sup>213</sup> *Id.* at 5, 17-18.

<sup>214</sup> *Id.* at 11.

<sup>215</sup> See NOI at 19-27. These were referred to as “[ RAW MATERIAL ]” in the documents.

<sup>216</sup> *Id.*; see also Amek CF-28 Response; see also Centric Pipe CF-28 Response; see also LE Commodities CF-28 Response; see also TSPGA CF-28 Response.

<sup>217</sup> See NOI at 19-27.

<sup>218</sup> *Id.* [ SITUATION DESCRIPTION ]. See PET Supplemental RFI at Exhibit 36, page 43.



As further corroboration that PET did not perform all of the production steps it claimed, PET consumed an abnormally low amount of electricity during the POI, which indicates that any work PET performed was minimal. PET stated that it reached peak OCTG production in 2023.<sup>219</sup> However, PET consumed \$[ # ] of electricity in 2023 while purportedly producing [ # ] mt of OCTG in 2023 out of hollow steel billets and solid round billets.<sup>220</sup> As such, PET consumed an average of \$[ # ] of electricity for every metric ton of OCTG it produced.<sup>221</sup> It is noteworthy that this does not include PET's production of line pipe, which PET estimated is [ # ] percent of its factory's production.<sup>222</sup> If line pipe production is included, PET consumed only about \$[ # ] of electricity for every metric ton of OCTG and line pipe it produced in 2023.<sup>223</sup>

The kinds of machines and numbers of machines PET claimed to use on the hollow steel billets from China corroborate that its electricity was abnormally low. PET stated it performed [ # ] steps to produce OCTG from hollow steel billets and that [ SITUATION DESCRIPTION ].<sup>224</sup> Some of the machinery in these production steps [ PROCEDURES ] – and so appear to intensively use electricity.<sup>225</sup> Even though TOP performed [ # ] fewer production steps on its mother pipes from China and used them on [ # ] percent of its OCTG, TOP still consumed far more electricity than PET. In fact, TOP consumed about \$[ # ] of electricity per metric ton of OCTG it produced in 2023 compared to PET's \$[ # ] of electricity consumed per metric ton of OCTG produced in 2023.<sup>226</sup> Because PET used hollow steel billets on [ # ] percent of its OCTG and purportedly performed [ # ] more production steps on its hollow steel billets from China – including [ PROCEDURES ] – than what TOP performed on its mother pipes, the amount of electricity PET consumed in 2023 should be much greater than what TOP consumed in 2023. This indicates that PET's 2023 electricity consumption was abnormally low and that PET did not actually perform all of the Chinese hollow steel billets' purported production steps. Correspondingly, many of these production steps would have been performed while the hollow steel billets/OCTG were still in China.

This is consistent with the fact that PET sources its hollow steel billets from [ DESCRIPTION ] in China. [ PROCEDURE DESCRIPTION ].<sup>227</sup> [ AFFILIATION DESCRIPTION ].<sup>228</sup> Multiple websites and [ SITUATION AND PROCEDURE AND DESCRIPTION ], among other places.<sup>229</sup> [ SITUATION AND PROCEDURE DESCRIPTION ] and elsewhere.<sup>230</sup>

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<sup>219</sup> See Verification Report at 5.

<sup>220</sup> See PET RFI at Exhibit V.1, pages 2-3; see also Verification Report at 17, 46; see also PET Verification Exhibits at Exhibit 16.

<sup>221</sup> \$[ CALCULATION ] of electricity per metric ton of OCTG produced.

<sup>222</sup> See Verification Report at 4.

<sup>223</sup> *Id.* Thus, [ CALCULATION ] mt of line pipe in 2023. \$[ CALCULATION ] of electricity per metric ton of OCTG and/or line pipe produced in 2023.

<sup>224</sup> See Verification Report at 6-7, 17. PET stated that its [ SITUATION DESCRIPTION ].

<sup>225</sup> *Id.* at 37, 40.

<sup>226</sup> *Id.* at 26, 64.

<sup>227</sup> *Id.* at 14; see also, e.g., PET Verification Exhibits at Exhibit 22, pages 32-50; Exhibit 23, pages 26-44; Exhibit 24, pages 31- 69; Exhibit 25, pages 28-54; and Exhibit 27, pages 21-27.

<sup>228</sup> See TOP Verification Exhibits at Exhibit 7, page 4; see also November 25 Memorandum at Attachment 18, pages 14-16.

<sup>229</sup> See Verification Report at 26; see also TOP Verification Exhibits at Exhibit 7, page 11; see also November 25 Memorandum at Attachment 18, pages 11, 16.

<sup>230</sup> See November 27 Memorandum at Attachment 1, pages 1, 3-5.

PET's records indicated that its OCTG began with hollow steel billets from China [ # ] percent of the time and began with round steel billets in the remaining instances.<sup>231</sup> Thus, PET used hollow steel billets in the [ FREQUENCY ] of the OCTG it exported to the United States. In light of the previous evidence, CBP determines that substantial evidence exists that PET's hollow steel billets from China are Chinese-origin OCTG covered by the *AD/CVD Orders*.

Furthermore, although [ # ] percent of PET's OCTG ostensibly began from solid round billets, in light of PET's false statements and surreptitiously altered raw material documents, the record does not contain any reliable evidence indicating which OCTG began from solid round billets. Thus, CBP determines that all of the OCTG PET exported to the United States during the POI was Chinese-origin. Thus, all of the OCTG PET exported to Amek, Centric Pipe, LE Commodities, and TSPGA during the POI was Chinese-origin OCTG as well.

### *Amek*

CBP discovered that Amek entered seven misclassified entries of OCTG from PET during the POI. Amek entered entry [ # ]6113 from PET under HTSUS [ # AND PRODUCT TYPE ]; however, the entry's supporting documents indicate it is OCTG.<sup>232</sup> Specifically, its commercial invoice, packing list, bill of lading, Thai certificate of origin, and mill test certificates describe it as [ MERCHANDISE ATTRIBUTES ].<sup>233</sup> Its commercial invoice referenced purchase order number [ # ].<sup>234</sup> This purchase order states that Amek ordered [ MERCHANDISE DESCRIPTION AND ATTRIBUTES ].<sup>235</sup> [ DESCRIPTION ] pertains to OCTG and not to [ PRODUCT TYPE ].<sup>236</sup> Moreover, Amek's [ EVENT DESCRIPTION ].<sup>237</sup> Thus, CBP determines that this entry was misclassified and will reclassify it as OCTG.

Amek also entered several POI entries from [ COMPANY AND PRODUCT TYPE ]: viz. entries [ # ]8848, [ # ]5549, [ # ]5606, [ # ]2973, and [ # ]4847.<sup>238</sup> However, these entries' documents indicate they each contained OCTG rather than [ PRODUCT TYPE ].<sup>239</sup> Their commercial invoices, packing lists, bills of lading, Thai certificates of origin, and mill test certificates describe them as either [ PRODUCT DESCRIPTIONS ].<sup>240</sup> Their commercial invoices and mill test certificates reference purchase order numbers [ # ].<sup>241</sup> Each of these

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<sup>231</sup> See also PET RFI at 44; see also PET Supplemental RFI at Exhibit 36, page 43. This chart indicated that out of [ SITUATION DESCRIPTION ] percent of the time. Similarly, PET estimated during verification that it used hollow steel billets from China on [ # ] percent of its OCTG. See Verification Report at 5, 9, 18.

<sup>232</sup> See Amek RFI at Exhibit J-3, pages 1, 3.

<sup>233</sup> *Id.* at Exhibit J-3.

<sup>234</sup> *Id.* at Exhibit J-3, page 5.

<sup>235</sup> *Id.* at Exhibit F, page 11.

<sup>236</sup> See, e.g., Amek Allegation at Exhibit 7, pages 1-2. [ DESCRIPTION ].

<sup>237</sup> See Amek RFI at 471, 562, 565, 569.

<sup>238</sup> *Id.* at Exhibit F, pages 4, 9, and Exhibit J-11, pages 1, 3; see also November 25 Memorandum at Attachment 61 and Attachment 63, pages 75-95.

<sup>239</sup> *Id.*

<sup>240</sup> See Amek RFI at Exhibit J-11; see also November 25 Memorandum at Attachment 61 and Attachment 63, pages 75-95.

<sup>241</sup> See Amek RFI at Exhibit J-11, page 5; see also November 25 Memorandum at Attachment 61 and Attachment 63, pages 75, 83, 91-95.

purchase orders state that Amek ordered [ PRODUCT DESCRIPTION ].<sup>242</sup> [ DESCRIPTION ] pertains to OCTG and not to [ PRODUCT TYPE ].<sup>243</sup> Moreover, Amek's [ EVENT DESCRIPTION ].<sup>244</sup> Thus, CBP determines that these entries were misclassified and will reclassify them as OCTG.

Furthermore, although Amek declared that these entries were from [ COMPANY ], CBP instead finds that they were from PET.<sup>245</sup> Amek [ EVENT DESCRIPTION ]{.}"<sup>246</sup> Nevertheless, although the entries' mill test certificates list [ DOCUMENT DESCRIPTION ], all of which support that their OCTG actually originated from PET.<sup>247</sup> Correspondingly, the entries' purchase orders, commercial invoices, packing lists, bills of lading, and Thai certificates of origin all indicate that the entry shipments were from PET.<sup>248</sup>

Amek also claimed its understanding was that PET purchased materials for these entries from [ COMPANY ].<sup>249</sup> However, PET stated that "it purchased green tubes from [ COMPANY AND YEAR ]," which was long before these entries.<sup>250</sup> PET's list of POI raw material suppliers does not list [ COMPANY ], which corroborates that it was not from [ COMPANY ].<sup>251</sup> Therefore, CBP will change the manufacturer of these entries from [ COMPANY ] to PET and the entries' OCTG is determined to be Chinese-origin OCTG.

Amek also provided purchase order [ # ] for its order of [ PRODUCT DESCRIPTION ].<sup>252</sup> CBP did not have any other supporting documents for this purchase order and it was not immediately apparent which entry it pertained to. However, Amek's [ EVENT DESCRIPTION ].<sup>253</sup> The purchase order denoted that Amek ordered \$[ # ] of OCTG and emails pertaining to the purchase order referenced an invoice total of \$[ # ] and a shipment weight of [ # ].<sup>254</sup> These values do not exactly match figures in CBP's entry records.<sup>255</sup> However, Amek declared a gross weight of [ # ] in entry [ # ]4970 from [ COMPANY ]; as such, the [ # ] amount may reference this entry's net weight. Also, CBP records indicate that [ COMPANY ] exported that entry to Amek on [ DATE ].<sup>256</sup> Amek sent an email [ EVENT DESCRIPTION ]. Because the date of the email [ DESCRIPTION ] is likely sent around the time [ COMPANY ]/PET packed and shipped the order, because it is almost the same date as the entry's export date ([ # ] days earlier), and because neither [ COMPANY ] or PET exported any other shipments to Amek

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<sup>242</sup> See Amek RFI at Exhibit F, pages 4, 7, 9, 14.

<sup>243</sup> See, e.g., Amek Allegation at Exhibit 7, pages 1-2.

<sup>244</sup> See Amek RFI at 471, 494-496, 508, 510, 553, 592, 595.

<sup>245</sup> *Id.* at J-11, page 1; see also November 25 Memorandum at Attachment 61.

<sup>246</sup> See Amek RFI at Exhibit J-7, page 16.

<sup>247</sup> *Id.* at J-11, pages 9-13; see also November 25 Memorandum at Attachment 61 and Attachment 63, pages 78-81, 86-89, 91-95.

<sup>248</sup> See Amek RFI at Exhibit F, pages 4, 7, 9, 14, and Exhibit J-11; see also November 25 Memorandum at Attachment 63, pages 75-95.

<sup>249</sup> See Amek RFI at 25.

<sup>250</sup> See Verification Report at 14.

<sup>251</sup> See PET RFI at Exhibit 36, page 43.

<sup>252</sup> See Amek RFI at Exhibit F, page 1.

<sup>253</sup> *Id.* at 462, 471, 476-477, 479, 484.

<sup>254</sup> *Id.* at 471, 479, and Exhibit F, page 1.

<sup>255</sup> See November 25 Memorandum at Attachment 61.

<sup>256</sup> *Id.*

around that date, CBP finds that purchase order [ # ] pertained to entry [ # ]4970.<sup>257</sup> Amek entered it under HTSUS [ # AND PRODUCT TYPE ]; however, Amek’s emails and purchase order indicate it contained OCTG.<sup>258</sup> Like the other misclassified entries ostensibly from [ COMPANY ], CBP finds that this entry was misclassified and was from PET as well. As such, CBP determines that this entry contained Chinese-origin OCTG from PET.

### *PET’s affiliates*

PET made several false statements concerning its affiliates. PET initially indicated that its only affiliate was [ COMPANY ] and that [ SITUATION DESCRIPTION ].<sup>259</sup> Correspondingly, PET also stated that:

- “PET is not part of a group.”<sup>260</sup>
- “PET is not under “common control” with another person by a third person.”<sup>261</sup>
- “The affiliated persons identified above {[ DESCRIPTION ]} are not affiliated with other persons that are involved in the development, production (including inputs), sale and/or distribution of the OCTG.”<sup>262</sup>
- “PET is not affiliated with suppliers, (sub)contractors, lenders, exporters, freight forwarders, distributors, resellers, trading companies, or other persons involved in the development, production, importation, sale and/or distribution of the OCTG.”<sup>263</sup>

CBP subsequently noticed that the supplier [ COMPANY ] issued raw material invoices to PET that sometimes contained [ DOCUMENT DESCRIPTION ] and at other times contained [ DOCUMENT DESCRIPTION ] but always contained [ DOCUMENT DESCRIPTION ].<sup>264</sup> As such, CBP asked PET if [ COMPANY ] was affiliated with [ COMPANY ] and PET responded that [ COMPANY ] and [ COMPANY ] are “100% owned by [ NAME ].”<sup>265</sup> As such, they are affiliated through common ownership. CBP’s RFI to PET notified them that an affiliated person or company includes “any person directly or indirectly owning, controlling, or holding with power to vote, *five percent or more* {emphasis added} of the outstanding voting stock or shares of any organization and that organization{.}”<sup>266</sup> Because [ SITUATION DESCRIPTION ], PET is part of a group. As such, PET made a false statement when it said, “PET is not part of a group.”<sup>267</sup>

Furthermore, PET said that its [ COMPANY AND DESCRIPTION ] was “not affiliated with other persons that are involved in the development, production (including inputs), sale and/or

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<sup>257</sup> *Id.*

<sup>258</sup> *Id.*

<sup>259</sup> *See* PET RFI at 29.

<sup>260</sup> *Id.*

<sup>261</sup> *Id.* at 30.

<sup>262</sup> *Id.* at 29-30.

<sup>263</sup> *Id.* at 31.

<sup>264</sup> *Id.* at Exhibit VI 5.1.1, pages 4-12, 14-15, 38, 40.

<sup>265</sup> *See* PET Supplemental RFI at 26.

<sup>266</sup> *See* PET RFI at 26-27.

<sup>267</sup> *Id.* at 29.

distribution of the OCTG.”<sup>268</sup> As such, PET made a false statement because [ SITUATION DESCRIPTION ] that are essentially OCTG to PET.

