February 12, 2016

The Honorable Penny S. Pritzker
Secretary of Commerce
U.S. Department of Commerce
Attn: Enforcement and Compliance
Central Records Unit, Room 1870
14th Street and Constitution Avenue, N.W.
Washington, DC 20230

The Honorable Lisa R. Barton
Secretary
U.S. International Trade Commission
500 E Street, S.W., Room 112
Washington, D.C. 20436

Re: Stainless Steel Sheet and Strip from the People’s Republic of China – Petitions for the Imposition of Antidumping and Countervailing Duties

Dear Secretary Pritzker and Secretary Barton:

On behalf of AK Steel Corporation, Allegheny Ludlum, LLC d/b/a ATI Flat Rolled Products, North American Stainless, and Outokumpu Stainless USA, LLC (collectively “Petitioners”), we hereby submit to the U.S. Department of Commerce (the “Department”) petitions for the imposition of antidumping and countervailing duties on stainless steel sheet and strip from the People’s Republic of China (the “Petitions”) pursuant to sections 701, 702(b), 731, and 732(b) of the Tariff Act of 1930, as amended (the “Act”) (19 U.S.C. §§ 1671, 1671a(b), 1673 and 1673a(b)). Pursuant to the Department’s regulations codified at 19 C.F.R. § 351.202(c), we hereby certify that the Petitions and required copies are being filed today with the U.S. International Trade Commission (the “Commission”).
At the Department, we are filing Volume I (Common Issues and Injury) matched with the corresponding volume addressing sales at less-than-fair value or the provision of countervailable subsidies. Information pertaining to the allegations of sales at less-than-fair value is contained in Volume II, while information concerning countervailable subsidies provided by the Government of China is contained in Volume III.

At the Commission, pursuant to instructions from Secretary Barton, we are filing an original and eight copies of: (1) the narrative portion of the business proprietary version of Volume I (Common Issues and Injury); (2) the narrative portion of the business proprietary version of Volumes II; and (3) the narrative portion of Volume III (which is a public document). We are also filing an original and four copies of: (1) the narrative portion of the public version of Volume I (Common Issues and Injury), Volume II (sales at less-than-normal-value), and Volume III (concerning countervailable subsidies). Finally, we are filing on CD-ROM complete sets of the business proprietary and public versions of the exhibits to all volumes of the Petitions in PDF format compatible with the Commission’s EDIS system.

On behalf of Petitioners, we hereby request proprietary treatment for information designated as proprietary in these Petitions pursuant to the Department’s regulations codified at 19 C.F.R. §§ 351.202(d) and 351.304 and the Commission’s rules codified at 19 C.F.R. § 201.6(b). The business proprietary information, which is enclosed in single brackets (“[ ]”), is highly sensitive business confidential information, as identified below, warranting proprietary treatment:

**Volume I (General and Injury)**

- Pages 4-5 and **Exhibit GEN-1** contains proprietary U.S. producers’ production data and the confidential source of the data;
- Pages 14, 16, 20-21 and **Exhibit GEN-8** contains Petitioners’ proprietary shipment, domestic consumption, and market share data;
- **Exhibit GEN-10** contains Petitioners’ proprietary lost sales and lost revenue information, including the names/locations of Petitioners’ customers and the volume and description of the products;
- Page 15-16 and **Exhibit GEN-11** contains proprietary U.S. producers’ pricing data, as well as the confidential source of the data; and
- Pages 5, 18, 21 and **Exhibit GEN-12** contains Petitioners’ proprietary trade and financial data, including capacity, production, capacity utilization, employment, net sales, and operating income.
- Page 23-24 and **Exhibit GEN-13** contains proprietary research and data on the Chinese SSSS industry, as well as the confidential source of the information.
Volume II (Antidumping Duty)

- Pages 3, 5-6 and Exhibits AD-1A, 1B, 7A, 7B, 17A, and 17B contain Petitioners' proprietary sales data (including pricing and terms of sale), as well as market intelligence on sales, customers and pricing of subject imports and the confidential sources from whom business proprietary information was obtained.

- Exhibit AD-8 contains Petitioners’ calculation of trading company average markup and U.S. selling agency’s selling expenses;

- Exhibits AD-9, AD-10A and AD-10B contain Petitioners’ proprietary U.S. cost of production and normal value calculation.

We note that Volume III (Countervailing Duty Section) is entirely public. The single-bracketed business proprietary information in the attached Volumes I and II of these Petitions identified above is entitled to proprietary treatment in accordance with the Department’s regulations codified at 19 C.F.R. § 351.304(a) and the Commission’s rules codified at 19 C.F.R. § 201.6(b). Information for which proprietary treatment is requested is not available to the public. Public disclosure of this information would result in serious and substantial harm to the competitive position of the sources of the information and would impair the ability of the Department and the Commission to obtain information necessary to fulfill their statutory functions. The requisite certifications that substantially identical information is not available to the public are set forth as attachments to this letter, in accordance with the Commission’s rules codified at 19 C.F.R. § 201.6(b).

Pursuant to the Department’s regulations codified at 19 C.F.R. § 351.304(b), Petitioners agree in principle to permit disclosure of the single-bracketed business proprietary information contained in the Petitions under an appropriately drawn administrative protective order (“APO”). Petitioners, however, reserve the right to comment on all APO applications prior to disclosure.

A public version of the Petitions has been prepared and is being filed simultaneously with this submission pursuant to the Department’s regulations codified at 19 C.F.R. § 351.304(c)(1) and the Commission’s rules codified at 19 C.F.R. § 201.8(f). The public version contains a public summary of the single-bracketed business proprietary information in sufficient detail to permit a reasonable understanding of the contents of the Petitions.

* * *
Should you have any questions regarding these Petitions, please contact the undersigned.

Respectfully submitted,

KATHLEEN W. CANNON
DAVID A. HARTQUIST
JOHN M. HERRMANN
GRACE W. KIM
KELLEY DRYE & WARREN LLP
3050 K Street, N.W., Suite 400
Washington, DC 20007
(202) 342-8400

Counsel to Petitioners

ECONOMIC CONSULTANTS:

MICHAEL T. KERWIN
WILLIAM H. CROW II
WILLIAM B. HUDGENS
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GEORGETOWN ECONOMIC SERVICES, LLC
3050 K Street, N.W.
Washington, DC 20007
(202) 945-6660
STAINLESS STEEL SHEET AND STRIP FROM
THE PEOPLE'S REPUBLIC OF CHINA
Case Nos. A-570-042 and C-570-043
Original Investigation

REPRESENTATIVE CERTIFICATION

I, Kathleen W. Cannon, with Kelley Drye & Warren LLP, counsel or representative to
Petitioners, AK Steel Corporation, Allegheny Ludlum, LLC d/b/a ATI Flat Rolled Products,
North American Stainless, and Outokumpu Stainless USA, LLC, certify that I have read the
attached submission, Antidumping and Countervailing Duty Petitions, dated February 12,
2016. In my capacity as an adviser, counsel, preparer or reviewer of this submission, I certify that the
information contained in this submission is accurate and complete to the best of my knowledge.
I am aware that U.S. law (including, but not limited to, 18 U.S.C. 1001) imposes criminal
sanctions on individuals who knowingly and willfully make material false statements to the U.S.
Government. In addition, I am aware that, even if this submission may be withdrawn from the
record of the AD/CVD proceeding, the Department may preserve this submission, including a
business proprietary submission, for purposes of determining the accuracy of this certification.
I certify that I am filing a copy of this signed certification with this submission to the U.S.
Department of Commerce and that I will retain the original for a five-year period commencing
with the filing of this document. The original will be available for inspection by U.S. Department
of Commerce officials.

