

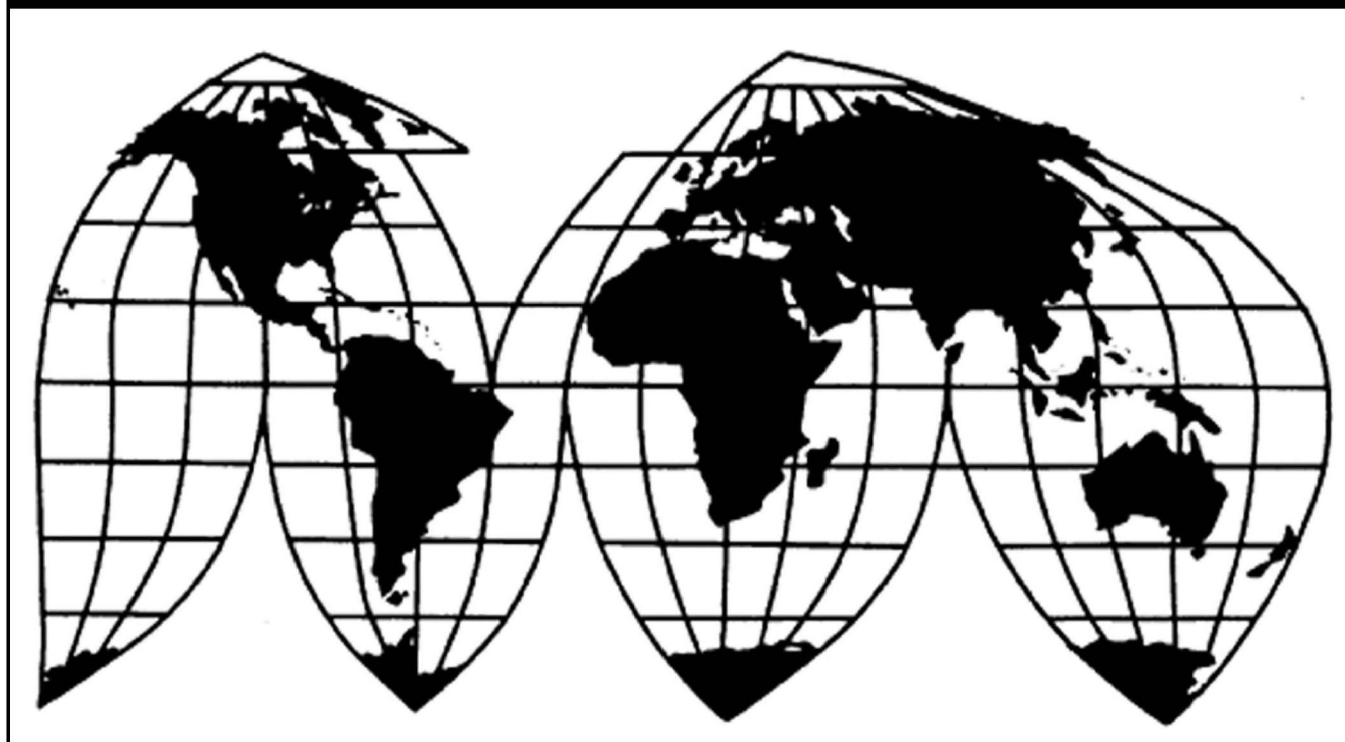
Stainless Steel Plate from Belgium, South Africa, and Taiwan

Investigation Nos. 701-TA-379 and 731-TA-788, 792, and 793 (Fourth Review)

Publication 5335

July 2022

U.S. International Trade Commission



Washington, DC 20436

U.S. International Trade Commission

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Note: Information that would reveal confidential operations of individual concerns may not be published. Such information is identified by brackets or by headings in confidential reports and is deleted and replaced with asterisks in public reports.

UNITED STATES INTERNATIONAL TRADE COMMISSION

Investigation Nos. 701-TA-379 and 731-TA-788, 792, and 793 (Fourth Review)

Stainless Steel Plate from Belgium, South Africa, and Taiwan

DETERMINATION

On the basis of the record¹ 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 countervailing duty order on stainless steel plate from South Africa and the antidumping duty orders on stainless steel plate from Belgium, South Africa, and Taiwan 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 instituted these reviews on December 1, 2021 (86 FR 68278) and determined on March 7, 2022 that it would conduct expedited reviews (87 FR 29878, May 17, 2022).

¹ The record is defined in § 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 antidumping duty orders on stainless steel plate in coils (“stainless steel plate”) from Belgium, South Africa, and Taiwan, and the revocation of the countervailing duty order on stainless steel plate from South Africa 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 Investigations. In March 1998, Armco, Inc. (“Armco”), J&L Specialty Steel, Inc. (“J&L”), Lukens, Inc. (“Lukens”), North American Stainless (“NAS”), and the United Steelworkers of America, AFL-CIO/CLC (“USWA”) filed antidumping duty petitions covering imports of stainless steel plate from Belgium, Canada, Italy, Korea, South Africa, and Taiwan and countervailing duty petitions covering imports of stainless steel plate from Belgium, Italy, Korea, and South Africa.¹ Allegheny Ludlum and Washington Steel subsequently joined the petitions.² In May 1999, the Commission issued its final determinations.³ It found two domestic like products, hot-rolled stainless steel plate and cold-rolled stainless steel plate, and two corresponding domestic industries.⁴ It further determined that the domestic industry producing hot-rolled stainless steel plate was materially injured by reason of cumulated imports of the hot-rolled product from Belgium, Canada, Italy, South Korea, South Africa, and Taiwan.⁵ It further determined that the domestic industry producing cold-rolled stainless steel plate was not materially injured or threatened with material injury by reason of cumulated imports of the cold-rolled product from Belgium and Canada, and that cold-rolled stainless steel plate imports from Italy, South Korea, South Africa, and Taiwan were negligible.⁶ The U.S. Department of

¹ *Certain Stainless Steel Plate from Belgium, Canada, Italy, Korea, South Africa, and Taiwan*, Inv. Nos. 701-TA-376, 377, and 379 and 731-TA-788-793 (Final), USITC Pub. 3188 (May 1999) (“Original Determinations”) at 2.

² See Confidential Report, INV-UU-020 (Feb 22, 2021) (“CR”)/Public Report (“PR”) at I-3.

³ *Original Determinations*, USITC Pub. 3188.

⁴ *Original Determinations*, USITC Pub. 3188 at 4-7.

⁵ *Original Determinations*, USITC Pub. 3188 at 3-7, 13-22. Chairman Bragg and Commissioner Koplán found one domestic like product consisting of all stainless steel plate and determined that an industry in the United States was materially injured by reason of imports of stainless steel plate from Belgium, Canada, Italy, Korea, South Africa, and Taiwan. See *id.* at 29-31 (Dissenting Views).

⁶ *Original Determinations*, USITC Pub. 3188 at 8-9, 23-27.

Commerce (“Commerce”) subsequently issued antidumping duty orders covering hot-rolled stainless steel plate imports from Belgium, Canada, Italy, South Korea, South Africa, and Taiwan and countervailing duty orders covering imports of the hot-rolled product from Belgium, Italy, and South Africa.⁷

Extensive litigation followed that ultimately resulted in a remand.⁸ On remand, the Commission defined a single domestic like product consisting of all stainless steel plate, coextensive with the scope, and determined that an industry in the United States was materially injured by reason of subject imports from Belgium, Canada, Italy, South Korea, South Africa, and Taiwan.⁹ The CIT affirmed the Commission’s remand determinations¹⁰ and Commerce amended the scope of the hot-rolled antidumping and countervailing duty orders to include cold-rolled stainless steel plate.¹¹

First Five-Year Reviews. In April 2004, the Commission instituted its first five-year reviews of the antidumping and countervailing duty orders. It conducted full reviews and determined that revocation of the antidumping duty orders on stainless steel plate from Belgium, Italy, Korea, South Africa, and Taiwan, and revocation of the countervailing duty orders on stainless steel plate from Belgium, Italy, and South Africa would be likely to lead to continuation or recurrence of material injury to an industry in the United States within a

⁷ *Certain Stainless Steel Plate in Coils from Belgium, Canada, Italy, the Republic of Korea, South Africa, and Taiwan*, 64 Fed. Reg. 27756 (May 21, 1999) (antidumping duty orders); *Stainless Steel Plate in Coils from Belgium, Italy and South Africa*, 64 Fed. Reg. 25288 (May 11, 1999) (notice of countervailing duty orders). Commerce published a negative final countervailing duty determination with respect to stainless steel plate from Korea. *Stainless Steel Plate in Coils from the Republic of Korea*, 64 Fed. Reg. 15530 (March 31, 1999) (final negative countervailing duty determ.).

⁸ This litigation history is recounted in *Stainless Steel Plate from Belgium, South Africa, and Taiwan*, Inv. No. 701-TA-379 and 731-TA-788, 792, and 793, USITC Pub. 4658 (Dec. 2016) (“Third Five-Year Reviews”) at 4.

⁹ *Certain Stainless Steel Plate from Belgium, Canada, Italy, Korea, South Africa, and Taiwan*, Inv. Nos. 701-TA-376, 377, and 379 and 731-TA-788-793 (Final) (Remand), USITC Pub. 3541 at 1 (Sept. 2002) (“Remand Determinations”). The Commission’s remand determinations adopted the original determinations’ dissenting views, which found that there was a single domestic like product consisting of all stainless steel plate and that the domestic industry was materially injured by reason of subject imports from Belgium, Canada, Italy, Korea, South Africa, and Taiwan. *See id.*

¹⁰ *Certain Stainless Steel Plate from Belgium, Canada, Italy, Korea, South Africa, and Taiwan*, 68 Fed. Reg. 8925 (Feb. 26, 2003) (notice of final court decision affirming remand determinations).

¹¹ *Certain Stainless Steel Plate from Belgium, Canada, Italy, Korea, South Africa, and Taiwan*, 68 Fed. Reg. 11520 (March 11, 2003) (notice of amended antidumping duty orders); *Certain Stainless Steel Plate from Belgium, Italy, and South Africa*, 68 Fed. Reg. 11524 (March 11, 2003) (notice of amended countervailing duty orders).

reasonably foreseeable time.¹² The Commission further determined that revocation of the antidumping duty order on stainless steel plate from Canada would not be likely to lead to continuation or recurrence of material injury to the domestic industry within a reasonably foreseeable time.¹³ In July 2005, Commerce published its notice of continuation of the antidumping duty orders covering stainless steel plate from Belgium, Italy, Korea, South Africa, and Taiwan, and the countervailing duty orders covering stainless steel plate from Belgium, Italy, and South Africa.¹⁴

Second Five-Year Reviews. In June 2010, the Commission instituted its second five-year reviews of the outstanding orders. It conducted full reviews and determined that revocation of the antidumping duty orders on stainless steel plate from Belgium, Italy, Korea, South Africa, and Taiwan, and the countervailing duty order on South Africa would be likely to lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time.¹⁵ It determined that revocation of the antidumping duty order on

¹² *Certain Stainless Steel Plate from Belgium, Canada, Italy, Korea, South Africa, and Taiwan*, Inv. Nos. 701-TA-376, 377, and 379 and 731-TA-788-793 (Review), USITC Pub. 3784 at 19-30 (June 2005) (“First Five-Year Reviews”). Vice Chairman Okun and Commissioners Hillman and Pearson found that material injury would not likely continue or recur within a reasonably foreseeable time if the orders on subject imports from Belgium, Canada, Italy, Korea, South Africa, and Taiwan were revoked. *See id.* at 35-56 (Dissenting Views).

¹³ *First Five-Year Reviews*, USITC Pub. 3784 at 31. Chairman Koplman and Commissioner Lane found that revocation of the antidumping duty order on subject imports from Canada would be likely to lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time. *See id.* at 33-34 (Dissenting Views).

¹⁴ *Certain Stainless Steel Plate in Coils from Belgium, Italy, Korea, South Africa, and Taiwan*, 70 Fed. Reg. 41202 (July 18, 2005) (continuation of the antidumping and countervailing duty orders). In March 2006, Commerce revoked the countervailing duty order covering imports of stainless steel plate from Italy pursuant to a changed circumstances review. *Stainless Steel Plate in Coils from Italy*, 71 Fed. Reg. 15380 (March 28, 2006) (final results of countervailing duty changed circumstances review and revocation of countervailing duty order).

¹⁵ *Certain Stainless Steel Plate from Belgium, Italy, Korea, South Africa, and Taiwan*, Inv. Nos. 701-TA-379 and 731-TA-788, 790-793 (Second Review), USITC Pub. 4248 at 36 (August 2011) (“Second Five-Year Reviews”). Chairman Okun and Commissioner Pearson found that revocation of the antidumping and countervailing duty orders on subject imports from Belgium, South Korea, South Africa, and Taiwan would not be likely to lead to the continuation or recurrence of material injury within a reasonably foreseeable time. *See id.* at 55-70 (Dissenting Views). In May 2011, Commerce, finding that revocation of the countervailing duty order covering imports of stainless steel plate from Belgium would not likely lead to continuation or recurrence of a countervailable subsidy, revoked the countervailing duty order covering these imports. *Stainless Steel Plate in Coils from Belgium*, 76 Fed. Reg. 25666 (May 5, 2011) (final results of full sunset review and revocation of the countervailing duty order).

subject imports from Italy would not be likely to lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time.¹⁶ In August 2011, Commerce published its notice of continuation of the antidumping duty orders covering stainless steel plate from Belgium, Korea, South Africa, and Taiwan, and the countervailing duty order covering stainless steel plate from South Africa.¹⁷

Third Five-Year Reviews. The Commission instituted the third five-year reviews in July 2016.¹⁸ It conducted expedited reviews and determined that revocation of the antidumping duty orders on stainless steel plate from Belgium, South Africa, and Taiwan and revocation of the countervailing duty order on stainless steel plate from South Africa would be likely to lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time.¹⁹ Commerce subsequently issued a continuation of the antidumping duty orders on stainless steel plate from Belgium, South Africa, and Taiwan and the countervailing duty order on imports of stainless steel plate from South Africa.²⁰

Current Reviews. The Commission instituted the current reviews on December 1, 2021.²¹ The Commission received a joint response to the notice of institution and written comments on behalf of ATI Flat Rolled Products Holdings, LLC (“ATI”), NAS, and Outokumpu

¹⁶ *Second Five-Year Reviews*, USITC Pub. 4248 at 40. Commissioner Lane found that revocation of the antidumping duty order on subject imports from Italy would be likely to lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time. *See id.* at 51-53 (Separate Views).

¹⁷ *Stainless Steel Plate in Coils from Belgium, the Republic of Korea, South Africa, and Taiwan*, 76 Fed. Reg. 53882 (Aug. 30, 2011) (continuation of antidumping and countervailing duty orders). In November 2011, Commerce revoked the antidumping duty order covering imports of stainless steel plate from Korea after it had initiated an investigation pursuant to section 129 of the Uruguay Round Agreements Act and calculated a zero percent dumping margin for the mandatory respondent, which resulted in a zero percent all-others rate. *Stainless Steel Plate in Coils from the Republic of Korea*, 76 Fed. Reg. 74771 (Dec. 1, 2011) (notice of implementation of determination under section 129 of the URAA and revocation of the antidumping duty order).

¹⁸ *Stainless Steel Plate from Belgium, South Africa, and Taiwan*, 81 Fed. Reg. 43245 (July 1, 2016).

¹⁹ *Third Five-Year Reviews*, USITC Pub. 4658 at 3; *Stainless Steel Plate From Belgium, South Africa, and Taiwan; Determinations*, 82 Fed. Reg. 140 (Jan. 3, 2017).

²⁰ *Stainless Steel Plate From Belgium, South Africa, and Taiwan: Continuation of Antidumping Duty Orders and Countervailing Duty Order*, 82 Fed. Reg. 2322 (Jan. 9, 2017).

²¹ *Stainless Steel Plate From Belgium, South Africa, and Taiwan; Institution of Five-Year Reviews*, 86 Fed. Reg. 68278 (Dec. 1, 2021)

Stainless USA, LLC (“Outokumpu”) (collectively “domestic producers”).²² No respondent party participated in these reviews. On March 7, 2022, the Commission determined that the domestic interested party group response to the notice of institution was adequate and that the respondent interested party group response was inadequate.²³ In the absence of any other circumstances that would warrant full reviews, the Commission determined that it would conduct expedited reviews of the orders.²⁴ The domestic producers submitted final comments pursuant to Commission rule 207.62(d)(1) on June 21, 2022.²⁵

U.S. industry data for these reviews are based on the information that the domestic producers, which are estimated to have accounted for 100 percent of domestic production of stainless steel plate in 2020, furnished in responses to the notice of institution.²⁶ U.S. import data and related information are based on Commerce’s official import statistics.²⁷ Foreign industry data and related information are based on information furnished by domestic producers, questionnaire responses from the previous investigations, and publicly available information gathered by the Commission staff.²⁸ One U.S. purchaser responded to the Commission’s adequacy phase questionnaire.²⁹

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.”³⁰ The Tariff Act defines “domestic like product” as “a product which is like, or in the absence of like, most similar in characteristics and

²² See, ATI, NAS, and Outokumpu Response to Commission’s Notice of Institution, EDIS Doc. 759588 (Jan. 3, 2022) (“Joint Response”) at 1; ATI, NAS, and Outokumpu Final Comments, EDIS Doc. 773509 (Jun. 21, 2022) (“Joint Final Comments”); CR/PR at I-2.

²³ Explanation of Commission Determination on Adequacy, EDIS Doc. 765453 (Mar. 15, 2022).

²⁴ *Stainless Steel Plate From Belgium, South Africa, and Taiwan; Scheduling of Expedited Five-Year Reviews*, 87 Fed. Reg. 29878 (May 17, 2022).

²⁵ Joint Final Comments at 2.

²⁶ See CR/PR at Table I-1; Joint Response at 20 and 24.

²⁷ See CR/PR at Tables I-8.

²⁸ See CR/PR at I-29, I-31-I-32, I-34-I-41, and Tables I-9, I-11, I-15 and I-17.

²⁹ CR/PR at D-3.

³⁰ 19 U.S.C. § 1677(4)(A).

uses with, the article subject to an investigation under this subtitle.”³¹ 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.³²

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

. . . {C}ertain stainless steel plate in coils. 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 plate products are flat-rolled products, 254 mm or over in width and 4.75 mm or more in thickness, in coils, and annealed or otherwise heat treated and pickled or otherwise descaled. The subject plate may also be further processed (*e.g.*, cold-rolled, polished, etc.) provided that it maintains the specified dimensions of plate following such processing. Excluded from the scope of the orders are the following: (1) Plate not in coils, (2) plate that is not annealed or otherwise heat treated and pickled or otherwise descaled, (3) sheet and strip, and (4) flat bars.³³

Stainless steel plate is normally sold either in coil form or as flat, rectangular shapes. While the capabilities of each producing mill are unique, stainless steel plate can be manufactured in coils as wide as 96 inches and as thick as 0.5 inches and is also sold in

³¹ 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. Dep’t 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, 96th Cong., 1st Sess. 90-91 (1979).

³² *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).

³³ *Stainless Steel Plate in Coils from Belgium, South Africa, and Taiwan: Final Results of the Expedited Fourth Sunset Reviews of the Antidumping Duty Orders*, 87 Fed. Reg. 19485 (Apr. 4, 2022) (“Commerce AD Sunset Determination”); *Issues and Decision Memorandum for the Expedited Fourth Sunset Reviews of the Antidumping Duty Orders on Stainless Steel Plate in Coils from Belgium, South Africa, and Taiwan* (Mar. 25, 2022) (“AD Issues & Decision Memo”) at 2-3; *Stainless Steel Plate in Coils from South Africa: Final Results of the Expedited Fourth Sunset Review of the Countervailing Duty Order*, 87 Fed. Reg. 16457 (Mar. 23, 2022) (“Commerce CVD Sunset Determination”); *Issues and Decision Memorandum for the Expedited Fourth Sunset Review of the Countervailing Duty Order on Stainless Steel Plate in Coils from South Africa* (Mar. 16, 2022) (“CVD Issues & Decision Memo”) at 2-3.

rectangular shapes flattened and cut to length from coils in the same range of thicknesses and widths as in coils. Flat plate is also available wider than 96 inches and/or thicker than 0.5 inches as product produced on a plate mill and never coiled. Neither the product cut from coils (sometimes called cut-to-length (“CTL”) plate) nor the product of plate mills (sometimes called plate mill plate (“PMP”) or discrete plate) is subject to these reviews.³⁴

Stainless steel plate is used for the fabrication of storage tanks, process vessels, and equipment in the chemical, dairy, restaurant, pulp and paper, pharmaceutical, and other industries where the corrosion resistance, heat resistance, or ease of maintenance of stainless steel is needed.³⁵ The same industries also use stainless steel plate in the fabrication of tubing when corrosion resistance, heat resistance, or ease of maintenance is needed in the particular tubing application.³⁶

In the original investigations, the Commission initially found two separate domestic like products consisting of hot-rolled stainless steel plate and cold-rolled stainless steel plate.³⁷ On remand, however, the Commission found a single domestic like product. It observed that hot-rolled and cold-rolled stainless steel plate shared similar physical characteristics, chemical composition, and dimensions and also possessed the same channels of distribution and production processes. It further observed that the two products were used in most of the same corrosion-resistant applications and were substitutable for one another without further grinding and polishing. Because there was no clear dividing line between hot-rolled and cold-rolled stainless steel plate, the Commission defined the domestic like product as all stainless steel plate, coextensive with Commerce’s scope.³⁸

In the prior five-year reviews, the Commission found that none of the information obtained in the reviews warranted a departure from its original remand definition of the domestic like product. Consequently, in each of the reviews the Commission defined a single domestic like product encompassing all stainless steel plate corresponding to Commerce’s scope.³⁹

³⁴ CR/PR at I-13.

³⁵ CR/PR at I-16.

³⁶ CR/PR at I-16.

³⁷ *Original Determinations*, USITC Pub. 3188 at 7.

³⁸ *Remand Determinations*, USITC Pub. 3541 at 1 n.4 (adopting original Dissenting Views).

³⁹ *First Five-Year Reviews*, USITC Pub. 3784 at 6; *Second Five-Year Reviews*, USITC Pub. 4248 at 8; *Third Five-Year Reviews*, USITC Pub. 4658 at 8.

In these reviews, the domestic producers agree with the definition of the domestic like product adopted by the Commission in the prior proceedings.⁴⁰ The record contains no new information suggesting that the characteristics of domestically produced stainless steel plate have changed since the prior proceedings so as to warrant revisiting the Commission's domestic like product definition. We therefore again define a single domestic like product consisting of stainless steel plate, coextensive with Commerce's scope.

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."⁴¹ 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. These reviews raise the issue of whether appropriate circumstances exist to exclude any producer from the domestic industry pursuant to the related parties provision. This provision allows the Commission, if appropriate circumstances exist, to exclude from the domestic industry producers that are related to an exporter or importer of subject merchandise or are themselves importers.⁴²

In the original investigations, the Commission, after initially defining two domestic industries consisting of domestic producers of hot-rolled stainless steel plate and domestic

⁴⁰ Joint Response at 8.

⁴¹ 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.

⁴² 19 U.S.C. § 1677(4)(B). The primary factors the Commission has examined in deciding whether appropriate circumstances exist to exclude a related party include the following:

- (1) the percentage of domestic production attributable to the importing producer;
- (2) the reason the U.S. producer has decided to import the product subject to investigation (whether the firm benefits from the LTFV sales or subsidies or whether the firm must import in order to enable it to continue production and compete in the U.S. market);
- (3) whether inclusion or exclusion of the related party will skew the data for the rest of the industry;
- (4) the ratio of import shipments to U.S. production for the imported product; and
- (5) whether the primary interest of the importing producer lies in domestic production or importation. *Changzhou Trina Solar Energy Co. v. USITC*, 100 F. Supp.3d 1314, 1326-31(Ct. Int'l. Trade 2015); *see also Torrington Co. v. United States*, 790 F. Supp. at 1168.

producers of cold-rolled stainless steel plate, found on remand a single domestic industry comprised of all domestic producers of stainless steel plate.⁴³ The Commission recognized that one domestic producer was a related party, but determined that appropriate circumstances did not exist to exclude it from the domestic industry.⁴⁴

In the first, second, and third five-year reviews, the Commission again defined the domestic industry as all domestic producers of stainless steel plate.⁴⁵

In the current reviews, there is a related party issue concerning domestic producer NAS.⁴⁶ NAS shares the same parent company, Acerinox, as Columbus Stainless, the sole producer of stainless steel plate in South Africa.⁴⁷ Official U.S. import statistics indicate small amounts of stainless steel plate from South Africa were imported into the United States in each full year during 2016-2020 (the “period of review”).⁴⁸ While there is no information in the record as to the relationship between NAS and Columbus Stainless, NAS may fall under the related party provision on the basis of their parent company, Acerinox, directly or indirectly controlling NAS and Columbus Stainless.⁴⁹ Accordingly, as in the third five-year reviews, we consider whether its exclusion is warranted.⁵⁰

NAS was the *** domestic producer of stainless steel plate, accounting for *** percent of reported domestic production of stainless steel plate in 2020.⁵¹ NAS did not import subject

⁴³ *Original Determinations*, USITC Pub. 3188 at 8; *Remand Determinations*, USITC Pub. at 1 n.4 (adopting original Dissenting Views).

⁴⁴ *Original Determinations*, USITC Pub. 3188 at 8 n.39. The Commission identified *** to be a related party by virtue of its importation of subject merchandise. It found, however, that the ratio of ***’s subject imports to its domestic production *** indicated that its interest was principally in domestic production. *Confidential Original Determinations*, EDIS Doc. 589784 at 11 n.39.

⁴⁵ *First Five-Year Reviews*, USITC Pub. 3784 at 7; *Second Five-Year Reviews*, USITC Pub. 4248 at 8; *Third Five-Year Reviews*, USITC Pub. 4658 at 10. In the second five-year reviews, the Commission found that although NAS shared the same parent company, Acerinox, S.A. (“Acerinox”), as Columbus Stainless Inc. (“Columbus Stainless”), a South African producer of stainless steel plate, NAS was not a related party within the meaning of 19 U.S.C. § 1677(4)(B)(ii) because neither Columbus Stainless nor NAS *** and ***. Additionally, ***. *Confidential Second Five-Year Reviews*, EDIS Doc. 589793 at 10 n.35.

