

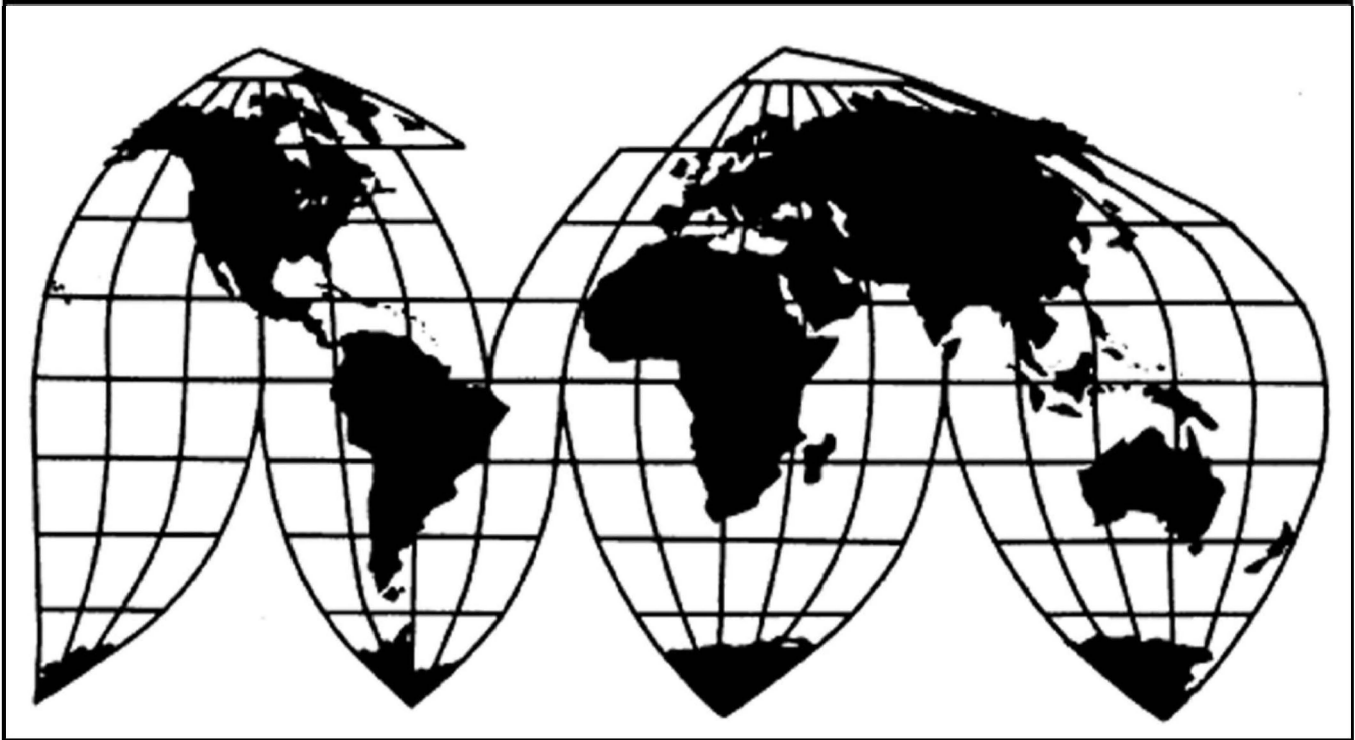
# **Welded Stainless Steel Pressure Pipe from China, Malaysia, Thailand, and Vietnam**

Investigation Nos. 731-TA-1210-1212 (First Review) and 701-TA-454 and  
731-TA-1144 (Second Review)

**Publication 4994**

**November 2019**

**U.S. International Trade Commission**



Washington, DC 20436

# U.S. International Trade Commission

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## Welded Stainless Steel Pressure Pipe from China, Malaysia, Thailand, and Vietnam

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Note.—Information that would reveal confidential operations of individual concerns may not be published. Such information is identified by brackets in confidential reports and is deleted

## UNITED STATES INTERNATIONAL TRADE COMMISSION

Investigation Nos. 731-TA-1210-1212 (Review) and 701-TA-454 and 731-TA-1144 (Second Review)  
Welded stainless steel pressure pipe from China, Malaysia, Thailand, and Vietnam

### DETERMINATION

On the basis of the record<sup>1</sup> developed in the subject five-year reviews, the United States International Trade Commission (“Commission”) determines, pursuant to the Tariff Act of 1930 (“the Act”), that revocation of the antidumping and countervailing duty orders on welded stainless steel pressure pipe from China and the antidumping duty orders on welded stainless steel pressure pipe from Malaysia, Thailand, and Vietnam would be likely to lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time.

### BACKGROUND

The Commission, pursuant to section 751(c) of the Act (19 U.S.C. 1675(c)), instituted these reviews on June 3, 2019 (84 FR 25567) and determined on September 6, 2019 that it would conduct expedited reviews (84 FR 55171, October 15, 2019).

The Commission made these determinations pursuant to section 751(c) of the Act (19 U.S.C. 1675(c)). It completed and filed its determinations in these reviews on November 19, 2019. The views of the Commission are contained in USITC Publication 4994 (November 2019), entitled *Welded Stainless Steel Pressure Pipe from China, Malaysia, Thailand, and Vietnam: Investigation Nos. 731-TA-1210-1212 (Review) and 701-TA-454 and 731-TA-1144 (Second Review)*.

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<sup>1</sup> The record is defined in sec. 207.2(f) of the Commission’s Rules of Practice and Procedure (19 CFR 207.2(f)).





## Views of the Commission

Based on the record in these five-year reviews, we determine under section 751(c) of the Tariff Act of 1930, as amended (“the Tariff Act”), that revocation of the countervailing duty and antidumping duty orders on welded stainless steel pressure pipe (“WSS pressure pipe”) from China, Malaysia, Thailand, and Vietnam would be likely to lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time.

### I. Background

*Original China Investigations:* On January 30, 2008, Bristol Metals, LLC (“Bristol”); Felker Brothers Corporation (“Felker”), Marcegaglia USA Inc. (“Marcegaglia”), Outokumpu Stainless Pipe, Inc. (“Outokumpu”), and the United Steel Workers filed antidumping and countervailing duty petitions on WSS pressure pipe from China.<sup>1</sup> The Commission made final affirmative determinations with respect to subject imports from China in March 2009.<sup>2</sup> The Department of Commerce (“Commerce”) issued antidumping and countervailing duty orders covering WSS pressure pipe from China on March 17, 2009 and March 19, 2009, respectively.<sup>3</sup>

*First Five-Year China Reviews:* The Commission instituted its first reviews of the orders on imports from China on May 9, 2014. After conducting expedited reviews, the Commission reached affirmative determinations in July 2014.<sup>4</sup> Effective July 23 and August 12, 2014, respectively, Commerce issued continuations of the antidumping and countervailing duty orders on imports of WSS pressure pipe from China.<sup>5</sup>

*Original Malaysia, Thailand, and Vietnam Investigations:* On May 16, 2013, Bristol, Felker, and Outokumpu filed antidumping duty petitions on WSS pressure pipe from Malaysia, Thailand, and Vietnam.<sup>6</sup> The Commission made final affirmative determinations with respect to

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<sup>1</sup> *Welded Stainless Steel Pressure Pipe from China*, Inv. Nos. 701-TA-454 and 731-TA-1144 (Final), USITC Pub. 4064 (Mar. 2009) (“Original Determination – China”).

<sup>2</sup> *Original Determination – China*, USITC Pub. 4064 (Mar. 2009); *Welded Stainless Steel Pressure Pipe from China: Determination*, 74 Fed. Reg. 11378 (Mar. 17, 2009).

<sup>3</sup> *Antidumping Duty Order: Circular Welded Austenitic Stainless Pressure Pipe from the People’s Republic of China*, 74 Fed. Reg. 11351 (Mar. 17, 2009) and *Circular Welded Austenitic Stainless Pressure Pipe from People’s Republic of China: Countervailing Duty Order*, 74 Fed. Reg. 11712 (Mar. 19, 2009).

<sup>4</sup> *Welded Stainless Steel Pressure Pipe From China*, 79 Fed. Reg. 40779 (July 14, 2014).

<sup>5</sup> *Circular Welded Austenitic Stainless Pressure Pipe From the People’s Republic of China: Continuation of Antidumping Duty Order*, 79 Fed. Reg. 42760 (July 23, 2014); *Continuation of Countervailing Duty Order: Circular Welded Austenitic Stainless Pressure Pipe From the People’s Republic of China*, 79 Fed. Reg. 47089 (Aug. 12, 2014).

<sup>6</sup> *Welded Stainless Steel Pressure Pipe from Malaysia, Thailand, and Vietnam*, Inv. Nos. 731-TA-1210-1212 (Final), USITC Pub. 4477 (July 2014) (“Original Determination – Malaysia, Thailand, and Vietnam”).

subject imports from the three countries in July 2014.<sup>7</sup> On July 21, 2014, Commerce issued antidumping duty orders covering WSS pressure pipe from Malaysia, Thailand, and Vietnam.<sup>8</sup> *Current Reviews*. The Commission instituted these five-year reviews on June 3, 2019.<sup>9</sup> The orders with respect to the imports of WSS pressure pipe from Malaysia, Thailand, and Vietnam, and those for imports from China cover the same products. The antidumping duty orders on WSS pressure pipe from all four countries were imposed or continued in July 2014, and the countervailing duty order on WSS pressure pipe from China was continued in August 2014. Therefore, Commerce combined the first reviews of the orders on imports of WSS pressure pipe from Malaysia, Thailand, and Vietnam with the second reviews of the orders on imports from China. The Commission received two responses to its notice of institution: one joint response on behalf of three domestic producers of WSS pressure pipe (Bristol, Felker, and Webco Industries Inc. (“Webco”) (collectively, “Joint Domestic Producers”)) and one individual domestic producer response (Primus Pipe & Tube, Inc. (“Primus”)) (collectively, “the domestic producers”).<sup>10</sup> On September 6, 2019, the Commission determined that the domestic interested party group response to the notice of institution was adequate and the respondent interested party group responses to the notice of institution were inadequate. Finding that no other circumstances warranted conducting full reviews, the Commission determined to conduct expedited reviews.<sup>11</sup>

In these reviews, U.S. industry data are based on information the domestic producers submitted in their responses to the notice of institution. The Joint Domestic Producers estimate that they accounted for \*\*\* percent of total U.S. production of WSS pressure pipe in 2018, while Primus estimated it accounted for \*\*\* percent.<sup>12</sup> U.S. import data and related information are based on Commerce’s official import statistics.<sup>13</sup> Foreign industry data and related information are based on information the domestic producers submitted, questionnaire

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<sup>7</sup> *Welded Stainless Pressure Pipe From Malaysia, Thailand, and the Socialist Republic of Vietnam*, 79 Fed. Reg. 43511 (July 25, 2014).

<sup>8</sup> *Welded Stainless Pressure Pipe From Malaysia, Thailand, and the Socialist Republic of Vietnam: Antidumping Duty Orders*, 79 Fed. Reg. 42289 (July 21, 2014).

<sup>9</sup> *Welded Stainless Steel Pressure Pipe from China, Malaysia, Thailand, and Vietnam; Institution of Five-Year Reviews*, 84 Fed. Reg. 25567 (June 3, 2019).

<sup>10</sup> See Confidential Report, Memorandum INV-RR-081 (Aug. 26, 2019) (“CR”) at I-2; Public Report, *Welded Stainless Steel Pressure Pipe from China, Malaysia, Thailand, and Vietnam*, Inv. Nos. 701-TA-454 and 731-TA-1144 (Second Review) and 1210-1212 (Review), USITC Pub. 4994 (Nov. 2019) (“PR”) at I-2; Domestic Interested Parties’ Response to the Commission’s Notice of Institution, EDIS Doc. 680046 (July 3, 2019) (“Joint Domestic Producer Response”); Primus Pipe & Tube, Inc.’s Response to the Commission’s Notice of Institution, EDIS Doc. 680219 (July 3, 2019) (“Primus’s Response”). On July 25, 2019, OINV sent Primus a series of additional questions. In its response, Primus stated that it agreed with the Joint Domestic Producer Response from pages 3 to 21 and incorporated that response by reference. Primus’s response to staff cure letter, EDIS Doc. 683678 (“Cure Letter”) (July 30, 2019) at 1-2.

<sup>11</sup> *Explanation of Commission Determinations on Adequacy*, EDIS Doc. 691660 (Sept. 6, 2019).

<sup>12</sup> CR/PR at Table I-1, n.1.; CR at I-3; PR at I-1.

<sup>13</sup> CR/PR at Table I-6.

responses from the prior proceedings, as well as publicly available information gathered by staff.<sup>14</sup>

## II. Domestic Like Product and Industry

### A. Domestic Like Product

In making its determination under section 751(c) of the Tariff Act, the Commission defines the “domestic like product” and the “industry.”<sup>15</sup> The Tariff Act defines “domestic like product” as “a product which is like, or in the absence of like, most similar in characteristics and uses with, the article subject to an investigation under this subtitle.”<sup>16</sup> The Commission’s practice in five-year reviews is to examine the domestic like product definition from the original investigation and consider whether the record indicates any reason to revisit the prior findings.<sup>17</sup>

Commerce has defined the scope of the antidumping and countervailing duty orders in these five-year reviews as follows:

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<sup>14</sup> The publicly available information includes Global Trade Atlas (“GTA”) data. *See generally* CR at I-23 – I-35; PR at I -16 – I-27.

<sup>15</sup> 19 U.S.C. § 1677(4)(A).

<sup>16</sup> 19 U.S.C. § 1677(10); *see, e.g., Cleo Inc. v. United States*, 501 F.3d 1291, 1299 (Fed. Cir. 2007); *NEC Corp. v. Department of Commerce*, 36 F. Supp. 2d 380, 383 (Ct. Int’l Trade 1998); *Nippon Steel Corp. v. United States*, 19 CIT 450, 455 (1995); *Timken Co. v. United States*, 913 F. Supp. 580, 584 (Ct. Int’l Trade 1996); *Torrington Co. v. United States*, 747 F. Supp. 744, 748-49 (Ct. Int’l Trade 1990), *aff’d*, 938 F.2d 1278 (Fed. Cir. 1991); *see also* S. Rep. No. 249, 96<sup>th</sup> Cong., 1<sup>st</sup> Sess. 90-91 (1979).

<sup>17</sup> *See, e.g., Internal Combustion Industrial Forklift Trucks from Japan*, Inv. No. 731-TA-377 (Second Review), USITC Pub. 3831 at 8-9 (Dec. 2005); *Crawfish Tail Meat from China*, Inv. No. 731-TA-752 (Review), USITC Pub. 3614 at 4 (July 2003); *Steel Concrete Reinforcing Bar from Turkey*, Inv. No. 731-TA-745 (Review), USITC Pub. 3577 at 4 (Feb. 2003).

The products covered by these orders are circular welded austenitic stainless pressure pipe not greater than 14 inches in outside diameter. For purposes of these orders, references to size are in nominal inches and include all products within tolerances allowed by pipe specifications. This merchandise includes, but is not limited to, the American Society for Testing and Materials (ASTM) A-312 or ASTM A-778 specifications, or comparable domestic or foreign specifications. ASTM A-358 products are only included when they are produced to meet ASTM A-312 or ASTM A-778 specifications, or comparable domestic or foreign specifications.

Excluded from the scope are: (1) Welded stainless mechanical tubing, meeting ASTM A554 or comparable domestic or foreign specifications; (2) boiler, heat exchanger, superheater, refining furnace, feedwater heater, and condenser tubing, meeting ASTM A-249, ASTM A-688 or comparable domestic or foreign specifications; and (3) specialized tubing, meeting ASTM A269, ASTM A-270 or comparable domestic or foreign specifications.

The subject imports are normally classified in subheadings 7306.40.5005, 7306.40.5040, 7306.40.5062, 7306.40.5064, and 7306.40.5085 of the Harmonized Tariff Schedule of the United States (HTSUS). They may also enter under HTSUS subheadings 7306.40.1010, 7306.40.1015, 7306.40.5042, 7306.40.5044, 7306.40.5080, and 7306.40.5090. The HTSUS subheadings are provided for convenience and customs purposes only; the written description of the scope of these investigations is dispositive.<sup>18</sup>

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<sup>18</sup> *Welded Stainless Steel Pressure Pipe From Malaysia, Thailand, and the Socialist Republic of Vietnam: Final Results of Expedited First Sunset Reviews of Antidumping Duty Orders*, 84 Fed. Reg. 52458 (Oct. 2, 2019); *Circular Welded Austenitic Stainless Pressure Pipe From the People's Republic of China: Final Results of the Expedited Second Sunset Review of the Countervailing Duty Order*, 84 Fed. Reg. 52460 (Oct. 2, 2019); *Circular Welded Austenitic Stainless Pressure Pipe From the People's Republic of China: Final Results of the Expedited Second Sunset Review of the Antidumping Duty Order*, 84 Fed. Reg. 52462 (Oct. 2, 2019). The scope of the orders is the same across all reviews. There has been one scope ruling since the imposition of the orders. With respect to the orders on imports from China, Commerce excluded from the orders pipe spools produced in China by SinoStruct entirely from components produced in third countries that are not subject to any antidumping or countervailing duty orders, and are exported to the United States by SinoStruct. *Notice of Scope Rulings*, 84 Fed. Reg. 33915 (July 16, 2019).

In the prior proceedings, the Commission defined the domestic like product to be coextensive with Commerce’s scope.<sup>19</sup> In these five-year reviews covering WSS pressure pipe, the domestic producers agree with the Commission’s definition of the domestic like product from the prior proceedings.<sup>20</sup> The record contains no new information suggesting that the characteristics and uses of domestically produced WSS pressure pipe have changed since the prior proceedings.<sup>21</sup> Based on the analysis in the original investigations, the record in these reviews, and the lack of any contrary argument, we again define a single domestic like product consisting of WSS pressure pipe, coextensive with Commerce’s definition of the scope of the orders under review.

## **B. Domestic Industry**

Section 771(4)(A) of the Tariff Act defines the relevant industry as the domestic “producers as a whole of a domestic like product, or those producers whose collective output of a domestic like product constitutes a major proportion of the total domestic production of the product.”<sup>22</sup> In defining the domestic industry, the Commission’s general practice has been to include in the industry producers of all domestic production of the like product, whether toll-produced, captively consumed, or sold in the domestic merchant market.

In the original investigations and first reviews, the Commission identified no related party issues, and defined the domestic industry to include all domestic producers of WSS pressure pipe.<sup>23</sup>

The domestic producers agree with the Commission’s definition of the domestic industry from the prior proceedings.<sup>24</sup> There are no domestic industry issues.<sup>25</sup> Accordingly, we define the domestic industry to include all domestic producers of WSS pressure pipe.

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<sup>19</sup> *Original Determination – China*, USITC Pub. 4064 at 10; *Original Determination – Malaysia, Thailand, and Vietnam*, USITC Pub. 4477 at 6; *First Review Determination - China*, USITC Pub. 4442 at 5-6.

<sup>20</sup> Joint Domestic Producer Response at 21-22; Joint Domestic Producer Final Comments, EDIS Doc. 691547 (Oct. 18, 2019) (“Final Comments”) at 5.

<sup>21</sup> See generally CR at I-12 – I-16; PR at I-8 – I-10.

<sup>22</sup> 19 U.S.C. § 1677(4)(A). The definitions in 19 U.S.C. § 1677 are applicable to the entire subtitle containing the antidumping and countervailing duty laws, including 19 U.S.C. §§ 1675 and 1675a. See 19 U.S.C. § 1677.

<sup>23</sup> *Original Determination – China*, USITC Pub. 4064 at 10; *Original Determination – Malaysia, Thailand, and Vietnam*, USITC Pub. 4477 at 7; *First Review Determination - China*, USITC Pub. 4478 at 5.

<sup>24</sup> Joint Domestic Producer Response at 20-22; Cure Letter at 2.

<sup>25</sup> CR at I-20; PR at I-13 – I-14.

### III. Cumulation

#### A. Legal Standard

With respect to five-year reviews, section 752(a) of the Tariff Act provides as follows: the Commission may cumulatively assess the volume and effect of imports of the subject merchandise from all countries with respect to which reviews under section 1675(b) or (c) of this title were initiated on the same day, if such imports would be likely to compete with each other and with domestic like products in the United States market. The Commission shall not cumulatively assess the volume and effects of imports of the subject merchandise in a case in which it determines that such imports are likely to have no discernible adverse impact on the domestic industry.<sup>26</sup>

Cumulation therefore is discretionary in five-year reviews, unlike original investigations, which are governed by section 771(7)(G)(i) of the Tariff Act.<sup>27</sup> The Commission may exercise its discretion to cumulate, however, only if the reviews are initiated on the same day, the Commission determines that the subject imports are likely to compete with each other and the domestic like product in the U.S. market, and imports from each such subject country are not likely to have no discernible adverse impact on the domestic industry in the event of revocation. Our focus in five-year reviews is not only on present conditions of competition, but also on likely conditions of competition in the reasonably foreseeable future.

#### B. Prior Proceedings

In the original investigations, the Commission found that the statutory requirements for cumulation were satisfied with regard to imports from Malaysia, Thailand, and Vietnam.<sup>28</sup> It also found that there was a reasonable overlap of competition both among the subject imports from Malaysia, Thailand, and Vietnam and between imports from each subject country and the domestic like product. Accordingly, it determined to cumulate subject imports from all three countries for purpose of its material injury analysis.<sup>29</sup>

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<sup>26</sup> 19 U.S.C. § 1675a (a)(7).

<sup>27</sup> 19 U.S.C. § 1677(7)(G)(i); *see also, e.g., Nucor Corp. v. United States*, 601 F.3d 1291, 1293 (Fed. Cir. 2010) (Commission may reasonably consider likely differing conditions of competition in deciding whether to cumulate subject imports in five-year reviews); *Allegheny Ludlum Corp. v. United States*, 475 F. Supp. 2d 1370, 1378 (Ct. Int'l Trade 2006) (recognizing the wide latitude the Commission has in selecting the types of factors it considers relevant in deciding whether to exercise discretion to cumulate subject imports in five-year reviews); *Nucor Corp. v. United States*, 569 F. Supp. 2d 1328, 1337-38 (Ct. Int'l Trade 2008).

<sup>28</sup> The prior proceedings with respect to imports from China were single country investigations or reviews and thus cumulation was not an issue.

<sup>29</sup> *Original Determination – Malaysia, Thailand, and Vietnam*, USITC Pub. 4477 at 9.

