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PUBLIC VERSION

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RE: EAPA CASE 7969 – Notice of Initiation of Investigation and Interim Measures

To the Counsel and Representatives of the above-referenced entities:

This letter is to inform you that U.S. Customs and Border Protection (CBP) has commenced a formal investigation under Title IV, Section 421 of the Trade Facilitation and Trade Enforcement Act of 2015, commonly referred to as the Enforce and Protect Act (EAPA). CBP is investigating whether U.S. importer Thompson Aluminum Casting Company, Inc. (Thompson or the Importer) is evading antidumping duty (AD) A-570-896 on magnesium metal (Mg or covered merchandise) from the People's Republic of China (China).¹ CBP has imposed interim measures because there is reasonable suspicion that the Importer evaded the *Order* by entering Chinese Mg into the United States without paying applicable duties while declaring to CBP that the Mg in these entries was Turkish-origin and not subject to the *Order*.²

¹ See *Notice of Antidumping Duty Order: Magnesium Metal From the People's Republic of China* 70 Fed. Reg. 19928, (U.S. Department of Commerce, April 15, 2005) (the *Order*) provided in the Allegation at Exhibit 1.

² See 19 U.S.C. § 1517(e); see also 19 C.F.R. § 165.24.

Period of Investigation

On March 6, 2024, Trinity Metals, LLC (Trinity or the Alleger)³ filed EAPA allegation 7969 claiming that Thompson is evading the *Order*. CBP acknowledged receipt of the properly filed allegation on April 17, 2024.⁴ Pursuant to 19 C.F.R. § 165.2, entries covered by an EAPA investigation are those “entries of allegedly covered merchandise made within one year before the receipt of an allegation” Entry is defined as an “entry for consumption, or withdrawal from warehouse for consumption, of merchandise in the customs territory of the United States....”⁵ As such, the entries covered by this investigation are those entered for consumption, or withdrawn from warehouse for consumption, from April 17, 2023, through the pendency of this investigation (the period of investigation, or POI).⁶ At its discretion, CBP may also investigate entries of covered merchandise outside of that period.⁷

Initiation

On May 8, 2024, the Trade Remedy Law Enforcement Directorate (TRLED) within CBP’s Office of Trade, initiated EAPA investigation 7969 in response to Trinity’s allegation which reasonably suggests that Thompson evaded the *Order* by means of transshipment through Turkey.⁸ A more detailed description of the alleged evasion scheme and evidence Trinity provided follows.

Description of the Alleged Transshipment Scheme

In the Allegation, Trinity alleged that Thompson is importing Chinese-origin AZ91E, a specific magnesium alloy covered by the scope of the *Order*⁹ that has been transshipped through Turkey

³ See Trinity’s Letter, “EAPA Duty Evasion Allegation Concerning Alloy Magnesium Metal Imported by Thompson Aluminum Casting Company from Turkey” dated March 6, 2024 (Allegation). See also Trinity’s letter, “Supplement to EAPA Duty Evasion Allegation Concerning Alloy Magnesium Metal Imported by Thompson Aluminum Casting Company from Turkey,” dated March 26, 2024 (Allegation Supplement).

Trinity contends that it is a U.S. producer of secondary aluminum through a patented proprietary process and therefore, a U.S. producer of domestic like product that qualifies as an interested party eligible to file an EAPA allegation. See Allegation at 1-2 and Allegation Supplement at Exhibit C, Attachment B, and Attachment C. See also 19 C.F.R. § 165.1(2).

Trinity also contends that it qualifies as U.S. wholesaler of domestic like product, as explained in the Allegation Supplement at 2 and Confidential Exhibit C. In the Allegation supplement, Trinity shows that it purchased domestically produced magnesium and sold it to other resellers and therefore qualifies as an interested party. Thus, the Alleger meets the definition of wholesaler in the United States of domestic like product, one type of interested party that is permitted to file an EAPA allegation. See Allegation supplement at 2, Confidential Exhibit C, and Attachment C. See also 19 C.F.R. § 165.1(2).

⁴ See TRLED’s email, “Official Receipt of EAPA 7969,” dated April 17, 2024.