Signature: ____________________________
Kathleen W. Cannon

Date: February 12, 2016
CERTIFICATION

CITY OF WASHINGTON  ) ss:
)  ) ss:
DISTRICT OF COLUMBIA  )

In accordance with section 201.6(b)(3)(iii) of the Commission’s regulations, 19 C.F.R. § 201.6(b)(3)(iii), I, Kathleen W. Cannon, hereby certify on February 12, 2016, that information substantially identical to that for which business proprietary treatment has been requested in this document is not available to the general public.

In accordance with section 207.3(a) of the Commission’s regulations, 19 C.F.R. § 207.3(a), I, Kathleen W. Cannon, hereby certify on February 12, 2016, that the information contained in this document is accurate and complete to the best of my knowledge.

In accordance with section 207.10(a) of the Commission's regulations, 19 C.F.R. § 207.10(a), I, Kathleen W. Cannon, hereby certify that on February 12, 2016, copies of this document are being filed with the Department of Commerce and the U.S. International Trade Commission on this date.

[Signature]
Kathleen W. Cannon

Subscribed and sworn to before me on February 12, 2016.

[Signature]
Notary Public

My Commission Expires 03-31-2016

Jerome Oyeneyin
Notary Public District of Columbia
MY COMMISSION EXPIRES 03-31-2016
STAINLESS STEEL SHEET AND STRIP FROM
THE PEOPLE'S REPUBLIC OF CHINA
Case Nos. A-570-042 AND C-570-043
Original Investigation

COMPANY CERTIFICATION

I, Geoff Pfeiffer, General Manager - Specialty Sales, currently employed by AK Steel Corporation, certify that I prepared or otherwise supervised the preparation of the attached Antidumping and Countervailing Duty Petitions, dated February 12, 2016. I certify that the public information and any business proprietary information of AK Steel Corporation contained in this submission is accurate and complete to the best of my knowledge. I am aware that the information contained in this submission may be subject to verification or corroboration (as appropriate) by the U.S. Department of Commerce. I am also aware that U.S. law (including, but not limited to, 18 U.S.C. 1001) imposes criminal sanctions on individuals who knowingly and willfully make material false statements to the U.S. Government. In addition, I am aware that, even if this submission may be withdrawn from the record of the AD/CVD proceeding, the U.S. Department of Commerce may preserve this submission, including a business proprietary submission, for purposes of determining the accuracy of this certification. I certify that a copy of this signed certification will be filed with this submission to the U.S. Department of Commerce.

Signature: ____________________________
Geoff Pfeiffer

Date: February 12, 2016
STAINLESS STEEL SHEET AND STRIP FROM
THE PEOPLE'S REPUBLIC OF CHINA
Case Nos. A-570-042 AND C-570-043
Original Investigation

COMPANY CERTIFICATION

I, Elliot S. Davis, Esq., Senior Vice President, currently employed by Allegheny Ludlum, LLC d/b/a ATI Flat Rolled Products, certify that I prepared or otherwise supervised the preparation of the attached Antidumping and Countervailing Duty Petitions, dated February 12, 2016. I certify that the public information and any business proprietary information of Allegheny Ludlum, LLC d/b/a ATI Flat Rolled Products contained in this submission is accurate and complete to the best of my knowledge. I am aware that the information contained in this submission may be subject to verification or corroboration (as appropriate) by the U.S. Department of Commerce. I am also aware that U.S. law (including, but not limited to, 18 U.S.C. 1001) imposes criminal sanctions on individuals who knowingly and willfully make material false statements to the U.S. Government. In addition, I am aware that, even if this submission may be withdrawn from the record of the AD/CVD proceeding, the U.S. Department of Commerce may preserve this submission, including a business proprietary submission, for purposes of determining the accuracy of this certification. I certify that a copy of this signed certification will be filed with this submission to the U.S. Department of Commerce.

Signature: 

Elliot S. Davis, Esq.

Date: February 12, 2016
STAINLESS STEEL SHEET AND STRIP FROM 
THE PEOPLE'S REPUBLIC OF CHINA 
Case Nos. A-570-042 and C-570-043

Original Investigation

COMPANY CERTIFICATION

I, Chris Lyons, Vice President Commercial, currently employed by North American Stainless, certify that I prepared or otherwise supervised the preparation of the attached Antidumping and Countervailing Duty Petitions, dated February 12, 2016. I certify that the public information and any business proprietary information of North American Stainless contained in this submission is accurate and complete to the best of my knowledge. I am aware that the information contained in this submission may be subject to verification or corroboration (as appropriate) by the U.S. Department of Commerce. I am also aware that U.S. law (including, but not limited to, 18 U.S.C. 1001) imposes criminal sanctions on individuals who knowingly and willfully make material false statements to the U.S. Government. In addition, I am aware that, even if this submission may be withdrawn from the record of the AD/CVD proceeding, the U.S. Department of Commerce may preserve this submission, including a business proprietary submission, for purposes of determining the accuracy of this certification. I certify that a copy of this signed certification will be filed with this submission to the U.S. Department of Commerce.

Signature: [Signature]

Chris Lyons

Date: February 12, 2016
STAINLESS STEEL SHEET AND STRIP FROM
THE PEOPLE'S REPUBLIC OF CHINA
Case Nos. A-570-042 AND C-570-043
Original Investigation

COMPANY CERTIFICATION

I, Stephen J. Letnich, Vice President of Sales for Coil Americas, currently employed by Outokumpu Stainless USA, LLC, certify that I prepared or otherwise supervised the preparation of the attached Antidumping and Countervailing Duty Petitions, dated February 12, 2016. I certify that the public information and any business proprietary information of Outokumpu Stainless USA, LLC contained in this submission is accurate and complete to the best of my knowledge. I am aware that the information contained in this submission may be subject to verification or corroboration (as appropriate) by the U.S. Department of Commerce. I am also aware that U.S. law (including, but not limited to, 18 U.S.C. 1001) imposes criminal sanctions on individuals who knowingly and willfully make material false statements to the U.S. Government. In addition, I am aware that, even if this submission may be withdrawn from the record of the AD/CVD proceeding, the U.S. Department of Commerce may preserve this submission, including a business proprietary submission, for purposes of determining the accuracy of this certification. I certify that a copy of this signed certification will be filed with this submission to the U.S. Department of Commerce.