## C. Analysis

The statutory threshold for cumulation is satisfied in these reviews, because all reviews were initiated on the same day: June 3, 2019.<sup>30</sup> In addition, we consider the following issues in deciding whether to exercise our discretion to cumulate the subject imports: (1) whether imports from any of the subject countries are precluded from cumulation because they are likely to have no discernible adverse impact on the domestic industry; (2) whether there is a likelihood of a reasonable overlap of competition among subject imports and the domestic like product; and (3) whether subject imports are likely to compete in the U.S. market under different conditions of competition.<sup>31</sup>

### 1. Likelihood of No Discernible Adverse Impact

The statute precludes cumulation if the Commission finds that subject imports from a country are likely to have no discernible adverse impact on the domestic industry.<sup>32</sup> Neither the statute nor the Uruguay Round Agreements Act (“URAA”) Statement of Administrative Action (“SAA”) provides specific guidance on what factors the Commission is to consider in determining that imports “are likely to have no discernible adverse impact” on the domestic industry.<sup>33</sup> With respect to this provision, the Commission generally considers the likely volume of subject imports and the likely impact of those imports on the domestic industry within a reasonably foreseeable time if the orders are revoked. Our analysis for each of the subject countries takes into account, among other things, the nature of the product and the behavior of subject imports in the original investigations.

Based on the record in these reviews, we do not find that imports from any of the subject countries are likely to have no discernible adverse impact on the domestic industry in the event of revocation of the corresponding orders.

*China.* In the original investigations, the volume of subject imports from China more than doubled from 2005 to 2007.<sup>34</sup> In terms of apparent U.S. consumption, subject imports from China increased their market share by quantity by \*\*\* percentage points in the 2005-2007 period.<sup>35</sup> In the first reviews, the volume of subject imports from China was 1,544 short tons in

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<sup>30</sup> CR/PR at I-1. None of the statutory exceptions to cumulation apply.

<sup>31</sup> The Joint Domestic Producers argue that conditions exist that warrant cumulation of subject imports from all four subject countries. Joint Domestic Producer Response at 11; Final Comments at 6.

<sup>32</sup> 19 U.S.C. § 1675a(a)(7).

<sup>33</sup> SAA, H.R. Rep. No. 103-316, vol. I at 887 (1994).

<sup>34</sup> *Original Determination – China*, USITC Pub. 4064 at 20. Subject imports from China were 14,394 short tons in 2005, 23,712 short tons in 2006, and 30,371 short tons in 2007. *Id.*

<sup>35</sup> *Original Determination – China*, USITC Pub. 4064 at 20-21; Welded Stainless Steel Pressure Pipe from China, Inv. Nos. 701-TA-454 and 731-TA-1144 (Final) (Confidential), EDIS Doc. 321447 (Mar. 20, 2009) (“Confidential Version – China”) at 28. Subject imports from China accounted for \*\*\* percent of apparent U.S. consumption in 2005, \*\*\* percent in 2006, and \*\*\* percent in 2007. *Id.*

2013.<sup>36</sup> In the current reviews, subject imports from China have ranged from 961 to 2,097 short tons for the 2014-2018 period.<sup>37</sup> Subject imports from China accounted for 1.8 percent of apparent U.S. consumption in 2018.<sup>38</sup>

In the original investigations, only one Chinese producer participated in the preliminary phase and no Chinese producers participated in the final phase of the investigations.<sup>39</sup> No producer from China participated in the expedited first reviews or in the current reviews.<sup>40</sup> The domestic producers did not provide information on Chinese production or capacity to produce subject merchandise. Consequently, there is limited information available regarding the WSS pressure pipe industry in China.<sup>41</sup>

GTA data indicate that Chinese global exports of pipes, tubes, and hollow profiles nesoi, welded, of circular cross section, of stainless steel (“stainless steel tubular goods”), a broader category that includes WSS pressure pipe, increased irregularly from 142,994 short tons in 2014 to 248,327 short tons in 2018.<sup>42</sup> Although we recognize that this category contains out of scope merchandise, the volume of exports of stainless steel tubular goods from China far exceeded apparent U.S. consumption of WSS pressure pipe in 2018, which was 83,094 short tons.<sup>43</sup> GTA data also indicate that China was the third largest global exporter of stainless steel tubular goods from 2014 to 2016 and the second largest global exporter from 2017 to 2018.<sup>44</sup> The largest export markets for stainless steel tubular goods from China in 2018 were India, Vietnam, Philippines, and Malaysia.<sup>45</sup> A broad category of welded, circular stainless steel products from China, which includes WSS pressure pipe, is subject to antidumping duties in Turkey and Brazil. Seamless stainless tube and pipe and large welded tubes, a broader category that includes WSS pressure pipe, are subject to a global safeguard measure imposed by the European Union.<sup>46</sup>

During the original investigations, subject imports from China undersold the domestic like product in 73 percent of quarterly comparisons, often at large margins.<sup>47</sup> No pricing comparisons were available in the prior or the current reviews.<sup>48</sup>

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<sup>36</sup> *First Review Determination - China*, USITC Pub. 4478 at 15.

<sup>37</sup> CR/PR at Table I-6.

<sup>38</sup> CR/PR at Tables I-7 and I-8.

<sup>39</sup> *Original Determination – China*, USITC Pub. 4064 at 3.

<sup>40</sup> *First Review Determination - China*, USITC Pub. 4478 at 3; CR at I-3; PR at I-1.

<sup>41</sup> The Joint Domestic Producers, however, noted that the Juili Group, a Chinese producer of stainless steel, exports to more than 60 countries and that another Chinese stainless steel producer had completed a new stainless steel mill in 2007 with an annual capacity of 200,000 metric tons. Joint Domestic Producer Response at 14; Ex. 3.

<sup>42</sup> CR/PR at Table I-9. Chinese global exports of stainless steel tubular goods were 142,994 short tons in 2014, 152,201 short tons in 2015, 152,192 short tons in 2016, 202,024 short tons in 2017, and 248,327 short tons in 2018. *Id.*

<sup>43</sup> CR/PR at Table I-7.

<sup>44</sup> CR/PR at Table I-14.

<sup>45</sup> CR/PR at Table I-9.

<sup>46</sup> CR at I-34; PR at I-26.

<sup>47</sup> *Original Determination – China*, USITC Pub. 4064 at 23.



In light of the foregoing, including the Chinese industry's significant global exports of stainless steel tubular goods, its behavior in the original investigations, and subject imports' continued presence in the U.S. market, we find that subject imports from China would not likely have no discernible adverse impact on the domestic industry if the countervailing and antidumping duty orders covering these imports were revoked.<sup>49</sup>

*Malaysia.* In the original investigations, the volume of subject imports from Malaysia rose irregularly from 2011 to 2013.<sup>50</sup> In terms of apparent U.S. consumption, subject imports from Malaysia increased their market share by quantity by \*\*\* percentage points from 2011 to 2013.<sup>51</sup> In the current reviews, subject imports from Malaysia declined from 2014 to 2015, were absent from the U.S. market in 2016 and 2017, and were present in limited quantities in 2018.<sup>52</sup> Subject imports from Malaysia accounted for less than 0.05 percent of apparent U.S. consumption in 2018.<sup>53</sup>

In the final phase of the original investigations, the Commission received usable data from Pantech Stainless & Allow Industries Sdn. Bhd ("Pantech"), a Malaysian producer and exporter of subject merchandise.<sup>54</sup> No producer from Malaysia participated in these reviews.<sup>55</sup> The domestic producers did not provide any information on Malaysian production or capacity to produce subject merchandise in the current reviews. Consequently, there is limited information regarding the WSS pressure pipe industry in Malaysia available in this record.<sup>56</sup>

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(...Continued)

<sup>48</sup> *First Review Determination - China*, USITC Pub. 4478 at 12.

<sup>49</sup> Because of the expedited nature of these reviews, the record does not contain information about inventories of the subject merchandise or the capacity of the subject producers for product shifting during the current period of review.

<sup>50</sup> CR/PR at Table C-2, App. C. Subject imports from Malaysia totaled \*\*\* short tons in 2011, \*\*\* short tons in 2012, and \*\*\* short tons in 2013. *Id.*

<sup>51</sup> CR/PR at Table C-2, App. C. Subject imports from Malaysia held \*\*\* percent of apparent U.S. consumption in 2011, \*\*\* percent in 2012, and \*\*\* percent in 2013. *Id.*

<sup>52</sup> CR/PR at Table I-6. Subject imports from Malaysia were 136 short tons in 2014, 92 short tons in 2015, zero short tons in 2016 and 2017, and 32 short tons in 2018. *Id.*

<sup>53</sup> CR/PR at Table I-8.

<sup>54</sup> *Original Determination – Malaysia, Thailand, and Vietnam*, USITC Pub. 4477 at 3. In the preliminary phase of the original investigations, the Commission issued foreign producers' or exporters' questionnaires to eight firms believed to produce and/or export WSS pressure pipe from Malaysia. Usable responses to the Commission's questionnaire were received from three firms. Of these, Pantech was the only firm to respond in the final phase of the investigations. *Original Determination – Malaysia, Thailand, and Vietnam*, USITC Pub. 4477 at II-3, n.3.

<sup>55</sup> CR at I-3; PR at I-1.

<sup>56</sup> Joint Domestic Producer Response at 14, Ex. 3. The Joint Domestic Producers noted the export orientation of two Malaysian Producers, Kanzen Tetsu Sdn, Bhd. ("Kanzen") and Pantech. According to the Joint Domestic Producers, Kanzen exported to over 60 countries and Pantech exported to over 15 countries. *Id.* The Commission noted in its original determination regarding subject imports from Malaysia, Thailand, and Vietnam that Kanzen and Pantech were producers of WSS pressure pipe from 2011 – 2013. *Original Determination – Malaysia, Thailand, and Vietnam*, USITC Pub. 4477 at I-3.

GTA data indicate that Malaysia's global exports of stainless steel tubular goods (a broader category that includes WSS pressure pipe) nearly doubled from 2014 to 2018.<sup>57</sup> The largest export markets for stainless steel tubular goods from Malaysia in 2018 were Thailand, Indonesia, Canada, and the United Kingdom.<sup>58</sup> A broad category of welded, circular stainless steel products from Malaysia, which includes WSS pressure pipe, is subject to antidumping duties in Turkey and Brazil. Seamless stainless tube and pipe and large welded tubes, a broader category that includes WSS pressure pipe, are subject to a global safeguard measure imposed by the European Union.<sup>59</sup>

During the original investigations, subject imports from Malaysia undersold the domestic like product in 69 out of 72 instances.<sup>60</sup> There are no price comparison data in the current reviews.

In light of the foregoing, including the Malaysian industry's increasing volume of global exports of related products, significant instances of underselling in the original investigations, and its continued interest in the U.S. market, we find that subject imports from Malaysia would not likely have no discernible adverse impact on the domestic industry if the antidumping duty order concerning such imports were revoked.<sup>61</sup>

*Thailand.* In the original investigations, subject imports from Thailand decreased slightly overall from 2011 to 2013.<sup>62</sup> Subject imports from Thailand accounted for between \*\*\* percent and \*\*\* percent of apparent U.S. consumption during the 2011-2013 period.<sup>63</sup> In the current reviews, subject imports from Thailand increased irregularly from 2014 to 2018.<sup>64</sup> The volume of subject imports from Thailand accounted for 0.4 percent of apparent U.S. consumption in 2018.<sup>65</sup>

In the original investigations, the Commission did not receive usable data from any Thai producers of subject merchandise.<sup>66</sup> No producer from Thailand participated in the current reviews and the domestic producers did not provide any information on Thai production or

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<sup>57</sup> CR/PR at Table I-10. Global exports of stainless steel tubular goods from Malaysia increased overall from 11,481 short tons in 2014 to 22,309 in 2018. *Id.*

<sup>58</sup> CR/PR at Table I-10.

<sup>59</sup> CR at I-34; PR at I-26.

<sup>60</sup> *Original Determination – Malaysia, Thailand, and Vietnam*, USITC Pub. 4477 at Table V-10.

<sup>61</sup> Because of the expedited nature of these reviews, the record does not contain information about inventories of the subject merchandise or the capacity of the subject producers for product shifting during the current period of review.

<sup>62</sup> CR/PR at Table C-2, App. C. Subject imports from Thailand totaled \*\*\* short tons in 2011, \*\*\* short tons in 2012, and \*\*\* short tons in 2013. *Id.*

<sup>63</sup> CR/PR at Table C-2, App. C.

<sup>64</sup> CR/PR at Table I-6. Subject imports from Thailand were 232 short tons in 2014, 145 short tons in 2015, 167 short tons in 2016, 424 short tons in 2017, and 317 short tons in 2018. *Id.*

<sup>65</sup> CR/PR at Table I-7; Table I-8.

<sup>66</sup> *Original Determination – Malaysia, Thailand, and Vietnam*, USITC Pub. 4477 at 3.

capacity to produce subject merchandise.<sup>67</sup> Consequently, there is limited information regarding the WSS pressure pipe industry in Thailand available in this record.<sup>68</sup>

GTA data indicate that Thailand's global exports of stainless steel tubular goods (a broader category that includes WSS pressure pipe) decreased overall from 2014 to 2018.<sup>69</sup> The largest export markets for stainless steel tubular goods from Thailand in 2018 were Taiwan, Japan, and India.<sup>70</sup> A broad category of welded, circular stainless steel products from Thailand, which includes WSS pressure pipe, is subject to antidumping duties in Brazil. Seamless stainless tube and pipe and large welded tubes, a broader category that includes WSS pressure pipe, are subject to a global safeguard measure imposed by the European Union.<sup>71</sup>

During the original investigations, subject imports from Thailand undersold the domestic like product in 69 out of 72 instances.<sup>72</sup> No price comparison data are available in the current reviews.

In light of the foregoing, including the Thai industry's global exports of related products, subject imports' continued presence in the U.S. market, and the significant instances of underselling during the original investigations, we find that subject imports from Thailand would not likely have no discernible adverse impact on the domestic industry if the antidumping duty order covering these imports were revoked.<sup>73</sup>

*Vietnam.* In the original investigations, subject imports from Vietnam decreased from 2011 to 2013.<sup>74</sup> Subject imports from Vietnam accounted for between \*\*\* percent and \*\*\* percent of apparent U.S. consumption during the original period of investigation.<sup>75</sup> In the current reviews, subject imports from Vietnam increased from 612 short tons in 2014 to 1,690

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<sup>67</sup> CR at I-3; PR at I-1.

<sup>68</sup> Joint Domestic Producer Response at 14, Ex. 3. The Joint Domestic Producers noted the export orientation of one Thai producer (Thai-German Products) named as a producer of WSS pressure pipe in the original investigation regarding subject imports from Malaysia, Thailand, and Vietnam. Thai-German Products advertised that it planned to "become a leading manufacturer and distributor of stainless steel pipes to the world." *Id.*

<sup>69</sup> CR/PR at Table I-12. Global exports of stainless steel tubular goods from Thailand were 17,456 short tons in 2014, 20,069 short tons in 2015, 17,533 short tons in 2016, 16,636 short tons in 2017, and 16,564 short tons in 2018. *Id.*

<sup>70</sup> CR/PR at Table I-12.

<sup>71</sup> CR at I-34; PR at I-26.

<sup>72</sup> *Original Determination – Malaysia, Thailand, and Vietnam*, USITC Pub. 4477 at Table V-10.

<sup>73</sup> Because of the expedited nature of these reviews, the record does not contain information about inventories of the subject merchandise or the capacity of the subject producers for product shifting during the current period of review.

<sup>74</sup> CR/PR at Table C-2, App. C. Subject imports from Vietnam totaled \*\*\* short tons in 2011, \*\*\* short tons in 2012, and \*\*\* short tons in 2013. *Id.*

<sup>75</sup> CR/PR at Table C-2, App. C.

short tons in 2018.<sup>76</sup> Subject imports from Vietnam accounted for 2.0 percent of apparent U.S. consumption in 2018.<sup>77</sup>

In the original investigations, the Commission received usable data from Son Ha International Corporation (“Son Ha”), a Vietnamese producer of subject merchandise.<sup>78</sup> No producer from Vietnam participated in the current reviews and the domestic producers did not provide any information on Vietnamese production or capacity to produce subject merchandise.<sup>79</sup> Consequently, there is limited information regarding the WSS pressure pipe industry in Vietnam available in this record.<sup>80</sup>

GTA data indicate that Vietnam’s global exports of stainless steel tubular goods (a broader category that includes WSS pressure pipe) increased overall from 2014 to 2017 (the last year for which data are available).<sup>81</sup> The largest export markets for stainless steel tubular goods from Vietnam in 2017 were India, Turkey, Brazil, and Japan.<sup>82</sup> A broad category of welded, circular stainless steel products from Vietnam, which includes WSS pressure pipe, is subject to antidumping duties in Turkey and Brazil. Seamless stainless tube and pipe and large welded tubes, a broader category that includes WSS pressure pipe, are subject to a global safeguard measure imposed by the European Union.<sup>83</sup>

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<sup>76</sup> CR/PR at Table I-6.

<sup>77</sup> CR/PR at Tables I-7 and I-8.

<sup>78</sup> *Original Determination – Malaysia, Thailand, and Vietnam*, USITC Pub. 4477 at 3. In the original investigations, the Commission issued foreign producers’ or exporters’ questionnaires to two firms believed to produce and/or export WSS pressure pipe from Vietnam. Usable responses to the Commission’s questionnaire were received from two firms (Mejonson Industrial Vietnam Co., Ltd. (“Mejonson”) and Son Ha) in the preliminary phase of the original investigations. Of these, only Son Ha responded in the final phase of the original investigations. It did not estimate its share of total Vietnamese production or Vietnamese exports to the United States. As a result, there is limited information available regarding the WSS pressure pipe industry in Vietnam. *Original Determination – Malaysia, Thailand, and Vietnam*, USITC Pub. 4477 at II-5, n.6.

<sup>79</sup> CR at I-3; PR at I-1.

<sup>80</sup> Joint Domestic Producer Response at 14, Ex. 3. The Joint Domestic Producers noted the export orientation of two Vietnamese producers named as producers of WSS pressure pipe in the original investigations regarding subject imports from Malaysia, Thailand, and Vietnam. They indicated that Vietnamese producer Mejonson has global exports and owns its own distribution and stocking facility in New Jersey, and that Vietnamese producer Son Ha advertises that 94 percent of its revenue comes from exports outside of Southeast Asia, with a third of its total revenue generated by sales in North America. According to the Joint Domestic Producers, Son Ha lists its “Main Target Region” as the United States. *Id.*

<sup>81</sup> CR/PR at Table I-13. Global exports of stainless steel tubular goods from Vietnam were 10,628 short tons in 2014, 9,179 short tons in 2015, 12,827 short tons in 2016, and 15,719 short tons in 2017. Vietnam did not report trade statistics for 2018. *Id.*

<sup>82</sup> CR/PR at Table I-13.

<sup>83</sup> CR at I-34; PR at I-26.

During the original investigations, subject imports from Vietnam undersold the domestic like product in 63 out of 66 instances.<sup>84</sup> There are no price comparison data in the current reviews.

In light of the foregoing, including the Vietnamese industry's global exports of related products, its continued presence and interest in the U.S. market, and the significant instances of underselling in the original investigations, we find that subject imports from Vietnam would not likely have no discernible adverse impact on the domestic industry if the antidumping duty order covering these imports was revoked.<sup>85</sup>

## 2. Likelihood of a Reasonable Overlap of Competition

The Commission generally has considered four factors intended to provide a framework for determining whether subject imports compete with each other and with the domestic like product.<sup>86</sup> Only a "reasonable overlap" of competition is required.<sup>87</sup> In five-year reviews, the relevant inquiry is whether there likely would be competition even if none currently exists because the subject imports are absent from the U.S. market.<sup>88</sup>

*Fungibility.* In the original investigations regarding imports of WSS pressure pipe from Malaysia, Thailand, and Vietnam, the Commission found that WSS pressure pipe from domestic and subject sources is generally fungible, observing that it is manufactured to meet, at a

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<sup>84</sup> *Original Determination – Malaysia, Thailand, and Vietnam*, USITC Pub. 4477 at Table V-10.

<sup>85</sup> Because of the expedited nature of these reviews, the record does not contain information about inventories of the subject merchandise or the capacity of the subject producers for product shifting during the current period of review.

<sup>86</sup> The four factors generally considered by the Commission in assessing whether imports compete with each other and with the domestic like product are as follows: (1) the degree of fungibility between subject imports from different countries and between subject imports and the domestic like product, including consideration of specific customer requirements and other quality-related questions; (2) the presence of sales or offers to sell in the same geographical markets of imports from different countries and the domestic like product; (3) the existence of common or similar channels of distribution for subject imports from different countries and the domestic like product; and (4) whether subject imports are simultaneously present in the market with one another and the domestic like product. *See, e.g., Wieland Werke, AG v. United States*, 718 F. Supp. 50 (Ct. Int'l Trade 1989).

<sup>87</sup> *See Mukand Ltd. v. United States*, 937 F. Supp. 910, 916 (Ct. Int'l Trade 1996); *Wieland Werke*, 718 F. Supp. at 52 ("Completely overlapping markets are not required."); *United States Steel Group v. United States*, 873 F. Supp. 673, 685 (Ct. Int'l Trade 1994), *aff'd*, 96 F.3d 1352 (Fed. Cir. 1996). We note, however, that there have been investigations where the Commission has found an insufficient overlap in competition and has declined to cumulate subject imports. *See, e.g., Live Cattle from Canada and Mexico*, Inv. Nos. 701-TA-386 and 731-TA-812-13 (Preliminary), USITC Pub. 3155 at 15 (Feb. 1999), *aff'd sub nom, Ranchers-Cattlemen Action Legal Foundation v. United States*, 74 F. Supp. 2d 1353 (Ct. Int'l Trade 1999); *Static Random Access Memory Semiconductors from the Republic of Korea and Taiwan*, Inv. Nos. 731-TA-761-62 (Final), USITC Pub. 3098 at 13-15 (Apr. 1998).

<sup>88</sup> *See generally, Cheflene Corp. v. United States*, 219 F. Supp. 2d 1313, 1314 (Ct. Int'l Trade 2002).

minimum, ASTM standards A-312 and A-778, and it is used in the same general applications.<sup>89</sup> All responding U.S. producers and most responding importers and purchasers reported that imports from Malaysia, Thailand, and Vietnam were always or frequently interchangeable with the domestic like product and with each other.<sup>90</sup>

In the original investigations regarding WSS pressure pipe imports from China, the Commission found that subject imports were highly substitutable with the domestic like product.<sup>91</sup> In the expedited first reviews with respect to China, the Commission found there was no information in the record that indicated that the substitutability of WSS pressure pipe from China with the domestic like product had changed.<sup>92</sup>

Given the standardized nature of the products, which are produced to ASTM standards, and the general substitutability reported for all products in the prior proceedings, we find that the WSS pressure pipe from all four subject countries would likely be fungible with each other and with the domestic like product in the event of revocation of the orders.