⁵ See 19 C.F.R. § 165.1.

⁶ See 19 C.F.R. § 165.2.

⁷ *Id.*

⁸ See CBP Memorandum, “Initiation of Investigation for EAPA Case Number 7969” dated May 8, 2024 (Initiation Memo).

⁹ The specifications for AZ91E show that it is an alloy containing more than 50 percent magnesium but less than 98 percent magnesium See Allegation at Exhibit 5. The scope of the *Order* includes “chemical combinations of

by Tigemer Danismanlik Ve Dis Ticaret Ltd. (Tigemer).¹⁰ The Allegation provides U.S. import statistics from Global Trade Atlas. This data shows imports of Mg into the U.S. from Turkey, which demonstrates that Mg declared as Turkish-origin has been entered into the U.S. Customs territory.¹¹ Trinity also provided copies of bills of lading that identify Thompson as the consignee for shipments of Mg, which demonstrates that Thompson was likely the importer of these shipments. These bills of lading also identify “magnesium alloys ingot AZ91E” in the merchandise description, Tigemer as the shipper, and Turkey as the country of origin.¹² This information indicates that Thompson likely received this specific alloy from Tigemer, as claimed in the Allegation.

The Allegation also contends that no known Turkish producer is currently manufacturing the specific Mg alloy AZ91E. Trinity supports this contention by providing a copy of a report on primary magnesium production around the world showing that only one smelter, Kar Mineral Madencilik (Esan) produces primary magnesium in Turkey.¹³ The Allegation also provided correspondence between [Name and Position of Officer] of Trinity and [Name] an employee of [Company Name]. According to [Name], [Name and position of company officer] told him that [Information about Magnesium production in Turkey].¹⁴

The Allegation also provides screenshots of Tigemer’s website showing that Tigemer is likely a distributor rather than a manufacturer of Mg ingots. Specifically, the website screenshots provided in the Allegation state that “we {Tigemer} offer ready-made stock products to our customers *by importing* {emphasis added} high purity Magnesium Ingot {sic.} {...} We provide our *imported* {emphasis added} products to our customers with quality assurance {...}.”¹⁵ According to the Allegation, this statement indicates that Tigemer imports Mg into Turkey for resale to other customers and that any Mg Tigemer supplied to Thompson is likely not Turkish-origin.¹⁶

The Allegation provides evidence that if not Turkish-origin, any Mg Thompson imported from Turkey is most likely Chinese-origin. This evidence consists of Turkish import statistics showing large volumes of Turkish Mg imports from China in 2023¹⁷ and large volumes of Chinese Mg exports to Turkey in 2023.¹⁸ The Allegation also provided information from the U.S. Geological Survey (USGS) showing that China accounts for over 90 percent of global, non-U.S. Mg production.¹⁹ According to the Allegation, these two facts combined with the fact that Thompson appears to be importing a specific Mg alloy not currently produced in Turkey, indicate that China is the most likely country of origin for Thompson’s Mg imports.

magnesium and other material(s) in which the magnesium content is 50 percent or greater, but less than 99.8 percent, by weight {...}” See the *Order* at 19930 provided in the Allegation at Exhibit 1. Therefore, AZ91E, if produced in China is merchandise covered by the *Order*.

¹⁰ See Allegation at 2-3 and 5-6.

¹¹ *Id.* at Exhibit 13.

¹² *Id.* at Exhibit 4.

¹³ See Allegation Supplement at Attachment D.

¹⁴ See Allegation at Confidential Exhibit B and Allegation Supplement at Confidential Exhibit C.

¹⁵ See Allegation at Exhibit 3.

¹⁶ See Allegation at Exhibit 3.

¹⁷ See Allegation at Exhibit 12.

¹⁸ *Id.* at Exhibit 11.

¹⁹ See Allegation Supplement at Attachment G.