PET also made false statements concerning its affiliation with OST Group (North America), Inc. (OST Group (North America)), who was one of TSPGA’s founders in 2016.<sup>269</sup> PET claimed that it “does not know OST Group (North America). PET does not have relationship *{sic}* with this company.”<sup>270</sup> Notably, OST Tube (Thailand) Co., Ltd (OST) changed its company name to PET in 2018.<sup>271</sup> As such, CBP asked during verification whether OST/PET had any relationship with OST Group (North America).<sup>272</sup> PET replied that “there is no relationship and none of OST’s owners or directors has any relationship with OST Group (North America).”<sup>273</sup>

A business report on OST Group (North America) indicates it has [ POSITIONS AND NAMES ].<sup>274</sup> Correspondingly, TSPGA indicated that [ NAMES AND COMPANY ] was their contact person at OST Group (North America).<sup>275</sup> [ NAME ] is also listed on [ DESCRIPTION ] as one of OST/PET’s former [ POSITIONS ] and PET likewise confirmed that [ NAME ] was a former shareholder.<sup>276</sup> Because [ NAME ] formerly owned [ DESCRIPTION ] of OST/PET and was a [ POSITIONS ] OST Group (North America) as well, OST/PET and OST Group (North America) were affiliates.<sup>277</sup> Furthermore, TSPGA was [ SITUATION DESCRIPTION ] and stated, “{t}he [ DESCRIPTION ] in Thailand for [ COMPANY ] is [ COMPANY ].”<sup>278</sup> Thus, PET’s statements that it does not know or have any relationship with OST Group (North America) and that OST’s owners or directors did not have any relationship with OST Group (North America) were both false.

OST Group (North America) and Junyi Yang were both listed on TSPGA’s certificate of formation, which indicates that they were founders of TSPGA.<sup>279</sup> TSPGA subsequently claimed that the [ EVENT DESCRIPTION ].<sup>280</sup> TSPGA further claimed that “{t}here has been no contact with OST Thailand since the joint venture failed in 2016.”<sup>281</sup> However, TSPGA’s first import was from [ COMPANY AND DATE ] after the date on TSPGA’s certificate of formation, July 8, 2016.<sup>282</sup> Furthermore, 10 of TSPGA’s first 11 entries were from [ COMPANY ].<sup>283</sup> However, TSPGA’s [ SITUATION DESCRIPTION ] is not confined to these

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<sup>268</sup> *Id.* at 29-30.

<sup>269</sup> *See* TSPGA Allegation at Exhibit 11.

<sup>270</sup> *See* PET Supplemental RFI at 31.

<sup>271</sup> *See* Verification Report at 4; *see also* PET Supplemental RFI at 22.

<sup>272</sup> *See* Verification Report at 4.

<sup>273</sup> *Id.*

<sup>274</sup> *See* November 25 Memorandum at Attachment 29, pages 4, 7.

<sup>275</sup> *See* TSPGA RFI at 85; *see also* TSPGA Supplemental RFI at 17.

<sup>276</sup> *See* PET RFI at Exhibit II-12, pages 11-14, 22-23; *see also* PET Supplemental RFI at 18 and Exhibit 14, page 1.

<sup>277</sup> *See* PET Supplemental RFI at 5 and Exhibit 14, pages 1; *see also* November 25 Memorandum at Attachment 29, pages 4, 7.

<sup>278</sup> *See* TSPGA Supplemental RFI at 9.

<sup>279</sup> *See* TSPGA Allegation at Exhibit 11, page 1.

<sup>280</sup> *See* TSPGA RFI at Exhibit II-13, page 2.

<sup>281</sup> *See* TSPGA Supplemental RFI at 5.

<sup>282</sup> *See* November 25 Memorandum at Attachment 60; *see also* TSPGA Allegation at Exhibit 11, page 1. This was entry [ # ]6758.

<sup>283</sup> *See* November 25 Memorandum at Attachment 60.

earlier entries as TSPGA continued to import from PET. Moreover, PET recently [ NUMBER, DATE, AND DESCRIPTION ].<sup>284</sup> Only 15 days later, TSPGA [ NUMBER AND DATE ].<sup>285</sup> This is consistent with TSPGA being affiliated with PET.

TSPGA claimed that [ EVENT DESCRIPTION ] of TSPGA.<sup>286</sup> TSPGA further claimed that [ EVENT DESCRIPTION ].<sup>287</sup> Nevertheless, TSPGA subsequently provided CBP with what appeared to be an official New Jersey certificate of formation that [ DOCUMENT DESCRIPTION ] when compared to the TSPGA certificate of formation provided in the allegation.<sup>288</sup> Specifically, the Members/Managers section [ DOCUMENT DESCRIPTION ].<sup>289</sup> This [ SITUATION DESCRIPTION ].<sup>290</sup>

Furthermore, certain other facts about the certificate of formation that TSPGA provided indicate that TSPGA surreptitiously changed it before submitting it to CBP. Notably, in the [ DOCUMENT DESCRIPTION ].<sup>291</sup> Furthermore, in the [ DOCUMENT DESCRIPTION ], the certificate of formation TSPGA provided has the same [ DESCRIPTION ] as the original certificate of formation that the Alleger provided.<sup>292</sup> Because both certificates of formation have the same [ DESCRIPTION ] and any changes would have resulted in an [ DESCRIPTION ], this shows that the version TSPGA provided was not authentic. Furthermore, the second page of the certificate of formation also has the same [ DOCUMENT ATTRIBUTES ].<sup>293</sup> All the other information in the certificate of formation that TSPGA provided is the same as well. This indicates that TSPGA took the original certificate of formation and surreptitiously changed the [ DOCUMENT DESCRIPTION ] section to distance itself from OST/PET.

### *Yifan Shipping*

In its NOI, CBP found that there was some indication that Yifan Shipping Thailand and Yifan Shipping (Singapore) Pte Ltd. (Yifan Shipping Singapore) may be assisting TOP and PET in the transshipment of Chinese-origin OCTG.<sup>294</sup> Based on the case record since then, CBP finds that many of these facts concerning Yifan Shipping Thailand and Yifan Shipping Singapore continue to correspond to the [ SITUATION DESCRIPTION ].<sup>295</sup> These corresponding facts include the following:

- Yifan Shipping Thailand [ SITUATION DESCRIPTION ].
- Yifan Shipping Thailand's [ SITUATION DESCRIPTION ].
- Yifan Shipping Thailand's [ SITUATION DESCRIPTION ].

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<sup>284</sup> See TSPGA RFI at Exhibit III-10.b, page 51.

<sup>285</sup> *Id.* at Exhibit III-10.b, page 52.

<sup>286</sup> *Id.* at Exhibit II-13, page 1.

<sup>287</sup> *Id.*

<sup>288</sup> See TSPGA Supplemental RFI at Exhibit 16, page 2; *see also* TSPGA Allegation at Exhibit 11, page 1.

<sup>289</sup> *Id.*

<sup>290</sup> See TSPGA RFI at Exhibit II-13, page 1.

<sup>291</sup> See TSPGA Supplemental RFI at Exhibit 16, page 2; *see also* TSPGA Allegation at Exhibit 11, page 1.

<sup>292</sup> *Id.*

<sup>293</sup> See TSPGA Supplemental RFI at Exhibit 16, page 3.

<sup>294</sup> See NOI at 15.

<sup>295</sup> See May Memorandum at Attachment 2.

- Yifan Shipping Thailand [ SITUATION DESCRIPTION ].

Yantai Yifan International Logistics Co., Ltd. (Yifan China) is an international freight forwarder located in China.<sup>296</sup> Its website indicates it has a location in Singapore and in the USA.<sup>297</sup> Yifan Shipping (USA) Co., Ltd. (Yifan Shipping USA) is located in Houston, Texas and one of its [ EMAIL ADDRESS ].<sup>298</sup> Because it shares the “Yifan” portion of its name, its [ SITUATION DESCRIPTION ], and because Yifan China indicates it has a USA location, Yifan Shipping USA may be affiliated with Yifan China. Yifan Shipping Singapore’s email addresses likewise have a @yifanlogistic.com.cn domain, which is similar to Yifan China’s @yifanlogistics email domain and the [ SITUATION DESCRIPTION ].<sup>299</sup> Similarly, Yifan Shipping Thailand has a @yifanlogistic.co.th email domain.<sup>300</sup>

Yifan Shipping Thailand is one of TOP’s and PET’s [ SITUATION AND PROCEDURE DESCRIPTION ].<sup>301</sup> Correspondingly, Yifan Shipping Thailand appeared on [ SITUATION DESCRIPTION ].<sup>302</sup> Yifan Shipping Thailand then acted as [ SITUATION DESCRIPTION ].<sup>303</sup> Finally, Yifan Shipping Thailand [ PROCEDURE DESCRIPTION ].<sup>304</sup>

Yifan Shipping Thailand and Yifan Shipping Singapore also [ PROCEDURE DESCRIPTION ].<sup>305</sup> Yifan Shipping Thailand [ PROCEDURE DESCRIPTION ].<sup>306</sup> Yifan Shipping Thailand acted as PET’s and TOP’s agent on bills of lading to its U.S. customers, such as Lixin Energy and TSPGA.<sup>307</sup> Yifan Shipping Thailand [ PROCEDURE DESCRIPTION ].<sup>308</sup> Yifan Shipping Singapore provided PET’s and TOP’s [ PROCEDURE DESCRIPTION ].<sup>309</sup> Once the OCTG was in the United States, [ SITUATION AND PROCEDURE DESCRIPTION ].<sup>310</sup>

The evidence above indicates that Yifan Shipping Thailand and its affiliated companies were involved in multiple [ DESCRIPTION ] of TOP’s and PET’s transshipment of OCTG from

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<sup>296</sup> *Id.* at Attachment 4, page 15. PET also [ CATEGORY DESCRIPTION ]. See PET RFI at Exhibit III-5a, page 8.

<sup>297</sup> See May Memorandum at Attachment 4, page 18.

<sup>298</sup> See November 25 Memorandum at Attachment 4, pages 7-9, 18. One of [ SITUATION DESCRIPTION ]. See PET RFI at Exhibit IV.13, page 10.

<sup>299</sup> See NOI at 15; see also May Memorandum at Attachment 1 and Attachment 4.

<sup>300</sup> See NOI at 15; see also May Memorandum at Attachment 4.

<sup>301</sup> See PET RFI at 32-33 and Exhibit VI 5.1.3.h; see also Verification Report at 27; see also TOP RFI at 49-50 and Exhibit 51, page 3771.

<sup>302</sup> See PET RFI at Exhibit VI 5.1.3.h; Exhibit VI 5.1.3.j; Exhibit VI 5.1.5.h, pages 1, 3, 5; Exhibit VI 5.1.5.h, page 1; Exhibit VI 5.1.5.i, pages 10, 26, 28, etc.

<sup>303</sup> See PET RFI at 32-33 and Exhibit VI 5.1.3.h; Exhibit VI 5.1.3.j; Exhibit VI 5.1.5.h, pages 1, 3, 5, 8; and Exhibit VI 5.1.5.i, pages 98, 110, 112, etc.; see also NOI at 16; see also TOP RFI at Exhibit 51, pages 11, 1358, 1401, 3771.

<sup>304</sup> See PET RFI at 32-33; see also TOP RFI at 50.

<sup>305</sup> See Verification Report at 27; see also TOP RFI at 49-50.

<sup>306</sup> See PET RFI at Exhibit IV.13, Count 2, page 10; Count 3, pages 14, 33, 52, 73; Count 4, pages 9, 12; and Count 6, page 19; See NOI at 16, 18-19; see also TOP RFI at Exhibit 29, page 3; Exhibit 31, Sale 1, page 15; Exhibit 31, Sale 2, 24; Exhibit 31, Sale 3, page 14; Exhibit 31, Sale 5, page 25; Exhibit 31, Sale 7a, pages 20-21; Exhibit 31, Sale 7b, page 19; Exhibit 31, Sale 8, page 16; and Exhibit 31, Sale 9, page 13.

<sup>307</sup> See PET RFI at Exhibit IV.13; see also NOI at 16, 18-19; see also Lixin Energy CF-28 Response; see also TSPGA CF-28 Response; see also TOP RFI at Exhibit 29, page 3, and Exhibit 31.

<sup>308</sup> See Verification Report at 27.

<sup>309</sup> See PET RFI at 33; see also TOP RFI at 50.

<sup>310</sup> See PET RFI at Exhibit 31, Sale 7b, page 2; see also TOP Verification Exhibits at Exhibit 15, pages 1-3.

China. As such, Yifan China, Yifan Shipping Thailand, Yifan Shipping Singapore, and Yifan Shipping USA may be parties of interest in future OCTG shipments.

### *Adverse Inferences*

CBP's regulations at 19 C.F.R. § 165.6(a) state that if "the importer, or the foreign producer or exporter of the covered merchandise fails to cooperate and comply to the best of its ability with a request for information made by CBP, CBP may apply an inference adverse to the interests of that party in selecting from among the facts otherwise available to make the determination as to evasion...."<sup>311</sup> The importers Copley, Kana, Lixin Energy, Longfellow, and TSPGA, and the exporters PET and TOP, failed to cooperate and comply to the best of their ability with CBP's requests for information. As such, CBP is applying inferences adverse to the interests of each of these importers and exporters and selecting from among the facts otherwise available to make its determination.

### *Copley and Lixin Energy*

CBP issued RFIs to Copley and to Lixin Energy on May 31, 2024. On June 11, 2024, Copley and Lixin Energy requested an extension of their respective RFIs' deadlines.<sup>312</sup> In response, CBP extended their RFI response deadlines to June 28, 2024.<sup>313</sup> Copley and Lixin Energy did not respond by this extended deadline; therefore, on June 29, 2024, CBP reminded them that their RFIs' response deadline had passed and extended their deadline until noon on July 2, 2024.<sup>314</sup> Copley and Lixin Energy did not respond by that deadline either; therefore, CBP again reminded them that their RFIs' response deadline had passed and extended their deadline until July 5, 2024.<sup>315</sup> However, CBP did not receive any response from Copley and Lixin Energy. As such, Copley and Lixin Energy failed to cooperate and comply to the best of their ability with CBP's requests for information.

### *Longfellow*

CBP issued its first RFI to Longfellow on May 31, 2024, and requested the pertinent bank statements.<sup>316</sup> On June 28, 2024, Longfellow responded to the RFI but did not provide these bank statements.<sup>317</sup> It stated that it

[

## STATEMENT DESCRIPTION

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<sup>311</sup> See also 19 U.S.C. § 1517(c)(3)(A).

<sup>312</sup> See Letter from Copley, "Extension Request for Response to Request for Information," dated June 11, 2024; see also Letter from Lixin Energy, "Extension Request for Response to Request for Information," dated June 11, 2024.

<sup>313</sup> See Email from CBP, "Extension Response to Trek Metals, TOP, Copley, and Lixin Energy," dated June 11, 2024.

<sup>314</sup> See November 25 Memorandum at Attachment 5, pages 1-2.

<sup>315</sup> *Id.* at Attachment 5, page 1.

<sup>316</sup> See Longfellow RFI at 19, 28. CBP requested them in questions 10b and 13b.