⁴⁶ While the domestic producers state that NAS is related to Columbus Stainless, a South African producer and exporter of subject merchandise, they do not argue for NAS’ exclusion from the domestic industry as a related party. Joint Response at 20.

⁴⁷ CR/PR at I-25 and I-36.

⁴⁸ CR/PR at Table I-8.

⁴⁹ See 19 U.S.C. § 1677(4)(B)(ii)(III).

⁵⁰ *Third Five-Year Reviews*, USITC Pub. 4658 at 10.

⁵¹ CR/PR at Table B-2; Joint Response at 24.

merchandise.⁵² In 2020, its production was *** short tons.⁵³ By contrast, subject imports from South Africa never exceeded 100 short tons in any year during the period of review.⁵⁴ NAS supports continuation of the orders covering subject imports from Belgium and Taiwan, but does not take a position regarding the continuation of the orders covering subject imports from South Africa.⁵⁵ Based on the foregoing, NAS' principal interest appears to be domestic production. Accordingly, we find that appropriate circumstances do not exist to exclude NAS from the domestic industry pursuant to the related parties provision.

In sum, consistent with our definition of the domestic like product, we define the domestic industry as all U.S. producers of stainless steel plate.

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.⁵⁶

Cumulation therefore is discretionary in five-year reviews, unlike original investigations, which are governed by section 771(7)(G)(i) of the Tariff Act.⁵⁷ The Commission may exercise its

⁵² Joint response at 20.

⁵³ CR/PR at Table B-2; Joint Response at 24.

⁵⁴ CR/PR at Table I-8.

⁵⁵ Joint Response at 2 n.2.

⁵⁶ 19 U.S.C. § 1675a(a)(7).

⁵⁷ 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 (Continued...))

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. The statutory threshold for cumulation is satisfied in these reviews because each review was initiated effective the same day: December 1, 2022.⁵⁸

B. The Prior Proceedings and Arguments of Domestic Producers

In the original investigations, the Commission cumulated imports of stainless steel plate from all subject countries, including Belgium, South Africa, and Taiwan.⁵⁹ It found a reasonable overlap in competition among subject imports from these countries, and between subject imports and the domestic like product.⁶⁰

In the first, second, and third five-year reviews, the Commission did not find that imports from Belgium, South Africa, or Taiwan would be likely to have no discernible adverse impact on the domestic industry in the event of revocation.⁶¹ It found a likely reasonable overlap of competition among imports from these subject countries and between subject imports and the domestic like product, and it did not find any likely differences in the conditions of competition among these three subject sources of stainless steel plate.⁶² On that basis, the Commission cumulated subject imports from Belgium, South Africa, and Taiwan.⁶³

subject imports in five-year reviews); *Nucor Corp. v. United States*, 569 F. Supp. 2d 1328, 1337-38 (Ct. Int'l Trade 2008).

⁵⁸ See *Initiation of Five-Year (Sunset) Reviews*, 86 Fed. Reg. 68220 (Dec. 1, 2021).

⁵⁹ *Original Determinations*, USITC Pub. 3188 at 10-12; *Remand Determinations*, USITC Pub. 3541 at 1 n.4 (adopting original Dissenting Views). The Commission also cumulated imports from Canada, Italy, and Korea, but those imports are no longer subject to orders. See *id.*

⁶⁰ *Original Determinations*, USITC Pub. 3188 at 10-12; *Remand Determinations*, USITC Pub. 3541 at 1 n.4 (adopting original Dissenting Views).

⁶¹ *First Five-Year Reviews*, USITC Pub. 3784 at 9-16; *Second Five-Year Reviews*, USITC Pub. 4248 at 10-13; *Third Five-Year Reviews*, USITC Pub. 4658 at 17-18.

⁶² *First Five-Year Reviews*, USITC Pub. 3784 at 17-19; *Second Five-Year Reviews*, USITC Pub. 4248 at 13-19; *Third Five-Year Reviews*, USITC Pub. 4658 at 26-29.

⁶³ *First Five-Year Reviews*, USITC Pub. 3784 at 19; *Second Five-Year Reviews*, USITC Pub. 4248 at 19. In the first five-year reviews, the Commission also cumulated imports from Italy and Korea, which were then subject to orders. *First Five-Year Reviews*, USITC Pub. 3784 at 19. In the second five-year reviews, the Commission also cumulated imports from Korea, which were subject to an antidumping (Continued...)

In these reviews, the domestic producers argue that the Commission should again cumulate subject imports.⁶⁴ The domestic producers assert that revocation of the orders under review for each subject country would have a discernible adverse impact on the domestic industry.⁶⁵ Additionally, they claim that a reasonable overlap of competition among subject imports and the domestic like product is likely if the orders are revoked because the pertinent facts have not changed since the original investigations.⁶⁶ They highlight that, in the prior proceedings, the Commission found that subject imports from Belgium, South Africa, and Taiwan were fungible, shared the same channels of distribution and were sold in the same geographic markets.⁶⁷ They assert that these conditions have persisted in the current reviews.⁶⁸ Accordingly, they argue that the Commission should exercise its discretion to cumulate subject imports from Belgium, South Africa, and Taiwan.⁶⁹

C. Analysis

1. Likely 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.⁷⁰ 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.⁷¹ 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.

duty order. *Second Five-Year Reviews*, USITC Pub. 4248 at 19; *Third Five-Year Reviews*, USITC Pub. 4658 at 30.

⁶⁴ Joint Response at 4-6; Joint Final Comments at 4-6.

⁶⁵ Joint Response at 4-5, 9-20; Joint Final Comments at 6 and 15.

⁶⁶ Joint Response at 5; Joint Final Comments at 6.

⁶⁷ Joint Final Comments at 6.

⁶⁸ Joint Response at 6; Joint Final Comments at 6.

⁶⁹ Joint Response at 6; Joint Final Comments at 6 and 18.

⁷⁰ 19 U.S.C. § 1675a(a)(7).

⁷¹ SAA, H.R. Rep. No. 103-316, vol. I at 887 (1994).

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

Belgium. In the original investigations, the volume of U.S. shipments of subject imports from Belgium increased overall from 1995 to 1998; it was *** tons in 1995, *** tons in 1996, *** tons in 1997, and *** tons in 1998.⁷² Their share of apparent U.S. consumption was *** percent in 1995, *** percent in 1996, *** percent in 1997, and *** percent in 1998.⁷³

In the first five-year reviews, the Commission observed that subject imports from Belgium had a continued presence in the U.S. market; the quantity of U.S. shipments of subject imports from Belgium initially declined from *** tons in 2000 to *** tons in 2001 and then *** increased to *** tons in 2004.⁷⁴ The Commission found that U&A Belgium (“U&A”), the sole producer of stainless steel plate in Belgium, increased its capacity from *** tons in 1998 to *** tons in 2004.⁷⁵ The Commission further found that U&A was export oriented and that the U.S. market, with its large size, steady demand, and higher prices, was an attractive market.⁷⁶ Given these factors and the vulnerability of the domestic industry, the Commission did not find that subject imports from Belgium would be likely to have no discernible adverse impact if the order were revoked.⁷⁷

In the second five-year reviews, the Commission observed that the volume of subject imports from Belgium generally declined since the prior reviews and was lower in 2010 than in 1997.⁷⁸ It found that Aperam Stainless Belgium (“Aperam”) produced substantial quantities of stainless steel plate, had substantial excess capacity, and continued to export outside its home market.⁷⁹ Based on the quantities of subject imports from Belgium during the original investigations, the export orientation of the Belgian industry, and the Belgian producer’s

⁷² *First Five-Year Reviews*, USITC Pub. 3784 at 9; *Confidential First Five-Year Reviews* EDIS Doc. 589787 at 12.

⁷³ *First Five-Year Reviews*, USITC Pub. 3784 at 9-10; *Confidential First Five-Year Reviews* at 12.

⁷⁴ *First Five-Year Reviews*, USITC Pub. 3784 at 10; *Confidential First Five-Year Reviews* at 13.

⁷⁵ *First Five-Year Reviews*, USITC Pub. 3784 at 10; *Confidential First Five-Year Reviews* at 13.

⁷⁶ *First Five-Year Reviews*, USITC Pub. 3784 at 10-11; *Confidential First Five-Year Reviews* at 14-15.

⁷⁷ *First Five-Year Reviews*, USITC Pub. 3784 at 11; *Confidential First Five-Year Reviews* at 15.

⁷⁸ *Second Five-Year Reviews*, USITC Pub. 4248 at 10-11.

⁷⁹ *Second Five-Year Reviews* USITC Pub. 4248 at 11. Aperam’s home market shipments accounted for *** percent of its total shipments in 2010 while export shipments accounted for *** percent of its total shipments that year. *Confidential Second Five-Year Reviews* at 14 n.53.

substantial production and excess capacity, the Commission determined that subject imports from Belgium were not likely to have no discernible adverse impact if the order were revoked.⁸⁰

In the third five-year reviews, the Commission observed that Aperam remained the sole producer of subject merchandise in Belgium and that Global Trade Atlas (“GTA”) data indicated that Belgium was the world’s largest exporter of stainless steel plate in 2012, and the world’s second largest exporter in 2011, 2013, 2014, and 2015.⁸¹ Based on the foregoing, the Commission determined that subject imports from Belgium were not likely to have no discernible adverse impact if the order were revoked.⁸²

In the current reviews, subject imports from Belgium continued to fluctuate with 2,490 short tons imported in 2016, 3,767 short tons in 2017, 3,129 short tons in 2018, 1,952 short tons in 2019, and 2,352 short tons in 2020.⁸³ There are limited data available concerning the industry in Belgium because Aperam, the sole Belgian producer of stainless steel plate, did not respond to the Commission’s notice of institution.⁸⁴ Domestic producers allege that the Belgian stainless steel plate industry remains export oriented, arguing that Aperam maintains facilities in the United States and that they currently advertise and sell stainless steel plate to the U.S. market.⁸⁵ During this review, GTA data show that Belgium is the second leading exporter of stainless steel plate and exported 601,484 short tons of stainless steel plate worldwide in 2016, 565,358 short tons in 2017, 373,064 short tons in 2018, 353,112 short tons in 2019, and 345,865 short tons in 2020.⁸⁶ In 2020, based on GTA data, the United States was the eleventh leading destination for stainless steel plate from Belgium.⁸⁷ Subject imports from Belgium are subject to an antidumping duty order in China.⁸⁸

Based on the foregoing, including the continuous presence of subject imports from Belgium in the U.S. market during the period of review despite the disciplining effect of the antidumping duty order, and the volume of global exports from the subject country, we find

⁸⁰ *Second Five-Year Reviews*, USITC Pub. 4248 at 13.

⁸¹ *Third Five-Year Reviews*, USITC Pub. 4658 at 14.

⁸² *Third Five-Year Reviews*, USITC Pub. 4658 at 14.

⁸³ CR/PR at Table I-8.

⁸⁴ CR/PR at I-34; Joint Response at 11 and 21; Joint Final Comments at 11.

⁸⁵ Joint Response at 11.

⁸⁶ CR/PR at Table I-17. These data may be overstated as HS subheading 7219.31 may contain products outside the scope of these reviews.

⁸⁷ CR/PR at I-35.

⁸⁸ CR/PR at I-38-39 and at Table I-16. The products subject to the antidumping duty order are included under HS subheadings 7219.11.00, 7219.12.00, 7219.13.xx, 7219.14.xx, 7219.21.00, 7219.22.00, 7219.23.00, 7219.24.xx, 7220.11.00, and 7220.12.00. *Id.*

that subject imports from Belgium likely would not have no discernible adverse impact on the domestic industry if the antidumping duty order concerning these imports were revoked.

South Africa. In the original investigations, the volume of subject imports from South Africa increased overall from 1995 to 1998; it was *** tons in 1995, *** tons in 1996, *** tons in 1997, and *** tons in 1998.⁸⁹ Their share of apparent U.S. consumption increased from *** percent in 1995 to *** percent in 1996 before decreasing to *** percent in 1997.⁹⁰

In the first five-year reviews, the Commission observed that the volume of subject imports from South Africa decreased since the imposition of the orders; in 2004, the volume of subject imports from South Africa was *** tons.⁹¹ Columbus Stainless, the sole producer of stainless steel plate in South Africa, had not provided information with respect to its production capacity, but the Commission observed that Columbus Stainless reported its melt capacity to be *** tons in 2004.⁹² Additionally, the Commission found that Columbus Stainless was export oriented and that the U.S. market, with its large size, steady demand, and higher prices, was an attractive market.⁹³ Given these factors and the vulnerability of the domestic industry, the Commission did not find that subject imports from South Africa would be likely to have no discernible adverse impact if the orders were revoked.⁹⁴

In the second five-year reviews, the Commission observed that the volume of subject imports from South Africa was lower in 2010 than in 1997.⁹⁵ It found that Columbus Stainless produced substantial quantities of stainless steel plate, had substantial capacity, and continued to export outside its home market.⁹⁶ Based on the quantities of subject imports from South Africa during the original investigations, the export orientation of the South African industry, and the South African producer's substantial production and capacity, the Commission determined that subject imports from South Africa were not likely to have no discernible adverse impact if the orders were revoked.⁹⁷

⁸⁹ *First Five-Year Reviews*, USITC Pub. 3784 at 14; *Confidential First Five-Year Reviews* at 20-21.

⁹⁰ *First Five-Year Reviews*, USITC Pub. 3784 at 15; CR/PR at C-7 (Table II-2).

⁹¹ *First Five-Year Reviews*, USITC Pub. 3784 at 15; *Confidential First Five-Year Reviews* at 21.

⁹² *First Five-Year Reviews*, USITC Pub. 3784 at 15; *Confidential First Five-Year Reviews* at 21-22.

⁹³ *First Five-Year Reviews*, USITC Pub. 3784 at 15-16; *Confidential First Five-Year Reviews* at 22.

⁹⁴ *First Five-Year Reviews*, USITC Pub. 3784 at 11; *Confidential First Five-Year Reviews* at 15.

⁹⁵ *Second Five-Year Reviews*, USITC Pub. 4248 at 10-11.

⁹⁶ *Second Five-Year Reviews*, USITC Pub. 4248 at 11. Columbus Stainless' home market shipments accounted for 25 percent of the company's total sales. It had a "well-developed" sales network for its exports in Europe, the Americas, the Middle East, and the Far East. *Confidential Second Five-Year Reviews* at 14 n.53.

⁹⁷ *Second Five-Year Reviews*, USITC Pub. 4248 at 13.

In the third five-year reviews, the Commission observed that Columbus Steel continued to be the sole producer of subject merchandise in South Africa.⁹⁸ The Commission highlighted that, according to GTA data, Columbus Steel was a top-ten global exporter of stainless steel plate during each year of the review period.⁹⁹ The Commission also found that the industry in South Africa was export oriented, with Columbus Steel's website stating that it exported its products to Europe, the America, and the Middle East and the Far East.¹⁰⁰ As result of the foregoing, the Commission determined that subject imports from South Africa were not likely to have no discernible adverse impact if the order were revoked.¹⁰¹

During the current period of review, the volume of subject imports from South Africa increased irregularly during the period of review from 11 short tons in 2016 to 100 short tons in 2019, before decreasing to zero in 2020.¹⁰² Stainless steel plate from South Africa is subject to safeguard measures in the European Union.¹⁰³

In these reviews, there are limited data available concerning the industry in South Africa because no subject producer in South Africa responded to the Commission's notice of institution; however, Columbus Steel remains the only known producer of stainless steel plate in South Africa.¹⁰⁴ According to domestic producers, Columbus Stainless exports 75 percent of its production.¹⁰⁵ Additionally, the parent company of Columbus Stainless, Acerinox, also announced a 5 million euro investment at the Columbus Steel facility in Middleburg to enhance production and raise monthly exports by 3,307 short tons.¹⁰⁶ During the period of review, GTA data show that South Africa exported 58,543 short tons of stainless steel plate worldwide in 2016, 76,230 short tons in 2017, 53,554 short tons in 2018, 37,982 short tons in 2019, and 22,861 short tons in 2020.¹⁰⁷

⁹⁸ *Third Five-Year Reviews*, USITC Pub. 4658 at 15.

⁹⁹ *Third Five-Year Reviews*, USITC Pub. 4658 at 15.

¹⁰⁰ *Third Five-Year Reviews*, USITC Pub. 4658 at 15.

¹⁰¹ *Third Five-Year Reviews*, USITC Pub. 4658 at 16.

¹⁰² CR/PR at Table I-8.

¹⁰³ CR/PR at Table I-16. The products subject to safeguards from the EU are included under HS subheadings HS 7219.11.00, 7219.12.xx, 7219.13.xx, 7219.14.xx, 7219.22.xx, 7219.23.xx, 7219.24.xx, 7220.11.00, and 7220.12.007219.11.00, 7219.12.00, 7219.13.xx, 7219.14.xx, 7219.21.00, 7219.22.00, 7219.23.00, 7219.24.xx, 7220.11.00, 7220.12.00. 7219.31.00, 7219.32.xx, 7219.33.xx, 7219.34.xx, 7219.35.xx, 7219.90.xx, 7220.20.xx, and 7220.90.xx *Id.*

¹⁰⁴ Joint Response at 12; Joint Final Comments at 12.

¹⁰⁵ Joint Response at 12 and Exhibit 4; Joint Final Comments at 12-13.

¹⁰⁶ CR/PR at Table I-12.

¹⁰⁷ CR/PR at Table I-13. These data may be overstated as HS subheading 7219.31 may contain products outside the scope of these reviews.

While subject import volumes from South Africa have declined since the imposition of the antidumping and countervailing duty orders, the subject industry nonetheless remains export oriented in nature and has taken steps to expand capacity. Given this and the intermittent presence of subject imports from South Africa in the U.S. market despite the discipline of the orders, we find that subject imports from South Africa likely would not have no discernible adverse impact on the domestic industry if the antidumping and countervailing duty orders concerning these imports were revoked.

Taiwan. In the original investigations, the volume of subject imports from Taiwan increased from *** tons in 1995 to *** tons in 1996, *** tons in 1997, and *** tons in 1998.¹⁰⁸ While the percentage of the Taiwanese producers' shipments to their home market decreased, the percentage of their shipments exported to the United States increased from *** percent in 1995 to *** percent in 1997.¹⁰⁹

In the first five-year reviews, the Commission observed that the volume of subject imports from Taiwan remained low; in 2004, the volume of subject imports from Taiwan was *** tons.¹¹⁰ Available public data indicated that production in Taiwan grew from less than 1.2 million metric tons in 1999 to more than 1.5 million metric tons in 2003.¹¹¹ The Commission found that the U.S. market with its large size, steady demand, and higher prices, provided an impetus for producers in Taiwan to increase their sales to the U.S. market.¹¹² Based on these producers' trade patterns in the original investigations and the vulnerability of the domestic industry, the Commission did not find that subject imports from Taiwan would be likely to have no discernible adverse impact if the order were revoked.¹¹³

In the second five-year reviews, the Commission observed that the volume of subject imports from Taiwan was lower in 2010 than in 1997.¹¹⁴ It found that there were four subject producers in Taiwan: Chien Shing Stainless Steel Co., Ltd ("Chien Shing"); Tang Eng Iron Works Co., Ltd. ("Tang Eng"); Tung Mung Development Co., Ltd. ("Tung Mung"); and Yieh United Steel Corporation ("YUSCO").¹¹⁵ Although none of the subject producers provided data, the

¹⁰⁸ *First Five-Year Reviews*, USITC Pub. 3784 at 16; *Confidential First Five-Year Reviews* at 22.

¹⁰⁹ *First Five-Year Reviews*, USITC Pub. 3784 at 16; *Confidential First Five-Year Reviews* at 23.

¹¹⁰ *First Five-Year Reviews*, USITC Pub. 3784 at 16; *Confidential First Five-Year Reviews* at 22.

¹¹¹ *First Five-Year Reviews*, USITC Pub. 3784 at 16; *Confidential First Five-Year Reviews* at 23. The Commission had not received questionnaire responses from any producer of stainless steel plate in Taiwan. *See id.*

¹¹² *First Five-Year Reviews*, USITC Pub. 3784 at 16; *Confidential First Five-Year Reviews* at 23-24.

¹¹³ *First Five-Year Reviews*, USITC Pub. 3784 at 16; *Confidential First Five-Year Reviews* at 24.

¹¹⁴ *Second Five-Year Reviews*, USITC Pub. 4248 at 10-11.

¹¹⁵ *Second Five-Year Reviews*, USITC Pub. 4248 at 11 n.53.

Commission found that production of stainless steel plate in Taiwan and the capacity of the subject producers were substantial; it observed that YUSCO alone reportedly had the largest integrated stainless steel mill in Southeast Asia with a melting capacity of 1 million metric tons, hot-rolling capacity of 900,000 metric tons, and cold-rolling capacity of 650,000 metric tons.¹¹⁶ The Commission further found that the industry in Taiwan continued to export outside its home market.¹¹⁷ Based on the quantities of subject imports from Taiwan during the original investigations, the export orientation of the Taiwanese industry, and the Taiwanese producers' substantial production and capacity, the Commission determined that subject imports from Taiwan were not likely to have no discernible adverse impact if the order were revoked.¹¹⁸

In the third five-year reviews, the Commission observed that Chien Shing, Tang Eng Tung Mung, and YUSCO continued to produce subject merchandise in Taiwan.¹¹⁹ The Commission observed that while the producers in Taiwan were not one of the ten largest global exporters during the review period, Chien Shing and Tang Eng produced 150,000 and 300,000 short tons, respectively, of stainless steel plate.¹²⁰ It also observed that YUSCO had an annual capacity of 900,000 metric tons and was the "largest integrated stainless steel mill in Southeast Asia," producing the full line of stainless steel plate products, and concentrating its sales on export markets.¹²¹ Based on the foregoing, the Commission determined that subject imports from Taiwan were not likely to have no discernible adverse impact if the order were revoked.¹²²

During the current period of review, subject imports from Taiwan were zero in 2016, 20 short tons in 2017, 98 short tons in 2018, 64 short tons in 2019, and 37 short tons in 2020.¹²³ Stainless steel products from Taiwan are subject to antidumping measures in the EU and Malaysia, as well as a safeguards in the EU.¹²⁴

Although the current reviews contain limited new information concerning the industry in Taiwan because no subject producer or exporter in Taiwan responded to the Commission's notice of institution, domestic producers assert that Chien Shing, Tang Eng, Tung Mung, and YUSCO continue to be the known producers of stainless steel plate in Taiwan.¹²⁵ Domestic

¹¹⁶ *Second Five-Year Reviews*, USITC Pub. 4248 at 11-12 n.55, 13 n.56.

¹¹⁷ *Second Five-Year Reviews*, USITC Pub. 4248 at 11 n.53.

¹¹⁸ *Second Five-Year Reviews*, USITC Pub. 4248 at 13.

¹¹⁹ *Third Five-Year Reviews*, USITC Pub. 4658 at 17.

¹²⁰ *Third Five-Year Reviews*, USITC Pub. 4658 at 17.

¹²¹ *Third Five-Year Reviews*, USITC Pub. 4658 at 17.

¹²² *Third Five-Year Reviews*, USITC Pub. 4658 at 17.

¹²³ CR/PR at Table I-8.

¹²⁴ CR/PR at Table I-16.

¹²⁵ Joint Response at 12; Joint Final Comments at 13.

producers highlighted that YUSCO capacity is now 1,000,000 metric tons and “is one of the largest stainless steelmakers in the world.”¹²⁶ Additionally, Tang Eng announced a new line of pre-painted stainless steel products in 2017.¹²⁷ Domestic producers also assert that the subject producers in Taiwan remain export oriented.¹²⁸ During the period of review, GTA data show that Taiwan exported 31,329 short tons of stainless steel plate worldwide in 2016, 27,918 short tons in 2017, 30,261 short tons in 2018, 31,012 short tons in 2019, and 21,601 short tons in 2020.¹²⁹ Based on GTA data, the United States was the eighteenth leading export destination of stainless steel plate from Taiwan in 2020.¹³⁰

Based on the foregoing, including the continued presence of subject imports, albeit in lower volumes, from Taiwan in the U.S. market during the period of review, we find that subject imports from Taiwan likely would not have no discernible adverse impact on the domestic industry if the antidumping duty order concerning these imports were revoked.

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.¹³¹ Only a “reasonable overlap” of competition is required.¹³² In five-year reviews, the

¹²⁶ Joint Response at 13; Joint Final Comments at 14.

¹²⁷ CR/PR at I-39.

¹²⁸ Joint Response at 13.

¹²⁹ CR/PR at Table I-15. These data may be overstated as HS subheading 7219.31 may contain products outside the scope of these reviews. *Id.*

¹³⁰ CR/PR at I-40.

¹³¹ 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).

¹³² *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), (Continued...)

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.¹³³

Fungibility. In the original investigations, the Commission observed that stainless steel plate from domestic and foreign sources was produced to standard industry specifications and found that imports from all subject countries were fungible with both the domestic like product and with each other.¹³⁴ In the first and second five-year reviews, the Commission, again observed that stainless steel plate from domestic and foreign sources conformed to standard industry specifications, and continued to find that the domestic like product and subject imports were substitutable products.¹³⁵ In the second reviews, the Commission observed that while domestic producers, importers, and purchasers had somewhat different perceptions of the interchangeability of stainless steel plate from different sources, this information supported a finding of reasonable competitive overlap.¹³⁶ In the third five-year reviews, the Commission observed that there was no new information in the record to indicate that the considerations the Commission found previously supported a finding of fungibility had changed.¹³⁷

In these reviews, there is no new information to indicate that the considerations that led the Commission in prior proceedings to find the domestic like product fungible with subject imports from Belgium, South Africa, and Taiwan have changed.

Channels of Distribution. In the original investigations, the Commission observed that domestically produced stainless steel plate and subject imports were sold primarily to service centers/distributors, which in turn sold product to end users.¹³⁸ The Commission therefore found an overlap in the channels of distribution between subject imports and the domestic like product.¹³⁹ In the first five-year reviews, the Commission continued to find that the domestic like product and subject imports were primarily sold to service centers/distributors, which then generally sold to end users.¹⁴⁰ In the second five-year reviews, the Commission found that the

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).