*Channels of Distribution.* In the original investigations regarding WSS pressure pipe from Malaysia, Thailand, and Vietnam, the Commission found that WSS pressure pipe, whether domestically produced or imported from Malaysia, Thailand, or Vietnam, was sold through distributors.<sup>93</sup>

In the original investigations regarding WSS pressure pipe from China, the Commission found that subject imports from China and the domestic like product were sold through distributors.<sup>94</sup> In the expedited first reviews regarding WSS pressure pipe from China, the Commission found no information to indicate that the channels of distribution had changed since the original investigations.<sup>95</sup>

There is no information in the record for the current reviews to indicate that the channels of distribution have changed since the original investigations and prior reviews.

*Geographic Overlap.* In the original investigations regarding WSS pressure pipe from Malaysia, Thailand, and Vietnam, the Commission found that U.S. producers and importers of subject merchandise from Malaysia, Thailand, and Vietnam reported selling WSS pressure pipe to all regions in the contiguous United States.<sup>96</sup> The record in the current reviews indicates the domestic like product and subject imports from all four countries were present in the same geographic markets. Subject merchandise from each of the four subject sources entered the U.S. market in customs districts located in the East, South, North, and West regions of the United States during 2014-2018.<sup>97</sup>

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<sup>89</sup> *Original Determination – Malaysia, Thailand, and Vietnam*, USITC Pub. 4477 at 9.

<sup>90</sup> *Original Determination – Malaysia, Thailand, and Vietnam*, USITC Pub. 4477 at 9.

<sup>91</sup> *Original Determination – China*, USITC Pub. 4064 at 19-20.

<sup>92</sup> *First Review Determination - China*, USITC Pub. 4478 at 10.

<sup>93</sup> *Original Determination – Malaysia, Thailand, and Vietnam*, USITC Pub. 4477 at 9.

<sup>94</sup> *Original Determination – China*, USITC Pub. 4064 at 8.

<sup>95</sup> *First Review Determination - China*, USITC Pub. 4478 at 10.

<sup>96</sup> *Original Determination – Malaysia, Thailand, and Vietnam*, USITC Pub. 4477 at 9.

<sup>97</sup> CR at I-25; PR at I-19.

*Simultaneous Presence in Market.* In the original investigations regarding Malaysia, Thailand, and Vietnam, the Commission found that WSS pressure pipe produced in the United States and each of the three subject countries was sold in the United States during each quarter between January 2011 and December 2013.<sup>98</sup> In the current reviews, according to Commerce's official U.S. import statistics, subject imports from China, Thailand, and Vietnam entered the U.S. market each year from 2014-2018. Subject imports from Malaysia were present in each year except 2017.<sup>99</sup>

*Conclusion.* The record in these expedited reviews contains limited information concerning subject imports in the U.S. market during the period of review. The record, however, contains no information suggesting a change in the considerations that led the Commission to conclude that there would be a likely reasonable overlap of competition between and among subject imports from Malaysia, Thailand, and Vietnam and the domestic like product upon revocation. In addition, the record also supports a reasonable overlap of competition between subject imports from China and the domestic like product and with imports from each of the other subject sources. In light of this and the absence of any contrary argument, we find a likely reasonable overlap of competition between and among subject imports from China, Malaysia, Thailand, and Vietnam and the domestic like product.

### **3. Likely Conditions of Competition**

In determining whether to exercise our discretion to cumulate the subject imports, we assess whether subject imports from the subject countries would compete under similar or different conditions in the U.S. market if the orders under review were revoked.

We find that the record in these reviews does not indicate that there would likely be any significant differences in the conditions of competition among subject imports from different sources upon revocation of the orders. Imports of WSS pressure pipe from each of the subject countries were present in the U.S. market throughout much of the period, each of the subject countries globally exports' substantial volumes of stainless steel tubular goods, and imports from each of the subject countries undersold the U.S. product in a majority of comparisons during the original investigations.

#### **D. Conclusion**

Based on the record, we find that subject imports from each of the subject countries would not be likely to have no discernible adverse impact on the domestic industry if the subject orders were revoked. We also find a likely reasonable overlap of competition among subject imports from different sources and between the subject imports from each subject country and the domestic like product, and find that imports from each of the subject countries are likely to compete in the U.S. market under similar conditions of competition should the

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<sup>98</sup> *Original Determination – Malaysia, Thailand, and Vietnam*, USITC Pub. 4477 at 9.

<sup>99</sup> CR at I-25; PR at I-19.

orders be revoked. We therefore exercise our discretion to cumulate subject imports from China, Malaysia, Thailand, and Vietnam.

#### **IV. Revocation of the Antidumping and Countervailing Duty Orders Would Likely Lead to Continuation or Recurrence of Material Injury Within a Reasonably Foreseeable Time**

##### **A. Legal Standards**

In a five-year review conducted under section 751(c) of the Tariff Act, Commerce will revoke an antidumping or countervailing duty order unless: (1) it makes a determination that dumping or subsidization is likely to continue or recur and (2) the Commission makes a determination that revocation of the antidumping or countervailing duty order “would be likely to lead to continuation or recurrence of material injury within a reasonably foreseeable time.”<sup>100</sup> The SAA states that “under the likelihood standard, the Commission will engage in a counterfactual analysis; it must decide the likely impact in the reasonably foreseeable future of an important change in the status quo – the revocation or termination of a proceeding and the elimination of its restraining effects on volumes and prices of imports.”<sup>101</sup> Thus, the likelihood standard is prospective in nature.<sup>102</sup> The U.S. Court of International Trade has found that “likely,” as used in the five-year review provisions of the Act, means “probable,” and the Commission applies that standard in five-year reviews.<sup>103</sup>

The statute states that “the Commission shall consider that the effects of revocation or termination may not be imminent, but may manifest themselves only over a longer period of

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<sup>100</sup> 19 U.S.C. § 1675a(a).

<sup>101</sup> SAA at 883-84. The SAA states that “{t}he likelihood of injury standard applies regardless of the nature of the Commission’s original determination (material injury, threat of material injury, or material retardation of an industry). Likewise, the standard applies to suspended investigations that were never completed.” *Id.* at 883.

<sup>102</sup> While the SAA states that “a separate determination regarding current material injury is not necessary,” it indicates that “the Commission may consider relevant factors such as current and likely continued depressed shipment levels and current and likely continued {sic} prices for the domestic like product in the U.S. market in making its determination of the likelihood of continuation or recurrence of material injury if the order is revoked.” SAA at 884.

<sup>103</sup> See *NMB Singapore Ltd. v. United States*, 288 F. Supp. 2d 1306, 1352 (Ct. Int’l Trade 2003) (“‘likely’ means probable within the context of 19 U.S.C. § 1675(c) and 19 U.S.C. § 1675a(a)”), *aff’d mem.*, 140 Fed. Appx. 268 (Fed. Cir. 2005); *Nippon Steel Corp. v. United States*, 26 CIT 1416, 1419 (2002) (same); *Usinor Industeel, S.A. v. United States*, 26 CIT 1402, 1404 nn.3, 6 (2002) (“more likely than not” standard is “consistent with the court’s opinion;” “the court has not interpreted ‘likely’ to imply any particular degree of ‘certainty’”); *Indorama Chemicals (Thailand) Ltd. v. United States*, 26 CIT 1059, 1070 (2002) (“standard is based on a likelihood of continuation or recurrence of injury, not a certainty”); *Usinor v. United States*, 26 CIT 767, 794 (2002) (“‘likely’ is tantamount to ‘probable,’ not merely ‘possible’”).



time.”<sup>104</sup> According to the SAA, a “‘reasonably foreseeable time’ will vary from case-to-case, but normally will exceed the ‘imminent’ timeframe applicable in a threat of injury analysis in original investigations.”<sup>105</sup>

Although the standard in a five-year review is not the same as the standard applied in an original investigation, it contains some of the same fundamental elements. The statute provides that the Commission is to “consider the likely volume, price effect, and impact of imports of the subject merchandise on the industry if the orders are revoked or the suspended investigation is terminated.”<sup>106</sup> It directs the Commission to take into account its prior injury determination, whether any improvement in the state of the industry is related to the order or the suspension agreement under review, whether the industry is vulnerable to material injury if an order is revoked or a suspension agreement is terminated, and any findings by Commerce regarding duty absorption pursuant to 19 U.S.C. § 1675(a)(4).<sup>107</sup> The statute further provides that the presence or absence of any factor that the Commission is required to consider shall not necessarily give decisive guidance with respect to the Commission’s determination.<sup>108</sup>

In evaluating the likely volume of imports of subject merchandise if an order under review is revoked and/or a suspended investigation is terminated, the Commission is directed to consider whether the likely volume of imports would be significant either in absolute terms or relative to production or consumption in the United States.<sup>109</sup> In doing so, the Commission must consider “all relevant economic factors,” including four enumerated factors: (1) any likely increase in production capacity or existing unused production capacity in the exporting country; (2) existing inventories of the subject merchandise, or likely increases in inventories; (3) the existence of barriers to the importation of the subject merchandise into countries other than the United States; and (4) the potential for product shifting if production facilities in the foreign country, which can be used to produce the subject merchandise, are currently being used to produce other products.<sup>110</sup>

In evaluating the likely price effects of subject imports if an order under review is revoked and/or a suspended investigation is terminated, the Commission is directed to consider whether there is likely to be significant underselling by the subject imports as

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<sup>104</sup> 19 U.S.C. § 1675a(a)(5).

<sup>105</sup> SAA at 887. Among the factors that the Commission should consider in this regard are “the fungibility or differentiation within the product in question, the level of substitutability between the imported and domestic products, the channels of distribution used, the methods of contracting (such as spot sales or long-term contracts), and lead times for delivery of goods, as well as other factors that may only manifest themselves in the longer term, such as planned investment and the shifting of production facilities.” *Id.*

<sup>106</sup> 19 U.S.C. § 1675a(a)(1).

<sup>107</sup> 19 U.S.C. § 1675a(a)(1). Commerce has not issued any duty absorption findings with respect to WSS pressure pipe from China, Malaysia, Thailand, or Vietnam. CR at I-9; PR at I-5.

<sup>108</sup> 19 U.S.C. § 1675a(a)(5). Although the Commission must consider all factors, no one factor is necessarily dispositive. SAA at 886.

<sup>109</sup> 19 U.S.C. § 1675a(a)(2).

<sup>110</sup> 19 U.S.C. § 1675a(a)(2)(A-D).

compared to the domestic like product and whether the subject imports are likely to enter the United States at prices that otherwise would have a significant depressing or suppressing effect on the price of the domestic like product.<sup>111</sup>

In evaluating the likely impact of imports of subject merchandise if an order under review is revoked and/or a suspended investigation is terminated, the Commission is directed to consider all relevant economic factors that are likely to have a bearing on the state of the industry in the United States, including but not limited to the following: (1) likely declines in output, sales, market share, profits, productivity, return on investments, and utilization of capacity; (2) likely negative effects on cash flow, inventories, employment, wages, growth, ability to raise capital, and investment; and (3) likely negative effects on the existing development and production efforts of the industry, including efforts to develop a derivative or more advanced version of the domestic like product.<sup>112</sup> All relevant economic factors are to be considered within the context of the business cycle and the conditions of competition that are distinctive to the industry. As instructed by the statute, we have considered the extent to which any improvement in the state of the domestic industry is related to the orders under review and whether the industry is vulnerable to material injury upon revocation.<sup>113</sup>

No respondent interested party participated in these expedited reviews. The record, therefore, contains limited new information with respect to the WSS pressure pipe industries in China, Malaysia, Thailand, and Vietnam. There also is limited information on the domestic WSS pressure pipe market during the period of review. Accordingly, for our determination, we rely as appropriate on the facts available from the prior proceedings and the limited new information on the record in these reviews.

## **B. Conditions of Competition and the Business Cycle**

In evaluating the likely impact of the subject imports on the domestic industry if an order is revoked, the statute directs the Commission to consider all relevant economic factors “within the context of the business cycle and conditions of competition that are distinctive to the affected industry.”<sup>114</sup> The following conditions of competition inform our determinations.

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<sup>111</sup> See 19 U.S.C. § 1675a(a)(3). The SAA states that “[c]onsistent with its practice in investigations, in considering the likely price effects of imports in the event of revocation and termination, the Commission may rely on circumstantial, as well as direct, evidence of the adverse effects of unfairly traded imports on domestic prices.” SAA at 886.

<sup>112</sup> 19 U.S.C. § 1675a(a)(4).

<sup>113</sup> The SAA states that in assessing whether the domestic industry is vulnerable to injury if the order is revoked, the Commission “considers, in addition to imports, other factors that may be contributing to overall injury. While these factors, in some cases, may account for the injury to the domestic industry, they may also demonstrate that an industry is facing difficulties from a variety of sources and is vulnerable to dumped or subsidized imports.” SAA at 885.

<sup>114</sup> 19 U.S.C. § 1675a(a)(4).

## 1. Demand Conditions

*China:* In the original investigations, the Commission found that demand for WSS pressure pipe derived from demand in the downstream industries which use WSS pressure pipe, such as the chemical, petrochemical, food and beverage, pharmaceutical, water purification, ethanol, and oil and gas industries.<sup>115</sup> The Commission also observed that demand increased overall between 2005 and 2007 before falling in late 2007.<sup>116</sup> In the expedited first reviews, the Commission found that the conditions of competition pertaining to demand had not changed significantly since the original investigations. Demand for WSS pressure pipe continued to be driven by demand in the downstream industries in which it was used. Apparent U.S. consumption in 2013 was \*\*\* short tons.<sup>117</sup>

*Malaysia, Thailand, and Vietnam:* In the original investigations, the Commission found that WSS pressure pipe was generally used in the same downstream industries as those named in the above determinations covering subject imports from China.<sup>118</sup> Apparent U.S. consumption showed minor fluctuations, and declined overall by 3.3 percent during the 2011-2013 period of investigation.<sup>119</sup>

In the current reviews, apparent U.S. consumption was 83,904 short tons in 2018.<sup>120</sup> The Joint Domestic Producers contend that there have been no significant changes to U.S. demand for WSS pressure pipe since 2013.<sup>121</sup>

## 2. Supply Conditions

*China:* In the original investigations, the Commission found that prior to and during the 2005-2007 period of investigation, some U.S. production capacity closed or consolidated. Domestic producers' share of the U.S. market declined over the period from \*\*\* percent in 2005 to \*\*\* percent in 2006 and \*\*\* percent in 2007. At the same time, subject imports' share of the market increased from \*\*\* percent in 2005 to \*\*\* percent in 2007.<sup>122</sup> Nonsubject

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<sup>115</sup> *Original Determination – China*, USITC Pub. 4064 at 15.

<sup>116</sup> *Original Determination – China*, USITC Pub. 4064 at 15-16. Apparent U.S. consumption was 65,343 short tons in 2005, 80,067 short tons in 2006, and 85,585 short tons in 2007. CR/PR at App. C, Table C-1.

<sup>117</sup> *First Review Determination - China*, USITC Pub. 4478 at 9; *Welded Stainless Steel Pressure Pipe from China*, Inv. Nos. 701-TA-454 and 731-TA-1144 (Review) (Confidential), EDIS Doc. 684611 (Aug. 7, 2019) (“Confidential Version – China Review”) at 12.

<sup>118</sup> *Original Determination – Malaysia, Thailand, and Vietnam*, USITC Pub. 4477 at 13-14.

<sup>119</sup> *Original Determination – Malaysia, Thailand, and Vietnam*, USITC Pub. 4477 at 14. Apparent U.S. consumption was 65,478 short tons in 2011, 66,835 short tons in 2012, and 63,294 short tons in 2013. *Id.*

<sup>120</sup> CR/PR at Table I-7.

<sup>121</sup> Joint Domestic Producer Response at 21; Final Comments at 6-7.

<sup>122</sup> *Original Determination – China*, USITC Pub. 4064 at 21; Confidential Version – China at 28.

imports were principally from Korea, Malaysia, Taiwan, and Thailand. Nonsubject imports' share of the U.S. market rose slightly overall from 2005 to 2007.<sup>123</sup>

In the first expedited five-year reviews with respect to China, the Commission observed that in 2013 responding U.S. producers shipped \*\*\* short tons of WSS pressure pipe, subject imports totaled 1,544 short tons, and nonsubject imports were 39,796 short tons.<sup>124</sup>

Responding U.S. producers observed that the volume of subject imports decreased significantly following the imposition of the orders, but nonsubject imports, particularly those from Malaysia, Thailand, and Vietnam, increased. Responding U.S. producers' U.S. shipments accounted for \*\*\* percent of apparent U.S. consumption in 2013, subject imports accounted for \*\*\* percent, and nonsubject imports accounted for \*\*\* percent.<sup>125</sup>

*Malaysia, Thailand, and Vietnam:* In the original investigations, the Commission observed that the domestic industry supplied the largest share of the U.S. market over the 2011-2013 period of investigation. Its market share increased from 39.5 percent in 2011 to 40.1 percent in 2012 and 45.1 percent in 2013. There were seven known U.S. producers of WSS pressure pipe. Three of those firms, \*\*\*, accounted for \*\*\* percent of U.S. production of WSS pressure pipe during 2013.<sup>126</sup> The market share of cumulated subject imports increased from 27.2 percent in 2011 to 27.6 percent in 2012, and then declined to 24.7 percent in 2013. The two largest suppliers of nonsubject imports in 2013 were Taiwan and Korea. However, certain imports of WSS pressure pipe from those two countries were subject to U.S. antidumping duties.<sup>127</sup>

In these reviews, the domestic producers supplied 32.2 percent of apparent U.S. consumption,<sup>128</sup> subject imports supplied a small share of the market,<sup>129</sup> and nonsubject

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<sup>123</sup> *Original Determination – China*, USITC Pub. 4064 at 21; Confidential Version – China at 28. Nonsubject imports accounted for \*\*\* percent of apparent U.S. consumption in 2005, \*\*\* percent in 2006, and \*\*\* percent in 2007. *Id.*

<sup>124</sup> *First Review Determination - China*, USITC Pub. 4478 at 9; Confidential Version – China Review at 12.

<sup>125</sup> *First Review Determination - China*, USITC Pub. 4478 at 9; Confidential Version – China Review at 12-13.

<sup>126</sup> *Original Determination – Malaysia, Thailand, and Vietnam*, USITC Pub. 4477 at 14; Welded Stainless Steel Pressure Pipe from Malaysia, Thailand, and Vietnam, Inv. Nos. 731-TA-1210 – 1212 (Final) (Confidential), EDIS Doc. 684613 (Aug. 7, 2019) at 19.

<sup>127</sup> *Original Determination – Malaysia, Thailand, and Vietnam*, USITC Pub. 4477 at 14.

<sup>128</sup> CR/PR at Table I-8. In August 2017, Outokumpu sold its Wildwood, Florida pipe plant to the Taiwanese company Ta Chen Stainless Pipe Ltd. In May 2018, Synalloy subsidiary Bristol Metals, LLC, acquired the galvanized tube operation of Marcegaglia USA in Munhall Pennsylvania. It primarily acquired the galvanized tube manufacturing equipment and inventory assets of the business. CR/PR at Table I-4.

<sup>129</sup> Cumulated subject imports supplied 4.3 percent of the quantity of apparent U.S. consumption in 2018; China supplied 1.8 percent of apparent U.S. consumption, Malaysia supplied less than 0.05 percent, Thailand supplied 0.4 percent, and Vietnam supplied 2.0 percent. CR/PR at Table I-8.

imports supplied the largest share of the market.<sup>130</sup> Imports of WSS pressure pipe from India, Korea, and Taiwan are currently subject to antidumping duty orders and imports from India are also subject to a countervailing duty order.<sup>131</sup>

### 3. Substitutability

*Substitutability and Other Conditions.* In the original investigations and first expedited reviews, the Commission found that WSS pressure pipe was a commodity product and that subject imports were highly substitutable with the domestic like product. Both subject imports and the domestic like product were made to identical ASTM specifications, were sold in the same channels of distribution, and were purchased based on specification and price.<sup>132</sup>

In the current reviews, the Joint Domestic Producers contend that WSS pressure pipe remains a fungible and interchangeable product that is made to the same ASTM specifications regardless of source.<sup>133</sup> The limited record in these reviews contains nothing to indicate that the importance of price and the substitutability between U.S.-produced WSS pressure pipe and imported WSS pressure pipe regardless of source have changed since the prior proceedings.<sup>134</sup> We thus find that the domestic like product and subject imports continue to be highly substitutable and that price continues to be an important factor in purchasing decisions.

### 4. Other Conditions

Since 2018, imports of WSS pressure pipe have been subject to the additional 25 percent *ad valorem* national security duties under Section 232 of the Trade Expansion Act of 1962, as amended (19 U.S.C. (1862)).<sup>135</sup> As of September 1, 2019, additional tariffs have been levied on imports of WSS pressure pipe from China within the scope definition pursuant to Section 301 of the Trade Act of 1974 (“section 301 tariffs”).<sup>136</sup>

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<sup>130</sup> Nonsubject imports supplied 63.5 percent of apparent U.S. consumption in 2018. CR/PR at Table I-8. India, Korea, and Taiwan were the largest nonsubject sources of WSS pressure pipe in the current review period. CR/PR at Table I-6.

<sup>131</sup> CR/PR at Table I-2.

<sup>132</sup> *Original Determination – China*, USITC Pub. 4064 at 19-20; *Original Determination – Malaysia, Thailand, and Vietnam*, USITC Pub. 4477 at 15; *First Review Determination – China*, USITC Pub. 4478 at 9-10.

<sup>133</sup> Joint Domestic Producer Response at 11; Cure Letter at 1-2; Final Comments at 7.

<sup>134</sup> CR at I-12 – I-17; PR at I-8 – I-10.

<sup>135</sup> CR at I-12; PR at I-7 – I-8; *Imports of Steel Mill Articles (Steel Articles) Under Section 232 of the Trade Expansion Act of 1962, As Amended (19 U.S.C.1862)*, Presidential Proclamation 9705, March 8, 2018, 83 Fed. Reg. 11625 (Mar. 15, 2018). See also U.S. notes 16(a) and 16(b) to subchapter III of chapter 99. *HTSUS (2019) Revision 11*, USITC Pub. 4948 (Aug. 2019) ch.99, pp. 99-III-5 – 99-III-6, 99-III-76 – 99-III-83.