<sup>317</sup> *Id.*



].<sup>318</sup>

CBP issued a supplemental RFI to Longfellow on August 26, 2024, and again requested the pertinent bank statements. In this request, CBP stated that

You did not provide the requested bank statements. This is CBP’s second request for this information. If Longfellow fails to provide these bank statements in their entirety, CBP may find that it has not cooperated to the best of its ability, may apply an inference adverse to its interests, and select from among the facts otherwise available to make the determination as to evasion pursuant to 19 CFR 165.27.<sup>319</sup>

On September 16, 2024, Longfellow submitted its response to the supplemental RFI and told CBP that

[

#### STATEMENT DESCRIPTION

].<sup>320</sup>

In a separate September 9, 2024 request, Longfellow requested that CBP not release under APO any bank statements that it might provide.<sup>321</sup> Longfellow claimed that the bank statements’ release “[ STATEMENT DESCRIPTION ].<sup>322</sup> On September 17, 2024, in an email communication to Longfellow, CBP stated:

CBP does not find that the release of bank statements under APO ‘would cause substantial and irreparable financial harm to Longfellow{.}’ These bank statements would only be available to U.S. attorneys and their staff who have applied for and been approved for access to this investigation’s business confidential information under APO. The dissemination of business confidential information by these parties is strictly prohibited. [ SITUATION DESCRIPTION ].

CBP notes that it has requested bank statements from parties subject to EAPA investigations as part of its normal investigatory procedures for more than six years, including releasing such information under judicial protective orders when ordered, and has protected as business confidential the information bracketed within those bank statements. [ SITUATION DESCRIPTION ]. In this investigation, CBP likewise requested bank statements from the other nine importers subject to this investigation and has received most of them, all of which have been disclosed under the APO. Consequently, after a careful consideration of this issue, CBP finds that Longfellow’s

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<sup>318</sup> *Id.*

<sup>319</sup> *See* Longfellow Supplemental RFI at 2-3.

<sup>320</sup> *Id.* at 2, 4.

<sup>321</sup> *See* CBP Memorandum, “Adding Information to the Administrative Record of EAPA 7890,” dated September 20, 2024.

<sup>322</sup> *Id.*

bank statements do not need protection in excess of BC {business confidential} information and, therefore, determines that Longfellow’s request is denied.

Please submit the business confidential version and public version of the exhibit containing Longfellow’s requested bank statements by 5:00pm Eastern Time on September 19, 2024. If Longfellow does not provide these bank statements in their entirety, CBP may find that it has not cooperated to the best of its ability, may apply an inference adverse to its interests, and select from among the facts otherwise available to make the determination as to evasion pursuant to 19 CFR 165.27.<sup>323</sup>

Although CBP explained its position and requested Longfellow’s bank statements a third time, Longfellow did not provide the bank statements before or after the September 19, 2024 deadline, nor did it request an extension to provide the bank statements.<sup>324</sup> Consequently, CBP finds that Longfellow omitted material evidence in withholding its bank statements from CBP and so has failed to cooperate and comply to the best of its ability with CBP’s requests for information.

*Kana*

Kana made materially false statements concerning its ownership structure, management, and affiliation and so failed to cooperate and comply to the best of its ability with CBP’s requests for information. CBP’s regulations also state that “{a}ny interested party that provides a material false statement or makes a material omission or otherwise attempts to conceal material facts at any point in the proceedings may be subject to adverse inferences (see § 165.6) and prosecution pursuant to 18 U.S.C. 1001.”<sup>325</sup>

Kana’s website states on two locations that it has an office in China.<sup>326</sup> Kana told CBP that this office was named [ COMPANY ].<sup>327</sup> [ COMPANY BUSINESS TYPE DESCRIPTION ].<sup>328</sup> Kana also told CBP that [ COMPANY, POSITION, AND NAME ].<sup>329</sup> The email domain of [ NAME AND DOMAIN ], which Kana noted stood for Kana Beijing.<sup>330</sup> Kana stated that [ NAME ] directs [ COMPANY ]’ staffing services that it performed “in China on behalf of Kana.”<sup>331</sup> Kana also claimed that its China office

[

SITUATION DESCRIPTION

].<sup>332</sup>

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<sup>323</sup> *Id.*

<sup>324</sup> *Id.*

<sup>325</sup> *See* 19 C.F.R. § 165.5(b)(3).

<sup>326</sup> *See* Kana Allegation at Exhibit 12, pages 1, 3.

<sup>327</sup> *See* Kana RFI at 16-17.

<sup>328</sup> *See* November 25 Memorandum at Attachment 12, page 2.

<sup>329</sup> *See* Kana RFI at 16-17.

<sup>330</sup> *See* Kana Supplemental RFI at 10.

<sup>331</sup> *See* Kana Supplemental RFI at 9-10.

<sup>332</sup> *See* Kana RFI at 17.

However, Kana’s claim that [ COMPANY DESCRIPTION ]” is false. Although Kana claims that [ NAME, COMPANY, AND POSITION ], he has two LinkedIn profiles that list him as the Chairman of Kana but do not mention [ COMPANY ].<sup>333</sup> His profiles both indicate that he is located in Beijing, China and one of them also references Kana’s locations in Beijing, Houston, TX, and Edmonton, AB.<sup>334</sup> Kana’s website twice mentioned its office in Edmonton.<sup>335</sup> Its Edmonton office referenced its [ SITUATION DESCRIPTION ] on a business information website, stating, “[ SITUATION DESCRIPTION ].”<sup>336</sup>

Moreover, Kana’s most recent available income tax returns, covering tax years 2021 and 2022, list “[ SITUATION DESCRIPTION ] in Kana.<sup>337</sup> CBP asked why Kana stated [ SITUATION DESCRIPTION ] and Kana responded that [ COMPANY ] was formerly a [ # ] percent shareholder in Kana before [ NAME ] repurchased those shares on March 27, 2020.<sup>338</sup> However, the 2022 tax documents mention [ COMPANY ] as a Kana shareholder two years after this purported share repurchase.<sup>339</sup>

Kana’s tax return covering 2021 denoted that [ NAME ] owned [ # ] percent of Kana, and its tax return covering 2022 denoted that he owned [ # ] percent of Kana.<sup>340</sup> Both tax returns also listed [ COMPANY ] as an entity owning at least [ # ] percent of Kana.<sup>341</sup> As such, the ownership percentages were not consistent. CBP then asked Kana to provide official documents substantiating its ownership. Kana provided a one-page “stock ledger” that did not mention [ COMPANY AND NAME ] but ostensibly indicated that [ SITUATION DESCRIPTION ] of Kana “[ DATE ].”<sup>342</sup> However, this stock ledger was not an official document and appeared to have originated as a Word document that just repeated Kana’s claims. Because this stock ledger is not an official document, it has no substantive value and does not support Kana’s claim that [ COMPANY AND NAME ] are no longer shareholders.<sup>343</sup> Furthermore, [ SITUATION DESCRIPTION ] is a registered agent/resident agent who exercises ownership in the United States on behalf of [ COMPANY AND NAME ]. Consequently, based on the preceding information, CBP finds that record evidence indicates that [ COMPANY ] continues to be a shareholder in Kana and is an affiliated company. As such, Kana’s claim that [ COMPANY ] is a former shareholder in Kana is false.

Kana likewise claimed that [ NAME ] was Kana’s former shareholder and chairman of the board of directors.<sup>344</sup> However, Kana’s income tax return signed in [ DATE ] lists Mr. [ NAME ]’s name, [ CITY ] location, and [ POSITION ] position in the corporate officer section.<sup>345</sup> Correspondingly, several other sources indicate that he is still Kana’s chairman of the board of

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<sup>333</sup> See November 25 at Attachment 10, pages 2-3.

<sup>334</sup> *Id.*

<sup>335</sup> See Kana Allegation at Exhibit 12, pages 1, 3.

<sup>336</sup> See November 25 Memorandum at Attachment 11, page 50.

<sup>337</sup> See Kana RFI at Exhibit 3, pages 40-41, 43, 123-124, 126, 180-181, 183.

<sup>338</sup> See Kana Supplemental RFI at 9.

<sup>339</sup> See Kana RFI at Exhibit 3, pages 40-41, 43, 123-124, 126, 180-181, 183.

<sup>340</sup> *Id.* at Exhibit 3, pages 35, 111, 113, 171.

<sup>341</sup> *Id.* at Exhibit 3, pages 40, 43, 123, 126, 180, 183.

<sup>342</sup> See Kana Supplemental RFI at 4.

<sup>343</sup> *Id.* at Exhibit 4.

<sup>344</sup> *Id.* at 10.

<sup>345</sup> See Kana RFI at Exhibit 3, page 62. It was signed on “[ DATE ].”

directors. In July 2024, Dun&Bradstreet listed Mr. [ NAME ] as Kana’s “key principle” and chairman.<sup>346</sup> In August 2024, Allbiz.com, Manta.com, and Buzzfile.com listed Mr. [ NAME ] as Kana’s chairman.<sup>347</sup> Multiple business reports listed him as Kana’s [ POSITION ].<sup>348</sup> Furthermore, one of Mr. [ NAME ]’s two LinkedIn profiles stated that he has been Kana’s Chairman from September 2021 to the present (as of July 2024) and the other stated that he has been Kana’s Chairman from July 1989 to the Present (as of July 2024).<sup>349</sup> As such, multiple items of evidence indicate that Mr. [ NAME ] is a current shareholder and chairman of the board of directors. The fact that so many sources indicate that he is a current shareholder and chairman and no credible evidence exists to the contrary suggests that Kana’s claim that he is a former shareholder and chairman of the board is false. Because Kana made the preceding material false statements, it has not cooperated and complied to the best of its ability with CBP’s requests for information.

### *TSPGA*

CBP requested correspondence between TSPGA and PET. However, TSPGA did not provide any of the requested emails with PET and claimed that the companies conducted business via phone calls.<sup>350</sup> However, TSPGA conducted business extensively with their customs brokers and freight forwarders using email.<sup>351</sup> PET also conducts business frequently via email.<sup>352</sup> Furthermore, TSPGA failed to provide the requested substantiation of its purported phone calls with PET.<sup>353</sup> CBP also notes that PET provided TSPGA with various documents, such as invoices, packing lists, mill test certificates, *etc.*; therefore, some form of communication other than phone calls existed.<sup>354</sup> As such, CBP finds that TSPGA withheld requested documentation from CBP and so has failed to cooperate to the best of its ability with a request for information.

### *Importer Summary*

CBP is drawing an inference that is adverse to the interests of Copley, Kana, Lixin Energy, Longfellow, and TSPGA by inferring that all of the OCTG that they entered into the United States from TOP and PET during the POI was Chinese-origin OCTG.<sup>355</sup> To draw this adverse inference, CBP is relying on factual information on the record, including the Allegations that Copley, Kana, Lixin Energy, Longfellow, and TSPGA entered Chinese-origin OCTG into the United States through evasion and evidence that TOP exported Chinese-origin mother pipe to U.S. importers that is subject to the *AD/CVD Orders*.<sup>356</sup>

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<sup>346</sup> See November 25 at Attachment 10, page 1.

<sup>347</sup> *Id.* at Attachment 10, pages 4-5.

<sup>348</sup> *Id.* at Attachment 11, pages 1, 3, 15, 32-33, 39, 45.

<sup>349</sup> *Id.* at Attachment 10, pages 2-3.

<sup>350</sup> See TSPGA RFI at 29-31.

<sup>351</sup> *Id.* at Exhibit V-18.

<sup>352</sup> See PET RFI at 2, 20; see also PET Supplemental RFI at Exhibits 30-31.

<sup>353</sup> See TSPGA Supplemental RFI at 5.

<sup>354</sup> See TSPGA RFI at Exhibit V-3.e; see also PET RFI at Exhibit IV, Counts 6, 8; see also TSPGA CF-28

Response.

<sup>355</sup> See 19 U.S.C. § 1517(c)(3); see also 19 C.F.R. § 165.6.

<sup>356</sup> See Copley Allegation at 1 and Exhibit 4; see also Kana Allegation at 1 and Exhibit 4; see also Lixin Energy Allegation at 1 and Exhibit 4; see also Longfellow Allegation at 1 and Exhibit 4; see also TSPGA Allegation at 1 and Exhibit 4; see also Verification Report at 19-27.

Furthermore, because record evidence indicates that Copley and Lixin Energy undervalued their entries, CBP is revaluing their POI entries from PET and TOP.<sup>357</sup> CBP calculated two average undervaluation percentages, one derived from Copley's two undervalued entries and one derived from Lixin Energy's two undervalued entries.<sup>358</sup> As a result, CBP is increasing the value of Copley's POI entries from TOP by 29.5 percent and is increasing the value of Lixin Energy's POI entries from PET and TOP by 30.5 percent.<sup>359</sup> Although CBP is applying an adverse inference with respect to Copley, Kana, Lixin Energy, Longfellow, and TSPGA, enough evidence exists on the record to determine that there is evasion without its use.

### *TOP and PET*

Moving on to adverse inferences as they pertain to the exporters, TOP and PET each made several material false statements. Specifically, TOP claimed that it used one bank account to receive funds from sales.<sup>360</sup> However, record evidence demonstrated that TOP received sales funds [ EVENT DESCRIPTION ].<sup>361</sup> TOP also claimed that Jiangsu Top Steel was deregistered in [ DATE ] and yet Jiangsu Top Steel's website continued to add news/blog articles and advertise TOP's factory and OCTG in 2023-2024.<sup>362</sup> Further, TOP failed to provide Jiangsu Top Steel's deregistration documents at verification in spite of their common ownership.<sup>363</sup> Finally, TOP made the following false claims pertaining to E-Leader:

- [ EVENT DESCRIPTION ].<sup>364</sup>
- [ PROCEDURE DESCRIPTION ].<sup>365</sup>
- [ SITUATION DESCRIPTION ].<sup>366</sup>
- “{I}t was not aware if E-Leader is connected to any other importers.”<sup>367</sup>
- “{T}hey do not have any direct transactions with E-Leader and believes that Lixin {Energy} buys and sells to E-Leader.”<sup>368</sup>

However, previously discussed record evidence contradicted these claims and indicated that

- TOP [ EVENT DESCRIPTION ] such as Kana and Trek Metals. Therefore, TOP was aware of E-Leader's connections with other importers;

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<sup>357</sup> See TOP RFI at Exhibit 31; see also PET RFI at Exhibit IV.13, Count 10.

<sup>358</sup> *Id.* CBP added each importer's two undervaluation amounts and two declared entry values and then divided them to obtain the average. For Copley: [ CALCULATION ] = 0.29462 = 29.5 percent. For Lixin Energy: [ CALCULATION ] = 0.30505 = 30.5 percent.

<sup>359</sup> *Id.*

<sup>360</sup> See TOP RFI at 37-38.

<sup>361</sup> *Id.* at Exhibit 31, sale 1, pages 24, 26; sale 4, pages 68, 70; sale 5, page 36; sale 8, page 23; and Exhibit 51, page 103, etc.; see also TOP Supplemental RFI at Exhibit S1-20.1, page 4.

<sup>362</sup> See November 25 Memorandum at Attachment 40, pages 1-4; see also Alleger Voluntary Factual Information at Exhibit 4 and Exhibit 5, pages 95-99, 101-107.

<sup>363</sup> See TOP RFI at 10, 18; see also Verification Report at 19.

<sup>364</sup> See TOP Supplemental RFI at 9-10.

<sup>365</sup> *Id.*

<sup>366</sup> *Id.*

<sup>367</sup> See Verification Report at 27.

<sup>368</sup> *Id.*

- TOP was in [ SITUATION DESCRIPTION ].
- Because E-Leader acted as TOP’s financial agent, it had direct transactions with them.