Initiation Assessment

TRLED will initiate an investigation if it determines that “{t}he information provided in the allegation ... reasonably suggests that the covered merchandise has been entered for consumption into the customs territory of the United States through evasion...”²⁰ Evasion is 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 or any amount of applicable antidumping or countervailing duties being reduced or not being applied with respect to the covered merchandise.”²¹ Thus, an allegation must reasonably suggest not only that an importer alleged to be evading entered merchandise subject to an AD and/or CVD order into the United States, but also that such entry was made by a material false statement or act, or material omission, that resulted in the reduction or avoidance of applicable AD and/or CVD cash deposits or other security.

In assessing the Allegation, CBP found that the information Trinity provided reasonably suggested that Thompson imported Mg covered by the *Order* by means of evasion. Specifically, the bill of lading data and official U.S. import data provided in the Allegation demonstrates that Thompson likely acted as the importer of Mg declared as Turkish-origin, while the information from Tigemer’s website, the correspondence between [Name] and [Name], and the report on global primary Mg production all indicate that Tigemer purchased the Mg it supplied Thompson from a non-Turkish source. The Chinese export statistics and Turkish import statistics, in combination with the USGS report, indicate that if not Turkish-origin, the Mg Thompson imported from Tigemer was likely Chinese-origin. Therefore, on May 8, 2024, CBP initiated EAPA investigation 7969.²²

Research Conducted by CBP

CBP confirmed Thompson’s name and address from public sources and in its internal systems.²³ CBP further found that Thompson declared entries of Mg as Turkish-origin on CBP entry forms (7501s) filed since the beginning the of the POI as [Entry Type], and therefore, the Importer did not pay AD duties on those entries.²⁴

CBP Form 28s

On May 15, 2024, CBP sent a CBP Form 28 request for information (CF-28) to the Importer requesting a description of the merchandise Thompson imported in entry numbers [#]6414 (-6414), [#]6638 (-6638), [#]1195 (-1195), [#]2954 (-2954), and [#]5030. The CF-28s also requested a copy of the contract or purchase order (PO), the name and address of the manufacturer, photographs of the interior and exterior of the factory where the entered goods were produced, employee timecards for all workers involved in the production of these goods,

²⁰ See 19 C.F.R. § 165.15(b)(2); see also 19 U.S.C. § 1517(b)(1).

²¹ See 19 C.F.R. § 165.1; see also 19 U.S.C. § 1517(a)(5)(A).

²² See CBP Memorandum, “Initiation of Investigation for EAPA Case Number 7969” dated May 8, 2024 (Initiation Memo).

²³ See CBP Receipt Report for EAPA 7969. This satisfies the requirements in 19 C.F.R. § 165.11(b)(3).

²⁴ *Id.*

raw material invoices or other purchase documents for the manufacturer’s purchase of the raw materials used to produce the goods in these entries, and the name and address of the seller if different from the manufacturer. The response deadline was June 14, 2024.²⁵ On June 17, 2024, Thompson emailed CBP requesting an extension to the deadline²⁶ and on June 18, 2024, CBP extended the deadline until June 25, 2024.²⁷ After Thompson did not respond to the CF-28 by the extended June 25, 2024 deadline, CBP emailed Thompson again on June 28, 2024 requesting an update on the status of Thompson’s response.²⁸ On July 1, 2024, Thompson provided the requested information for three of the five entries CBP requested: -5030, -1195, and -6414. The documents Thompson provided contained untranslated Turkish-language documents. Accordingly, CBP emailed Thompson on July 3, 2024, requesting translations and documents for the remaining entries by July 10, 2024.²⁹ On July 8, 2028, Thompson responded with the requested translations of documents associated with the first three entries.³⁰

Documents provided on July 8, 2024

On July 8, 2024, Thompson provided information for entries -5030, -1195, and -6414 including POs showing that the Importer purchased a total of [#] Kg of magnesium ingots of alloy AZ91E from Tigemer for these three entries.³¹ According to Thompson’s CF-28 responses, these POs correspond to three invoices from Tigemer to Thompson dated [date],³² [date],³³ and [date].³⁴ Thompson also provided invoices from [Company Name] (Supplier A) to Tigemer, indicating that Supplier A, whose website is [website], sold [#] Kg of AZ91E aluminum ingots to Tigemer on the same dates as the invoices.³⁵