<sup>136</sup> CR at I-12; PR at I-7 – I-8; 19 U.S.C. § 2411; *Notice of Modification of Section 301 Action: China’s Acts, Policies, and Practices Related to Technology Transfer, Intellectual Property, and Innovation*, 84 Fed. Reg. 43304 (Aug. 20, 2019). On August 30, 2019, USTR published a modification to (Continued...)

## C. Likely Volume of Subject Imports

### 1. The Prior Proceedings

*China:* In the original investigations, the Commission found that the absolute volume of subject imports increased from 2005-2007 at a rate that greatly outpaced demand growth.<sup>137</sup> Subject imports also increased their share of the U.S. market, gaining \*\*\* percentage points of market share from 2005 to 2007.<sup>138</sup> In 2007, the volume of subject imports was greater than both domestic production and the volume of nonsubject imports.<sup>139</sup> The Commission found that because nonsubject imports held a relatively stable share of the U.S. market throughout the 2011-2013 period, subject imports gained market share almost entirely at the expense of the domestic industry.<sup>140</sup> The Commission found that the volume of subject imports and the increase in that volume were significant, both on an absolute basis and relative to consumption and production in the United States.<sup>141</sup>

In the expedited first reviews, the Commission found that the orders had a disciplining effect on the volume of subject imports, which had declined significantly since the original investigations. In 2013, total subject imports were 1,544 short tons, compared with 30,371 short tons in 2007. Subject producers in China declined to participate or furnish information in the first five-year reviews. However, there was no information on the record that indicated that subject producers' capacity and production had declined appreciably since the original investigations. The Commission thus found that the WSS pressure pipe industry in China had the ability to increase exports of subject merchandise to the United States upon revocation, as it did during the original investigations. Moreover, the Commission found that subject producers in China had the incentive to increase exports to the United States significantly upon revocation in light of their prior interest in supplying the U.S. market and their continued exports to the United States during the review period, albeit at lower volumes. Available data indicated that China remained a substantial exporter of stainless steel tubular goods, a broader category that includes WSS pressure pipe.<sup>142</sup>

The record also indicated that there were barriers to the importation of subject merchandise from China into countries other than the United States. Brazil and Turkey had

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the proposed tariffs to be implemented on September 1, 2019, that increased the proposed rate of 10 percent to 15 percent. 84 Fed. Reg. 45821 (Aug. 30, 2019).

<sup>137</sup> *Original Determination – China*, USITC Pub. 4064 at 20. The volume of subject imports more than doubled, increasing from 14,394 short tons in 2005 to 30,371 short tons in 2007. *Id.*

<sup>138</sup> *Original Determination – China*, USITC Pub. 4064 at 20; Confidential Version – China at 28. Subject imports were \*\*\* percent of the U.S. market in 2005, \*\*\* percent in 2006, and \*\*\* percent in 2007. *Id.*

<sup>139</sup> *Original Determination – China*, USITC Pub. 4064 at 20-21.

<sup>140</sup> *Original Determination – China*, USITC Pub. 4064 at 21.

<sup>141</sup> *Original Determination – China*, USITC Pub. 4064 at 21-22.

<sup>142</sup> *First Review Determination – China*, USITC Pub. 4478 at 11.

imposed antidumping duty orders on imports of welded stainless steel tubes and pipes from China since the original investigations. Although the scope of these orders in third country markets differed somewhat from the scope of the U.S. orders then under review, the Commission found that there was sufficient overlap such that there were barriers to the importation of WSS pressure pipe from China into countries other than the United States. The Commission found that these barriers created further incentives for the subject producers to direct exports to the U.S. market had the orders under review been revoked.<sup>143</sup>

Accordingly, the Commission found that the subject producers in China were likely, absent the restraining effects of the orders, to direct significant volumes of WSS pressure pipe to the U.S. market, as they did during the original investigations. It also found that the likely volume of subject imports, both in absolute terms and relative to consumption in the United States, would be significant if the orders were revoked.<sup>144</sup>

*Malaysia, Thailand, and Vietnam:* In the original investigations, the Commission found that the volume of cumulated subject imports was significant both in absolute terms and relative to consumption in the United States.<sup>145</sup> The share of apparent U.S. consumption held by cumulated subject imports, by quantity, decreased overall by 2.5 percentage points from 2011 to 2013.<sup>146</sup> The Commission found that the decline in the volume of cumulated subject imports between 2012 and 2013 was due at least in part to the filing of the petitions on May 16, 2013, and therefore gave reduced weight to that decline in its analysis.<sup>147</sup>

## 2. The Current Reviews

The record indicates that, on a cumulated basis, the cumulated subject industries have significant production capacity for the manufacture of stainless steel tubular goods, a category that includes WSS pressure pipe, and the record indicates that the cumulated subject industries in these countries are significant global exporters of these related products. Moreover, the subject imports have remained in the U.S. market, indicating subject producers' continued interest in supplying U.S. customers.

Subject producers in China, Malaysia, Thailand, and Vietnam did not participate or furnish information in these reviews. Most of the contemporaneous data about the subject industries have been provided by the Joint Domestic Producers, which provided published data on the subject industries and a list of producers in the subject countries believed to have

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<sup>143</sup> *First Review Determination - China*, USITC Pub. 4478 at 11.

<sup>144</sup> *First Review Determination - China*, USITC Pub. 4478 at 11.

<sup>145</sup> *Original Determination – Malaysia, Thailand, and Vietnam*, USITC Pub. 4477 at 16. The volume of cumulated subject imports was 18,007 short tons in 2011, 18,357 short tons in 2012, and 12,125 short tons in 2013. *Id.*

<sup>146</sup> *Original Determination – Malaysia, Thailand, and Vietnam*, USITC Pub. 4477 at 16. The share of apparent U.S. consumption held by cumulated subject imports was 27.2 percent in 2011, 27.6 percent in 2012, and 24.7 percent in 2013. *Id.*

<sup>147</sup> *Original Determination – Malaysia, Thailand, and Vietnam*, USITC Pub. 4477 at 16.

exported WSS pressure pipe in the current period of review.<sup>148</sup> These data available in the record show that subject producers continue to manufacture WSS pressure pipe and are significant global exporters of the wider category of stainless steel tubular goods.<sup>149</sup> The Joint Domestic Producers identified 14 Chinese producers, three Malaysian producers, three Thai producers, and four Vietnamese producers of WSS pressure pipe.<sup>150</sup> Available data indicate that throughout the period of review China, Malaysia, Thailand, and Vietnam were exporters of stainless steel tubular goods, a product that is broader than and includes the subject merchandise.<sup>151</sup>

At the end of the original period of investigation with respect to subject imports from China, subject imports had captured over \*\*\* of the domestic WSS pressure pipe market.<sup>152</sup> The volume and market share of subject imports from China declined sharply following the original period of investigation after imposition of the orders.<sup>153</sup> In 2013, at the end of the original period of investigation regarding Malaysia, Thailand, and Vietnam, cumulated subject imports from those three countries held nearly a quarter of the domestic WSS pressure pipe market. As occurred with imports from China, after the imposition of the orders, cumulated subject imports from the three subject countries declined sharply. Thus, all of the orders have had restraining effects on the subject imports. During the current period of review, cumulated subject imports from China, Malaysia, Thailand, and Vietnam were present in significantly reduced quantities; cumulated subject import volume ranged from a period low of 1,905 short tons in 2016 to a period high of 3,581 short tons in 2018.<sup>154</sup> In 2018, cumulated subject imports accounted for 4.3 percent of apparent U.S. consumption.<sup>155</sup> We find the limited presence of subject imports in the U.S. market during these reviews is a function of the discipline of the orders. The subject imports' continued presence in the U.S. market, however, suggests the subject producers have existing customer relationships and distribution networks through which they could quickly increase shipments to the United States in the event of revocation of the orders.

The available data indicate that the cumulated subject industries exported substantial volumes of stainless steel tubular goods throughout the world during the current review period. Available GTA data indicate that cumulated exports of stainless steel tubular goods from the subject countries increased by over 100,000 short tons from 2014 to 2018 and reached 287,200 short tons in 2018, a figure exceeding that year's apparent U.S. consumption

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<sup>148</sup> Joint Domestic Producer Response at 13-15 and Exs. 3 and 10; Cure Letter at 1-2; Final Comments at 9-10.

<sup>149</sup> CR at I-26 – I-35; PR at I-19 – I-27; Joint Domestic Producer Response at 13; Cure Letter at 1-2; Final Comments at 9-10.

<sup>150</sup> CR at I-26, I-28, I-30, and I-32; PR at I-19, I-21, I-23 and I-24.

<sup>151</sup> CR/PR at Table I-14.

<sup>152</sup> CR/PR at App. C, Table I-5.

<sup>153</sup> CR/PR at App. C, Table I-5.

<sup>154</sup> CR/PR at Table I-6.

<sup>155</sup> CR/PR at Table I-8.



of WSS pressure pipe.<sup>156</sup> Moreover, China is a leading global exporter of stainless steel tubular goods.<sup>157</sup>

Brazil has antidumping duty orders on certain welded stainless pipe and tube from all four subject countries and Turkey has antidumping duty orders on certain welded stainless pipe and tube from China, Malaysia, and Vietnam.<sup>158</sup>

In light of the foregoing, we conclude that the likely volume of cumulated subject imports, both in absolute terms and relative to consumption in the United States, would likely be significant if the orders were revoked.<sup>159</sup>

## **D. Likely Price Effects**

### **1. The Prior Proceedings**

*China:* In the original investigations, the Commission found that the subject imports consistently undersold the domestic like product throughout the 2005-2007 period of investigation, with underselling occurring in 73 percent of comparisons, often at large margins.<sup>160</sup> The Commission found that instances of overselling were limited, generally occurred after the petitions were filed, and involved smaller quantities of WSS pressure pipe.<sup>161</sup> In addition, instances of overselling were consistent with evidence on the record indicating that subject import prices were determined at the time of order rather than the time of sale, and therefore did not reflect substantial decreases in raw material prices that were reflected in domestic prices.<sup>162</sup> The Commission observed that the domestic industry's average unit sales value and average unit cost of goods sold ("COGS") both increased from 2005 to 2007.<sup>163</sup> Additionally, the domestic industry's COGS to net sales ratio declined from 95.4 percent in 2005 to 87.9 percent in 2007. In light of this, the Commission did not find that the subject imports had significant price-suppressing effects.<sup>164</sup> Because domestic prices increased over the 2005-

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<sup>156</sup> CR/PR at Tables I-7 and I-14. As previously discussed, available GTA data are not limited to in-scope merchandise.

<sup>157</sup> CR/PR at I-14.

<sup>158</sup> CR at I-34; PR at I-26. We note that despite the imposition of additional tariffs, subject imports from each country were present in the U.S. market in 2018. CR/PR at Table I-6. Additionally, purchasers reported that the section 232 tariffs, along with the imposition of multiple antidumping and countervailing duty orders, had created uncertainty in the market and constrained supply. One purchaser also reported that removal of the antidumping and countervailing duty orders at issue in these reviews would result in harm to U.S. producers. See CR/PR at D-4.

<sup>159</sup> Because of the expedited nature of these reviews, the record does not contain information about inventories of the subject merchandise or the capacity of the subject producers for product shifting during the current period of review.

<sup>160</sup> *Original Determination – China*, USITC Pub. 4064 at 23.

<sup>161</sup> *Original Determination – China*, USITC Pub. 4064 at 23.

<sup>162</sup> *Original Determination – China*, USITC Pub. 4064 at 23-24.

<sup>163</sup> *Original Determination – China*, USITC Pub. 4064 at 24.

<sup>164</sup> *Original Determination – China*, USITC Pub. 4064 at 24.

2007 period, the Commission did not find that subject imports significantly depressed domestic prices.<sup>165</sup> Rather, the Commission found that subject imports had adverse price effects on the domestic industry based on evidence of underselling and lost sales.<sup>166</sup>

In the first-five year reviews, there was no new product-specific pricing information on the record. The Commission found that price continued to be an important factor in purchasing decisions. In light of the underselling that occurred during the original investigations, the Commission found that, absent the orders, subject imports from China would likely undersell the domestic like product at high margins as they did during the original investigations. The Commission found that this would, in turn, likely cause the domestic producers to cut prices or restrain price increases or to lose sales.<sup>167</sup> Thus the Commission found that the subject imports would likely enter the United States at prices that would significantly depress or suppress U.S. prices if the orders were revoked.<sup>168</sup>

*Malaysia, Thailand, and Vietnam:* In the original investigations, the Commission found that the pricing data showed consistent and pervasive underselling by cumulated subject imports for all six pricing products on which the Commission collected data.<sup>169</sup> The Commission found the underselling by subject imports to be significant.<sup>170</sup>

The Commission found that the significant quantity of subject imports that were sold at lower prices than the domestic like product depressed the domestic industry's prices over the 2011-2013 period of investigation.<sup>171</sup> Although the Commission acknowledged that domestic WSS pressure pipe prices were affected in part by raw material cost changes, the Commission found that these could not fully explain the domestic industry's price declines.<sup>172</sup>

The Commission found that while the domestic industry's COGS declined, the industry's ratio of COGS to net sales increased. The industry's net sales value per short ton declined on absolute and percentage bases more sharply than its raw materials cost per ton. The negative effect of decreased prices was greater than the positive effect of decreased costs and expenses between 2011 and 2013.<sup>173</sup> Moreover, the Commission found that the timing of the decline in U.S. producers' prices in 2012 corresponded with increases in cumulated subject import volumes and market share, as well as pervasive underselling by cumulated subject imports.<sup>174</sup> Thus, the Commission found that, notwithstanding the decline in raw material costs, the cumulated subject imports depressed U.S. producers' prices to a significant degree.<sup>175</sup>

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<sup>165</sup> *Original Determination – China*, USITC Pub. 4064 at 24.

<sup>166</sup> *Original Determination – China*, USITC Pub. 4064 at 25.

<sup>167</sup> *First Review Determination - China*, USITC Pub. 4478 at 12.

<sup>168</sup> *First Review Determination - China*, USITC Pub. 4478 at 12.

<sup>169</sup> *Original Determination – Malaysia, Thailand, and Vietnam*, USITC Pub. 4477 at 17.

<sup>170</sup> *Original Determination – Malaysia, Thailand, and Vietnam*, USITC Pub. 4477 at 18.

<sup>171</sup> *Original Determination – Malaysia, Thailand, and Vietnam*, USITC Pub. 4477 at 19.

<sup>172</sup> *Original Determination – Malaysia, Thailand, and Vietnam*, USITC Pub. 4477 at 18.

<sup>173</sup> *Original Determination – Malaysia, Thailand, and Vietnam*, USITC Pub. 4477 at 18.

<sup>174</sup> *Original Determination – Malaysia, Thailand, and Vietnam*, USITC Pub. 4477 at 20.

<sup>175</sup> *Original Determination – Malaysia, Thailand, and Vietnam*, USITC Pub. 4477 at 20.

## 2. The Current Reviews

As stated above, we find that there continues to be a high degree of substitutability between the domestic like product and subject imports and price continues to be an important factor in purchasing decisions. The record does not contain new pricing data due to the expedited nature of these reviews. We have found, however, that the likely cumulated volume of subject imports from China, Malaysia, Thailand, and Vietnam would be significant if the orders were revoked.

In light of the continued importance of price in purchasing decisions, we find that cumulated subject imports would be likely to expand market share by entering the U.S. market at low prices if the orders were revoked. The likely significant cumulated volume of subject imports from China, Malaysia, Thailand, and Vietnam entering at low prices would likely require domestic producers to cut prices, forego price increases, or lose market share.

Accordingly, we conclude that subject imports would likely have significant price effects on domestic producers' WSS pressure pipe prices upon revocation of the orders.

### E. Likely Impact

#### 1. The Prior Proceedings

*China:* In the original investigations, the Commission found that performance indicia for the domestic industry generally declined.<sup>176</sup> Domestic production of WSS pressure pipe increased in 2006, but then declined in 2007 to levels lower than in 2005.<sup>177</sup> Inventories increased from 2005 to 2007.<sup>178</sup> The domestic industry was generally able to increase its production and capacity between 2005 and 2006, but still lost market share to subject imports, and lost additional market share between 2006 and 2007 despite increases in demand.<sup>179</sup>

The domestic industry's average number of production and related workers, hours worked, total wages, and productivity increased marginally between 2005 and 2006 before declining between 2006 and 2007.<sup>180</sup> Net sales by quantity followed a similar trend, increasing between 2005 and 2006, and then decreasing in 2007.<sup>181</sup> Net sales by value, however, increased, which the Commission found reflected higher prices for domestically produced WSS pressure pipe.<sup>182</sup> The Commission also found that the domestic industry's financial

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<sup>176</sup> *Original Determination – China*, USITC Pub. 4064 at 26.

<sup>177</sup> *Original Determination – China*, USITC Pub. 4064 at 26.

<sup>178</sup> *Original Determination – China*, USITC Pub. 4064 at 26.

<sup>179</sup> *Original Determination – China*, USITC Pub. 4064 at 27.

<sup>180</sup> *Original Determination – China*, USITC Pub. 4064 at 27.

<sup>181</sup> *Original Determination – China*, USITC Pub. 4064 at 27.

<sup>182</sup> *Original Determination – China*, USITC Pub. 4064 at 28.

performance improved during the 2005 to 2007 period of investigation.<sup>183</sup> Capital expenditures increased overall from 2005 to 2007.<sup>184</sup>

The Commission found that, given the decrease in shipments and capacity utilization levels, and the industry's lost sales, which occurred when volumes of low-priced subject imports were increasing, the improvement in the domestic industry's operating income did not merit as much weight as the other factors that it considered in its analysis.<sup>185</sup> The Commission thus concluded that subject imports from China had a significant adverse impact on the domestic industry.<sup>186</sup>

In the first five-year reviews, the Commission concluded that the limited record was insufficient for it to make a finding as to whether the domestic industry was vulnerable to the likely continuation or recurrence of material injury in the event of revocation of the orders.<sup>187</sup> However, based on the information on the record, the Commission found that should the orders be revoked, the likely significant volume and price effects of the subject imports would likely have a significant adverse impact on the production, shipments, sales, market share, and revenues of the domestic industry. These declines would likely have a direct adverse impact on the domestic industry's profitability and employment, as well as its ability to raise capital, and to make and maintain capital investments.<sup>188</sup>

In its non-attribution analysis, the Commission found there was evidence on the record that nonsubject imports from Malaysia, Thailand, and Vietnam had increased since the imposition of the orders on subject imports from China.<sup>189</sup> Nonetheless, the Commission found that given the likely significant volume and underselling of subject imports from China, the effects of nonsubject imports would be distinct from those of subject imports from China upon revocation of the orders under review.<sup>190</sup>

*Malaysia, Thailand, and Vietnam:* In the original investigations, the Commission found that, although the domestic industry showed some improvement in production, shipments, and

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<sup>183</sup> *Original Determination – China*, USITC Pub. 4064 at 29. The domestic industry's financial performance shifted from a \$3.6 million operating loss in 2005 to \$7.0 million in operating profits in 2006, and then to \$14.2 million in operating profits in 2007. *Id.*

<sup>184</sup> *Original Determination – China*, USITC Pub. 4064 at 29. Capital expenditures were \$2.7 million in 2005, \$1.5 million in 2006, and \$3.8 million in 2007. *Id.*

<sup>185</sup> *Original Determination – China*, USITC Pub. 4064 at 29.

<sup>186</sup> *Original Determination – China*, USITC Pub. 4064 at 29. The Commission examined the price and volume trends of nonsubject imports and concluded that such imports did not break the causal link between the material injury and subject imports from China. *Original Determination – China*, USITC Pub. 4064 at 30-31.

<sup>187</sup> *First Review Determination - China*, USITC Pub. 4478 at 13.

<sup>188</sup> *First Review Determination - China*, USITC Pub. 4478 at 13.

<sup>189</sup> At the time the record closed in the first five-year reviews regarding subject imports from China, the Commission was conducting its final phase of the antidumping duty investigations concerning imports of WSS pressure pipe from Malaysia, Thailand, and Vietnam that are under review in this proceeding. *First Review Determination - China*, USITC Pub. 4478 at 13.

<sup>190</sup> *First Review Determination - China*, USITC Pub. 4478 at 13.

market share during the 2011-2013 period, it displayed poor and worsening financial performance and incurred operating losses in each year of the period.<sup>191</sup>

The domestic industry's capacity, production, and capacity utilization all increased modestly from 2011 to 2013. The industry's employment-related indicators likewise showed increases, except for productivity, which declined.<sup>192</sup> Net sales, U.S. shipments, and the domestic industry's share of apparent U.S. consumption increased from 2011 to 2013.<sup>193</sup>

Despite the increase in net sales quantities, the industry's net sales value declined by 23.5 percent from 2011 to 2013.<sup>194</sup> Both operating income and the industry's operating margin declined from 2011 to 2013.<sup>195</sup>

The Commission found that the domestic industry's poor financial performance was not simply a result of lower prices for WSS pressure pipe reflecting reduced raw material costs but instead that subject imports drove competitive pressure through significant volumes and pervasive underselling. The Commission found that this pressure led the domestic industry to cut its prices by a greater magnitude than the decline in its raw material costs. Thus, the domestic industry's sales revenue declined by 23.5 percent between 2011 and 2013, despite an increase in shipments.<sup>196</sup> The Commission found these declining sales revenues, in turn, led to declines in the domestic industry's financial performance. The Commission found that the significant volume of subject imports led to operating losses for the domestic producers and had a significant impact on the domestic industry.<sup>197</sup>

In its non-attribution analysis, the Commission found that, because nonsubject imports declined on both absolute and relative bases during the 2011-2013 period and were largely subject to antidumping duty orders or other considerations imposing pricing discipline on them, the nonsubject imports were not responsible for the adverse price effects that the Commission found attributable to the subject imports. The Commission accordingly found that the cumulated subject imports had a significant impact on the domestic industry.<sup>198</sup>

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<sup>191</sup> *Original Determination – Malaysia, Thailand, and Vietnam*, USITC Pub. 4477 at 21.

<sup>192</sup> *Original Determination – Malaysia, Thailand, and Vietnam*, USITC Pub. 4477 at 21.

