

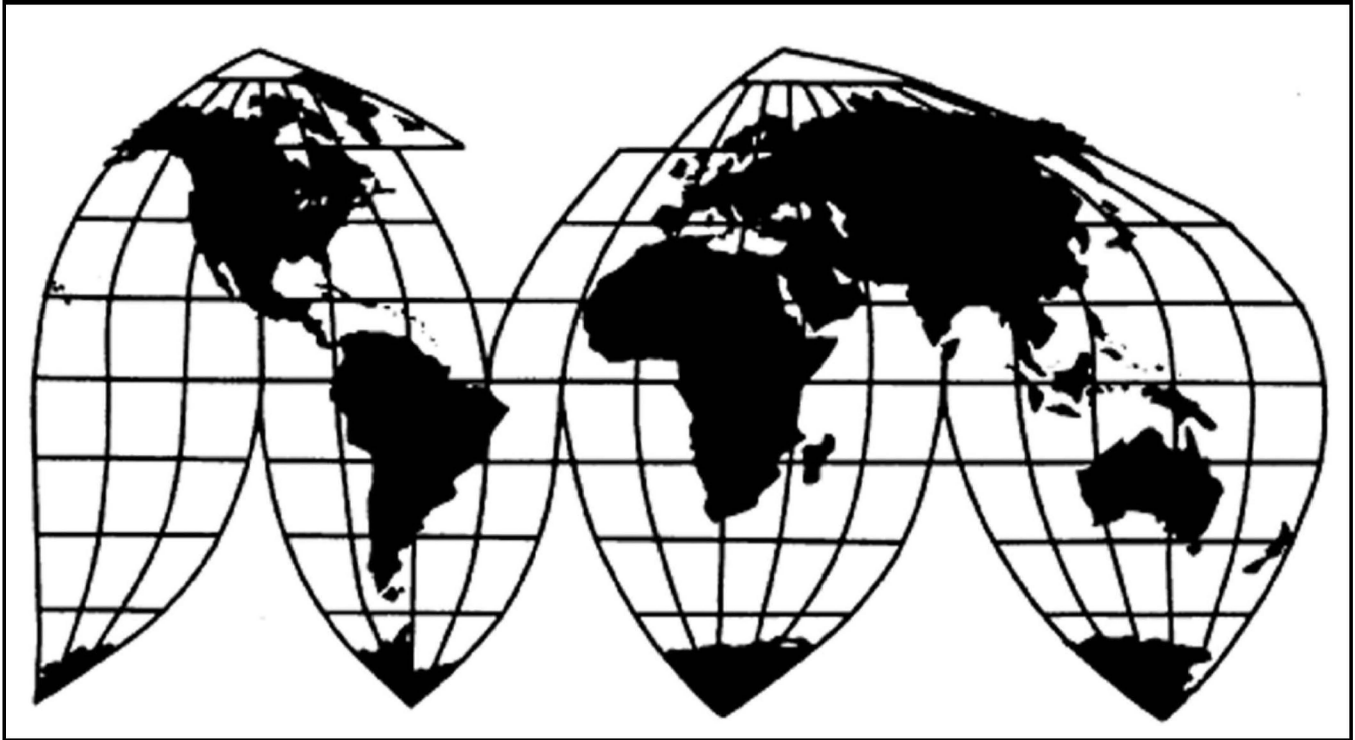
# **Welded Stainless Steel Pipe from South Korea and Taiwan**

Investigation Nos. 731-TA-540-541 (Fifth Review)

**Publication 5395**

**December 2022**

**U.S. International Trade Commission**



Washington, DC 20436

# U.S. International Trade Commission

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# **U.S. International Trade Commission**

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## **Welded Stainless Steel Pipe from South Korea and Taiwan**

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# UNITED STATES INTERNATIONAL TRADE COMMISSION

Investigation Nos. 731-TA-540-541 (Fifth Review)

Certain Welded Stainless Steel Pipe from South Korea and Taiwan

## DETERMINATIONS

On the basis of the record<sup>1</sup> developed in the subject five-year reviews, the United States International Trade Commission (“Commission”) determines, pursuant to the Tariff Act of 1930 (“the Act”), that revocation of the antidumping duty orders on certain welded stainless steel pipe from South Korea 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 May 2, 2022 (87 FR 25668) and determined on August 5, 2022, that it would conduct expedited reviews (87 FR 64112, October 21, 2022).

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<sup>1</sup> 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 welded stainless steel pipe (“WSSP”) from South Korea 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.

### I. Background

*Original Investigations.* On November 18, 1991, Avesta Sandvik Tube, Inc. (“Avesta”); Bristol Metals, LLC (“Bristol Metals”); Damascus Tubular Products (“Damascus”); Trent Tube Division, Crucible Materials Corp. (“Trent”); and the United Steelworkers of America (“United Steelworkers”) filed antidumping duty petitions regarding imports of WSSP from South Korea and Taiwan.<sup>1</sup> In November 1992, the Commission determined that an industry in the United States was materially injured by reason of imports of WSSP from South Korea and Taiwan that had been found by the U.S. Department of Commerce (“Commerce”) to be sold in the United States at less than fair value (“LTFV”).<sup>2</sup> Commerce subsequently published the antidumping duty orders on December 30, 1992.<sup>3</sup>

*First Reviews.* In July 1999, the Commission instituted its first five-year reviews of the antidumping duty orders.<sup>4</sup> It conducted full reviews and determined that revocation of the antidumping duty orders would be likely to lead to continuation or recurrence of material injury

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<sup>1</sup> Confidential Report, INV-UU-077 (July 26, 2022) (“CR”) at I-3; *Welded Stainless Steel Pipe from South Korea and Taiwan*, Inv. Nos. 731-TA-540-541 (Fifth Review), USITC Pub. 5395 (Dec. 2022) (“PR”) at I-3. For consistency, we use the term “South Korea” throughout, including where in the prior proceedings the terms “Korea” or “Republic of Korea” were used.

<sup>2</sup> *Certain Welded Stainless Steel Pipes from the Republic of Korea and Taiwan*, Inv. Nos. 731-TA-540-541 (Final), USITC Pub. 2585 (Dec. 1992) at 3 (“*Original Determination*”).

<sup>3</sup> *Amended Final Determination and Antidumping Duty Order; Certain Welded Stainless Steel Pipe from Taiwan*, 57 Fed. Reg. 62300 (Dec. 30, 1992); *Antidumping Duty Order and Clarification of Final Determination; Certain Welded Stainless Steel Pipes from Korea*, 57 Fed. Reg. 62301 (Dec. 30, 1992); *Notice of Amended Final Determination and Antidumping Duty Order; Certain Welded Stainless Steel Pipes from Taiwan*, 59 Fed. Reg. 6619 (Feb. 11, 1994); *Notice of Amended Final Determination and Antidumping Duty Order: Certain Welded Stainless Steel Pipe from the Republic of Korea*, 60 Fed. Reg. 10064 (Feb. 23, 1995).

<sup>4</sup> *Certain Stainless Steel Pipe from Korea, Sweden, and Taiwan*, 64 Fed. Reg. 35694 (July 1, 1999). Following notification from Commerce that it would be revoking the order on Swedish pipes because of lack of domestic interest, the Commission terminated its review effective September 1, 1999 (64 FR 49025, Sept. 9, 1999).

to an industry in the United States within a reasonably foreseeable time.<sup>5</sup> Effective October 16, 2000, Commerce issued a notice of continuation of the orders.<sup>6</sup>

*Second Reviews.* In September 2005, the Commission instituted its second five-year reviews of the antidumping duty orders.<sup>7</sup> It conducted full reviews and determined that revocation of the antidumping duty orders would be likely to lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time.<sup>8</sup> Effective August 28, 2006, Commerce issued a notice of continuation of the orders.<sup>9</sup>

*Third Reviews.* In July 2011, the Commission instituted its third five-year reviews of the antidumping duty orders.<sup>10</sup> It conducted expedited reviews and determined that revocation of the antidumping duty orders would be likely to lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time.<sup>11</sup> Effective December 19, 2011, Commerce issued a notice of continuation of the orders.<sup>12</sup>

*Fourth Reviews.* In November 2016, the Commission instituted its fourth five-year reviews of the antidumping duty orders.<sup>13</sup> It conducted expedited reviews and determined that revocation of the antidumping duty orders would be likely to lead to continuation or recurrence

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<sup>5</sup> *Certain Welded Stainless Steel Pipe from Korea and Taiwan*, Inv. Nos. 731-TA-540 and 541 (Review), USITC Pub. 3351 at 1 (Sept. 2000) (“*First Review*”).

<sup>6</sup> *Continuation of Antidumping Duty Orders: Certain Welded Stainless Steel Pipe from South Korea and Taiwan*, 65 Fed. Reg. 61143 (Oct. 16, 2000). In June 2000, Commerce revoked the antidumping duty order imposed on Ta Chen Stainless Pipe Co., Ltd. (“Ta Chen”), a Taiwan manufacturer. *Certain Welded Stainless Steel Pipe from Taiwan: Final Results of Antidumping Duty Administrative Review and Determination to Revoke Order in Part*, 65 Fed. Reg. 39367 (June 26, 2000).

<sup>7</sup> *Certain Welded Stainless Steel Pipe from Korea and Taiwan*, 70 Fed. Reg. 52124 (Sept. 1, 2005).

<sup>8</sup> *Certain Welded Stainless Steel Pipe from Korea and Taiwan*, Inv. Nos. 731-TA-540 and 541 (Second Review), USITC Pub. 3877 at 1 (August 2006) (“*Second Review*”).

<sup>9</sup> *Continuation of Antidumping Duty Orders on Welded ASTM A-312 Stainless Steel Pipe from Korea and Taiwan*, 71 Fed. Reg. 53412 (Sept. 11, 2006).

<sup>10</sup> *Certain Welded Stainless Steel Pipe from Korea and Taiwan; Institution of a Five-Year Review Concerning the Antidumping Duty Orders on Certain Welded Stainless Steel Pipe from Korea and Taiwan*, 76 Fed. Reg. 38688 (July 1, 2011).

<sup>11</sup> *Certain Welded Stainless Steel Pipe from Korea and Taiwan*, Inv. Nos. 731-TA-540 and 541 (Third Review), USITC Pub. 4280 at 1 (December 2011) (“*Third Review*”).

<sup>12</sup> *Welded ASTM A-312 Stainless Steel Pipe from South Korea and Taiwan: Continuation of Antidumping Duty Orders*, 76 Fed. Reg. 78614 (Dec. 19, 2011).

<sup>13</sup> *Certain Welded Stainless Steel Pipe from Korea and Taiwan; Institution of Five-Year Reviews*, 81 Fed. Reg. 75845 (Nov. 1, 2016).

of material injury to an industry in the United States within a reasonably foreseeable time.<sup>14</sup> Effective June 30, 2017, Commerce issued a notice of continuation of the orders.<sup>15</sup>

*Current Five-Year Reviews.* The Commission instituted these five-year reviews on May 2, 2022.<sup>16</sup> It received one response to the notice of institution from Bristol Metals, Felker Brothers Corp. (“Felker Brothers”), and Primus Pipe & Tube, Inc. (“Primus”), domestic producers of WSSP (collectively, “Domestic Interested Parties”).<sup>17</sup> No respondent interested party responded to the notice of institution or participated in these reviews. On August 5, 2022, the Commission determined the domestic interested party group response was adequate but that the respondent interested party group response was inadequate.<sup>18</sup> Finding no other circumstances that would warrant conducting full reviews, the Commission determined to conduct expedited reviews of the antidumping duty orders.<sup>19</sup> Domestic Interested Parties submitted joint final comments pursuant to Commission Rule 207.62(d)(1) regarding the determination that the Commission should reach.<sup>20</sup>

U.S. industry data in these reviews are based on data provided by the Domestic Interested Parties in their response to the notice of institution, which is estimated to account for \*\*\* percent of total U.S. WSSP production in 2021.<sup>21</sup> U.S. import data and related data are based on Commerce’s official import statistics.<sup>22</sup> Foreign industry data and related information are based on information from the original investigations and prior five-year reviews,

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<sup>14</sup> *Certain Welded Stainless Steel Pipe from Korea and Taiwan*, Inv. Nos. 731-TA-540-541 (Fourth Review), USITC Pub. 4687 at 1 (May 2017) (“*Fourth Review*”).

<sup>15</sup> *Welded ASTM A-312 Stainless Steel Pipe from South Korea and Taiwan: Continuation of Antidumping Duty Orders*, 82 Fed. Reg. 29827 (June 30, 2017).

<sup>16</sup> *Certain Welded Stainless Steel Pipe from South Korea and Taiwan; Institution of Five-Year Reviews*, 87 Fed. Reg. 25668 (May 2, 2022).

<sup>17</sup> See *Domestic Interested Parties’ Confidential Response to Notice of Institution*, EDIS Doc. 772083 (June 1, 2022) (“*Confidential Domestic Response*”); *Domestic Interested Parties’ Response to Notice of Institution*, EDIS Doc. 772167 (June 2, 2022) (“*Domestic Response*”); CR/PR at I-2.

<sup>18</sup> *Explanation of Commission Determination on Adequacy in Welded Stainless Steel Pipe from South Korea and Taiwan*, EDIS Doc. 777752 (Aug. 12, 2022). Chairman Johanson voted for full reviews of the orders on WSSP from South Korea and Taiwan given the amount of time that has transpired since the Commission last conducted full reviews of the orders (2006). *Id.* at n.1.

<sup>19</sup> *Certain Welded Stainless Steel Pipe from South Korea and Taiwan; Scheduling of Expedited Five-Year Reviews*, 87 Fed. Reg. 64112 (Oct. 21, 2022).

<sup>20</sup> *Domestic Interested Parties’ Final Comments*, EDIS Doc. 784049 (Nov. 8, 2022) (“*Domestic Final Comments*”).

<sup>21</sup> CR/PR at Table I-2.

<sup>22</sup> CR/PR at Tables I-6. Official Commerce statistics may be overstated as the pertinent HTS statistical reporting numbers may contain products outside the scope of these reviews. See CR/PR at Table I-7, Note.

information submitted by Domestic Interested Parties in their response to the notice of institution, and publicly available information compiled by the Commission.<sup>23</sup> Additionally, three purchasers, \*\*\*, responded to the Commission’s adequacy phase questionnaire.<sup>24</sup>

## II. Domestic Like Product and Industry

### A. Domestic Like Product

In making its determination under section 751(c) of the Tariff Act, the Commission defines the “domestic like product” and the “industry.”<sup>25</sup> The Tariff Act defines “domestic like product” as “a product which is like, or in the absence of like, most similar in characteristics and uses with, the article subject to an investigation under this subtitle.”<sup>26</sup> The Commission’s practice in five-year reviews is to examine the domestic like product definition from the original investigation and consider whether the record indicates any reason to revisit the prior findings.<sup>27</sup>

Commerce has defined the imported merchandise within the scope of the orders under review as follows:

The products covered by the *Orders* are shipments of WSSP from {South} Korea and Taiwan that meet the standards and specifications set forth by the American Society for Testing and Materials (ASTM) for the welded form of chromium-nickel pipe designated ASTM A-312.

WSSP is produced by forming stainless steel flat-rolled products into a tubular configuration and welding along the seam. WSSP is a commodity product generally used as a conduit to transmit liquids or gases. Major applications for steel pipe include, but are not limited to, digester lines, blow lines, pharmaceutical lines, petrochemical stock lines, brewery process and transport

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<sup>23</sup>CR/PR at Tables I-7 through I-10.

<sup>24</sup> CR/PR at D-3.

<sup>25</sup> 19 U.S.C. § 1677(4)(A).

<sup>26</sup> 19 U.S.C. § 1677(10); *see, e.g., Cleo Inc. v. United States*, 501 F.3d 1291, 1299 (Fed. Cir. 2007); *NEC Corp. v. 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, 96<sup>th</sup> Cong., 1<sup>st</sup> Sess. 90-91 (1979).

<sup>27</sup> *See, e.g., Internal Combustion Industrial Forklift Trucks from Japan*, Inv. No. 731-TA-377 (Second Review), USITC Pub. 3831 at 8-9 (Dec. 2005); *Crawfish Tail Meat from China*, Inv. No. 731-TA-752 (Review), USITC Pub. 3614 at 4 (July 2003); *Steel Concrete Reinforcing Bar from Turkey*, Inv. No. 731-TA-745 (Review), USITC Pub. 3577 at 4 (Feb. 2003).

lines, general food processing lines, automotive paint lines, and paper process machines. Imports of WSSP are currently classifiable under the following Harmonized Tariff Schedule of the United States (HTSUS) subheadings: 7306.40.5005, 7306.40.5015, 7306.40.5040, 7306.40.5062, 7306.40.5064, and 7306.40.5085. Although these subheadings include both pipes and tubes, the scope of the antidumping duty orders is limited to welded austenitic stainless steel pipes.

Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope of the *Orders* is dispositive.<sup>28</sup>

Standard ASTM specification A-312 is the most common ASTM specification for stainless steel pipe. Welded A-312 pipe is designed for high temperature, high pressure, general corrosive-resistance service, and thus must be annealed (heat-treated) after welding. Major uses for welded A-312 pipe include digester lines, pharmaceutical production lines, petrochemical stock lines, automotive paint lines, and various processing lines, such as those in breweries, paper mills, and general food processing facilities. Stainless steel A-778 pipe is similar to A-312 pipe, but it does not require post-weld annealing. A-778 pipe is most often used in the pulp and paper industry and for wastewater applications due to its ability to resist corrosive contact, albeit at somewhat lower levels than A-312 pipe. A-778 pipe is also used in corn fermentation systems to produce ethanol and low-pressure fluid transfer systems.<sup>29</sup>

### **1. The Original Investigations and Prior Five-Year Reviews**

In the original investigations, the Commission defined the domestic like product to encompass all welded stainless steel pipes, a category of WSSP and tubes broader than Commerce's scope description, which was limited to welded ASTM A-312 stainless steel pipe.<sup>30</sup> Explaining that there was not a clear dividing line between A-312 pipe and other WSSP with respect to the domestic like product factors that it typically considers, the Commission found a single domestic like product consisting of all WSSP, other than mechanical and grade 409

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<sup>28</sup> Commerce memorandum from James Maeder to Lisa W. Wang entitled *Issues and Decision Memorandum for the Final Results of the Fifth Expedited Sunset Reviews of the Antidumping Duty Orders on Welded ASTM A-312 Stainless Steel Pipe from the Republic of Korea and Taiwan*, EDIS Doc. 784491 (Aug. 29, 2022) at 2 ("*Commerce I&D Memorandum*").

<sup>29</sup> CR/PR at I-9-13.

<sup>30</sup> *Original Determination*, USITC Pub. 2585 at 7-8

tube.<sup>31</sup> Thus, in addition to welded ASTM A-312 stainless steel pipe, the domestic like product definition in the original investigations included such tubular products as ASTM A-778 and A-358 pipes and ASTM A-249, A-269, and A-270 pressure tubes.<sup>32</sup>

In the first reviews, the Commission found no significant changes in the products at issue or in the factors it considers, nor any other appropriate circumstances that warranted revisiting the domestic like product definition from the original investigations.<sup>33</sup> Accordingly, the Commission again defined the domestic like product as consisting of all WSSP, other than mechanical and grade 409 tube.<sup>34</sup>

In the second reviews, the Domestic Interested Parties argued that the domestic like product definition from the original investigations and first reviews should be narrowed to include only welded A-312 and A-778 pipes.<sup>35</sup> The Commission found it appropriate to revisit the issue, and based on the record in those reviews, it defined the domestic like product to include only ASTM A-312 and A-778 WSSP (“certain WSSP”).<sup>36</sup>

In the third and fourth reviews, the Domestic Interested Parties stated that they agreed with the definition of the domestic like product that the Commission adopted in the second

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<sup>31</sup> *Original Determination*, USITC Pub. 2585 at 7-8, 13-17. In the original investigations, petitioners argued that the Commission should define the domestic like product coextensive with the scope and not include non-welded A-312 pipes, pressure tubes, mechanical tubes, or grade 409 tubes. *Id.* at 6. Respondents, on the other hand, maintained that the domestic like product should include all welded stainless steel pipes and tubes. *Id.* With respect to the various domestic like product factors, the Commission found that the dividing lines between A-312 pipes and other types of welded stainless steel pipes and pressure tubes were not clear, while it also found that A-312 pipes were clearly distinct from mechanical and grade 409 tubes. *Id.* at 8. Accordingly, the Commission found a single domestic like product consisting of all welded stainless steel pipes and pressure tubes, excluding grade 409 and mechanical tubes. *Id.* at 17.

<sup>32</sup> *Original Determination*, USITC Pub. 2585 at 7-13.

<sup>33</sup> *First Review*, USITC Pub. 3351 at 5.

<sup>34</sup> *First Review*, USITC Pub. 3351 at 5.

<sup>35</sup> *Second Review*, USITC Pub. 3877 at 5.

<sup>36</sup> *Second Review*, USITC Pub. 3877 at 4-7. The Commission concluded that the evidence in the second five-year reviews demonstrated that welded A-312 pipe was similar to welded A-778 pipe, particularly in terms of physical characteristics, interchangeability, channels of distribution, manufacturing facilities, and customer and producer perceptions. *Id.* at 5-7. It also concluded that welded A-312 and A-778 pipe differed from all other WSSP and tubes in terms of physical characteristics and uses, manufacturing facilities, and customer and producer perceptions. *Id.* It further found that there was limited interchangeability and some differences in channels of distribution and price between welded A-312 and A-778 pipe and all other types of WSSP and tubes. *Id.* at 6-7. Accordingly, the Commission defined the domestic like product to include only ASTM A-312 and A-778 WSSP. *Id.* at 7.

five-year reviews.<sup>37</sup> No party argued to the contrary.<sup>38</sup> The Commission found that the records in the third and fourth reviews did not indicate any significant changes in the products at issue or that any other appropriate circumstances warranted revisiting the Commission's domestic like product definition.<sup>39</sup> Therefore, the Commission again defined a single domestic like product consisting of ASTM A-312 and A-778 WSSP.<sup>40</sup>

## **2. The Current Review**

In these expedited reviews, there is no new information on the record suggesting that the characteristics and uses of domestically produced certain WSSP have changed since the prior reviews.<sup>41</sup> Domestic Interested Parties agree with the Commission's domestic like product from the fourth reviews.<sup>42</sup> Accordingly, we again define a single domestic like product consisting of ASTM A-312 and A-778 WSSP.

### **B. Domestic Industry**

Section 771(4)(A) of the Tariff Act defines the relevant industry as the domestic "producers as a whole of a domestic like product, or those producers whose collective output of a domestic like product constitutes a major proportion of the total domestic production of the product."<sup>43</sup> In defining the domestic industry, the Commission's general practice has been to include in the industry producers of all domestic production of the like product, whether toll-produced, captively consumed, or sold in the domestic merchant market.

### **1. The Original Investigations and Prior Five-Year Reviews**

In the original investigations and first five-year reviews, the Commission defined the domestic industry, consistent with its definition of the domestic like product, to include all domestic producers of welded stainless steel pipes and pressure tubes.<sup>44</sup> By contrast, the Commission defined the domestic industry in the second, third, and fourth five-year reviews to

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<sup>37</sup> *Third Review*, USITC Pub. 4280 at 8; *Fourth Review*, USITC Pub. 4687 at 7.

<sup>38</sup> *Third Review*, USITC Pub. 4280 at 8; *Fourth Review*, USITC Pub. 4687 at 7.

<sup>39</sup> *Third Review*, USITC Pub. 4280 at 8; *Fourth Review*, USITC Pub. 4687 at 7.

<sup>40</sup> *Third Review*, USITC Pub. 4280 at 8; *Fourth Review*, USITC Pub. 4687 at 7.

<sup>41</sup> See generally CR/PR at I-9-13.

<sup>42</sup> *Domestic Response* at 32.

<sup>43</sup> 19 U.S.C. § 1677(4)(A). The definitions in 19 U.S.C. § 1677 are applicable to the entire subtitle containing the antidumping and countervailing duty laws, including 19 U.S.C. §§ 1675 and 1675a. See 19 U.S.C. § 1677.

<sup>44</sup> *Original Determination*, USITC Pub. 2585 at 16-17; *First Review*, USITC Pub. 3351 at 6.

include U.S. producers of ASTM A-312 and A-778 welded stainless steel pipe, consistent with its revised definition of the domestic like product.<sup>45</sup>

## 2. The Current Review

Domestic Interested Parties state that they agree with the definition of the domestic industry that the Commission adopted in the fourth five-year reviews.<sup>46</sup> There are no known related party or domestic industry issues in these reviews.<sup>47</sup> Consequently, consistent with our definition of the domestic like product, we define the domestic industry to include all U.S. producers of ASTM A-312 and A-778 welded stainless steel pipe.

## III. Cumulation

### A. Legal Standards

With respect to five-year reviews, section 752(a) of the Tariff Act provides as follows:

{T}he Commission may cumulatively assess the volume and effect of imports of the subject merchandise from all countries with respect to which reviews under section 1675(b) or (c) of this title were initiated on the same day, if such imports would be likely to compete with each other and with domestic like products in the United States market. The Commission shall not cumulatively assess the volume and effects of imports of the subject merchandise in a case in which it determines that such imports are likely to have no discernible adverse impact on the domestic industry.<sup>48</sup>

Cumulation is therefore discretionary in five-year reviews, unlike in original investigations, which are governed by section 771(7)(G)(i) of the Tariff Act.<sup>49</sup> The Commission

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<sup>45</sup> *Second Review*, USITC Pub. 3877 at 7; *Third Review*, USITC Pub. 4280 at 8; *Fourth Review*, USITC Pub. 4687 at 8.

<sup>46</sup> *Domestic Response* at 32.

<sup>47</sup> See *Domestic Response* at 30; *Domestic Interested Parties' Supplemental Confidential Response to Notice of Institution*, EDIS Doc. 772724 at 2 (June 9, 2022) ("*Confidential Supplemental Domestic Response*").

<sup>48</sup> 19 U.S.C. § 1675a(a)(7).

<sup>49</sup> 19 U.S.C. § 1677(7)(G)(i); see also, e.g., *Nucor Corp. v. United States*, 601 F.3d 1291, 1293 (Fed. Cir. 2010) (Commission may reasonably consider likely differing conditions of competition in deciding whether to cumulate subject imports in five-year reviews); *Allegheny Ludlum Corp. v. United States*, 475 F. Supp. 2d 1370, 1378 (Ct. Int'l Trade 2006) (recognizing the wide latitude the Commission has in selecting the types of factors it considers relevant in deciding whether to exercise discretion to cumulate subject imports in five-year reviews); *Nucor Corp. v. United States*, 569 F. Supp. 2d 1328, 1337-38 (Ct. Int'l Trade 2008).



may exercise its discretion to cumulate, however, only if the reviews are initiated on the same day, the Commission determines that the subject imports are likely to compete with each other and the domestic like product in the U.S. market, and imports from each 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: May 2, 2022.<sup>50</sup>

## **B. The Prior Proceedings and Arguments of the Parties**

### **1. The Original Investigations and Prior Reviews**

In the original investigations, the Commission cumulated subject imports from South Korea and Taiwan.<sup>51</sup> It found a reasonable overlap of competition between subject imports from both countries and between subject imports and the domestic like product.<sup>52</sup>

In each of the prior reviews, the Commission did not find that subject imports from either South Korea or Taiwan would be likely to have no discernible adverse impact on the domestic industry in the event of revocation.<sup>53</sup> The Commission further found that there was a likely reasonable overlap of competition between subject 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 two subject sources of WSSP.<sup>54</sup> On that basis, the Commission cumulated subject imports from South Korea and Taiwan in all four prior reviews.<sup>55</sup>

### **2. Party Arguments**

In these reviews, Domestic Interested Parties argue that the Commission should again cumulate subject imports.<sup>56</sup> They assert that revocation of the orders under review for each

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<sup>50</sup> *Initiation of Five-Year (Sunset) Reviews*, 87 Fed. Reg. 25617 (May 2, 2022).

<sup>51</sup> *Original Determination*, USITC Pub. 2585 at 22-23.

<sup>52</sup> *Original Determination*, USITC Pub. 2585 at 22-23.

<sup>53</sup> *First Review*, USITC Pub. 3351 at 9; *Second Review*, USITC Pub. 3877 at 10; *Third Review*, USITC Pub. 4280 at 10-11; *Fourth Review*, USITC Pub. 4687 at 9-11.

<sup>54</sup> *First Review*, USITC Pub. 3351 at 9-10; *Second Review*, USITC Pub. 3877 at 10-11; *Third Review*, USITC Pub. 4280 at 11-12; *Fourth Review*, USITC Pub. 4687 at 11-13.

<sup>55</sup> *First Review*, USITC Pub. 3351 at 10; *Second Review*, USITC Pub. 3877 at 11-12; *Third Review*, USITC Pub. 4280 at 13; *Fourth Review*, USITC Pub. 4687 at 14.

<sup>56</sup> *Domestic Response* at 9.

subject country would have a discernible adverse impact on the domestic industry.<sup>57</sup> Additionally, they claim that a reasonable overlap of competition between and among subject imports from South Korea and Taiwan and the domestic like product is likely if the orders are revoked because the pertinent facts have not changed since the original investigations.<sup>58</sup> In contending that the likely conditions of competition would be similar, they highlight that the volume of subject imports from both South Korea and Taiwan have followed similar patterns of market penetration, with the United States as their principal export market for WSSP.<sup>59</sup> Accordingly, they argue that the Commission should exercise its discretion to cumulate subject imports from South Korea and Taiwan.<sup>60</sup>

## **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.<sup>61</sup> Neither the statute nor the Uruguay Round Agreements Act (“URAA”) Statement of Administrative Action (“SAA”) provides specific guidance on what factors the Commission is to consider in determining that imports “are likely to have no discernible adverse impact” on the domestic industry.<sup>62</sup> With respect to this provision, the Commission generally considers the likely volume of subject imports and the likely impact of those imports on the domestic industry within a reasonably foreseeable time if the orders are revoked. Our analysis for each of the subject countries takes into account, among other things, the nature of the product and the behavior of subject imports in the original investigations.

Based on the record in these reviews, we 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 orders.

*South Korea.* Subject imports from South Korea have maintained a presence in the U.S. market from the original investigations through the current period of review. In 1991, during the original investigations, subject imports from South Korea totaled 5,074 short tons and

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<sup>57</sup> *Domestic Response* at 28.

<sup>58</sup> *Domestic Response* at 11.

<sup>59</sup> *Domestic Response* at 11.

<sup>60</sup> *Domestic Response* at 11.

<sup>61</sup> 16 U.S.C. § 1675a(a)(7).

<sup>62</sup> SAA, H.R. Rep. No. 103-316, vol. I at 887 (1994).

accounted for 8.3 percent of apparent U.S. consumption.<sup>63</sup> Subject imports from South Korea were \*\*\* short tons, accounting for \*\*\* percent of apparent U.S. consumption in 1999; 5,716 short tons, accounting for 7.3 percent of apparent U.S. consumption in 2005; 4,680 short tons, accounting for 6.0 percent of apparent U.S. consumption in 2010; and 6,854 short tons, accounting for 9.8 percent of apparent U.S. consumption in 2015.<sup>64</sup> During the current period of review, subject imports from South Korea remained present in the U.S. market, with volumes ranging from a low of 8,627 short tons in 2019 to a high of 15,285 in 2016.<sup>65</sup> In 2021, subject imports from South Korea were 10,019 short tons, accounting for 10.5 percent of apparent U.S. consumption.<sup>66</sup>

The current reviews contain limited information concerning the industry in South Korea producing WSSP because no producer in South Korea responded to the notice of institution. Domestic Interested Parties have identified three firms they believe to be producers of WSSP in South Korea.<sup>67</sup> In prior reviews, the Commission found that the South Korean WSSP industry is export oriented, has substantial unused capacity, and faces trade barriers in third country markets.<sup>68</sup> According to *Global Trade Atlas* (“GTA”) data for HTS subheading 7306.40, circular welded stainless steel tube and pipe (which includes certain WSSP as well as out-of-scope merchandise) in 2021, South Korea was the world’s sixth largest exporter of such merchandise and the United States was the top export market for South Korea, accounting for 32.9 percent of exports.<sup>69</sup> In September 2016, Thailand issued an antidumping duty order on stainless steel pipe and tube, including WSSP, from South Korea and commenced an ongoing review of the order in September 2021.<sup>70</sup>

In the original investigations, the Commission found that subject imports from South Korea undersold the domestic like product in 34 of 36 quarterly comparisons.<sup>71</sup> In the full first reviews, the Commission found that subject imports from South Korea undersold the domestic like product in 31 of 41 quarterly comparisons.<sup>72</sup> In the full second reviews, the Commission

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<sup>63</sup> CR/PR at Table I-7.

<sup>64</sup> CR/PR at Table I-7.

<sup>65</sup> CR/PR at Table I-6.

<sup>66</sup> CR/PR at Table I-7.

<sup>67</sup> *Domestic Response* at Exhibit 8; CR/PR at I-22.

<sup>68</sup> *First Review*, USITC Pub. 3351 at 14-15; *Second Review*, USITC Pub. 3877 at 17-18; *Third Review*, USITC Pub. 4280 at 18-19; *Fourth Review*, USITC Pub. 4687 at 20-21.

<sup>69</sup> CR/PR at I-22-23 and Tables I-8, I-10.

<sup>70</sup> CR/PR at I-26.

<sup>71</sup> *Original Determinations*, USITC Pub. 2585 at I-38.

<sup>72</sup> *First Reviews*, USITC Pub. 3351 at V-10, 15-16.

found that subject imports from South Korea undersold the domestic like product in 91 of 100 quarterly comparisons.<sup>73</sup> No pricing product data concerning subject imports from South Korea were obtained in any of the subsequent reviews, including the current reviews.