In response to CBP’s request for purchase documents for the manufacturer’s procurement of raw materials used to produce the goods subject to these entries, the Importer also provided invoices from [Company Name] (the Scrap Reseller) to Supplier A. According to these invoices, the Scrap Reseller provided the raw material (*i.e.* Mg scrap) to Supplier A. However, the total quantity of scrap Supplier A purchased from the scrap reseller was only [#] Kg, which is [#] Kg less than the [#] Kg of Mg ingots Supplier A sold Tigemer, who then resold the same quantity to the Importer. Therefore, the documents Thompson provided in its CF-28 response

²⁵ See CF-28 for entry number -6414, dated May 15, 2024. The response was due 30 days after CBP sent the form, therefore, June 14, 2024.

²⁶ See Thompson’s email to CBP, “Form Needed” dated June 17, 2024.

²⁷ See CBP’s email “RE: Form Needed” dated June 18, 2024

²⁸ See CBP’s email, “RE: U S Customs Request for information Entry Numbers [#] 6414, [#] 6638, [#] 1195, [#] 5030 and [#] 2954” dated June 28, 2024.

²⁹ See CBP’s email, “FW: 3 of the entry numbers you asked for detailed information” dated July 3, 2024.

³⁰ See Thompson’s email, “Response from Tigemer” dated July 8, 2024 (July 8 CF-28 Response).

³¹ See July 8 CF-28 Response at 13, 21, and 5.

³² *Id.* at 12.

³³ *Id.* at 22.

³⁴ *Id.* at 4. Specifically, these invoices describe the merchandise as “magnesium alloys ingot AZ91E-[#]”. According the scope of the *Order*, “the subject merchandise includes {...} {p} products that contain 50 percent or greater, but less than 99.8 percent, magnesium, by weight, and that have been entered into the United States as conforming to an ‘ASTM specification for Magnesium Alloy’” {emphasis added}. See the *Order* at 19929.

³⁵ *Id.* at 17, 30, and 9.

leave a shortage of over [#] Kg of raw materials. Since the Allegation shows that AZ91E is an alloy of over 85 percent magnesium, a shortage this large, over [#] percent, cannot be explained by the introduction of additional alloy elements.³⁶

Further, the invoices Thompson provided for Supplier A's purported scrap purchases are dated [date]³⁷ more than 13 months before Thompson ordered the Mg from Tigemer in [months], and more than [#] months before Tigemer fulfilled the last order that was imported to the United States.³⁸ The shortage of purchased raw materials, combined with the long lag in time from Supplier A's purchase of raw materials until its fulfillment of these orders, indicate that the documents Thompson provided do not account for the source of the raw material for the goods that were imported in entries -5030, -1195, and -6414.

In response to CBP's request for photographs of the exterior of the factory where the Mg ingots were produced, Thompson provided photographs that show, (1) [Description]; and (2) the exterior of a building with the name [Name] on it, which appears to be a short version of the name of the Scrap Reseller. The importer also provided photographs of the interior of this building showing rectangular-shaped molds for casting ingots, [Description] pouring something from a metal bucket with a long handle into a mold, and the opening of a furnace. It is not clear from these photographs what metal or substance is being poured into the mold.³⁹

There are several notable discrepancies between the information contained in the documents provided on July 8, 2024, and the photographs. The photographs show a production facility with Scrap Reseller's name on the building, and since CBP requested photographs of the factory where the magnesium in the entries covered by the CF-28s was produced, this indicates that Scrap Reseller produced the Mg ingot. However, Thompson also provided documents issued by Supplier A indicating that Supplier A produced the magnesium ingots matching the alloy type (AZ91E), and that Scrap Reseller only sold scrap to Supplier A.⁴⁰ Nothing in the documents Thompson provided indicate that Scrap Reseller has any Mg production capacity. The documents also include invoices from Supplier A to Scrap Reseller for [Description of transaction merchandise], not magnesium ingots. Therefore, although the photographs Thompson provided show what appears to be magnesium production at Scrap Reseller's facility, this does not substantiate the claimed Turkish-origin for these entries because the POs and invoices indicate that Supplier A produced the Mg, rather than Scrap Reseller. Further, photographs of the interior of the facility show only [Description] pouring metal into a mold [Process description]. This indicates that any Mg ingot production taking place at the location of this

³⁶ See Allegation at Exhibit 5.