Based on the preceding, CBP finds that TOP made several material false statements pertaining to its bank accounts and affiliated companies, and thus failed to cooperate to the best of its ability to respond to CBP’s requests for information.

During verification, CBP asked PET multiple times that its employees who signed the mill test certificates on the record, [ NAMES ], be present to conduct OCTG testing.<sup>369</sup> PET stated that [ NAME ] lived only 20 minutes away; however, CBP never met [ NAME ].<sup>370</sup> Because [ NAME ] is a PET employee and CBP specifically requested to speak to him multiple times at verification and for him to perform testing and because PET did not allow CBP to speak to him, CBP finds that PET failed to cooperate and comply to the best of its ability with CBP’s requests for information.<sup>371</sup>

Despite CBP’s request for [ NAMES ] to perform testing during verification, PET had [ NAME ] perform testing instead. PET claimed that [ NAME ] is his Thai name; CBP then asked him to sign his name.<sup>372</sup> However, the handwriting of [ NAME ]’s signature for “[ NAME ]” did not match the handwriting of [ NAME ]’s signature on the record mill certificates.<sup>373</sup> As such, [ NAMES ] appeared to be two different people. Furthermore, TSPGA’s CF-28 response lists [ DOCUMENT DESCRIPTION ], respectively.<sup>374</sup> Because [ NAMES ] are two different people, CBP finds that PET made a false statement concerning [ NAMES ] and that PET did not have [ NAME ] perform the test as requested.

Although PET claimed, “PET is not part of a group,” [ SITUATION DESCRIPTION ].<sup>375</sup> As such, PET is part of a group and made a false statement. PET also said that its [ COMPANY DESCRIPTION ] was “not affiliated with other persons that are involved in the development, production (including inputs), sale and/or distribution of the OCTG.”<sup>376</sup> As such, PET made a false statement because [ SITUATION DESCRIPTION ] that are essentially OCTG.

During its October 28 to November 1, 2024 verification, CBP officials observed PET’s [ MACHINERY ].<sup>377</sup> However, these [ SITUATION DESCRIPTION ] in the video that took place at PET’s facility on [ DATE ].<sup>378</sup> PET claimed that it purchased these [ MACHINERY AND DATE ] but never provided an explanation to CBP, when asked, on why the [ MACHINERY ] were not present in the [ DATE ] video. Because these [ MACHINERY ] were

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<sup>369</sup> *Id.* at 11-12.

<sup>370</sup> *Id.*

<sup>371</sup> *Id.* At one point, PET claimed [ NAMES ] may have resigned and that they would check on their employment status. However, PET never confirmed that they resigned. Furthermore, PET later brought [ NAMES ].

<sup>372</sup> *Id.*; *see also* PET Verification Exhibits at Exhibit 15.

<sup>373</sup> *Id.*; *see also, e.g.,* PET RFI at Exhibit IV.13, pages 6-18, 438-456.

<sup>374</sup> *See* TSPGA CF-28 Response at 42.

<sup>375</sup> *See* PET Supplemental RFI at 2-3; *see also* PET RFI at 6. CBP’s RFI to PET informed them that affiliates included “any person directly or indirectly owning, controlling, or holding with power to vote, five percent or more of the outstanding voting stock or shares of any organization and that organization {.” *See* PET RFI at 4.

<sup>376</sup> *See* PET RFI at 29-30.

<sup>377</sup> *See* Verification Report at 5, 18, 37.

<sup>378</sup> *See* PET RFI at Exhibit V.16 for the video; *see also* Verification Report at 18, 37.

not set up as of [ DATE ] and yet PET claimed it purchased them in [ YEAR ], CBP finds that PET made a false statement concerning the purchase date of its [ MACHINERY ] and so failed to cooperate and comply to the best of its ability with CBP's request for information.

Moreover, CBP repeatedly asked PET during verification for a list of its sales to customers after May 2024.<sup>379</sup> However, PET explicitly declined to provide this information each time.<sup>380</sup> As such, CBP finds that PET concealed material evidence in withholding its list of sales to customers after May 2024 and so failed to cooperate and comply to the best of its ability with CBP's request for information.

### *Exporter Summary*

CBP is drawing an inference that is adverse to the interests of PET and TOP by inferring that all of the OCTG that they exported into the United States during the POI was Chinese-origin OCTG.<sup>381</sup> To draw this adverse inference, CBP is relying on factual information on the record, including the facts that PET and TOP import hollow steel billets and mother pipe from China, respectively, that have the physical characteristics of Chinese-origin OCTG subject to the *AD/CVD Orders*.<sup>382</sup> Furthermore, previously discussed record evidence indicates that PET's and TOP's purported production steps do not remove the aforementioned hollow steel billets and mother pipe from China from scope of the *AD/CVD Orders*.<sup>383</sup>

Although CBP is applying an adverse inference with respect to PET and TOP, enough evidence exists on the record to determine that there is evasion without its use. As such, CBP determines that substantial evidence exists demonstrating that, by means of material, false statements or material omissions, the Importers entered Chinese-origin OCTG from PET and TOP that was subject to the *AD/CVD Orders* and failed to pay the requisite duties. While TOP may have a relatively [ FREQUENCY ] degree of OCTG production that uses [ CATEGORY ] billets in Thailand and qualifies as Thai-origin OCTG, no reliable evidence exists to indicate which of the Importers' OCTG entries from TOP were produced from [ CATEGORY ] billets or from Chinese-origin mother pipe. This unreliability is demonstrated by the [ DOCUMENT DESCRIPTION ] and by TOP's multiple material, false statements. Thus, CBP determines that all of the Importers' entries of OCTG into the United States from PET and TOP during the POI are Chinese-origin. This evidence is bolstered by the adverse inference that the OCTG entered during the POI was Chinese-origin, but CBP reiterates that the adverse inference is not necessary to the determination that substantial evidence of evasion is present on the record.

### *Written Arguments*

#### 1. Procedural Deficiencies

Importers alleged:

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<sup>379</sup> See Verification Report at 18.

<sup>380</sup> *Id.*

<sup>381</sup> See 19 U.S.C. § 1517(c)(3); see also 19 C.F.R. § 165.6.

<sup>382</sup> See Verification Report at 5, 20.

<sup>383</sup> See, e.g., Verification Report.

- The allegations underlying this investigation were flawed and based on false statements that require TRLED to terminate this investigation.<sup>384</sup> Further, none of the allegations' evidence led to a reasonable suggestion of evasion.<sup>385</sup>
- CBP's failure to solicit input from PET and the Importers on the "findings" of the verification report undermines its veracity and reliability, which adversely affects the parties to the investigation.<sup>386</sup>
- The verification report shows some inconsistencies without further explanation.<sup>387</sup>
- CBP improperly listed Kana's name in the verification report and made public its findings that [ SITUATION DESCRIPTION ].<sup>388</sup>

Alleger asserted:

- CBP properly initiated this investigation. Further, the reasonable suggestion and reasonable suspicion evidentiary thresholds are low.<sup>389</sup> For example, the EAPA cases underlying the *Leco Supply* and *CEK Group* CIT cases did not contain a lot of evidence before they were initiated but still had enough evidence to lead to a reasonable suggestion of evasion.<sup>390</sup>
- CBP properly conducted verification of the two alleged producers in Thailand.<sup>391</sup>

CBP Position:

In its initiation memorandum, CBP analyzed the 10 allegations underlying this investigation.<sup>392</sup> The results of that analysis did not indicate that they contained any false statements or unreasonable assertions. On the contrary, they provided information derived from several reputable available sources and interpreted that information in a reasonable manner. This information indicated the following:

1. TOP is purportedly 100% owned by a Chinese national.
2. TOP may be affiliated with the OCTG supplier Jiangsu Top Steel and the OCTG factory Long Bright, which are both in China. Jiangsu Top Steel's website indicated that Long Bright exported OCTG to Southeast Asia, where TOP is located.
3. TOP's [ SITUATION DESCRIPTION ] Thai companies transship Chinese product to the United States as a product of Thailand, [ DESCRIPTION ] TOP follows the same practice."
4. TOP appears to export more OCTG in 2023 than its facility is able to produce.

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<sup>384</sup> See Centric Pipe Written Arguments at 1-3.

<sup>385</sup> *Id.* at 3.

<sup>386</sup> See Amek Written Arguments at 13; see also LE Commodities Written Arguments at 13; see also TSPGA Written Arguments at 13.

<sup>387</sup> See Kana Written Arguments at 15.

<sup>388</sup> *Id.* at 12, 20.

<sup>389</sup> See Alleger Response to Written Arguments at 24.

<sup>390</sup> *Id.* at 25; see also *Leco Supply, Inc. v. United States*, 619 F. Supp. 3d 1287 (CIT January 24, 2023) (*Leco Supply*); see also *CEK Grp. LLC v. United States*, 633 F. Supp. 3d 1369 (CIT May 2, 2023) (*CEK Group*).

<sup>391</sup> See Alleger Response to Written Arguments at 16.

<sup>392</sup> See EAPA 7890 Initiation.



5. PET is 100% owned by three Chinese nationals.
6. PET purportedly does not have an assembled production line in place. Correspondingly, [ SITUATION DESCRIPTION ] PET.
7. PET's API license was deactivated in 2023 before its expiration date, purportedly because API certifiers tried to perform an actual site visit as part of an annual audit of the certification. Nonetheless, PET continued to export OCTG the United States in 2023.

Because TOP appeared to be owned by a Chinese national and to be affiliated with an OCTG supplier and factory in China, it was reasonable to find an incentive existed for TOP to transship Chinese-origin OCTG from its affiliated factory. Furthermore, [ PROCEDURE DESCRIPTION ] supported that reasonable suggestion of evasion and indicated that further investigation was warranted.

Likewise, PET was owned by a Chinese national and did not appear to have a production line in place at that time. This suggested that PET was not producing OCTG and its deactivated API certificate appeared to corroborate that. Furthermore, the fact that [ SITUATION DESCRIPTION ] was consistent with a lack of production and indicated that further investigation was warranted. Thus, Centric Pipe's claim that reasonable suggestion of evasion did not exist is without merit.

Centric Pipe asserted that the Allegations' declaration constitutes hearsay and should not be considered; however, this assertion is unpersuasive.<sup>393</sup> Under penalty of perjury, the declarants provided [ DOCUMENT DESCRIPTION ].<sup>394</sup> As such, CBP finds that the declarations were reliable, probative, and material to the investigation.

Centric Pipe also asserts that the allegations, especially the declarations, contained false statements.<sup>395</sup> CBP finds no basis for the assertion that they contained false statements. With respect to the declarations' [ DOCUMENT DESCRIPTION ].<sup>396</sup> With respect to the [ EVENT DESCRIPTION ], many of them have been corroborated by record evidence [ SITUATION DESCRIPTION ].<sup>397</sup> As such, the declarations did not contain false statements.

Finally, Centric Pipe states that CBP should terminate its investigation.<sup>398</sup> Given the overwhelming evidence of evasion above, CBP finds no reason to terminate the investigation.

Regarding the verification report, Amek, LE Commodities, and TSPGA claim that CBP should have solicited the Importers' and PET's input on it before it was finalized.<sup>399</sup> Amek, LE Commodities, and TSPGA also appear to question CBP's ability to be accurate minus the Importers' and PET's input into the verification report. CBP disagrees with Amek, LE Commodities, and TSPGA for several interrelated reasons. First, the verification report details

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<sup>393</sup> See Centric Pipe Written Arguments at 1, 3.

<sup>394</sup> See Centric Pipe Allegation at Exhibit 8.

<sup>395</sup> See Centric Pipe Written Arguments at 1, 3.

<sup>396</sup> See Centric Pipe Allegation at Exhibit 8.

<sup>397</sup> See Verification Report.

<sup>398</sup> See Centric Pipe Written Arguments at 1.

<sup>399</sup> See Amek Written Arguments at 13; see also LE Commodities Written Arguments at 13; see also TSPGA Written Arguments at 13.

CBP officials' observations and interactions with company officials and counsel. As such, the verification report is not a decisional document nor does CBP make "findings" in it. Second, the verification report is based on the observations of several CBP officials present at the verification. Third, the verification report provides pictures from verification and references documents that CBP officials reviewed with PET and TOP during verification, both of which corroborate the accuracy of the report's narrative. PET, TOP, and CBP officials numbered the documents' pages together and then PET and TOP uploaded them as the verification exhibits to CBP's EAPA case management system before CBP issued the verification report. As such, PET and TOP were aware of their contents before CBP issued the verification report.

Fourth, the verification report is a CBP document that details CBP officials' observations during verification. However, the Importers were not present at verification. As such, it would not be appropriate to inject the Importers' interpretation of CBP's observations into the verification report. Instead, written arguments offer an appropriate venue for the Importers to comment on the verification and the verification report. This is also clearly provided in EAPA regulations at 19 C.F.R. § 165.25.

Finally, the verification's purpose is to verify the accuracy and completeness of the information already on the administrative record rather than to gather more new information.<sup>400</sup> Because the verification report recounts CBP's verification of information on the record, the verification report's contents do not constitute new factual information that would permit the interested parties to submit rebuttal comments and potentially provide new information onto the record, which may also need to be verified.

Kana also commented on certain aspects of the verification report. Kana claimed that CBP's verification report contained several inconsistencies.<sup>401</sup> However, Kana only provided the following purported inconsistency:

For example, in the product overview CBP reported that TOP asserted it could manufacture casing up to [ # ] in diameter. However later, CBP stated "TOP explains that the [ PROCEDURE ], hot rolling, and straightening machines can only produce up to [ # ]."<sup>402</sup>

Kana provided no further information on this purported inconsistency, thereby omitting important contextual details and presenting a straw man. No actual inconsistency exists in the verification report:

TOP explains they can manufacture five API standard OCTG steel grades: 1) J55, 2) K55, 3) L80-1, 4) N80, and 5) P110. For J55 and K55 steel grade, no heat treatment is required. For the L80-1, N80, and P110 steel grade, heat treatment is required. The most common size tubing produced by TOP is [ # ] and the largest casing that the company can produce is [ # ]. We asked if the company's [ MACHINERY ] capable of producing the [ # ] casing and TOP said they did not. TOP explains that the [ PROCEDURE ], hot

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<sup>400</sup> See 19 C.F.R. § 165.25(b).

<sup>401</sup> See Kana Written Arguments at 5.

<sup>402</sup> *Id.*

rolling, and straightening machines can only produce up to [ # ]. The only processes that have a capacity greater than [ # ] are processes after heat treatment. When TOP stated they could produce up to [ # ], they were referring mostly to the threading machine's capacity.<sup>403</sup>

Thus, TOP company officials initially summarized that its [ # ] casing was the largest OCTG size it could produce.<sup>404</sup> CBP and TOP officials then discussed the sizes that individual machines could produce, and TOP officials clarified that most of its machines could produce up to/including [ # ], but its production steps after heat treatment could produce larger than [ # ]. Finally, TOP officials again clarified that when they said, "they could produce up to [ # ], they were referring mostly to the threading machine's capacity."<sup>405</sup> As such, the full context of the verification report shows that no inconsistency exists.