In light of the foregoing, including the continued presence of subject imports from South Korea in the U.S. market while under the disciplining effect of the orders, the size and export orientation of the South Korean industry, and the underselling by subject imports from South Korea during the original investigations and prior full reviews, we find that subject imports from South Korea would not likely have no discernible adverse impact on the domestic industry if the antidumping duty order covering these imports were revoked.

*Taiwan.* Subject imports from Taiwan have maintained a presence in the U.S. market from the original investigations through the current reviews. In 1991, during the original investigations, subject imports from Taiwan totaled 9,197 short tons, accounting for 15.1 percent of apparent U.S. consumption.<sup>74</sup> Subject imports from Taiwan were \*\*\* short tons, accounting for \*\*\* percent of apparent U.S. consumption in 1999; \*\*\* short tons, accounting for \*\*\* percent of apparent U.S. consumption in 2005; \*\*\* short tons, accounting for \*\*\* percent of apparent U.S. consumption in 2010; and \*\*\* short tons, accounting for \*\*\* percent of apparent U.S. consumption in 2015.<sup>75</sup> In the current reviews, imports from Taiwan were higher than in previous reviews and ranged from a low of 13,297 short tons in 2020 to a high of 25,794 short tons in 2017.<sup>76</sup> In 2021, imports from Taiwan totaled 21,293 short tons, accounting for 22.3 percent of apparent U.S. consumption.<sup>77</sup>

The current reviews contain limited information concerning the industry in Taiwan producing WSSP because no producer in Taiwan responded to the notice of institution. Domestic Interested Parties have identified four firms they believe to be producers of WSSP in

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<sup>73</sup> *Second Reviews*, USITC Pub. 3877 at 19.

<sup>74</sup> CR/PR at Table I-7.

<sup>75</sup> CR/PR at Table I-7.

<sup>76</sup> CR/PR at Table I-6. HTS data for Taiwan does distinguish between subject and nonsubject sources. *See id.* at Table I-6, Note. Chang Tieh, a manufacturer in Taiwan, was excluded from the original antidumping duty order on Taiwan, and Commerce subsequently determined that producer Chang Mein Industries Co., Ltd. was entitled to Chang Tieh's exclusion as a successor-in-interest. *Id.* Additionally, Commerce revoked the antidumping duty order with respect to Ta Chen, a manufacturer in Taiwan, on June 26, 2000. *Id.* Thus, data for imports from subject sources in Taiwan may be overstated, while data from imports from nonsubject sources in Taiwan may be correspondingly understated. *See id.*

<sup>77</sup> CR/PR at Table I-7.

Taiwan.<sup>78</sup> In prior reviews, the Commission found that the Taiwan WSSP industry is export oriented, has substantial unused capacity, and faces trade barriers in third country markets.<sup>79</sup> According to GTA data for HTS subheading 7306.40, circular welded stainless steel tube and pipe (which includes certain WSSP as well as out-of-scope merchandise) in 2021, Taiwan was the world's third largest exporter of such merchandise and the United States was the top export market for Taiwan, accounting for 23.5 percent of exports.<sup>80</sup> In September 2016, Thailand issued an antidumping duty order on stainless steel pipe and tube, including WSSP, from Taiwan and commenced an ongoing review of the order in September 2021.<sup>81</sup> In March 2013, Turkey issued antidumping duty orders on welded stainless steel tubes, pipes, and profiles (including WSSP) from Taiwan.<sup>82</sup>

In the original investigations, the Commission found that subject imports from Taiwan undersold the domestic like product in 34 of 40 quarterly comparisons.<sup>83</sup> In the full first reviews, the Commission found that subject imports from Taiwan undersold the domestic like product in 18 of 21 quarterly comparisons.<sup>84</sup> No pricing product data concerning subject imports from Taiwan were obtained in any of the subsequent reviews, including the current reviews.<sup>85</sup>

In light of the foregoing, including the continued presence of subject imports from Taiwan in the U.S. market while under the disciplining effect of the orders, the size and export orientation of the Taiwan industry, and the underselling by subject imports from Taiwan during the original investigations and first review, we find that subject imports from Taiwan would not likely have no discernible adverse impact on the domestic industry if the antidumping duty order covering 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

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<sup>78</sup> *Domestic Response* at Exhibit 8. In 2000, Commerce revoked the order with respect to Ta Chen, \*\*\*. CR/PR at I-24 n. 80.

<sup>79</sup> *First Review*, USITC Pub. 3351 at 14-15; *Second Review*, USITC Pub. 3877 at 17-18; *Third Review*, USITC Pub. 4280 at 18-19; *Fourth Review*, USITC Pub. 4687 at 20-21.

<sup>80</sup> CR/PR at I-25 and Table I-9.

<sup>81</sup> CR/PR at I-26.

<sup>82</sup> CR/PR at I-26.

<sup>83</sup> *Original Determinations*, USITC Pub. 2585 at I-41.

<sup>84</sup> *First Reviews*, USITC Pub. 3351 at V-10, 15-16.

<sup>85</sup> No pricing product data for subject imports from Taiwan were reported in the second full reviews. *Second Reviews*, USITC Pub. 3877 at 19.

product.<sup>86</sup> Only a “reasonable overlap” of competition is required.<sup>87</sup> In five-year reviews, the relevant inquiry is whether there likely would be competition even if none currently exists because the subject imports are absent from the U.S. market.<sup>88</sup>

*Fungibility.* In the original investigations and subsequent reviews, the Commission found that subject imports from South Korea and Taiwan were fungible with both the domestic like product and with each other.<sup>89</sup> In the third reviews, the Commission emphasized that available information, including reporting by market participants in the prior proceedings, indicated that welded ASTM A-312 pipe is generally manufactured to standard industry specifications and that there is a very high degree of substitution between domestically produced welded ASTM A-312 pipe and welded ASTM A-312 pipe from South Korea and Taiwan.<sup>90</sup> It also indicated that ASTM A-312 pipe constituted an overwhelming proportion of the domestic like product.<sup>91</sup> In the fourth 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.<sup>92</sup>

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

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

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

<sup>89</sup> *Original Determination*, USITC Pub. 2585 at 22; *First Review*, USITC Pub. 3351 at 9; *Second Review*, USITC Pub. 3877 at 11; *Third Review*, USITC Pub. 4280 at 12; *Fourth Review*, USITC Pub. 4687 at 12.

<sup>90</sup> *Third Review*, USITC Pub. 4280 at 11-12.

<sup>91</sup> *Third Review*, USITC Pub. 4280 at 11-12.

<sup>92</sup> *Fourth Review*, USITC Pub. 4687 at 12.

There is no new information on the record to indicate that there has been any change in the fungibility of subject imports with each other and with the domestic like product.<sup>93</sup>

*Channels of Distribution.* In the original investigations and subsequent reviews, the Commission found that imports from both subject countries and the domestic like product were sold in similar channels of distribution (most to end users, with the balance to distributors).<sup>94</sup>

There is no new information in the record to indicate any change from the Commission's previous findings that subject imports from South Korea and Taiwan and the domestic like product overlap with respect to channels of distribution.<sup>95</sup>

*Geographic Overlap.* In the original investigations and subsequent reviews, the Commission found overlapping geographical markets for subject imports and the domestic like product.<sup>96</sup>

In these reviews, during the 2016-2021 period, 45.4 percent imports of WSSP from South Korea entered through the southern border, 29.9 percent of imports entered through the eastern border, 23.5 percent of imports entered through the western border, and 1.1 percent of imports entered through the northern border.<sup>97</sup> During the same period, 32.5 percent of WSSP imports from Taiwan entered through the northern border, 26.0 percent of imports entered through the eastern border, 24.4 percent of imports entered through the western border, and 17.1 percent of imports entered through the southern border.<sup>98</sup> Thus, the record indicates that subject imports from South Korea and Taiwan continued to overlap with each other and with the domestic like product during the period of review.

*Simultaneous Presence in Market.* In the original investigations and subsequent reviews, the Commission found that subject imports from South Korea and Taiwan and the domestic like product were present in the U.S. market throughout the relevant periods.<sup>99</sup> Between 2016 and

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<sup>93</sup> See generally CR/PR at I-20.

<sup>94</sup> *Original Determination*, USITC Pub. 2585 at 22; *First Review*, USITC Pub. 3351 at 9; *Second Review*, USITC Pub. 3877 at 11; *Third Review*, USITC Pub. 4280 at 12; *Fourth Review*, USITC Pub. 4687 at 12-13.

<sup>95</sup> See generally CR/PR at I-20.

<sup>96</sup> *Original Determination*, USITC Pub. 2585 at 22; *First Review*, USITC Pub. 3351 at 9; *Second Review*, USITC Pub. 3877 at 11; *Third Review*, USITC Pub. 4280 at 12; *Fourth Review*, USITC Pub. 4687 at 13.

<sup>97</sup> CR/PR at I-20.

<sup>98</sup> CR/PR at I-20.

<sup>99</sup> *Original Determination*, USITC Pub. 2585 at 22; *First Review*, USITC Pub. 3351 at 9; *Second Review*, USITC Pub. 3877 at 11; *Third Review*, USITC Pub. 4280 at 12; *Fourth Review*, USITC Pub. 4687 at 13.

2021, imports of WSSP from South Korea were reported in 69 of the 72 months, while imports of WSSP from Taiwan were reported in all 72 months.<sup>100</sup>

*Conclusion.* The record in these expedited reviews contains no information suggesting a change in the considerations that led the Commission in the original investigations and prior reviews to conclude that there was a reasonable overlap of competition among imports from the two subject countries and the domestic like product. In light of the above, and absent any contrary argument, we find that there would likely be a reasonable overlap of competition between subject imports from South Korea and Taiwan and between the domestic like product and subject imports from each source if the orders were revoked.

### **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 South Korea and Taiwan if the orders were revoked, and no party has argued to the contrary.

Accordingly, based on the information available, we find the imports from South Korea and Taiwan are likely to compete under similar conditions of competition in the event of revocation of the orders.

### **4. Conclusion**

In sum, we determine that subject imports of WSSP from South Korea and Taiwan, considered individually, are not likely to have no discernible adverse impact on the domestic industry if the corresponding orders were revoked. We also find a likely reasonable overlap of competition among subject imports from South Korea and Taiwan and between the subject imports from each subject country and the domestic like product. Finally, we find that imports from South Korea 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 South Korea and Taiwan for purposes of our analysis in these reviews.

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<sup>100</sup> CR/PR at I-20.



## IV. Revocation of the Antidumping 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 duty order unless: (1) it makes a determination that dumping is likely to continue or recur, and (2) the Commission makes a determination that revocation of the antidumping duty order “would be likely to lead to continuation or recurrence of material injury within a reasonably foreseeable time.”<sup>101</sup> The SAA states that “under the likelihood standard, the Commission will engage in a counterfactual analysis; it must decide the likely impact in the reasonably foreseeable future of an important change in the status quo – the revocation or termination of a proceeding and the elimination of its restraining effects on volumes and prices of imports.”<sup>102</sup> Thus, the likelihood standard is prospective in nature.<sup>103</sup> The U.S. Court of International Trade (“CIT”) has found that “likely,” as used in the five-year review provisions of the Act, means “probable,” and the Commission applies that standard in five-year reviews.<sup>104</sup> The statute states that “the Commission shall consider that the effects of revocation or termination may not be imminent, but may manifest themselves only over a longer period of

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<sup>101</sup> 19 U.S.C. § 1675a(a).

<sup>102</sup> SAA at 883-84. The SAA states that “{t}he likelihood of injury standard applies regardless of the nature of the Commission’s original determination (material injury, threat of material injury, or material retardation of an industry). Likewise, the standard applies to suspended investigations that were never completed.” *Id.* at 883.

<sup>103</sup> While the SAA states that “a separate determination regarding current material injury is not necessary,” it indicates that “the Commission may consider relevant factors such as current and likely continued depressed shipment levels and current and likely continued {sic} prices for the domestic like product in the U.S. market in making its determination of the likelihood of continuation or recurrence of material injury if the order is revoked.” SAA at 884.

<sup>104</sup> See *NMB Singapore Ltd. v. United States*, 288 F. Supp. 2d 1306, 1352 (Ct. Int’l Trade 2003) (“‘likely’ means probable within the context of 19 U.S.C. § 1675(c) and 19 U.S.C. § 1675a(a)”), *aff’d mem.*, 140 Fed. Appx. 268 (Fed. Cir. 2005); *Nippon Steel Corp. v. United States*, 26 CIT 1416, 1419 (2002) (same); *Usinor Industeel, S.A. v. United States*, 26 CIT 1402, 1404 nn.3, 6 (2002) (“more likely than not” standard is “consistent with the court’s opinion;” “the court has not interpreted ‘likely’ to imply any particular degree of ‘certainty’”); *Indorama Chemicals (Thailand) Ltd. v. United States*, 26 CIT 1059, 1070 (2002) (“standard is based on a likelihood of continuation or recurrence of injury, not a certainty”); *Usinor v. United States*, 26 CIT 767, 794 (2002) (“‘likely’ is tantamount to ‘probable,’ not merely ‘possible’”).

time.”<sup>105</sup> According to the SAA, a “‘reasonably foreseeable time’ will vary from case-to-case, but normally will exceed the ‘imminent’ timeframe applicable in a threat of injury analysis in original investigations.”<sup>106</sup>

Although the standard in a five-year review is not the same as the standard applied in an original investigation, it contains some of the same fundamental elements. The statute provides that the Commission is to “consider the likely volume, price effect, and impact of imports of the subject merchandise on the industry if the orders are revoked or the suspended investigation is terminated.”<sup>107</sup> It directs the Commission to take into account its prior injury determination, whether any improvement in the state of the industry is related to the order or the suspension agreement under review, whether the industry is vulnerable to material injury if an order is revoked or a suspension agreement is terminated, and any findings by Commerce regarding duty absorption pursuant to 19 U.S.C. § 1675(a)(4).<sup>108</sup> The statute further provides that the presence or absence of any factor that the Commission is required to consider shall not necessarily give decisive guidance with respect to the Commission’s determination.<sup>109</sup>

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

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<sup>105</sup> 19 U.S.C. § 1675a(a)(5).

<sup>106</sup> SAA at 887. Among the factors that the Commission should consider in this regard are “the fungibility or differentiation within the product in question, the level of substitutability between the imported and domestic products, the channels of distribution used, the methods of contracting (such as spot sales or long-term contracts), and lead times for delivery of goods, as well as other factors that may only manifest themselves in the longer term, such as planned investment and the shifting of production facilities.” *Id.*

<sup>107</sup> 19 U.S.C. § 1675a(a)(1).

<sup>108</sup> 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 3.

<sup>109</sup> 19 U.S.C. § 1675a(a)(5). Although the Commission must consider all factors, no one factor is necessarily dispositive. SAA at 886.

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

country, which can be used to produce the subject merchandise, are currently being used to produce other products.<sup>111</sup>

In evaluating the likely price effects of subject imports if an order under review is revoked and/or a suspended investigation is terminated, the Commission is directed to consider whether there is likely to be significant underselling by the subject imports as compared to the domestic like product and whether the subject imports are likely to enter the United States at prices that otherwise would have a significant depressing or suppressing effect on the price of the domestic like product.<sup>112</sup>

In evaluating the likely impact of imports of subject merchandise if an order under review is revoked and/or a suspended investigation is terminated, the Commission is directed to consider all relevant economic factors that are likely to have a bearing on the state of the industry in the United States, including but not limited to the following: (1) likely declines in output, sales, market share, profits, productivity, return on investments, and utilization of capacity; (2) likely negative effects on cash flow, inventories, employment, wages, growth, ability to raise capital, and investment; and (3) likely negative effects on the existing development and production efforts of the industry, including efforts to develop a derivative or more advanced version of the domestic like product.<sup>113</sup> All relevant economic factors are to be considered within the context of the business cycle and the conditions of competition that are distinctive to the industry. As instructed by the statute, we have considered the extent to which any improvement in the state of the domestic industry is related to the order under review and whether the industry is vulnerable to material injury upon revocation.<sup>114</sup>

No respondent interested party participated in these expedited reviews. The record, therefore, contains limited new information with respect to the WSSP industries in South Korea and Taiwan. There is also limited information on the market in the United States for WSSP during the period of review. Accordingly, for our determinations, we rely as appropriate on the

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<sup>111</sup> 19 U.S.C. § 1675a(a)(2)(A-D).

<sup>112</sup> See 19 U.S.C. § 1675a(a)(3). The SAA states that “{c}onsistent with its practice in investigations, in considering the likely price effects of imports in the event of revocation and termination, the Commission may rely on circumstantial, as well as direct, evidence of the adverse effects of unfairly traded imports on domestic prices.” SAA at 886.

<sup>113</sup> 19 U.S.C. § 1675a(a)(4).