¹³³ See generally, *Cheflene Corp. v. United States*, 219 F. Supp. 2d 1313, 1314 (Ct. Int'l Trade 2002).

¹³⁴ *Original Determinations*, USITC Pub. 3188 at 10-11.

¹³⁵ *First Five-Year Reviews*, USITC Pub. 3784 at 18; *Second Five-Year Reviews*, USITC Pub. 4248 at 13-15.

¹³⁶ *Second Five-Year Reviews*, USITC Pub. 4248 at 13-14.

¹³⁷ *Third Five-Year Reviews*, USITC Pub. 4658 at 18.

¹³⁸ *Original Determinations*, USITC Pub. 3188 at 12.

¹³⁹ *Original Determinations*, USITC Pub. 3188 at 12.

¹⁴⁰ *First Five-Year Reviews*, USITC Pub. 3784 at 18.

limited data in the second reviews showed a continued overlap in distribution channels.¹⁴¹ In the third five-year reviews, the Commission observed that there was no new information in the record to indicate that there have been any significant changes with respect to the channels of distribution.¹⁴² There is no new information in these reviews to indicate that this has changed.

Geographic Overlap. In the original investigations, the Commission found that the domestic producers sold their products on a nationwide basis. It further found that subject imports were sold to regions covering the vast majority of the United States. The Commission concluded that subject imports and the domestic like product competed in the same geographic markets.¹⁴³ In the first, second, and third five-year reviews, the Commission found nothing on the record of those reviews indicating that the Commission's findings from the original investigations concerning geographic overlap would likely change upon revocation.¹⁴⁴

In these reviews, domestic producers sold their products on a nationwide basis. Stainless steel plate from Belgium entered through ports of entry on the eastern and southern borders in all years, through ports of entry on the northern border in 2016 and 2017, and through ports of entry on the western border in 2016. Subject imports from South Africa entered through ports of entry on the eastern border in 2017, 2018, and 2019 and ports of the entry on the southern border in 2016. Subject imports from Taiwan entered through ports of entry on the western border in 2017, 2018, and 2020; ports of entry on the eastern border in 2018, 2019, and 2020, and ports of entry on the northern border in 2018 and 2020.¹⁴⁵ The record thus reflects continued geographic overlap between and among subject imports and the domestic like product.

Simultaneous Presence in Market. In the original investigations, the Commission found that imports from each subject country and the domestic like product were simultaneously present in the U.S. market throughout the period of investigation.¹⁴⁶ In the first, second, and third five-year reviews, the Commission found that no evidence indicated and no arguments were made that subject imports would not have a simultaneous market presence sufficient to

¹⁴¹ *Second Five-Year Reviews*, USITC Pub. 4248 at 15.

¹⁴² *Third Five-Year Reviews*, USITC Pub. 4658 at 19.

¹⁴³ *Original Determinations*, USITC Pub. 3188 at 12.

¹⁴⁴ *First Five-Year Reviews*, USITC Pub. 3784 at 19; *Second Five-Year Reviews*, USITC Pub. 4248 at 15; *Third Five-Year Reviews*, USITC Pub. 4658 at 19.

¹⁴⁵ CR/PR at I-31.

¹⁴⁶ *Original Determinations*, USITC Pub. 3188 at 12.

establish the likelihood of a reasonable overlap of competition in the event of revocation.¹⁴⁷ There is no new information in these reviews to indicate that this has changed.¹⁴⁸

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 contains no information suggesting a change in the considerations that led the Commission in the original investigations and prior reviews to cumulate subject imports from Belgium, South Africa, and Taiwan. In light of the above, and absent any contrary argument, we find a likely reasonable overlap of competition between subject imports from Belgium, South Africa, and Taiwan and between the domestic like product and subject imports from each source.

3. Other Likely Conditions of Competition

In determining whether to exercise our discretion to cumulate the subject imports, we assess whether the subject imports from each group of subject countries for which we have found there is a likely reasonable overlap of competition are likely to compete under similar conditions in the U.S. market in the event of revocation. The record in these reviews does not indicate that there likely would be any significant difference in the conditions of competition between subject imports from Belgium, South Africa, and Taiwan if the orders were revoked, and no party has argued to the contrary. Given that the industry in each of the subject countries supplied the U.S. market with stainless steel plate in the prior proceedings, and that each country's subject industry is export oriented, we find that stainless steel plate from each subject country would likely compete directly with one another and the domestic like product in the event of revocation.

4. Conclusion

Based on the foregoing, we find that subject imports Belgium, South Africa, and Taiwan likely would not have no discernible adverse impact on the domestic industry upon revocation. We also find a likely reasonable overlap of competition among subject imports from Belgium, South Africa, and Taiwan and between the subject imports from each subject country and the

¹⁴⁷ *First Five-Year Reviews*, USITC Pub. 3784 at 19; *Second Five-Year Reviews*, USITC Pub. 4248 at 15; *Third Five-Year Reviews*, USITC Pub. 4658 at 19.

¹⁴⁸ CR/PR at I-31. Subject imports from Belgium were present in every month during 2016-2020. Subject imports from South Africa were present in six of the 60 months from 2016 to 2020, although there were no imports from South Africa during 2020. Subject imports from Taiwan were present in 11 of the 60 months between 2016 and 2020, including three months of 2020. *See id.*

domestic like product. Finally, we find that imports from Belgium, South Africa, and Taiwan are likely to compete in the U.S. market under similar conditions of competition should the orders be revoked. We therefore exercise our discretion to cumulate subject imports from Belgium, South Africa, and Taiwan.

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.”¹⁴⁹ 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.”¹⁵⁰ Thus, the likelihood standard is prospective in nature.¹⁵¹ 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.¹⁵²

¹⁴⁹ 19 U.S.C. § 1675a(a).

¹⁵⁰ 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.

¹⁵¹ 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.

¹⁵² 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” (Continued...))

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 time.”¹⁵³ 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.”¹⁵⁴

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.”¹⁵⁵ 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).¹⁵⁶ 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.¹⁵⁷

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.¹⁵⁸ In doing so, the Commission

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’”).

¹⁵³ 19 U.S.C. § 1675a(a)(5).

¹⁵⁴ 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.*

¹⁵⁵ 19 U.S.C. § 1675a(a)(1).

¹⁵⁶ 19 U.S.C. § 1675a(a)(1). Commerce has not made any duty absorption findings with respect to the orders under review. *Commerce I&D Memorandum* at 7-8

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

¹⁵⁸ 19 U.S.C. § 1675a(a)(2).

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.¹⁵⁹

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 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.¹⁶⁰

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.¹⁶¹ 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.¹⁶²

¹⁵⁹ 19 U.S.C. § 1675a(a)(2)(A-D).

¹⁶⁰ 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.

¹⁶¹ 19 U.S.C. § 1675a(a)(4).

¹⁶² 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 (Continued...)”

No respondent interested party participated in these expedited reviews. The record, therefore, contains limited new information with respect to the stainless steel plate industries in Belgium, South Africa, and Taiwan. There also is limited information about the market for stainless steel plate in the United States during the period of review. Accordingly, for our determinations, we rely as appropriate on the facts available from the original investigations, prior five-year reviews, and the limited new information in the record of these reviews.

B. Conditions of Competition and the Business Cycle¹⁶³

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.”¹⁶⁴ The following conditions of competition inform our determinations.

1. Demand Conditions

First Five-Year Reviews. In the first five-year reviews, the Commission found that U.S. demand for stainless steel plate depended on the level of demand for downstream products such as process tanks, vats, hoppers, other manufacturing equipment, tubular goods, containers, barrels, valves, fittings, railcars, and storage tanks. The Commission observed that apparent U.S. consumption increased irregularly from 123,209 tons in 1998 to *** tons in 2004, an overall increase of *** percent.¹⁶⁵

Second Five-Year Reviews. In the second five-year reviews, the Commission found that the drivers of U.S. demand for stainless steel plate and end uses of the product remained the same as in the first reviews. During the second period of review, apparent U.S. consumption initially increased from 2005 to 2006, but declined in 2008 and 2009 due to the economic

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.

¹⁶³ At the time of the original investigations, the Commission’s practice did not include discussing conditions of competition in its opinions. See *Original Determinations*, USITC Pub. 3188 at 13-22.

¹⁶⁴ 19 U.S.C. § 1675a(a)(4).

¹⁶⁵ *First Five-Year Reviews*, USITC Pub. at 3784 at 23; *Confidential First Five-Year Reviews* (EDIS Doc. 589787) at 33.

downturn. Apparent U.S. consumption began to recover in 2010 but remained at a level that was 12.5 percent lower than had existed in 2005.¹⁶⁶

Third Five-Year Reviews. In the third five-year reviews, the Commission found that the apparent U.S. consumption of stainless steel plate was higher in 2015, at *** short tons, than in 2010, the end of the second review period, when it was 107,512 short tons.¹⁶⁷ The Commission also observed that demand continued to be dependent upon demand for end use products, including the automotive and construction markets.¹⁶⁸

Current Reviews. In these reviews, the information available indicates that the factors influencing demand remain unchanged from the prior proceedings. Demand for stainless steel plate continues to be driven by demand for end-use industries such as pulp and paper, chemical and petrochemical, food and beverage, mining, power generation, railcar manufacturing, textiles, and automotive.¹⁶⁹ Domestic producers contend that the U.S. market for stainless steel plate has reflected general trends in the U.S. economy, experiencing a decline in 2020 before modestly improving in 2021.¹⁷⁰ In 2020, apparent U.S. consumption of stainless steel plate was *** short tons, which is ***.¹⁷¹

2. Supply Conditions

First Five-Year Reviews. In the first five-year reviews, the Commission found that the U.S. market was supplied by domestic producers and producers from subject countries and nonsubject countries. The domestic industry's market share ranged from a low of *** percent in 2004 to a high of 93.3 percent in 2001.¹⁷² Cumulated subject imports decreased their market share from *** percent in 1998 to *** percent in 2004 while nonsubject imports increased their market share from *** percent in 1998 to *** percent in 2004.¹⁷³

The Commission also found that the composition of the domestic industry changed since the original investigations.¹⁷⁴ Specifically, Armco was acquired by AK Steel, J&L's stainless

¹⁶⁶ *Second Five-Year Reviews*, USITC Pub. 4248 at 25. In 2010, apparent U.S. consumption was 107,512 short tons. *See id.*

¹⁶⁷ *Third Five-Year Reviews*, USITC Pub. 4658 at 23. *Confidential Third Five-Year Reviews*, EDIS Doc. 761817 at 35.

¹⁶⁸ *Third Five-Year Reviews*, USITC Pub. 4658 at 23.

¹⁶⁹ Joint Response at 24.

¹⁷⁰ Joint Response at 24.

¹⁷¹ CR/PR at Table I-9.

¹⁷² *First Five-Year Reviews*, USITC Pub. at 3784 at 23; *Confidential First Five-Year Reviews* at 33.

¹⁷³ *First Five-Year Reviews*, USITC Pub. at 3784 at 23; *Confidential First Five-Year Reviews* at 34.

¹⁷⁴ *First Five-Year Reviews*, USITC Pub. 3784 at 23.

steel plate operations were acquired by wholly-owned subsidiaries of Allegheny Ludlum, and NAS became the largest domestic producer of stainless steel plate.¹⁷⁵

Second Five-Year Reviews. In the second five-year reviews, the Commission found that the domestic industry, which consisted of AK Steel, Allegheny Ludlum, and NAS, satisfied the bulk of U.S. demand during the period of review.¹⁷⁶ On an annual basis, the domestic industry supplied between *** percent and *** percent of apparent U.S. consumption during the period of review; in 2010, its share of apparent U.S. consumption was *** percent.¹⁷⁷ Cumulated subject imports decreased their market share from *** percent in 2005 to *** percent in 2010.¹⁷⁸ Nonsubject imports constituted between *** percent and *** percent of apparent U.S. consumption during the period of review; in 2010, their share of apparent U.S. consumption was *** percent.¹⁷⁹ The leading nonsubject sources of stainless steel plate were Germany and Sweden.¹⁸⁰

Third Five-Year Reviews. In the third five-year reviews, the Commission found that NAS, Allegheny Ludlum, and AK Steel continued to produce and supply stainless steel plate to the U.S. market and that Outokumpu had emerged as a new domestic producer of stainless steel plate in 2012.¹⁸¹ The Commission also found that the domestic industry accounted for the largest share of apparent U.S. consumption by quantity in 2015, with an *** percent share, which was higher than its share in 2010, which was *** percent.¹⁸² Nonsubject imports accounted for the next largest share of apparent U.S. consumption in 2015, with a *** percent share, which was lower than their share in 2010, which was *** percent.¹⁸³ Subject imports from Belgium, South Africa, and Taiwan, on a cumulated basis, accounted for *** percent of apparent U.S. consumption in 2015, which was slightly lower than their share in 2010, which was *** percent.¹⁸⁴

¹⁷⁵ *First Five-Year Reviews*, USITC Pub. 3784 at 23.

¹⁷⁶ *Second Five-Year Reviews*, USITC Pub. 4248 at 26.

¹⁷⁷ *Second Five-Year Reviews*, USITC Pub. 4248 at 26; *Confidential Second Five-Year Reviews* at 36.

¹⁷⁸ *Second Five-Year Reviews*, USITC Pub. 4248 at 26; *Confidential Second Five-Year Reviews* at 37.

¹⁷⁹ *Second Five-Year Reviews*, USITC Pub. 4248 at 26; *Confidential Second Five-Year Reviews* at 37-38.

¹⁸⁰ *Second Five-Year Reviews*, USITC Pub. 4248 at 26.

¹⁸¹ *Third Five Year Reviews*, USITC Pub. 4658 at 24.

¹⁸² *Third Five-Year Reviews*, USITC Pub. 4658 at 24; *Confidential Third Five-Year Reviews* at 37.

¹⁸³ *Third Five-Year Reviews*, USITC Pub. 4658 at 24; *Confidential Third Five-Year Reviews* at 37.

¹⁸⁴ *Third Five-Year Reviews*, USITC Pub. 4658 at 24; *Confidential Third Five-Year Reviews* at 37.

Current Reviews. The domestic industry accounted for *** percent of apparent U.S. consumption in 2020, or *** short tons of stainless steel plate.¹⁸⁵ This was ***.¹⁸⁶

Cumulated subject imports were *** U.S. market in 2020; they totaled 2,388 short tons and accounted for *** percent of apparent U.S. consumption by quantity.¹⁸⁷ The cumulated share of subject imports was *** during the previous reviews and original investigations.¹⁸⁸ Nonsubject imports were *** source of supply in 2020, totaling 7,466 short tons and accounting for *** percent of apparent U.S. consumption.¹⁸⁹

3. Substitutability and Other Conditions

Prior proceedings. In the first five-year reviews, the Commission found that stainless steel plate was sold on the basis of price regardless of the country of origin.¹⁹⁰ In the second and third five-year reviews, the Commission found that there was a moderate-to-high degree of substitutability between subject imports from each source and the domestic like product, and that price was an important factor in purchasing decisions.¹⁹¹

Current Reviews. The record in these reviews contains no new information to indicate that the degree of substitutability between the domestic like product and subject imports or the importance of price in purchasing decisions has changed since the original investigations.¹⁹² Accordingly, we again find a moderate-to-high degree of substitutability between stainless steel plate from different sources and that price continues to be an important factor in purchasing decisions.

Effective March 23, 2018, stainless steel plate was included in the enumeration of iron and steel articles that are subject to an additional 25 percent ad valorem duty imposed by the Office of the United States Trade Representative, under section 232 of Trade Expansion Act of 1962, as amended.¹⁹³ Imports of stainless steel plate originating in Belgium are exempt from

¹⁸⁵ CR/PR at Table I-9

¹⁸⁶ CR/PR at Table I-9.

¹⁸⁷ CR/PR at Table I-9.

¹⁸⁸ CR/PR at Table I-9.

¹⁸⁹ CR/PR at Table I-9. Sweden, Japan, and India were the largest nonsubject sources from 2016 to 2020. CR/PR at Table I-8.

¹⁹⁰ *First Five-Year Reviews*, USITC Pub. 3784 at 23.

¹⁹¹ *Second Five-Year Reviews*, USITC Pub. 4248 at 39; *Third Five-Year Reviews*, USITC Pub. 4658 at 25.

¹⁹² See Joint Response at 25; Joint Final Comments at 18.

¹⁹³ 19 U.S.C. § 1862. See also CR/PR at I-10.

duties within annual tariff rate quota (“TRQ”) limits¹⁹⁴ and imports originating in South Africa and Taiwan are subject to the 25 percent additional duties.¹⁹⁵

C. Likely Volume of Subject Imports

1. The Prior Proceedings

Original Investigations. In the original investigations, the Commission found that the volume of cumulated subject imports was significant.¹⁹⁶ The volume of cumulated subject imports more than doubled over the period of investigation, increasing from *** short tons in 1995 to *** short tons in 1996 and *** short tons in 1997.¹⁹⁷ The Commission found that the increase in the volume of cumulated subject imports was greater than the rise in apparent U.S. consumption over the period and that the market share of cumulated subject imports consequently rose from *** percent in 1995 to *** percent in 1996 and *** percent in 1997.¹⁹⁸

First Five-Year Reviews. In the first five-year reviews, the Commission found that as a result of imposition of the orders, the volume of cumulated subject imports decreased from *** tons in 1999 to *** tons in 2004; the market share held by cumulated subject imports decreased from *** percent in 1999 to *** percent in 2004.¹⁹⁹ The Commission further found that although the data were limited, the available record evidence indicated that producers in the subject countries had unused capacity, were export oriented, and had the ability to shift exports among destinations with relative ease.²⁰⁰ In addition, the Commission found that the attractiveness of the U.S. market, with its large size, steady demand, and high prices, provided an incentive for subject producers to shift exports to the United States in the event of revocation of the orders.²⁰¹ The Commission concluded that the likely volume of subject

¹⁹⁴ The annual TRQ is 2,081 short tons for imports of stainless steel plate originating in Belgium. CR/PR at I-11.

¹⁹⁵ CR/PR at I-10-I-11.

¹⁹⁶ *Original Determinations*, USITC Pub. 3188 at 15; *Confidential Original Determinations* at 23; *Remand Determinations*, USITC Pub. 3541 at 1 n.4 (adopting original Dissenting Views).

¹⁹⁷ *Original Determinations*, USITC Pub. 3188 at 15; *Confidential Original Determinations* at 23; *Remand Determinations*, USITC Pub. 3541 at 1 n.4 (adopting original Dissenting Views).

¹⁹⁸ *Original Determinations*, USITC Pub. 3188 at 15; *Confidential Original Determinations* at 24; *Remand Determinations*, USITC Pub. 3541 at 1 n.4 (adopting original Dissenting Views).

¹⁹⁹ *First Five-Year Reviews*, USITC Pub. at 3784 at 24-25; *Confidential First Five-Year Reviews* at 36.

²⁰⁰ *First Five-Year Reviews*, USITC Pub. 3784 at 24-27.

²⁰¹ *First Five-Year Reviews*, USITC Pub. 3784 at 26-27.

imports, both in absolute terms and relative to consumption and production in the United States, would be significant absent the restraining effects of the orders.²⁰²

Second Five-Year Reviews. In the second five-year reviews, the Commission found that although the volume of cumulated subject imports decreased from *** short tons in 2005 to *** short tons in 2010 and their market share decreased from *** percent in 2005 to *** percent in 2010, subject producers demonstrated an ongoing interest in serving the United States and continued to maintain relationships with U.S. customers.²⁰³ The Commission further found that subject producers possessed significant excess capacity, were export oriented, and faced constraints in their home markets or other export destinations.²⁰⁴ Consequently, the Commission concluded that revocation of the orders would likely result in a significant increase in cumulated subject imports.²⁰⁵

Third Five-Year Reviews. In the third five-year reviews, the Commission found that the orders continued to restrain the volume of subject imports from Belgium, South Africa, and Taiwan.²⁰⁶ The Commission observed that the likely volume of cumulated subject imports would likely be significant if the orders were revoked.²⁰⁷ The Commission observed that cumulated subject imports remained in the market.²⁰⁸ Additionally, it observed that available information and data showed that subject producers continued to export significant volumes of stainless steel plate and that they possessed excess capacity, finding that the subject producers consequently had the ability to rapidly increase exports of subject imports to the United States.²⁰⁹ The Commission found that the United States remained an attractive market to subject producers especially given import barriers in third country markets which would serve as an incentive to shift exports to the U.S. market if the orders were revoked.²¹⁰ Consequently, the Commission concluded that revocation of the orders would likely result in a significant increase in cumulated subject imports, both in absolute and relative terms.²¹¹

²⁰² *First Five-Year Reviews*, USITC Pub. 3784 at 27.

²⁰³ *Second Five-Year Reviews*, USITC Pub. 4248 at 28-29; *Confidential Second Five-Year Reviews* at 40-41.

²⁰⁴ *Second Five-Year Reviews*, USITC Pub. 4248 at 30-31.

²⁰⁵ *Second Five-Year Reviews*, USITC Pub. 4248 at 26.

²⁰⁶ *Third Five-Year Reviews*, USITC Pub. 4658 at 26.

²⁰⁷ *Third Five-Year Reviews*, USITC Pub. 4658 at 26.

²⁰⁸ *Third Five-Year Reviews*, USITC Pub. 4658 at 26.

²⁰⁹ *Third Five-Year Reviews*, USITC Pub. 4658 at 27.

²¹⁰ *Third Five-Year Reviews*, USITC Pub. 4658 at 27.

²¹¹ *Third Five-Year Reviews*, USITC Pub. 4658 at 28.

2. The Current Reviews

In the current reviews, the available data show that cumulated subject import volumes decreased slightly overall from 2016 to 2020.²¹² The quantity of cumulated subject imports increased from 2,501 short tons in 2016 to a period high of 3,834 short tons in 2017 before decreasing to 3,246 short tons in 2018 and 2,116 short tons in 2019, and increasing to 2,388 short tons in 2020.²¹³ The peak volume of U.S. shipments of cumulated subject imports during the current period of review (at 2,388 short tons) was far below the peak annual volume of U.S. shipments of cumulated subject imports of *** short tons in 1997, indicating that the orders have had a disciplining effect.²¹⁴ Nevertheless, cumulated subject imports continue to be present in the U.S. market.

The record indicates that subject producers in Belgium, South Africa, and Taiwan have the means to increase exports of subject merchandise to the U.S. market within a reasonably foreseeable time if the antidumping orders were revoked. As previously stated, no importer, producer, or exporter of subject merchandise participated in these reviews. The domestic producers provided information regarding producers in all subject countries, identifying expansions in capacity by subject producers and an emphasis on exporting subject imports.²¹⁵ There is nothing in the record of these current reviews to suggest that the Commission's findings in the third review, that subject countries continued to manufacture substantial volumes of stainless steel plate, have changed.

The record further indicates that the subject industries are export oriented and that they view the United States as an attractive export market. All subject countries continue to export stainless steel plate with Belgium remaining the second largest global exporter of stainless steel plate.²¹⁶ As previously stated, notwithstanding the disciplining effects of the orders, cumulated subject imports maintained a presence in the U.S. market throughout the period of review, showing that subject producers remain interested in, and are able to sell to, the U.S. market.²¹⁷ Furthermore, imports of stainless steel plate from Belgium, South Africa, and Taiwan are the subject of various restrictive trade measures in China, the EU, and Malaysia

²¹² CR/PR at Table I-8.

²¹³ CR/PR at Table I-8.

²¹⁴ CR/PR at Table I-9.

²¹⁵ Joint Response at 11-13 and Exs. 2-4; Joint Final Comments at 12-14.

²¹⁶ CR/PR at Table I-17.

²¹⁷ CR/PR at Tables I-8- I-10.

providing further incentive for subject producers to direct exports to the U.S. market upon revocation.²¹⁸

In light of these facts, we find that subject producers are likely, upon revocation, to direct additional volumes of stainless steel plate to the U.S. market. We find that the likely cumulated volume of subject imports, both in absolute terms and relative to consumption in the United States, would be significant if the orders were revoked.²¹⁹

D. Likely Price Effects

1. The Prior Proceedings

Original Investigations. In the original investigations, the Commission found that stainless steel plate was a commodity product that was sold on the basis of price regardless of country of origin.²²⁰ It further found that there was mixed underselling and overselling of the domestic like product by cumulated subject imports during the period of investigation, which was to be expected in a commodity market characterized by intense price competition. The Commission found the pattern of underselling, in conjunction with the increased volume of subject imports, constituted significant underselling.²²¹ Based upon several factors, including the parallel decline in prices for the domestic like product and subject imports as subject imports displaced nonsubject imports and gained market share, and evidence of underselling and lost sales and revenues, the Commission also found that subject imports depressed prices for the domestic like product to a significant degree.²²²

First Five-Year Reviews. In the first five-year reviews, the Commission found that even with the orders in place, the price comparison data, albeit limited due to the substantial reduction in the volume of subject imports after imposition of the orders, demonstrated

²¹⁸ CR/PR at Table I-16.

²¹⁹ While Section 232 tariffs currently impose a 25 percent *ad valorem* duty on subject imports from Belgium (if they exceed the TRQ), South Africa, and Taiwan, neither the domestic producers nor the responding purchaser reported that these tariffs have had an effect on either the supply of or demand for subject imports or that they anticipated such effects in the reasonably foreseeable future. See CR/PR at D-3.

²²⁰ *Original Determinations*, USITC Pub. 3188 at 17; *Remand Determinations*, USITC Pub. 3541 at 1 n.4 (adopting original Dissenting Views).

²²¹ *Original Determinations*, USITC Pub. 3188 at 19; *Remand Determinations*, USITC Pub. 3541 at 1 n.4 (adopting original Dissenting Views).

