

numbers are provided for convenience and U.S. Customs and Border Protection purposes only and do not define the scope of the petition.

**G. Requested Scope of Investigation**

The scope of the imported merchandise that Petitioner intends to cover in these investigations is as follows:

The merchandise covered by these petitions is certain seamed (welded or brazed), non-refillable steel cylinders meeting the requirements of, or produced to meet the requirements of, U.S. Department of Transportation specification 39, TransportCanada specification 39M, or United Nations pressure receptacle standard ISO 11118 and otherwise meeting the description provided below (“non-refillable steel cylinders”). The subject non-refillable steel cylinders are portable and range from 100-cubic inch (1.6 liter) water capacity to 1,526-cubic inch (25 liter) water capacity. Subject non-refillable steel cylinders may be imported with or without a valve and/or pressure release device and are unfilled at the time of importation. Non-refillable steel cylinders filled with pressurized air otherwise meeting the physical description above are covered by these orders.

Specifically excluded are seamless non-refillable steel cylinders.

The merchandise subject to these orders is properly classified under statistical reporting numbers 7311.00.0060 and 7311.00.0090 of the Harmonized Tariff Schedule of the United States (“HTSUS”). The merchandise may also enter under HTSUS statistical reporting numbers 7310.29.0030 and 7310.29.0065. Although the HTSUS statistical reporting numbers are provided for convenience and customs purposes, the written description of the merchandise is dispositive.

The requested scope of these investigations differs from the prior investigations into non-refillable steel cylinders from China in a minor respect with regard to capacity. In particular, the requested scope covers non-refillable steel cylinders that “range from 100-cubic inch (1.6 liter) water capacity to 1,526-cubic inch (25 liter) water capacity,” which is a modification of the prior scope covering non-refillable steel cylinders with a lower-end water capacity of 300 cubic inches

(4.9 liters). This modification is in response to suspected circumvention by Chinese producers and exporters of non-refillable steel cylinders, which the Petitioner has requested the Department investigate.<sup>6</sup>

**H. Names of the Subject Countries and Any Intermediate Country Through Which the Merchandise Is Transshipped**

The non-refillable steel cylinders that are the subject of this petition are produced in and exported from India. Based on market intelligence and experience, Petitioner believes that subject merchandise is currently being transshipped through several countries, including [ *countries* ] to the United States.

**I. Producers and Exporters of the Subject Merchandise**

A list of known and suspected producers and exporters of non-refillable steel cylinders from India are provided in **Exhibit GEN-8**. In compiling this exhibit, Petitioner relied on information from a subscription database of import shipments and additional research of publicly-available sources, including the U.S. Department of Transportation Pipeline and Hazardous Materials Safety Administration listing of foreign cylinders manufacturers approved to manufacture cylinders to DOT specification 39.<sup>7</sup> Petitioner also relied on its own knowledge of the marketplace and its competitors. Subsequent to exhaustive internet research, Petitioner has supplied the names of all producers and exporters of non-refillable steel cylinders reasonably

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<sup>6</sup> See Letter from Kelley Drye & Warren LLP to the Department re: Non-Refillable Steel Cylinders from China - Request for Circumvention Ruling Pursuant to Sections 781(c) and 781(d) of the Tariff Act of 1930 (Apr. 12, 2023) (Case No. A-570-126; ACCESS Barcode 4364663).

<sup>7</sup> Petitioner relied on the approved foreign manufacturers list for April 2023, available at <https://www.phmsa.dot.gov/approvals-and-permits/hazmat/pressure-vessels-approvals/foreign-manufacturers-listing-hazmat-cylinders-updated-april-2023>. To the best of Petitioner's knowledge, this listing is updated on a monthly basis and can be found under "Related Documents" at <https://www.phmsa.dot.gov/hazmat/pressure-vessels-approvals/cylinder-manufacturers>.