Signature: ____________________________

Stephen J. Letnich

Date: February 12, 2016
BEFORE THE
INTERNATIONAL TRADE ADMINISTRATION
OF THE
U.S. DEPARTMENT OF COMMERCE
AND THE
U.S. INTERNATIONAL TRADE COMMISSION

ANTIDUMPING AND COUNTERVAILING DUTY PETITION
VOLUME I
GENERAL and INJURY SECTIONS

STAINLESS STEEL SHEET AND STRIP
FROM THE PEOPLE’S REPUBLIC OF CHINA

PETITIONERS:

AK STEEL CORPORATION, ALLEGHENY LUDLUM, LLC D/B/A ATI FLAT ROLLED PRODUCTS, NORTH AMERICAN STAINLESS, AND OUTOKUMPU STAINLESS USA, LLC

ECONOMIC CONSULTANTS:

MICHAEL T. KERWIN
WILLIAM B. HUDGENS
WILLIAM H. CROW II
LAURA M. BELTRAMI
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(202) 945-6660

COUNSEL:

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February 12, 2016
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PUBLIC VERSION

PETITION FOR THE IMPOSITION OF ANTIDUMPING AND COUNTERVAILING DUTIES ON IMPORTS OF STAINLESS STEEL SHEET AND STRIP FROM THE PEOPLE’S REPUBLIC OF CHINA

This petition is filed on behalf of the U.S. industry producing stainless steel sheet and strip ("SSSS"). The petitioners in this case are AK Steel Corporation, Allegheny Ludlum, LLC d/b/a ATI Flat Rolled Products, North American Stainless, and Outokumpu Stainless USA, LLC, (collectively “Petitioners”). These companies and their employees account for virtually all SSSS production in the United States and represent the U.S. industry producing SSSS within the meaning of sections 702(c)(4) and 732(c)(4) of the Tariff Act of 1930, as amended (the “Act”). 19 U.S.C. §§ 1671a(c)(4), 1673a(c)(4).

Volume II of this petition presents evidence that SSSS from the People’s Republic of China (“China”) is being, or is likely to be, sold in the United States at less than fair value within the meaning of section 731(1) of the Act. See 19 U.S.C. § 1673(1). In addition, Volume III of this petition presents evidence that the Government of China is providing countervailable subsidies with respect to the manufacture, production, and export of SSSS within the meaning of section 701(a)(1) of the Act. See 19 U.S.C. § 1671(a)(1). This petition demonstrates that the U.S. industry producing SSSS is being materially injured, and is threatened with further material injury, by reason of unfairly traded imports from China within the meaning of sections 701(a)(2) and 731(2) of the Act. See 19 U.S.C. §§ 1671(a)(2), 1673(2). Petitioners, therefore, request that: (1) antidumping duties be imposed on SSSS from China in an amount equal to the amount by which the normal value exceeds the export price or constructed export price of the merchandise; and (2) countervailing duties be imposed on imports of SSSS from China in an amount equal to the net countervailable subsidy.
This petition sets forth the information reasonably available to Petitioners and is filed in conformity with the requirements of section 351.202 of the regulations of the U.S. Department of Commerce ("Commerce" or "the Department"), 19 C.F.R. § 351.202, and section 207.11 of the regulations of the U.S. International Trade Commission ("ITC" or "Commission"), 19 C.F.R. § 207.11.

I. GENERAL INFORMATION

A. Petitioners

This petition is filed on behalf of the U.S. SSSS industry by the following domestic manufacturers:

- AK Steel Corporation ("AK Steel")
  9227 Centre Pointe Drive
  West Chester, OH 45069-4822
  Contact: Geoff Pfeiffer, General Manager – Specialty Sales
  Tel: (513) 425-5000
  Fax: (513) 425-5220
  Email: Geoff.Pfeiffer@aksteel.com
  Website: http://www.aksteel.com

- Allegheny Ludlum, LLC d/b/a ATI Flat Rolled Products ("ATI")
  1000 Six PPG Place
  Pittsburgh, PA 15222-5479
  Contact: Elliot S. Davis, Esq., Senior Vice President
  Tel: (412) 394-2835
  Fax: (412) 394-3010
  Email: Elliot.Davis@ATImetals.com
  Website: http://www.ATImetals.com

- North American Stainless ("NAS")
  6870 Highway 42 East
  Ghent, KY 41045-9615
  Contact: Chris Lyons, Vice President Commercial
  Tel: (502) 347-6000
  Fax: (502) 347-6001
  E-mail: clyons@northamericanstainless.com
  Website: http://www.northamericanstainless.com
B. **Description of the Domestic Industry and Industry Support**

This petition is filed on behalf of the domestic industry producing SSSS as defined in the scope of this petition (section I.D, infra) and meets the statutory support requirement as described below and as set forth in Exhibit GEN-1.

1. **Other U.S. Producers of SSSS**

Petitioners are aware of four additional entities that have produced SSSS in the United States since 2013:

- **Elgiloy Specialty Metals**
  1565 Fleetwood Dr.
  Elgin, IL 60123
  Tel: (847) 695-1900
  Website: [http://www.elgiloy.com](http://www.elgiloy.com)

- **Nucor Corporation**
  4537 South Nucor Road
  Crawfordsville, IN 47933
  Tel: (765) 364-1323
  Fax: (765) 364-5302
  Website: [http://www.nucor-sheetmills.com](http://www.nucor-sheetmills.com)

- **Precision Specialty Metals Inc.**
  3301 Medford St.
  Los Angeles, CA 90063
  Tel: (323) 475-3200

---

1 Precision Specialty Metals Inc. shut down its Los Angeles, CA operations in late 2015 and thus is no longer a U.S. producer of SSSS. See Exhibit GEN-1.
2. **Industry Support**

Sections 702 and 732 of the Act require that “the domestic producers or workers who support the petition account for at least 25 percent of the total production of the like product.” 19 U.S.C. §§ 1671a(c)(4)(A)(i), 1673a(c)(4)(A)(i). In addition, the statute requires that “the domestic producers or workers who support the petition account for more than 50 percent of the production of the domestic like product produced by the portion of the industry expressing support for or opposition to the petition.” 19 U.S.C. §§ 1671a(c)(4)(A)(ii), 1673a(c)(4)(A)(ii).

As shown in Table 1, the U.S. producers who are known to be in support of the petition surpass both the 25 percent and 50 percent thresholds for industry support established in the statute. The volume of Petitioners’ production of SSSS in 2015 was [ ] short tons. See Exhibit GEN-1. Based on [ ] and the Declaration of Stephen J. Letnich, Vice President of Sales for Coil Americas at Outokumpu, there are four additional U.S. producers of SSSS: (1) Elgiloy Specialty Metals (“Elgiloy”), (2) Nucor Corporation (“Nucor”), (3) Precision Specialty Metals Inc. (“Precision”), and (4) Ulbrich Stainless Steels & Special Metals, Inc. (“Ulbrich”) Id. Petitioners conservatively estimate the production levels of the non-petitioning producers of SSSS to be the same as their capacity levels. Based on [source data for company names], the non-petitioning U.S. producers’ 2015 production of SSSS is estimated as follows: (1) Elgiloy Specialty Metals [ ] (2) Nucor Corporation [48,500 metric tons] (3) Precision Specialty Metals Inc. [ ]
Thus, in the aggregate, Petitioners estimate the total U.S. production of these four non-petitioning U.S. producers to be [135,000] short tons in 2015.