³⁷ See July 8 CF-28 Response at 6, 14, and 23.

³⁸ *Id.* at 17, 30, and 9.

³⁹ *Id.* at factory photographs.

⁴⁰ *Id.* at factory photographs.

factory is limited, which contradicts the documents showing that Supplier A sold Tigemer [#] kg of Mg to Tigemer.

The CF-28 responses also provided timecards for employees. These timecards indicate that Supplier A has [#] employees. However, the timecards are dated [date], after the date when these entries were shipped. Further, the timecards do not identify the job title or task each employee performs, and thus, do not substantiate that these employees are engaged in Mg production.⁴¹ Therefore, the timecards Thompson provide no support for Thompson's claim that the goods subject to these entries were Turkish-origin.

Documents Provided on July 25, 2024

On July 8, 2024, Thompson provided some of the documents CBP requested for entry numbers -6638 and -2954. However, these documents contained untranslated Turkish text, so CBP requested a translation on July 15, 2024,⁴² which Thompson provided on July 25, 2024. These documents included a PO for [#] pounds ([#]) Kg of AZ91E from [Company Name] (Supplier N), a supplier located in [Country] dated [date]. However, this quantity does not match the quantity on the corresponding invoice from Supplier N dated [date] for [#] pounds of AZ91E ingot. Thompson also provided a PO for [#] pounds ([#] Kg) of [merchandise description] from Supplier N. However, the corresponding invoice from Supplier N lists the quantity as [#] Kg, [#] Kg more Mg than what Thompson ordered. Thompson also stated that Supplier N purchased the magnesium ingot in these entries from [Company Name] (Supplier 1), but provided no documents (*e.g.* purchase orders (POs), invoices, *etc.*) showing that Supplier N purchased Mg from Supplier 1.⁴³

In response to CBP's request for the manufacturer's raw material purchases, Thompson provided invoices from [Company Name] (Supplier V) to Supplier 1 for the purchase of Mg scrap.⁴⁴ However, the quantity of Mg listed on these invoices does not match the quantity on Thompson's POs or on Supplier N's invoices.⁴⁵ Therefore, it is not possible to trace the goods subject to Thompson's entries to the purported manufacturer's raw material purchases. Thompson also provided a certificate, which CBP did not request, attesting that Supplier 1 meets the requirements for the "casting of light metals (aluminum, magnesium, titanium, sulfur, boron, zinc, nickel, silicon molybdenum, manganese) import and export of

⁴¹ *Id.* at employee timecards.

⁴² See CBP's email, "More Translations" dated July 15, 2024.

⁴³ See Thompson's email, "FW: Custom agen {sic} Wants These documents Translated" dated July 25, 2024, and Thompson's email, "the other 2 entries you are looking for" dated July 8, 2024 (CF-28 responses for entries -6683 and -2954).

⁴⁴ *Id.* at Scrap Supplier V Invoice.

⁴⁵ *Id.* at Scrap Supplier V Invoice, Thompson POs, and Supplier N invoice.

ferrous and non-ferrous products.”⁴⁶ This document does not specify what alloys of Mg or other metals Supplier 1 produces.⁴⁷

Thompson also provided photographs of the interior and exterior of a facility where some of the Mg imported under these two entries was purportedly produced. The exterior photographs show a building with no company name on it. The photographs of the facility’s interior show [#] employees pouring molten metal into molds [Description]. However, it is not clear what type of metal is depicted in these photographs. The capacity of this factory is also likely quite limited because the photographs show only [#] employees pouring metal [description]. Thompson also did not provide the timecards CBP requested for entries -6638 and -2954.⁴⁸

Since (1) it is not clear what company owns the factory from the photographs Thompson provided for entries -6638 and -2954, (2) the photographs provided with these entries indicate limited Mg production capacity, and (3) the Importer failed to provide POs or invoices documenting any transactions between Supplier N and Supplier 1, these photographs do not support Thompson’s claim that Supplier 1 manufactured the merchandise in these entries. Further, the information provided about Supplier 1 (including the certificate attesting that Supplier 1 is qualified to smelter various metals) do not demonstrate that Supplier 1 has capacity to produce Mg ingots of the alloy AZ91E. Therefore, the information Thompson provided in its CF-28 responses cannot substantiate its claim that Supplier 1 produced some of the Mg ingots Thompson imported.