<sup>193</sup> *Original Determination – Malaysia, Thailand, and Vietnam*, USITC Pub. 4477 at 22. Net sales were 26,776 short tons in 2011, 27,518 short tons in 2012, and 28,818 short tons in 2013. U.S. shipments were 25,857 short tons in 2011, 26,794 short tons in 2012, and 28,530 short tons in 2013. The domestic industry's share of apparent U.S. consumption was 39.5 percent in 2011, 40.1 percent in 2012, and 45.1 percent in 2013. *Id.*

<sup>194</sup> *Original Determination – Malaysia, Thailand, and Vietnam*, USITC Pub. 4477 at 22. The domestic industry's net sales were \$139.0 million in 2011, \$127.3 million in 2012, and \$106.4 million in 2013. *Id.*

<sup>195</sup> *Original Determination – Malaysia, Thailand, and Vietnam*, USITC Pub. 4477 at 22. Operating income declined from a loss of \$4.1 million in 2011 to a loss of \$5.4 million in 2012, and then to a loss of \$10.7 million in 2013. The industry's operating margin was negative 3.0 percent in 2011, negative 4.3 percent in 2012, and negative 10.1 percent in 2013. *Id.*

<sup>196</sup> *Original Determination – Malaysia, Thailand, and Vietnam*, USITC Pub. 4477 at 22-23.

<sup>197</sup> *Original Determination – Malaysia, Thailand, and Vietnam*, USITC Pub. 4477 at 23.

<sup>198</sup> *Original Determination – Malaysia, Thailand, and Vietnam*, USITC Pub. 4477 at 23.

## 2. The Current Reviews

In these expedited reviews, the information available on the domestic industry's condition is limited to that which the domestic producers provided in their responses to the notice of institution. In 2018, the domestic industry's capacity was 65,967 short tons, its production was 30,909 short tons, and its capacity utilization rate was 46.9 percent.<sup>199</sup> Its U.S. shipments were 27,044 short tons, accounting for a 32.2 percent share of apparent U.S. consumption by quantity.<sup>200</sup> Net sales revenue was \$115.5 million, and operating income was \$9.8 million, equivalent to 8.5 percent of net sales.<sup>201</sup> The limited evidence in these expedited reviews is insufficient for us to make a finding on whether the domestic industry is vulnerable to the continuation or recurrence of material injury should the orders be revoked.

Based on the information available in these reviews, we find that revocation of the orders would likely lead to a significant volume of subject imports. To compete with the likely additional volumes of subject imports, the domestic industry would need to cut prices or forego needed price increases (leading to price depression or suppression) or lose sales and market share as it did in the original investigations. This would likely lead to reduced production, shipments, sales, and/or revenue. These reductions would, in turn, likely have a direct adverse impact on the domestic industry's profitability and employment levels, ability to raise capital and maintain capital investments, and research and development expenditures.

We have also considered the role of factors other than subject imports, including the presence of nonsubject imports, so as not to attribute likely injury from other factors to the subject imports. As previously discussed, nonsubject imports supplied the largest share of the market in 2018.<sup>202</sup> The volume of nonsubject imports decreased irregularly from 55,764 short tons in 2014 to 53,279 short tons in 2018.<sup>203</sup> There is no indication on the record of these reviews that the presence of nonsubject imports would prevent cumulated subject imports from significantly increasing their presence in the U.S. market in the event of revocation of the antidumping duty orders, as they did in the original investigations. Additionally, given the high degree of substitutability of WSS pressure pipe regardless of source, any increase in cumulated subject import volume and market penetration is likely to come, at least in part, at the expense of the domestic industry. In light of these considerations, we find that the likely effects attributable to the subject imports are distinguishable from any effects likely from nonsubject imports in the event of revocation.

Accordingly, we conclude that revocation of the countervailing duty order on WSS pressure pipe from China and revocation of the antidumping duty orders on WSS pressure pipe

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<sup>199</sup> CR/PR at Table I-5. Because of differences in industry coverage, the available domestic industry data for 2018 are not necessarily comparable to those reported in prior proceedings.

<sup>200</sup> CR/PR at Tables I-7 and I-8.

<sup>201</sup> CR/PR at Table I-5.

<sup>202</sup> CR/PR at Table I-8.

<sup>203</sup> CR/PR at Table I-6.

from China, Malaysia, Thailand, and Vietnam would likely have a significant impact on domestic producers of WSS pressure pipe within a reasonably foreseeable time.

## **V. Conclusion**

For the reasons stated above, we determine that revocation of the countervailing duty order on WSS pressure pipe from China and revocation of the antidumping duty orders on WSS pressure pipe from China, Malaysia, Thailand, and Vietnam would be likely to lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time.





## INFORMATION OBTAINED IN THESE REVIEWS

### BACKGROUND

On June 3, 2019, the U.S. International Trade Commission (“Commission”) gave notice, pursuant to section 751(c) of the Tariff Act of 1930, as amended (“the Act”),<sup>1</sup> that it had instituted a review to determine whether revocation of the antidumping and countervailing duty orders on welded stainless steel pressure pipe (“WSS pressure pipe”) from China and the antidumping duty orders on WSS pressure pipe from Malaysia, Thailand, and Vietnam would likely lead to the continuation or recurrence of material injury to a domestic industry.<sup>2</sup> All interested parties were requested to respond to this notice by submitting certain information requested by the Commission.<sup>3 4</sup> The following tabulation presents information relating to the background and schedule of this proceeding:

Effective date	Action
June 3, 2019	Notice of institution by Commission (84 FR 25567, June 3, 3019)
June 1, 2019	Notice of initiation by Commerce (84 FR 25741, June 4, 2019)
September 6, 2019	Scheduled date for Commission’s vote on adequacy
October 2, 2019	Commerce’s results of its expedited reviews
November 19, 2019	Commission’s determinations and views

### RESPONSES TO THE COMMISSION’S NOTICE OF INSTITUTION

#### Individual responses

The Commission received two submissions in response to its notice of institution in the subject reviews. They were filed on behalf of the following entities: (1) Bristol Metals, LLC

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<sup>1</sup> 19 U.S.C. 1675(c).

<sup>2</sup> *Welded Stainless Steel Pressure Pipe From China, Malaysia, Thailand, and Vietnam; Institution of Five-Year Reviews*, 84 FR 25567, June 3, 2019. In accordance with section 751(c) of the Act, the U.S. Department of Commerce (“Commerce”) published a notice of initiation of a five-year review of the subject antidumping and countervailing duty orders. *Initiation of Five-Year (Sunset) Reviews*, 84 FR 25741, June 4, 2019. Pertinent *Federal Register* notices are referenced in app. A, and may be found at the Commission’s website ([www.usitc.gov](http://www.usitc.gov)).

<sup>3</sup> As part of their response to the notice of institution, interested parties were requested to provide company-specific information. That information is presented in app. B. Summary data compiled in prior proceedings is presented in app. C.

<sup>4</sup> Interested parties were also requested to provide a list of three to five leading purchasers in the U.S. market for the subject merchandise. Presented in app. D are the responses received from purchaser surveys transmitted to the purchasers identified in the adequacy phase of this review.

(“Bristol”), Felker Brothers Corp. (“Felker”), and Webco Industries Inc. (“Webco”); and (2) Primus Pipe & Tube, Inc. (“Primus”), domestic producers of WSS pressure pipe (collectively referred to herein as “domestic interested parties”).

A complete response to the Commission’s notice of institution requires that the responding interested party submit to the Commission all the information listed in the notice. Responding firms are given an opportunity to remedy and explain any deficiencies in their responses. A summary of the number of responses and estimates of coverage for each is shown in table I-1.

**Table I-1**  
**WSS pressure pipe: Summary of responses to the Commission’s notice of institution**

Type of interested party	Completed responses	
	Number	Coverage
Domestic:		
U.S. producer	2	Vast majority <sup>1</sup>

<sup>1</sup> In their responses to the notice of institution Bristol, Felker, and Webco estimated that they account for \*\*\* percent of total U.S. production of WSS pressure pipe during 2018, while Primus estimated it accounted for \*\*\* percent. Bristol, Felker, and Webco’s response to the notice of institution, May 1, 2019, p. 20; and Primus’ response to the notice of institution, July 3, 2019, p. 4.

**Party comments on adequacy**

The Commission received one submission commenting on the adequacy of responses to the notice of institution and whether the Commission should conduct expedited or full reviews. The submission was filed on behalf of domestic interested parties Bristol, Felker, and Webco.<sup>5</sup>

The domestic interested parties argued that the Commission should find the respondent interested party group response to be inadequate because there was no submission by any respondent interested party. Because of the inadequate response by the respondent interested parties, and the fact that there is no evidence of any significant change in the conditions of competition or any other factors that would warrant full reviews, the domestic producers request that the Commission conduct an expedited review of the antidumping and countervailing duty orders on WSS pressure pipe from China, Malaysia, Thailand, and Vietnam.<sup>6</sup>

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<sup>5</sup> Bristol, Felker, and Webco’s party comments on adequacy, August 15, 2019, p.4.

<sup>6</sup> Ibid, p.4.

## THE ORIGINAL INVESTIGATION AND SUBSEQUENT REVIEWS

### The original investigations

#### China

The original investigations resulted from a petition filed on January 30, 2008, with Commerce and the Commission by Bristol, Bristol, Tennessee; Felker, Marshfield, Wisconsin; Marcegaglia USA Inc., Munhall, Pennsylvania; Outokumpu Stainless Pipe, Inc., Schaumburg, Illinois; and The United Steel Workers, Pittsburgh, Pennsylvania. On January 28, 2009, Commerce determined that imports of WSS pressure pipe from China were being sold at less than fair value (“LTFV”) and subsidized by the Government of China.<sup>7</sup> The Commission determined on March 11, 2009 that the domestic industry was materially injured by reason of LTFV and subsidized imports of WSS pressure pipe from China.<sup>8</sup> On March 17, 2009, Commerce issued its antidumping and countervailing duty orders with the final weighted-average dumping margins ranging from 10.53 to 55.21 percent and net subsidy rates ranging from 1.10 and 299.16 percent.<sup>9</sup>

#### Malaysia, Thailand, and Vietnam

The original investigations resulted from a petition filed on May 16, 2013, with Commerce and the Commission by Bristol, Bristol, Tennessee; Felker, Marshfield, Wisconsin; Marcegaglia USA Inc., Munhall, Pennsylvania; and Outokumpu Stainless Pipe, Inc., Schaumburg, Illinois. On May 30, 2014, Commerce determined that imports of WSS pressure pipe from Malaysia, Thailand, and Vietnam were being sold at less than fair value (“LTFV”).<sup>10</sup> The Commission determined on July 14, 2014 that the domestic industry was materially injured by

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<sup>7</sup> *Circular Welded Austenitic Stainless Pressure Pipe from the People’s Republic of China: Final Determination of Sales at Less Than Fair Value*, 74 FR 4913, January 28, 2009 and *Circular Welded Austenitic Stainless Pressure Pipe from People’s Republic of China: Final Affirmative Countervailing Duty Determination*, 74 FR 4936, January 28, 2009.

<sup>8</sup> *Welded Stainless Steel Pressure Pipe from China: Determination*, 74 FR 11378, March 17, 2009.

<sup>9</sup> *Antidumping Duty Order: Circular Welded Austenitic Stainless Pressure Pipe from the People’s Republic of China*, 74 FR 11351, March 17, 2009 and *Circular Welded Austenitic Stainless Pressure Pipe from People’s Republic of China: Countervailing Duty Order*, 74 FR 11712, March 19, 2009; and *Circular Welded Austenitic Stainless Pressure Pipe from People’s Republic of China: Final Affirmative Countervailing Duty Determination*, 74 FR 4936, January 28, 2009.

<sup>10</sup> *Welded Stainless Pressure Pipe From Malaysia: Final Determination of Sales at Less Than Fair Value and Final Affirmative Determination of Critical Circumstances, in Part; 2012–2013*, 79 FR 31090, May 30, 2014; *Welded Stainless Pressure Pipe From Thailand: Final Determination of Sales at Less Than Fair Value*, 79 FR 31093, May 30, 2014; and *Welded Stainless Pressure Pipe From the Socialist Republic of Vietnam: Final Determination of Sales at Less Than Fair Value*, 79 FR 31092, May 30, 2014.

reason of LTFV imports of WSS pressure pipe from Malaysia, Thailand, and Vietnam.<sup>11</sup> On July 21, 2014, Commerce issued its antidumping duty orders with the final weighted-average dumping margins ranging from 22.70 to 167.11 percent (Malaysia), 23.89 to 24.01 percent (Thailand), and 16.25 percent (Vietnam).<sup>12</sup>

### **The first five-year reviews**

#### **China**

On May 9, 2014, the Commission determined that it would conduct expedited reviews of the antidumping and countervailing duty orders on WSS pressure pipe from China.<sup>13</sup> On June 9, 2014, Commerce published its determination that revocation of the antidumping and countervailing duty orders on WSS pressure pipe from China would be likely to lead to continuation or recurrence of dumping and countervailable subsidies.<sup>14</sup> On July 7, 2014, the Commission notified Commerce of its determination that material injury would be likely to continue or recur within a reasonably foreseeable time.<sup>15</sup> Following affirmative determinations in the five-year reviews by Commerce and the Commission, Commerce issued a continuation of the antidumping and countervailing duty orders on imports of WSS pressure pipe from China, effective July 23, 2014 and August 12, 2014, respectively.<sup>16</sup>

#### **Malaysia, Thailand, and Vietnam**

These are the first five-year reviews of the antidumping duty orders on WSS pressure pipe imports from Malaysia, Thailand, and Vietnam.

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<sup>11</sup> *Welded Stainless Steel Pressure Pipe from Malaysia, Thailand, and Vietnam*, 79 FR 43511, July 25, 2014.

<sup>12</sup> *Welded Stainless Pressure Pipe From Malaysia, Thailand, and the Socialist Republic of Vietnam: Antidumping Duty Orders*, 79 FR 42289, July 21, 2014.

<sup>13</sup> *Welded Stainless Steel Pressure Pipe from China*, 79 FR 30877, May 29, 2014.

<sup>14</sup> *Circular Welded Austenitic Stainless Pressure Pipe From the People's Republic of China: Final Results of the Expedited First Sunset Review of the Antidumping Duty Order*, 79 FR 32913, June 9, 2014; and *Circular Welded Austenitic Stainless Pressure Pipe From the People's Republic of China: Final Results of Expedited Sunset Review of the Countervailing Duty Order*, 79 FR 32911, June 9, 2014..

<sup>15</sup> *Welded Stainless Steel Pressure Pipe From China*, 79 FR 40779, July 14, 2014.

<sup>16</sup> *Circular Welded Austenitic Stainless Pressure Pipe From the People's Republic of China: Continuation of Antidumping Duty Order*, 79 FR 42760, July 23, 2014; and *Continuation of Countervailing Duty Order: Circular Welded Austenitic Stainless Pressure Pipe From the People's Republic of China*, 79 FR 47089, August 12, 2014.

## PREVIOUS AND RELATED INVESTIGATIONS

### Title VII investigations

The Commission has conducted several previous import investigations (and subsequent reviews) on welded stainless steel pipe and tube, including ASTM A-312 pipe, a product that was defined both more broadly and narrowly than was WSS pressure pipe in these reviews.<sup>17</sup> Table I-2 presents data on previous and related investigations.

**Table I-2**  
**WSS pressure pipe: Previous and related Commission proceedings**

Product	Inv. No.	Year	Country	Original determination	Status
Welded stainless steel pipe and tube	AA1921-180	1978	Japan	Negative	( <sup>1</sup> )
Welded stainless steel pipe and tube excluding grade 409 pipe	701-TA-281	1986	Sweden	Negative	( <sup>1</sup> )
	731-TA-354	1986	Sweden	Negative	( <sup>1</sup> )
	731-TA-540 <sup>2</sup>	1991	Korea	Affirmative	Order in place
	731-TA-541 <sup>2</sup>	1991	Taiwan	Affirmative	Order in place <sup>3</sup>
Welded stainless steel pressure pipe	701-TA-548	2016	India	Affirmative	Order in place
	731-TA-1298	2016	India	Affirmative	Order in place

<sup>1</sup> Not applicable.

<sup>2</sup> On July 1, 1999, the Commission instituted the first five-year review of the antidumping duty orders, and on September 22, 2000, the Commission made an affirmative determination. On September 1, 2005, the Commission instituted the second five-year review of the antidumping duty orders, and on August 16, 2006, the Commission made an affirmative determination. On July 1, 2011, the Commission instituted the third five-year review of the antidumping duty orders, and on November 17, 2011 made an affirmative determination. On November 1, 2016, the Commission instituted the fourth five-year review of the antidumping duty orders, and on May 12, 2017 made an affirmative determination.

<sup>3</sup> Chang Tieh (later Chang Mien) was excluded from the original order, and the order for Ta Chen was revoked effective June 26, 2000, on merchandise entered on or after December 1, 1998.

Source: U.S. International Trade Commission publications.

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<sup>17</sup> The product scope of the orders on A-312 pipe from Korea and Taiwan is narrower than that of WSS pressure pipe because it does not include A-778 pipe. It is broader in that it includes pipe greater than 14 inches outside diameter. Although the A-312 specification includes seamless pipe, the product scope of the orders on A-312 pipe from Korea and Taiwan does not include seamless pipe.

## Safeguard investigations

Following receipt of a request from the Office of the United States Trade Representative (“USTR”) on June 22, 2001, the Commission instituted investigation No. TA-201-73, Steel, under section 202 of the Trade Act of 1974<sup>18</sup> to determine whether certain steel products, including stainless steel welded tubular products,<sup>19</sup> were being imported into the United States in such increased quantities as to be a substantial cause of serious injury, or the threat thereof, to the domestic industries producing articles like or directly competitive with the imported article.<sup>20</sup> On July 26, 2001, the Commission received a resolution adopted by the Committee on Finance of the U.S. Senate (“Senate Finance Committee” or “Committee”) requesting that the Commission investigate certain steel imports under section 201 of the Trade Act of 1974.<sup>21</sup> Consistent with the Senate Finance Committee’s resolution, the Commission consolidated the investigation requested by the Committee with the Commission’s previously instituted investigation No. TA-201-73.<sup>22</sup> On December 20, 2001, the Commission issued its determinations and remedy recommendations. The Commission made a unanimous negative determination with respect to stainless steel welded tubular products.<sup>23</sup>

## ACTIONS AT COMMERCE

Commerce has not conducted any changed circumstances reviews, or issued anti-circumvention findings, since the completion of the last proceeding. In addition, Commerce has not issued any duty absorption findings or any company revocations since the imposition of the order.

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<sup>18</sup> 19 U.S.C. § 2252.

<sup>19</sup> Stainless steel welded tubular products were found to be a single ‘like or directly competitive’ product. Steel, Inv. No. TA-201-73, Volume I: Determinations and Views of Commissioners, USITC Publication 3479, December 2001, p. 16.

<sup>20</sup> Institution and Scheduling of an Investigation under Section 202 of the Trade Act of 1974 (19 U.S.C. 2252) (the Act), 66 FR 35267, July 3, 2001.

<sup>21</sup> 19 U.S.C. § 2251.

<sup>22</sup> Consolidation of Senate Finance Committee Resolution Requesting a Section 201 Investigation with the Investigation Requested by the United States Trade Representative on June 22, 2001, 66 FR 44158, August 22, 2001.

<sup>23</sup> *Steel; Import Investigations*, 66 FR 67304, December 28, 2001.

## Scope rulings

Commerce has made one scope ruling since imposition of the orders, as indicated in table I-3.

**Table I-3**

**WSS pressure pipe: Commerce's scope rulings**

<b>Requestor</b>	<b>Product to be excluded</b>	<b>Commerce ruling</b>	<b><i>Federal Register cite</i></b>
SinoStruct Proprietary Limited (Sinostruct).	Pipe spools produced in China by SinoStruct entirely from components produced in third countries	Granted	84 FR 33915 July 16, 2019

Source: *Notice of Scope Rulings*, 84 FR 33915, July 16, 2019.

## Current five-year reviews

Commerce is conducting expedited reviews with respect to WSS pressure pipe from China, Malaysia, Thailand, and Vietnam and intends to issue the final results of these reviews based on the facts available not later than October 2, 2019.<sup>24</sup>

## THE PRODUCT

### Commerce's scope

In the current proceeding, Commerce has defined the scope as follows:

The products covered by these orders are circular welded austenitic stainless pressure pipe not greater than 14 inches in outside diameter. For purposes of these orders, references to size are in nominal inches and include all products within tolerances allowed by pipe specifications. This merchandise includes, but is not limited to, the American Society for Testing and Materials (ASTM) A-312 or ASTM A-778 specifications, or comparable domestic or foreign specifications. ASTM A-358 products are only included when they are produced to meet ASTM A-312 or ASTM A-778 specifications, or comparable domestic or foreign specifications.

Excluded from the scope are: (1) Welded stainless mechanical tubing, meeting ASTM A-554 or comparable domestic or foreign specifications; (2) boiler, heat exchanger, superheater, refining furnace, feedwater heater, and condenser tubing, meeting ASTM

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<sup>24</sup> Letter from Erin Begnal, Director, AD/CVD Operations, Enforcement and Compliance, U.S. Department of Commerce, to Nannette Christ, Director, Office of Investigations, July 29, 2019.

A-249, ASTM A-688 or comparable domestic or foreign specifications; and (3) specialized tubing, meeting ASTM A269, ASTM A-270 or comparable domestic or foreign specifications.

The subject imports are normally classified in subheadings 7306.40.5005, 7306.40.5040, 7306.40.5062, 7306.40.5064, and 7306.40.5085 of the Harmonized Tariff Schedule of the United States (HTSUS). They may also enter under HTSUS subheadings 7306.40.1010, 7306.40.1015, 7306.40.5042, 7306.40.5044, 7306.40.5080, and 7306.40.5090. The HTSUS subheadings are provided for convenience and customs purposes only; the written description of the scope of these investigations is dispositive.<sup>25</sup>

### **U.S. tariff treatment**

WSS pressure pipe is currently imported under Harmonized Tariff Schedule of the United States (“HTSUS” or “HTS”) statistical reporting numbers 7306.40.5005, 7306.40.5040, 7306.40.5062, 7306.40.5064, and 7306.40.5085.<sup>26</sup> The subject merchandise may also be imported under HTSUS statistical reporting numbers 7306.40.1010, 7306.40.1015, 7306.40.5042, 7306.40.5044, 7306.40.5080, and 7306.40.5090.<sup>27</sup> WSS pressure pipe imported from China, Malaysia, Thailand, and Vietnam enters the U.S. market at a column-1 general duty rate of “free.”<sup>28</sup> Decisions on the tariff classification and treatment of imported goods are within the authority of U.S. Customs and Border Protection.

### **Sections 232 and 301 tariff treatment**

HTS heading 7306 was included in the enumeration of steel mill products that are subject to the additional 25 percent ad valorem national-security duties under Section 232 of the Trade Expansion Act of 1962, as amended (19 U.S.C. 1862).<sup>29</sup> See also U.S. notes 16(a) and 16(b) to subchapter III of chapter 99.<sup>30</sup>

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<sup>25</sup> *Welded Stainless Pressure Pipe From Malaysia, Thailand, and the Socialist Republic of Vietnam: Antidumping Duty Orders*, 79 FR 42289, July 21, 2014.