As Table 1 shows, Petitioners’ estimated share of U.S. production of SSSS in 2015 accounted for [95] percent of total U.S. production. Thus, Petitioners surpass both the 25 percent and the 50 percent thresholds for industry support established in the statute.

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<td>PETITIONERS’ SHARE OF DOMESTIC PRODUCTION</td>
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Source: [ ] capacity data and Petitioners’ production data, appended at Exhibits GEN-1 and GEN-12.

C. Related Proceedings

Petitioners have not filed previously for import relief pursuant to sections 337 of the Tariff Act of 1930, as amended, ("the Act") (19 U.S.C. § 1337) or section 232 of the Trade Expansion Act of 1962 (19 U.S.C. § 1862), with respect to the merchandise that is the subject of this petition.

A chronology of all prior antidumping and countervailing duty proceedings, section 201 investigations, and related proceedings covering SSSS is provided in Exhibit GEN-2. Based on petitions filed in 1998, there are currently antidumping duty orders in place against SSSS in coils from Japan, Korea, and Taiwan, as well as a countervailing duty order in place covering imports of SSSS in coils from Korea. See Stainless Steel Sheet and Strip from Germany, Italy, Japan, Korea, Mexico, and Taiwan, Inv. Nos. 701-TA-382 and 731-TA-798-803 (Second Review),
USITC Pub. 4244 (July 2011) ("Second Sunset Review – SSSS in Coils"). The third sunset review of the unfair trade orders remaining in effect with respect to SSSS in coils from the above-referenced subject countries is scheduled to be initiated on July 1, 2016. See http://pubapps2.usitc.gov/sunset/.

In 1998, the domestic industry filed antidumping ("AD") and countervailing duty ("CVD") petitions against SSSS in coils from France (AD and CVD), Germany (AD), Italy (AD and CVD), Japan (AD), Korea (AD and CVD), Mexico (AD), Taiwan (AD), and the United Kingdom (AD). Following the Department of Commerce's issuance of final affirmative determinations,² the Commission reached affirmative determinations with respect to all seven

² See Notice of Final Determination of Sales at Less Than Fair Value; Stainless Steel Sheet and Strip in Coils From Japan, 64 Fed. Reg. 30,574 (Dep't Commerce June 8, 1999); Notice of Final Determination of Sales at Less Than Fair Value; Stainless Steel Sheet and Strip in Coils From Taiwan, 64 Fed. Reg. 30,592 (Dep't Commerce June 8, 1999); Final Affirmative Countervailing Duty Determination; Stainless Steel Sheet and Strip in Coils From Italy, 64 Fed. Reg. 30,624 (Dep't Commerce June 8, 1999); Final Affirmative Countervailing Duty Determination; Stainless Steel Sheet and Strip in Coils From The Republic of Korea, 64 Fed. Reg. 30,636 (Dep't Commerce June 8, 1999); Notice of Final Determination of Sales at Less Than Fair Value; Stainless Steel Sheet and Strip in Coils From The Republic of Korea, 64 Fed. Reg. 30,664 (Dep't Commerce June 8, 1999); Notice of Final Determination of Sales at Less Than Fair Value; Stainless Steel Sheet and Strip in Coils From The United Kingdom, 64 Fed. Reg. 30,688 (Dep't Commerce June 8, 1999); Final Determination of Sales at Less Than Fair Value; Stainless Steel Sheet and Strip in Coils From Germany, 64 Fed. Reg. 30,710 (Dep't Commerce June 8, 1999); Final Affirmative Countervailing Duty Determination; Stainless Steel Sheet and Strip in Coils From France, 64 Fed. Reg. 30,744 (Dep't Commerce June 8, 1999); Notice of Final Determination of Sales at Less Than Fair Value; Stainless Steel Sheet and Strip in Coils From Italy, 64 Fed. Reg. 30,750 (Dep't Commerce June 8, 1999); Notice of Final Determination of Sales at Less Than Fair Value; Stainless Steel Sheet and Strip in Coils From France, 64 Fed. Reg. 30,820 (Dep't Commerce June 8, 1999); and Notice of Final Determination of Sales at Less Than Fair Value; Stainless Steel Sheet and Strip in Coils From Mexico, 64 Fed. Reg. 30,790 (Dep't Commerce June 8, 1999).
subject countries. As a result of the affirmative determinations by both agencies, the Commerce Department issued antidumping orders with respect to imports of SSSS in coils from France, Germany, Italy, Japan, Korea, Mexico, Taiwan, and the United Kingdom, and countervailing duty orders with respect to SSSS in coils from France, Italy, and Korea.

The Commerce Department revoked the countervailing duty orders with respect France and Italy on September 1, 2004 and March 28, 2006, respectively. During the first five-year reviews, the Commission made a negative determination with respect to France and the United

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3 See Certain Stainless Steel Sheet and Strip from France, Germany, Italy, Japan, The Republic of Korea, Mexico, Taiwan and The United Kingdom, Inv. Nos. 701-TA-380-382 and 731-TA-797-804 (Final), USITC Pub. 3208 (July 1999).

4 See Notice of Antidumping Duty Order; Stainless Steel Sheet and Strip in Coils From United Kingdom, Taiwan and South Korea, 64 Fed. Reg. 40,555 (Dep't Commerce July 27, 1999); Notice of Amended Final Determination of Sales at Less Than Fair Value and Antidumping Duty Order; Stainless Steel Sheet and Strip in Coils From Germany, 64 Fed. Reg. 40,557 (Dep't Commerce July 27, 1999); Notice of Amended Final Determination of Sales at Less Than Fair Value and Antidumping Duty Order; Stainless Steel Sheet and Strip in Coils From Mexico, 64 Fed. Reg. 40,560 (Dep't Commerce July 27, 1999); Notice of Amended Final Determination of Sales at Less Than Fair Value and Antidumping Duty Order; Stainless Steel Sheet and Strip in Coils From France, 64 Fed. Reg. 40,562 (Dep't Commerce July 27, 1999); Notice of Amended Final Determination of Sales at Less Than Fair Value and Antidumping Duty Order; Stainless Steel Sheet and Strip in Coils From Japan, 64 Fed. Reg. 40,565 (Dep't Commerce July 27, 1999); and Notice of Amended Final Determination of Sales at Less Than Fair Value and Antidumping Duty Order; Stainless Steel Sheet and Strip in Coils From Italy, 64 Fed. Reg. 40,567 (Dep't Commerce July 27, 1999).