<sup>114</sup> The SAA states that in assessing whether the domestic industry is vulnerable to injury if the order is revoked, the Commission “considers, in addition to imports, other factors that may be contributing to overall injury. While these factors, in some cases, may account for the injury to the domestic industry, they may also demonstrate that an industry is facing difficulties from a variety of sources and is vulnerable to dumped or subsidized imports.” SAA at 885.

facts available from the original investigations and prior reviews, publicly available information gathered by the Commission, and the limited new information, including information supplied by the Domestic Interested Parties, in the record of these reviews.

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

In evaluating the likely impact of the subject imports on the domestic industry if an order is revoked, the statute directs the Commission to consider all relevant economic factors “within the context of the business cycle and conditions of competition that are distinctive to the affected industry.”<sup>115</sup> The following conditions of competition inform our determinations.

### **1. Demand Conditions**

*Original Investigations and Prior Reviews.* In the original investigations, the Commission found that demand for WSSP was driven by demand for its downstream uses in the chemical, pulp/paper, and energy industries.<sup>116</sup> In subsequent reviews, the Commission reiterated that U.S. demand for WSSP depends primarily on the level of demand for downstream products using such pipe, including products in the petrochemical, pharmaceutical, and food processing industries.<sup>117</sup> In the first reviews, the Commission found that apparent U.S. consumption of all WSSP had increased since the original investigations.<sup>118</sup> In the second reviews, the Commission found that apparent U.S. consumption of certain WSSP declined by 4.3 percent from 2000 to 2005.<sup>119</sup> In the third reviews, the Commission observed that demand for certain WSSP had declined modestly over the past decade.<sup>120</sup> In the fourth reviews, the Commission observed that apparent U.S. consumption had continued to decline since 2010 and there was no likely significant growth in demand anticipated in the reasonably foreseeable future.<sup>121</sup>

*Current Reviews.* In these reviews, there is no new information indicating that the factors influencing demand have changed since the prior proceedings. Domestic Interested Parties argue that there have been no significant changes in end uses and applications or the existence and availability of substitute products since 2016, and do not foresee significant

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<sup>115</sup> 19 U.S.C. § 1675a(a)(4).

<sup>116</sup> *Original Determination*, USITC Pub. 2585 at 17.

<sup>117</sup> *First Review*, USITC Pub. 3351 at 13; *Second Review*, USITC Pub. 3877 at 15; *Third Review*, USITC Pub. 4280 at 15.

<sup>118</sup> *First Review*, USITC Pub. 3351 at 13.

<sup>119</sup> *Second Review*, USITC Pub. 3877 at 15.

<sup>120</sup> *Third Review*, USITC Pub. 4280 at 15.

<sup>121</sup> *Fourth Review*, USITC Pub. 4687 at 17.

growth in demand in the reasonably foreseeable future.<sup>122</sup> Thus, demand for WSSP continues to be driven by demand for its downstream uses in the chemical, pulp/paper, and energy industries.<sup>123</sup>

Apparent U.S. consumption of WSSP was 95,308 short tons in 2021, as compared to 60,794 short tons in 1991, \*\*\* short tons in 1999, 78,462 short tons in 2005, 78,379 short tons in 2010, and 69,924 short tons in 2015.<sup>124</sup>

## 2. Supply Conditions

*Original Investigations and Prior Reviews.* In the original investigations, the Commission did not address supply conditions of competition. In the first reviews, the Commission found that the domestic industry's capacity utilization declined during the period of review.<sup>125</sup> The Commission found that nonsubject imports increased steadily during the period of review, with nonsubject merchandise from Taiwan (*i.e.*, imports of WSSP from producers excluded from the orders) comprising a significant portion of those increased imports.<sup>126</sup> The Commission also found that increasing volumes of subject and nonsubject imports had supplied virtually all of the growth in apparent U.S. consumption of all WSSP during the period of review.<sup>127</sup>

In the second reviews, the Commission found that there had been some consolidation of the domestic industry since the first reviews, including one domestic producer of certain WSSP ceasing production while another producer relocated its certain WSSP operations outside the United States.<sup>128</sup> The Commission also found that the domestic industry's market share had declined overall from 2000 to 2005, while the respective market shares of subject imports and nonsubject imports had increased.<sup>129</sup>

In the third reviews, the Commission observed that one of the largest U.S. producers had exited the market for certain WSSP during the period of review.<sup>130</sup> The Commission found that the respective market shares of the domestic industry, subject imports, and nonsubject imports were virtually unchanged since the second reviews.<sup>131</sup>

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<sup>122</sup> *Domestic Response* at 32.

<sup>123</sup> See CR/PR at I-12.

<sup>124</sup> CR/PR at Table I-7.

<sup>125</sup> *First Review*, USITC Pub. 3351 at 13.

<sup>126</sup> *First Review*, USITC Pub. 3351 at 13.

<sup>127</sup> *First Review*, USITC Pub. 3351 at 13.

<sup>128</sup> *Second Review*, USITC Pub. 3877 at 15-16.

<sup>129</sup> *Second Review*, USITC Pub. 3877 at 16.

<sup>130</sup> *Third Review*, USITC Pub. 4280 at 16.

<sup>131</sup> *Third Review*, USITC Pub. 4280 at 16.

In the fourth reviews, the Commission noted that nonsubject imports accounted for the largest share of apparent U.S. consumption in 2015, which was larger than their share in 2010, followed by the domestic industry, whose share of apparent U.S. consumption had declined since 2010.<sup>132</sup> The Commission found that subject imports from South Korea and Taiwan accounted for the smallest share of apparent U.S. consumption in 2015, though a higher share than in 2010.<sup>133</sup>

*Current Reviews.* The domestic industry was the largest source of supply in the U.S. market in 2021, accounting for 39.1 percent of apparent U.S. consumption that year.<sup>134</sup> This was higher than the domestic industry's share of apparent U.S. consumption in 2015.<sup>135</sup> Domestic Interested Parties contend that there have been no significant changes to technology, production methods, development efforts, or the ability to increase or shift production or supply since 2016.<sup>136</sup> The information available indicates that there were two changes to the domestic industry during the period of review. Ta Chen, a nonsubject Taiwan producer, acquired a U.S. WSSP plant from domestic producer Outokumpo in August 2017, and its plans to expand the facility received approval from the local government in November 2018.<sup>137</sup> The status of this expansion is unclear.<sup>138</sup>

Cumulated subject imports were the second largest source of supply to the U.S. market in 2021, accounting for 32.9 percent of apparent U.S. consumption that year.<sup>139</sup> This was higher than their share of apparent U.S. consumption in 2015.<sup>140</sup> Nonsubject imports were the third largest source of supply in 2021, accounting for 28.1 percent of apparent U.S.

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<sup>132</sup> *Fourth Review*, USITC Pub. 4687 at 18.

<sup>133</sup> *Fourth Review*, USITC Pub. 4687 at 18.

<sup>134</sup> CR/PR at Table I-7.

<sup>135</sup> CR/PR at Table I-7. We recognize that data for subject imports may be overstated because, as discussed earlier, Commerce has excluded two Taiwan producers from the antidumping duty order for Taiwan, but official Commerce import statistics do not distinguish between imports from subject and nonsubject sources in Taiwan. *Id.* at Table I-7, Note.

<sup>136</sup> Domestic Response at 32.

<sup>137</sup> CR/PR at Table I-4.

<sup>138</sup> CR/PR at Table I-4.

<sup>139</sup> CR/PR at Table I-7. We recognize that data for subject imports may be overstated because, as discussed earlier, Commerce has excluded two Taiwan producers from the antidumping duty order for Taiwan, but official Commerce import statistics do not distinguish between imports from subject and nonsubject sources in Taiwan. *Id.* at Table I-7, Note.

<sup>140</sup> CR/PR at Table I-7.

consumption.<sup>141</sup> The largest sources of nonsubject imports in 2021 were India, Canada, Vietnam, and China.<sup>142</sup>

### 3. Substitutability and Other Conditions

*Original Investigations and Prior Reviews.* In the first reviews, the Commission found that the domestic like product and subject imports were highly substitutable and that price was an important factor in purchasing decisions.<sup>143</sup> In the original investigations, the Commission observed that primary raw materials used for WSSP were nickel and ferrochromium and found that the domestic industry was affected by the worldwide decline in prices of these raw materials.<sup>144</sup>

In subsequent reviews, the Commission continued to find a high degree of substitutability between subject imports and the domestic like product and that price remained an important factor.<sup>145</sup> Additionally, the Commission found that raw material costs for WSSP increased during the periods of review for the second and third reviews.<sup>146</sup>

*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 prior reviews.<sup>147</sup> Domestic Interested Parties claim that there has been no significant change in the level of competition among domestic, subject, and non-subject WSP since 2016 and that price continues to be an important factor in the market for WSP.<sup>148</sup> Accordingly, we find, as we did

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<sup>141</sup> CR/PR at Table I-7. We recognize that data for imports from nonsubject sources may be understated because Commerce has excluded two Taiwan producers from the antidumping duty order for Taiwan, but official Commerce import statistics do not distinguish between imports from subject and nonsubject sources in Taiwan. *Id.* at Table I-7, Note.

<sup>142</sup> CR/PR at Tables I-6-7.

<sup>143</sup> *First Review*, USITC Pub. 3351 at 14.

<sup>144</sup> *Original Determination*, USITC Pub. 2585 at 17-18.

<sup>145</sup> *Second Review*, USITC Pub. 3877 at 11, 16-17, 19; *Third Review*, USITC Pub. 4280 at 16-17; *Fourth Review*, USITC Pub. 4687 at 12, 19.

<sup>146</sup> *First Review*, USITC Pub. 3351 at 16; *Second Review*, USITC Pub. 3877 at 16; *Third Review*, USITC Pub. 4280 at 16; *Fourth Review*, USITC Pub. 4687 at 19.

<sup>147</sup> We note that the Commission found a high degree of substitutability in the first three reviews. *See First Review*, USITC Pub. 3351 at 14; *Second Review*, USITC Pub. 3877 at 16-17 and 19; *Third Review*, USITC Pub. 4280 at 20. In the fourth review, the Commission recognized that there was no new information on the record indicating any change in the “very high degree of substitution” found by the Commission in the third review but described the finding of a high degree of substitutability in the second and third reviews as a “substantial degree of substitutability.” *Fourth Review*, USITC Pub. 4687 at 12, 19.

<sup>148</sup> Domestic Response at 27, 32.

in the prior reviews, that there is a high degree of substitutability between the domestic like product and subject imports, and that price remains an important factor in purchasing decisions.

One responding purchaser, \*\*\*, reported that \*\*\*.<sup>149</sup>

Effective March 23, 2018, WSSP produced in Taiwan is subject to an additional 25 percent ad valorem duty under Section 232 of the Trade Expansion Act of 1962, as amended (“Section 232”).<sup>150</sup> WSSP produced in South Korea is exempted from Section 232 duties but is subject to aggregate absolute import quota of 12,602,387 kilograms (13,892 short tons) per year.<sup>151 152</sup>

### C. Likely Volume of Subject Imports

#### 1. The Original Investigations and Prior Five-Year Reviews

In the original investigations, the Commission found that the volume of cumulated subject imports increased by 303.4 percent during the period of investigation.<sup>153</sup> The Commission also found that the market share of cumulated subject imports increased by 10.6 percentage points, while the market share of the domestic industry decreased by 10.0 percentage points over the period of investigation.<sup>154</sup> Accordingly, the Commission found that

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<sup>149</sup> CR/PR at D-3-4.

<sup>150</sup> *Adjusting Imports of Steel into the United States*, 83 Fed. Reg. 11625 (March 15, 2018).

<sup>151</sup> The aggregate absolute import quota covers the following products: Pipes and tubes of stainless steel, provided for in subheadings 7304.41.30, 7304.41.60, 7304.49.00, 7305.31.60 (except for statistical reporting number 7305.31.6090), 7306.40.10, 7306.40.50, 7306.61.70 (except for statistical reporting number 7306.61.7060) or 7306.69.70 (except for statistical reporting number 7306.69.7060). See Customs and Border Protection, *Trade Remedies*, <https://www.cbp.gov/trade/programs-administration/trade-remedies> (last accessed Dec. 7, 2022); Customs and Border Protection, *QB 22-602 2022 Second Quarter Absolute Quota for Steel Mill Articles of Argentina, Brazil and South Korea*, <https://www.cbp.gov/trade/quota/bulletins/qb-22-602-2022-second-quarter-absolute-quota-steel-mill-articles-argentina-brazil-and> (last accessed Dec. 7, 2022).

<sup>152</sup> In addition, U.S. imports of certain iron and steel articles originating in Australia, Canada, Mexico, and Ukraine are exempt from Section 232 duties; imports originating in Argentina and Brazil are exempt from Section 232 duties within annual quota limits; imports originating in European Union member countries, Japan, and the United Kingdom are exempt from Section 232 duties subject to tariff rate quotas; and imports from all other countries are subject to 25 percent additional duties. CR/PR at I-10. Finally, effective February 14, 2020, WSSP produced in China is subject to an additional 7.5 percent ad valorem duty under Section 301 of the Trade Act of 1974. *Id.*

<sup>153</sup> *Original Determination*, USITC Pub. 2585 at 24.

<sup>154</sup> *Original Determination*, USITC Pub. 2585 at 24.



the volume of cumulated subject imports, as well as the increase in such volume, was significant, both in absolute terms and relative to consumption.<sup>155</sup>

In each of the prior reviews, the Commission found that revocation of the orders would likely result in a significant increase in subject import volume within a reasonably foreseeable time.<sup>156</sup> The Commission found that, regardless of whether absolute volumes and market shares of cumulated subject imports generally decreased (as in the first and third reviews) or increased irregularly (as in the second and fourth reviews), cumulated subject imports remained at significant levels and maintained a significant presence in the U.S. market during the pertinent periods of review.<sup>157</sup> The Commission also found that subject foreign producers retained significant capacity, unused capacity, and were export oriented.<sup>158</sup>

## 2. The Current Reviews

The record in these reviews indicates that subject imports continued to maintain a presence in the U.S. market throughout the period of review, while under the disciplining effect of the orders. The volume of subject imports increased from 37,442 short tons in 2016 to 38,685 short tons in 2017, declined to 32,428 short tons in 2018, 24,132 short tons in 2019, and 22,631 short tons in 2020, and then increased to 31,312 short tons in 2021.<sup>159</sup> Subject imports accounted for 32.9 percent of apparent U.S. consumption by quantity in 2021, compared with \*\*\* percent in 2015, \*\*\* percent in 2010, and \*\*\* percent in 2005.<sup>160</sup>

The record in these expedited reviews contains limited information on the industries producing WSSP in South Korea and Taiwan. The information available indicates that subject producers continue to have the ability to produce and export substantial volumes of subject merchandise and have the means to increase their exports of subject merchandise to the U.S. market if the order were revoked. As previously noted, Domestic Interested Parties have

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<sup>155</sup> *Original Determination*, USITC Pub. 2585 at 24.

<sup>156</sup> *First Review*, USITC Pub. 3351 at 14; *Second Review*, USITC Pub. 3877 at 17; *Third Review*, USITC Pub. 4280 at 18; *Fourth Review*, USITC 4687 at 20.

<sup>157</sup> *First Review*, USITC Pub. 3351 at 14-16; *Second Review*, USITC Pub. 3877 at 17-18; *Third Review*, USITC Pub. 4280 at 18-19; *Fourth Review*, USITC Pub. 4687 at 19-20.

<sup>158</sup> *First Review*, USITC Pub. 3351 at 14-16; *Second Review*, USITC Pub. 3877 at 17-18; *Third Review*, USITC Pub. 4280 at 18-19; *Fourth Review*, USITC Pub. 4687 at 19-20.

<sup>159</sup> CR/PR at Table I-6. We recognize that subject import volume and market share may be overstated because, as discussed earlier, Commerce has excluded two Taiwan producers and exporters from the antidumping duty order on WSSP from Taiwan, but official Commerce import statistics do not distinguish between import of WSSP from subject and nonsubject sources in Taiwan. *Id.* at Table I-6, Note. In addition, official Commerce statistics may include out-of-scope merchandise. *Id.*

<sup>160</sup> CR/PR at Table I-6.

identified three possible producers of WSSP in South Korea and four possible producers of WSSP in Taiwan.<sup>161</sup> Domestic Interested Parties contend that the subject industries continue to have considerable capacity, and maintain the ability to switch production or shipments to WSSP from other types of pipe.<sup>162</sup> GTA data concerning certain welded stainless steel tubes, pipes, and hollow profiles of circular cross section, a category that includes WSSP and out-of-scope products, show that Taiwan exported 145,703 short tons of such merchandise in 2021, while South Korea exported 42,406 short tons of such merchandise that same year.<sup>163</sup> Taiwan was the world's third largest exporter of such merchandise in 2021, while South Korea was the fifth largest.<sup>164</sup>

Available information also indicates that the U.S. market remains attractive to subject producers. Even with the disciplining effect of the orders, subject imports maintained a substantial presence in the U.S. market throughout the period of review, accounting for 32.9 percent of apparent U.S. consumption in 2021, indicating that subject producers have maintained ready distribution networks and customers in the U.S. market.<sup>165</sup> Furthermore, the GTA data show that the United States was the largest destination for both South Korean and Taiwan exports of certain welded stainless steel tubes, pipes, and hollow profiles of circular cross section, including both WSSP and out-of-scope products, during the 2016-2021 period.<sup>166</sup>

Additionally, the record shows that the antidumping duty orders have restraining effects distinct from the effects of the Section 232 duties. After the petitions were filed in 1991, cumulated subject import volume and market share declined.<sup>167</sup> We further note that, with the Section 232 duties in effect, the volume of nonsubject imports in 2021 (26,774 short tons) were above their volume in 2017 (20,951 short tons) before the Section 232 duties were imposed.<sup>168</sup> Moreover, subject imports and nonsubject imports were 38.4 percent and 120.5 percent higher

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<sup>161</sup> CR/PR at I-22, I-24; *Domestic Response* at Exhibits 8 and 9.