Finally, Kana claimed that CBP improperly listed Kana's name and that [ EVENT DESCRIPTION ].<sup>406</sup> CBP notes that it did not improperly list Kana's name or violate the APO in its verification report. As an initial point, CBP's regulations list certain "information that will not be protected as confidential," which includes the "{n}ame and address of importer against whom the allegation is brought{.}"<sup>407</sup> Thus, Kana's name and status as a company that imports from TOP is not business confidential information. Additionally, one of this investigation's most basic concerns is whether TOP's mother pipe/OCTG is covered by the scope of the *AD/CVD Orders* on OCTG from China.<sup>408</sup> Further, Kana did not mention "mother pipe" or identify it as business confidential information in any of its submissions before the verification report.<sup>409</sup> In contrast, TOP mentioned multiple times its mother pipe and that it imported from China in the public version of its submissions.<sup>410</sup> Therefore, mother pipe from China is not business confidential information.

Kana also claimed that the mother pipe was "[ DESCRIPTION ]" entitled to business confidential treatment. However, mother pipe is not [ DESCRIPTION ] because TOP performed minimal work on it before exporting it as OCTG to U.S. importers, including Kana; therefore, mother pipe is synonymous with OCTG. The fact that Kana imported this Chinese-origin mother pipe/OCTG from TOP is not entitled to business confidential treatment. Furthermore, although CBP does not redact the names of the products under investigation, such as mother pipe/OCTG, CBP generally redacts products' specifications, quantities, or prices. Accordingly, CBP did not mention the specifications, quantities, or price of the mother pipe/OCTG from Kana's canceled order in the verification report.<sup>411</sup>

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<sup>403</sup> See Verification Report at 19-20.

<sup>404</sup> In its initial RFI response, TOP provided its product brochure where it indicated it produced [ PROCEDURE DESCRIPTION ]. See TOP RFI at Exhibit 26, page 8.

<sup>405</sup> See Verification Report at 20.

<sup>406</sup> See Kana Written Arguments at 12, 20.

<sup>407</sup> See 19 C.F.R. § 165.4(c).

<sup>408</sup> See *AD/CVD Orders*.

<sup>409</sup> See Kana RFI; see also Kana Supplemental RFI. Kana did not submit voluntary factual information.

<sup>410</sup> See TOP RFI at 59 and Exhibit 54; see also TOP Supplemental RFI at 7, 19, 41 and Exhibit S1-18, page 2.

<sup>411</sup> See Verification Report at 23.

Also, if Kana truly believed that CBP's verification report revealed Kana's sensitive business information, it is odd that Kana did not immediately contact CBP about that after the December 6, 2024 release of the verification report. Instead, Kana waited 13 days and, even then, only mentioned the purported APO violation in its December 19, 2024 written arguments.<sup>412</sup>

## 2. Production

Importers alleged:

- PET had the capacity to produce OCTG in the amount demonstrated.<sup>413</sup> For example, in the verification report, PET could produce all [ # ] pieces in [ # ] hours, which corroborates PET's capacity.<sup>414</sup> Additionally, relevant records, including acquisition of raw materials and production records, document that the quantities PET produced were consistent with the volumes it sold.<sup>415</sup>
- OCTG requires hydrostatic testing. Hydrostatic testing is not listed on the raw material's mill test certificates, whereas PET's mill test certificates do list them, which indicates that PET performed the test.<sup>416</sup> Additionally, it is important to note that the hydrostatic test failure of PET's pipe occurred only in the samples produced from scrap hollow billets.<sup>417</sup>
- PET's electricity usage reasonably correlates with PET's production when incorporating a three month lag between production and sales.<sup>418</sup>
- TOP has the capacity to produce more than the 50,000 mt of OCTG that was mentioned in the NOI.<sup>419</sup> Also, CBP's verification established that TOP has the capability to produce [ # ] OCTG casing at its facility.<sup>420</sup> There is not substantial evidence on the record to establish that TOP made the [ # ] casing from Chinese tube.<sup>421</sup>
- Energy Pipe and Trek Metals provided exhibits documenting TOP's purchase and production of their OCTG using [ CATEGORY ] billets and not mother pipe from China.<sup>422</sup> Additionally, Trek Metals purchased only grade L80 OCTG from TOP – a grade that requires heat treatment.<sup>423</sup> Given that “mother pipe have already undergone

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<sup>412</sup> See Kana Written Arguments at 1, 20.

<sup>413</sup> See Amek Written Arguments at 17; *see also* LE Commodities Written Arguments at 17; *see also* TSPGA Written Arguments at 17.

<sup>414</sup> See Amek Written Arguments at 24; *see also* LE Commodities Written Arguments at 24; *see also* TSPGA Written Arguments at 24.

<sup>415</sup> See Amek Written Arguments at 18; *see also* LE Commodities Written Arguments at 18; *see also* TSPGA Written Arguments at 18.

<sup>416</sup> See Amek Written Arguments at 17, 25; *see also* LE Commodities Written Arguments at 17, 25; *see also* TSPGA Written Arguments at 17, 25.

<sup>417</sup> See Amek Response to Written Arguments at 23; *see also* LE Commodities Response to Written Arguments at 23; *see also* TSPGA Response to Written Arguments at 23.

<sup>418</sup> See Amek Written Arguments at 17, 25; *see also* LE Commodities Written Arguments at 17, 25; *see also* TSPGA Written Arguments at 17, 25.

<sup>419</sup> See Trek Metals Written Arguments at 2.

<sup>420</sup> See Longfellow Written Arguments at 1-2.

<sup>421</sup> *Id.* at 2.

<sup>422</sup> See Trek Metals Written Arguments at 24-55; *see also* Trek Metals Response to Written Arguments at 1; *see also* Energy Pipe Written Arguments at 6.

<sup>423</sup> See Trek Metals Written Arguments at 5, 7.

heat treatment and do not undergo any additional heat treatment,” then it is safe to conclude that none of Trek Metals’ OCTG from TOP was produced from mother pipe.

- TOP’s submissions and the verification do not demonstrate that TOP sold Chinese-origin OCTG to Kana.<sup>424</sup> At no point did CBP connect the purchases from Kana directly to products from China with documentation on the record.<sup>425</sup>
- PET produced its OCTG in Thailand from hollow steel billets or [ CATEGORY ] billets, which are inputs not subject to the *AD/CVD Orders*.<sup>426</sup> Commerce has not held that OCTG produced from hollow steel billets or [ CATEGORY ] billets from China are within the scope. Commerce has only held that unfinished OCTG or green tubes finished in a third country are subject to the *AD/CVD Orders*. Thus, the OCTG from PET is not covered merchandise.<sup>427</sup>

Alleger asserted:

- Some Importers argued that PET and TOP had the capacity to produce the OCTG and that the existence of the possibility of production in Thailand requires CBP to find that evasion did not occur, regardless of other evidence on the record.<sup>428</sup> However, CBP has previously determined that production capacity is insufficient to establish actual production of the merchandise under investigation. The CIT in *Phoenix Metal* stated that “a demonstration of some production capacity, particularly during a period of production set up solely for the purposes of verification, does not prove that transshipment did not occur.”<sup>429</sup> Thus, the capacity to produce [ # ] OCTG does not indicate that it was not transshipped.<sup>430</sup>
- TOP’s claimed production from Chinese “mother pipe” is covered by the scope of the Orders.<sup>431</sup>
- PET’s facility was likely never in operation.<sup>432</sup> During verification PET claimed it was at [ # ] percent of peak production capacity and later claimed it was not under “active production” at all.<sup>433</sup> This was further exhibited in PET’s difficulty producing using the “leftover” hollow billets.<sup>434</sup> [ EVENT DESCRIPTION ] and in 2023 and in 2022 by API auditors who observed no production and only [ # RANGE ] PET employees in one-shift rather than the [ # RANGE ] in two shifts that PET claimed.<sup>435</sup>
- The lack of actual records maintained by PET further indicate that its records in its responses were likely fabricated only for submission.<sup>436</sup>

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<sup>424</sup> See Kana Written Arguments at 11-12.

<sup>425</sup> *Id.* at 15.

<sup>426</sup> See Amek Written Arguments at 13; see also TSPGA Written Arguments at 11.

<sup>427</sup> See Amek Written Arguments at 13; see also TSPGA Written Arguments at 9.

<sup>428</sup> See Alleger Response to Written Arguments at 3.

<sup>429</sup> *Id.* at 4; see also *Phoenix Metal Co. v. United States*, CIT No. 23-00048, 2024 WL 2891503, Slip Op. 24-68 (CIT June 10, 2024), appeal dismissed, CAFC No. 2024-2222, 2024 WL 4534014 (Federal Circuit 2024) (*Phoenix Metal*).

<sup>430</sup> See Alleger Response to Written Arguments at 14.

<sup>431</sup> See Alleger Written Arguments at 37.

<sup>432</sup> *Id.* at 17.

<sup>433</sup> *Id.*

<sup>434</sup> *Id.* at 18.

<sup>435</sup> See Alleger Response to Written Arguments at 6.

<sup>436</sup> See Alleger Written Arguments at 22.

## CBP Position:

Amek, LE Commodities, and TSPGA contend that Commerce has not held that OCTG goods produced from hollow steel billets in China are within the scope; therefore, the OCTG they imported was Thai-origin. CBP disagrees and notes that such a contention is without merit. The scope of the *AD/CVD Orders* state that “{t}he written description of the scope of this order is dispositive.”<sup>437</sup> As previously discussed, substantial evidence on the record – including invoice descriptions, TOP’s and PET’s physical descriptions, and photographic evidence – indicate that the physical characteristics of the hollow steel billets and mother pipes are covered by the plain language of the scope of the *AD/CVD Orders*.<sup>438</sup> Thus, because the physical characteristics of the hollow steel billets and mother pipes match the written description of the *AD/CVD Orders*, they are covered merchandise regardless of whether they are called hollow steel billets, mother pipe, green tubes, or any other appellation. Furthermore, because the hollow steel billets and mother pipes match the written description of the *AD/CVD Orders*, Commerce does not need to make a scope determination.

Longfellow claims that CBP’s verification established that TOP has the capability to produce [ # ] OCTG casing at its facility and that there is not substantial evidence that TOP made the [ # ] casing from Chinese tube.<sup>439</sup> CBP notes that just because TOP may have had the production capacity to produce [ # ] OCTG, that capacity would not necessarily negate the possibility of it transshipping Chinese-origin OCTG of that size. In fact, TOP imported multiple shipments of [ MERCHANDISE DESCRIPTION ].<sup>440</sup> CBP explained earlier in this notice that TOP’s purported production on its mother pipe from China did not change its country of origin and that its physical characteristics are covered by the written description of the scope of the *AD/CVD Orders*. Thus, these shipments of [ MERCHANDISE DESCRIPTION ] OCTG. Furthermore, two of TOP’s import shipments of [ MERCHANDISE DESCRIPTION ] preceded the export date of Longfellow entries [ # ]0436 and [ # ]5908 by [ # ] days, respectively; therefore, they could have been the source of their OCTG.<sup>441</sup>

Kana also claims that TOP’s submissions and the verification do not demonstrate that TOP sold Chinese-origin OCTG to Kana and that CBP did not connect Kana’s purchases directly to products from China.<sup>442</sup> This contention could imply that TOP’s imports of [ SITUATION DESCRIPTION ], *etc.* However, it would be unreasonable to presume that TOP’s [ SITUATION DESCRIPTION ] because TOP’s method of transshipment could instead be to import shipments of [ MERCHANDISE DESCRIPTION ] that entered inventory, which they then partially drew from for each export.

Nevertheless, CBP was able to connect a Kana purchase directly to products from China. TOP used Chinese-origin mother pipe in its OCTG [ # ] percent of the time.<sup>443</sup> TOP also imported

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<sup>437</sup> See *AD/CVD Orders*.

<sup>438</sup> *Id.*

<sup>439</sup> See Longfellow Written Arguments at 1-2.

<sup>440</sup> See TOP Supplemental RFI at Exhibit 18, page 1. For example, see the 10<sup>th</sup> and 14<sup>th</sup> lines from top of the chart.

<sup>441</sup> See Longfellow RFI at Exhibit V.18, page 21.

<sup>442</sup> See Kana Written Arguments at 11-12, 15.

<sup>443</sup> See TOP Supplemental RFI at Exhibit S1-18. [ CALCULATION ] percent mother pipe by weight in 2023.

numerous shipments of [ MERCHANDISE DESCRIPTION ], that Kana entered from TOP.<sup>444</sup> Thus, these facts alone indicate that TOP likely used Chinese-origin OCTG in its exports to Kana. However, CBP also observed the [ DOCUMENT DESCRIPTION ] and had the same steel grade, dimensions, heat numbers, and lot numbers as those on TOP's mill test certificates.<sup>445</sup> Kana entry's documents for [ # ]8048 also contained these TOP mill test certificates.<sup>446</sup> As such, this connects a Kana purchase directly to products from China and so supports that Kana entered Chinese-origin OCTG from TOP.

Amek, LE Commodities, and TSPGA contended that, in the verification report, PET could produce all [ # ] pieces of OCTG in [ # ] hours, which corroborates PET's OCTG production capacity.<sup>447</sup> CBP disagrees with this assessment. The [ # ] hour-reference only includes the time for the [ # ] pieces to go through the machine and does not include the time to move them toward, onto, and from the machine or for personnel to take any breaks. As such, the verification report noted that the entire heat treatment process would take significantly longer:

{T}he actual time for the heat treatment stage would be significantly greater because OCTG pipes have varying lengths, with longer lengths taking longer to process, and because OCTG pipes need to be moved by crane from the previous area and then manually loaded into the heat treatment machine.<sup>448</sup>

If the [ # ] pieces took [ # ] hours to only go through the machine, that leaves [ # ] hours remaining in the day for those pieces to be moved. As such, it would take [ # ] seconds on average to move each piece by crane to the heat treatment area, to remove it from the crane and load it into the heat treatment machine, and then unload and move it to the next production area, assuming no breaks.<sup>449</sup> This time is unrealistic considering the number of movement-related steps and the size of PET's facility.<sup>450</sup> Therefore, PET could not produce the [ # ] pieces in a day.

PET also stated that it had the production capacity to produce [ # RANGE ] pieces per day.<sup>451</sup> However, the chart below uses the same calculation method as above and shows that PET could not produce this range either. If PET produced [ # ] pieces per day, it would only have [ # ] seconds to move each piece by crane to the heat treatment area, to remove it from the crane and load it into the heat treatment machine, and then unload and move it to the next production area, assuming no breaks. PET's upper range of [ # ] pieces of OCTG would theoretically take [ # ] hours to pass through the heat treatment machinery, which does allow for any movement time

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<sup>444</sup> *Id.*; see also Kana RFI at Exhibit 14.

<sup>445</sup> See TOP Verification Exhibits at Exhibit 20, pages 1-7, and Exhibit 21, pages 51-59, 72-76. [ CALCULATION ]; see also TOP RFI at Exhibit 31, Sale 9, pages 6-10; see also Kana RFI at Exhibit 14, pages 2595-2599. TOP verification exhibit 21 pertains to Kana entry [ # ]8048.

<sup>446</sup> *Id.*

<sup>447</sup> See Amek Written Arguments at 16; see also LE Commodities Written Arguments at 16; see also TSPGA Written Arguments at 16. That is based off of [ CALCULATION ].

<sup>448</sup> See Verification Report at 16.

<sup>449</sup> [ CALCULATION ] seconds.

<sup>450</sup> See Verification Report at 32. The pictures on this page [ PICTURE DESCRIPTION ].

<sup>451</sup> *Id.* at 5.

and indicates that PET’s production is faster than the [ DURATION ].<sup>452</sup> Thus, it is impossible for PET to produce [ # ] pieces in a day because the heat treatment machinery is not fast enough for that number of pieces to pass through it. Furthermore, these calculations demonstrate that the figures in PET’s production-related documents are false, because PET could not produce its purported capacity range.