²²² *Original Determinations*, USITC Pub. 3188 at 19-20; *Remand Determinations*, USITC Pub. 3541 at 1 n.4 (adopting original Dissenting Views).

significant underselling of the domestic like product.²²³ The Commission further found that the record indicated that stainless steel plate remained interchangeable and that price continued to be an important factor in purchasing decisions.²²⁴ It therefore reasoned that if the orders were revoked, significant volumes of subject imports would likely significantly undersell the domestic like product to gain market share and would likely have significant depressing or suppressing effects on the prices of the domestic like product within a reasonably foreseeable time.²²⁵

Second Five-Year Reviews. In the second five-year reviews, the Commission again found that stainless steel plate was a commodity product, and that price was an important factor in purchasing decisions. It relied on its prior determinations in which it found underselling to be significant in determining that there would likely be significant adverse price effects in the event of revocation of the orders.²²⁶ Specifically, it determined that if the orders were revoked, significant volumes of subject imports would significantly undersell the domestic like product to gain market share, thereby depressing and suppressing domestic like product prices to a significant degree.²²⁷

Third Five-Year Reviews. In the third five-year reviews, the record did not contain any current pricing information.²²⁸ The Commission found that if the orders were revoked, significant volumes of cumulated subject imports would likely significantly undersell the domestic like product to gain market share as they did in the original investigations.²²⁹ The Commission also found that because price was important to purchasing decisions and cumulated subject imports and the domestic like product were interchangeable, that absent the discipline of the orders, cumulated subject imports would also cause the domestic industry to lose market share and/or significantly depress or suppress prices for the domestic like product, thereby having adverse price effects.²³⁰

²²³ *First Five-Year Reviews*, USITC Pub. 3784 at 28.

²²⁴ *First Five-Year Reviews*, USITC Pub. 3784 at 28.

²²⁵ *First Five-Year Reviews*, USITC Pub. 3784 at 28.

²²⁶ *Second Five-Year Reviews*, USITC Pub. 4248 at 32-33.

²²⁷ *Second Five-Year Reviews*, USITC Pub. 4248 at 33.

²²⁸ *Third Five-Year Reviews*, USITC Pub. 4658 at 29.

²²⁹ *Third Five-Year Reviews*, USITC Pub. 4658 at 29.

²³⁰ *Third Five-Year Reviews*, USITC Pub. 4658 at 29.

2. The Current Reviews

As previously discussed in Section IV.B.3., there is a moderate-to-high degree of substitutability between the domestic like product and cumulated subject imports and price continues to be an important factor in purchasing decisions. Due to the expedited nature of these reviews, the record does not contain new product-specific pricing information. Based on the available information, we find that if the antidumping and countervailing duty orders were revoked, subject imports would likely undersell the domestic like product as they did during the original investigations. Because price is an important factor in purchasing decisions and stainless steel plate is substitutable regardless of source, the increased volume of subject imports that would likely enter the United States and would likely undersell the domestically produced product in the event of revocation would likely force domestic producers to either reduce their prices or risk losing sales and market share to subject imports.

Accordingly, we find that if the orders were revoked, significant volumes of cumulated subject imports would likely undersell the domestic like product to a significant degree and would likely gain market share or have a significant depressing or suppressing effect on prices for the domestic like product.

E. Likely Impact

1. The Prior Proceedings

Original Investigations. In the original investigations, the Commission found that despite rising apparent U.S. consumption and increasing domestic industry shipments, production, and employment, the domestic industry's net sales values declined due to large price declines that occurred during the period of investigation.²³¹ Additionally, the industry's profitability suffered, which negatively affected its ability to invest in process improvements and expanded product lines.²³² The Commission thus concluded that cumulated subject imports had a significant adverse impact on the domestic industry.²³³

²³¹ *Original Determinations*, USITC Pub. 3188 at 20-21; *Remand Determinations*, USITC Pub. 3541 at 1 n.4 (adopting original Dissenting Views).

²³² *Original Determinations*, USITC Pub. 3188 at 21; *Remand Determinations*, USITC Pub. 3541 at 1 n.4 (adopting original Dissenting Views).

²³³ *Original Determinations*, USITC Pub. 3188 at 22; *Remand Determinations*, USITC Pub. 3541 at 1 n.4 (adopting original Dissenting Views).

First Five-Year Reviews. In the first five-year reviews, the Commission observed that since the original investigations, the domestic industry improved its efficiency and productivity through consolidation and restructuring. The Commission found that notwithstanding these improvements and the imposition of the orders, the domestic industry's condition deteriorated after 2000.²³⁴ The Commission further found that although the industry's performance was stronger in 2004 due to a sharp rise in prices, raw material costs were also very high at the end of the period of review and were forecasted to remain at elevated levels. Moreover, the profits obtained by the domestic industry in 2004 had not offset the losses it had sustained in the prior three years.²³⁵ Consequently, the Commission determined that the domestic industry was vulnerable to the continuation or recurrence of material injury.²³⁶ The Commission further determined that revocation of the orders would likely lead to significant increases in the volume of cumulated subject imports at prices that would undersell the domestic like product and would likely enter the United States at prices that would have a depressing and suppressing effect on prices for the domestic like product.²³⁷ In turn, these declines would have a significant adverse impact on the domestic industry's production, shipments, sales, and revenue, which in turn would have a direct adverse impact on the industry's profitability and ability to raise capital and make and maintain necessary capital investments.²³⁸ The Commission thus concluded that if the orders were revoked, cumulated subject imports would likely have a significant impact on the domestic industry within a reasonably foreseeable time.²³⁹

Second Five-Year Reviews. In the second five-year reviews, the Commission found that the domestic industry's condition was more productive and profitable than was the case in the prior proceedings.²⁴⁰ Specifically, the Commission found that from 2005 to 2007, the domestic industry's financial performance was robust, reflecting the competitiveness of its operations, and that although it worsened considerably during the economic downturn in 2008 and 2009, the domestic industry's performance rebounded in 2010.²⁴¹ Moreover, the domestic industry's investments in new and improved capacity during the period of review reflected its optimism over its future prospects in the market.²⁴² Consequently, the Commission determined that the

²³⁴ *First Five-Year Reviews*, USITC Pub. 3784 at 29.

²³⁵ *First Five-Year Reviews*, USITC Pub. 3784 at 30.

²³⁶ *First Five-Year Reviews*, USITC Pub. 3784 at 30.

²³⁷ *First Five-Year Reviews*, USITC Pub. 3784 at 30.

²³⁸ *First Five-Year Reviews*, USITC Pub. 3784 at 30.

²³⁹ *First Five-Year Reviews*, USITC Pub. 3784 at 30.

²⁴⁰ *Second Five-Year Reviews*, USITC Pub. 4248 at 33-34.

²⁴¹ *Second Five-Year Reviews*, USITC Pub. 4248 at 35.

²⁴² *Second Five-Year Reviews*, USITC Pub. 4248 at 35.

domestic industry was not vulnerable.²⁴³ In light of the likely significant volume and price effects of cumulated subject imports, however, the Commission concluded that in the event of revocation of the orders, cumulated subject imports would likely lead to the continuation or recurrence of material injury to the domestic industry.²⁴⁴

Third Five-Year Reviews. In the third five-year reviews, the Commission determined that the limited record was insufficient to make a finding on whether the domestic industry was vulnerable to continuation or recurrence of material injury in the event of the revocation of the orders.²⁴⁵ The Commission observed that in 2015, the domestic industry's capacity was *** short tons, its U.S shipments were *** short tons, and its capacity utilization was *** percent.²⁴⁶ The industry's net sales were \$*** in 2015, and it experienced an operating *** and had an operating income to net sales ratio of *** percent.²⁴⁷

The Commission held, based on the information available, that given the substitutable nature of the product, the likely significant volume of cumulated subject imports would place pricing pressure on domestic producers, forcing them to cut prices or cede market share to subject imports. The Commission also found that the likely significant volume of cumulated subject imports and their price effects would negatively affect the domestic industry's production, shipments, sales, and revenue, profitability and employment levels, as well as the industry's ability to raise capital and make and maintain necessary capital investments.²⁴⁸

Lastly, the Commission considered the role of factors other than subject imports, including nonsubject imports, so as not to attribute injury from other factors to the subject imports. The Commission found that the market share of nonsubject imports was lower in 2015 than in 2010 and that there was no indication that nonsubject imports would prevent cumulated subject imports from re-entering the U.S. market in significant quantities upon revocation of the orders.²⁴⁹ It accordingly concluded that revocation of the orders under review would likely have a significant adverse impact on the domestic industry within a reasonably foreseeable time.²⁵⁰

²⁴³ *Second Five-Year Reviews*, USITC Pub. 4248 at 35.

²⁴⁴ *Second Five-Year Reviews*, USITC Pub. 4248 at 36.

²⁴⁵ *Third Five-Year Reviews*, USITC Pub. 4658 at 30-31.

²⁴⁶ *Third Five-Year Reviews*, USITC Pub. 4658 at 30-31; *Confidential Third Five-Year Reviews* at 47.

²⁴⁷ *Third Five-Year Reviews*, USITC Pub. 4658 at 30-31; *Confidential Third Five-Year Reviews* at 47.

²⁴⁸ *Third Five-Year Reviews*, USITC Pub. 4658 at 31.

²⁴⁹ *Third Five-Year Reviews*, USITC Pub. 4658 at 31.

²⁵⁰ *Third Five-Year Reviews*, USITC Pub. 4658 at 31.

2. The Current Reviews

Due to the expedited nature of these reviews, the record contains limited new information on the domestic industry's condition, consisting of data provided by the domestic producers in their response to the notice of institution. The limited record in these reviews is insufficient for us to make a finding as to whether the domestic industry is vulnerable to the continuation or recurrence of material injury in the event of revocation of the orders.

The available data indicate that in 2020 the domestic industry's production capacity was *** short tons, its production was *** short tons, and its capacity utilization rate was *** percent.²⁵¹ U.S. shipments were *** short tons, with a value of \$***.²⁵² In 2020, the domestic industry had net sales revenues of \$***, cost of goods sold ("COGS") of \$***, a gross profit of \$***, and an operating income of \$***; its ratio of operating income to net sales was *** percent.²⁵³

Based on the information available in these reviews, we find that revocation of the orders would likely lead to a significant volume of cumulated subject imports that would likely significantly undersell the domestic like product. Given the moderate-to-high degree of substitutability between the domestically produced stainless steel plate and cumulated subject imports and the importance of price to purchasers, increasing volumes of low-priced subject imports would likely capture market share from the domestic industry or force domestic producers to lower their prices to defend their sales, thereby depressing or suppressing prices for the domestic like product to a significant degree. Consequently, cumulated subject imports would likely have a significant impact on the production, shipments, sales, market share, and revenue of the domestic industry. These declines would likely impact the domestic industry's profitability and employment, its ability to raise capital, and to make and maintain capital investments.

We have also considered the role of factors other than cumulated subject imports, including the presence of nonsubject imports, so as not to attribute injury from other factors to cumulated subject imports. Nonsubject imports' market share was lower in 2020, at ***

²⁵¹ CR/PR at Table I-7. Reported capacity utilization in 2020 was *** than in any year in prior proceedings. *Id.* See also CR/PR Appendix C.

²⁵² CR/PR at Table I-7. The reported quantity and value of U.S. shipments was *** than in all previous periods. *Id.*

²⁵³ CR/PR at Table I-7. The industry's net sales, COGS, and gross profits were *** during the period of review than in all previous periods. *Id.* The operating income ratio was *** than in 1997, 2010, and 2015 but *** than in 2004. *Id.*

percent, than ***.²⁵⁴ Moreover, there is no information on the record indicating that the presence of nonsubject imports would prevent cumulated subject imports from entering the U.S. market in significant quantities upon revocation of the orders. Given the moderate-to-high degree of substitutability between cumulated subject imports and the domestic like product, the importance of price in purchasing decisions, and the likelihood of underselling by subject imports in the absence of the discipline of the orders, we find it likely that any increase in subject imports would come at least in part at the expense of the domestic industry. Consequently, we find that subject imports would likely cause adverse effects on the domestic industry that are distinct from those of nonsubject imports in the event of revocation.

Accordingly, we conclude that if the orders were revoked, cumulated subject imports from Belgium, South Africa, and Taiwan would likely have a significant impact on the domestic industry within a reasonably foreseeable time.

V. Conclusion

For the reasons discussed above, we determine that revocation of the antidumping duty orders on Belgium, South Africa, and Taiwan, and the countervailing duty order on South Africa, would be likely to lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time.

²⁵⁴ CR/PR at Tables I-9.

Information obtained in these reviews

Background

On December 1, 2021, the U.S. International Trade Commission (“Commission”) gave notice, pursuant to section 751(c) of the Tariff Act of 1930, as amended (“the Act”),¹ that it had instituted reviews to determine whether revocation of the countervailing duty order on stainless steel plate in coils (“stainless steel plate”) from South Africa and the antidumping duty orders on stainless steel plate from Belgium, South Africa, and Taiwan would likely lead to the continuation or recurrence of material injury to a domestic industry.² All interested parties were requested to respond to this notice by submitting certain information requested by the Commission.³ ⁴ The following tabulation presents information relating to the background and schedule of this proceeding:

Effective date	Action
December 1, 2021	Notice of initiation by Commerce (86 FR 68220, December 1, 2021)
December 1, 2021	Notice of institution by Commission (86 FR 68278, December 1, 2021)
March 7, 2022	Commission’s vote on adequacy
March 23, 2022	Commerce’s results of its expedited reviews of the countervailing duty orders (87 FR 16457, March 23, 2022)
April 4, 2022	Commerce’s results of its expedited reviews of the antidumping duty orders (87 FR 19485, April 4, 2022)
July 19, 2022	Commission’s determinations and views

¹ 19 U.S.C. 1675(c).

² 86 FR 68278, December 1, 2021. In accordance with section 751(c) of the Act, the U.S. Department of Commerce (“Commerce”) published a notice of initiation of five-year reviews of the subject antidumping and countervailing duty orders. 86 FR 68220, December 1, 2021. Pertinent Federal Register notices are referenced in app. A, and may be found at the Commission’s website (www.usitc.gov).

³ 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 the original investigations and subsequent full reviews are presented in app. C.

⁴ Interested parties were also requested to provide a list of three to five leading purchasers in the U.S. market for the domestic like product and the subject merchandise. Presented in app. D are the responses received from purchaser surveys transmitted to the purchasers identified in this proceeding.

Responses to the Commission’s notice of institution

Individual responses

The Commission received one submission in response to its notice of institution in the subject reviews. It was filed on behalf of ATI Flat Rolled Products Holdings, LLC (“ATI”), North American Stainless (“NAS”), and Outokumpu Stainless USA, LLC (“Outokumpu”), domestic producers of stainless steel plate (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
Stainless steel plate: Summary of completed responses to the Commission’s notice of institution

Interested party	Type	Number of firms	Coverage
U.S. producer	Domestic	3	100%

Note: The U.S. producer coverage figure presented is the domestic interested parties’ estimate of their share of total U.S. production of stainless steel plate during 2020. Domestic interested parties’ response to the notice of institution, January 3, 2022, p. 20.

Party comments on adequacy

The Commission received party comments on the adequacy of responses to the notice of institution and whether the Commission should conduct expedited or full reviews from the domestic interested parties. The domestic interested parties request that the Commission conduct expedited reviews of the antidumping and countervailing duty orders on stainless steel plate.⁵

⁵ Domestic interested parties’ comments on adequacy, February 8, 2022, p. 1.

The original investigations and subsequent reviews

The original investigations

The original investigations resulted from petitions filed on March 31, 1998 with Commerce and the Commission by Armco, Inc. (“Armco”), Pittsburgh, PA; J&L Specialty Steel, Inc. (“J&L”), Pittsburgh, PA; Lukens Inc. (“Lukens”), Coatesville, PA; North American Stainless (“NAS”), Ghent, KY; and the United Steelworkers of America, AFL-CIO/CLC (“USWA”).⁶ On March 31, 1999, Commerce determined that imports of stainless steel plate from Belgium, Canada, Italy, South Korea, South Africa, and Taiwan were being sold at less than fair value (“LTFV”)⁷ and subsidized by the Governments of Belgium, Italy, and South Africa.⁸ Commerce further determined that countervailable subsidies were not being provided to producers and exporters of stainless steel plate from South Korea.⁹ The Commission determined on May 3, 1999 that an industry in the United States was materially injured by reason of imports of certain hot-rolled stainless steel plate from Belgium, Canada, Italy, South Korea, South Africa, and Taiwan that had been found by Commerce to be sold in the United States at less than fair value (LTFV) and subsidized by the Governments of Belgium, Italy, and South Africa.¹⁰ On May 21,

⁶ Certain Stainless Steel Plate from Belgium, Canada, Italy, Korea, South Africa, and Taiwan, Investigation Nos. 701-TA-376, 377 and 379 and 731-TA-788-793 (Final), USITC Publication 3188, May 1999 (“Original publication”), p. I-1. J&L, however, was not a petitioner in either of the investigations involving Belgium; NAS was not a petitioner in the antidumping investigation involving Italy or in any of the subsidy investigations; and the United Steelworkers was not a petitioner in the antidumping investigation involving Canada. Allegheny Ludlum Corporation (“Allegheny Ludlum”), Brackenridge, Pennsylvania, and Washington Steel, Washington, Pennsylvania, joined as petitioners on August 20, 1998.

⁷ 64 FR 15476, 64 FR 15457, 64 FR 15458, 64 FR 15444, 64 FR 15459, and 64 FR 15493, March 31, 1999.

⁸ 64 FR 15567, 64 FR 15508, and 64 FR 15553, March 31, 1999.

⁹ 64 FR 15530, March 31, 1999.

¹⁰ 64 FR 25515, May 12, 1999. The Commission found two domestic like products during its original investigations, certain hot-rolled stainless steel plate and certain cold-rolled stainless steel plate, and issued negative determinations with respect to imports of certain cold-rolled stainless steel plate from Belgium and Canada that had been found by Commerce to be sold in the United States at LTFV and with respect to imports of certain cold-rolled stainless steel plate that had been found by Commerce to be subsidized by the Government of Belgium. The Commission also determined that imports of certain cold-rolled stainless steel plate from Italy, South Korea, South Africa, and Taiwan that had been found by Commerce to be subsidized and/or sold in the United States at LTFV were negligible.

Respondents appealed the Commission majority's affirmative determinations as to hot-rolled stainless steel plate on the basis that the domestic like product definition should have included stainless
(continued...)

1999, Commerce issued its antidumping duty orders on stainless steel plate, excluding certain cold-rolled stainless steel plate, from Belgium, Canada, Italy, South Korea, South Africa, and Taiwan with the final weighted-average dumping margins of 9.86 percent for Belgium, ranging from 11.10 to 15.35 percent for Canada, ranging from 39.69 to 45.09 percent for Italy, 16.26 percent for South Korea, 37.77 percent for South Africa, and ranging from 7.39 to 10.20 percent for Taiwan.¹¹ Commerce also issued countervailing duty orders on stainless steel plate, excluding certain cold-rolled stainless steel plate, from Belgium, Italy, and South Africa with net subsidy rates of 2.0 percent for Belgium, 15.16 percent for Italy, and 3.95 percent for South Africa.¹² On February 26, 2003, the Commission gave notice of a final court decision affirming its final affirmative material injury determinations, made pursuant to court remand, in the antidumping and countervailing duty investigations of stainless steel plate from the subject countries.¹³ On March 11, 2003, Commerce published notices amending the scope of its

steel sheet and strip. The U.S. Court of International Trade (“CIT”) rejected the challenge and affirmed the Commission’s like product determination. *Acciai Speciali Terni v. United States*, 118 F. Supp.2d 1298 (Ct. Int’l Trade 2000).

The domestic industry also appealed the Commission’s negative determinations with respect to imports of cold-rolled stainless steel plate from Belgium and Canada. (No party challenged the Commission’s negligibility findings regarding imports of cold-rolled stainless steel plate from Italy, South Korea, South Africa, and Taiwan. The appeal, however, included a challenge to the Commission’s domestic like product definition, upon which its negligibility findings were based). On August 28, 2000, the CIT affirmed the Commission’s determinations but, on April 19, 2002, the U.S. Court of Appeals for the Federal Circuit (“Federal Circuit”) vacated the lower court ruling, finding that the Commission’s volume and impact findings with respect to cold-rolled stainless steel plate were not in accordance with law and that its price effects findings for cold-rolled stainless steel plate were unsupported by substantial evidence. *Allegheny Ludlum v. United States*, 287 F. 3d 1365 (Fed. Cir. 2002)

On June 18, 2002, in accordance with the Federal Circuit’s decision, the CIT vacated its earlier decision and remanded to the Commission its final negative determinations with respect to cold-rolled stainless steel plate. 67 FR 45147, July 8, 2002 and 67 FR 50897, August 6, 2002.

On September 27, 2002, the Commission filed its remand determination with the CIT in which the Commission majority defined a single domestic like product, stainless steel plate, and determined that an industry in the United States was materially injured by reason of imports of dumped and/or subsidized imports of stainless steel plate from Belgium, Canada, Italy, South Korea, South Africa, and Taiwan. The CIT affirmed the Commission’s remand determination. *Allegheny Ludlum v. United States*, Ct. No. 99-06-00361 Slip Op. 02-147 (Dec. 12, 2002).

¹¹ 64 FR 27756, May 21, 1999.

¹² 64 FR 25288, May 11, 1999. The excluded cold-rolled product was defined as merchandise that meets the physical characteristics for stainless steel coiled plate but that has undergone a cold-reduction process reducing the thickness of the steel by 25 percent or more, and has been annealed and pickled following cold reduction.

¹³ 68 FR 8925, February 26, 2003.

antidumping and countervailing duty orders to remove the original language that excluded cold-rolled stainless steel plate.¹⁴

The first five-year reviews

On July 6, 2004, the Commission determined that it would conduct full reviews of the antidumping and countervailing duty orders on stainless steel plate from Belgium, Canada, Italy, South Korea, South Africa, and Taiwan.¹⁵ Following affirmative determinations in the five-year reviews by Commerce¹⁶, on June 21, 2005, the Commission determined that revocation of the countervailing duty orders on stainless steel plate from Belgium, Italy, and South Africa and that revocation of the antidumping duty orders on stainless steel plate from Belgium, Italy, South Korea, South Africa, and Taiwan would be likely to lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time. The Commission further determined that revocation of the antidumping duty order on stainless steel plate from Canada would not be likely to lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time.¹⁷ Following affirmative determinations in the five-year reviews by Commerce and the Commission, effective July 18, 2005, Commerce issued a continuation of the antidumping duty orders on imports of stainless steel plate from Belgium, Italy, South Korea, South Africa, and Taiwan and the countervailing duty orders on imports of stainless steel plate from Belgium, Italy, and South Africa.^{18 19}

¹⁴ 68 FR 11520 and 68 FR 11524, March 11, 2003. In the notices Commerce published amended final weighted-average dumping margins ranging from 3.84 to 9.86 percent for Belgium, ranging from 11.10 to 15.35 percent for Canada, ranging from 0.0 percent to 39.69 percent for Italy, ranging from 1.19 to 6.08 percent for South Korea, ranging from 37.77 to 77 percent for South Africa, and ranging from 7.39 to 10.20 percent for Taiwan and amended net subsidy rates ranging from 1.78 to 2.00 percent for Belgium, 15.16 percent for Italy, and 3.95 percent for South Africa.

¹⁵ 69 FR 45076, July 28, 2004.

¹⁶ 69 FR 47416, August 5, 2004 (AD - Canada, South Africa and Taiwan); 69 FR 47418, August 5, 2004 (CVD - South Africa); 69 FR 61798, October 21, 2004 (AD - Belgium, Italy, and South Korea); 69 FR 64277, November 4, 2004 (CVD - Belgium); 70 FR 10357, March 3, 2005 (CVD - Italy).

¹⁷ 70 FR 38710, July 5, 2005.

¹⁸ 70 FR 41202, July 18, 2005. Following the Commission's negative determination, Commerce revoked the antidumping duty order with respect to imports from Canada. 70 FR 41207, July 18, 2005.

¹⁹ On March 28, 2006, Commerce revoked the countervailing duty order with respect to imports from Italy pursuant to a changed circumstances review. 71 FR 15380, March 28, 2006.

The second five-year reviews

On September 7, 2010, the Commission determined that it would conduct full reviews of the countervailing duty orders on stainless steel plate from Belgium and South Africa and the antidumping duty orders on stainless steel plate from Belgium, Italy, South Korea, South Africa, and Taiwan.²⁰ On October 6, 2010, Commerce determined that revocation of the antidumping duty orders on stainless steel plate from Belgium, Italy, South Korea, South Africa, and Taiwan would be likely to lead to continuation or recurrence of dumping.²¹ On October 7, 2010, Commerce determined that revocation of the countervailing duty order on stainless steel plate from South Africa would likely lead to continuation or recurrence of a countervailable subsidy.²² On May 5, 2011, Commerce determined that revocation of the countervailing duty order on stainless steel plate from Belgium would not likely lead to continuation or recurrence of a countervailable subsidy and revoked the countervailing duty order.²³ On August 9, 2011, the Commission determined that revocation of the countervailing duty order on stainless steel plate from South Africa and revocation of the antidumping duty orders on stainless steel plate from Belgium, South Korea, South Africa, and Taiwan would be likely to lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time. The Commission also determined that revocation of the antidumping duty order on imports of stainless steel plate from Italy would not be likely to lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time.²⁴ Following affirmative determinations in the five-year reviews by Commerce and the Commission, effective August 30, 2011, Commerce issued a continuation of the antidumping duty orders on imports of stainless steel plate from Belgium, South Korea, South Africa, and Taiwan and the countervailing duty order on imports of stainless steel plate from South Africa.^{25 26}

²⁰ 75 FR 59744, September 28, 2010.

²¹ 75 FR 61699, October 6, 2010.

²² 75 FR 62103, October 7, 2010.

²³ 76 FR 25666, May 5, 2011. Accordingly, pursuant to section 751(c) of the Tariff Act of 1930 (19 U.S.C. 1675(c)), the Commission terminated the subject review. 76 FR 28809, May 18, 2011.

²⁴ 76 FR 50495, August 15, 2011.

²⁵ 76 FR 53882, August 30, 2011. Commerce revoked the antidumping duty on imports from Italy, effective July 18, 2010. 76 FR 54207, August 31, 2011.

²⁶ On November 16, 2011, the Office of the U.S. Trade Representative instructed Commerce to implement its determination under section 129 of the Uruguay Round Agreements Act regarding the antidumping duty investigation of stainless steel plate from South Korea. Commerce's investigation

(continued...)