Company Websites

CBP also visited the website of supplier A and found a catalogue of the products Supplier A produces and sells. This catalogue lists several Mg alloys, but not AZ91E.⁴⁹ Therefore, this website supports the claim that while Supplier A is a Mg producer, it also supports the Allegor’s contention that there is no Turkish manufacturer of AZ91E Mg ingot. Since Thompson’s CF-28 responses confirm that Thompson imported this specific AZ91E alloy,⁵⁰ the information from this website supports the Allegation.⁵¹

Interim Measures

Not later than 90 calendar days after initiating an investigation under EAPA, TRLED will decide based on the record of the investigation if there is reasonable suspicion that merchandise covered by the AD/CVD orders was entered into the United States through evasion. CBP need only have sufficient evidence to support a reasonable suspicion that the importer alleged to be evading entered merchandise covered by an AD or CVD order into the United States by a materially false

⁴⁶ *Id.* at Supplier 1 Certificate.

⁴⁷ *Id.* at Supplier 1 Certificate.

⁴⁸ *Id.*

⁴⁹ See CBP Memorandum, “EAPA Case No. 7969 - Adding Supplier A’s Website to the Administrative Record” (Supplier A Website Memo) at Attachment 3, page 25/32.

⁵⁰ See July 8 CF-28 Response at 5, 9, 12, 16, 17, 18, and 30.

⁵¹ See Allegation at Exhibit 4.

statement or act, or material omission that resulted in the reduction or avoidance of applicable AD or CVD cash deposits or other security.⁵² If reasonable suspicion exists, CBP will impose interim measures pursuant to 19 U.S.C. § 1517(e) and 19 C.F.R. § 165.24. As explained below, CBP is imposing interim measures because the evidence establishes reasonable suspicion that Thompson entered Chinese-origin Mg into the United States through evasion.⁵³

Analysis

As noted above, Thompson acknowledged in its CF-28 responses that the Mg it imported from Turkey under entry numbers -6414, -6638, -1195, and -5030 included the AZ91E alloy. However, as explained above, the photographs and documents Thompson provided in its CF-28 responses do not substantiate Thompson's claim that Turkish manufacturers produced this alloy.⁵⁴ This, combined with information from the Allegation and CBP's own research, indicates that the AZ91E Mg Thompson imported was likely not Turkish-origin. This evidence includes:

Entries -5030, -1195, and -6414

- Evidence that Supplier A, the purported manufacturer of entries -5030, -1195, and -6414 purchased an insufficient quantity of raw materials (*i.e.* magnesium scrap) to produce the quantity of Mg Thompson imported in these entries.⁵⁵
- The fact that Scrap Reseller's name, rather than Supplier A's name, appears on the exterior of purported production site for these entries.⁵⁶
- The fact that photos purportedly showing production of Mg show only [description] pouring liquid into molds [description], thereby indicating very limited production at the purported manufacturing site.⁵⁷
- The fact that timecards for employees supposedly documenting production were dated after the date when the goods were shipped.⁵⁸
- The product catalogue from Supplier A's website indicating that Supplier does not produce or sell the AZ91E alloy.⁵⁹
- The substantial volume of Turkish Mg imports from China.⁶⁰
- The report from USGS stating that China accounts for over 90 percent of global Mg production.⁶¹

Entries -6638, and -2954

- An absence of any documents from Supplier N to any purported Turkish manufacturer showing where Supplier N obtained the Mg in these entries.⁶²

⁵² See 19 U.S.C. § 1517(e) and 19 C.F.R. § 165.24.

⁵³ See 19 C.F.R. § 165.24(a).

⁵⁴ See July 8 CF-28 Response

⁵⁵ See July 8 CF-28 Response at 5, 9, 12, 16, 17, 18, and 30.