PET’s Purported Capacity Range	Heat Treatment Hours <sup>453</sup>	OCTG Movement Hours	OCTG Movement Seconds <sup>454</sup>
[ ]			[ ]
[ ]			[ ]

The production capacity of one of PET’s other production steps corroborates that PET’s production capacity and production documents are false as well. CBP officials observed [ EVENT DESCRIPTION ].<sup>455</sup> At this rate, PET could process [ # AND CATEGORY ] billets per day if the machinery ran for 24 hours with no delays.<sup>456</sup> The production capacity for this step is much less than [ # RANGE ] pieces that PET claimed it could produce per day, which indicates that PET falsely claimed more OCTG capacity than it actually has.<sup>457</sup>

Some of the Importers further argued that PET and TOP had the capacity to produce the amount of OCTG they exported and implied that such capacity indicated that evasion did not occur.<sup>458</sup> However, this argument is unpersuasive. Setting aside the above calculations, the capacity to produce OCTG does not necessarily indicate that evasion did not occur and, if capacity does exist, that capacity does not obligate CBP to determine that evasion did not occur. The CIT in *Phoenix Metal* concurred that the existence of capacity does not necessarily indicate that evasion did not occur: “a demonstration of some production capacity, particularly during a period of production set up solely for the purposes of verification, does not prove that transshipment did not occur.”<sup>459</sup> Therefore, TOP’s and PET’s purported production capacities by themselves do not support that transshipment did not occur. As a corollary to that, even if a company can produce certain sizes of OCTG, e.g. [ # ] inch, that ability does not guarantee that that OCTG size was not transshipped as well.

In spite of whatever capacity PET and TOP may have had, multiple previously discussed facts on the record indicate that PET and TOP imported Chinese-origin OCTG (called “hollow steel billets” or “mother pipe”) as defined by the *AD/CVD Orders*, performed minor production steps on it, and then exported it to the Importers. These facts include that the physical characteristics of the hollow steel billets and mother pipes match the written description of the scope of the *AD/CVD Orders* and that the purported production steps on those items do not change the country of origin of them. It is also noteworthy that PET and TOP indicated that an economic

<sup>452</sup> In fact, [ CALCULATION ] hours.

<sup>453</sup> [ CALCULATION ] hours movement time. [ CALCULATION ] hours.

<sup>454</sup> [ CALCULATION ] seconds

<sup>455</sup> See Verification Report at 6.

<sup>456</sup> [ CALCULATION ] per day.

<sup>457</sup> See Verification Report at 5.

<sup>458</sup> See Amek Written Arguments at 17; see also LE Commodities Written Arguments at 17; see also TSPGA Written Arguments at 17.

<sup>459</sup> See *Phoenix Metal* at 11; see also Alleger Response to Written Arguments at 4.



incentive existed for them to not produce Thai-origin OCTG at their facilities. TOP explained that it used imported mother pipe from China to speed up production.<sup>460</sup> Faster production implies fewer production steps, which was the case here, and fewer labor hours, both of which would lead to cost savings. Likewise, PET stated that production beginning with imported hollow steel billets is much faster and cheaper than production beginning with [ CATEGORY ] billets.<sup>461</sup> Thus, using hollow steel billets or mother pipe, which are both essentially Chinese-origin OCTG, was cheaper and quicker for PET and TOP.

Amek, LE Commodities, and TSPGA claim that PET's electricity usage reasonably correlates with its production when incorporating a three-month lag between production and sales.<sup>462</sup> However, CBP notes that any such correlation is inapposite in this instance. PET's electricity usage during this period was abnormally low, only \$[ # ] of electricity consumed per metric ton of OCTG it produced.<sup>463</sup> Thus, any correlating increases in PET's production and electricity usage was from a very low baseline. This reflects that PET's "production" even at its peak was probably not using machinery that consumed a lot of electricity, such as [ PROCEDURES ], *etc.*, but more likely conducting minor processes that required less electricity.

Amek, LE Commodities, and TSPGA asserted that the raw materials' mill test certificates associated with bill of lading [ # ] showing multiple test results does not prove that their Chinese hollow steel billets were the final OCTG product.<sup>464</sup> CBP agrees that the multiple test results, by themselves, on the mill test certificates do not conclusively prove that the Chinese hollow steel billets were in their final form. Those [ # ] tests are minor production steps that do not affect the hollow steel billets' country of origin. However, as discussed earlier, the physical characteristics of PET's hollow steel billets from China match the written description of OCTG in the scope of the *AD/CVD Orders* and PET's purported production steps do not change the country of origin of the hollow steel billets from China. Thus, PET's hollow steel billets are covered merchandise regardless of whether those [ # ] tests were performed in China or in Thailand. Furthermore, although the [ # ] tests do not, by themselves, prove that the hollow steel billets were in their final form, the tests being performed in China is consistent, nonetheless, with the hollow steel billets being in their final OCTG form.

Amek, LE Commodities, and TSPGA further claimed that OCTG requires hydrostatic testing, and that the Chinese raw material's mill certificates do not mention hydrostatic testing results, whereas PET's mill certificates do contain them.<sup>465</sup> CBP notes that hydrostatic testing does not alter the physical structure of the hollow steel billets/OCTG in any way and, therefore, does not affect country of origin.<sup>466</sup> Thus, whether the hydrostatic tests were performed in China or in

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<sup>460</sup> See Verification Report at 20.

<sup>461</sup> *Id.* at 5.

<sup>462</sup> See Amek Written Arguments at 17, 25; see also LE Commodities Written Arguments at 17, 25; see also TSPGA Written Arguments at 17, 25.

<sup>463</sup> See PET RFI at Exhibit V.1, pages 2-3; see also Verification Report at 17, 46; see also PET Verification Exhibits at Exhibit 16. \$[ CALCULATION ] of electricity per metric ton of OCTG produced.

<sup>464</sup> See Amek Written Arguments at 16; see also LE Commodities Written Arguments at 25; see also TSPGA Written Arguments at 25. This pertains to Amek entry [ # ]6113.

<sup>465</sup> See Amek Written Arguments at 17; see also LE Commodities Written Arguments at 25; see also TSPGA Written Arguments at 25.

<sup>466</sup> See Verification Report at 7-8, 12; see also *AD/CVD Orders*.

Thailand is irrelevant. Additionally, the PET mill test certificates that Amek, LE Commodities, and TSPGA referenced are not reliable and, therefore, do not reliably indicate that PET performed those hydrostatic tests. PET provided these mill test certificates to CBP during verification and they list PET's [ DOCUMENT DESCRIPTION ].<sup>467</sup> However, Amek's purchase order for this sale required the [ DOCUMENT DESCRIPTION ].<sup>468</sup> Accordingly, the mill test certificates Amek provided for this sale listed [ DOCUMENT DESCRIPTION ].<sup>469</sup> Although the dates differed, the [ COMPANY ] and PET mill test certificates both listed the same [ DOCUMENT DESCRIPTION ].<sup>470</sup> Furthermore, the [ COMPANY ] mill test certificates contained the signatures of PET employees [ NAME ].<sup>471</sup> The signatures and the matching items indicate that PET created mill test certificates falsely indicating [ COMPANY ] performed the tests and then provided them to Amek. They also suggest that PET subsequently changed their dates and inserted its name in place of [ DOCUMENT DESCRIPTION ] of the mill test certificates CBP viewed during verification in an attempt to substantiate its production of the merchandise. This supports that PET does not provide reliable documents.

PET provided other mill test certificates with major discrepancies, which also corroborate that it does not provide reliable documents.<sup>472</sup> In light of PET's false statements and copied raw material documents, these discrepancies appear to arise from PET's surreptitious document creation process rather than clerical errors. Some of the other mill certificate discrepancies are as follows:

1. For TSPGA entries [ ENTRY NUMBERS AND DOCUMENT DESCRIPTIONS ] listed on PET's mill test certificates are 14 and 10 days, respectively, after the date PET exported those entries.<sup>473</sup> As such, PET created these mill test certificates at least a couple weeks after production was completed. This indicates that PET did not create these mill test certificates as a result of production but rather in anticipation of the merchandise's entry into the United States and the need for documentation to substantiate Thai production.
2. For Centric Pipe entry [ # ]8342, the [ DESCRIPTION ] on PET's mill test certificates is [ DATES ].<sup>474</sup> Those mill test certificates indicate they pertain to [ MERCHANDISE ATTRIBUTES ].<sup>475</sup> However, PET's import records indicate that it actually imported those [ EVENT DESCRIPTION ].<sup>476</sup> Those imported [ SITUATION DESCRIPTION ]

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<sup>467</sup> See PET Verification Exhibits at Exhibit 25, pages 23-27.

<sup>468</sup> See Amek RFI at Exhibit F, page 11. [ PRODUCT DESCRIPTION ]. See *Bell Supply*. In another instance, Amek told PET "[ DESCRIPTION ]" were to be used; however, PET used [ DESCRIPTION ] regardless. See PET RFI at Exhibit IV.13, page 432.

<sup>469</sup> See Amek RFI at Exhibit J-3, pages 10-14.

<sup>470</sup> See PET Verification Exhibits at Exhibit 25, pages 23-27; see Amek RFI at Exhibit J-3, pages 10-14.

<sup>471</sup> See Amek RFI at Exhibit J-3, pages 10-14.

<sup>472</sup> PET provided other raw material documents with major discrepancies as well. For example, on [ EVENT DESCRIPTION ]. PET then sold the same [ EVENT DESCRIPTION ], which is less than the amount PET paid for the merchandise. See PET RFI at Exhibit IV.13, page 81, and Exhibit VI 5.1.3.b.1.

<sup>473</sup> See PET RFI at Exhibit IV.13, pages 394-402, 419-420; see also TSPGA RFI at Exhibit V-18, pages 27, 292.

<sup>474</sup> See Centric Pipe RFI at Exhibit V-18i, pages 36-38; see also PET RFI at Exhibit IV.13, Count 3, pages 46-48.

<sup>475</sup> *Id.*

<sup>476</sup> See PET RFI at Exhibit V-7, pages 11, 25; Exhibit VI 5.1.3.b.1, page 1; and Exhibit VI 5.1.3.b.2, page 1.

].<sup>477</sup> Notably, the list of imports PET provided is [ DOCUMENT DESCRIPTION ], which indicates it pertains to the merchandise on PET's mill test certificates. Furthermore, the invoice and packing list for the import were dated [ DATE ], which is compatible with the [ DATE ] import date and so corroborates the correctness of the import date rather than the mill test certificate dates. As such, the PET mill test certificates was dated nine months before PET imported the merchandise into Thailand and so support the unreliability of PET mill test certificates.

3. For Centric Pipe entry [ # ]0511, the [ DESCRIPTION ] on the mill test certificates Centric Pipe provided is [ DATE ]; however, the [ DESCRIPTION ] on the mill test certificates PET provided is [ DATE ].<sup>478</sup> PET exported the merchandise on [ DATE ], which is two months before the production date on the mill test certificates PET provided.<sup>479</sup> Further, the [ DESCRIPTION ] on the mill test certificates Centric Pipe provided is 15 days before Centric Pipe even sent its purchase order to PET.<sup>480</sup>
4. For Centric Pipe entry [ # ]1020, the [ DESCRIPTION ] listed on the mill test certificates are [ DATE ].<sup>481</sup> Those mill test certificates indicate PET performed mill tests on [ MERCHANDISE ATTRIBUTES ].<sup>482</sup> However, PET's import records indicate that they did not receive these [ EVENT DESCRIPTION ].<sup>483</sup> PET imported these [ MERCHANDISE DESCRIPTION ]. Also, the fact that PET imported [ SITUATION DESCRIPTION ].<sup>484</sup> Setting that aside, the date on PET's mill test certificates also indicates it conducted mill tests more than a month before they received the [ DESCRIPTION ], which indicates that these mill test certificates are neither authentic nor reliable.
5. For Centric Pipe entry [ # ]5822, the [ DOCUMENT DESCRIPTION ] on the PET mill test certificates Centric Pipe provided is [ DATE ].<sup>485</sup> Those mill test certificates indicate they pertain to [ MERCHANDISE ATTRIBUTES ].<sup>486</sup> However, PET's import records indicate that it actually imported those [ EVENT DESCRIPTION ].<sup>487</sup> Those imported [ SITUATION DESCRIPTION ].<sup>488</sup> As noted, the list of imports PET provided is [ DOCUMENT DESCRIPTION ], which indicates it pertains to the merchandise on PET's mill test certificates. As such, the PET mill test certificates were dated about two months before PET imported the merchandise into Thailand and so support the unreliability of PET mill test certificates.

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<sup>477</sup> *Id.*

<sup>478</sup> *See* Centric Pipe RFI at Exhibit V-18j, pages 8-21; *see also* PET RFI at Exhibit IV.13, pages 6-18.

<sup>479</sup> *See* Centric Pipe RFI at Exhibit V-18j, page 5.

<sup>480</sup> *See* Centric Pipe Supplemental RFI at Exhibit 8, pages 2-3.

<sup>481</sup> *See* Centric Pipe RFI at Exhibit V-18c, pages 11-12.

<sup>482</sup> *Id.*

<sup>483</sup> *See* PET RFI at Exhibit V-7, pages 5, 27. It is listed on the [ # ] line from the bottom of the other chart.

<sup>484</sup> *See* Verification Report at 4.

<sup>485</sup> *See* Centric Pipe RFI at Exhibit V-18g, pages 12-13.

<sup>486</sup> *Id.*

<sup>487</sup> *See* PET RFI at Exhibit V-7, pages 7, 24.

<sup>488</sup> *Id.*

Regarding the hydrostatic test issue again, Amek, LE Commodities, and TSPGA also claimed that PET can produce OCTG and that the hydrostatic test failure of its pipe occurred only in the samples produced from scrap hollow steel billets.<sup>489</sup> CBP notes it was not aware that PET performed the two hydrostatic tests using scrap. CBP requested that PET perform the two hydrostatic tests on steel grade P110 OCTG.<sup>490</sup> PET indicated that it used P110 OCTG from its [ # ] leftover hollow steel billets and did not mention using its scrap for these tests.<sup>491</sup> If PET used the leftover hollow steel billets, like it indicated, then Amek, LE Commodities, and TSPGA incorrectly asserted that PET used scrap in the tests, possibly to avoid the potential implication that PET cannot reliably produce pipes that meet API standards for P110 OCTG.<sup>492</sup>

However, if PET used scrap in the hydrostatic tests, then PET misrepresented the origin of the [ # ] hollow steel billets to CBP when it earlier claimed that they were left over from production. If PET used scrap, it should have known that it would fail the tests; however, PET never indicated it was using scrap that would likely fail the tests. Additionally, CBP would never request or agree for PET to perform a hydrostatic test, which uses [ DESCRIPTION ], on defective scrap that may be liable to explosion.<sup>493</sup> As such, if PET used scrap on those tests, then it made a false statement to CBP.

Because PET used hollow steel billets from China on the [ FREQUENCY ] of its OCTG, it could be considered odd that PET showed CBP officials only [ # ] pieces of hollow steel billets that they claimed were left over. These [ # ] pipes were of [ PIPE DESCRIPTION ].<sup>494</sup> Additionally, the only purported left over hollow steel billets that were available were not of the correct length to be [ PROCEDURE ].<sup>495</sup> These facts may indicate that PET did in fact obtain the two hollow steel billets that failed the hydrostatic tests from its scrap pile. Further, PET sourcing the [ ITEM DESCRIPTION ] from its scrap pile and presenting them to CBP as “left over” hollow steel billets would be consistent with its other assertions that the hollow steel billets underwent a large degree of processing. However, CBP notes that record evidence discussed elsewhere in this notice indicate that the hollow steel billets did not undergo much processing.