The third five-year reviews

On October 4, 2016, the Commission determined that it would conduct expedited reviews of the countervailing duty order on stainless steel plate from South Africa and the antidumping duty orders on stainless steel plate from Belgium, South Africa, and Taiwan.²⁷ On November 7, 2016, Commerce determined that revocation of the countervailing duty order on stainless steel plate from South Africa would likely lead to continuation or recurrence of a countervailable subsidy.²⁸ On November 9, 2016, Commerce determined that revocation of the antidumping duty orders on stainless steel plate from Belgium, South Africa, and Taiwan would be likely to lead to continuation or recurrence of dumping.²⁹ On December 22, 2016, the Commission determined that revocation of the antidumping duty orders on stainless steel plate from Belgium, South Africa, and Taiwan and revocation of the countervailing duty order on stainless steel plate from South Africa would be likely to lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time.³⁰ Following affirmative determinations in the five-year reviews by Commerce and the Commission, effective January 9, 2017, Commerce issued a continuation of the antidumping duty orders on imports of stainless steel plate from Belgium, South Africa, and Taiwan and the countervailing duty order on imports of stainless steel plate from South Africa.³¹

resulted in no antidumping duty margin for the mandatory respondent, Pohang Iron & Steel Co., Ltd. As a result, the All-Others rate also decreased to zero and Commerce revoked the antidumping duty order on imports of stainless steel plate from South Korea. 76 FR 74771, December 1, 2011.

²⁷ 81 FR 73420, October 25, 2016.

²⁸ 81 FR 78115, November 7, 2016.

²⁹ 81 FR 78774, November 9, 2016.

³⁰ 82 FR 140, January 3, 2017.

³¹ 82 FR 2322, January 9, 2017.

Previous and related investigations

The Commission has conducted two previous import relief investigations on stainless steel plate or similar merchandise. Table I-2 presents information on previous and related title VII investigations.³²

Table I-2

Stainless steel plate: Previous and related Commission proceedings and status of orders

Date	Number(s)	Country	Determination	Current Status of Order
1973	AA1921-114	Sweden	Affirmative	Order revoked after first review July 1999
1983	701-TA-196	United Kingdom	Affirmative	Order revoked after administrative review August 1986

Source: U.S. International Trade Commission publications and Federal Register notices.

Note: "Date" refers to the year in which the investigation or review was instituted by the Commission.

Commerce's five-year reviews

Commerce announced that it would conduct expedited reviews with respect to the orders on imports of stainless steel plate from Belgium, South Africa, and Taiwan with the intent of issuing the final results of these reviews based on the facts available not later than March 31, 2022.³³ Commerce publishes its Issues and Decision Memoranda and its final results concurrently, accessible upon publication at <http://enforcement.trade.gov/frn/>. Issues and Decision Memoranda contain complete and up-to-date information regarding the background and history of the order, including scope rulings, duty absorption, changed circumstances reviews, and anticircumvention, as well as any decisions that may have been pending at the issuance of this report. Any foreign producers/exporters that are not currently subject to the antidumping and/or countervailing duty orders on imports of stainless steel plate from

³² The Commission has also conducted two safeguard investigations with respect to stainless steel and alloy tool steel as follows: Inv. No. TA-201-5 in 1976 (USITC Publication 756) and Inv. No. TA-201-48 in 1983 (USITC Publication 1377). The 1976 investigation resulted in a 3-year voluntary restraint agreement (6/14/76-6/13/79) and the 1983 investigation resulted in a 4-year relief period of quotas and tariffs. In addition, the Commission conducted a probable economic effects study in 1977 with respect to stainless steel and alloy tool steel (Inv. No. TA-203-3; USITC Publication 838).

³³ Letter from Abdelali Elouaradia, Director, AD/CVD Operations, Enforcement and Compliance, U.S. Department of Commerce to Nannette Christ, Director of Investigations, January 20, 2022.

Belgium, South Africa, and Taiwan are noted in the sections titled “The original investigations” and “U.S. imports,” if applicable.

The product

Commerce’s scope

Commerce has defined the scope as follows:

The product covered by these orders is certain stainless steel plate in coils. Stainless steel is 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 plate products are flat-rolled products, 254 mm or over in width and 4.75 mm or more in thickness, in coils, and annealed or otherwise heat treated and pickled or otherwise descaled. The subject plate may also be further processed (e.g., cold-rolled, polished, etc.) provided that it maintains the specified dimensions of plate following such processing. Excluded from the scope of these orders are the following: (1) Plate not in coils, (2) plate that is not annealed or otherwise heat treated and pickled or otherwise descaled, (3) sheet and strip, and (4) flat bars.³⁴

³⁴ 82 FR 2322, January 9, 2017.

U.S. tariff treatment

Stainless steel plate is currently imported under Harmonized Tariff Schedule of the United States (“HTSUS” or “HTS”) statistical reporting numbers 7219.11.0030, 7219.11.0060, 7219.12.0006, 7219.12.0021, 7219.12.0026, 7219.12.0051, 7219.12.0056, 7219.12.0066, 7219.12.0071, 7219.12.0081,³⁵ 7219.31.0010, 7219.90.0010, 7219.90.0020, 7219.90.0025, 7219.90.0060, 7219.90.0080,³⁶ 7220.11.0000,³⁷ 7220.20.1010, 7220.20.1015, 7220.20.1060, 7220.20.1080,³⁸ 7220.20.6005, 7220.20.6010, 7220.20.6015, 7220.20.6060, 7220.20.6080, 7220.90.0010, 7220.90.0015, 7220.90.0060, and 7220.90.0080.³⁹ Stainless steel plate originating in Belgium, South Africa, and Taiwan comes into the U.S. market at a column 1-general duty rate of “Free.”⁴⁰

Effective March 23, 2018, stainless steel plate was included in the enumeration of iron and steel articles that became subject to the additional 25 percent ad valorem duty under Section 232 of the Trade Expansion Act of 1962, as amended.⁴¹ At this time, imports of stainless steel plate originating in Australia, Canada, and Mexico are exempt from Section 232 duties or quota limits; imports of stainless steel plate originating in Belgium, other European Union

³⁵ HTS 7219.11.0030, 7219.11.0060, 7219.12.0006, 7219.12.0021, 7219.12.0026, 7219.12.0051, 7219.12.0056, 7219.12.0066, 7219.12.0071, and 7219.12.0081 include nonsubject flat-rolled products, not otherwise annealed (heat-treated) and pickled (descaled), which are outside the scope of these reviews.

³⁶ HTS 7219.90.0010, 7219.90.0020, 7219.90.0025, 7219.90.0060, and 7219.90.0080 include nonsubject flat-rolled products, either not in coils, less than 4.75 mm thick, or both, which are outside the scope of these reviews.

³⁷ HTS 7220.11.0000 includes nonsubject flat-rolled products, less than 254 mm (10 inches) wide, which are outside the scope of these reviews.

³⁸ HTS 7220.20.1010, 7220.20.1015, 7220.20.1060, and 7220.20.1080 include nonsubject flat-rolled products, not in coils, which are outside the scope of these reviews.

³⁹ HTS 7220.20.6005, 7220.20.6010, 7220.20.6015, 7220.20.6060, 7220.20.6080, 7220.90.0010, 7220.90.0015, 7220.90.0060, and 7220.90.0080 include nonsubject flat-rolled products, either not in coils, less than 254 mm wide, or both, which are outside the scope of these reviews.

⁴⁰ HTSUS (2022) Preliminary, USITC publication 5272, January 2022, pp. 72-27 – 72-28, 72-30, 72-32 – 72-35, 72-47.

⁴¹ Section 232 of the Trade Expansion Act of 1962, as amended (19 U.S.C. §1862), authorizes the President, on advice of the Secretary of Commerce, to adjust the imports of an article and its derivatives that are being imported into the United States in such quantities or under such circumstances as to threaten to impair the national security. *Adjusting Imports of Steel Into the United States*, Presidential Proclamation 9705, March 8, 2018 (83 FR 11625, March 15, 2018).

(“EU”) member countries are exempt from duties within annual tariff rate quotas (“TRQs”);⁴² Argentina, Brazil, and South Korea are exempt from duties within annual absolute quota limits;⁴³ and imports of stainless steel plate originating in South Africa, Taiwan, and any other U.S. trade partner are subject to the 25 percent additional duties.⁴⁴ Finally, effective September

⁴² The annual TRQ is 2,081 short tons for imports of stainless steel plate originating in Belgium and 6,141 short tons for imports of stainless steel plate originating in other European Union (“EU”) member countries for 2022. Quota ID Nos. 9903.80.90: Hot rolled plate of stainless steel, in coils (HTS subheadings 7219.11.00 and 7219.12.00); and 9903.80.93: Cold rolled plate of stainless steel (HTS subheading 7219.31.00 except HTS statistical reporting number 7219.31.0050). Excludes stainless steel plate enumerated under quota ID Nos. 9903.80.91: Cold rolled sheet of stainless steel; 9903.80.92: Cold rolled strip of stainless steel; and 9903.81.03: Flat rolled products of stainless steel. See the CBP quota bulletin No. QB 22-801 2022, January 5, 2022, at <https://www.cbp.gov/trade/quota/bulletins/qb-22-801-2022-first-and-second-quarter-tariff-rate-quota-trq-steel-mill-articles-european> and “EU Sec 232 Steel Tariff Rate Quota (TRQ) 2022 Q1 and Q2” at https://www.cbp.gov/sites/default/files/assets/documents/2021-Dec/EU%20Steel%20TRQ%20Limit%20Table%202022_Q1_Q2.pdf for a full list of product groups as well as their specified TRQs and HTS definitions.

The United Kingdom (“UK”) officially completed its withdraw from EU membership on January 31, 2020 after entry into force of the Withdrawal Agreement. During a transition period, the UK remained a member state of the EU Single Market and the EU Customs Union, and EU law continued to apply in the UK until the end of the transition period. EU, “The history of the European Union – 2020,” June 16, 2021, at https://europa.eu/european-union/about-eu/history/2020-today/2020_en, retrieved July 12, 2021.

⁴³ The annual absolute quota limit is “None” for imports of stainless steel plate originating in Argentina, 132 short tons for imports stainless steel plate originating in Brazil, and 268 short tons for stainless steel plate originating in South Korea for 2022. Quota ID Nos. 9903.80.30: Hot rolled plate of stainless steel, in coils (HTS subheadings 7219.11.00 and 7219.12.00); and 9903.80.33: Cold rolled plate of stainless steel (HTS subheading 7219.31.00 except HTS statistical reporting number 7219.31.0050). Excludes stainless steel plate enumerated under quota ID Nos. 9903.80.31: Cold rolled sheet of stainless steel; 9903.80.32: Cold rolled strip of stainless steel; and 9903.81.42: Flat rolled products of stainless steel. See the CBP quota bulletin No. QB 22-601 2022, December 23, 2021, at <https://www.cbp.gov/trade/quota/bulletins/qb-22-601-2022-first-quarter-absolute-quota-steel-mill-articles-argentina-brazil-and-south> for a full list of product groups as well as their specified absolute quota limits and HTS definitions.

⁴⁴ The President also issued subsequent Proclamations to exempt or adjust these duties for selected U.S. trade partners:

- Presidential Proclamation 9711, March 22, 2018 (83 FR 13361, March 28, 2018) exempted iron and steel mill products originating in Argentina, Australia, Brazil, Canada, the EU member countries (including the United Kingdom), South Korea, and Mexico, as of March 23, 2018.
- Presidential Proclamation 9740, April 30, 2018 (83 FR 20683, May 7, 2018) continued the duty exemptions for Argentina, Australia, Brazil, but within annual absolute quota limits on iron and steel mill products originating in South Korea, as of May 1, 2018; and did not continue the duty exemptions on iron and steel mill products originating in Canada, Mexico, and the EU member countries (including the United Kingdom), as of June 1, 2018.

(continued...)

1, 2019, imports of stainless steel plate originating in China are subject to an additional 7.5 percent ad valorem duty under Section 301 of the Trade Act of 1974, as amended.⁴⁵

Decisions on the tariff classification and treatment of imported goods are within the authority of U.S. Customs and Border Protection.

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- Presidential Proclamation 9759, May 31, 2018 (83 FR 25857, June 5, 2018) continued the duty exemptions but within annual absolute import quota limits on iron and steel mill products originating in Argentina, Brazil, and South Korea, as of June 1, 2018.
 - Presidential Proclamation 9772, August 10, 2018 (83 FR 40429, August 15, 2018) continued the duty exemptions on iron and steel mill products originating in Australia; continued the duty exemptions within annual absolute import quota limits on iron and steel mill products originating in Argentina, Brazil, and South Korea, as of June 1, 2018; but doubled the duty rate to 50 percent on such imported products originating in Turkey, as of August 13, 2018.
 - Presidential Proclamation 9886, May 16, 2019 (84 FR 23421, May 21, 2019) restored the original additional duty rate of 25 percent on steel mill products originating in Turkey, as of May 21, 2019.
 - Presidential Proclamation 9894, May 19, 2019 (84 FR 23987, May 23, 2019) restored the duty exemptions on steel mill products originating in Canada and Mexico, as of May 20, 2019.
 - Presidential Proclamation 10328, December 27, 2021 (87 FR 11, January 3, 2022) provided duty exemptions within annual TRQs on iron and steel mill products originating in EU member countries, including Belgium, as of January 1, 2022.

See also HTS heading 9903.80.01 and U.S. notes 16(a), 16(b), 16(e), and 16(f) to subchapter III of chapter 99 and related tariff provisions for this duty treatment. USITC, HTSUS (2022) Preliminary, USITC publication 5272, January 2022, pp. 99-III-5 – 99-III-7, 99-III-237, 99-III-241 – 99-III-242, 99-III-249 – 99-III-250.

⁴⁵ Section 301 of the Trade Act, as amended (19 U.S.C. § 2411) authorizes the Office of the United States Trade Representative (“USTR”), at the direction of the President, to take appropriate action to respond to a foreign country’s unfair trade practices. Following investigations into “China’s acts, policies, and practices related to technology transfer, intellectual property, and innovation” (82 FR 40213, August 24, 2017), USTR published its determination, on April 6, 2018, that the acts, policies, and practices of China under investigation are unreasonable or discriminatory and burden or restrict U.S. commerce, and are thus actionable under section 301(b) of the Trade Act (83 FR 14906, April 6, 2018).

Effective September 1, 2019, USTR included cold-rolled steel in its \$300 Billion Trade Action (List 4 or Tranche 4, Annex A) of products originating in China subject to an initial 10 percent ad valorem duty (84 FR 43304, August 20, 2019) which was subsequently raised to 15 percent ad valorem, with the same effective date of September 1, 2019 (84 FR 45821, August 30, 2019), but was more recently reduced to 7.5 percent ad valorem, effective February 14, 2020 (85 FR 3741, January 22, 2020).

See also HTS heading 9903.88.15 and U.S. notes 20(r) and 20(s) to subchapter III of chapter 99 and related tariff provisions for this duty treatment. USITC, HTSUS (2021) Preliminary, USITC publication 5272, January 2022, pp. 99-III-84-86, 95, 258, 260-264.

Description and uses⁴⁶

Description

The stainless steel plate subject to these reviews is a flat-rolled stainless steel product, 254 mm (10 inches) or greater in width, 4.75 mm (0.1875 or $\frac{3}{16}$ inch) or greater in thickness, that is annealed or otherwise heat-treated and pickled (subjected to an acid rinse to remove surface scale) or otherwise descaled, and rolled into a coil. The subject plate may also be further processed (e.g., cold-rolled, polished, etc.), provided that it maintains the specified dimensions of plate following such processing. Specifically excluded from the scope of the reviews are: (1) plate not in coils, (2) plate that is not annealed or otherwise heat treated and pickled or otherwise descaled,⁴⁷ (3) sheet and strip,⁴⁸ and (4) flat bars.⁴⁹

Plate normally is sold either in coil form or as flat, rectangular shapes. While the capabilities of each producing mill are unique, plate can be manufactured in coils as wide as 96 inches and as thick as 0.5 inches and is also sold in rectangular shapes flattened and cut to length from coils in the same range of thicknesses and widths as in coils. Flat plate is also available wider than 96 inches and/or thicker than 0.5 inches as product produced on a plate mill and never coiled. Neither the product cut from coils (sometimes called cut-to-length (“CTL”) plate) nor the product of plate mills (sometimes called plate mill plate (“PMP”) or discrete plate) is subject to these reviews.

⁴⁶ Unless otherwise noted, this information is based on Stainless Steel Plate From Belgium, South Africa, and Taiwan, Investigation Nos. 701-TA-379 and 731-TA-788, 792, and 793 (Third Review), USITC Publication 4658, December 2016 (“Third review publication”), pp. I-5-8.

⁴⁷ Hot-rolled black band (“HRB”), the intermediate stainless flat-rolled product produced after stainless steel slab is rolled but before the rolled material is annealed and pickled, is not within the product scope. See “Hot rolling the slabs” section later in this report.

⁴⁸ Sheet and strip are flat-rolled products that are produced by similar methods as plate and share many of the characteristics of plate. Sheet is flat product that is under 4.75 mm (0.1875 inch) in thickness and 600 mm (23.6 inches) and greater in width. Strip is flat product that is under 4.75 mm in thickness and under 600 mm in width.

⁴⁹ Flat bars are 4.75 mm (0.1875 inch) or greater in thickness and may equal or exceed 254 mm (10 inches) in width. Flat bars are rolled with grooved rolls on a bar mill with edges that do not require trimming.

Stainless steel is a low-carbon steel which contains 10.5 percent or more chromium by weight. The addition of chromium gives the steel its corrosion-resisting properties. Other alloying elements can be added to impart various characteristics, but all stainless steels contain chromium at a minimum.⁵⁰

There are more than 100 different stainless steel alloys, each with its own characteristics. Moreover, there are several stainless steel classification systems. These include broad groupings by metallurgical structure, more specific alloy numbering systems such as the American Iron and Steel Institute (“AISI”) classification system using the 200, 300, and 400 series numbers which correspond to metallurgical structure, as well as the Universal Numbering System (“UNS”) used for all commercial metals and alloys. The broad metallurgical groupings are “austenitic,” “ferritic,” “martensitic,” “precipitation hardening,” and “duplex” (table I-3).⁵¹ The precipitation-hardening and duplex types are less widely used than the others. Each alloying element imparts certain characteristics to the steel (table I-4).

⁵⁰ Other alloying elements can include nickel, molybdenum, and manganese, among others.

⁵¹ The terms “austenitic,” “ferritic,” “martensitic,” and “duplex” refer to the different crystallographic structures of the alloy, while “precipitation hardenable” refers to a particular type of annealing. ASM International, *ASM Specialty Handbook: Stainless Steels*, 1994, pp. 5–8.

**Table I-3
Stainless steel plate: Characteristics by type of steel**

Steel type	Qualities	Typical applications
AISI grade 200 series AISI grades 201, 202, 203, 204, and 205	<ul style="list-style-type: none"> • Austenitic metallurgical structure • Primary alloying elements are chromium, nickel, and manganese • Non-magnetic • Cannot be heat treated • Excellent formability 	<ul style="list-style-type: none"> • Structural applications
AISI grade 300 series AISI grades 304 and 316 are the major grades	<ul style="list-style-type: none"> • Austenitic metallurgical structure • Primary alloying elements are chromium (15–30 percent) and nickel (6–20 percent) • Excellent corrosion resistance • Cannot be heat treated but can be hardened by cold working • Non-magnetic • Good high- and low-temperature mechanical properties • Can be polished to a bright mirror finish 	<ul style="list-style-type: none"> • Chemical processing equipment • Food processing equipment • Oil refining equipment • Paper industry digesters, evaporators, and handling equipment
AISI grade 400 series (“non-hardenable”) AISI grades 409 and 430 are the most common	<ul style="list-style-type: none"> • Ferritic metallurgical structure • Primary alloying element is chromium • Does not contain nickel • Good corrosion resistance • Magnetic • Limited temperature use • Can be polished 	<ul style="list-style-type: none"> • Bank vaults • Combustion chambers • Tanks
AISI grade 400 series (“hardenable”) AISI grades 410, 420, and 440 are the most common	<ul style="list-style-type: none"> • Martensitic metallurgical structure • Chromium is the principal alloying element • Carbon content of about 0.15 percent • Adequate corrosion resistance • Hardenable by heat treatment • Magnetic • Somewhat limited temperature use 	<ul style="list-style-type: none"> • Press plates • Coal chutes • Oil burner parts
Precipitation-hardening metallurgical structure	<ul style="list-style-type: none"> • Primary alloying elements are chromium and nickel • Hardened by special heat treatment to great strength 	<ul style="list-style-type: none"> • Petrochemical equipment
Duplex metallurgical structure	<ul style="list-style-type: none"> • When heat-treated, metallurgical structure is about half austenitic and half ferritic • Superior to the austenitic steels in resistance to chloride stress corrosion cracking and excellent resistance to pitting and crevice corrosion 	<ul style="list-style-type: none"> • Pipelines • Pressure shafting

Source: Specialty Steel Industry of North America (“SSINA”), “Designer Handbook, Design Guidelines for the Selection and Use of Stainless Steel,” 021214 Design Guidelines, November 2, 2018, <https://www.ssina.com/wp-content/uploads/2019/06/designguidelines.pdf>.

Table I-4

Stainless steel plate: Properties imparted by common alloying elements

Alloying element	Properties imparted
Chromium	<ul style="list-style-type: none">• Rust resistance
Nickel	<ul style="list-style-type: none">• Increased ductility• Increased toughness• Increased corrosion resistance to acids• Non-magnetic structure
Molybdenum	<ul style="list-style-type: none">• Increased pitting and crevice corrosion resistance• Increased resistance to chlorides
Manganese	<ul style="list-style-type: none">• Substitutes for nickel in the AISI 200 grade series

Source: SSINA, "Stainless Steel Overview: Alloying Elements, Summary," no date, <https://www.ssina.com/education/product-resources/alloying-elements/>, retrieved January 11, 2021.

Applications

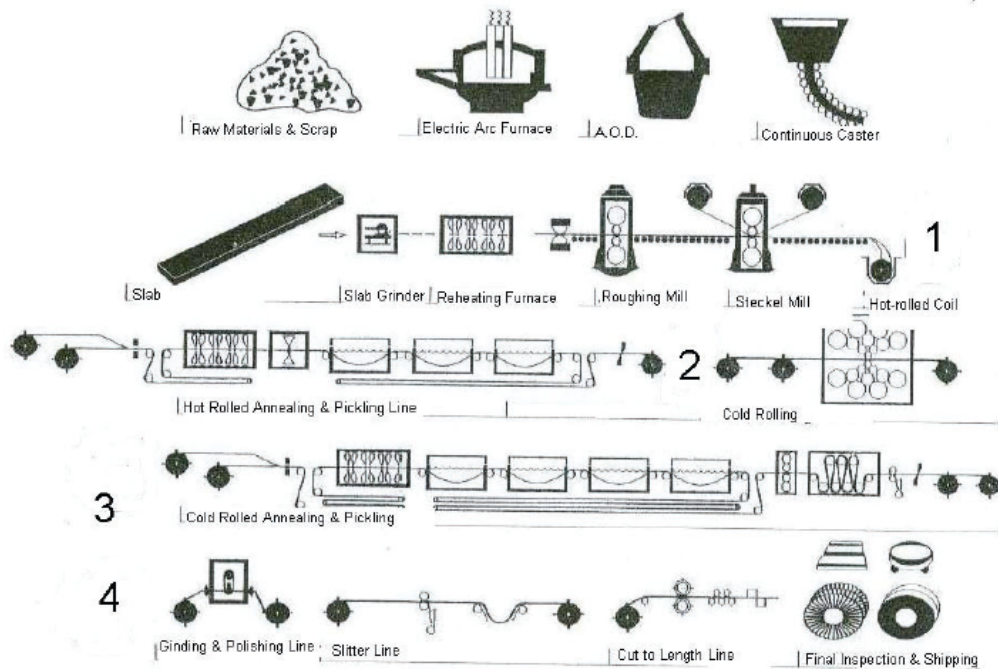
Stainless steel plate is used for the fabrication of storage tanks, process vessels, and equipment in the chemical, dairy, restaurant, pulp and paper, pharmaceutical, and other industries where the corrosion resistance, heat resistance, or ease of maintenance of stainless steel is needed. Another major market for the product is for production of stainless steel tubing for use in the same industries mentioned above. Tubing manufacturers would normally have the ability to feed the material directly into a tube-making machine where it would be formed into a round tube, welded, and cut to length as a tube. For smaller diameter tubes, the subject product would first be split into a number of individual coils of the required width. This slitting might be done by the tubing manufacturer or by a warehouse or service center.

Manufacturing process⁵²

The basic steps in stainless steel plate production are: (1) stainless steel production; (2) the casting of slabs, a semifinished flat-rolled product; (3) hot-rolling the slabs; and, if specified, (4) cold-rolling the hot-rolled products; and, if specified, (5) finishing (figure I-1).

⁵² Unless otherwise noted, this information is based on the Third review publication, pp. I-8-13 and Investigation Nos. 731-TA-379 and 731-TA-788, 792, and 793 (Third Review): Stainless Steel Plate From Belgium, South Africa, and Taiwan, Confidential Report, INV-OO-084, September 22, 2016 ("Third review confidential report"), pp. I-11-17.

**Figure I-1
Stainless steel plate: Production process**



1. Stainless steel coil at this point is not yet annealed and pickled. The coil at this point is hot-rolled black band and is not within the product scope.
2. After the stainless steel is hot-rolled annealed and pickled, it is within the product scope. The product at this stage is also known as white band. Stainless steel coiled plate can be sold at this point, be moved to finishing operations such as slitting, or cutting to length, or continue in the process to cold rolling. The production process, up to this point, is similar for stainless steel coiled plate and stainless steel sheet and strip in coil form. The only difference between the two products is the thickness of the steel on the coil. Typically, processing for stainless steel coiled plate ends here.
3. If bright annealing is required, it takes place at this stage instead of the usual pickling and annealing. With bright annealing the pickling step is eliminated.
4. If desired, the coil can undergo finishing operations. Note that if the coil is cut to length, it is no longer within the product scope.

Source: NAS, Flat Products Brochure, p. 14,

http://www.northamericanstainless.com/wpcontent/themes/northamericanstainless/pdf/NAS_Flat_Products_Brochure.pdf, retrieved June 15, 2011, used by permission and modified by Commission staff.