5 See Amended Final Determination; Stainless Steel Sheet and Strip in Coils From the Republic of Korea; and Notice of Countervailing Duty Orders; Stainless Steel Sheet and Strip in Coils From France, Italy, and the Republic of Korea, 64 Fed. Reg. 42,923 (Dep't Commerce Aug. 6, 1999).

Kingdom. As a result, the Commerce Department revoked the antidumping duty orders with respect to those countries on August 4, 2005. During the second five-year reviews, the Commission made a negative determination with respect to Germany, Italy, and Mexico. As a result, the Commerce Department revoked the antidumping duty orders with respect to those countries on August 10, 2011.

Other than the actions described in Exhibit GEN-2, Petitioners have not filed, are not presently filing, and have not otherwise initiated proceedings for import relief with respect to the merchandise that is the subject of this petition.

D. Description of the Merchandise and Requested Scope of Investigation

1. Requested Scope of Investigation

The following language describes the imported merchandise that Petitioners intend to cover in these investigations:

The merchandise covered by this investigation is stainless steel sheet and strip, whether in coils or straight lengths. Stainless steel is an alloy steel containing, by weight, 1.2 percent or less of carbon and 10.5 percent or more of chromium, with or without other elements. The subject sheet and strip is a flat-rolled product – either in coils or straight lengths – with a width that is greater than 9.5 mm and with a thickness of 0.3048 mm and greater but less than 4.75 mm, and that is annealed or otherwise heat treated and

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7 See Stainless Steel Sheet and Strip from France, Germany, Italy, Japan, Korea, Mexico, Taiwan and the United Kingdom, Inv. Nos. 701-TA-380-382 and 731-TA-797-804 (Review), USITC Pub. 3788 (July 2005).

8 See Certain Stainless Steel Sheet and Strip in Coils From France and the United Kingdom; Final Results of Sunset Reviews and Revocation of Antidumping Duty, 70 Fed. Reg. 44,894 (Dep't Commerce Aug. 4, 2005).

9 See Stainless Steel Sheet and Strip from Germany, Italy, Japan, Korea, Mexico, and Taiwan, Inv. Nos. 701-TA-382 and 731-TA-798-803 (Second Review), USITC Pub. 4244 (July 2011).

10 See Stainless Steel Sheet and Strip in Coils From Germany, Italy, and Mexico; Revocation of Antidumping Duty Orders, 76 Fed. Reg. 49,450 (Dep't Commerce Aug. 10, 2011).
pickled or otherwise descaled. The subject sheet and strip may also be further processed (e.g., cold-rolled, polished, aluminized, coated, etc.) provided that it maintains the specific dimensions of sheet and strip following such processing. Excluded from the scope of this investigation are the following: (1) sheet and strip that is not annealed or otherwise heat treated, not pickled or otherwise descaled, and not cold-rolled; (2) plate (i.e., flat-rolled stainless steel products of a thickness of 4.75 mm or more); and (3) flat wire (i.e., cold-rolled sections, with a prepared edge, rectangular in shape, of a width of not more than 9.5 mm).

The products under investigation are currently classifiable under Harmonized Tariff Schedule subheadings 7219.13.0031, 7219.13.0051, 7219.13.0071, 7219.13.0081, 7219.14.0030, 7219.14.0065, 7219.24.0003, 7219.24.0060, 7219.32.0025, 7219.32.0035, 7219.32.0036, 7219.32.0038, 7219.32.0042, 7219.32.0044, 7219.32.0045, 7219.32.0060, 7219.33.0005, 7219.33.0020, 7219.33.0025, 7219.33.0035, 7219.33.0036, 7219.33.0045, 7219.33.0044, 7219.34.0003, 7219.34.0030, 7219.34.0035, 7219.35.0005, 7219.90.0010, 7219.90.0015, 7219.90.0060, 7219.90.0080, and 7220.12.1000. Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope of this proceeding is dispositive.

2. Technical Characteristics, Production Process, and Uses

The basic characteristics, production process, and uses of SSSS were addressed comprehensively by the Commission in its most recent (second) sunset review. See Second Sunset Review – SSSS in Coils, USITC Pub. 4244 at I-24-I-32. The relevant pages of that publication are attached as Exhibit GEN-3.
3. **U.S. Tariff Classification**

SSSS is currently classifiable in the following HTSUS subheadings: 7219.13.0031, 7219.13.0051, 7219.13.0071, 7219.14.0030, 7219.14.0065, 7219.14.0090, 7219.23.0030, 7219.23.0060, 7219.24.0060, 7219.32.0005, 7219.32.0020, 7219.32.0025, 7219.32.0035, 7219.32.0036, 7219.32.0038, 7219.32.0042, 7219.32.0044, 7219.32.0045, 7219.32.0060, 7219.33.0005, 7219.33.0020, 7219.33.0025, 7219.33.0035, 7219.33.0036, 7219.33.0038, 7219.33.0042, 7219.33.0044, 7219.33.0045, 7219.33.0070, 7219.34.0005, 7219.34.0020, 7219.34.0025, 7219.34.0030, 7219.34.0035, 7219.35.0005, 7219.35.0015, 7219.35.0030, 7219.35.0035, 7219.35.0050, 7219.90.0010, 7219.90.0020, 7219.90.0025, 7219.90.0060, 7219.90.0080, 7220.12.1000, 7220.12.5000, 7220.20.1010, 7220.20.1015, 7220.20.1060, 7220.20.1080, 7220.20.6005, 7220.20.6010, 7220.20.6015, 7220.20.6060, 7220.20.6080, 7220.20.7005, 7220.20.7010, 7220.20.7015, 7220.20.7060, 7220.20.7080, 7220.20.8000, 7220.20.9030, 7220.20.9060, 7220.90.0010, 7220.90.0015, 7220.90.0060, and 7220.90.0080. See Exhibit GEN-4.

E. **Country of Exportation**

The SSSS that is the subject of this petition is produced in and exported from China. Petitioners have no knowledge that the subject merchandise is currently being transshipped through any third country to the United States.

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

Pursuant to the Department's regulations, 19 C.F.R. § 351.202(b)(7)(i)(A), a list of known producers and exporters of SSSS from China is included in Exhibit GEN-5.
G. **Volume and Value of Imports**

The volume and value of U.S. imports of SSSS from China for calendar years 2013, 2014, and 2015 are presented at Exhibit GEN-6, as required by the Department’s regulations. See 19 C.F.R. § 351.202(b)(8).

H. **Names and Addresses of U.S. Importers**

Based on information reasonably available to Petitioners, a list of known and suspected importers of SSSS from China is included in Exhibit GEN-7, as required by the Department’s regulations. See 19 C.F.R. § 351.202(b)(9).

II. **INFORMATION RELATED TO SALES AT LESS THAN FAIR VALUE**

Information related to Petitioners’ allegation that SSSS from China is being sold in the United States at less than fair value is provided in Volume II of this petition.