Energy Pipe and Trek Metals stated that they provided exhibits documenting TOP’s purchase and production of their merchandise using [ CATEGORY ] billets, and not mother pipe from China.<sup>496</sup> However, TOP made several false statements that cast doubt on the reliability of its raw material documents. Furthermore, two sets of [ DOCUMENT DESCRIPTION ], which reflects that not all of TOP’s documents were valid and further indicates that TOP’s documents are not reliable. As such, the documents Energy Pipe and Trek Metals provided are not reliable.

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<sup>489</sup> See Amek Response to Written Arguments at 23-24; see also LE Commodities Response to Written Arguments at 23-24; see also TSPGA Response to Written Arguments at 23-24.

<sup>490</sup> See Verification Report at 12.

<sup>491</sup> *Id.* at 9, 12.

<sup>492</sup> *Id.*; see also Amek Response to Written Arguments at 23-24; see also LE Commodities Response to Written Arguments at 23-24; see also TSPGA Response to Written Arguments at 23-24.

<sup>493</sup> See Verification Report at 7-8, 12.

<sup>494</sup> *Id.* at 31.

<sup>495</sup> *Id.* at 9.

<sup>496</sup> See Trek Metals Written Arguments at 24-55; see also Trek Metals Response to Written Arguments at 1; see also Energy Pipe Written Arguments at 6.

Additionally, Trek Metals asserted that it purchased only grade L80 OCTG from TOP, which requires heat treatment that TOP performed in Thailand.<sup>497</sup> As previously discussed, CBP notes that heat treatment does not affect the country of origin; therefore, if heat treatment occurred in Thailand that heat treatment would not transform Chinese-origin OCTG into Thai-origin OCTG.

### 3. Reasonable Care and Culpability

Importers alleged:

- Amek, Energy Pipe, Kana, LE Commodities, and TSPGA assert that they did not evade the *AD/CVD Orders* on OCTG by a material false statement or omission, and exercised reasonable care.<sup>498</sup> Energy Pipe’s principal visited TOP twice in 2019 before purchasing from them and TSPGA conducted multiple site visits as well.<sup>499</sup> Energy Pipe relied on TOP’s and its licensed customs broker’s assertions that TOP manufactured the merchandise in its facility and it was Thai-origin.<sup>500</sup> Kana rigorously reviewed documentation and other sources, such as multiple certificates of origin and TOP production documents, that the OCTG it imported was produced in Thailand.<sup>501</sup>
- There is no evidence that Kana presented any material or false statement, act, or omission that would result in EAPA liability.<sup>502</sup> The CIT has held in *Diamond Tools* that some culpability is required to make such a finding.<sup>503</sup>

Alleger asserted:

- The EAPA statute does not incorporate the “reasonable care” standard and so does not require that CBP “analyze the importer’s state of mind” to determine some level of culpability before finding that evasion has occurred.<sup>504</sup>
- *Diamond Tools* pertained to a unique situation.<sup>505</sup> The CIT in *Ikadan* agreed with CBP that the EAPA statute imposes a “strict liability” standard, and lacks any culpability requirement.<sup>506</sup>

CBP Position:

The EAPA statute states that:

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<sup>497</sup> See Trek Metals Written Arguments at 5, 7.

<sup>498</sup> See Amek Written Arguments at 9, 27; see also Energy Pipe Written Arguments at 3, 7; See Kana Written Arguments at 12, 16; see also LE Commodities Written Arguments at 9, 27; see also TSPGA Written Arguments at 9, 27.

<sup>499</sup> See Energy Pipe Written Arguments at 7; see also TSPGA Written Arguments at 20.

<sup>500</sup> See Energy Pipe Written Arguments at 3, 7, 9.

<sup>501</sup> See Kana Written Arguments at 12, 16, 18.

<sup>502</sup> *Id.* at 12, 19.

<sup>503</sup> *Id.* at 19; see also Kana Response to Written Arguments; see also *Diamond Tools Tech. LLC v. United States*, 545 F. Supp. 3d at 1355; see also *Diamond Tools Tech. LLC v. United States*, 609 F. Supp. 3d at 1388 n.10 (*Diamond Tools*).

<sup>504</sup> See Alleger Response to Written Arguments at 19.

<sup>505</sup> *Id.* at 21; see also *Diamond Tools*.

<sup>506</sup> See *Ikadan Systems USA Inc. v. United States*, 639 F. Supp.3d 1339 (Ct. Int’l Trade 2023) (*Ikadan*).

the term “evasion” refers to entering covered merchandise into the customs territory of the United States by means of any document or electronically transmitted data or information, written or oral statement, or act that is material and false, or any omission that is material, and that results in any cash deposit or other security or any amount of applicable antidumping or countervailing duties being reduced or not being applied with respect to the merchandise.<sup>507</sup>

As such, evasion occurs where a material false statement or omission is made that results in the applicable AD/CVD duties not being paid. In its EAPA determinations, CBP has always held that one may make a material false statement with reference to objective facts and regardless of whether one had any state of mind, knowledge, or culpability concerning those facts. As such, the *Alleger* is correct that the EAPA statute does not incorporate the “reasonable care” standard; thus, it does not require that CBP “analyze the importer’s state of mind” to determine whether culpability exists before finding that evasion occurred.<sup>508</sup> In contrast, *Kana* and some of the other Importers argue that one must have knowledge or culpability to make a false statement; it did not have knowledge or culpability that the OCTG was Chinese-origin; and therefore, it did not make a false statement.

The CIT acknowledged this difference in interpretation in *Ikadan* and stated that “the precise question before the court is whether EAPA’s definition of ‘evasion’ contains a requirement that CBP find that importers acted culpably in making material false statements or omissions before determining whether the importers engaged in evasion.”<sup>509</sup> Regarding the evasion definition, the CIT stated that “nothing in the definition requires that a materially false statement or omission be made with a particular state of mind.”<sup>510</sup>

The CIT further stated in *Ikadan* that the “Plaintiffs’ reliance on the court’s observations in *Diamond Tools* regarding culpability under EAPA is misplaced” due to unique circumstances.<sup>511</sup> Regarding those circumstances, the CIT noted that in *Diamond Tools*, Commerce changed its position on the proper scope of the AD order and then CBP concluded that the new scope applied to the importer’s entries, including its entries before Commerce changed its position.<sup>512</sup> The court noted that the importer in *Diamond Tools* was following Commerce’s guidance when declaring the country of origin before Commerce changed its guidance. Therefore, the *Ikadan* court found that *Diamond Tools* was inapplicable with regard to determining whether evasion required a culpability element. Thus, *Diamond Tools* was distinguishable from the facts in this case.

The court in *Ikadan* rejected the arguments that a material false statement must include culpability.<sup>513</sup> As such, an importer need not be culpable or have knowledge that they are making a material false statement to be liable for evasion. In this case, the Importers made

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<sup>507</sup> See 19 U.S.C. § 1517(a)(5).

<sup>508</sup> See 19 U.S.C. § 1517; see also *Alleger* Response to Written Arguments at 19.

<sup>509</sup> See *Ikadan*.

<sup>510</sup> *Id.*

<sup>511</sup> *Id.*

<sup>512</sup> *Id.*

<sup>513</sup> *Id.*

material false statements when they declared that the country of origin of the OCTG they entered from TOP, PET, and [ COMPANY ] was Thailand.<sup>514</sup>

#### 4. Adverse Inferences

Alleger asserted:

- PET and TOP submitted falsified documents and CBP should apply total adverse inferences against them.<sup>515</sup> When falsified documents are submitted or false claims made by a party, CBP should reject that party's submissions in full as entirely unreliable.<sup>516</sup> PET already submitted (through the importers) fraudulently doctored raw material documents. Also, during verification, PET sought to mislead with respect to [ NAMES ], never brought [ NAME ], and refused to provide sales documents after May 2025.<sup>517</sup>
- The lack of actual records maintained by PET further indicate that its records in its responses were likely fabricated only for submission.<sup>518</sup> Correspondingly, PET's documents at verification include inconsistent information on multiple mill test certificates, documents with dates out of chronological order, and other examples where CBP found PET "has incomplete and inaccurate records."<sup>519</sup>
- Concerning TOP, the record contains [ DOCUMENT DESCRIPTION ].<sup>520</sup> This scenario indicates that TOP fabricated these documents.<sup>521</sup> Also, TOP falsely denied it was affiliated with E-Leader.<sup>522</sup>
- The EAPA statute specifically authorizes CBP to apply adverse inferences—including those that may negatively impact other parties—even if another party is able to provide the information the non-cooperative party has falsified or withheld from CBP.<sup>523</sup>
- The CIT has held, "{i}t is not for {respondent parties} to decide which information and questions are necessary to the investigation, nor may {they} communicate their objection by refusing to respond to {CBP}."<sup>524</sup>

Importers averred:

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<sup>514</sup> Amek declared that some of its misclassified entries of OCTG were [ PRODUCT TYPE AND COMPANY ]. However, they actually imported those entries from PET. *See* Amek RFI and this notice's previous discussion of this issue.

<sup>515</sup> *See* Alleger Written Arguments at 2, 4.

<sup>516</sup> *Id.* at 7-8.

<sup>517</sup> *Id.* at 14.

<sup>518</sup> *Id.* at 22.

<sup>519</sup> *Id.* at 15.

<sup>520</sup> *See* Alleger Response to Written Arguments at 14.

<sup>521</sup> *See* Alleger Written Arguments at 25-30.

<sup>522</sup> *Id.* at 33-35.

<sup>523</sup> *Id.* at 7, 16. *See Skyview Cabinet USA, Inc. v. United States*, Slip Op. 23-91 (CIT June 20, 2023); *see also Skyview Cabinet USA, Inc. v. United States*, Slip Op 24-132; *see also Skyview Cabinet* (CIT November 27, 2024) (collectively, *Skyview Cabinet*). The CIT upheld CBP's remand determination.

<sup>524</sup> *See* Alleger Written Arguments at 14 quoting *CEK Grp. LLC*, 633 F. Supp. 3d at 1379; *see also* Alleger Response to Written Arguments at 10.

- TOP neither failed to cooperate nor failed to comply to the best of its ability with CBP’s requests for information.<sup>525</sup> PET has also been cooperative and does not warrant adverse inferences.<sup>526</sup>
- Adverse inferences is based on a party’s cooperation with CBP’s requests for information.<sup>527</sup> PET provided responses to CBP’s RFI and SRFI {Supplemental Request For Information} that were thousands of pages.<sup>528</sup>
- In its RFI and SRFI responses, PET fully cooperated and provided complete sales data for the entire POI.<sup>529</sup> The verification report noted that PET failed to provide customer sales data from the period June 2024 through the date of verification. However, this time period’s data has no relevance or bearing on CBP’s investigation.<sup>530</sup>
- The existence of clerical errors in a submission does not constitute “fraud{.}”<sup>531</sup>
- The issues that the Alleger describes relating to PET’s documentation fall far short of the magnitude of issues needed to apply adverse inferences.<sup>532</sup> *Aspects Furniture, Phoenix Metal*, and *All One God Faith, Inc.* indicate that a greater level of non-cooperation is required for CBP to apply adverse inferences.<sup>533</sup>

#### CBP Position:

CBP disagrees with Amek, LE Commodities, and TSPGA’s assertion that PET was fully cooperative and that its refusal to provide CBP with its sales data from June 2024 through October 28, 2024 (the first day of verification) is irrelevant and of no bearing on the investigation.<sup>534</sup> The POI is February 1, 2023 through the pendency of the investigation. As such, PET’s sales data from June 1, 2024 to October 28, 2024 is within the POI and, therefore, directly relevant to this investigation. Thus, PET’s refusal constitutes an instance of non-cooperation.

Hypothetically though, even if CBP requested PET sales data preceding the POI, if PET refused to provide it it would be reasonable for CBP to apply adverse inferences as a result. One reason

<sup>525</sup> See Trek Metals Response to Written Arguments at 10.

<sup>526</sup> See Amek Response to Written Arguments at 2; see also LE Commodities Response to Written Arguments at 2; see also TSPGA Response to Written Arguments at 2.

<sup>527</sup> See Amek Response to Written Arguments at 1, 4; see also LE Commodities Response to Written Arguments at 1, 4; see also TSPGA Response to Written Arguments at 1, 4.

<sup>528</sup> See Amek Response to Written Arguments at 1, 8; see also LE Commodities Response to Written Arguments at 1, 8; see also TSPGA Response to Written Arguments at 1, 8.

<sup>529</sup> See Amek Written Arguments at 19; see also LE Commodities Written Arguments at 27; see also TSPGA Written Arguments at 27.

<sup>530</sup> See Amek Response to Written Arguments at 16; see also LE Commodities Response to Written Arguments at 16; see also TSPGA Response to Written Arguments at 16.

<sup>531</sup> See Centric Pipe Response to Written Arguments at 3.

<sup>532</sup> See Amek Response to Written Arguments at 4; see also LE Commodities Response to Written Arguments at 4; see also TSPGA Response to Written Arguments at 4; see also *Aspects Furniture Intl., Inc. v. United States*, 651 F. Supp. 3d (CIT August 22, 2023) (*Aspects Furniture*).

<sup>533</sup> See Amek Response to Written Arguments at 4-5, 8; see also LE Commodities Response to Written Arguments at 4-5, 8; see also TSPGA Response to Written Arguments at 4-5, 8; see also *Aspects Furniture*; see also *Phoenix Metal*; see also *All One God Faith, Inc. v. United States*, 589 F. Supp. 3d 1238, 1251 (CIT August 18, 2022) (*All One God Faith, Inc.*). It is currently ongoing at the Federal Circuit.

<sup>534</sup> See Amek Response to Written Arguments at 16, 19; see also LE Commodities Response to Written Arguments at 16; see also TSPGA Response to Written Arguments at 16, 27.



is because information relevant to the investigation is not necessarily confined to the POI. A second reason is because it is not for a respondent, such as PET, to decide which information is relevant to the investigation. The CIT has held that respondents cannot decide which information is relevant and communicate that decision by refusing to cooperate with a request for information:

Further, CBP has the authority to collect and verify additional information that is “necessary to make the determination.” 19 U.S.C. § 1517(c)(2). It is not for CEK or NWH {respondent parties} to decide which information and questions are necessary to the investigation, nor may CEK or NWH communicate their objection by refusing to respond to TRLED {a part of CBP}.... Thus, the court concludes that TRLED was reasonable in determining that CEK and NWH were uncooperative and that adverse inferences were applied in accordance with the statute.<sup>535</sup>

Amek, LE Commodities, and TSPGA further contend that PET’s level of alleged non-cooperation falls short of the threshold needed to apply adverse inferences and that *Aspects Furniture*, *Phoenix Metal*, and *All One God Faith, Inc.* show that a higher level of non-cooperation is needed to apply adverse inferences.<sup>536</sup> However, CBP finds that Amek, LE Commodities, and TSPGA mischaracterize *Aspects Furniture’s*, *Phoenix Metal’s*, and *All One God Faith, Inc.’s* application of adverse inferences and, as such, their contention is without merit.