<sup>162</sup> *Domestic Response* at 23. Domestic Interested Parties claim that Taiwan producer YC Inox reportedly added 30,000 tons of additional stainless steel capacity in 2018. *Id.*

<sup>163</sup> CR/PR at I-10.

<sup>164</sup> CR/PR at Table I-10.

<sup>165</sup> CR/PR at Table I-7.

<sup>166</sup> CR/PR at Tables I-8 and I-9. We also note that, as discussed earlier, in September 2016, Thailand issued an antidumping duty order on stainless steel pipe and tube, including WSSP, from Taiwan and South Korea and commenced an ongoing review of the order in September 2021. CR/PR at I-26. In March 2013, Turkey issued antidumping duty orders on welded stainless steel tubes, pipes, and profiles (including WSSP) from Taiwan. *Id.*

<sup>167</sup> CR/PR at C-3-4.

<sup>168</sup> CR/PR at Table I-6.

in 2021 than 2020, respectively.<sup>169</sup> We find that the United States is a sufficiently attractive market for WSSP such that Section 232 measures will likely not prevent increased volumes of subject imports if the antidumping duty orders are revoked.

Given the significant volume of cumulated subject imports during the original investigations, the substantial presence of cumulated subject imports in the U.S. market during the period of review, the South Korean and Taiwan industries' substantial capacities and exports of WSSP, and the attractiveness of the U.S. market to subject producers, we find that the volume of cumulated subject imports would likely be significant, both in absolute terms and relative to consumption in the United States, if the orders were revoked.

#### **D. Likely Price Effects**

##### **1. The Original Investigations and Prior Five-Year Reviews**

In the original investigations, the Commission found that the domestic like product and subject imports were highly substitutable and that price was an important factor in purchasing decisions.<sup>170</sup> Prices for both domestically produced product and subject imports declined over the period of investigation.<sup>171</sup> The Commission observed that subject import prices were low and declining and that subject imports from South Korea undersold the domestic product in 34 of 36 price comparisons, while subject imports from Taiwan undersold the domestic product in 34 of 40 price comparisons.<sup>172</sup> The Commission also found that domestic producers lost sales and/or lowered prices in order to compete with subject imports.<sup>173</sup> Given these considerations, the Commission found that significant volumes of underpriced subject imports from South Korea and Taiwan had significant price-suppressing and price-depressing effects on prices for domestically produced WSSP.<sup>174</sup>

In the prior reviews, the Commission observed that cumulated subject imports would likely be priced aggressively to gain additional market share in the absence of the orders, especially given the likely significant volume of cumulated subject imports, the high degree of substitutability between subject imports from South Korea and Taiwan and the domestic like product, the importance of price in purchasing decisions, the slow growth in U.S. demand, and significant underselling by subject imports in both the original period of investigation and the

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<sup>169</sup> CR/PR at Table I-6.

<sup>170</sup> *Original Determination*, USITC Pub. 2585 at 22, 25-26.

<sup>171</sup> *Original Determination*, USITC Pub. 2585 at 24-25.

<sup>172</sup> *Original Determination*, USITC Pub. 2585 at 24.

<sup>173</sup> *Original Determination*, USITC Pub. 2585 at 25.

<sup>174</sup> *Original Determination*, USITC Pub. 2585 at 24-25.

first and second reviews.<sup>175</sup> The Commission found that as a result of likely significant underselling by cumulated subject imports, the domestic industry likely would have to cut prices for the domestic like product or lose sales.<sup>176</sup> Given these considerations and the price-sensitive nature of the market for WSSP, the Commission found that cumulated subject imports likely would have significant price-depressing or price-suppressing effects on prices for the domestic like product.<sup>177</sup> Accordingly, the Commission concluded that if the orders were revoked, the likely significant volume of cumulated subject imports at prices that would likely undersell the domestic like product would likely have significant adverse price effects on the domestic industry.<sup>178</sup>

## 2. The Current Reviews

As discussed above, we continue to find a high degree of substitutability between the domestic like product and subject imports and that price remains an important factor in purchasing decisions.

The record in these expedited reviews does not contain new product-specific pricing information. Based on the available information, including the high degree of substitutability between the domestic like product and subject imports, the importance of price in purchasing decisions, and the attractiveness of the U.S. market to subject producers, we find that, if the orders were revoked, significant volumes of subject imports would likely undersell the domestic like product, as they did in the original investigations. Absent the discipline of the orders, the significant volumes of low-priced subject imports would likely take sales and market share from domestic producers and/or force the domestic industry to cut prices or restrain price increases

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<sup>175</sup> *First Review*, USITC Pub. 3351 at 16-17; *Second Review*, USITC Pub. 3877 at 19-20; *Third Review*, USITC Pub. 4280 at 19-20; *Fourth Review*, USITC Pub. 4687 at 21-22.

<sup>176</sup> *First Review*, USITC Pub. 3351 at 16-17 (finding likely significant depressing or suppressing effects on the prices of domestic like product due to likely significant volume of subject imports, high degree of substitutability, importance of price, slow growth in U.S. demand, and underselling); *Second Review*, USITC Pub. 3877 at 19-20 (finding likely price-depressing or price-suppressing effects due to importance of price, significant quantities of likely imports, and likely underselling); *Third Review*, USITC Pub. 4280 at 20 (finding likely price-depressing or price-suppressing effects due the importance of price, underselling, and presence of significant quantities of subject imports likely to enter the United States); *Fourth Review*, USITC Pub. 4687 at 22 (finding likely price-depressing or suppressing effects due to importance of price, presence of significant quantities of subject imports likely to enter the United States, and likely underselling).

<sup>177</sup> *First Review*, USITC Pub. 3351 at 17; *Second Review*, USITC Pub. 3877 at 20; *Third Review*, USITC Pub. 4280 at 20; *Fourth Review*, USITC Pub. 4687 at 22.

<sup>178</sup> *First Review*, USITC Pub. 3351 at 17; *Second Review*, USITC Pub. 3877 at 20; *Third Review*, USITC Pub. 4280 at 20; *Fourth Review*, USITC Pub. 4687 at 22.

necessary to cover increasing costs and likely would have significant price-depressing or price-suppressing effects on prices for the domestic like product. Consequently, we find that if the orders were revoked, significant volumes of subject imports would likely undersell the domestic like product and cause significant price effects.

## **E. Likely Impact**

### **1. The Original Investigations and Prior Five-Year Reviews**

In the original investigations, the Commission found that cumulated subject imports had a significant adverse impact on the domestic industry.<sup>179</sup> While acknowledging that the domestic industry's production and capacity increased slightly over the period of investigation, the Commission observed that increases in the domestic industry's output had not kept pace with the increase in apparent U.S. consumption during the period.<sup>180</sup> Further, the Commission emphasized that most of the domestic industry's employment and financial performance indicia declined overall during the period of investigation, especially operating income and net sales.<sup>181</sup>

In the first reviews, the Commission found that revocation of the orders would result in a significant volume of low-priced subject imports that would likely have a significant adverse impact on the domestic industry.<sup>182</sup> The Commission found that the domestic industry was vulnerable to the continuation or recurrence of material injury due to low and declining operating income during the period of review and declining production, capacity utilization, shipments, and employment.<sup>183</sup> Emphasizing that the domestic industry was vulnerable and that demand was likely to be sluggish, the Commission found that resumption of significant volumes of low-priced subject imports would likely result in continuation or recurrence of material injury to the domestic industry in the event of revocation of the orders.<sup>184</sup>

In the second reviews, the Commission found that the domestic industry was vulnerable to the continuation or recurrence of material injury, as record evidence showed that virtually all domestic industry performance indicia declined during the period of review.<sup>185</sup> The Commission concluded that the likely aggressive pricing of the likely increased volumes of subject imports

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<sup>179</sup> *Original Determination*, USITC Pub. 2585 at 18-21.

<sup>180</sup> *Original Determination*, USITC Pub. 2585 at 19.

<sup>181</sup> *Original Determination*, USITC Pub. 2585 at 19-20.

<sup>182</sup> *First Review*, USITC Pub. 3351 at 17-18.

<sup>183</sup> *First Review*, USITC Pub. 3351 at 17-18.

<sup>184</sup> *First Review*, USITC Pub. 3351 at 18.

<sup>185</sup> *Second Review*, USITC Pub. 3877 at 20-21.

would compel the domestic industry either to cut prices for the domestic like product or lose sales.<sup>186</sup> Under either scenario, the Commission found, the industry's revenues and operating performance would decline significantly, and thus, revocation of the orders would likely have a significant adverse impact on the domestic industry.<sup>187</sup>

In the expedited third and fourth reviews, the Commission found that record data were insufficient to determine whether the domestic industry was vulnerable to the continuation or recurrence of material injury.<sup>188</sup> In both reviews, the Commission found that the likely significant adverse impact on the domestic industry's production, sales, and revenue from likely increases in low-priced subject imports would adversely impact the domestic industry's profitability, employment levels, ability to raise capital, and capital expenditures.<sup>189</sup> As such, the Commission concluded that revocation of the orders would likely have a significant adverse impact on the domestic industry within a reasonably foreseeable time.<sup>190</sup>

## 2. The Current Reviews

The record in these expedited reviews contains limited information concerning the domestic industry's performance since the last reviews.

The information available indicates that the domestic industry's performance was mixed in 2021 as compared to its performance in the final years examined in the original investigations and prior reviews. The domestic industry's capacity and production were lower in 2021 than in prior periods, but its capacity utilization was higher. In 2021, the domestic industry's capacity was 52,704 short tons, production was 34,580 short tons, and capacity utilization was 65.6 percent.<sup>191</sup> The industry's U.S. shipments were higher in 2021 than in prior periods, with the exception of 1999, while its market share was higher than in 2015 but lower than in other prior periods. Its U.S. shipments were 37,222 short tons in 2021, equivalent to

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<sup>186</sup> *Second Review*, USITC Pub. 3877 at 21.

<sup>187</sup> *Second Review*, USITC Pub. 3877 at 21.

<sup>188</sup> *Third Review*, USITC Pub. 4280 at 22; *Fourth Review*, USITC 4687 at 23.

<sup>189</sup> *Third Review*, USITC Pub. 4280 at 22; *Fourth Review*, USITC 4687 at 24.

<sup>190</sup> *Third Review*, USITC Pub. 4280 at 22; *Fourth Review*, USITC 4687 at 24.

<sup>191</sup> CR/PR at Table I-5. By comparison, the domestic industry's capacity was 58,242 short tons in 2015, 71,700 short tons in 2010, 77,877 short tons in 2005, \*\*\* short tons in 1999, and 63,432 short tons in 1991; its production was 24,352 short tons in 2015, 39,008 short tons in 2010, 35,579 short tons in 2005, \*\*\* short tons in 1999, and 39,016 short tons in 1991; and its capacity utilization rate was 41.8 percent in 2015, 54.4 percent in 2010, 45.7 percent in 2005, \*\*\* percent in 1999, and 61.5 percent in 1991. *Id.*

39.1 percent of apparent U.S. consumption that year.<sup>192</sup> Finally, the industry's net sales value, operating income, and operating income as a share of net sales were higher in 2021 than in prior periods. The industry's net sales were \$195.5 million, its operating income was \$13.4 million, and its ratio of operating income to net sales was 6.9 percent in 2021.<sup>193</sup> This limited information 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.

Based on the information available on the record, we find that revocation of the order would likely result in a significant increase in cumulated subject import volume that would likely undersell the domestic like product, causing the domestic industry to lose sales and market share and/or significantly depressing or suppressing prices for the domestic like product. The likely significant volume of low-priced subject imports and their adverse price effects would likely have a significant adverse impact on the production, shipments, sales, market share, and revenues of the domestic industry, which, in turn, would have a direct adverse impact on the industry's profitability and employment, as well as its ability to raise capital and make and maintain necessary capital investments. We conclude that, if the orders were revoked, subject imports from South Korea and Taiwan would be likely to have a significant impact on the domestic industry within a reasonably foreseeable time.<sup>194</sup> We have also considered the role of factors other than subject imports, including nonsubject imports, so as not to attribute any injury from other factors to subject imports. Nonsubject imports have maintained a substantial presence in the U.S. market since the last reviews, accounting for 28.1 percent of apparent U.S.

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<sup>192</sup> CR/PR at Tables I-5, I-7. The domestic industry's U.S. shipments were 23,690 short tons in 2015, 36,657 short tons in 2010, 37,006 short tons in 2005, \*\*\* short tons in 1999, and 36,263 short tons in 1991; its share of the U.S. market was 34.3 percent in 2015, 46.8 percent in 2010, 47.2 percent in 2005, \*\*\* percent in 1999, and 59.6 percent in 1991. We recognize that the domestic industry's market share may be understated because official Commerce import statistics may include out-of-scope merchandise. *Id.* at Table I-7, Note.

<sup>193</sup> CR/PR at Table I-5. The domestic industry's net sales were \$88.9 million in 2015, \$179.8 million in 2010, and \$161.0 million in 2005; operating income was negative \$13.4 million in 2015, negative \$13.4 million in 2010, and negative \$1.1 million in 2005. The operating income to net sales ratio was negative 15.1 percent in 2015, negative 7.4 percent in 2010, and negative 0.7 percent in 2005. *Id.*

<sup>194</sup> In its expedited reviews, Commerce determined that revocation of the orders would result in the continuation or recurrence of dumping, with margins ranging up to 17.14 percent for South Korea, and 31.90 percent for Taiwan. *Welded Stainless Steel Pipe from South Korea and Taiwan, Final Results of Expedited Five-Year Reviews*, 87 Fed. Reg. 65572 (Oct. 31, 2022).

consumption in 2021.<sup>195</sup> Nevertheless, the record provides no indication that the presence of nonsubject imports would prevent subject imports from entering the U.S. market in significant quantities, adversely affecting the domestic industry's prices, and/or taking market share from the industry and nonsubject imports after revocation of the order. Consequently, we find that cumulated subject imports would likely cause adverse effects on the domestic industry that are distinct from any impact of nonsubject imports in the event of revocation.<sup>196</sup>

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

## **V. Conclusion**

For the foregoing reasons, we determine that revocation of the antidumping duty orders on WSSP from South Korea 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.

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<sup>195</sup> CR/PR at Table I-7. We recognize that nonsubject import market share may be understated because, as discussed earlier, Commerce has excluded two Taiwan producers from the antidumping duty order on WSSP from Taiwan, but official import statistics do not distinguish between imports of WSSP from subject and nonsubject sources in Taiwan. *Id.* at Table I-7, Note.

<sup>196</sup> We also note that the domestic industry would not be insulated from recurrence of material injury by Section 232 measures, as discussed in section C.2 above.



# Information obtained in these reviews

## Background

On May 2, 2022, the U.S. International Trade Commission (“Commission”) gave notice, pursuant to section 751(c) of the Tariff Act of 1930, as amended (“the Act”),<sup>1</sup> that it had instituted reviews to determine whether revocation of antidumping duty orders on subject welded stainless steel pipe (“WSSP”)<sup>2</sup> from South Korea and Taiwan would likely lead to the continuation or recurrence of material injury to a domestic industry.<sup>3</sup> All interested parties were requested to respond to this notice by submitting certain information requested by the Commission.<sup>4 5</sup> Table I-1 presents information relating to the background and schedule of this proceeding:

**Table I-1**  
**WSSP: Information relating to the background and schedule of this proceeding**

Effective date	Action
May 2, 2022	Notice of initiation by Commerce (87 FR 25617, May 2, 2022)
May 2, 2022	Notice of institution by Commission (87 FR 25668, May 2, 2022)
August 5, 2022	Commission’s vote on adequacy (87 FR 64112, October 21, 2022)
October 31, 2022	Commerce’s results of its expedited reviews (87 FR 65572, October 31, 2022)
December 13, 2022	Commission’s determinations and views

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

<sup>2</sup> As discussed in the section of the report entitled "The product," the merchandise subject to the antidumping duty orders is welded austenitic stainless steel pipe that meets the standards and specifications set forth by the American Society for Testing and Materials (“ASTM”) for the welded form of chromium-nickel pipe designated ASTM A-312.