<sup>26</sup> These HTS statistical reporting numbers are believed to include primarily subject products but also include some quantities of nonsubject products.

<sup>27</sup> *Welded Stainless Steel Pressure Pipe From Malaysia, Thailand, and Vietnam; Scheduling of the Final Phase of an Antidumping Investigations*, 79 FR 11126, February 27, 2014. Three U.S. importers reported importing subject products under these HTS statistical reporting numbers.

<sup>28</sup> *HTSUS (2019) Revision 11*, USITC Publication 4948, August 2019, ch. 73, p. 17.

<sup>29</sup> *Imports of Steel Mill Articles (Steel Articles) Under Section 232 of the Trade Expansion Act of 1962, As Amended (19 U.S.C.1862)*, Presidential Proclamation 9705, March 8, 2018, 83 FR 11625, March 15, 2018.

<sup>30</sup> *HTSUS (2019) Revision 11*, USITC Publication 4948, August 2019, ch. 99, pp. 99-III-5 - 99-III-6, 99-III-76 - 99-III-83.



WSS pressure pipe from China are not currently subject to section 301 tariffs. The proposed “list 4” tariffs released May 17, 2019 would cover WSS pressure pipe<sup>31</sup> and is scheduled to be implemented September 1, 2019.<sup>32</sup>

### **Description and uses<sup>33</sup>**

WSS pressure pipe refers to welded pipe of austenitic stainless steel not greater than 14 inches in outside diameter (“O.D.”). The subject pipe is of circular cross-section, produced in relatively few standard sizes, designated by nominal diameter and wall thickness, and is designed for use with standard pipe fittings. Pressure pipe is used to convey fluids at high temperatures, high pressures, or both. The subject pipe is produced to exact O.D. and wall thickness, and to specifications A-312 and A-778 of the American Society for Testing and Materials (“ASTM”) or to similar specifications, either foreign or domestic.

Stainless steel is a general class of steels that contains at least 10.5 percent of chromium by weight. Chromium gives stainless steel its excellent resistance to corrosion and good strength at high temperatures and pressure. For these reasons, it is used in corrosive environments, under high temperature and pressure conditions, or where cleanliness and ease of maintenance are strictly required. Although there are various types of stainless steels, the product subject to these investigations is made from the austenitic class of stainless steels, which has excellent corrosion resistance, unusually good formability, and increases in strength as a result of cold working (changes to the shape or structure of steel, for example by rolling or drawing, without the application of heat). The subject pipe is generally made from austenitic grades 304 and 316 stainless steels. Grade 304, containing 18-20 percent chromium and 8-10.5 percent nickel, is the most widely used austenitic grade and is resistant to food-processing environments (except possibly for high-temperature conditions involving high acid or chloride contents), organic chemicals, and a wide variety of inorganic chemicals. Grade 316 contains 16-18 percent chromium, 10-14 percent nickel, and 2-3 percent molybdenum. The higher nickel and molybdenum content provides better corrosion resistance to grade 316 compared to grade 304 stainless steels.

As mentioned earlier, WSS pressure pipe is generally made to ASTM specifications A-312 or A-778. The A-312 specification covers seamless and straight-seam welded and heavily cold-

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<sup>31</sup> *Request for Comments Concerning Proposed Modification of Action Pursuant to Section 301: China's Acts, Policies, and Practices Related to Technology Transfer, Intellectual Property, and Innovation*, 84 FR 22564, May 17, 2019.

<sup>32</sup> USTR, *Notice of Modification of Section 301 Action: China's Acts, Policies, and Practices Related to Technology Transfer, Intellectual Property, and Innovation*, 84 FR 43304, August 20, 2019.

<sup>33</sup> Unless otherwise noted, this information is based on *Welded Stainless Steel Pressure Pipe from China, Investigation Nos. 701-TA-454 and 731-TA-1144 (Final)*, USITC Publication 4064, March 2009, pp. I-7 – I-10; *Welded Stainless Steel Pressure Pipe from China, Investigation Nos. 701-TA-454 and 731-TA-1144 (Expedited Review)*, USITC Publication 4478, July 2014, pp. I-6 – I-7; and *Welded Stainless Steel Pressure Pipe from Malaysia, Thailand and Vietnam, Inv. 731-TA-1210-1212 (Final)*, USITC Publication 4477, July 2014, pp. I-8 through I-9.

worked welded austenitic stainless steel pipe intended for high-temperature and general corrosive service. Welded A-312 pipe must be annealed (heat treated) after welding. ASTM A-778 is a standard specification for welded, unannealed austenitic stainless steel tubular products. ASTM A-778 pipe is similar to A-312 pipe, but differs in the welding process and in that A-778 post-weld annealing of the pipe is not required. The A-778 specification is designed for low and moderate temperatures and corrosive service where heat treatment is not necessary for corrosion resistance.

WSS pressure pipe is used by a variety of end-use industries including petrochemicals, oil and gas, manufacturing, chemical fluid handling, and water treatment.

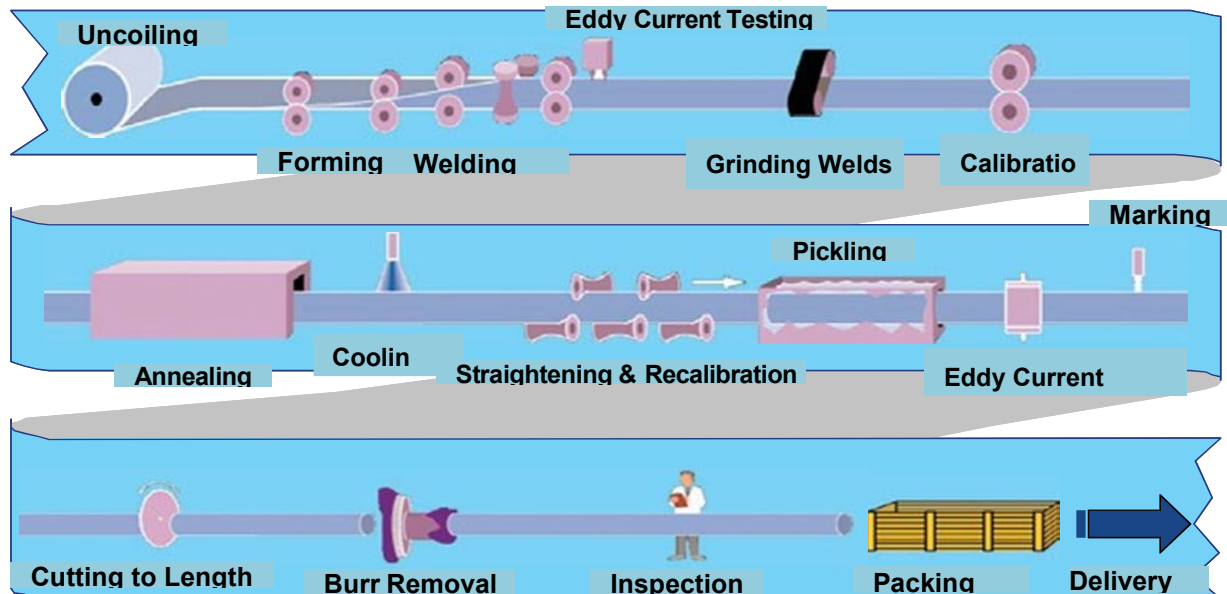
### **Manufacturing process<sup>34</sup>**

Production of WSS pressure pipe is a two-stage process of forming the tubular shape, followed by welding the product. The continuous-mill process, which is the principal method of producing WSS pressure pipe (figure I-1), begins with coils of stainless-steel sheet, strip, or plate. Coiled steel, of a width essentially corresponding to the circumference of the pipe to be produced, is mounted in an uncoiler and fed into a series of paired forming rolls. As the stainless steel progresses through the rolls, its cross-sectional profile is formed into a tubular shape with the butted edges along its length ready for (longitudinal) welding. During the last proceeding, domestic producers' facilities included several continuous-weld mill lines, with each dedicated to a limited range of pipe diameters.

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<sup>34</sup> Unless otherwise noted, this information is based on *Welded Stainless Steel Pressure Pipe from China*, Investigation Nos. 701-TA-454 and 731-TA-1144 (Final), USITC Publication 4064, March 2009, pp. I-10 through I-11; *Welded Stainless Steel Pressure Pipe from China*, Investigation Nos. 701-TA-454 and 731-TA-1144 (Expedited Review), USITC Publication 4478, July 2014, pp. I-7 through I-8; and *Welded Stainless Steel Pressure Pipe from Malaysia, Thailand and Vietnam*, Inv. 731-TA-1210-1212 (Final), USITC Publication 4477, July 2014, pp. I-9 through I-11.

**Figure I-1**  
**WSS pressure pipe: Manufacturing process**



Note.—Although this figure presents the manufacturing process as generally used, not all WSS pressure pipe manufacturers perform every step displayed in the figure or might not perform them in the exact order shown.

Source: *Welded Stainless Steel Pressure Pipe from Malaysia, Thailand, and Vietnam, Inv. 731-TA-1210-1212 (Final)*, USITC Publication 4477, July 2014, p. I-10.

In the welding stage, the butt edges are welded together by an automatic welding machine using either the tungsten-inert-gas (“TIG”) welding process, the plasma welding process, or the laser welding process. These methods do not require filler material, provides complete fusion of the butted edges, and shields the weld area with inert gas to prevent oxidation. In the TIG welding process, welding heat is provided by an electric arc between a tungsten electrode and the pipe edges. The plasma welding process is similar to the TIG process in that the (gaseous) plasma is heated as it passes through an arc torch, which is created by an electrode within a nozzle. In the laser welding process, a laser beam is directed to the butt-weld joint forming a deep-penetration fusion weld. The laser process is capable of a higher speed of operation than either the TIG process or plasma process.

Next, the welded pipe sequentially undergoes grinding of the outside welding seam, calibration of pipe diameter, in-line annealing in a non-oxidizing atmosphere, cooling, straightening, removal of surface scale (pickling), and finally, cutting to length. During the manufacturing process, the pipe may be marked with American Petroleum Institute (API) Specification 5CT or specifications by ASTM and is visually inspected and/or undergoes other types of inspections, such as eddy current testing.

## THE INDUSTRY IN THE UNITED STATES

### U.S. producers

During the final phase of the original investigations on WSS pressure pipe imports from China, the Commission received complete U.S. producer questionnaires from five firms, which accounted for approximately \*\*\* percent of production of WSS pressure pipe in the United States during 2007.<sup>35</sup> Three other firms provided partial information, including their production quantities of WSS pressure pipe.<sup>36</sup>

During the final phase of the original investigations on WSS pressure pipe imports from Malaysia, Thailand, and Vietnam, the Commission received U.S. producer questionnaires from five firms, which accounted for the vast majority of production of WSS pressure pipe in the United States in 2013.<sup>37</sup>

During the expedited first five-year reviews on WSS pressure pipe imports from China, the Commission received one response to the notice of institution from three firms, which accounted for approximately \*\*\* percent of production of WSS pressure pipe in the United States during 2013. These firms identified four additional producers believed to produce WSS pressure pipe in the United States. These seven producers were the same producers as reported in the original investigations.<sup>38</sup>

In response to the Commission's notice of institution in these current reviews, domestic interested parties provided a list of four additional known and currently operating U.S. producers of WSS pressure pipe.<sup>39</sup>

### Recent developments

Since 2013, the following developments have occurred in the domestic WSS pressure pipe industry (table I-4).

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<sup>35</sup> *Investigation Nos. 701-TA-454 and 731-TA-1144 (Final): Welded Stainless Steel Pressure Pipe from China—Staff Report*, INV-GG-009, February 5, 2009, pp. I-4.

<sup>36</sup> *Welded Stainless Steel Pressure Pipe from China*, Investigation Nos. 701-TA-454 and 731-TA-1144 (Final), USITC Publication 4064, March 2009, p. I-3, n.2.

<sup>37</sup> *Welded Stainless Steel Pressure Pipe from Malaysia, Thailand, Vietnam, Inv. Nos. 731-TA-1210-1212 (Final)*, USITC Publication 4477, July 2014, p. III-1.

<sup>38</sup> *Investigation Nos. 701-TA-454 and 731-TA-1144 (Review): Welded Stainless Steel Pressure Pipe from China—Staff Report*, INV-14-056, June 9, 2014, p. I-13 and tables I-2 and I-3. The eighth producer from the original investigations, Swepco, was not identified as a current U.S. producer of WSS pressure pipe by the three U.S. producers responding to the Commission's notice of institution in the first five-year review regarding China. *Id.* at I-13, n.36.

<sup>39</sup> Bristol, Felker, and Webco's response to the notice of institution, July 3, 2019, pp. 19-20 and Exhibit 6.

**Table I-4**  
**WSS pressure pipe: Recent developments in the U.S. industry**

Year	Firm	Recent events
August 2017	Outokumpu: Stainless	Outokumpu sold its Wildwood, Florida pipe plant to the Taiwanese company Ta Chen Stainless Pipe Ltd. The transaction cost approximately \$25 million euros. <sup>1</sup>
May 2018	Bristol Metals LLC	Synalloy subsidiary Bristol Metals LLC, acquired the galvanized tube operation of Marcegaglia USA, Munhall, Pennsylvania. Its \$10.0 million purchase mainly includes the galvanized tube manufacturing equipment and inventory assets of the business. <sup>2</sup>

<sup>1</sup> Bristol, Felker, and Webco's response to the notice of institution, July 3, 2019, exhibit 8, pp. 1-5.

<sup>2</sup> Bristol, Felker, and Webco's response to the notice of institution, July 3, 2019, exhibit 7, pp. 1-7.

Sources: As cited.

### **U.S. producers' trade and financial data**

The Commission asked domestic interested parties to provide trade and financial data in their response to the notice of institution of the current five-year reviews.<sup>40</sup> Table I-5 presents a compilation of the data submitted from all responding U.S. producers as well as trade and financial data submitted by U.S. producers in the original investigations and subsequent reviews.

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<sup>40</sup> Individual company trade and financial data are presented in app. B.

**Table I-5**  
**WSS pressure pipe: Trade and financial data submitted by U.S. producers, 2007, 2013, and 2018**

Item	2007	2013	2018
Capacity (short tons)	***	57,817	65,967
Production (short tons)	***	28,456	30,909
Capacity utilization (percent)	***	49.2	46.9
Total U.S. shipments:			
Quantity (short tons)	***	28,530	27,044
Value (\$1,000)	***	104,692	116,097
Unit value (short tons)	***	3,670	4,293
Net sales (\$1,000)	194,820	106,358	115,543
COGS (\$1,000)	171,200	108,392	98,609
COGS/net sales	87.9	101.9	85.3
Gross profit or (loss) (\$1,000)	23,620	(2,034)	16,935
SG&A expenses (loss) (\$1,000)	9,416	8,685	7,125
Operating income/(loss) (\$1,000)	14,204	(10,719)	9,807
Operating income (loss)/net sales (percent)	7.3	(10.1)	8.5

Source: For the year 2007, data are compiled using data submitted in the Commission's final investigation on WSS pressure pipe imports from China. For the year 2013, data are compiled using data submitted in the Commission's final investigation on WSS pressure pipe imports from Malaysia, Thailand, and Vietnam. See *app C*. For the year 2018, data are compiled using data submitted by domestic interested parties. Bristol, Felker, and Webco's response to the notice of institution, July 3, 2019, exh. 1; and Primus' response to the notice of institution, July 3, 2019, pp. 4-5.

#### **DEFINITIONS OF THE DOMESTIC LIKE PRODUCT AND DOMESTIC INDUSTRY**

The domestic like product is defined as the domestically produced product or products, which are like, or in the absence of like, most similar in characteristics and uses with, the subject merchandise. The domestic industry is defined as the U.S. producers as a whole of the domestic like product, or those producers whose collective output of the domestic like product constitutes a major proportion of the total domestic production of the product. Under the related parties provision, the Commission may exclude a related party for purposes of its injury determination if "appropriate circumstances" exist.<sup>41</sup>

In its original and expedited first five-year review determinations, the Commission defined the domestic like product as coextensive with the scope of the investigations. It also defined the domestic industry as all domestic producers of WSS pressure pipe.<sup>42</sup>

<sup>41</sup> Section 771(4)(B) of the Tariff Act of 1930, 19 U.S.C. § 1677(4)(B).

<sup>42</sup> *Welded Stainless Steel Pressure Pipe from China*, Investigation Nos. 701-TA-454 and 731-TA-1144 (Final), USITC Publication 4064, March 2009, p. I-8; *Welded Stainless Steel Pressure Pipe from China, Inv.*

(continued...)

In its notice of institution for these reviews, the Commission solicited comments from interested parties regarding what they deemed to be the appropriate definitions of the domestic like product and domestic industry and inquired as to whether any related parties issues existed. According to their responses to the notice of institution, the domestic interested parties agreed with the Commission's definitions of the domestic like product and domestic industry as stated in the original investigations and expedited reviews.<sup>43</sup> A domestic interested party cited a potential related party issue. Primus is affiliated with Ta Chen Stainless Steel Pipe, Ltd. ("Ta Chen"), which produces WSS pressure pipe in Taiwan; some of its WSS pressure pipe is exported to the U.S. and imported by U.S. affiliate Ta Chen International.<sup>44</sup>

## U.S. IMPORTS AND APPARENT U.S. CONSUMPTION

### U.S. importers

During the final phase of the original investigations on WSS pressure pipe from China, the Commission received U.S. importer questionnaires from 14 companies believed to account for more than \*\*\* percent of U.S. imports from China.<sup>45</sup>

During the final phase of the original investigations on WSS pressure pipe from Malaysia, Thailand, and Vietnam, the Commission received U.S. importer questionnaires from 13 firms, which accounted for the majority of total U.S. imports of WSS pressure pipe from Malaysia, Thailand, and Vietnam between 2011 and 2013.<sup>46</sup>

Although the Commission did not receive responses from any respondent interested parties in these current reviews, in its response to the Commission's notice of institution, the domestic interested parties provided a list of 21 potential U.S. importers of WSS pressure pipe.<sup>47</sup>

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(...continued)

Nos. 701-TA-454 and 731-TA-1144 (*Expedited Review*), USITC Publication 4478, July 2014, pp. 4-5; and *Welded Stainless Steel Pressure Pipe from Malaysia, Thailand, Vietnam, Inv. Nos. 731-TA-1210-1212 (Final)*, USITC Publication 4477, July 2014, p. -8, n. 17. During the original investigations on WSS pressure pipe from China, the Commission considered whether to define the domestic like product broader than the scope to include large-diameter pressure pipes. *Welded Stainless Steel Pressure Pipe from China*, Investigation Nos. 701-TA-454 and 731-TA-1144 (*Final*), USITC Publication 4064, March 2009, pp. 7-13.

<sup>43</sup> Bristol, Felker, and Webco's response to the notice of institution, July 3, 2019, pp. 20-22; and *Primus' response to staff cure letter*, July 30, 2019, p. 3.

<sup>44</sup> *Primus' response to staff cure letter*, July 30, 2019, p.2.

<sup>45</sup> *Investigation Nos. 701-TA-454 and 731-TA-1144 (Final): Welded Stainless Steel Pressure Pipe from China—Staff Report*, INV-GG-009, February 5, 2009, p. IV-1.

<sup>46</sup> *Welded Stainless Steel Pressure Pipe from Malaysia, Thailand, Vietnam, Inv. Nos. 731-TA-1210-1212 (Final)*, USITC Publication 4477, July 2014, pp. IV-1.

<sup>47</sup> Bristol, Felker, and Webco's response to the notice of institution, July 3, 2019, p. 20, Exh. 9. Primus agrees with the other responding producers' list of potential importers. *Primus' response to staff cure letter*, July 30, 2019, p.2.

## U.S. imports

Table I-6 presents the quantity, value, and unit value for imports from China, Malaysia, Thailand, and Vietnam as well as the other top sources of U.S. imports (shown in descending order of 2018 imports by quantity).

**Table I-6**  
**WSS pressure pipe: U.S. imports, 2014-18**

Item	2014	2015	2016	2017	2018
	<b>Quantity (short tons)</b>				
China	1,586	2,097	961	1,244	1,541
Malaysia	136	92	0	0	32
Thailand	232	145	167	424	317
Vietnam	612	694	777	1,426	1,690
Subtotal, subject	2,567	3,028	1,905	3,094	3,581
Taiwan	23,901	19,328	22,148	25,764	22,818
India	12,104	11,051	4,913	8,081	14,374
Korea	14,363	6,854	15,284	12,880	9,553
All other	5,396	5,703	7,654	8,852	6,535
Subtotal, nonsubject	55,764	42,936	49,999	55,577	53,279
Total imports	58,331	45,964	51,905	58,671	56,860
	<b>Landed, duty-paid value (\$1,000)</b>				
China	5,778	8,206	2,826	4,170	7,278
Malaysia	392	295	3	0	117
Thailand	857	614	613	1,687	1,394
Vietnam	1,911	2,004	1,846	3,503	4,996
Subtotal, subject	8,938	11,119	5,288	9,360	13,785
Taiwan	99,312	61,435	59,624	85,969	100,000
India	38,646	34,992	12,041	22,103	49,014
Korea	42,120	20,407	34,576	32,140	27,161
All other	35,146	42,393	40,258	44,595	37,074
Subtotal, nonsubject	215,224	159,228	146,498	184,807	213,248
Total imports	224,162	170,346	151,786	194,167	227,033

Table continued on next page.



**Table I-6--Continued**  
**WSS pressure pipe: U.S. imports, 2014-18**

Item	2014	2015	2016	2017	2018
	<b>Unit value (dollars per short ton)</b>				
China	\$3,643	\$3,912	\$2,941	\$3,353	\$4,721
Malaysia	\$2,874	\$3,211	\$5,911	0	\$3,643
Thailand	\$3,693	\$4,234	\$3,680	\$3,981	\$4,397
Vietnam	\$3,120	\$2,887	\$2,376	\$2,456	\$2,955
Subtotal, subject	\$3,482	\$3,671	\$2,776	\$3,026	\$3,849
Taiwan	\$4,155	\$3,179	\$2,692	\$3,337	\$4,383
India	\$3,193	\$3,166	\$2,451	\$2,735	\$3,410
Korea	\$2,933	\$2,977	\$2,262	\$2,495	\$2,843
All other	\$6,513	\$7,434	\$5,260	\$5,038	\$5,673
Subtotal, nonsubject	\$3,860	\$3,709	\$2,930	\$3,325	\$4,002
Total imports	\$3,843	\$3,706	\$2,924	\$3,309	\$3,993

Note.--Because of rounding, figure may not add to total shown.