Stainless steel production

Mills produce stainless steel by melting raw material— usually selected stainless (or other types of) steel scrap and various ferroalloys (iron alloyed with chromium, nickel, or molybdenum) in an electric arc furnace. The resultant liquid steel is tapped into a furnace ladle and transferred to an argon-oxygen decarburization (“AOD”) vessel for further refinement (also known as secondary steelmaking) in which oxygen, mixed with argon, is blown through the molten steel, to eliminate impurities.⁵³ An alternate method of removing impurities from molten stainless steel is to use vacuum oxygen decarburization (“VOD”), in which the molten metal is placed in a vacuum while oxygen is bubbled through it. The molten metal’s chemistry is tested frequently at this stage with the results used to calculate the exact ferroalloy quantities needed to produce steel with specific properties according to end-use applications. Care is taken at this stage to ensure that only the least costly raw materials are used, and in the minimum quantity necessary to meet the specification. This is particularly important in the production of stainless steel because the alloying elements nickel, molybdenum, and chromium, as well as the steel scrap, account for most of the total cost.⁵⁴ Once the desired chemical composition is achieved, the molten stainless steel is transferred in a preheated transfer ladle to a continuous slab caster for solidification into slabs, the thick semifinished products from which flat-rolled products are rolled.

Slab casting

The molten stainless steel is poured into a tundish (reservoir dam) which controls the flow into the top of the mold of the continuous caster. Solid surfaces form as the molten stainless steel passes through and out the bottom of the mold, and the slab solidifies as it slowly descends through the caster. The resulting slabs are 5 to 8 inches thick and up to 100 inches wide, depending on mill capability and the flat-rolled product that will be produced from the slab. The continuous slab is cut into lengths of up to about 35 feet for further processing. The length is limited by the mill’s reheating and/or rolling capability. The slab is then inspected and conditioned by grinding the surface to remove scale and defects, in preparation for rolling in coil form on the hot-strip mill. Before it enters the rolling mill, the slab is reheated, usually in

⁵³ AK Steel claims to have the largest AOD unit in the world, with a capacity of 175 tons, at its Butler, Pennsylvania facility.

⁵⁴ ***. Investigation Nos. 731-TA-379 and 731-TA-788, 792, and 793 (Second Review): Stainless Steel Plate From Belgium, South Africa, and Taiwan, Confidential Report, INV-JJ-068, June 11, 2011 (“Second review confidential report”), p. I-26.

a gas-fired reheating furnace to a rolling temperature of 2,250–2,300 degrees Fahrenheit. After reaching the appropriate temperature, the slab exits the furnace and enters the hot-strip mill.

Hot rolling of slabs

Hot rolling slabs into plates is typically a two-stage process in which a slab first passes through a roughing mill and then through a finishing mill. For a mill designed primarily to produce stainless steel, the roughing mill is generally a reversing mill in which the slabs are rolled to a thickness of about one inch in a succession of rolling passes. The finishing mill is either a reversing mill of the Steckel type, that is equipped to coil the stainless steel bands after each pass in order to conserve space and temperature, or a continuous mill made up of a series of individual rolling stands with the bands passing continuously through the stands in one direction only.⁵⁵ Finally, the bands continue on to a coiler, where they are wrapped into coils. At this point the product is called hot-rolled black band (“HRB”) due to the layer of dark-colored oxide that forms on the steel’s surface when it is exposed to oxygen at high temperatures.

Annealing

Rolling the steel creates internal stresses and makes the steel harder. Annealing, a form of heat treatment, relieves the stresses and softens the steel. After cooling down from the hot-rolling process, the black band is uncoiled and passed through a continuous furnace in which it is heated to annealing temperatures, which are about 2,000 degrees Fahrenheit depending on the stainless steel grade, and then quickly cooled. The heat treatment creates a dark colored oxide scale on the surface of the steel. The band next passes through a grit-blasting machine in which the scale from the hot mill and the annealing furnace is broken up by using small particles of steel grit thrown at high speed by centrifugal wheels.

Pickling

The next process that the band undergoes is pickling, an acid wash which removes the dark oxide scale and surface defects, and imparts corrosion resistance. The band passes through pickling tanks that contain acid to descale the steel, followed by a water rinse. Annealing and pickling are usually performed on a continuous process line, although they can be performed in separate units. The product at this point is considered white coil or white

⁵⁵ Because the slabs are fed into the mill at an elevated temperature, the mill is known as a “hot-strip mill.”

band, or hot-rolled annealed and pickled (“HRAP”) coil or HRAP band. Most coiled stainless steel plate is sold at this stage.⁵⁶

Cold Rolling

A small proportion of stainless steel plate is produced and sold as cold-rolled product.⁵⁷ Cold-rolled stainless steel coiled plate is manufactured by transferring HRAP coil to a cold rolling mill to reduce the product’s thickness. The desired thickness of the end product will influence how many passes through the cold-rolling mill may be required to achieve the necessary reduction. As it does during hot rolling, the material hardens after a certain amount of cold rolling. Further cold rolling becomes difficult at this point so annealing (to soften the material) and pickling several times may be necessary to achieve the desired final thickness. The final product is cold-rolled, annealed, and pickled coil.⁵⁸ If specified, after cold rolling the coil may be bright annealed.⁵⁹ In bright annealing, the steel is uncoiled and passed through a special furnace that heats the steel in an oxygen-free reducing atmosphere. Bright annealing does not create an oxide scale on the coil and so the pickling step is unnecessary. This type of annealing produces a mirror-like appearance and is often used when a highly reflective surface is desired. Cold-rolled stainless steel plate has a smoother finish with greater freedom from surface imperfections than hot-rolled plate and is used for a limited number of specialized applications such as containers and tanks for food processing, beer brewing, and dairies where smooth surfaces that can be easily cleaned are essential.

⁵⁶ The production process for stainless steel plate is the same as that of stainless steel sheet and strip through the hot rolling process.

⁵⁷ During the second five-year reviews, no U.S. producer reported production of cold-rolled stainless steel coiled plate. Of reporting foreign producers in the second five-year reviews, cold-rolled plate accounted for *** percent of annual production of stainless steel coiled plate in Belgium; *** percent of annual stainless steel plate production in Italy; and *** percent of annual production in South Korea. Third review confidential report, p. I-15.

⁵⁸ Either HRAP plate or cold-rolled annealed and pickled plate may be further finished in a temper mill or cold-rolling mill with a very light cold-rolling pass, known as a temper pass or skin pass. The purpose of the temper or skin pass is to provide a required surface finish and/or to improve the flatness of the coiled product. Such a temper or skin pass does not create the need for another annealing step and does not change the classification of hot-rolled plate to cold-rolled plate.

⁵⁹ Bright annealing is performed by U.S. producers, such as AK Steel and Allegheny Ludlum.

Finishing

Stainless steel coiled plate may undergo additional finishing operations. For example, once the hot-rolled anneal and pickle (and, if required, cold-rolled anneal and pickle) step is complete, the steel may undergo a temper roll (skin pass) to improve surface condition. However, this step does not involve any further reduction of the material's thickness. A finish may also be applied to the product. As shown in table I-5, stainless steel coiled plate is available in a number of standard finishes. Special finishes, including "rolled-on" embossing, etching, special surface mechanical treatment to provide, for example, perforations, electromechanical coloring and plating can also be performed. Although not a "standard industry finish," some producers offer a bright annealed finish; see discussion of bright annealing in the previous cold-rolling section.

Table I-5
Stainless steel plate: Production stages/finishes

Production stage and finish	Description
Hot-rolled black band ("HRB")	Scale not removed. Not heat treated. Plates not recommended for final use in this condition.
Hot-rolled and annealed	Scale not removed. Use of plates in this condition is generally confined to heat-resisting applications. Surface scale impairs corrosion resistance.
Hot-rolled, annealed, pickled ("HRAP")	Condition and finish commonly preferred for corrosion-resisting and most heat-resisting applications.
Hot-rolled, annealed, pickled and temper passed	Smoother finish for specialized applications.
Hot-rolled, annealed, pickled; cold-rolled, annealed pickled, optionally temper passed	Smooth finish with greater absence of surface imperfections than the above.
Hot-rolled, annealed, pickled, polished	Polished finishes such as: Polished bright surface with reasonable reflectivity, although containing visible "grit lines" which prevent mirror reflection. Dull satin finish with less reflectivity than the above-mentioned finish. Highly reflective surface finish but still maintains some light "grit lines." Reflective finish with a mirror-like reflectivity.

Source: SSINA, "Designer Handbook, Stainless Steel Primer," 210343 Primer Update 12_10, <https://www.ssina.com/wp-content/uploads/2019/06/primerupdatebroc.pdf>, June 2019.

Stainless steel coiled plate may also be cut to length. Cut-to-length plate produced from coiled plate is made by putting the coil into a cut-to-length line which unrolls the coil, levels and then cuts it to desired length. Cut-to-length plate is not within the product scope of these reviews. The primary purchasers of stainless steel coiled plate are major distributors, pipe producers, and tank manufacturers. Distributors reportedly prefer to inventory coiled plate because they have the equipment to cut the coil into any desired length by the end user. Pipe and tank manufacturers reportedly prefer coiled plate that they can cut to length and weld.

The industry in the United States

U.S. producers

During the final phase of the original investigations, the Commission received U.S. producer questionnaires from six firms, which accounted for approximately 100 percent of production of stainless steel plate in the United States during 1997.⁶⁰ During the first five-year reviews, the Commission received U.S. producer questionnaires from four firms, which accounted for 100 percent of production of stainless steel plate in the United States during 2004.⁶¹ During the second five-year reviews, the Commission received U.S. producer questionnaires from three firms, which were believed to have accounted for all active stainless steel coiled plate production in the United States in 2010.⁶² During the third five-year reviews, domestic interested parties provided a list of three known and currently operating U.S. producers of stainless steel plate, which accounted for approximately *** percent of production of stainless steel plate in the United States in 2015.⁶³

In response to the Commission's notice of institution in these current reviews, domestic interested parties provided a list of three known and currently operating U.S. producers of stainless steel plate. The three firms providing U.S. industry data in response to the Commission's notice of institution accounted for all stainless steel plate production in the United States during 2020.⁶⁴

⁶⁰ Original publication, p. III-1.

⁶¹ Certain Stainless Steel Plate from Belgium, Canada, Italy, Korea, South Africa, and Taiwan, Investigation Nos. 701-TA-376, 377, & 379 and 731-TA-788-793 (Review), USITC Publication 3784, June 2005 ("First review publication"), p. I-9.

⁶² Stainless Steel Plate from Belgium, Italy, Korea, South Africa, and Taiwan, Investigation Nos. 701-TA-379 and 731-TA-788, 790-793 (Second Review), USITC Publication 4248, August 2011 ("Second review publication"), p. I-15.

⁶³ Investigation Nos. 701-TA-379 and 731-TA-788, 792, 793 (Third Review): Stainless Steel Plate from Belgium, South Africa, and Taiwan, Confidential Report, INV-OO-084, September 22, 2016 ("Third review confidential report"), p. I-27.

⁶⁴ Domestic interested parties' response to the notice of institution, January 3, 2022, pp. 2-3, 20.

Recent developments

Since the Commission's last five-year reviews, the following developments have occurred in the U.S. stainless steel plate industry.

ATI negotiated two successive four-year labor agreements with the USWA and retained the stainless steelmaking and hot-rolling operations at its Brackenridge, Pennsylvania facility as part of its multi-site product streamlining strategy to refocus on higher valued specialty flat-rolled steel products. Cleveland-Cliffs Inc., the largest U.S. producer of iron ore pellets, entered the domestic steel industry through its downstream acquisition of AK Steel Holding Corp's. ("AK Steel")⁶⁵ integrated and electric-arc furnace based steelmaking and flat-rolling facilities, including those that produce stainless steel plate. NAS opened a new production line at its Gent, Kentucky facility that raised production capacity by almost 10 percent and enables NAS to expand its range of higher value-added products. Outokumpu finalized insurance settlements for the prior (2014) machinery breakdowns that adversely impacted all three cold-rolling lines at its facility in Calvert, Alabama.

Table I-6 presents events in the U.S. industry since the last five-year reviews.⁶⁶

⁶⁵ Noting that AK Steel was identified as a small U.S. producer of stainless steel plate in the last review, the domestic interested parties expressed their belief that AK Steel no longer produces stainless steel plate in the United States. Domestic interested parties' response to the notice of institution, January 3, 2022, p. 20.

⁶⁶ Domestic interested parties did not identify in their response to the notice of institution any recent developments in the U.S. industry since the last five-year reviews.

Table I-6
Stainless steel plate: Recent developments in the U.S. industry

Item	Firm	Event
Expansion	NAS	October 2017— NAS opened a new \$150 million production line that raises its Ghent, Kentucky facility’s production capacity by almost 10 percent and enables NAS to expand its range of higher value-added products and improve its competitiveness. This investment will enable NAS to become the main U.S. producer of bright-annealed stainless steel, including stainless steel plate up to 0.25-inch (6.35-millimeters) thick, a product with high annual domestic consumption but is otherwise largely imported.
Acquisition	Cleveland-Cliffs	March 2020— Cleveland-Cliffs completed its previously (December 2019) announced acquisition of AK Steel, including the latter’s facilities in Butler, Pennsylvania; and in Coshocton, Mansfield, and Middletown, Ohio; that produce flat-rolled products of various steel compositions including stainless.
Labor agreement	ATI	March 2016— More than 2,200 USWA members returned to work at 12 ATI facilities after accepting a new four-years labor contract agreement and withdrawal of their unfair labor practices charges before the National Labor Relations Board (“NRLB”), after ATI imposed its first-ever lockout in August 2015, citing a lack of progress in ongoing contract negotiations to replace the prior one that expired on July 1, 2015.
Labor agreement	ATI	July 2021— Some 1,300 USWA members ratified a new, four-year labor contract with ATI, which ended a first strike in nearly three decades beginning in March 2021 at nine ATI facilities (including Brackenridge, Pennsylvania) after expiration of the prior contract.
Strategic corporate processing reorganization	ATI	December 2021— ATI retained the stainless steel melt shop and Hot Rolling & Processing Facility (“HRPF”) operations at its facility in Brackenridge, Pennsylvania, after having previously shuttered the Specialty Finishing #3 Department operations in second-half 2020. Dedicating two production flow paths for plate and specialty sheet is part of its multi-site product streamlining strategy to exit from stainless steel sheet and other low-margin products to focus on higher valued specialty flat-rolled steel products.
Insurance settlement	Outokumpu	March 2016— Outokumpu reported finalizing insurance settlements totaling €23 million for the 2014 machinery breakdowns that had adversely impacted all three cold-rolling lines at its facility in Calvert, Alabama.

Sources: Acerinox, “The Governor of Kentucky, Matt Bevin, Inaugurates the New Production Lines of NAS, Subsidiary of Acerinox in the USA, in the Presence of the Ambassador of Spain in the USA, Pedro Morenés,” news release, October 29, 2017, <https://www.acerinox.com/en/noticias/noticias-general/The-Governor-of-Kentucky-Matt-Bevin-inaugurates-the-new-production-lines-of-NAS-subsidiary-of-Acerinox-in-the-USA-in-the-presence-of-the-Ambassador-of-Spain-in-the-USA-Pedro-Morens/>; NAS, “Cold-rolled Coil, Dimensions,” ©2010, <https://www.northamericanstainless.com/flat-products/products/cold-rolled-coil/>, retrieved January 17, 2022.

Cleveland Cliffs, "Steelmaking," ©2022, <https://www.clevelandcliffs.com/operations/steelmaking>, retrieved January 16, 2022; "Cleveland-Cliffs Completed Acquisition of AK Steel," news release, March 13, 2020, <https://www.clevelandcliffs.com/news/news-releases/detail/35/cleveland-cliffs-completes-acquisition-of-ak-steel>; "Cleveland-Cliffs to Acquire AK Steel," news release, December 3, 2019, <https://www.clevelandcliffs.com/news/news-releases/detail/50/cleveland-cliffs-to-acquire-ak-steel>; "Butler Works," fact sheet, December 2021, https://d1io3yog0oux5.cloudfront.net/_0347b331a62ec1b662b2b6937b252003/clevelandcliffs/db/1170/10179/fact_sheet/CLF_FactSheet_ButlerWorks_122021.pdf; "Coshocton Works," fact sheet, December 2021, https://d1io3yog0oux5.cloudfront.net/_0347b331a62ec1b662b2b6937b252003/clevelandcliffs/db/1170/10189/fact_sheet/CLF_FactSheet_CoshoctonWorks_122021.pdf; "Mansfield Works," fact sheet, December 2021, https://d1io3yog0oux5.cloudfront.net/_0347b331a62ec1b662b2b6937b252003/clevelandcliffs/db/1170/10197/fact_sheet/CLF_FactSheet_MansfieldWorks_122021.pdf; "Middletown Works," fact sheet, December 2021, https://d1io3yog0oux5.cloudfront.net/_0347b331a62ec1b662b2b6937b252003/clevelandcliffs/db/1170/10199/fact_sheet/CLF_FactSheet_MiddletownWorks_122021.pdf. Association for Iron and Steel Technology ("AIST"), AIST, "ATI Looks for Post-Lockout Production to Normalize in April," March 7, 2016, <https://www.aist.org/news/steel-news/2016/march/7-11-march-2016/following-lockout,-ati-looks-for-production-to-nor>; ATI, "ATI Issues Lockout Notice to USW," news release, August 14, 2015, https://s27.q4cdn.com/226628310/files/doc_news/2015/08/08-14-2015-122335284.pdf; Yerace, Thomas, "United Steelworkers Approve ATI Contract," Tribune-Review, March 1, 2016, <https://archive.triblive.com/news/united-steelworkers-approve-ati-contract/>. Rittmeyer, Brian C., "United Steelworkers Ratify New 4-year Contract with ATI, Ending Strike," Tribune-Review, July 13, 2021, <https://triblive.com/local/valley-news-dispatch/united-steelworkers-ratify-new-4-year-contract-with-ati-ending-strike/>; "United Steelworkers Begin Strike at Allegheny Technologies Inc.; Reject's ATI's Last-minute Counter Offer," Tribune-Review, March 30, 2021, <https://triblive.com/local/valley-news-dispatch/united-steelworkers-begin-strike-at-ati/>. AIST, "ATI Plans Stop to Standard Stainless Sheet Production," December 3, 2020, <https://www.aist.org/news/steel-news/2020/december/30-november-4-december-2020/ati-plans-stop-to-standard-stainless-sheet-product>; ATI, "ATI Exits Standard Stainless Sheet Products, Redeploys Capital to High-Return Opportunities," news release, December 2, 2020, https://s27.q4cdn.com/226628310/files/doc_news/2020/12/ATI-Exits-Standard-Stainless-Sheet-Products-Redeploys-Capital-to-High-Return-Opportunities.pdf; "Transformation: ATI Exits Standard Stainless Sheet Products, Redeploys Capital to High-Return Opportunities," PowerPoint presentation, December 2, 2020, pp. 11–12, https://s27.q4cdn.com/226628310/files/doc_presentations/ATI-Transformation-Slides-12022020-v3.pdf. Outokumpu, "Outokumpu Receives EUR 23 Million Insurance Compensation Related to Its Calvert Mill," March 30, 2016, <https://mb.cision.com/Main/18751/2913266/1110361.pdf>; Finch, Michael II, "Outokumpu Loses \$41 Million After Trouble at Its Calvert Plant," AL.com, January 13, 2019, https://www.al.com/business/2014/12/outokumpu_loses_41_million_aft.html.

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 in the current five-year reviews.⁶⁷ Table I-7 presents a compilation of the trade and financial data submitted from all responding U.S. producers in the original investigations and subsequent five-year reviews.

Table I-7
Stainless steel plate: Trade and financial data submitted by U.S. producers, by period

Quantity in short tons; value in 1,000 dollars; unit value in dollars per short ton; ratio is in percent

Item	Measure	1997	2004	2010	2015	2020
Capacity	Quantity	237,700	***	***	***	***
Production	Quantity	129,434	***	***	***	***
Capacity utilization	Ratio	54.5	***	***	***	***
U.S. shipments	Quantity	114,911	***	***	***	***
U.S. shipments	Value	199,302	***	***	***	***
U.S. shipments	Unit value	1,734	***	***	***	***
Net sales	Value	117,414	***	***	***	***
COGS	Value	194,643	***	***	***	***
COGS to net sales	Ratio	95.9	***	***	***	***
Gross profit or (loss)	Value	8,381	***	***	***	***
SG&A expenses	Value	9,522	***	***	***	***
Operating income or (loss)	Value	(1,141)	***	***	***	***
Operating income or (loss) to net sales	Ratio	(0.6)	***	***	***	***

Source: For the years 1997, 2004, 2010 and 2015, data are compiled using data submitted in the Commission's original investigations, first five-year reviews, second five-year reviews, and third five-year reviews. For the year 2020, data are compiled using data submitted by the domestic interested parties. Domestic interested parties' response to the notice of institution, January 3, 2022, exhibit 6. Outokumpu's supplemental response to the notice of institution, February 18, 2022, p. 2.

Note: For a discussion of data coverage, please see "U.S. producers" section.

⁶⁷ Individual company trade and financial data are presented in app. B.

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 U.S. producer from the domestic industry for purposes of its injury determination if “appropriate circumstances” exist.⁶⁸

In its original determinations after remand, its full first and second five-year review determinations, and its expedited third five-year review determinations, the Commission defined a single domestic like product as certain (hot-rolled and cold-rolled) stainless steel plate, coextensive with Commerce's scope definition. Certain Commissioners defined the domestic like product differently in the original determinations. While the Commission majority in the original determinations defined two separate domestic like products (i.e., hot-rolled stainless steel plate and cold-rolled stainless steel plate), on remand the Commission majority's determinations involved a single domestic like product, certain stainless steel plate. In its original determinations after remand, its full first and second five-year review determinations, and its expedited third five-year review determinations, the Commission defined the Domestic Industry as all producers of certain stainless steel plate. Certain Commissioners defined the Domestic Industry differently in the original determinations.⁶⁹

U.S. imports

U.S. importers

During the final phase of the original investigations, the Commission received usable U.S. importer questionnaires from 16 firms, which accounted for the vast majority of total U.S. imports of stainless steel plate from Belgium, Canada, Italy, South Korea, South Africa, and

⁶⁸ Section 771(4)(B) of the Tariff Act of 1930, 19 U.S.C. § 1677(4)(B).

⁶⁹ 86 FR 68278, December 1, 2021.

Taiwan.⁷⁰ Import data presented in the original investigations are based on questionnaire responses.⁷¹

During the first five-year reviews, the Commission received U.S. importer questionnaires from fourteen firms, only six of which provided a complete response, which accounted for virtually all imports of stainless steel plate from Belgium, Italy, and South Korea during 1998-2004.⁷² Import data presented in the first reviews are based on questionnaire responses (for Belgium, Italy, South Korea, and nonsubject sources) and official Commerce statistics (for Canada, South Africa, and Taiwan).

During the second five-year reviews, the Commission received U.S. importer questionnaires from seven firms, which accounted for virtually all imports of stainless steel coiled plate from Belgium, Italy, and South Korea during 2005-10.⁷³ Import data presented in the second reviews are based on questionnaire responses (for Belgium, Italy, South Korea, and nonsubject sources) and official Commerce statistics (for South Africa and Taiwan).

Although the Commission did not receive responses from any respondent interested parties in its third five-year reviews, the domestic interested parties provided a list of 60 firms that may currently import stainless steel coiled plate from Belgium, South Africa, and Taiwan.⁷⁴ Import data presented in the third reviews are based on official Commerce statistics.

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 38 potential U.S. importers of stainless steel plate.⁷⁵

U.S. imports

Table I-8 presents the quantity, value, and unit value of U.S. imports from Belgium, South Africa, and Taiwan as well as the other top sources of U.S. imports (shown in descending order of 2020 imports by quantity).

⁷⁰ Original publication, p. IV-1.

⁷¹ U.S. imports are based on responses to Commission importers' questionnaires (for Belgium, Canada, South Africa, and Taiwan) and on responses to foreign producers' questionnaires (for Italy and South Korea). Original publication, p. I-2.

⁷² First review publication, pp. I-10 and I-35, Appendix D.

⁷³ Second review publication, p. I-15.

⁷⁴ Third review publication, p. I-23.

⁷⁵ Domestic interested parties' response to the notice of institution, January 3, 2022, exhibit 7.

Table I-8
Stainless steel plate: U.S. imports, by source and period

Quantity in short tons; value in 1,000 dollars; unit value in dollars per short ton

U.S. imports from	Measure	2016	2017	2018	2019	2020
Belgium	Quantity	2,490	3,767	3,129	1,952	2,352
Taiwan	Quantity	---	20	98	64	37
South Africa	Quantity	11	47	20	100	---
Subject sources	Quantity	2,501	3,834	3,246	2,116	2,388
Sweden	Quantity	5,596	8,918	7,954	7,722	4,090
Japan	Quantity	2,074	7,446	7,619	7,208	2,552
India	Quantity	220	1,405	290	39	---
All other sources	Quantity	3,652	3,305	1,515	1,192	824
Nonsubject sources	Quantity	11,542	21,074	17,378	16,161	7,466
All import sources	Quantity	14,044	24,908	20,624	18,277	9,854
Belgium	Value	5,065	9,001	10,198	6,004	6,780
Taiwan	Value	---	43	211	153	111
South Africa	Value	43	138	41	302	---
Subject sources	Value	5,108	9,182	10,450	6,460	6,891
Sweden	Value	17,987	30,846	30,293	30,530	14,397
Japan	Value	4,007	12,551	11,314	10,739	3,889
India	Value	395	3,092	694	86	---
All other sources	Value	7,410	5,977	3,713	2,623	2,318
Nonsubject sources	Value	29,800	52,466	46,013	43,978	20,604
All import sources	Value	34,908	61,648	56,463	50,438	27,495
Belgium	Unit value	2,034	2,389	3,259	3,076	2,883
Taiwan	Unit value	---	2,150	2,153	2,391	3,000
South Africa	Unit value	3,909	2,936	2,050	3,020	---
Subject sources	Unit value	2,042	2,395	3,219	3,053	2,886
Sweden	Unit value	3,214	3,459	3,809	3,954	3,520
Japan	Unit value	1,932	1,686	1,485	1,490	1,524
India	Unit value	1,795	2,201	2,393	2,205	---
All other sources	Unit value	2,029	1,808	2,451	2,201	2,813
Nonsubject sources	Unit value	2,582	2,490	2,648	2,721	2,760
All import sources	Unit value	2,486	2,475	2,738	2,760	2,790

Source: Compiled from official Commerce statistics for HTS statistical reporting numbers 7219.11.0030, 7219.11.0060, 7219.12.0006, 7219.12.0021, 7219.12.0026, 7219.12.0051, 7219.12.0056, 7219.12.0066, 7219.12.0071, 7219.12.0081, and 7219.31.0010, accessed January 13, 2022. These data may be overstated as HTS statistical reporting number 7219.31.0010 may contain products outside the scope of these reviews.