<sup>3</sup> 87 FR 25668, May 2, 2022. 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 duty orders. 87 FR 25617, May 2, 2022. Pertinent Federal Register notices are referenced in app. A, and may be found at the Commission’s website ([www.usitc.gov](http://www.usitc.gov)).

<sup>4</sup> As part of their response to the notice of institution, interested parties were requested to provide company-specific information. That information is presented in app. B. Summary data compiled in the original investigations and subsequent full reviews are presented in app. C.

<sup>5</sup> 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 Bristol Metals, LLC (“Bristol Metals”), Felker Brothers Corporation (“Felker Brothers”), and Primus Pipe & Tube, Inc. (“Primus”), domestic producers of WSSP (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-2.

**Table I-2**  
**WSSP: Summary of completed responses to the Commission’s notice of institution**

Interested party	Type	Number of firms	Coverage
U.S. producers	Domestic	3	***%

Note: The domestic interested parties are not aware of any industry publication or other source that provides an estimate of total WSSP production in the United States in 2021. The domestic interested parties estimate that they produced \*\*\* short tons of WSPP in 2021. By way of comparison, the domestic interested parties note that in the Commission’s most recent proceedings involving WSSP, Commission staff reported that the domestic industry’s total WSSP production in the United States ranged from 22,682 short tons of WSSP in 2015 (see WSSP from India (First Review), USITC Pub. 5320 at Table I-5) to 30,909 short tons in 2018 (see WSPP from China, Malaysia, Thailand, and Vietnam (Reviews), USITC Pub. 4994 at Table I-5). Based on these previous estimates of total U.S. production, the domestic interested parties believe that collectively they represented \*\*\* percent of total U.S. production in 2021. Domestic interested parties’ response to the notice of institution, June 1, 2022, p. 30.

### 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 requested that the Commission (1) find that the domestic interested party response is adequate; (2) find the respondent interested party response is inadequate; and (3) expedite the reviews in this proceeding.<sup>6</sup>

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<sup>6</sup> Domestic interested parties’ comments on adequacy, July 15, 2022, p. 2.

## The original investigations

The original investigations resulted from petitions filed on November 18, 1991 with Commerce and the Commission by Avesta Sandvik Tube, Inc. (Schaumburg, Illinois); Bristol Metals (Bristol, Tennessee); Damascus Tubular Products (Greenville, Pennsylvania); Trent Tube Division, Crucible Materials Corp. (“Trent”) (East Troy, Wisconsin); and the United Steelworkers of America.<sup>7</sup> On November 12, 1992, Commerce determined that imports of subject WSSP from South Korea and Taiwan were being sold at less than fair value (“LTFV”).<sup>8</sup> The Commission determined on December 18, 1992, that the domestic industry was materially injured by reason of LTFV imports of subject WSSP from South Korea and Taiwan.<sup>9</sup> On December 30, 1992, Commerce issued its antidumping duty orders with the final weighted-average dumping margins ranging from 2.67 to 7.92 percent with respect to South Korea and from 3.27 to 31.90 percent with respect to Taiwan.<sup>10</sup>

## The first five-year reviews

On October 1, 1999, the Commission determined that it would conduct full reviews of the antidumping duty orders on WSSP from South Korea and Taiwan.<sup>11</sup> On February 4, 2000, Commerce determined that revocation of the antidumping duty orders on subject WSSP from South Korea and Taiwan would be likely to lead to continuation or recurrence of dumping.<sup>12</sup> On September 22, 2000, the Commission determined that material injury would be likely to continue or recur within a reasonably foreseeable time.<sup>13</sup> Following affirmative determinations in the five-year reviews by Commerce and the Commission, effective October 16, 2000,

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<sup>7</sup> Certain Welded Stainless Steel Pipes from the Republic of Korea and Taiwan, Inv. Nos. 731-TA-540-541 (Final), USITC Publication 2585, December 1992 (“Original publication”), p. I-3.

<sup>8</sup> 57 FR 53693, 53705, November 12, 1992 (Taiwan as amended 57 FR 62300, December 30, 1992, and Korea as clarified, 57 FR 62300, December 30, 1992).

<sup>9</sup> 57 FR 61920, December 29, 1992.

<sup>10</sup> Chang Tieh, a manufacturer in Taiwan, was excluded from the order. 57 FR 62300, December 30, 1992 (and as amended with respect to Taiwan in 59 FR 6619, February 11, 1994, and as amended with respect to South Korea in 60 FR 10064, February 23, 1995).

<sup>11</sup> 64 FR 55961, October 15, 1999.

<sup>12</sup> 65 FR 5607, February 4, 2000.

<sup>13</sup> 65 FR 58806, October 2, 2000.

Commerce issued a continuation of the antidumping duty orders on imports of subject WSSP from South Korea and Taiwan.<sup>14 15</sup>

## **The second five-year reviews**

On December 5, 2005, the Commission determined that it would conduct full reviews of the antidumping duty orders on subject WSSP from South Korea and Taiwan.<sup>16</sup> On January 3, 2006, Commerce determined that revocation of the antidumping duty orders on WSSP from South Korea and Taiwan would be likely to lead to continuation or recurrence of dumping.<sup>17</sup> On August 16, 2006, the Commission determined that material injury would be likely to continue or recur within a reasonably foreseeable time.<sup>18</sup> Following affirmative determinations in the five-year reviews by Commerce and the Commission, effective August 28, 2006, Commerce issued a continuation of the antidumping duty orders on imports of subject WSSP from South Korea and Taiwan.<sup>19</sup>

## **The third five-year reviews**

On October 4, 2011, the Commission determined that it would conduct expedited reviews of the antidumping duty orders on subject WSSP from South Korea and Taiwan.<sup>20</sup> On November 2, 2011, Commerce determined that revocation of the antidumping orders on WSSP from South Korea and Taiwan would be likely to lead to continuation or recurrence of dumping.<sup>21</sup> On December 1, 2011, the Commission determined that material injury would be likely to continue or recur within a reasonably foreseeable time.<sup>22</sup> Following affirmative determinations in the five-year reviews by Commerce and the Commission, effective December 19, 2011, Commerce issued a continuation of the antidumping duty orders on imports of subject WSSP from South Korea and Taiwan.<sup>23</sup>

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<sup>14</sup> 65 FR 61143, October 16, 2000.

<sup>15</sup> On June 26, 2000, Commerce revoked the antidumping duty order with respect to Ta Chen Stainless Pipe Co., Ltd. (“Ta Chen”), a manufacturer in Taiwan. 65 FR 39367, June 26, 2000.

<sup>16</sup> 70 FR 73452, December 12, 2005.

<sup>17</sup> 71 FR 96, January 3, 2006.

<sup>18</sup> 71 FR 48941, August 22, 2006.

<sup>19</sup> 71 FR 53412, September 11, 2006.

<sup>20</sup> 76 FR 64106, October 17, 2011.

<sup>21</sup> 76 FR 67673, November 2, 2011.

<sup>22</sup> 76 FR 76437, December 7, 2011.

<sup>23</sup> 76 FR 78614, December 19, 2011.

## The fourth five-year reviews

On February 6, 2017, the Commission determined that it would conduct expedited reviews of the antidumping duty orders on subject WSSP from South Korea and Taiwan.<sup>24</sup> On March 7, 2017, Commerce determined that revocation of the antidumping duty orders on WSSP from South Korea and Taiwan would be likely to lead to continuation or recurrence of dumping.<sup>25</sup> On May 12, 2017, the Commission determined that material injury would be likely to continue or recur within a reasonably foreseeable time.<sup>26</sup> Following affirmative determinations in the five-year reviews by Commerce and the Commission, effective June 30, 2017, Commerce issued a continuation of the antidumping duty orders on imports of subject WSSP from South Korea and Taiwan.<sup>27</sup>

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<sup>24</sup> 82 FR 12237, March 1, 2017.

<sup>25</sup> 82 FR 12798, March 7, 2017.

<sup>26</sup> 82 FR 22674, May 17, 2017.

<sup>27</sup> 82 FR 29827, June 30, 2017.

## Previous and related investigations

The Commission has conducted several previous import relief investigations on WSSP or similar merchandise. Table I-3 presents data on previous and related title VII investigations.

**Table I-3**  
**WSSP or similar merchandise: Previous and related Commission proceedings and status of the orders**

Date	Number	Country	Product Scope	ITC original Determination	Current Status of Order
1978	AA1921-180	Japan	Welded stainless steel pipe and tube	Negative	Not applicable.
1986	701-TA-281	Sweden	Welded stainless steel pipe and tube excluding grade 409 pipe	Negative	Not applicable.
1986	731-TA-354	Sweden	Welded stainless steel pipe and tube excluding grade 409 pipe	Negative	Not applicable.
2008	701-TA-454	China	Welded stainless steel pressure pipe	Affirmative	Order continued December 6, 2019, following second five-year review.
2008	731-TA-1144	China	Welded stainless steel pressure pipe	Affirmative	Order continued December 6, 2019, following second five-year review.
2013	731-TA-1210	Malaysia	Welded stainless steel pressure pipe	Affirmative	Order continued December 3, 2019, following first five-year review.
2013	731-TA-1211	Thailand	Welded stainless steel pressure pipe	Affirmative	Order continued December 3, 2019, following first five-year review.
2013	731-TA-1212	Vietnam	Welded stainless steel pressure pipe	Affirmative	Order continued December 3, 2019, following first five-year review.
2015	701-TA-548	India	Welded stainless steel pressure pipe	Affirmative	Order continued May 12, 2022, following first five-year review.
2015	731-TA-1298	India	Welded stainless steel pressure pipe	Affirmative	Order continued May 12, 2022, following first five-year review.

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

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

## Related safeguard proceeding

Following receipt of a request from the Office of the United States Trade Representative (“USTR”) on June 22, 2001, the Commission instituted investigation No. TA-201-73, Steel, under section 202 of the Trade Act of 1974<sup>28</sup> to determine whether certain steel products, including stainless steel welded tubular products,<sup>29</sup> were being imported into the United States in such increased quantities as to be a substantial cause of serious injury, or the threat thereof, to the domestic industries producing articles like or directly competitive with the imported article.<sup>30</sup> On July 26, 2001, the Commission received a resolution adopted by the U.S. Senate Committee on Finance (“Senate Finance Committee” or “Committee”) requesting that the Commission investigate certain steel imports under section 201 of the Trade Act of 1974.<sup>31</sup> Consistent with the Senate Finance Committee’s resolution, the Commission consolidated the investigation requested by the Committee with the Commission’s previously instituted investigation No. TA-201-73.<sup>32</sup> On December 20, 2001, the Commission issued its determinations and remedy recommendations. The Commission made a unanimous negative determination with respect to stainless steel welded tubular products.<sup>33</sup>

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<sup>28</sup> 19 U.S.C. § 2252.

<sup>29</sup> Stainless steel welded tubular products, including but not limited to those meeting the standards and specifications for ASTM A-312 and A-778, were found to be a single “like or directly competitive” product. Steel, Inv. No. TA-201-73, Volume I: Determinations and Views of Commissioners, USITC Publication 3479, December 2001, p. 16.

<sup>30</sup> 66 FR 35267, July 3, 2001.

<sup>31</sup> 19 U.S.C. § 2251.

<sup>32</sup> 66 FR 44158, August 22, 2001.

<sup>33</sup> 66 FR 67304, December 28, 2001.

## Commerce's five-year reviews

Commerce announced that it would conduct expedited reviews with respect to the orders on imports of WSSP from South Korea and Taiwan with the intent of issuing the final results of these reviews based on the facts available not later than August 30, 2022.<sup>34</sup> 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 duty orders on imports of WSSP from South Korea and Taiwan are noted in the sections titled "The original investigations" and "U.S. imports," if applicable.

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<sup>34</sup> Letter from Robert Bolling, Acting Office Director, Office IV, AD/CVD Operations, Enforcement and Compliance, U.S. Department of Commerce to Nannette Christ, Director of Investigations, June 21, 2022.



## The product

### Commerce's scope

Commerce has defined the scope as follows:

*The merchandise subject to the antidumping duty orders is welded austenitic stainless steel pipe that meets the standards and specifications set forth by the American Society for Testing and Materials (ASTM) for the welded form of chromium-nickel pipe designated ASTM A-312. The merchandise covered by the scope of the orders also includes austenitic welded stainless steel pipes made according to the standards of other nations which are comparable to ASTM A-312.*

*WSSP is produced by forming stainless steel flat-rolled products into a tubular configuration and welding along the seam. WSSP is a commodity product generally used as a conduit to transmit liquids or gases. Major applications for steel pipe include, but are not limited to, digester lines, blow lines, pharmaceutical lines, petrochemical stock lines, brewery process and transport lines, general food processing lines, automotive paint lines, and paper process machines. Imports of WSSP are currently classifiable under the following Harmonized Tariff Schedule of the United States (HTSUS) subheadings: 7306.40.5005, 7306.40.5015, 7306.40.5040, 7306.40.5062, 7306.40.5064, and 7306.40.5085.*

*Although these subheadings include both pipes and tubes, the scope of the antidumping duty orders is limited to welded austenitic stainless steel pipes. The HTSUS subheadings are provided for convenience and customs purposes. However, the written description of the scope of the orders is dispositive.<sup>35</sup>*

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<sup>35</sup> 82 FR 29827, June 30, 2017.

## U.S. tariff treatment

WSSP is currently imported under Harmonized Tariff Schedule of the United States (“HTS”) statistical reporting numbers 7306.40.5005, 7306.40.5015, 7306.40.5040, 7306.40.5062, 7306.40.5064, and 7306.40.5085. WSSP imported from South Korea and Taiwan enters the U.S. market at a column 1-general duty rate of “free.”<sup>36</sup> Effective March 23, 2018, WSSP produced in Taiwan is subject to an additional 25 percent ad valorem duty under Section 232 of the Trade Expansion Act of 1962, as amended.<sup>37</sup> WSSP produced in South Korea is exempted from Section 232 duties but is subject to aggregate absolute import quota of 12,602,387 kilograms (13,892 short tons) per year.<sup>38</sup> Currently, U.S. imports of certain iron and steel articles originating in Australia, Canada, Mexico, and Ukraine are exempt from Section 232 duties; imports originating in Argentina, Brazil, and South Korea are exempt from Section 232 duties within annual quota limits; imports originating in European Union member countries, Japan, and the United Kingdom are exempt from Section 232 duties subject to tariff rate quotas; and imports from all other countries are subject to 25 percent additional duties.<sup>39</sup> Finally, effective February 14, 2020, WSSP produced in China is subject to an additional 7.5 percent ad valorem duty under Section 301 of the Trade Act of 1974.<sup>40</sup> 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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<sup>36</sup> USITC, HTSUS (2022) Revision 6, Publication 5333, July 2022, p. 73-18.

<sup>37</sup> 83 FR 11625, March 15, 2018.

<sup>38</sup> The aggregate absolute import quota covers the following products: Pipes and tubes of stainless steel, provided for in subheadings 7304.41.30, 7304.41.60, 7304.49.00, 7305.31.60 (except for statistical reporting number 7305.31.6090), 7306.40.10, 7306.40.50, 7306.61.70 (except for statistical reporting number 7306.61.7060) or 7306.69.70 (except for statistical reporting number 7306.69.7060). CBP, “Trade Remedies,” <https://www.cbp.gov/trade/programs-administration/trade-remedies>; “QB 22-602 2022 Second Quarter Absolute Quota for Steel Mill Articles of Argentina, Brazil and South Korea,” <https://www.cbp.gov/trade/quota/bulletins/qb-22-602-2022-second-quarter-absolute-quota-steel-mill-articles-argentina-brazil-and>.

<sup>39</sup> 83 FR 13361, March 28, 2018; 83 FR 20683, May 7, 2018; 83 FR 25857, June 5, 2018; 83 FR 40429, August 15, 2018; 84 FR 23987, May 23, 2019; 87 FR 11, January 3, 2022; 87 FR 19351, April 1, 2022; 87 FR 33407, June 2, 2022; and 87 FR 33591, June 3, 2022.

<sup>40</sup> WSSP was subject to an additional 15 percent ad valorem duty under Section 301 from September 1, 2019, until February 14, 2020. 84 FR 45821, August 30, 2019, and 85 FR 3741, January 22, 2020.