III. **INFORMATION RELATED TO COUNTERVAILABLE SUBSIDIES**

Information related to countervailable subsidies provided by the Government of China with respect to the manufacture, production, and export of SSSS in China is provided in Volume III of this petition.

IV. **THE U.S. SSSS INDUSTRY HAS BEEN MATERIALLY INJURED BY REASON OF UNFAIRLY TRADED IMPORTS OF SSSS FROM CHINA**

A. **The Domestic Like Product Is Co-Extensive With the Scope of the Petition and Consists of Stainless Steel Sheet and Strip**

The domestic like product in this case mirrors the scope of the petition and consists of stainless steel sheet and strip. This domestic like product definition is consistent with the statute and is generally consistent with the like product definition the Commission adopted in the 1999
investigations. All SSSS has similar physical characteristics and follows industry specifications for sheet and strip chemistry, thickness, and width, as detailed by the American Society for Testing and Materials ("ASTM"), ASM International ("ASM"), and the American Iron and Steel Institute ("AISI"). SSSS is used in consumer and industrial applications where the corrosion resistance, heat resistance, or design characteristics of stainless steel are required. SSSS conforms to the identified industry specifications and, as such, is interchangeable regardless of source. The majority of SSSS is sold in the same channel of distribution, direct to end users. In terms of production processes, equipment, and employees, SSSS is produced using the same basic manufacturing process, as described in Exhibit GEN-3, as well as on the same equipment and by the same employees. Producers and customers perceive SSSS to be the same product and do not perceive other products to be substitutable for SSSS. With respect to price, SSSS is sold within a reasonable range of similar prices. Accordingly, the domestic like product in these investigations should be defined as SSSS, co-extensive with the scope of this case.

B. The Domestic Industry Consists of All U.S. Producers of SSSS

Section 771(4)(A) of the Act defines the relevant industry as the “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.” 19 U.S.C. § 1677(4)(A). Based on this definition, the domestic industry consists of all U.S. producers of SSSS. These producers are the four petitioning companies, as well as the four other domestic producers identified in section I.B.1, supra.

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11 See Stainless Steel Sheet and Strip from France, Germany, Italy, Japan, Korea, Mexico, Taiwan and the United Kingdom, Inv. Nos. 701-TA-380-382 and 731-TA-797-804 (Final), USITC Pub. 3208 at 4-8 (July 1999).
C. **Subject Imports Surpass the Statutory Negligibility Threshold**

Pursuant to section 771(24) of the statute, imports from any single country that account for less than three percent of the total import volume for subject merchandise in the most recent 12-month period for which data are available that precedes the filing of the petition are considered negligible. See 19 U.S.C. § 1677(24)(A)(i). As indicated in Table 2, U.S. import volumes for SSSS from China for the most recent 12-month period for which import statistics are available (January 2015 through December 2015) indicate that imports of SSSS from China significantly exceed the statutory negligibility threshold. Specifically, for the 12-month period examined, imports from China accounted for 31.8 percent of total imports.

<table>
<thead>
<tr>
<th>TABLE 2</th>
<th>U.S. Imports of Stainless Steel Sheet and Strip</th>
<th>January 2015 – December 2015</th>
</tr>
</thead>
<tbody>
<tr>
<td>Country</td>
<td>Volume (in short tons)</td>
<td>Percent of Total</td>
</tr>
<tr>
<td>China</td>
<td>147,183</td>
<td>31.8%</td>
</tr>
<tr>
<td>All others</td>
<td>316,108</td>
<td>68.2%</td>
</tr>
<tr>
<td>Total</td>
<td>463,291</td>
<td>100.0%</td>
</tr>
</tbody>
</table>

Accordingly, imports of SSSS from China are not negligible with the meaning of 19 U.S.C. § 1677(24)(A)(i).

D. **SSSS Imports from China Are Causing Material Injury to the Domestic Industry**

In determining whether the domestic industry has been injured by reason of the imports under investigation, the statute directs the Commission to consider:

1. the volume of imports of the subject merchandise;
(2) the effect of imports of that merchandise on prices in the United States for the
domestic like product; and

(3) the impact of imports of such merchandise on domestic producers in the context
of production operations within the United States.

19 U.S.C. § 1677(7)(B). Information reasonably available to Petitioners indicates that increasing
volumes of dumped and subsidized imports from China have been, and continue to be, a cause of
material injury to the domestic SSSS industry.

1. The Volume of SSSS Imports from China Is Significant and Increasing

The volume of unfairly priced SSSS imports from China is significant in absolute volume
and has increased rapidly during the past three years. The absolute volume of imports from
China is significant, with China the largest source of SSSS imports into the U.S. market. See
Exhibit GEN-8. In 2015, imports from China accounted for nearly one-third of total U.S.
imports. Id. Imports of SSSS from China have also surged into the U.S. market during the
period of investigation ("POI"). Imports from China increased significantly from 63,133 tons in
2013 to 147,183 tons in 2015, representing an increase of 133.1 percent in absolute terms from
2013-15. Id. The increase in imports from China accounted for 81.2 percent of the total
increase in imports during the POI and grew faster than U.S. demand. Id. As a result, imports
from China as a share of the U.S. market increased from [ ] percent in 2013 to [ ] percent
in 2015. Id.

2. Unfairly Traded SSSS Imports from China Have Had Significant
   Negative Price Effects on the Domestic Industry

In its 1999 investigations of SSSS from multiple countries, the Commission found that
price was "one of the most important factors in purchasing decisions," and that the domestic like
product and subject imports are "generally substitutable." USITC Pub. 3208 at 15 (appended in Exhibit GEN-9). Similarly, the Commission found in the first and second sunset reviews of the antidumping and countervailing duty orders on SSSS that “SSSS from different sources is at least moderately substitutable and price continues to be one of the most important considerations in purchasing decisions”\textsuperscript{12} and that "there is a moderate to high degree of interchangeability between subject imports from each of these sources and the domestic like product, and that price is an important factor in the U.S. SSSS market,"\textsuperscript{13} respectively. Id. SSSS remains a price-sensitive product. The low-priced, dumped and subsidized subject imports from China have had significant negative price effects on the domestic SSSS industry. Price underselling by unfairly-traded imports of SSSS from China has significantly depressed the prices at which domestic producers have sold SSSS during the POI.

a. **Subject Imports Have Undersold Domestically-Produced SSSS by Substantial Margins, Causing the Domestic Industry Lost Sales, Lost Revenue, and Price Depression**

Evidence reasonably available to Petitioners indicates that the surge in SSSS imports from China coincided with significant underselling by the subject imports. As reflected in U.S. producers’ average unit values ("AUVs"), U.S. SSSS prices declined significantly over the POI due to widespread and significant underselling of U.S. producers’ prices. See Exhibit GEN-10.

To obtain direct price comparisons between U.S. producers’ shipments and subject import shipments, Petitioners compared the domestic CR304 spot prices (published by Source) with import AUVs of the comparable HTS subheading 7219.33.0038 (which covers flat-rolled products of stainless steel, of a width of 600 mm or more, not further worked than cold-rolled, of

\textsuperscript{12} USITC Pub. 3788 at 31 (appended in Exhibit GEN-9).