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

Cumulation considerations⁷⁶

In assessing whether imports should be cumulated in five-year reviews, the Commission considers, among other things, whether there is a likelihood of a reasonable overlap of competition among subject imports and the domestic like product. Additional information concerning geographical markets and simultaneous presence in the market is presented below.⁷⁷

Imports from Belgium were reported in all of the 60 months between 2016 and 2020. Imports from South Africa were reported in six of the 60 months between 2016 and 2020 but there were no reported imports from South Africa in 2020. Imports from Taiwan were reported in 11 of the 60 months between 2016 and 2020 including three months in 2020.

From 2016 through 2020, imports from Belgium entered through eastern and southern borders of entry in all years, through northern borders of entry in 2016 and 2017, and through western borders of entry in 2016. Imports from South Africa entered through eastern borders of entry in all years except 2016 and 2020, and through southern borders of entry in 2016. No imports from South Africa entered through northern and western borders of entry during 2016 through 2020. Imports from Taiwan entered through western borders of entry in all years except 2016 and 2019, through eastern borders of entry in all years except 2016 and 2017, and through northern borders of entry in 2018 and 2020.

⁷⁶ Unless otherwise noted, this information is based on official U.S. import statistics for HTS statistical reporting numbers 7219.11.0030, 7219.11.0060, 7219.12.0006, 7219.12.0021, 7219.12.0026, 7219.12.0051, 7219.12.0056, 7219.12.0066, 7219.12.0071, 7219.12.0081, and 7219.31.0010, accessed January 13, 2022. These data may be overstated as HTS statistical reporting number 7219.31.0010 may contain products outside the scope of these reviews.

⁷⁷ In addition, available information concerning subject country producers and the global market is presented in the next section of this report.

Apparent U.S. consumption and market shares

Table I-9 presents data on U.S. producers' U.S. shipments, U.S. imports, apparent U.S. consumption, and market shares.

Table I-9
Stainless steel plate: Apparent U.S. consumption and market shares, by source and period

Quantity in short tons; value in 1,000 dollars; share of quantity is the share of apparent U.S. consumption by quantity in percent; share of value is the share of apparent U.S. consumption by value in percent

Source	Measure	1997	2004	2010	2015	2020
U.S. producers	Quantity	115,003	***	***	***	***
Belgium	Quantity	***	***	***	2,169	2,352
South Africa	Quantity	***	***	69	3	---
Taiwan	Quantity	***	***	3	2	37
Subject sources	Quantity	***	***	***	2,174	2,388
Nonsubject sources	Quantity	***	***	***	12,784	7,466
All import sources	Quantity	27,402	***	***	14,957	9,854
Apparent U.S. consumption	Quantity	142,405	***	107,512	***	***
U.S. producers	Value	199,474	***	***	***	***
Belgium	Value	***	***	***	5,732	6,780
South Africa	Value	***	***	125	15	---
Taiwan	Value	***	***	11	6	111
Subject sources	Value	***	***	***	5,753	6,891
Nonsubject sources	Value	***	***	***	43,359	20,604
All import sources	Value	47,196	***	***	49,113	27,495
Apparent U.S. consumption	Value	246,670	***	346,755	***	***

Table continued.

Table I-9 Continued
Stainless steel plate: Apparent U.S. consumption and market shares, by source and period

Quantity in short tons; value in 1,000 dollars; share of quantity is the share of apparent U.S. consumption by quantity in percent; share of value is the share of apparent U.S. consumption by value in percent

Source	Measure	1997	2004	2010	2015	2020
U.S. producers	Share of quantity	80.8	***	***	***	***
Belgium	Share of quantity	***	***	***	***	***
South Africa	Share of quantity	***	***	0.1	***	***
Taiwan	Share of quantity	***	***	0.0	***	***
Subject sources	Share of quantity	***	***	***	***	***
Nonsubject sources	Share of quantity	***	***	***	***	***
All import sources	Share of quantity	19.2	***	***	***	***
U.S. producers	Share of value	80.9	***	***	***	***
Belgium	Share of value	***	***	***	***	***
South Africa	Share of value	***	***	0.0	***	***
Taiwan	Share of value	***	***	0.0	***	***
Subject sources	Share of value	***	***	***	***	***
Nonsubject sources	Share of value	***	***	***	***	***
All import sources	Share of value	19.1	***	***	***	***

Source: For the years 1997, 2004, 2010, and 2015, U.S. producers' U.S. shipment data are compiled using data submitted in the Commission's original investigations, first five-year reviews, second five-year reviews, and third five-year reviews. For the year 1997, import data are compiled using data submitted in the Commission's original and remand investigations. For the year 2004, import data for Belgium, Italy, South Korea, and nonsubject sources are compiled using data submitted in the Commission's first five-year reviews and import data for Canada, South Africa, and Taiwan are compiled using official Commerce statistics. For the year 2010, import data for Belgium, Italy, South Korea, and nonsubject sources are compiled using data submitted in the Commission's second five-year reviews and import data for South Africa and Taiwan are compiled using official Commerce statistics. For the year 2015, U.S. imports are compiled using official Commerce statistics. For the year 2020, U.S. producers' U.S. shipments are compiled using data submitted by domestic interested parties and U.S. imports are compiled using official Commerce statistics. Domestic interested parties' response to the notice of institution, exhibit 6. Official Commerce statistics under HTS statistical reporting numbers 7219.11.0030, 7219.11.0060, 7219.12.0006, 7219.12.0021, 7219.12.0026, 7219.12.0051, 7219.12.0056, 7219.12.0066, 7219.12.0071, 7219.12.0081, and 7219.31.0010, accessed January 13, 2022. These data may be overstated as HTS statistical reporting number 7219.31.0010 may contain products outside the scope of these reviews.

Note: For 1997, apparent U.S. consumption is derived from U.S. shipments of imports (for Belgium, Canada, South Africa, and Taiwan) and foreign producers' exports to the United States (for Italy and South Korea) rather than U.S. imports. For years 2004, and 2010, apparent U.S. consumption is derived from U.S. shipments of imports from Belgium, Italy, South Korea, and nonsubject sources, rather than U.S. imports.

Note: Nonsubject sources includes data for Italy and South Korea, which were subject countries during the original investigations, and first and second five-year reviews. Nonsubject sources also includes data for Canada, which was a subject country during the original investigations and first five-year reviews.

Note: For a discussion of data coverage, please see "U.S. producers" and "U.S. importers" sections

The industry in Belgium

During the final phase of the original investigations, the Commission received a foreign producer/exporter questionnaire from ALZ Belgium, the sole producer of stainless steel plate in Belgium.⁷⁸ During the first five-year reviews, the Commission received a foreign producer/exporter questionnaire from U&A Belgium, which was the sole producer of stainless steel plate in Belgium. During the original investigations U&A Belgium operated as ALZ Belgium. ALZ Belgium's parent company, Arbed, was subsequently acquired by the Arcelor Group, which then created a new unit that combined Ugine S.A., a French stainless steel producer, with ALZ Belgium. The former company ALZ Belgium changed its name to U&A Belgium on December 31, 2001.⁷⁹ During the second five-year reviews, the Commission received a foreign producer/exporter questionnaire from Aperam Stainless Belgium ("Aperam"), which was the sole producer of stainless steel plate in Belgium. Aperam operated as ALZ Belgium during the original investigations and as U&A Belgium during the first five year reviews. Arcelor, U&A Belgium's parent company was acquired by Mittal in 2006, forming ArcelorMittal. In January 2011, ArcelorMittal's stainless steel business was spun off as Aperam Stainless ("Aperam"), a newly created company.⁸⁰ Although the Commission did not receive responses from any respondent interested parties in its third five-year reviews, the domestic interested parties reported in their response that Aperam was the only Belgian producer of stainless steel plate.⁸¹

Although the Commission did not receive responses from any respondent interested parties in these five-year reviews, the domestic interested parties reported in their response that Aperam is the sole subject producer of stainless steel plate in Belgium.⁸²

Table I-10 presents events in the industry in Belgium since the last five-year reviews. Aperam undertook capital investments to upgrade its Genk facility with new, highly automated rolling and annealing and pickling lines to expand its product range with more sophisticated material grades.

⁷⁸ Original publication, p. VII-1.

⁷⁹ First review publication, p. IV-7.

⁸⁰ Second review publication, p. IV-8.

⁸¹ Third review publication, p. I-30.

⁸² Domestic interested parties' response to the notice of institution, January, 3, 2022, pp. 11 and 21.

Table I-10
Stainless steel plate: Recent developments in the industry in Belgium.

Item	Firm	Event
Capital investment	Aperam	March 2018— Aperam announced plans to invest in new equipment at its Genk facility, including cold-rolled and annealing and pickling lines with the latest processing technologies, to expand the facility's product range to meet anticipated market demand, improve delivery times and the flexibility, and improving operating efficiency and cost competitiveness.
Capital investment	Aperam	September 2018— SMS Group announced its agreement to provide a new annealing and pickling line for stainless steel cold-rolled strip at Aperam's Genk facility, with production scheduled to commence in 2020.
Capital investment	Aperam	February 2019— Aperam announced the finalization of a €100 million financing contract with the European Investment Bank ("EIB") to fund new investment projects primarily at its Genk facility, consisting of a new cold-rolling and new annealing and pickling lines.
Expansion	Aperam	March 2021— Aperam commissioned a new rolling and annealing and pickling production line at its Ghenk facility. This highly automated line, capable of processing both austenitic and ferritic grades of stainless steel, will reportedly expand Aperam's product range to include more sophisticated material grades, along with improved production lead-time and flexibility.

Sources: Liu, Joy, "Aperam Expands Equipment Investment in Belgian Genk Plant," Yieh Corp. Steel News, March 12, 2018, <https://yieh.com/en/NewsItem/93218>.
Liu, Joy, "German SMS Group Supplies Aperam New Annealing & Pickling Line," Yieh Corp. Steel News, September 6, 2018, <https://yieh.com/en/NewsItem/97214>.
ATI, NAS, and Outokumpu's response to the notice of institution, January 3, 2022, p. 11, Exhibit 2: Aperam, Annual Report 2020, February 24, 2021, p. 40; Lin, Sammi, "Aperam Gets EUR 100 Million Loan from EIB for Stainless Steel Modernization Project," Yieh Corp. Steel News, February 27, 2019, <https://yieh.com/en/NewsItem/101757>.
M4S News, "Aperam Starts-up New Stainless Steel Line Supplied by SMS Group," September 14, 2021, <https://m4snews.com/fr/News/1/45217/Aperam-startsup-new-stainless-steel-line-supplied-by-SMS-group>.

Table I-11 presents export data for stainless steel plate from Belgium (by export destination in descending order of quantity for 2020). Belgium's top-five destination markets in 2020 were other European Union ("EU") member countries— France (38.0 percent of the total), Germany (19.9 percent), Italy (13.4 percent), Luxembourg (7.6 percent), and Poland (5.5 percent)— which together accounted for more than four-fifths (84.4 percent) of its total exports of stainless steel plate during that year. The United States was the destination market for 3,363 short tons of Belgium's exports of stainless steel plate and was the eleventh leading export destination in 2020.

Table I-11
Stainless steel plate: Quantity of exports from Belgium, by destination and period

Quantity in short tons

Destination market	2016	2017	2018	2019	2020
France	388,513	357,090	160,670	142,654	131,496
Germany	64,210	70,642	70,295	57,873	68,820
Italy	41,283	34,935	35,495	38,947	46,447
Luxembourg	33,693	31,634	31,590	33,157	26,175
Poland	15,032	16,573	15,434	20,763	19,077
South Korea	4,785	7,860	9,372	15,374	15,364
Spain	3,038	3,275	3,431	3,494	6,164
Netherlands	3,400	5,320	5,560	5,510	6,073
Turkey	11,106	6,770	5,844	4,217	4,064
Finland	4,929	5,112	4,363	4,093	3,599
All other markets	31,495	26,148	31,012	27,030	18,586
All markets	601,484	565,358	373,064	353,112	345,865

Source: IHS Markit, “Global Trade Atlas,” HS subheadings 7219.11, 7219.12, and 7219.31, accessed January 18, 2022. These data may be overstated as HS subheading 7219.31 may contain products outside the scope of these reviews.

Note: Because of rounding, figures may not add to totals shown.

The industry in South Africa

During the final phase of the original investigations, the Commission received a foreign producer/exporter questionnaire from Columbus Stainless (“Columbus”), the only known producer of stainless steel plate in South Africa.⁸³ During the first five-year reviews, the Commission received a foreign producer/exporter questionnaire from the sole producer of stainless steel plate in South Africa, Columbus, which was now related to NAS, a domestic manufacturer, through common ownership by the Acerinox Group.⁸⁴ During the second five-year reviews, Columbus, the sole producer of stainless steel plate in South Africa, did not respond to the Commission’s foreign producer/exporter questionnaire.⁸⁵

Although the Commission did not receive responses from any respondent interested parties in its third five-year reviews, the domestic interested parties reported in their response that Columbus was the only South Africa producer.⁸⁶

⁸³ Original publication, p. VII-7.

⁸⁴ First review publication, p. IV-12.

⁸⁵ Second review publication, p. IV-12.

⁸⁶ Third review publication, p. I-30.

Although the Commission did not receive responses from any respondent interested parties in these five-year reviews, the domestic interested parties reported in their response that Columbus is the sole subject producer of stainless steel plate in South Africa.⁸⁷

Table I-12 presents events in the industry in South Africa since the last five-year reviews.⁸⁸ Columbus received capital investments from its parent firm for a new slitting line to raise its monthly export volumes.

Table I-12
Stainless steel plate: Recent developments in the industry in South Africa

Item	Firm	Event
Capital investment	Columbus	December 2017— Parent firm Acerinox announced a €5 million investment for a new slitting line at the Columbus Stainless facility in Middelburg to enhance its production of cut-to-length materials and raise its monthly exports by 3,000 metric tons (3,307 short tons).

Source: Acerinox, “Acerinox Will Invest 8 Million Euros in Its Plants in Spain and South Africa to Improve Production and Reduce Environmental Impact,” December 26, 2017.

<https://www.acerinox.com/en/noticias/noticias-general/Acerinox-will-invest-8-million-euros-in-its-plants-in-Spain-and-South-Africa-to-improve-production-and-reduce-environmental-impact/>.

Table I-13 presents export data for stainless steel plate from South Africa (by export destination in descending order of quantity for 2020). South Africa’s top destination markets in 2020 were Malaysia (23.7 percent of the total), Italy (13.5 percent), and the Netherlands (12.9 percent), which together accounted for one-half (50.1 percent) of its total exports of stainless steel plate during that year. The United States was the destination market for 13 short tons of South Africa’s exports of stainless steel plate and was the forty-third leading export destination in 2020.

⁸⁷ Domestic interested parties’ response to the notice of institution, January, 3, 2022, pp. 12 and 21.

⁸⁸ Domestic interested parties did not identify in their response to the notice of institution any recent developments in the South African industry since the last five-year reviews.

Table I-13
Stainless steel plate: Quantity of exports from South Africa, by destination and period

Quantity in short tons

Destination market	2016	2017	2018	2019	2020
Malaysia	36,861	58,289	34,478	18,179	5,417
Italy	4,258	3,326	4,664	2,503	3,083
Netherlands	194	1,197	2,081	2,544	2,949
Brazil	1,839	1,158	1,550	2,092	2,132
Poland	912	531	587	624	1,205
Sweden	199	215	248	689	1,174
India	809	688	518	1,058	1,088
Vietnam	207	219	39	18	1,027
Namibia	8	15	79	652	999
South Korea	1,637	753	730	381	509
All other markets	11,619	9,840	8,581	9,243	3,277
All markets	58,543	76,230	53,554	37,982	22,861

Source: IHS Markit, "Global Trade Atlas," HS subheadings 7219.11, 7219.12, and 7219.31, accessed January 18, 2022. These data may be overstated as HS subheading 7219.31 may contain products outside the scope of these reviews.

The industry in Taiwan

During the final phase of the original investigations, the Commission received foreign producer/exporter questionnaires from three firms. One of the three firms, Yieh United Steel Corp. ("YUSCO"), was estimated to account for the majority of production and exports of the subject merchandise in Taiwan.⁸⁹ During the first and second five-year reviews, the Commission did not receive a foreign producer/exporter questionnaires from any firm in Taiwan.⁹⁰ Although the Commission did not receive responses from any respondent interested parties in its third five-year reviews, the domestic interested parties provided a list of four possible producers of stainless steel plate in Taiwan in that proceeding.⁹¹

Although the Commission did not receive responses from any respondent interested parties in these five-year reviews, the domestic interested parties provided a list of four possible producers of stainless steel plate in Taiwan.⁹²

⁸⁹ Original publication, p. VII-7-VII-8.

⁹⁰ Second review publication, p. IV-14.

⁹¹ Third review publication, p. I-31.

⁹² Domestic interested parties' response to the notice of institution, January 3, 2022, pp. 21-22.

Table I-14 presents events in the industry in Taiwan since the last five-year reviews.⁹³ Tang Eng, a major stainless steelmaker in Taiwan, introduced a new line of pre-painted stainless steel products primarily for the home appliances market. Major stainless steelmakers in Taiwan reacted differently to weakening, Covid-19 epidemic-impacted demand, with Tang Eng announcing production cut-backs but Yusco reportedly continuing to fulfill orders.

Table I-14
Stainless steel plate: Recent developments in the industry in Taiwan

Item	Firm	Event
New products	Tang Eng	April 2017— Tang Eng, a major stainless steelmaker in Taiwan, announced its new line of pre-painted stainless steel products, which will become available in May, primarily for the home appliances market. Tang Eng anticipates consumption demand for the pre-painted 300 series products reaching 1,500–2,000 metric tons (1,653–2,205 short tons) per month.
Restarts	Tang Eng	Second-quarter 2019— Despite recording losses for 2018 due to rising production costs driven by higher nickel prices, Tang Eng reportedly benefitted from “more normal” nickel prices and reactivated idled production equipment to generate additional net income in second-quarter 2019.
Epidemic-related production cut-backs	Tang Eng, Yusco	April 2020— Tang Eng announced plans to cut-back its stainless steel production by approximately 20 percent in April due to Covid-19 epidemic-impacted sluggish demand, being foreseen to weaken further in second-quarter 2020. However, Yusco, the leading Taiwanese stainless steelmaker was less affected by the Covid-19 epidemic, announcing that it continues to fill orders and its current output rate exceeds 80 percent.
Potentially favorable operating conditions	Tang Eng, Yusco	December 2021— According to some market participants, continued recent robust domestic demand for stainless steel products might stimulate the operating profits for major stainless steelmakers Tang Eng and Yusco, even despite continued high nickel prices.

Sources: Huang, Jacky, “Taiwan’s Tang Eng to Introduce Pre-painted Stainless Steel for May,” Yieh Corp. Steel News, April 13, 2017, <https://www.yieh.com/en/NewsItem/86682>. “Taiwan’s Tang Eng to Introduce New Pre-painted Stainless Steel Products,” Yieh Corp. Steel News, July 18, 2017, <https://www.yieh.com/en/NewsItem/87626>.

Huang, Jordan, “Taiwanese Tang Eng Has Losses in Sales Performance Due to High Nickel Price in 2018,” Yieh Corp. Steel News, June 13, 2019, <https://www.yieh.com/en/NewsItem/104713>.

Liu, Joy, “Taiwan’s Tang Eng Plans to Reduce Stainless Steel Production Due to Coronavirus Epidemic,” Yieh Corp. Steel News, March 31, 2020, <https://www.yieh.com/en/NewsItem/114817>; Huang, Jordan, “Taiwan’s Stainless Steelmakers Announce to Cut Stainless Steel Production to React to Current Market,” Yieh Corp. Steel News, April 20, 2020, <https://www.yieh.com/en/NewsItem/115582>.

Huang, Jordan, “Taiwan’s Domestic Demand Remains Strong, Yusco & Tang Eng Benefited,” Yieh Corp. Steel News, December 21, 2021, <https://www.yieh.com/en/NewsItem/130823>.

⁹³ Domestic interested parties did not identify in their response to the notice of institution any recent developments in the Taiwanese industry since the last five-year reviews.

Table I-15 presents export data for stainless steel plate from Taiwan (by export destination in descending order of quantity for 2020). Taiwan’s top-four export destinations in 2020 were other Asian markets— India (22.4 percent of the total), Thailand (10.6 percent), South Korea (9.4 percent), and Malaysia (9.1 percent)— which together accounted for more than one-half (51.5 percent) of its total exports during that year. The United States was the destination market for 269 short tons of Taiwan’s exports of stainless steel plate and was the eighteenth leading export destination in 2020.

Table I-15
Stainless steel plate: Quantity of exports from Taiwan, by destination and period

Quantity in short tons

Destination market	2016	2017	2018	2019	2020
India	2,847	5,075	6,135	5,332	4,836
Thailand	2,929	2,041	2,771	2,374	2,296
South Korea	4,698	3,123	1,889	5,132	2,025
Malaysia	1,715	2,616	2,848	2,461	1,965
Turkey	1,540	714	1,606	661	1,520
United Arab Emirates	519	316	791	1,256	1,111
Australia	254	586	1,066	518	843
Poland	0	85	414	1,920	579
Japan	308	918	506	530	551
Canada	37	43	640	474	550
All other markets	16,482	12,400	11,592	10,353	5,324
All markets	31,329	27,918	30,261	31,012	21,601

Source: IHS Markit, “Global Trade Atlas,” HS subheadings 7219.11, 7219.12, and 7219.31, accessed January 18, 2022. These data may be overstated as HS subheading 7219.31 may contain products outside the scope of these reviews.

Note: Because of rounding, figures may not add to totals shown.

Third-country trade actions

Import-injury orders imposed by third countries on imports of stainless steel plate in coils from the subject trade partners, since the last review,⁹⁴ are listed in table I-16.⁹⁵

Table I-16
Stainless steel plate: Antidumping or countervailing duty actions in third-country markets

Third country market: Subject products (HS codes)	Action(s) and date(s)	Subject sources and orders (most recent rates)
China: Hot-rolled stainless steel plates, sheets, and strip, whether or not in coils (HS 7219.11.00, 7219.12.00, 7219.13.xx, 7219.14.xx, 7219.21.00, 7219.22.00, 7219.23.00, 7219.24.xx, 7220.11.00, and 7220.12.00)	Provisional (March 2019) Definitive (July 2019)	Belgium: Antidumping (43.0 percent)
European Union: Certain hot rolled stainless steel plates, sheets, and strip, whether or not in coils (HS 7219.11, 7219.12, 7219.13, 7219.14, 7219.22, 7219.23, 7219.24, 7220.11, and 7220.12)	Preliminary (April 2020) Definitive (October 2020)	Taiwan: Antidumping (4.1–7.5 percent)
European Union: Hot-rolled stainless steel plates, sheets, and strip (product No. 8: HS 7219.11.00, 7219.12.xx, 7219.13.xx, 7219.14.xx, 7219.22.xx, 7219.23.xx, 7219.24.xx, 7220.11.00, and 7220.12.00); cold-rolled stainless steel plates, sheets, and strip (product No. 9: 7219.31.00, 7219.32.xx, 7219.33.xx, 7219.34.xx, 7219.35.xx, 7219.90.xx, 7220.20.xx, and 7220.90.xx)	Provisional (July 2018) Definitive (February 2019) Extended (June 2021) for three years (to June 2024).	South Africa and Taiwan: Safeguard (25 percent above tariff rate quota (“TRQ”) limits for all trade partners).
Malaysia: Cold-rolled stainless steel flat products, 0.3–6.5 mm (0.01–0.26 inch) thick and up to 1,600 mm (63 inches) wide, whether or not in coils (HS 7219.31.00, 7219.32.00, 7219.33.00, 7219.34.00, 7219.35.00, and 7220.20.xx)	Provisional (October 2017) Definitive (February 2018)	Taiwan: Antidumping (Nil or 7.78 percent)

Source: Ministry of Commerce (“MOFCOM”) of the People’s Republic of China, “MOFCOM Announcement No. 31 of 2019 on Final Ruling of Anti-dumping Investigation into Imports of Stainless

⁹⁴ The antidumping duties imposed by Russia in December 2010 on certain flat-rolled steel (including subject merchandise) exported from South Africa and Taiwan, as noted in the last review, were reportedly terminated in July 2011. Third review publication, p. I-31; Global Trade Alert, “Russian Federation: Termination of Anti-dumping Duty on Flat-rolled Products of Stainless Steel,” Intervention Report No. 15617, no date, <https://www.globaltradealert.org/intervention/15617/anti-dumping/russian-federation-termination-of-anti-dumping-duty-on-flat-rolled-products-of-stainless-steel>, retrieved January 21, 2022.

⁹⁵ Domestic interested parties did not identify in their response to the notice of institution any antidumping or countervailing duty measures in place in third-country markets on stainless steel plate originating in the subject trade partners since the last five-year reviews.

Steel Billets and Hot-rolled Stainless Steel Plates/Coils Originating in the EU, Japan, the Republic of Korea and Indonesia,” July 22, 2019, <http://english.mofcom.gov.cn/article/traderemedydatabase/201908/20190802887274.shtml>.

European Commission (“EC”), “Commission Implementing Regulation (EU) 2020/1408, of 6 October 2020, Imposing a Definitive Anti-dumping Duty and Definitively Collecting the Provisional Duty Imposed on Imports of Certain Hot Rolled Stainless Steel Sheets and Coils Originating in Indonesia, the People’s Republic of China and Taiwan,” Official Journal of the European Union, L 325, October 7, 2020, <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32020R1408&from=EN>.