## Description and uses<sup>41</sup>

The terms “pipe,” “tube,” and “tubing” designate hollow forms used for the conveyance of gases, liquids, and solids, and for a diversity of mechanical and structural purposes. The subject imports and the domestic like product, as defined in the previous review, include only pipe. “Pipe” is of circular cross-section, produced in relatively few standard sizes, designated by nominal diameter and wall thickness,<sup>42</sup> and is designed for use with standard pipe fittings. By contrast, “tube” and “tubing” may be of any cross-sectional shape, including circular, and generally are produced to more exacting specifications than pipe in terms of their dimensions, finish, and mechanical properties. Tube sizes are defined by outside diameter, which may be the same as that of a standard-size pipe, and by wall thickness. Generally, pipe produced in various grades (types) of stainless steel are distinguished by end uses as defined by the American Iron and Steel Institute (“AISI”).<sup>43</sup> According to the AISI, stainless steel is a general class of steels that contains more than 10 percent of chromium (Cr) by weight. Chromium gives stainless steel its excellent resistance to corrosion and good strength at high temperatures and pressure. For these reasons, it is used in corrosive environments, under high temperature and pressure conditions, or when cleanliness and ease of maintenance are strictly required. Most stainless steel tubular products are produced in either of two common grades (defined by chemical composition and physical requirements) of stainless steel, namely AISI types 304/304L or 316/316L – both austenitic chromium-nickel alloy (grade 300-series) stainless steels.<sup>44</sup>

WSSP is produced to conform to standard specification A-312 published by ASTM. A-312 is the most common ASTM specification for stainless steel pipe. Welded A-312 pipe is designed

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<sup>41</sup> Unless otherwise noted, this information is based on Certain Welded Stainless Steel Pipe from Korea and Taiwan, Investigation Nos. 731-TA-540-541 (Fourth Review), USITC Publication 4687, May 2017 (“Fourth review publication”), pp. I-3-I-4.

<sup>42</sup> The size of a pipe is defined by the nominal pipe size (“NPS”), a dimensionless designator that has been substituted for such traditional terms as “nominal diameter.” Nominal sizes of 1/8 to 12 are based on a standardized inside diameter that was originally selected so that a pipe having a wall thickness that was typical of the period would have an inside diameter in inches approximately equal to the nominal size. For pipe in nominal sizes of 14 and larger, the outside diameter is equal in inches to the nominal size— i.e., a pipe of NPS 14 has an outside diameter of 14 inches.

<sup>43</sup> Other important types of pipe and tube which are defined by the American Iron and Steel Institute include standard pipe, line pipe, structural pipe and tubing, mechanical tubing, and oil country tubular goods. All are designed for specific applications and must meet appropriate engineering standards for those end uses.

<sup>44</sup> Austenitic stainless steels contain a maximum of 0.15 percent carbon, and a minimum of 16 percent chromium, together with varying amounts of nickel and manganese. Other alloy series include 400 series (ferritic and martensitic chromium alloys), 500 series (heat-resisting chromium alloys), and 600 series (martensitic precipitation hardening alloys).

for high-temperature, high pressure, general corrosive-resistance service, and thus must be annealed (heat treated) after welding. Major uses for welded A-312 pipe include digester lines, pharmaceutical production lines, petrochemical stock lines, automotive paint lines, and various processing lines such as those in breweries, paper mills, and general food-processing facilities. A-778 pipe is similar to A-312 but does not require post-weld annealing.<sup>45</sup> A-778 pipe is most often used in the pulp and paper industry and for wastewater applications, owing to its ability to withstand corrosive contact, albeit at somewhat lower levels than A-312 pipe. A-778 pipe is also used in corn fermentation systems to produce ethanol and low-pressure fluid transfer systems.

### **Manufacturing process<sup>46</sup>**

There are two stages in the production of welded A-312 and A-778 pipe: forming the tubular shape and welding the product. Two common methods are used to form the tubular shape, namely, the continuous-mill process and the press-brake process.

The continuous-mill process, which is the principal method of producing WSSP, begins with coils of sheet, strip, or plate. Coiled steel, of a width essentially equivalent to the outside diameter of the pipe to be produced, is set up in an uncoiler and fed into a series of paired forming rolls. As it progresses through the rolls, its cross-sectional profile is formed into a tubular shape with the butted edges ready for welding as described below.

The second method of manufacturing WSSP is the press-brake process, a batch process in which a press gradually bends cut-to-length sheet into a cylindrical shape with the butted edges ready for welding as described below.<sup>47</sup> The starting sheet is of a width essentially equivalent to the outside diameter and a length equal to the length of the piece of pipe to be produced. The press-brake process is labor-intensive and is used primarily for the production of pipes in larger diameters.

In the welding stage, the butt edges are welded together by an automatic welding machine using either the tungsten inert gas (“TIG”) welding process or the laser welding process. Both methods allow welding without filler material, complete fusion of butted edges, and shielding of the weld area with inert gas to prevent oxidation. In the TIG welding process,

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<sup>45</sup> As recently as 2015, the substantial majority of U.S. producers’ commercial U.S. shipments of WSSP was A-312 pipe. Certain Welded Stainless Steel Pressure Pipe from India, Investigation Nos. 701-TA-548 and 731-TA-1298 (Fina), USITC Publication 4644, November 2016, pp. D-3–D-4.

<sup>46</sup> Unless otherwise noted, this information is based on fourth review publication, p. I-5.

<sup>47</sup> This is called a batch process (rather than “continuous”) because each individual length of pipe is bent and welded individually.

welding heat is provided by an electric arc between a tungsten electrode and the pipe edges. In the laser welding process, a laser beam is directed to the weld butt joint, forming a deep-penetration fusion weld. The laser process is capable of a higher speed of operation than is the TIG process.

For continuous welded tubular products such as A-312 pipe, the pipe continues after welding through an in-line annealing furnace,<sup>48</sup> then through straightening and, finally, cutting to length. Batch welded pipe must be annealed in a separate operation, and subsequently pickled in acid.

## 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 \*\*\* firms, accounting for \*\*\* percent of estimated total pipe and tube production and \*\*\* percent of estimated WSSP production in 1991.<sup>49</sup>

During the full first five-year reviews, the Commission received U.S. producer questionnaires from 11 firms, which were believed to account for almost all U.S. production of WSSP during 1999.<sup>50</sup> During the full second five-year reviews, the Commission received U.S. producer questionnaires from 11 firms, which accounted for nearly all domestic production of WSSP.<sup>51</sup>

During the expedited third five-year reviews, domestic interested parties provided a list of eight known and currently operating U.S. producers of WSSP.<sup>52</sup> The four responding firms estimated that they accounted for approximately \*\*\* percent of production of WSSP in the

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<sup>48</sup> In-line annealing normally is performed in a nonoxidizing atmosphere, a process known as “bright annealing.” Product that is annealed by other than bright annealing must be pickled in acid to remove surface oxides and produce a “bright” finish.

<sup>49</sup> Investigation Nos. 731-TA-540-541 (Final): Certain Welded Stainless Steel Pipes from the Republic of Korea and Taiwan, Confidential Staff Report, INV-P-182, December 3, 1992 (“Original confidential report”), pp. I-15-I-16.

<sup>50</sup> Certain Welded Stainless Steel Pipe from Korea and Taiwan, Inv. Nos. 731-TA-540-541 (Review), USITC Publication 3351, September 2000 (“First review publication”), p. I-7.

<sup>51</sup> Certain Welded Stainless Steel Pipe from Korea and Taiwan, Inv. Nos. 731-TA-540-541 (Second Review), USITC Publication 3877, August 2006 (“Second review publication”), p. I-7.

<sup>52</sup> Certain Welded Stainless Steel Pipe from Korea and Taiwan, Inv. Nos. 731-TA-540-541 (Third Review), USITC Publication 4280, December 2011 (“Third review publication”), p. I-14.

United States during 2010.<sup>53</sup> During the expedited fourth five-year reviews, domestic interested parties provided a list of seven known and currently operating U.S. producers of WSSP. Four responding firms accounted for approximately \*\*\* percent of production of WSSP in the United States during 2015.<sup>54</sup>

In response to the Commission’s notice of institution in these current reviews, domestic interested parties provided a list of seven known and currently operating U.S. producers of WSSP. The three firms providing U.S. industry data in response to the Commission’s notice of institution estimated that they accounted for \*\*\* percent of total production of WSSP in the United States during 2021.<sup>55</sup>

## Recent developments

Table I-4 presents events since the last five-year reviews.<sup>56</sup>

**Table I-4**  
**WSSP: Recent developments**

Item	Firm	Event
Acquisition	Primus	On August 1, 2017, Ta Chen, acquired Outokumpu’s stainless steel tube and pipe plant in Wildwood, Florida. The Wildwood plant operates as Primus Pipe and Tube.
Expansion	Primus	In November 2018, the local government approved Primus’s plans related to the expansion of their production facilities in Wildwood, Florida. The status of the expansion is unclear.

Sources: Outokumpu Oyj, “Outokumpu divests its pipe plant in Wildwood, Florida, US,” August 1, 2017, <https://www.outokumpu.com/news/2017/outokumpu-divests-its-pipe-plant-in-wildwood,-florida,-us>. Ta Chen, *Locations: U.S.A.*, [https://www.tachen.com/location\\_US.asp](https://www.tachen.com/location_US.asp). Marv Balousek, “Wildwood commissioners clear way for major expansion at Primus Pipe & Tube,” November 27, 2018, <https://www.villages-news.com/2018/11/27/wildwood-commissioners-clear-way-for-major-expansion-at-primus-pipe-tube/>.

<sup>53</sup> Domestic interested parties’ confidential supplemental response to the notice of institution for the third five-year reviews, August 1, 2011, p. 2.

<sup>54</sup> Investigation Nos. 731-TA-540-541 (Fourth Review): Certain Welded Stainless Steel Pipe from Korea and Taiwan, Confidential Staff Report, INV-PP-013, December 3, 1992, as revised in INV-PP-042, April 4, 2017 (“Fourth review confidential report”), p. I-2.

<sup>55</sup> Domestic interested parties’ response to the notice of institution, June 1, 2022, p. 30.

<sup>56</sup> For recent developments, if any, in tariff treatment (including Section 232 and 301 tariffs), please see “U.S. tariff treatment” section. In addition, effective March 23, 2018, stainless flat rolled steel products (including coiled steel products which are used to produce WSSP) are subject to an additional 25 percent ad valorem duty under Section 232 of the Trade Expansion Act of 1962, as amended. 83 FR 11625, March 15, 2018. Stainless flat rolled steel products produced in China are also subject, effective February 14, to an additional 7.5 percent ad valorem duty under Section 301 of the Trade Act of 1974. From September 1, 2019, until February 14, 2020, flat rolled steel products were subject to an additional 15 percent ad valorem duty under Section 301. 84 FR 45821, August 30, 2019, and 85 FR 3741, January 22, 2020.

## 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.<sup>57</sup> Table I-5 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-5**  
**WSSP: 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 tons; ratio is in percent

Item	Measure	1991	1999	2005	2010	2015	2021
Capacity	Quantity	63,432	***	77,877	71,700	58,242	52,704
Production	Quantity	39,016	***	35,579	39,008	24,352	34,580
Capacity utilization	Ratio	61.5	***	45.7	54.4	41.8	65.6
U.S. shipments	Quantity	36,263	***	37,006	36,657	23,690	37,222
U.S. shipments	Value	133,601	***	161,415	172,543	90,305	195,522
U.S. shipments	Unit value	3,684	***	4,362	4,707	3,824	5,253
Net sales	Value	***	***	160,992	179,829	88,899	195,522
COGS	Value	***	***	150,645	179,450	91,700	169,571
COGS to net sales	Ratio	***	***	93.6	99.8	103.2	86.7
Gross profit or (loss)	Value	***	***	10,348	378	(2,801)	25,952
SG&A expenses	Value	***	***	11,472	14,034	10,613	12,548
Operating income or (loss)	Value	***	***	(1,125)	(13,357)	(13,414)	13,404
Operating income or (loss) to net sales	Ratio	***	***	(0.7)	(7.4)	(15.1)	6.9

Source: For the years 1991, 1999, 2005, 2010, and 2015 data are compiled using data submitted in the Commission's original investigations and subsequent five-year reviews. For the year 2021, data are compiled using data submitted by domestic interested parties. Domestic interested parties' response to the notice of institution, June 1, 2022, exhibit 1.

Note: For a discussion of data coverage, please see "U.S. producers" section. As discussed in the section entitled "Definitions of the domestic like product and domestic industry", the Commission adopted a narrower domestic like product definition beginning in its second five-year reviews.

<sup>57</sup> 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.<sup>58</sup>

In its original determinations and full first five-year review determinations, the Commission defined the domestic like product as all welded stainless steel pipes and pressure tubes, excluding grade 409 tubes and mechanical tubes (also known as ornamental tubes), a product broader than Commerce's scope description. Thus, in addition to welded ASTM A-312 stainless steel pipe, the domestic like product included such tubular products as ASTM A-778 and A-358 pipes and ASTM A-249, A-269, and A-270 pressure tubes. In its full second five-year review determinations and its expedited third and fourth five-year review determinations, the Commission found that a change from the original definition of the domestic like product was appropriate and defined the domestic like product as only welded ASTM A-312 and A-778 stainless steel pipes. In its original determinations and its full first five-year review determinations, the Commission defined the domestic industry as producers of welded stainless steel pipes and pressure tubes, excluding grade 409 tubes and mechanical tubes (also known as ornamental tubes). In its full second five-year review determinations and its expedited third and fourth five-year review determinations, the Commission defined the domestic industry as all U.S. producers of welded ASTM A-312 and A-778 stainless steel pipes.<sup>59</sup>

In their response to the notice of institution, the domestic interested parties reported that they agree with the definition of the domestic like product and the domestic industry used by the Commission in its fourth five-year reviews.<sup>60</sup>

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<sup>58</sup> Section 771(4)(B) of the Tariff Act of 1930, 19 U.S.C. § 1677(4)(B).

<sup>59</sup> 87 FR 25668, May 2, 2022.

<sup>60</sup> Domestic interested parties' response to the notice of institution, June 1, 2022, p. 32.



## U.S. imports

### U.S. importers

During the final phase of the original investigations, the Commission received U.S. importer questionnaires from twelve firms, which accounted for 100 percent of imports from South Korea, 64 percent of imports from Taiwan, and 82 percent of imports from both sources combined during 1991.<sup>61</sup> Import data presented in the original investigations were based on official Commerce statistics.

During the full first five-year reviews, the Commission received U.S. importer questionnaires from ten firms.<sup>62</sup> Import data presented in the first reviews were based on official Commerce statistics and data compiled from questionnaire responses.

During the full second five-year reviews, the Commission received U.S. importer questionnaires from six firms.<sup>63</sup> Import data presented in the second reviews were based on official Commerce statistics.

During the expedited third five-year reviews, the Commission did not receive responses from any respondent interested parties and the domestic interested parties noted that they did not know which firms were importing WSSP from South Korea or Taiwan; however, the domestic interested parties commented that the Commission had identified eight importers during the second review.<sup>64</sup> Import data presented in the third reviews were based on official Commerce statistics.

Although Commission did not receive responses from any respondent interested parties in its expedited fourth five-year reviews, the domestic interested parties referenced the nine U.S. importers of WSSP identified by the Commission in its investigations concerning WSSP from India that was completed in November 2016 (Inv. Nos. 701-TA-548 and 731-TA-1298).<sup>65</sup> Import data presented in the fourth reviews were 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

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<sup>61</sup> Original publication, p. I-13.

<sup>62</sup> Importer questionnaire coverage was not estimated in this proceeding. First review publication, p. I-15.

<sup>63</sup> Importer questionnaire coverage was not estimated in this proceeding. Second review publication p. I-27.

<sup>64</sup> Domestic interested parties' response to the third five-year review notice of institution, August 1, 2011, p. 13.

<sup>65</sup> Fourth review publication, p. I-15.

domestic interested parties provided a list of 329 potential U.S. importers of WSSP from South Korea and Taiwan.<sup>66</sup>

## **U.S. imports**

Table I-6 presents the quantity, value, and unit value of U.S. imports from South Korea and Taiwan as well as the other top sources of U.S. imports (shown in descending order of 2021 imports by quantity).

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<sup>66</sup> The list of possible U.S. importers submitted by domestic interested party/parties likely overstates the actual number of U.S. importers of WSSP because it includes numerous freight forwarding and logistics firms as well as a number of duplicate entities. Domestic interested parties' response to the notice of institution, June 1, 2022, exhibit 7.