Source: Official statistics of Commerce for HTS statistical reporting number 7306.40.5005, 7306.40.5040, 7306.40.5062, 7306.40.5064, and 7306.40.5085.

### **Apparent U.S. consumption and market shares**

Table I-7 presents data on U.S. producers' U.S. shipments, U.S. imports, and apparent U.S. consumption, while table I-8 presents data on U.S. market shares of U.S. apparent consumption.

**Table I-7****WSS pressure pipe: U.S. producers' U.S. shipments, U.S. imports, and apparent U.S. consumption, 2007, 2013, and 2018**

Item	2007	2013	2018
	<b>Quantity (short tons)</b>		
U.S. producers' U.S. shipments	***	28,530	27,044
U.S. imports from—			
China	30,371	(2)	1,541
Malaysia	(1)	***	32
Thailand	(1)	***	317
Vietnam	(1)	***	1,690
Subtotal, subject	30,371	15,657	3,581
All other	29,078	19,107	53,279
Total imports	59,448	34,764	56,860
Apparent U.S. consumption	***	63,294	83,904
	<b>Value (1,000 dollars)</b>		
U.S. producers' U.S. shipments	***	104,692	116,097
U.S. imports from—			
China	154,833	(2)	7,278
Malaysia	(1)	***	117
Thailand	(1)	***	1,394
Vietnam	(1)	***	4,996
Subtotal, subject	154,833	49,893	13,785
All other	158,535	70,856	213,248
Total imports	313,368	120,749	227,033
Apparent U.S. consumption	***	225,441	343,130

<sup>1</sup> For 2007, data for Malaysia, Thailand, and Vietnam are included in "all other."

<sup>2</sup> For 2013, data for China are included in "all other."

Source: For the year 2007, data are compiled using data submitted in the Commission's final investigation on WSS pressure pipe from China. For the year 2013, data are compiled using data submitted in the Commission's final investigation on WSS pressure pipe from Malaysia, Thailand, and Vietnam. See app C. For the year 2018, data are compiled using data submitted by domestic interested parties. Bristol, Felker, and Webco's response to the notice of institution, July 3, 2019, exh. 1; and Primus' response to the notice of institution, July 3, 2019, pp. 4-5. U.S. imports are compiled using official Commerce statistics under HTS statistical reporting numbers 7306.40.5005, 7306.40.5040, 7306.40.5062, 7306.40.5064, and 7306.40.5085.

**Table I-8**

**WSS pressure pipe: Apparent U.S. consumption and U.S. market shares, 2007, 2013, and 2018**

Item	2007	2013	2018
	<b>Quantity (short tons)</b>		
Apparent U.S. consumption	***	63,294	83,904
	<b>Value (1,000 dollars)</b>		
Apparent U.S. consumption	***	225,441	343,130
	<b>Share of consumption based on quantity (percent)</b>		
U.S. producer's share	***	***	32.2
U.S. imports from--			
China	***	(2)	1.8
Malaysia	(1)	***	0.0
Thailand	(1)	***	0.4
Vietnam	(1)	***	2.0
Subtotal, subject	***	24.7	4.3
All other	***	30.2	63.5
Total imports	***	54.9	67.8
	<b>Share of consumption based on value (percent)</b>		
U.S. producer's share	***	***	33.8
U.S. imports from--			
China	***	(2)	2.1
Malaysia	(1)	***	0.0
Thailand	(1)	***	0.4
Vietnam	(1)	***	1.5
Subtotal, subject	***	22.1	4.0
All other	***	31.4	62.1
Total imports	***	53.6	66.2

<sup>1</sup> For 2007, data for Malaysia, Thailand, and Vietnam are included in "all other."

<sup>2</sup> For 2013, data for China are included in "all other."

Note.--Shares and ratios shown as "0.0" represent values greater than zero, but less than "0.05" percent.

Source: For the year 2007, data are compiled using data submitted in the Commission's final investigation on WSS pressure pipe from China. For the year 2013, data are compiled using data submitted in the Commission's final investigation on WSS pressure pipe from Malaysia, Thailand, and Vietnam. See app C. For the year 2018, data are compiled using data submitted by domestic interested parties. Bristol, Felker, and Webco's response to the notice of institution, July 3, 2019, exh. 1; and Primus' response to the notice of institution, July 3, 2019, pp. 4-5. U.S. imports are compiled using official Commerce statistics under HTS subheading 7306.40.5005, 7306.40.5040, 7306.40.5062, 7306.40.5064, and 7306.40.5085.

## CUMULATION CONSIDERATIONS

In assessing whether imports should be cumulated, the Commission determines whether U.S. imports from the subject countries compete with each other and with the domestic like product and has generally considered four factors: (1) fungibility, (2) presence of sales or offers to sell in the same geographical markets, (3) common or similar channels of distribution, and (4) simultaneous presence in the market. Additional information concerning geographical markets and simultaneous presence in the market is presented below.<sup>48</sup>

According to Commerce's official U.S. import statistics, subject imports from China, Thailand, and Vietnam were present each year from 2014-18. Subject imports from Malaysia were present each year except 2017. There were no imports from Malaysia in 2017. With regard to geographical dispersion, subject merchandise entered all four ports of entry during 2014-18.

## THE INDUSTRY IN CHINA

During the final phase of the original investigations, the Commission received no completed foreign producer questionnaires. In the preliminary phase of the investigations, one firm returned a completed questionnaire. The company estimated that it accounted for approximately \*\*\* percent of exports of WSS pressure pipe from China to the United States during 2007.<sup>49</sup>

Although the Commission did not receive responses from any respondent interested parties in its first five-year reviews, the domestic interested parties identified Zhejiang Jiuli Hi-Tech Metals, Co., Ltd as a possible Chinese producer of WSS pressure pipe.<sup>50</sup>

In these current reviews, the domestic interested parties provided a list of 14 firms that they believe currently produce WSS pressure pipe in China.<sup>51</sup>

Table I-9 presents export data for pipes, tubes and hollow profiles nesoi, welded, of circular cross section, of stainless steel (includes WSS pressure pipe) from China in descending order of quantity for 2018.

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<sup>48</sup> In addition, available information concerning subject country producers and the global market is presented in the next section of this report.

<sup>49</sup> *Investigation Nos. 701-TA-454 and 731-TA-1144 (Final): Welded Stainless Steel Pressure Pipe from China—Staff Report*, INV-GG-009, February 5, 2009, p. VII-4.

<sup>50</sup> *Welded Stainless Steel Pressure Pipe from China, Investigation Nos. 701-TA-454 and 731-TA-1144 (Expedited Review)*, USITC Publication 4478, p. I-14.

<sup>51</sup> Bristol, Felker, and Webco's response to the notice of institution, July 3, 2019, Exh. 10.

**Table I-9**  
**Pipes, tubes and hollow profiles nesoi, welded, of circular cross section, of stainless steel:**  
**Exports from China, by destination, 2014-18**

Partner Country	Calendar year				
	2014	2015	2016	2017	2018
	<b>Quantity (short tons)</b>				
India	9,210	6,290	8,766	30,169	55,201
Vietnam	3,710	7,238	8,896	13,883	21,420
Philippines	3,996	6,727	8,886	11,285	18,480
Malaysia	9,759	5,316	5,091	14,934	17,772
Myanmar	7,523	9,198	8,164	8,792	8,823
Nigeria	4,072	4,348	4,386	5,200	7,982
United States	4,637	5,469	6,255	6,641	6,661
Thailand	14,264	17,848	13,412	7,978	6,597
Russia	2,370	2,442	3,931	6,988	6,004
Korea South	4,274	5,560	6,323	6,003	5,260
All other	79,179	81,765	78,083	90,152	94,127
World	142,994	152,201	152,192	202,024	248,327
	<b>Value (1,000 dollars)</b>				
India	31,462	20,741	19,218	45,965	97,794
Vietnam	10,343	20,784	20,032	27,044	41,215
Philippines	9,978	28,012	30,654	22,824	36,105
Malaysia	39,426	29,954	21,209	34,956	51,130
Myanmar	14,452	22,881	15,626	13,338	13,388
Nigeria	14,514	14,263	13,676	11,207	15,996
United States	20,761	20,560	21,342	26,228	32,856
Thailand	44,389	65,300	46,898	20,656	17,773
Russia	10,704	7,622	10,183	14,106	13,533
South Korea	10,116	14,725	15,172	14,650	14,880
All other	284,128	273,068	188,897	234,138	265,492
World	490,274	517,910	402,908	465,111	600,161
	<b>Unit value (dollars per short ton)</b>				
India	3,416	3,297	2,192	1,524	1,772
Vietnam	2,788	2,871	2,252	1,948	1,924
Philippines	2,497	4,164	3,450	2,022	1,954
Malaysia	4,040	5,635	4,166	2,341	2,877
Myanmar	1,921	2,487	1,914	1,517	1,517
Nigeria	3,565	3,281	3,118	2,155	2,004
United States	4,477	3,760	3,412	3,949	4,933
Thailand	3,112	3,659	3,497	2,589	2,694
Russia	4,516	3,121	2,591	2,019	2,254
South Korea	2,367	2,648	2,400	2,441	2,829
All other	3,588	3,340	2,419	2,597	2,821
World	3,429	3,403	2,647	2,302	2,417

Note.--Shares and ratios shown as "0.0" represent values greater than zero, but less than "0.05" percent.

Source: Official exports statistics under HS subheadings 7306.40 reported by various national statistical authorities in the Global Trade Atlas database, accessed August 9, 2019

## THE INDUSTRY IN MALAYSIA

During the final phase of the original investigations, the Commission received foreign producer/exporter questionnaires from one firm.<sup>52</sup>

Although the Commission did not receive responses from any respondent interested parties in these first five-year reviews, the domestic interested parties provided a list of three firms that they believe currently produce WSS pressure pipe in Malaysia.<sup>53</sup>

Table I-10 presents export data for pipes, tubes and hollow profiles nesoi, welded, of circular cross section, of stainless steel (includes WSS pressure pipe) from Malaysia in descending order of quantity for 2018.

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<sup>52</sup> Welded Stainless Steel Pressure Pipe from Malaysia, Thailand and Vietnam, Inv. 731-TA-1210-1212 (Final), USITC Publication 4477, July 2014, p. VII-3.

<sup>53</sup> Bristol, Felker, and Webco's response to the notice of institution, July 3, 2019, Exh. 10.

**Table I-10**  
**Pipes, tubes and hollow profiles nesoi, welded, of circular cross section, of stainless steel:**  
**Exports from Malaysia, by destination, 2014-18.**

Partner Country	Calendar year				
	2014	2015	2016	2017	2018
	<b>Quantity (short tons)</b>				
Thailand	70	184	1,295	10,021	13,326
Indonesia	1,048	1,384	1,989	2,495	3,282
Canada	64	703	731	1,470	1,617
United Kingdom	1,057	1,185	884	999	911
India	2,641	3,624	2,908	5,221	418
Brazil	1,885	726	2,069	527	415
Sri Lanka	335	256	474	548	389
Singapore	178	499	142	316	332
Mexico	39	203	108	300	308
Philippines	72	80	335	225	241
All other	4,092	2,150	1,655	2,180	1,070
World	11,481	10,994	12,590	24,303	22,309
	<b>Value (1,000 dollars)</b>				
Thailand	194	238	2,002	13,756	18,481
Indonesia	2,155	2,999	3,397	5,054	7,026
Canada	193	1,701	1,454	3,330	3,736
United Kingdom	3,635	3,936	2,724	3,126	3,097
India	5,036	4,353	3,354	6,374	698
Brazil	5,025	1,736	2,378	1,291	942
Sri Lanka	599	514	1,353	1,457	1,088
Singapore	1,614	1,515	395	985	821
Mexico	88	401	199	612	695
Philippines	207	194	671	659	850
All other	10,433	4,925	4,316	5,614	3,917
World	29,180	22,510	22,244	42,257	41,351
	<b>Unit value (dollars per short ton)</b>				
Thailand	2,757	1,293	1,546	1,373	1,387
Indonesia	2,057	2,167	1,708	2,026	2,141
Canada	3,025	2,420	1,989	2,265	2,310
United Kingdom	3,438	3,322	3,081	3,129	3,400
India	1,907	1,201	1,153	1,221	1,670
Brazil	2,666	2,391	1,149	2,450	2,270
Sri Lanka	1,789	2,008	2,854	2,659	2,797
Singapore	9,061	3,036	2,782	3,117	2,473
Mexico	2,269	1,975	1,843	2,040	2,256
Philippines	2,885	2,425	2,003	2,929	3,527
All other	2,549	2,291	2,608	2,575	3,663
World	2,542	2,048	1,767	1,739	1,854

Note.--Shares and ratios shown as "0.0" represent values greater than zero, but less than "0.05" percent.

Source: Official exports statistics under HS subheadings 7306.40 reported by various national statistical authorities in the Global Trade Atlas database, accessed August 9, 2019

## THE INDUSTRY IN THAILAND

During the final phase of the original investigations, the Commission received foreign producer/exporter questionnaires from one firm, Ametai Company Limited.<sup>54</sup>

Although the Commission did not receive responses from any respondent interested parties in these first five-year reviews, the domestic interested parties provided a list of three firms that they believe currently produce WSS pressure pipe in Thailand.<sup>55</sup>

Table I-12 presents export data for pipes, tubes and hollow profiles nesoi, welded, of circular cross section, of stainless steel (includes WSS pressure pipe) from Thailand in descending order of quantity for 2018.

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<sup>54</sup> *Welded Stainless Steel Pressure Pipe from Malaysia, Thailand and Vietnam*, Inv. 731-TA-1210-1212 (Final), USITC Publication 4477, July 2014, pp. VII-5.

<sup>55</sup> Bristol, Felker, and Webco's response to the notice of institution, July 3, 2019, Exh. 10.



**Table I-12**  
**Pipes, tubes and hollow profiles nesoi, welded, of circular cross section, of stainless steel:**  
**Exports from Thailand, by destination, 2014-18**

Partner Country	Calendar year				
	2014	2015	2016	2017	2018
	<b>Quantity (short tons)</b>				
Taiwan	4,643	8,291	7,470	5,476	6,811
Japan	3,736	2,800	3,394	3,863	4,014
India	1,164	1,133	1,116	1,228	1,844
Brazil	4,022	4,191	1,617	2,409	863
Indonesia	1,896	1,413	1,671	1,274	787
Vietnam	789	529	847	626	695
Myanmar	47	255	31	202	257
United States	147	0	111	247	181
China	34	21	123	83	147
Hong Kong	97	73	154	194	134
All other	880	1,363	1,000	1,033	832
World	17,456	20,069	17,533	16,636	16,564
	<b>Value (1,000 dollars)</b>				
Taiwan	11,682	17,973	14,022	12,218	15,829
Japan	28,404	8,458	26,741	39,523	15,168
India	3,259	3,065	3,391	3,097	4,644
Brazil	10,606	10,448	3,111	5,225	2,018
Indonesia	4,976	3,790	3,520	3,155	2,369
Vietnam	3,960	2,111	2,088	2,001	2,337
Myanmar	105	221	73	210	247
United States	433	8	397	1,000	670
China	286	145	946	846	1,753
Hong Kong	608	442	729	866	849
All other	5,624	5,581	4,247	5,157	5,205
World	69,942	52,241	59,266	73,298	51,090
	<b>Unit value (dollars per short ton)</b>				
Taiwan	2,516	2,168	1,877	2,231	2,324
Japan	7,603	3,021	7,879	10,230	3,779
India	2,801	2,705	3,039	2,522	2,519
Brazil	2,637	2,493	1,924	2,169	2,338
Indonesia	2,624	2,682	2,107	2,476	3,010
Vietnam	5,019	3,990	2,466	3,195	3,365
Myanmar	2,213	867	2,384	1,039	961
United States	2,954	0	3,575	4,044	3,697
China	8,376	6,981	7,674	10,139	11,951
Hong Kong	6,234	6,065	4,747	4,459	6,340
All other	6,388	4,095	4,246	4,991	6,257
World	4,007	2,603	3,380	4,406	3,084

Note.--Shares and ratios shown as "0.0" represent values greater than zero, but less than "0.05" percent.

Source: Official exports statistics under HS subheadings 7306.40 reported by various national statistical authorities in the Global Trade Atlas database, accessed August 9, 2019.

## THE INDUSTRY IN VIETNAM

During the final phase of the original investigations, the Commission received a foreign producer/exporter questionnaire from one firm.<sup>56</sup>

Although the Commission did not receive responses from any respondent interested parties in these first five-year reviews, the domestic interested parties provided a list of four firms that they believe currently produce WSS pressure pipe in Vietnam.<sup>57</sup> The domestic interested parties reported that a Vietnamese producer Mejonson owns its own distribution and stocking center in New Jersey.<sup>58</sup>

Table I-13 presents export data for pipes, tubes and hollow profiles nesoi, welded, of circular cross section, of stainless steel (includes WSS pressure pipe) from Vietnam in descending order of quantity for 2017.

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<sup>56</sup> *Welded Stainless Steel Pressure Pipe from Malaysia, Thailand and Vietnam, Inv. 731-TA-1210-1212 (Final)*, USITC Publication 4477, July 2014, pp, pp. VII-7.

<sup>57</sup> Bristol, Felker, and Webco's response to the notice of institution, July 3, 2019, .

<sup>58</sup> *Ibid.*, pp. 14-15.

**Table I-13**  
**Pipes, tubes and hollow profiles nesoi, welded, of circular cross section, of stainless steel:**  
**Exports from Vietnam, by destination, 2014-18.**

Partner Country	Calendar year				
	2014	2015	2016	2017	2018
<b>Quantity (short tons)</b>					
India	1,869	4,036	4,186	6,795	( <sup>1</sup> )
Turkey	2,728	917	1,233	2,392	( <sup>1</sup> )
Brazil	2,252	1,290	3,827	2,372	( <sup>1</sup> )
Japan	1,734	1,490	1,876	1,657	( <sup>1</sup> )
United States	561	404	595	918	( <sup>1</sup> )
Russia	377	77	98	266	( <sup>1</sup> )
Cambodia	23	77	148	225	( <sup>1</sup> )
Poland	0	0	12	210	( <sup>1</sup> )
South Korea	418	289	312	150	( <sup>1</sup> )
Colombia	0	0	0	130	( <sup>1</sup> )
All other	667	598	539	604	( <sup>1</sup> )
World	10,628	9,179	12,827	15,719	( <sup>1</sup> )
<b>Value (1,000 dollars)</b>					
India	8,759	21,963	16,042	32,970	( <sup>1</sup> )
Turkey	12,787	4,988	4,726	11,606	( <sup>1</sup> )
Brazil	10,555	7,022	14,669	11,508	( <sup>1</sup> )
Japan	8,127	8,109	7,188	8,042	( <sup>1</sup> )
United States	2,628	2,198	2,279	4,456	( <sup>1</sup> )
Russia	1,765	419	376	1,289	( <sup>1</sup> )
Cambodia	107	421	568	1,090	( <sup>1</sup> )
Poland	0	0	48	1,017	( <sup>1</sup> )
South Korea	1,958	1,575	1,196	730	( <sup>1</sup> )
Colombia	0	0	0	630	( <sup>1</sup> )
All other	3,126	3,255	2,067	2,932	( <sup>1</sup> )
World	49,811	49,951	49,158	76,271	( <sup>1</sup> )
<b>Unit value (dollars per short ton)</b>					
India	4,687	5,442	3,832	4,852	( <sup>1</sup> )
Turkey	4,687	5,442	3,832	4,852	( <sup>1</sup> )
Brazil	4,687	5,442	3,832	4,852	( <sup>1</sup> )
Japan	4,687	5,442	3,832	4,852	( <sup>1</sup> )
United States	4,687	5,442	3,832	4,852	( <sup>1</sup> )
Russia	4,687	5,442	3,832	4,852	( <sup>1</sup> )
Cambodia	4,687	5,442	3,832	4,852	( <sup>1</sup> )
Poland	0	0	3,832	4,852	( <sup>1</sup> )
South Korea	4,687	5,442	3,832	4,852	( <sup>1</sup> )
Colombia	0	0	0	4,852	( <sup>1</sup> )
All other	4,687	5,442	3,832	4,852	( <sup>1</sup> )
World	4,687	5,442	3,832	4,852	( <sup>1</sup> )

<sup>1</sup> Country did not report trade statistics for 2018.

Note.--Shares and ratios shown as "0.0" represent values greater than zero, but less than "0.05" percent.

Source: Official exports statistics under HS subheadings 7306.40 reported by various national statistical authorities in the Global Trade Atlas database, accessed August 9, 2019.

## TRADE REMEDY MEASURES IN THIRD-COUNTRY MARKETS

### Antidumping or countervailing duty orders

There were antidumping duties in third-country markets on HS subheading 7306.40 (includes WSS pressure pipe) imported from China, Malaysia, Thailand, and Vietnam since the last reviews. On March 18, 2018, Turkey imposed duties of 25.27 percent on imports from Malaysia and Vietnam. On December 31, 2018, Turkey imposed duties ranging from 13.82 percent to 20.50 percent on imports from China.<sup>59</sup> On July 28, 2018, Brazil started reviews on existing orders on China, Malaysia, Thailand and Vietnam.<sup>60</sup>

### Global safeguard actions

On May 17, 2019, the European Union imposed a global safeguard on certain steel products. Included in the list of products subjected to the safeguard action is the product categories seamless stainless tube and pipe and large welded tubes.<sup>61</sup>

## THE GLOBAL MARKET

Table I-14 presents global export data for pipes, tubes and hollow profiles nesoi, welded, of circular cross section, of stainless steel (includes WSS pressure pipe), by quantity in 2018.

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<sup>59</sup> World Trade Organization (“WTO”), Committee on Anti-Dumping Practices, *Semi-Annual Report Under Article 16.4 of the WTO Antidumping Agreement: Turkey*, G/ADP/N/322/TUR, April 12, 2019.

<sup>60</sup> World Trade Organization (“WTO”), Committee on Anti-Dumping Practices, *Semi-Annual Report Under Article 16.4 of the WTO Antidumping Agreement: Brazil*, G/ADP/N/322/BRA, March 15, 2019

<sup>61</sup> *Official Journal of the European Union*, “Procedures Relating to the Implementation of the Common Commercial Policy (EU) 2019/169”, May 17, 2019.