\textsuperscript{13} USITC Pub. 4244 at 30 (appended in Exhibit GEN-9).
a thickness exceeding 1 mm but less than 3 mm, in coils, containing more than 0.5 percent by weight of nickel). The price comparisons establish that subject imports consistently and dramatically undersold the domestic like product and, as a result, [ ] their share of the U.S. market. See Exhibits GEN-8 and GEN-11. The data allow for eight quarterly comparisons between AUVs for the subject imports and domestic like product. In all comparisons, the import AUVs for the pricing product were below the domestic spot price for CR304 reported in [ ] with underselling margins ranging from [ ] to [25] percent. See Exhibit GEN-11.

The underselling and declining prices of imports from China resulted in the depression of U.S. producer prices during the 2013-2015 period. See Exhibits GEN-11 and GEN-12. As U.S. producers were forced to reduce their prices to compete with low-priced subject imports, domestic producers’ prices fell over the period. Notably, the AUVs of domestic producers’ commercial shipments declined from [ ] per ton in 2014 to [ ] per ton in 2015, a decrease of [18.8] percent. See Exhibit GEN-12. The substantial price declines occurred as imports from China surged into the U.S. market and overwhelmingly undersold the domestic producers’ prices. As discussed below, the price depression exerted by the subject imports on domestic producers’ prices has, in turn, led to a deterioration of U.S. producers’ profitability levels.

b. Identification of SSSS Products for Which Petitioners Request Collection of Price Data

Pursuant to Section 207.11(b)(2)(iv) of the Commission’s regulations, 19 C.F.R. § 207.11(b)(2)(iv), Petitioners recommend that the Commission collect pricing data on the following SSSS products:
Product 1.--AISI Grade 304, 0.075 inch nominal thickness (0.068-0.082 inch actual), width 48-60 inches, in coils, 2B finish.

Product 2.--AISI Grade 304, 0.029 inch nominal thickness (0.0291-0.032 inch actual), width 48-60 inches, in coils, 2B finish.

Product 3.--AISI Grade 304, 0.036 inch nominal thickness (0.032-0.040 inch actual), width 48-60 inches, in coils, 2B finish.

Product 4.--AISI Grade 316L, 0.060 inch nominal thickness (0.054-0.066 inch actual), width 48-60 inches, in coils, 2B finish.

These price descriptors account for a significant percentage of sales of SSSS made in the United States during the past three years and, accordingly, are the appropriate products for the Commission’s analysis and comparison of U.S. producer and import prices.

3. Unfairly Traded SSSS Imports from China Have Had A Significant Negative Impact on the Domestic SSSS Industry

In assessing whether the domestic industry is materially injured by reason of unfairly traded imports, the Commission considers relevant statutory factors reflecting the state of the domestic industry. See 19 U.S.C. § 1677(7)(c)(iii). The domestic SSSS industry has suffered material injury by reason of subject imports, as manifested in the market share lost to the unfairly traded imports, suppressed and depressed U.S. prices, and resultant weakness and deterioration of key U.S. industry trade and financial indicators. The significant volume of subject imports that has undersold domestically-produced SSSS has caused reductions in U.S. production and shipments. The reduction in domestic sales volume, as well as depression of U.S. prices by imports, has resulted in lost sales, decreased employment, and financial deterioration. These data, described in more detail below, provide evidence of a causal link between rising imports of dumped and subsidized SSSS from China and the material injury being suffered by the U.S. industry producing SSSS.
a. **Decreasing U.S. Shipment and Production Trends and Low Capacity Utilization Rates for SSSS Demonstrate the Material Injury Caused by Subject Imports**

The substantial increase in subject imports' share of the SSSS market has resulted in the domestic industry's loss of market share, loss of sales volume, and substantial production declines. Domestic production and shipments both decreased during the 2013-15 period.\(^{14}\) **See Exhibit GEN-12.** The displacement of U.S. producer sales by unfairly traded subject imports led to reductions in capacity utilization in the domestic industry. By 2015, the U.S. industry was utilizing only [60 \(\%\)] percent of its capacity. **Id.** Petitioners have ample capacity to produce SSSS to supply customers' requirements, but have been unable to supply more SSSS to the market due to the loss of sales and market share to the high volume of lower-priced, dumped and subsidized subject imports.

In addition, the loss of U.S. market share over the past three years has had a negative effect on domestic industry employment. Specifically, Petitioners' employment of production and related workers ("PRWs") declined from [\(\_\_\_\_\_\_\)] workers in 2013 to [3,000 \(\_\_\_\_\_\_\)] workers in 2015. **Id.** The growth in volume and unfair pricing of subject imports are directly affecting the livelihood of workers in the United States.

b. **Petitioners' Low and Declining Operating Income Demonstrates the Injurious Impact of the Substantial Volumes of Low-Priced Imports from China**

The financial performance of the domestic SSSS industry also deteriorated as a result of unfairly traded imports from China. The domestic industry's net sales value declined significantly over the past three years, falling from [\(\_\_\_\_\_\_\)] in 2013 to [\(\_\_\_\_\_\_\_\)] in 2015.

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\(^{14}\) The data in **Exhibit GEN-12** represent actual performance information reported by the Petitioners during the past three years.
2015, a decrease of [2] percent. See Exhibit GEN-12. This decline reflects both the decline in net sales quantity and the price depression experienced by the domestic industry. Id. The significant decline in the U.S. producers’ unit net sales from [ ] per ton in 2014 to [2000] per ton in 2015 is evidence of such price depression. Id.

The increasing volumes of low-priced imports that continually undercut U.S. producers’ prices resulted in declining operating profits for the U.S. industry. Id. The domestic producers' operating profits declined from [ ] percent in 2014 to [ ] percent in 2015. Id. The financial deterioration of the domestic SSSS industry is directly related to declining sales and revenue resulting from increased volumes of unfairly priced imports.

c. Petitioners Have Lost Sales and Revenues to Unfair SSSS Imports from China

The existence of a causal link between the rising volume and market share of imports of SSSS from China and U.S. producers’ declining profits and market share is corroborated by the lost sales and lost revenue information collected and attached as Exhibit GEN-10. This exhibit identifies instances in which Petitioners lost sales to unfairly traded SSSS imports from China, as well as transactions in which Petitioners lost revenues due to being forced to lower their prices in response to competing bids from unfairly traded SSSS imports from China. Id. This evidence of lost sales and revenues ties the financial performance of the domestic industry to the injurious price and volume impact of dumped and subsidized subject imports.

4. Conclusion

All of the indicators of material injury are present in this case. The volume of subject imports was significant both absolutely and relatively, and increased dramatically over the POI. Imports from China surged from 2013 to 2015, and reached their highest levels of market
penetration in 2015. The subject imports systematically undersold the domestic product, causing domestic prices to fall. The domestic industry [trends in shipments and financial performance] in 2015. Subject imports also adversely affected production, capacity utilization, and employment during the POI.