Although *Aspects Furniture* noted numerous instances of the importer Aspects Furniture’s non-cooperation, the CIT’s decision did not at any point imply that those instances of non-cooperation met any sort of threshold required for CBP to apply adverse inferences.<sup>537</sup> Instead, CBP’s method of applying adverse inferences was the main issue pertaining to adverse inferences. Specifically, the issue was whether it was reasonable for CBP to apply adverse inferences by determining that certain entries of ostensibly non-subject merchandise were in fact covered merchandise.<sup>538</sup> The CIT decided that CBP’s application method was reasonable and sustained CBP’s determination.<sup>539</sup>

Similarly, the CIT decision in *Phoenix Metal* noted a few instances of Phoenix Metal’s non-cooperation but did not mention any purported threshold. The CIT decision in *All One God Faith, Inc.* also discussed how CBP applied adverse inferences against the claimed manufacturers because they either did not respond to CBP RFIs or did not provide most of the information CBP requested.<sup>540</sup> However, *All One God Faith, Inc.* did not contain any language suggesting the existence of a threshold.<sup>541</sup> Ultimately, the CIT sustained CBP’s use of adverse

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<sup>535</sup> See Alleger Written Arguments at 14 quoting *CEK Grp. LLC*, 633 F. Supp. 3d at 1379; see also Alleger Response to Written Arguments at 10.

<sup>536</sup> See Amek Response to Written Arguments at 4-5; see also LE Commodities Response to Written Arguments at 4-5; see also TSPGA Response to Written Arguments at 4-5; see also *Aspects Furniture*; see also *Phoenix Metal*; see also *All One God Faith, Inc.*

<sup>537</sup> See *Aspects Furniture*.

<sup>538</sup> *Id.*

<sup>539</sup> See Amek Response to Written Arguments at 4; see also LE Commodities Response to Written Arguments at 4; see also TSPGA Response to Written Arguments at 4; see also *Aspects Furniture*.

<sup>540</sup> See *All One God Faith, Inc.* at 20-22.

<sup>541</sup> *Id.*

inferences in *Aspects Furniture*, *Phoenix Metal*, and *All One God Faith, Inc.* Thus, it is untrue that these cases illustrate that the level of a respondent’s failure to cooperate is needed to justify the application of adverse inferences.

As a corollary, the circumstances of *Phoenix Metal*’s adverse inferences have a few similarities with this case that are worth noting. CBP applied adverse inferences in the underlying EAPA case (EAPA 7621) based in part on Phoenix Metal’s failure to disclose one of its affiliated companies, which is similar to TOP’s failure to disclose its affiliate E-Leader. CBP also applied adverse inferences due to Phoenix Metal’s failure to provide production documents during verification, which is similar to PET’s refusal to provide its sales list for June 2024-October 2024 during verification.<sup>542</sup> The CIT decision mentioned these instances of non-cooperation, found that CBP’s “drawing of adverse inferences here was reasonable,” and sustained CBP’s EAPA determination.<sup>543</sup> As such, *Phoenix Metal* supports that CBP’s finding of adverse inference against PET and TOP is also reasonable.

CBP notes that if an adverse inferences threshold existed, that threshold would imply the existence of a *de minimis* level of non-cooperation and false statements that CBP would be obligated to tolerate. However, such an obligation would be absurd. No such threshold exists nor do the EAPA statute or EAPA regulations contain any language suggesting the existence of one. In fact, the language of the EAPA statute and EAPA regulations indicate that one instance of non-cooperation, one material false statement, or one material omission would be sufficient to apply adverse inferences and that those adverse inferences would affect the results of the determination. EAPA’s regulations state:

Any interested party that provides **a material false statement** or makes **a material omission** or otherwise attempts to conceal material facts at any point in the proceedings may be subject to adverse inferences (see § 165.6) and prosecution pursuant to 18 U.S.C. 1001 {emphasis added}.<sup>544</sup>

The EAPA statute states:

If the Commissioner finds that a party or person described in clause (i) {the Alleger}, (ii) {the U.S. importer}, or (iii) {foreign producer or exporter} of paragraph (2)(A) has failed to cooperate by not acting to the best of the party or person’s ability to comply with **a request for information** {emphasis added}, the Commissioner may, in making a determination under paragraph (1), use an inference that is adverse to the interests of that party or person in selecting from among the facts otherwise available to make the determination.<sup>545</sup>

CBP notes that “a request for information” is not necessarily an entire document. Amek, LE Commodities, and TSPGA misunderstood that point and asserted that adverse inferences are only applicable in instances of parties’ non-cooperation in response to CBP’s RFIs or SRFIs.

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<sup>542</sup> See *Phoenix Metal* at 4, 13, 17.

<sup>543</sup> *Id.* at 17, 25.

<sup>544</sup> See 19 C.F.R. § 165.5(b)(3).

<sup>545</sup> See 19 U.S.C. § 1517(c)(3). CBP’s regulations at 19 C.F.R. § 165.6 are similar.

While a request for information under the EAPA statute includes RFIs and SRFIs, there is no language in the EAPA statute or EAPA regulations suggesting that a request for information is limited to the RFI and SRFI documents themselves. As such, a request for information also extends beyond those documents. For example, a request for information could be CBP's individual questions, which could occur in various mediums of communication, such as in an email to an importer, manufacturer, exporter, or allegor or in a verbal request during verification. The CIT in *Phoenix Metal* upheld CBP's application of adverse inferences due to non-cooperation with such requests. Specifically, it upheld CBP's application of adverse inferences against Phoenix Metal for its failure to provide production documents in response to CBP's verbal requests during verification, among other instances of non-cooperation.<sup>546</sup>

Amek, LE Commodities, and TSPGA's interpretation would counteract the very enforcement efforts Congress intended in the EAPA statute, which corroborates that it is incorrect. If CBP could not apply adverse inferences for parties' false statements and instances of non-cooperation outside RFI and SRFI responses, CBP would be without recourse in certain instances, such as during verification. An incentive would then exist for parties to not cooperate and make false statements in certain instances, which would impede CBP ability to discern the truth of record evidence and conduct its investigations in a timely manner. Thus, CBP can apply adverse inferences against parties when they make false statements and fail to cooperate to the best of their ability, even if such an instance occurs once and occurred outside the RFI or SRFI responses.

If a party was truthful in an entire RFI response but made a false statement in response to one crucial question, its cooperation on the other questions is irrelevant. Thus, that is another reason CBP ought to be able to apply adverse inferences against individual instances of non-cooperation and/or false statements.

Centric Pipe asserted that the existence of clerical errors in a submission does not constitute "fraud{.}"<sup>547</sup> CBP agrees and notes that the EAPA statute acknowledges that clerical errors do not constitute evasion.<sup>548</sup> However, record evidence indicates that PET and TOP both submitted documents intentionally altered and such alterations are not clerical errors. Specifically, two [ DOCUMENT DESCRIPTION ] indicate they cannot both be authentic and PET's submission (via importers) of surreptitiously copied raw material documents to give the illusion that PET received more shipments of [ RAW MATERIAL ] than it actually received. Moreover, CBP is applying inferences against PET and TOP for their various instances of non-cooperation and material false statements, which go well beyond any potential clerical errors. These instances of non-cooperation and false statements are part of a pattern of deceptive practices and include TOP's false statements concerning the purported deregistration of its affiliate Jiangsu Top Steel and its repeated denial of affiliation with E-Leader.<sup>549</sup> They also include PET's false statement concerning [ NAMES ], failure to bring [ NAMES ] to perform a test during verification, false

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<sup>546</sup> See *Phoenix Metal* at 17.

<sup>547</sup> See Centric Pipe Response to Written Arguments at 3.

<sup>548</sup> See 19 U.S.C. § 1517(a)(5)(B).

<sup>549</sup> See Verification Report.

statement about its [ MACHINERY ], and its repeated refusal to provide its list of sales from June 2024 to October 2024.<sup>550</sup>

In spite of these instances, Amek, LE Commodities, and TSPGA indicated PET was cooperative because it provided thousands of pages of exhibits and additional examples of sales and production documents in response to CBP's RFI and SRFI.<sup>551</sup> However, the fact that PET's RFI and SRFI responses totaled more than 2,100 pages does not by itself indicate that PET was cooperative during the investigation. If a party's submissions have thousands of pages but contain evasive responses, voluminous irrelevant documents, duplicate pages, false statements, and fraudulent documents, such submissions would still be deficient and not fully cooperative in spite of their length.

Thus, voluminous submissions by themselves do not necessarily indicate that a party is cooperative. Furthermore, the EAPA statute and EAPA regulations do not indicate anywhere that sizable submissions constitute full cooperation or that they obligate CBP to overlook false statements and instances of non-cooperation. Although PET submitted roughly 2,100 pages of RFI and SRFI responses, it made multiple false statements and was not fully cooperative in multiple previously described instances. As such, PET was non-cooperative. The EAPA statute and EAPA regulations indicate that CBP can apply adverse inferences against a party that does not cooperate to the best of its ability or that makes a false statement and so CBP can apply adverse inferences against PET.

The EAPA statute's adverse inference section states:

- (A) IN GENERAL.—If the Commissioner finds that a party or person described in clause (i) {the Allegor}, (ii) {the U.S. importer}, or (iii) {foreign producer or exporter} of paragraph (2)(A) has failed to cooperate by not acting to the best of the party or person's ability to comply with a request for information, the Commissioner may, in making a determination under paragraph (1), use an inference that is adverse to the interests of that party or person in selecting from among the facts otherwise available to make the determination.

The statute indicates that an adverse inference may be used with respect to a foreign producer or exporter or U.S. importer.<sup>552</sup> Thus, due to the instances identified in this notice's previous adverse inference section, CBP has drawn an adverse inference with respect to the foreign producers and exporters PET and TOP and with respect to the U.S. importers Copley, Kana, Lixin Energy, Longfellow, and TSPGA. The statute also provides that CBP may use an inference that is adverse to the interests of that foreign producer or exporter or U.S. importer in selecting from among the facts otherwise available to make the determination.<sup>553</sup> It is in PET's and TOP's interest that the OCTG they exported during the POI be considered Thai-origin because that would mean the merchandise is not subject to the *AD/CVD Orders*. As such, CBP

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<sup>550</sup> *Id.*

<sup>551</sup> See Amek Response to Written Arguments at 1, 8; see also LE Commodities Response to Written Arguments at 1, 8; see also TSPGA Response to Written Arguments at 1, 8.

<sup>552</sup> See 19 U.S.C. § 1517(c)(3)(B).

<sup>553</sup> See 19 U.S.C. § 1517(c)(3)(A).

has drawn from the case record and inferred in a manner adverse to the interests of PET and TOP that all of that OCTG they exported during the POI is Chinese-origin.

That being said, the EAPA statute and EAPA regulations contain no suggestion that an adverse inference used with respect to a foreign manufacturer or exporter cannot affect a cooperating importer. Instead, the EAPA statute states that an adverse inference may be used against a foreign producer or exporter “without regard to whether another person involved in the same transaction or transactions under examination has provided the information sought by the Commissioner, such as import or export documentation.”<sup>554</sup> In other words, the importer’s full cooperation and provision of those documents does not affect CBP’s application of an adverse inference against the interests of the foreign manufacturer or exporter or the consequences of that inference. As such, the consequences of that inference may impact the interests of a cooperating importer. Correspondingly, in *Skyview Cabinet*, the CIT also found that “collateral consequences” to an importer resulting from applying adverse inferences against a manufacturer are permissible.<sup>555</sup> The CIT’s decision in *All One God Faith, Inc.* also confirmed this interpretation.<sup>556</sup>

As noted above, adverse inferences may be used against an uncooperative party ‘without regard to whether another person involved in the same transaction or transactions under Examination has provided the information sought.’ 19 U.S.C. 1517(c)(3)(B). Thus, CBP could apply adverse inferences in response to the alleged manufacturers’ failure to cooperate even if Consolidated Plaintiffs obtained accurate information regarding the original manufacturer and Exporter to the Subject Entries.<sup>557</sup>

Thus, even if importers are fully cooperative, that does not prevent CBP from applying inferences adverse to the interests of another non-cooperating party, such as a manufacturer/supplier/exporter. The adverse inferences applied with respect to the interests of a non-cooperating party may affect another cooperating party due to the parties being involved in the same transactions. The adverse inference in this case is that all of the OCTG that PET and TOP exported during the POI is Chinese-origin. As such, once the inference has been applied to the OCTG, that inference remains regardless of the OCTG’s change in geographic location or ownership. Therefore, the inference would necessarily impact downstream importers.

### **Determination as to Evasion**

In conclusion, the previously discussed facts on the record establish that Chinese-origin OCTG was transshipped through Thailand and imported into the United States. Furthermore, evidence on the record indicates that the Importers subsequently entered the Chinese-origin OCTG into the United States as type 01 entries that evaded the payment of AD/CVD duties on OCTG from China.<sup>558</sup> CBP determines that substantial evidence exists demonstrating that, by means of

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<sup>554</sup> See 19 U.S.C. § 1517(c)(3)(B).

<sup>555</sup> See *Skyview Cabinet*.

<sup>556</sup> See *All One God Faith, Inc.*

<sup>557</sup> *Id.* at 1251.

<sup>558</sup> Entry type “01” is the code that CBP requires importers use to designate a standard consumption entry that is not subject to AD/CVD duties. See <https://www.cbp.gov/trade/automated/ace-transaction-details>.

material false statements or material omissions, the Importers entered Chinese-origin OCTG that was misclassified and transshipped through Thailand into the United States. The OCTG that the Importers entered during the POI is subject to the AD/CVD rates on OCTG from China.<sup>559</sup> Because the Importers did not declare that the merchandise was subject to the *AD/CVD Orders* on entry, the requisite cash deposits were not collected on the merchandise.

### **Actions Taken Pursuant to the Affirmative Determination as to Evasion**

In light of CBP's determination that substantial evidence demonstrates that the Importers entered covered merchandise into the customs territory of the United States through evasion, and pursuant to 19 U.S.C. § 1517(d) and 19 C.F.R. § 165.28, CBP will suspend or continue to suspend the entries subject to this investigation, until instructed to liquidate. For those entries previously extended in accordance with Interim Measures, CBP will rate adjust and change those entries to type 03 and continue suspension until instructed to liquidate these entries.<sup>560</sup> CBP will also make corrections to the valuation and/or classification of certain entries as discussed herein. Finally, CBP will continue to evaluate the Importers' continuous bonds in accordance with CBP's policies and will require single transaction bonds as appropriate. None of the above actions preclude CBP or other agencies from pursuing additional enforcement actions or penalties.

Sincerely,



Victoria Cho  
Director, Enforcement Operations Division  
Trade Remedy Law Enforcement Directorate  
CBP Office of Trade

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<sup>559</sup> The Importers' OCTG entries are subject to the "PRC-Wide Entity" rate of 99.14 percent for AD case A-570-943 and the "All Others" rate of 13.41 percent for CVD case C-570-944. These two rates equal a combined rate of 112.55 percent. *See AD/CVD Orders.*

<sup>560</sup> Entry type "03" is the code that CBP requires importers use to designate a consumption – Antidumping/ Countervailing Duty entry as subject to AD and/or CVD duties. The instructions for CBP Form 7501 (Entry Summary) state that code 03 shall be used for entries subject to AD/CVD duties. *See* <https://www.cbp.gov/trade/automated/ace-transaction-details>.