**Table I-14**  
**Pipes, tubes and hollow profiles nesoi, welded, of circular cross section, of stainless steel:**  
**Global exports by exporter, 2014-18**

Exporter	Calendar year				
	2014	2015	2016	2017	2018
	<b>Quantity (short tons)</b>				
United States	28,700	26,763	28,709	26,726	26,756
Subject exporters -- China	142,994	152,201	152,192	202,024	248,327
Malaysia	11,481	10,994	12,590	24,303	22,309
Thailand	17,456	20,069	17,533	16,636	16,564
Vietnam	10,628	9,179	12,827	15,719	( <sup>1</sup> )
Subject sources	182,559	192,442	195,142	258,683	287,200
All other major reporting exporters --					
Italy	320,966	330,876	339,199	339,230	330,179
Taiwan	193,906	183,552	174,867	186,580	175,250
Germany	94,702	89,231	91,185	86,917	81,990
South Korea	48,623	46,224	57,175	48,213	48,120
Czech Republic	63,449	33,860	36,315	30,889	34,314
All other	240,396	220,982	209,095	206,898	220,709
Total global export	1,173,302	1,123,932	1,131,687	1,184,136	1,204,495
	<b>Share of quantity (percent)</b>				
United States	2.4	2.4	2.5	2.3	2.2
Subject exporters -- China	12.2	13.5	13.4	17.1	20.6
Malaysia	1.0	1.0	1.1	2.1	1.9
Thailand	1.5	1.8	1.5	1.4	1.4
Vietnam	0.9	0.8	1.1	1.3	( <sup>1</sup> )
Subject sources	15.6	17.1	17.2	21.8	23.8
All other major reporting exporters --					
Italy	27.4	29.4	30.0	28.6	27.4
Taiwan	16.5	16.3	15.5	15.8	14.6
Germany	8.1	7.9	8.1	7.3	6.8
South Korea	4.1	4.1	5.1	4.1	4.0
Czech Republic	5.4	3.0	3.2	2.6	2.8
All other	20.5	19.7	18.5	17.5	18.3
Total global export	100.0	100.0	100.0	100.0	100.0

<sup>1</sup> Country did not report trade statistics for 2018.

Note.--Shares and ratios shown as "0.0" represent values greater than zero, but less than "0.05" percent.

Source: Official exports statistics under HS subheadings 7306.40 reported by various national statistical authorities in the Global Trade Atlas database, accessed August 9, 2019.



**APPENDIX A**

***FEDERAL REGISTER NOTICES***





The Commission makes available notices relevant to its investigations and reviews on its website, [www.usitc.gov](http://www.usitc.gov). In addition, the following tabulation presents, in chronological order, *Federal Register* notices issued by the Commission and Commerce during the current proceeding.

Citation	Title	Link
84 FR 25567 June 3, 2019	<i>Welded Stainless Steel Pressure Pipe From China, Malaysia, Thailand, and Vietnam; Institution of Five-Year Reviews</i>	<a href="https://www.govinfo.gov/content/pkg/FR-2019-06-03/pdf/2019-11345.pdf">https://www.govinfo.gov/content/pkg/FR-2019-06-03/pdf/2019-11345.pdf</a>
84 FR 25741 June 4, 2019	<i>Initiation of Five-Year (Sunset) Reviews</i>	<a href="https://www.govinfo.gov/content/pkg/FR-2019-06-04/pdf/2019-11655.pdf">https://www.govinfo.gov/content/pkg/FR-2019-06-04/pdf/2019-11655.pdf</a>



**APPENDIX B**  
**COMPANY-SPECIFIC DATA**



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**APPENDIX C**

**SUMMARY DATA COMPILED IN PRIOR INVESTIGATIONS**





Table C-1: WSSPP from China: Inv. Nos. 701-TA-454 and 731-TA-1144.....	C-3
Table C-2: WSSPP from Malaysia, Thailand, and Vietnam: Inv. Nos. 731-TA-1210-1212 .....	C-4



Table C-1

WSS pressure pipe (&lt;= 14"): Summary data concerning the U.S. market, 2005-07, January-September 2007, and January-September 2008

Item	(Quantity=short tons, value=1,000 dollars, unit values, unit labor costs, and unit expenses are per short ton; period changes=percent, except where noted)									
	Reported data					Period changes				
	2005	2006	2007	January-September		2005-07	2005-06	2006-07	Jan.-Sept.	
			2007	2008				2007-08		
U.S. consumption quantity:										
Amount	****	****	****	69,301	48,568	****	****	****		-29.9
Producers' share (1)	****	****	****	29.2	43.2	****	****	****		14.0
Importers' share (1):										
China	****	****	****	36.3	13.8	****	****	****		-22.5
All other sources	****	****	****	34.5	43.0	****	****	****		8.6
Total imports	****	****	****	70.8	56.8	****	****	****		-14.0
U.S. consumption value:										
Amount	****	****	****	412,012	286,473	****	****	****		-30.5
Producers' share (1)	****	****	****	36.7	49.2	****	****	****		12.5
Importers' share (1):										
China	****	****	****	30.3	11.7	****	****	****		-18.6
All other sources	****	****	****	33.0	39.1	****	****	****		6.1
Total imports	****	****	****	63.3	50.8	****	****	****		-12.5
U.S. imports from:										
China:										
Quantity	14,394	23,712	30,371	25,169	6,700	111.0	64.7	28.1		-73.4
Value	47,607	79,360	154,833	124,975	33,592	225.2	66.7	95.1		-73.1
Unit value	\$3,307	\$3,347	\$5,098	\$4,965	\$5,014	54.1	1.2	52.3		1.0
Ending inventory quantity	****	****	****	****	****	****	****	****		****
All other sources:										
Quantity	21,810	24,099	29,078	23,879	20,888	33.3	10.5	20.7		-12.5
Value	76,573	99,681	158,535	135,942	111,893	107.0	30.2	59.0		-17.7
Unit value	\$3,511	\$4,136	\$5,452	\$5,693	\$5,357	55.3	17.8	31.8		-5.9
Ending inventory quantity	****	****	****	****	****	****	****	****		****
All sources:										
Quantity	36,204	47,811	59,448	49,048	27,588	64.2	32.1	24.3		-43.8
Value	124,180	179,041	313,368	260,917	145,485	152.3	44.2	75.0		-44.2
Unit value	\$3,430	\$3,745	\$5,271	\$5,320	\$5,274	53.7	9.2	40.8		-0.9
Ending inventory quantity	****	****	****	****	****	****	****	****		****
U.S. producers':										
Average capacity quantity	****	****	****	49,041	47,961	****	****	****		-2.2
Production quantity	****	****	****	22,421	22,010	****	****	****		-1.8
Capacity utilization (1)	****	****	****	45.7	45.9	****	****	****		0.2
U.S. shipments:										
Quantity	****	****	****	20,253	20,980	****	****	****		3.6
Value	****	****	****	151,095	140,988	****	****	****		-6.7
Unit value	****	****	****	\$7,460	\$6,720	****	****	****		-9.9
Export shipments:										
Quantity	****	****	****	223	605	****	****	****		171.3
Value	****	****	****	2,049	4,971	****	****	****		142.6
Unit value	****	****	****	\$9,188	\$8,217	****	****	****		-10.6
Ending inventory quantity	****	****	****	10,485	8,680	****	****	****		-17.2
Inventories/total shipments (1)	****	****	****	38.4	30.2	****	****	****		-8.2
Production workers	****	****	****	308	348	****	****	****		13.0
Hours worked (1,000s)	****	****	****	540	568	****	****	****		5.3
Wages paid (\$1,000s)	****	****	****	8,699	9,392	****	****	****		8.0
Hourly wages	****	****	****	\$16.11	\$16.53	****	****	****		2.6
Productivity (tons/1,000 hours)	****	****	****	41.5	38.7	****	****	****		-6.7
Unit labor costs	****	****	****	\$387.98	\$426.72	****	****	****		10.0
Net sales:										
Quantity	29,688	32,410	26,259	20,394	21,465	-11.6	9.2	-19.0		5.3
Value	134,353	167,817	194,820	152,722	145,260	45.0	24.9	16.1		-4.9
Unit value	\$4,525	\$5,178	\$7,419	\$7,489	\$6,767	63.9	14.4	43.3		-9.6
Cost of goods sold (COGS)	128,183	150,065	171,200	127,593	137,392	33.6	17.1	14.1		7.7
Gross profit or (loss)	6,170	17,752	23,620	25,129	7,868	282.8	187.7	33.1		-68.7
SG&A expenses	9,731	10,752	9,416	7,320	8,450	-3.2	10.5	-12.4		15.4
Operating income or (loss)	(3,561)	7,000	14,204	17,809	(582)	(2)	(2)	102.9		(2)
Capital expenditures	2,681	1,474	3,808	2,786	4,410	42.0	-45.0	158.4		58.3
Unit COGS	\$4,318	\$4,630	\$6,520	\$6,256	\$6,401	51.0	7.2	40.8		2.3
Unit SG&A expenses	\$328	\$332	\$359	\$359	\$394	9.4	1.2	8.1		9.7
Unit operating income or (loss)	(\$120)	\$216	\$541	\$873	(\$27)	(2)	(2)	150.4		(2)
COGS/sales (1)	95.4	89.4	87.9	83.5	94.6	-7.5	-6.0	-1.5		11.0
Operating income or (loss)/ sales (1)	(2.7)	4.2	7.3	11.7	(0.4)	9.9	6.8	3.1		-12.1

(1) "Reported data" are in percent and "period changes" are in percentage points.

(2) Undefined.

Note.--Financial data are reported on a fiscal year basis and may not necessarily be comparable to data reported on a calendar year basis. Because of rounding, figures may not add to the totals shown. Unit values and shares are calculated from the unrounded figures.

Source: Compiled from data submitted in response to Commission questionnaires and from official Commerce statistics.

**Table C-2**

**Welded stainless steel pressure pipe: Summary data concerning the U.S. market, 2011-13**

(Quantity=short tons; Value=1,000 dollars; Unit values, unit labor costs, and unit expenses=dollars per short ton; Period changes=percent--exceptions noted)

	Report data			Period changes		
	2011	2012	2013	2011-13	2011-12	2012-13
<b>U.S. consumption quantity:</b>						
Amount.....	65,478	66,835	63,294	(3.3)	2.1	(5.3)
Producers' share (fn1).....	39.5	40.1	45.1	5.6	0.6	5.0
<b>Importers' share (fn1):</b>						
Malaysia.....	***	***	***	***	***	***
Thailand.....	***	***	***	***	***	***
Vietnam.....	***	***	***	***	***	***
Subtotal, subject sources.....	27.2	27.6	24.7	(2.5)	0.4	(2.9)
All others sources, nonsubject.....	33.3	32.3	30.2	(3.1)	(1.0)	(2.1)
Total imports.....	60.5	59.9	54.9	(5.6)	(0.6)	(5.0)
<b>U.S. consumption value:</b>						
Amount.....	308,407	281,092	225,441	(26.9)	(8.9)	(19.8)
Producers' share (fn1).....	43.1	43.9	46.4	3.3	0.8	2.5
<b>Importers' share (fn1):</b>						
Malaysia.....	***	***	***	***	***	***
Thailand.....	***	***	***	***	***	***
Vietnam.....	***	***	***	***	***	***
Subtotal, subject sources.....	23.4	24.0	22.1	(1.3)	0.6	(1.9)
All others sources, nonsubject.....	33.5	32.1	31.4	(2.1)	(1.5)	(0.6)
Total imports.....	56.9	56.1	53.6	(3.3)	(0.8)	(2.5)
<b>U.S. importers' U.S. shipments of Imports from:</b>						
<b>Malaysia:</b>						
Quantity.....	***	***	***	***	***	***
Value.....	***	***	***	***	***	***
Unit value.....	***	***	***	***	***	***
Ending inventory quantity.....	***	***	***	***	***	***
<b>Thailand:</b>						
Quantity.....	***	***	***	***	***	***
Value.....	***	***	***	***	***	***
Unit value.....	***	***	***	***	***	***
Ending inventory quantity.....	***	***	***	***	***	***
<b>Vietnam:</b>						
Quantity.....	***	***	***	***	***	***
Value.....	***	***	***	***	***	***
Unit value.....	***	***	***	***	***	***
Ending inventory quantity.....	***	***	***	***	***	***
<b>Subject sources:</b>						
Quantity.....	17,840	18,444	15,657	(12.2)	3.4	(15.1)
Value.....	72,130	67,537	49,893	(30.8)	(6.4)	(26.1)
Unit value.....	\$4,043.16	\$3,661.73	\$3,186.60	(21.2)	(9.4)	(13.0)
Ending inventory quantity.....	4,371	6,233	3,862	(11.6)	42.6	(38.0)
<b>All other sources:</b>						
Quantity.....	21,781	21,597	19,107	(12.3)	(0.8)	(11.5)
Value.....	103,331	90,100	70,856	(31.4)	(12.8)	(21.4)
Unit value.....	\$4,744.09	\$4,171.88	\$3,708.38	(21.8)	(12.1)	(11.1)
Ending inventory quantity.....	5,498	6,291	5,128	(6.7)	14.4	(18.5)
<b>Total imports:</b>						
Quantity.....	39,621	40,041	34,764	(12.3)	1.1	(13.2)
Value.....	175,461	157,637	120,749	(31.2)	(10.2)	(23.4)
Unit value.....	\$4,428.48	\$3,936.89	\$3,473.38	(21.6)	(11.1)	(11.8)
Ending inventory quantity.....	9,869	12,524	8,990	(8.9)	26.9	(28.2)

in these reviews, Bristol Metals and Felker Brothers, stated that they are not related to any importers or exporters of WSSPP or to any firms, either foreign or domestic, that are engaged in the production of WSSPP. The third U.S. producer, Outokumpu Stainless Pipe, stated that it is not related to any importers or exporters of WSSPP, but that it is related to OSTP Holding Oy, Espoo, Finland, which is engaged in the production of WSSPP and which is 49 percent owned by Outokumpu Oyj, a Finnish company.<sup>37</sup>

**Table I-2**  
**WSSPP: U.S. producers and shares of U.S. production, 2007 and 2013**

Firm	Location	Share of U.S. production (percent)	
		2007	2013 <sup>1</sup>
Alaskan Copper & Brass Co.	Kent, WA	***	( <sup>2</sup> )
Bristol Metals	Bristol, TN	***	***
Felker Brothers	Marshfield, WI	***	***
Marcegaglia USA Inc.	Munhall, PA	***	( <sup>2</sup> )
Outokumpu Stainless Pipe	Schaumburg, IL	***	***
Rath Gibson	Janesville, WI	***	( <sup>2</sup> )
Swepco	Clifton, NJ	***	( <sup>3</sup> )
Webco	Sand Springs, OK	***	( <sup>2</sup> )
<p><sup>1</sup> Data for 2013 are estimated.  <sup>2</sup> Data not available.  <sup>3</sup> Swepco, was not identified as a current U.S. producer of WSSPP by the three U.S. producers responding to the Commission's notice of institution in these reviews.</p> <p>Source: Data for 2007 are from the <i>Staff Report</i>, February 5, 2009 (INV-GG-009), table III-1, p. III-2; data for 2013 are from <i>Response of domestic interested parties</i>, March 5, 2014, pp. 8-9 and exhibit 1.</p>			

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<sup>35</sup> *Response of domestic interested parties*, March 5, 2014, pp. 8-9.  
<sup>36</sup> The eighth producer from the original investigations, Swepco, was not identified as a current U.S. producer of WSSPP by the three U.S. producers responding to the Commission's notice of institution in these reviews. *Response of domestic interested parties*, March 5, 2014, pp. 8-9.  
<sup>37</sup> *Response of domestic interested parties to Commission's Letter of March 19, 2014*, March 26, 2014, p. 2.

## U.S. Producers' Trade and Financial Data

The Commission requested domestic interested parties to provide trade and financial data in their response to the notice of institution of the five-year reviews of the subject orders. Table I-3 presents the data reported by responding U.S. producers from both the original investigations (2005-07) and the response to the notice of institution (2013).<sup>38</sup>

**Table I-3**  
**WSSPP: U.S. producers' trade and financial data, 2005-07 and 2013**

Item	2005	2006	2007	2013 <sup>1</sup>
Capacity ( <i>short tons</i> )	***	***	***	***
Production ( <i>short tons</i> )	***	***	***	***
Capacity utilization ( <i>percent</i> )	***	***	***	***
U.S. shipments				
Quantity ( <i>short tons</i> )	***	***	***	***
Value ( <i>1,000 dollars</i> )	***	***	***	***
Unit value ( <i>dollars per short ton</i> )	***	***	***	***
Net sales value ( <i>1,000 dollars</i> )	134,353	167,817	194,820	***
Cost of goods sold (COGS) ( <i>\$1,000</i> )	128,183	150,065	171,200	***
Gross profit or (loss) ( <i>\$1,000</i> )	6,170	17,752	23,620	***
SG&A ( <i>\$1,000</i> )	9,731	10,752	9,416	***
Operating income or (loss) ( <i>\$1,000</i> )	(3,561)	7,000	14,204	***
COGS/sales ( <i>percent</i> )	95.4	89.4	87.9	***
Operating income or (loss)/sales ( <i>percent</i> )	(2.7)	4.2	7.3	***

<sup>1</sup> Data for 2013 are for three U.S. producers accounting for approximately \*\*\* percent of domestic production of WSSPP in 2013.

Source: Data for 2005-07 are from the *Staff Report*, February 5, 2009 (INV-GG-009), appendix C; data for 2013 are from *Response of domestic interested parties*, March 5, 2014, pp. 11-12.

The three U.S. producers responding to the Commission's notice of institution in these reviews stated that the domestic WSSPP industry's financial condition remains precarious and that a revocation of the orders, allowing large volumes of imports of WSSPP from China to return to the U.S. market at low prices, would have a severe negative impact on the U.S. WSSPP industry. The three U.S. producers stated that the domestic industry would experience declines in sales and capacity utilization and increases in financial losses.<sup>39</sup>

<sup>38</sup> Appendix C, table C-1, presents additional data from the original investigations.

<sup>39</sup> *Response of domestic interested parties*, March 5, 2014, p. 7.

**Table I-4**

**WSSPP: U.S. shipments of domestic product, U.S. imports, and apparent U.S. consumption, 2005-07 and 2013**

Item	2005	2006	2007	2013 <sup>1</sup>
<b>Quantity (short tons)</b>				
U.S. producers' U.S. shipments	***	***	***	***
U.S. imports <sup>2</sup> from-				
China	14,394	23,712	30,371	1,544
Nonsubject	21,810	24,099	29,078	39,796
Total imports	36,204	47,811	59,448	41,340
Apparent U.S. consumption	***	***	***	***
<b>Value (1,000 dollars)</b>				
U.S. producers' U.S. shipments	***	***	***	***
U.S. imports from--				
China	47,607	79,360	154,833	5,652
Nonsubject	76,573	99,681	158,535	141,803
Total imports	124,180	179,041	313,368	147,455
Apparent U.S. consumption	***	***	***	***

<sup>1</sup> U.S. shipment data for 2013 are for three U.S. producers accounting for approximately \*\*\* percent of domestic production of WSSPP in 2013.

<sup>2</sup> Import data include imports covered by HTS statistical reporting numbers 7306.40.5005, 7306.40.5040, 7306.40.5062, 7306.40.5064, and 7306.40.5085, which may include pipe with a diameter greater than 14 inches. The import data for 2005-07 were modified to include WSSPP entering under broader HTS categories (based on questionnaire responses) and to exclude pressure pipe greater than 14 inches in diameter (based on questionnaire responses) and mechanical tubing from Canada. See the *Staff Report*, February 5, 2009 (INV-GG-009), pp. IV-1 and IV-3.

Source: Data for 2005-07 are from the *Staff Report*, February 5, 2009 (INV-GG-009), Table IV-4, p. IV-8; U.S. shipment data for 2013 are from *Response* of domestic interested parties, March 5, 2014, pp. 11-12.

**Table I-5**

**WSSPP: Apparent U.S. consumption and market shares, 2005-07 and 2013<sup>1</sup>**

Item	2005	2006	2007	2013 <sup>1</sup>
<b>Quantity (short tons)</b>				
Apparent U.S. consumption	***	***	***	***
<b>Value (1,000 dollars)</b>				
Apparent U.S. consumption	***	***	***	***
<b>Share of quantity (percent)</b>				
U.S. producers' U.S. shipments	***	***	***	***
U.S. imports from--				
China	***	***	***	***
Nonsubject	***	***	***	***
Total imports	***	***	***	***
<b>Share of value (percent)</b>				
U.S. producers' U.S. shipments	***	***	***	***
U.S. imports from--				
China	***	***	***	***
Nonsubject	***	***	***	***
Total imports	***	***	***	***
<p><sup>1</sup> U.S. shipment data for 2013 are for three U.S. producers accounting for approximately *** percent of domestic production of WSSPP in 2013. Import penetration for 2013 is thus overstated.</p> <p>Source: Data for 2005-07 are from the <i>Staff Report</i>, February 5, 2009 (INV-GG-009), Table IV-5, p. IV-9; data for 2013 are calculated from Table I-4.</p>				

**THE INDUSTRY IN CHINA**

During the original investigations, the petition identified nine producers and/or exporters of WSSPP in China, and petitioners listed 23 possible producers and/or exporters in their prehearing brief. The Commission sent foreign producer questionnaires to 20 firms, received no completed questionnaires, and received one response indicating that the firm does not produce the subject product.<sup>42</sup> In the preliminary phase of these investigations, however, Winner Stainless Steel Tube Co., Ltd. returned a completed questionnaire. The company estimated that it accounts for \*\*\* percent of total exports of WSSPP from China to the United States.<sup>43</sup>

The Commission did not receive a response from any foreign producer or exporter of WSSPP in China to its notice of institution of the five-year reviews of the subject orders. The three U.S. producers responding to the Commission's notice of institution in these reviews

<sup>42</sup> *Staff Report*, February 5, 2009 (INV-GG-009), p. VII-4.

<sup>43</sup> *Ibid.*



**APPENDIX D**

**PURCHASER QUESTIONNAIRE RESPONSES**



As part of their response to the notice of institution, interested parties were asked to provide a list of three to five leading purchasers in the U.S. market for the domestic like product. Responses were received from domestic interested parties and they named the following 12 firms as the top purchasers of WSS pressure pipe: \*\*\*. Purchaser questionnaires were sent to these 12 firms and five firms (\*\*\*) provided responses, which are presented below.

1. Have there been any significant changes in the supply and demand conditions for WSS pressure pipe that have occurred in the United States or in the market for WSS pressure pipe in China, Malaysia, Thailand, and/or Vietnam since January 1, 2014?

\* \* \* \* \*

2. Do you anticipate any significant changes in the supply and demand conditions for WSS pressure pipe in the United States or in the market for WSS pressure pipe in China, Malaysia, Thailand, and/or Vietnam within a reasonably foreseeable time?

\* \* \* \* \*