⁵⁶ *Id.* at factory photographs.

⁵⁷ *Id.* at factory photographs.

⁵⁸ *Id.* at employee timecards.

⁵⁹ See Supplier A Website Memo at Attachment 3.

⁶⁰ See Allegation at Exhibits 11 and 12.

⁶¹ See Allegation Supplement at Attachment G.

⁶² See CF-28 responses for entries -6683 and -2954.

- The limited number of employees and the entirely manual production process depicted in photographs of the factory where these entries were purportedly produced.⁶³
- The lack of any name or signage identifying the name of the manufacturer of these entries on the factory building shown in the associated factory photographs.⁶⁴
- Thompson’s failure to provide employee timecards related to production of goods entered in entry numbers -6683 and -2954.⁶⁵
- A statement from Allegation that no Turkish producer manufactures ingots of AZ91E alloy Mg.⁶⁶
- The substantial volume of Turkish Mg imports.⁶⁷
- The report from USGS stating that China accounts for over 90 percent of global Mg production.⁶⁸

This information supports a reasonable suspicion that Thompson entered Mg covered by the *Order* into the customs territory of the United States through evasion.

Enactment of Interim Measures

Based on the record evidence described above, CBP finds that reasonable suspicion exists that the Importer entered covered merchandise through evasion into the United States by importing Chinese-origin magnesium metal transshipped through Turkey while falsely declaring Turkey as the country of origin.

Therefore, CBP is imposing interim measures pursuant to this investigation.⁶⁹ Specifically, in accordance with 19 U.S.C. § 1517(e)(1)-(3), CBP shall:

- (1) suspend the liquidation of each unliquidated entry of such covered merchandise that entered on or after May 8, 2024, the date of the initiation of the investigation;
- (2) pursuant to the Commissioner’s authority under 19 U.S.C. § 1504(b), extend the period for liquidating each unliquidated entry of such covered merchandise that entered before the date of the initiation of the investigation, May 8, 2024; and
- (3) pursuant to the Commissioner’s authority under 19 U.S.C. § 1623, take such additional measures as the Commissioner determines necessary to protect the revenue of the United States, including requiring a single transaction bond or additional security or the posting of a cash deposit with respect to such covered merchandise.⁷⁰

Any future submissions or factual information that you submit to CBP pursuant to this EAPA investigation must be made electronically using EAPA’s case management system (CMS) at

⁶³ *Id.* at factory photographs.

⁶⁴ *Id.* at factory photographs.

⁶⁵ *Id.* at employee timecards.

⁶⁶ See Allegation Supplement at Attachment G

⁶⁷ See Allegation at Exhibits 11 and 12.

⁶⁸ See Allegation Supplement at Attachment G.

⁶⁹ See 19 U.S.C. § 1517(e); see also 19 C.F.R. § 165.24(a).

⁷⁰ See also 19 C.F.R. § 165.24(b)(1)(i-iii).

<https://eapallegations.cbp.gov/>. Please provide a business confidential and public version to CBP *via* the CMS to serve the parties to this investigation (*i.e.*, to the parties identified at the top of this notice). Administrative record documents will be available *via* CMS; to learn more about the Administrative Protective Order (APO) process for EAPA investigations, including eligibility requirements, please see the APO Handbook, found at <https://www.cbp.gov/document/user-documentation/administrative-protective-order-apo-handbook>.⁷¹ Please note that CBP is requiring that all documents submitted *via* the CMS are made text searchable, especially if those documents are submitted as PDFs.

Should you have any questions regarding this investigation, you may contact us at eapallegations@cbp.dhs.gov with “EAPA Case Number 7969” in the subject line of your email. Additional information on this investigation, including the applicable statute and regulations, may be found on CBP’s website at: <https://www.cbp.gov/trade/trade-enforcement/tftea/eapa>.

Sincerely,



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

⁷¹ See 19 C.F.R. § 165.4. See also 19 C.F.R. § 165.23(c) and 19 C.F.R. § 165.26. You will need a login name and password to use the CMS. The website will direct you how to obtain those.