EC, “Commission Implementing Regulation (EU) 2021/1029, of 24 June 2021, Amending Commission Implementing Regulation (EU) 2019/159 to Prolong the Safeguard Measure on Imports of Certain Steel Products,” Official Journal of the European Union, L 225, June 25, 2021, <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32021R1029&from=EN>; World Trade Organization (“WTO”), Committee on Safeguards, “Notification Pursuant to Article 12.1(C) of the Agreement on Safeguards (Extension), Notification Pursuant to Article 9, Footnote 2 of the Agreement on Safeguards, European Union (“EU”), “Certain Steel Products, Supplement,” G/SG/N/8/EU/1/Suppl.2, G/SG/N/10/EU/1/Suppl.11, G/SG/N/11/EU/1/Suppl.8, June 11, 2021, <https://docs.wto.org/dol2fe/Pages/SS/directdoc.aspx?filename=q:/G/SG/N8EU1S2.pdf&Open=True>.

Attorney General’s Chamber of Malaysia, “Customs (Anti-Dumping) Order 2018,” Federal Government Gazette, P.U. (A) 23/2018, February 7, 2018, [http://www.customs.gov.my/ms/pg/pg_gazz/2018/P.U\(A\)%20Perintah%20Kastam%20\(Duti%20Anti%20-%20Lambakan\)%202018.pdf](http://www.customs.gov.my/ms/pg/pg_gazz/2018/P.U(A)%20Perintah%20Kastam%20(Duti%20Anti%20-%20Lambakan)%202018.pdf).

The global market

In-part, as the world's largest source of mined nickel since 2018,⁹⁶ Indonesia benefitted from foreign-direct investment particularly by Chinese stainless steelmakers in various large-capacity projects. By 2020, Indonesia became the world's third-largest stainless steel producer⁹⁷ and the largest exporter of stainless steel plate. By contrast, China's exports of stainless and other steel products declined since 2016, when the central government imposed supply-side structural reforms that cut-back domestic steelmaking capacity, and more recently due to fewer orders from abroad and logistical difficulties arising from the Covid-19 epidemic.⁹⁸

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Table I-17 presents global export data for stainless steel plate (by source in descending order of quantity for 2020). The top exporters in 2020— Indonesia (21.0 percent), subject-country Belgium (20.5 percent),¹⁰⁰ China (14.4 percent), and Finland (10.8 percent)— together accounted for two-thirds (66.7 percent) of all global exports of stainless steel plate during that year.

⁹⁶ McRae, Michele E., "Nickel," Mineral Commodity Summaries, U.S. Geological Survey, various years, p. 113, <https://www.usgs.gov/centers/national-minerals-information-center/mineral-commodity-summaries>.

⁹⁷ Indonesia's stainless steelmaking capacity reportedly exceeds 5.5 million metric tons (6.1 million short tons), which is almost 25 times the country's estimated domestic consumption of about 200,000 metric tons (220,462 short tons). Kallanish Team, "Indonesia to Become No.2 Stainless Steel Producer," EuroMetal, June 4, 2021, <https://eurometal.net/indonesia-to-become-no-2-stainless-steel-producer/>; Sen Gupta, Nandini, "Indonesia Will Overtake India as India as Second Largest Stainless Steel Maker: ISSDA, June 1, 2021, https://timesofindia.indiatimes.com/business/india-business/indonesia-will-overtake-india-as-second-largest-stainless-steel-maker-issda/articleshow/83146850.cms?utm_source=contentofinterest&utm_medium=text&utm_campaign=ppst; MEPS International, "Indonesia Drives Global Stainless Steel Output Growth," December 1, 2021, <https://mepsinternational.com/gb/en/news/indonesia-drives-global-stainless-steel-output-growth>.

⁹⁸ Hu, Tracy, "China's Finished Steel Exports to Further Decrease Due to COVID-19, Analysts Say," S&P Global Intelligence, April 4, 2019, <https://www.spglobal.com/marketintelligence/en/news-insights/latest-news-headlines/china-s-finished-steel-exports-to-further-decrease-due-to-covid-19-analysts-say-57872391>.

⁹⁹ Domestic interested parties did not identify in their response to the notice of institution any industry developments in nonsubject countries since the last five-year reviews.

¹⁰⁰ By contrast, subject-country South Africa (1.4 percent) and subject-trade partner Taiwan (1.3 percent) recorded significantly smaller shares of all global exports of stainless steel plate during that year.

Table I-17
Stainless steel plate: Quantity of global exports by country and period

Quantity in short tons

Exporting country	2016	2017	2018	2019	2020
Indonesia	3,536	105,720	203,536	373,906	354,180
Belgium	601,484	565,358	373,064	353,112	345,865
China	542,726	538,602	472,459	408,286	243,104
Finland	171,395	167,174	176,825	199,397	182,575
South Korea	135,641	140,335	186,738	160,417	144,760
Sweden	168,402	133,522	123,841	113,414	102,971
Spain	67,280	65,456	73,895	67,668	64,913
Netherlands	51,114	50,972	50,104	51,596	55,014
Japan	40,068	44,419	42,182	36,857	28,678
Italy	22,705	25,632	27,315	28,148	25,821
All other exporters	275,180	346,853	247,921	191,713	140,233
All exporters	2,079,531	2,184,043	1,977,878	1,984,513	1,688,113

Source: IHS Markit, "Global Trade Atlas," HS subheadings 7219.11, 7219.12, and 7219.31, accessed January 18, 2022. These data may be overstated as HS subheading 7219.31 may contain products outside the scope of these reviews.

Note: Because of rounding, figures may not add to totals shown.

APPENDIX A
FEDERAL REGISTER NOTICES

The Commission makes available notices relevant to its investigations and reviews on its website, 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
86 FR 68220 December 1, 2021	<i>Initiation of Five-Year (Sunset) Reviews</i>	https://www.govinfo.gov/content/pkg/FR-2021-12-01/pdf/2021-26154.pdf
86 FR 68278 December 1, 2021	<i>Stainless Steel Plate From Belgium, South Africa, and Taiwan; Institution of Five-Year Reviews</i>	https://www.govinfo.gov/content/pkg/FR-2021-12-01/pdf/2021-26077.pdf

APPENDIX B
COMPANY-SPECIFIC DATA

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APPENDIX C

SUMMARY DATA COMPILED IN PRIOR PROCEEDINGS

Table C-1
Stainless steel plate: Summary data concerning the U.S. market, 2005-10

(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)

Item	Reported data						Period changes					
	2005	2006	2007	2008	2009	2010	2005-10	2005-06	2006-07	2007-08	2008-09	2009-10
U.S. consumption quantity:												
Amount	122,928	188,868	143,887	84,758	85,046	107,512	-12.5	53.6	-23.8	-41.1	0.3	26.4
Producers' share (1)	***	***	***	***	***	***	***	***	***	***	***	***
Importers' share (1):												
Belgium	***	***	***	***	***	***	***	***	***	***	***	***
Italy	***	***	***	***	***	***	***	***	***	***	***	***
Korea	***	***	***	***	***	***	***	***	***	***	***	***
South Africa	***	***	***	***	***	***	***	***	***	***	***	***
Taiwan	***	***	***	***	***	***	***	***	***	***	***	***
Subtotal (subject)	***	***	***	***	***	***	***	***	***	***	***	***
All other sources	***	***	***	***	***	***	***	***	***	***	***	***
Total imports	***	***	***	***	***	***	***	***	***	***	***	***
U.S. consumption value:												
Amount	321,113	584,026	688,479	353,285	187,337	346,755	8.0	81.9	17.9	-48.7	-47.0	85.1
Producers' share (1)	***	***	***	***	***	***	***	***	***	***	***	***
Importers' share (1):												
Belgium	***	***	***	***	***	***	***	***	***	***	***	***
Italy	***	***	***	***	***	***	***	***	***	***	***	***
Korea	***	***	***	***	***	***	***	***	***	***	***	***
South Africa	***	***	***	***	***	***	***	***	***	***	***	***
Taiwan	***	***	***	***	***	***	***	***	***	***	***	***
Subtotal (subject)	***	***	***	***	***	***	***	***	***	***	***	***
All other sources	***	***	***	***	***	***	***	***	***	***	***	***
Total imports	***	***	***	***	***	***	***	***	***	***	***	***
U.S. shipments of imports from:												
Belgium:												
Quantity	***	***	***	***	***	***	***	***	***	***	***	***
Value	***	***	***	***	***	***	***	***	***	***	***	***
Unit value	\$***	\$***	\$***	\$***	\$***	\$***	***	***	***	***	***	***
Ending inventory quantity	***	***	***	***	***	***	***	***	***	***	***	***
Italy:												
Quantity	***	***	***	***	***	***	***	***	***	***	***	***
Value	***	***	***	***	***	***	***	***	***	***	***	***
Unit value	\$***	\$***	\$***	\$***	\$***	\$***	***	***	***	***	***	***
Ending inventory quantity	***	***	***	***	***	***	***	***	***	***	***	***
Korea:												
Quantity	***	***	***	***	***	***	***	***	***	***	***	***
Value	***	***	***	***	***	***	***	***	***	***	***	***
Unit value	\$***	\$***	\$***	\$***	\$***	\$***	***	***	***	***	***	***
Ending inventory quantity	***	***	***	***	***	***	***	***	***	***	***	***
South Africa:												
Quantity	341	1,320	1,176	34	2	69	-79.7	287.4	-10.9	-97.1	-93.7	3136.2
Value	922	2,357	2,783	102	14	125	-86.4	155.6	18.1	-96.3	-86.2	796.3
Unit value	\$2,707	\$1,786	\$2,367	\$2,986	\$6,544	\$1,812	-33.1	-34.0	32.5	26.1	119.2	-72.3
Ending inventory quantity	***	***	***	***	***	***	***	***	***	***	***	***
Taiwan:												
Quantity	373	96	101	18	0	3	-99.3	-74.3	4.9	-81.8	-100.0	(2)
Value	967	269	454	87	0	11	-98.9	-72.2	69.2	-80.8	-100.0	(2)
Unit value	\$2,595	\$2,804	\$4,520	\$4,756	(2)	\$4,015	54.7	8.1	61.2	5.2	(2)	(2)
Ending inventory quantity	***	***	***	***	***	***	***	***	***	***	***	***
Subtotal (subject):												
Quantity	***	***	***	***	***	***	***	***	***	***	***	***
Value	***	***	***	***	***	***	***	***	***	***	***	***
Unit value	\$***	\$***	\$***	\$***	\$***	\$***	***	***	***	***	***	***
Ending inventory quantity	***	***	***	***	***	***	***	***	***	***	***	***

Table continued on next page.

Table C-1--Continued
Stainless steel plate: Summary data concerning the U.S. market, 2005-10

(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)

Item	Reported data						Period changes					
	2005	2006	2007	2008	2009	2010	2005-10	2005-06	2006-07	2007-08	2008-09	2009-10
U.S. shipments of imports from:												
All other sources:												
Quantity	***	***	***	***	***	***	***	***	***	***	***	***
Value	***	***	***	***	***	***	***	***	***	***	***	***
Unit value	\$***	\$***	\$***	\$***	\$***	\$***	***	***	***	***	***	***
Ending inventory quantity	***	***	***	***	***	***	***	***	***	***	***	***
All sources:												
Quantity	***	***	***	***	***	***	***	***	***	***	***	***
Value	***	***	***	***	***	***	***	***	***	***	***	***
Unit value	\$***	\$***	\$***	\$***	\$***	\$***	***	***	***	***	***	***
Ending inventory quantity	6,962	1,862	5,088	5,511	2,234	1,857	-73.3	-73.3	173.3	8.3	-59.5	-16.9
U.S. producers':												
Average capacity quantity	***	***	***	***	***	***	***	***	***	***	***	***
Production quantity	***	***	***	***	***	***	***	***	***	***	***	***
Capacity utilization (1)	***	***	***	***	***	***	***	***	***	***	***	***
U.S. shipments:												
Quantity	***	***	***	***	***	***	***	***	***	***	***	***
Value	***	***	***	***	***	***	***	***	***	***	***	***
Unit value	\$***	\$***	\$***	\$***	\$***	\$***	***	***	***	***	***	***
Export shipments:												
Quantity	***	***	***	***	***	***	***	***	***	***	***	***
Value	***	***	***	***	***	***	***	***	***	***	***	***
Unit value	\$***	\$***	\$***	\$***	\$***	\$***	***	***	***	***	***	***
Ending inventory quantity	***	***	***	***	***	***	***	***	***	***	***	***
Inventories/total shipments (1)	***	***	***	***	***	***	***	***	***	***	***	***
Production workers	***	***	***	***	***	***	***	***	***	***	***	***
Hours worked (1,000s)	***	***	***	***	***	***	***	***	***	***	***	***
Wages paid (\$1,000s)	***	***	***	***	***	***	***	***	***	***	***	***
Hourly wages	\$***	\$***	\$***	\$***	\$***	\$***	***	***	***	***	***	***
Productivity (tons/1,000 hours)	***	***	***	***	***	***	***	***	***	***	***	***
Unit labor costs	\$***	\$***	\$***	\$***	\$***	\$***	***	***	***	***	***	***
Net sales:												
Quantity	***	***	***	***	***	***	***	***	***	***	***	***
Value	***	***	***	***	***	***	***	***	***	***	***	***
Unit value	\$***	\$***	\$***	\$***	\$***	\$***	***	***	***	***	***	***
Cost of goods sold (COGS)	***	***	***	***	***	***	***	***	***	***	***	***
Gross profit or (loss)	***	***	***	***	***	***	***	***	***	***	***	***
SG&A expenses	***	***	***	***	***	***	***	***	***	***	***	***
Operating income or (loss)	***	***	***	***	***	***	***	***	***	***	***	***
Capital expenditures	***	***	***	***	***	***	***	***	***	***	***	***
Unit COGS	\$***	\$***	\$***	\$***	\$***	\$***	***	***	***	***	***	***
Unit SG&A expenses	\$***	\$***	\$***	\$***	\$***	\$***	***	***	***	***	***	***
Unit operating income or (loss)	\$***	\$***	\$***	\$***	\$***	\$***	***	***	***	***	***	***
COGS/sales (1)	***	***	***	***	***	***	***	***	***	***	***	***
Operating income or (loss)/ sales (1)	***	***	***	***	***	***	***	***	***	***	***	***

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

(2) Not applicable.

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 total. Unit values and shares are calculated from the unrounded figures.

Note.--Official statistics of the U.S. Department of Commerce are used for imports from South Africa and Taiwan.

Source: Compiled from data submitted in response to Commission questionnaires and official statistics of the U.S. Department of Commerce.

Table C-1
 Certain stainless steel plate: Summary data concerning the U.S. market, 1998-2004

(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)

Item	Reported data					Period changes								
	1998	1999	2000	2001	2002	2003	2004	1998-2004	1998-1999	1999-2000	2000-2001	2001-2002	2002-2003	2003-2004
U.S. consumption quantity:														
Amount	123,209	120,328	109,457	101,037	118,633	***	***	***	-2.3	-9.0	-7.7	17.4	***	***
Producers' share (1)	80.5	89.0	88.9	93.3	89.3	***	***	***	8.5	-0.1	4.3	-3.9	***	***
Importers' share (1):														
Belgium	***	***	***	***	***	***	***	***	***	***	***	***	***	***
Canada	1.7	0.3	0.5	***	***	***	***	***	***	***	***	***	***	***
Italy	***	***	***	***	***	***	***	***	***	***	***	***	***	***
Korea	***	***	***	***	***	***	***	***	***	***	***	***	***	***
South Africa	***	0.3	0.0	0.0	0.0	***	***	***	***	***	***	***	***	***
Taiwan	4.1	0.3	0.1	0.2	0.1	***	***	***	***	***	***	***	***	***
Subtotal	***	***	***	***	***	***	***	***	***	***	***	***	***	***
All other sources	***	***	***	***	***	***	***	***	***	***	***	***	***	***
Total imports	19.5	11.0	11.1	6.7	10.7	***	***	***	-8.5	0.1	-4.3	3.9	***	***
U.S. consumption value:														
Amount	184,872	171,009	209,554	142,815	166,280	***	***	***	-7.5	22.5	-31.8	16.4	***	***
Producers' share (1)	80.7	89.4	88.5	92.3	87.8	***	***	***	8.7	-0.9	3.8	-4.5	***	***
Importers' share (1):														
Belgium	***	***	***	***	***	***	***	***	***	***	***	***	***	***
Canada	1.6	0.3	0.6	***	***	***	***	***	***	***	***	***	***	***
Italy	***	***	***	***	***	***	***	***	***	***	***	***	***	***
Korea	***	***	***	***	***	***	***	***	***	***	***	***	***	***
South Africa	***	0.2	0.0	0.1	0.0	***	***	***	***	***	***	***	***	***
Taiwan	3.4	0.2	0.1	0.2	0.1	***	***	***	***	***	***	***	***	***
Subtotal	***	***	***	***	***	***	***	***	***	***	***	***	***	***
All other sources	***	***	***	***	***	***	***	***	***	***	***	***	***	***
Total imports	19.3	10.6	11.5	7.7	12.2	***	***	***	-8.7	0.9	-3.8	4.5	***	***
U.S. shipments of imports from:														
Belgium:														
Quantity	***	***	***	***	***	***	***	***	***	***	***	***	***	***
Value	***	***	***	***	***	***	***	***	***	***	***	***	***	***
Unit value	***	***	***	***	***	***	***	***	***	***	***	***	***	***
Ending inventory quantity	***	***	***	***	***	***	***	***	***	***	***	***	***	***
Canada:														
Quantity	2,123	374	595	***	***	***	***	***	-82.4	59.2	***	***	***	***
Value	3,049	522	1,271	***	***	***	***	***	-82.9	143.6	***	***	***	***
Unit value	\$1,437	\$1,397	\$2,137	***	***	***	***	***	-2.8	53.1	***	***	***	***
Ending inventory quantity	0	0	0	***	***	***	***	***	(2)	(2)	***	***	***	***
Italy:														
Quantity	***	***	***	***	***	***	***	***	***	***	***	***	***	***
Value	***	***	***	***	***	***	***	***	***	***	***	***	***	***
Unit value	***	***	***	***	***	***	***	***	***	***	***	***	***	***
Ending inventory quantity	***	***	***	***	***	***	***	***	***	***	***	***	***	***
Korea:														
Quantity	***	***	***	***	***	***	***	***	***	***	***	***	***	***
Value	***	***	***	***	***	***	***	***	***	***	***	***	***	***
Unit value	***	***	***	***	***	***	***	***	***	***	***	***	***	***
Ending inventory quantity	***	***	***	***	***	***	***	***	***	***	***	***	***	***
South Africa:														
Quantity	***	341	22	46	31	***	***	***	***	-93.6	113.0	-33.0	***	***
Value	***	354	32	84	30	***	***	***	***	-90.9	160.8	-64.0	***	***
Unit value	***	\$1,038	\$1,484	\$1,816	\$976	***	***	***	***	42.9	22.4	-46.2	***	***
Ending inventory quantity	***	0	0	0	0	***	***	***	***	(2)	(2)	(2)	***	***
Taiwan:														
Quantity	5,004	307	84	210	103	***	***	***	***	-93.9	-72.5	148.5	-50.7	***
Value	6,292	413	135	274	152	***	***	***	***	-93.4	-67.3	102.8	-44.4	***
Unit value	\$1,257	\$1,345	\$1,597	\$1,304	\$1,471	***	***	***	***	7.0	18.8	-18.4	12.9	***
Ending inventory quantity	0	0	0	0	0	***	***	***	***	(2)	(2)	(2)	(2)	***
Subtotal:														
Quantity	***	***	***	***	***	***	***	***	***	***	***	***	***	***
Value	***	***	***	***	***	***	***	***	***	***	***	***	***	***
Unit value	***	***	***	***	***	***	***	***	***	***	***	***	***	***
Ending inventory quantity	***	***	***	***	***	***	***	***	***	***	***	***	***	***
All other sources:														
Quantity	***	***	***	***	***	***	***	***	***	***	***	***	***	***
Value	***	***	***	***	***	***	***	***	***	***	***	***	***	***
Unit value	***	***	***	***	***	***	***	***	***	***	***	***	***	***
Ending inventory quantity	***	***	***	***	***	***	***	***	***	***	***	***	***	***
All sources:														
Quantity	24,035	13,268	12,134	6,818	12,686	***	***	***	***	-44.8	-8.5	-43.8	86.1	***
Value	35,628	18,142	24,145	10,987	20,301	***	***	***	***	-49.1	33.1	-54.5	84.8	***
Unit value	\$1,482	\$1,367	\$1,990	\$1,611	\$1,600	***	***	***	***	-7.8	45.5	-19.0	-0.7	***
Ending inventory quantity	1,659	1,532	3,019	3,193	4,488	***	***	***	***	-7.7	97.1	5.8	40.6	***

Table continued on next page.

Table C-1--Continued
Certain stainless steel plate: Summary data concerning the U.S. market, 1998-2004

(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)

Item	Reported data					Period changes								
	1998	1999	2000	2001	2002	2003	2004	1998-2004	1998-1999	1999-2000	2000-2001	2001-2002	2002-2003	2003-2004
U.S. producers:														
Average capacity quantity	223,917	213,000	213,222	277,609	270,404	***	***	***	-4.9	0.1	30.2	-2.6	***	***
Production quantity	83,208	110,406	98,229	96,316	115,707	***	***	***	32.7	-11.0	-1.9	20.1	***	***
Capacity utilization (1)	37.2	51.8	46.1	34.7	42.8	***	***	***	14.7	-5.8	-11.4	8.1	***	***
U.S. shipments:														
Quantity	99,174	107,060	97,323	94,219	105,947	***	***	***	8.0	-9.1	-3.2	12.4	***	***
Value	149,244	152,867	185,409	131,828	145,979	***	***	***	2.4	21.3	-28.9	10.7	***	***
Unit value	\$1,505	\$1,428	\$1,905	\$1,399	\$1,378	***	***	***	-5.1	33.4	-26.6	-1.5	***	***
Export shipments:														
Quantity	2,799	3,389	1,924	2,070	7,103	***	***	***	21.1	-43.2	7.6	243.1	***	***
Value	4,486	4,307	3,340	2,690	8,334	***	***	***	-4.0	-22.5	-19.5	209.8	***	***
Unit value	\$1,603	\$1,271	\$1,736	\$1,300	\$1,173	***	***	***	-20.7	36.6	-25.1	-9.7	***	***
Ending inventory quantity	***	***	***	***	***	***	***	***	***	***	***	***	***	***
Inventories/total shipments (1)	***	***	***	***	***	***	***	***	***	***	***	***	***	***
Production workers	211	227	258	229	221	***	***	***	7.6	13.7	-11.2	-3.5	***	***
Hours worked (1,000s)	417	490	541	470	463	***	***	***	17.6	10.4	-13.2	-1.5	***	***
Wages paid (\$1,000s)	10,219	12,835	14,390	12,777	12,876	***	***	***	25.6	12.1	-11.2	0.8	***	***
Hourly wages	\$24.53	\$26.19	\$26.59	\$27.20	\$27.82	***	***	***	6.8	1.5	2.3	2.3	***	***
Productivity (tons/1,000 hours)	199.7	225.3	181.5	205.0	250.0	***	***	***	12.8	-19.4	13.0	21.9	***	***
Unit labor costs	\$122.81	\$116.25	\$146.49	\$132.66	\$111.28	***	***	***	-5.3	26.0	-9.4	-16.1	***	***
Net sales:														
Quantity	89,954	110,083	99,247	96,289	113,050	***	***	***	22.4	-9.8	-3.0	17.4	***	***
Value	133,149	156,868	188,749	134,518	154,313	***	***	***	17.8	20.3	-28.7	14.7	***	***
Unit value	\$1,480	\$1,425	\$1,902	\$1,397	\$1,365	***	***	***	-3.7	33.5	-26.5	-2.3	***	***
Cost of goods sold (COGS)	127,291	141,826	158,585	136,885	182,518	***	***	***	11.4	11.8	-13.7	33.3	***	***
Gross profit or (loss)	5,858	15,042	30,164	(2,367)	(28,205)	***	***	***	156.8	100.5	(3)	-1091.6	***	***
SG&A expenses	7,275	8,989	8,700	8,297	6,750	***	***	***	23.6	-3.2	-4.6	-18.6	***	***
Operating income or (loss)	(1,417)	6,053	21,464	(10,664)	(34,955)	***	***	***	(3)	254.6	(3)	-227.8	***	***
Capital expenditures	***	***	***	***	***	***	***	***	***	***	***	***	***	***
Unit COGS	\$1,415	\$1,288	\$1,598	\$1,422	\$1,614	***	***	***	-9.0	24.0	-11.0	13.6	***	***
Unit SG&A expenses	\$81	\$82	\$88	\$86	\$60	***	***	***	1.0	7.4	-1.7	-30.7	***	***
Unit operating income or (loss)	(\$16)	\$55	\$216	(\$111)	(\$309)	***	***	***	(3)	293.3	(3)	-179.2	***	***
COGS/sales (1)	95.6	90.4	84.0	101.8	118.3	***	***	***	-5.2	-6.4	17.7	16.5	***	***
Operating income or (loss)/sales (1)	(1.1)	3.9	11.4	(7.9)	(22.7)	***	***	***	4.9	7.5	-19.3	-14.7	***	***

- (1) "Reported data" are in percent and "period changes" are in percentage points.
(2) Not applicable.
(3) 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 II-2
Certain stainless steel plate: Summary data concerning the U.S. market, 1995-97, January-September
1997, and January-September 1998

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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. A response was received from domestic interested parties and it named the following three firms as top purchasers of stainless steel plate: ***. Purchaser questionnaires were sent to these three firms and one firms (***) provided responses, which are presented below.

1. Have there been any significant changes in the supply and demand conditions for stainless steel plate that have occurred in the United States or in the market for stainless steel plate in Belgium, South Africa, and/or Taiwan since January 1, 2016?

Purchaser	Yes / No	Changes that have occurred
***	***	***.

2. Do you anticipate any significant changes in the supply and demand conditions for stainless steel plate in the United States or in the market for stainless steel plate in Belgium, South Africa, and/or Taiwan within a reasonably foreseeable time?

Purchaser	Yes / No	Changes that have occurred
***	***	***