E. **Subject Imports Threaten Domestic Producers with Additional Material Injury**

In determining whether subject imports threaten a domestic industry with material injury, the Commission must consider a number of factors, including:

- A significant rate of increase of the volume or market penetration of imports of the subject merchandise;
- Price effects of the subject imports;
- The nature of any countervailable subsidies; and
- Existing unused production capacity or potential increases in production capacity in the exporting country. 15

In this case, all of these factors support an affirmative threat determination. The Commission should find that the domestic industry is vulnerable, and that the subject imports threaten the domestic SSSS industry with further material injury.

1. **The Domestic SSSS Industry Is Vulnerable to Material Injury from the Subject Imports**

The starting point for the Commission’s assessment of threat is the question of whether the domestic industry is vulnerable to material injury by reason of the subject imports. 16 To

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assess vulnerability, the Commission will consider the various indicators of performance for the industry. The Commission gives particular weight to the industry’s performance at the end of the POI.\(^{17}\)

The domestic SSSS industry is extremely vulnerable to further material injury by reason of the subject imports. As explained above, U.S. producers [trends in financial performance and market share] Accordingly, the Commission should determine that the domestic SSSS industry is vulnerable to material injury by reason of the subject imports.

2. **The Subject Imports Have Exhibited Rapid Volume Increases**

The Act provides that “a significant rate of increase of the volume or market penetration of imports of the subject merchandise” shall be considered in determining whether the domestic industry is threatened with material injury from the subject imports.\(^{18}\) In this case, there have been dramatic increases in both the volume and market penetration of subject imports over the POI.

As discussed above, the volume of subject imports increased by 133.1 percent between 2013 and 2015. See Exhibit GEN-6. Moreover, subject imports have increased faster than the increase in demand for SSSS, an indicator of threat.\(^{19}\) Subject import volume in 2015 was 133.1 percent higher than in 2013, while apparent domestic consumption in the same period for 2015 was [ ] percent higher. See Exhibit GEN-8. This substantial increase in subject imports in the face of relatively stable demand is evidence of a threat of material injury.

\(^{17}\) Seamless Refined Copper and Tube from China and Mexico, USITC Pub. 4193 at 34.


\(^{19}\) Chlorinated Isocyanurates from China and Japan, Inv. Nos. 701-TA-501 and 731-TA-1226 (Final), USITC Pub. 4494 (Nov. 2014) at 35.
3. **The Subject Imports Have Had Demonstrable Adverse Price Effects That Are Likely to Continue**

The Act provides that, in determining whether the domestic industry is threatened with material injury, the Commission shall consider “whether imports of the subject merchandise are entering at prices that are likely to have a significant depressing or suppressing effect on domestic prices, and are likely to increase demand for further imports.” The discussion above demonstrates that subject imports have had such effects. In particular, the rise in subject imports - that accelerated in 2015 - led to a sharp decline in prices for the domestic product at the end of 2014 through 2015. Given continuing high volumes of subject imports, at prices substantially underselling the domestic like product, it is likely that the decline in domestic prices will continue. Thus, this statutory factor also shows that the domestic industry is threatened with additional material injury from subject imports.

4. **The Chinese Government Encourages Exportation of Subject Merchandise Through Countervailable Subsidies**

As part of its threat analysis, the Commission must consider “if a countervailable subsidy is involved” and, in particular, “whether the countervailable subsidy is a subsidy described in Article 3 or 6.1” of the WTO Agreement on Subsidies and Countervailing Measures. Article 3 of the WTO Subsidies Agreement describes subsidies that are prohibited because they are contingent on export performance or on the use of domestic over imported goods. As demonstrated in Volume III of this petition, subject producers in China have received

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countervailable subsidies, including export subsidies and import substitution subsidies. Among the more significant of these are:

- Export loans provided to SSSS producers at preferential rates by government authorities where receipt of the financing is contingent on exporting;
- Export assistance grants provided to SSSS producers to assist in the development of export markets or to recognize export performance; and
- Preferential income tax treatment for SSSS producers that upgrade their manufacturing operations with domestically-manufactured equipment.

a. **Subject Producers Have Significant New and Unused Capacity, Indicating the Likelihood of Substantially Increased Imports**

The Act provides that in making a threat determination, the Commission shall consider “any existing unused production capacity or imminent, substantial increase in production capacity in the exporting country indicating the likelihood of substantially increased imports.”

The Commission will also consider whether other export markets are available to the subject producers that could absorb excess production. In this case, the availability of capacity for increased exports to the United States weighs heavily in favor of a threat determination.

According to [source], China currently has production capacity to produce SSSS of approximately 17 million short tons ([ ] metric tons). See Exhibit GEN-13. Moreover, SSSS producers in China are producing at levels well below their capacity. Table 3 shows the estimated production capacity of SSSS producers in China in 2015, along with

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25 See Chlorinated Isocyanurates from China and Japan, USITC Pub. 4494 at 36; Polyethylene Retail Carrier Bags from Indonesia, Taiwan, and Vietnam, Inv. Nos. 701-TA-462 and 731-TA-1156-1158 (Final), USITC Pub. 4144 at 25-26 (Apr. 2010).
26 Capacity and production data that were originally reported in metric tons were converted to short tons.
their estimated production, amount of unused capacity, and excess capacity as a percentage of total capacity.

### TABLE 3
PRODUCTION CAPACITY, PRODUCTION, AND EXCESS CAPACITY, 2014
(In short tons)

<table>
<thead>
<tr>
<th></th>
<th>Capacity</th>
<th>Production</th>
<th>Excess Capacity</th>
</tr>
</thead>
<tbody>
<tr>
<td>China</td>
<td>[        ]</td>
<td>[          ]</td>
<td>*[1,300,000]</td>
</tr>
</tbody>
</table>

* [ ]

Source: [ ] appended at Exhibit GEN-13.

As Table 4 shows, China's excess capacity in 2015 was *[1,300,000] short tons. Total exports to the United States in 2014 were 152,735 tons, or about [ ] percent of total capacity. Id. Thus, Chinese producers have the ability to increase exports of SSSS to the United States significantly without encountering any capacity constraints.

**b. Summary**

The domestic SSSS steel industry is currently experiencing material injury as a result of unfair imports from China. As difficult as the current situation may be, if recent trends persist, the domestic industry is threatened with an even bleaker future. Chinese producers have demonstrated their ability to increase rapidly exports to the United States of extremely low-priced SSSS that undersells domestic producers by substantial margins. In light of the recent trends in pricing and volume of unfair imports, producers and exporters in China are likely to continue their low-priced, high volume assault on the U.S. market, absent the restraining effects of antidumping and countervailing duty orders.
V. CONCLUSION

For the reasons stated in these petitions, Petitioners request that the Commerce Department and the International Trade Commission initiate antidumping and countervailing duty investigations of SSSS from China.

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