**Table I-6**  
**WSSP: U.S. imports, by source and period**

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

U.S. imports from	Measure	2016	2017	2018	2019	2020	2021
South Korea	Quantity	15,285	12,891	9,556	8,627	9,334	10,019
Taiwan	Quantity	22,156	25,794	22,873	15,504	13,297	21,293
Subject sources	Quantity	37,442	38,685	32,428	24,132	22,631	31,312
India	Quantity	4,955	8,081	14,440	9,601	6,175	17,537
Canada	Quantity	5,106	5,643	4,721	3,198	2,563	3,331
Vietnam	Quantity	777	1,426	1,690	1,712	1,558	2,216
China	Quantity	1,067	1,263	1,748	1,597	507	2,020
All other sources	Quantity	3,774	4,538	3,646	1,349	1,339	1,669
Nonsubject sources	Quantity	15,679	20,951	26,245	17,457	12,142	26,774
All import sources	Quantity	53,121	59,635	58,673	41,588	34,773	58,086
South Korea	Value	34,584	32,204	27,199	25,496	25,763	30,674
Taiwan	Value	59,647	86,061	100,280	63,423	50,366	129,494
Subject sources	Value	94,231	118,266	127,480	88,919	76,129	160,169
India	Value	12,082	22,103	50,621	34,259	19,235	70,188
Canada	Value	42,757	45,698	34,680	21,178	18,790	22,358
Vietnam	Value	1,846	3,503	4,995	5,286	4,523	7,317
China	Value	3,297	4,260	8,228	8,282	2,594	14,667
All other sources	Value	12,508	17,309	17,991	7,685	7,459	11,302
Nonsubject sources	Value	72,490	92,874	116,516	76,691	52,601	125,832
All import sources	Value	166,721	211,140	243,995	165,610	128,729	286,001
South Korea	Unit value	2,263	2,498	2,846	2,955	2,760	3,062
Taiwan	Unit value	2,692	3,337	4,384	4,091	3,788	6,082
Subject sources	Unit value	2,517	3,057	3,931	3,685	3,364	5,115
India	Unit value	2,438	2,735	3,506	3,568	3,115	4,002
Canada	Unit value	8,374	8,098	7,345	6,623	7,332	6,712
Vietnam	Unit value	2,376	2,456	2,955	3,088	2,903	3,301
China	Unit value	3,090	3,373	4,707	5,185	5,112	7,261
All other sources	Unit value	3,314	3,815	4,935	5,699	5,570	6,770
Nonsubject sources	Unit value	4,623	4,433	4,440	4,393	4,332	4,700
All import sources	Unit value	3,139	3,541	4,159	3,982	3,702	4,924

Source: Compiled from official Commerce statistics for HTS statistical reporting numbers 7306.40.5005, 7306.40.5015, 7306.40.5040, 7306.40.5062, 7306.40.5064, and 7306.40.5085, accessed June 1, 2022. These data may be overstated as these HTS statistical reporting numbers may contain products outside the scope of these reviews.

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

Note: Chang Tieh, a manufacturer in Taiwan, was excluded from the original antidumping duty order for Taiwan. In a changed circumstance review in 1998, Commerce determined that Chang Mein Industries Co., Ltd. is the successor-in-interest to Chang Tieh and is therefore entitled to Chang Tieh's exclusion from the antidumping duty order for Taiwan. 63 FR 34147, June 23, 1998. Additionally, Commerce revoked the antidumping duty order with respect to Ta Chen, a manufacturer in Taiwan, on June 26, 2000, following an administrative review. 65 FR 39367, June 26, 2000. Imports from Taiwan are not distinguished between subject and nonsubject sources. Therefore, data for imports from subject sources may be overstated, while data for imports from nonsubject sources may be correspondingly understated. During the fourth five-year reviews, \*\*\* percent of U.S. imports from Taiwan, by quantity, were from nonsubject sources in 2015. Fourth review confidential report, table I-4.

## Cumulation considerations<sup>67</sup>

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.<sup>68</sup>

Imports of WSSP from South Korea were reported in 69 of the 72 months between 2016 and 2021. All imports from South Korea entered through the southern, eastern, western, and northern borders of entry in all years during 2016-21. Over that period, 45.4 percent imports of WSSP from South Korea entered through the southern border, 29.9 percent of imports entered through the eastern border, 23.5 percent of imports entered through the western border, and 1.1 percent of imports entered through the northern border.

Imports of WSSP from Taiwan were reported in all 72 months between 2016 and 2021. Imports from Taiwan entered through the northern, eastern, western, and southern borders of entry in all years during 2016-21. During 2016-21, 32.5 percent of WSSP imports from Taiwan entered through the northern border, 26.0 percent of imports entered through the eastern border, 24.4 percent of imports entered through the western border, and 17.1 percent of imports entered through the southern border.

## Apparent U.S. consumption and market shares

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

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<sup>67</sup> Unless otherwise noted, this information is based on official U.S. import statistics for HTS statistical reporting numbers 7306.40.5005, 7306.40.5015, 7306.40.5040, 7306.40.5062, 7306.40.5064, and 7306.40.5085.

<sup>68</sup> In addition, available information concerning subject country producers and the global market is presented in the next section of this report.

**Table I-7**  
**WSSP: Apparent U.S. consumption and market shares, by source and period**

Quantity in short tons; value in 1,000 dollars; shares in percent

Source	Measure	1991	1999	2005	2010	2015	2021
U.S. producers	Quantity	36,263	***	37,006	36,657	23,960	37,222
South Korea	Quantity	5,074	***	5,716	4,680	6,854	10,019
Taiwan	Quantity	9,197	***	***	***	***	21,293
Subject sources	Quantity	14,271	***	***	***	***	31,312
Taiwan (nonsubject)	Quantity	NA	***	***	***	***	NA
All other sources	Quantity	10,260	***	25,894	18,249	19,781	26,774
All import sources	Quantity	24,531	***	41,456	41,722	45,964	58,086
Apparent U.S. consumption	Quantity	60,794	***	78,462	78,379	69,924	95,308
U.S. producers	Value	133,601	***	161,415	172,543	90,305	195,522
South Korea	Value	15,172	***	17,577	14,654	20,407	30,674
Taiwan	Value	29,305	***	***	***	***	129,494
Subject sources	Value	44,477	***	***	***	***	160,169
Taiwan (nonsubject)	Value	NA	***	***	***	***	NA
All other sources	Value	33,472	***	106,534	70,641	88,504	125,832
All import sources	Value	77,949	***	161,771	166,320	170,346	286,001
Apparent U.S. consumption	Value	211,550	***	323,186	338,863	260,651	481,523
U.S. producers	Share of quantity	59.6	***	47.2	46.8	34.3	39.1
South Korea	Share of quantity	8.3	***	7.3	6.0	9.8	10.5
Taiwan	Share of quantity	15.1	***	***	***	***	22.3
Subject sources	Share of quantity	23.5	***	***	***	***	32.9
Taiwan (nonsubject)	Share of quantity	NA	***	***	***	***	NA
All other sources	Share of quantity	16.9	***	33.0	23.3	28.3	28.1
All import sources	Share of quantity	40.4	***	52.8	53.2	65.7	60.9
U.S. producers	Share of value	63.2	***	49.9	50.9	34.6	40.6
South Korea	Share of value	7.2	***	5.4	4.3	7.8	6.4
Taiwan	Share of value	13.9	***	***	***	***	26.9
Subject sources	Share of value	21.0	***	***	***	***	33.3
Taiwan (nonsubject)	Share of value	NA	***	***	***	***	NA
All other sources	Share of value	15.8	***	33.0	20.8	34.0	26.1
All import sources	Share of value	36.8	***	50.1	49.1	65.4	59.4

Source: For the years 1991, 1999, 2005, 2010, and 2015, data are compiled using data submitted in the Commission's original investigations and subsequent five-year reviews. For the year 2021, U.S. producers' U.S. shipments are compiled from the domestic interested parties' response to the Commission's notice of institution and U.S. imports are compiled using official Commerce statistics under HTS statistical reporting numbers 7306.40.5005, 7306.40.5015, 7306.40.5040, 7306.40.5062, 7306.40.5064, and 7306.40.5085, accessed June 1, 2022. These data may be overstated as these HTS statistical reporting numbers may contain products outside the scope of these reviews.

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

Note: Chang Tieh, a manufacturer in Taiwan, was excluded from the original antidumping duty order for Taiwan. In a changed circumstance review in 1998, Commerce determined that Chang Mein Industries Co., Ltd. is the successor-in-interest to Chang Tieh and is therefore entitled to Chang Tieh's exclusion from the antidumping duty order for Taiwan. 63 FR 34147, June 23, 1998. Additionally, Commerce revoked the antidumping duty order with respect to Ta Chen, a manufacturer in Taiwan, on June 26, 2000, following an

administrative review. 65 FR 39367, June 26, 2000. Imports from Taiwan are not distinguished between subject and nonsubject sources for 2021. Therefore, data for imports from subject sources may be overstated, while data for imports from nonsubject sources may be correspondingly understated for 2021.

## The industry in South Korea

During the final phase of the original investigations, the Commission received foreign producer questionnaires from three firms, which accounted for approximately 95 percent of production of WSSP in South Korea and exports of WSSP to the United States during 1991.<sup>69</sup>

During the full first five-year reviews, the Commission received foreign producer/exporter questionnaires from seven firms.<sup>70</sup> During the full second five-year reviews, the domestic interested parties provided a list of four producers of WSSP in South Korea. Questionnaires were sent to the four firms in South Korea, but none of the firms submitted a response.<sup>71</sup>

Although the Commission did not receive responses from any respondent interested parties in its expedited third five-year reviews, the domestic interested parties identified three possible producers of WSSP in South Korea in that proceeding.<sup>72</sup>

Although the Commission did not receive responses from any respondent interested parties in its fourth five-year reviews, the domestic interested parties identified three possible producers of WSSP in South Korea in that proceeding.<sup>73</sup>

Although the Commission did not receive responses from any respondent interested parties in the current five-year reviews, the domestic interested parties provided a list of three possible producers of WSSP in South Korea.<sup>74</sup>

There were no major developments in the South Korean industry since the continuation of the orders identified by interested parties in the proceeding.

Table I-8 presents export data for certain welded stainless steel tubes, pipes and hollow profiles of circular cross section, a category that includes WSSP and out-of-scope products, from South Korea (by export destination in descending order of quantity for 2021). According to the Global Trade Atlas, during 2021, the United States was the top export market for certain

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<sup>69</sup> Original publication, p. I-27.

<sup>70</sup> Three of the seven firms that submitted a response essentially dominated the WSSP industry in South Korea at the time of the proceeding. First review publication, p. IV-4.

<sup>71</sup> Domestic interested parties' response to the second five-year review notice of institution, October 20, 2005, exhibit 4, and Second review publication, pp. IV-9-IV-10

<sup>72</sup> Third Review Publication, pp. I-24-I-25.

<sup>73</sup> Fourth Review Publication, p. I-21.

<sup>74</sup> Domestic interested parties' response to the notice of institution for the fifth five-year reviews, June 1, 2022, exhibit 8.

welded stainless steel tubes, pipes and hollow profiles of circular cross section from South Korea, accounting for 32.9 percent of exports, followed by China, accounting for 11.7 percent, and Japan, accounting for 10.8 percent.

**Table I-8**  
**Certain welded stainless steel tubes, pipes and hollow profiles of circular cross section: Quantity of exports from South Korea, by destination and period**

Quantity in short tons

<b>Destination market</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>	<b>2020</b>	<b>2021</b>
United States	21,901	17,723	12,074	11,887	9,567	13,965
China	8,137	2,958	4,552	5,226	6,004	4,942
Japan	3,784	3,969	4,544	4,668	3,720	4,580
Canada	736	991	816	319	17	3,239
Vietnam	1,450	919	1,483	1,916	1,815	2,443
India	2,771	2,401	2,368	2,266	1,525	2,408
Mexico	430	451	569	922	586	2,165
Indonesia	2,407	2,777	3,390	1,315	1,039	1,268
Malaysia	3,834	1,172	362	304	120	825
Thailand	2,785	2,096	2,507	939	1,958	665
All other markets	8,940	12,756	15,456	11,411	11,302	5,905
All markets	57,175	48,213	48,120	41,172	37,652	42,406

Source: Global Trade Information Services, Inc., Global Trade Atlas, HS subheading 7306.40, accessed June 9, 2022. These data may be overstated as HS subheading 7306.40 may contain products outside the scope of these reviews.

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

## The industry in Taiwan

During the final phase of the original investigations, the Commission received foreign producer/exporter questionnaires from two firms, which accounted for approximately \*\*\* percent of WSSP production in Taiwan and \*\*\* percent of U.S. imports of WSSP from Taiwan in 1991.<sup>75</sup>

During the full first five-year reviews, the Commission received a foreign producer/exporter questionnaire from one firm, which accounted for approximately \*\*\* percent of WSSP production in Taiwan.<sup>76</sup> During the full second five-year reviews, the Commission received a foreign producer/exporter questionnaire from one firm, which accounted for \*\*\* percent of WSSP production in Taiwan.<sup>77</sup>

Although the Commission did not receive responses from any respondent interested parties in its third five-year reviews, the domestic interested parties identified six possible producers of WSSP in Taiwan in that proceeding.<sup>78</sup>

Although the Commission did not receive responses from any respondent interested parties in its fourth five-year reviews, the domestic interested parties identified four possible producers of WSSP in Taiwan in that proceeding.<sup>79</sup>

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 WSSP in Taiwan.<sup>80</sup>

There were no major developments in the WSSP industry in Taiwan since the continuation of the orders identified by interested parties in the proceeding.

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<sup>75</sup> Original confidential report, p. I-43.

<sup>76</sup> Investigation Nos. 731-TA-540-541 (Review): Certain Welded Stainless Steel Pipes from Korea and Taiwan, Confidential Report, INV-X-192, August 23, 2000 (“First review confidential report”), pp. IV-5-IV-7.

<sup>77</sup> Investigation Nos. 731-TA-540-541 (Second Review): Certain Welded Stainless Steel Pipes from Korea and Taiwan, Confidential Report, INV-DD-107, July 17, 2006, as revised in INV-DD-109, July 20, 2006 (“Second review confidential report”), p. IV-13.

<sup>78</sup> Third review publication, pp. I-25-I-26.

<sup>79</sup> Fourth review publication, p. I-24

<sup>80</sup> The domestic interested parties listed \*\*\* as known producers of WSSP in Taiwan. Domestic interested parties’ response to the notice of institution for the fifth five-year reviews, June 1, 2022, exhibit 8. As previously noted, Commerce revoked the antidumping duty order with respect to Ta Chen. During the fourth five-year reviews, \*\*\* percent of U.S. imports from Taiwan, by quantity, were from nonsubject sources in 2015. Fourth review confidential report, table I-4.



Table I-9 presents export data for certain welded stainless steel tubes, pipes and hollow profiles of circular cross section, a category that includes WSSP and out-of-scope products, from Taiwan (by export destination in descending order of quantity for 2021). According to the Global Trade Atlas, during 2021, the United States was the top export market for certain welded stainless steel tubes, pipes and hollow profiles of circular cross section from Taiwan, accounting for 23.5 percent of exports, followed by Canada, accounting for 10.2 percent, and Australia, accounting for 9.1 percent.

**Table I-9**  
**Certain welded stainless steel tubes, pipes and hollow profiles of circular cross section: Quantity of exports from Taiwan, by destination and period**

Quantity in short tons

<b>Destination market</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>	<b>2020</b>	<b>2021</b>
United States	36,813	43,838	36,303	27,479	23,294	34,172
Canada	10,817	14,009	15,156	11,507	11,258	14,829
Australia	10,300	10,054	12,757	9,323	9,620	13,262
Netherlands	7,868	7,793	8,119	9,456	8,443	8,900
Brazil	511	552	674	1,703	8,461	6,555
Belgium	6,791	7,702	5,707	4,680	5,018	5,583
United Kingdom	5,793	5,968	6,466	5,881	3,958	5,031
Japan	1,983	3,245	3,850	3,670	4,172	4,964
Saudi Arabia	4,895	5,564	4,586	5,065	4,737	4,618
Mexico	8,581	7,954	6,910	6,800	4,808	4,219
All other markets	80,514	79,900	74,738	61,319	48,034	43,571
All markets	174,867	186,580	175,265	146,884	131,803	145,703

Source: Global Trade Information Services, Inc., Global Trade Atlas, HS subheading 7306.40, accessed June 9, 2022. These data may be overstated as HS subheading 7306.40 may contain products outside the scope of these reviews.

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

## Third-country trade actions

Based on available information, WSSP from South Korea and Taiwan has been subject to other antidumping investigations outside the United States. In March 2013, Turkey issued antidumping duty orders on welded stainless steel tubes, pipes, and profiles (including WSSP) from Taiwan with antidumping duty margins of 7.98 percent to 14.65 percent.<sup>81</sup> These orders were renewed in December 2018 with revised antidumping duty margins of 7.98 percent to 11.5 percent.<sup>82</sup> In September 2016, Thailand issued antidumping duty orders on stainless steel pipe and tube (including WSSP) from South Korea and Taiwan with antidumping duty margins of 11.96 percent to 51.53 percent for South Korea and 2.38 percent to 29.04 percent for Taiwan.<sup>83</sup> Thailand commenced an ongoing review of the orders in September 2021.<sup>84</sup>

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<sup>81</sup> World Trade Organization, *Semi-Annual Report under Article 16.4 of the Agreement: Turkey*, G/ADP/N/244/TUR, August 2, 2013, p. 4.

<https://docs.wto.org/dol2fe/Pages/SS/directdoc.aspx?filename=q:/G/ADP/N244TUR.pdf&Open=True>. The Turkish antidumping duty orders cover products outside the scope of these reviews. The subject product of the Turkish antidumping duty orders is defined as: “Welded stainless steel tubes, pipes, and profiles; 7306.40.20.90.00, 7306.40.80.90.00, 7306.61.10.00.00.”

<sup>82</sup> World Trade Organization, *Semi-Annual Report under Article 16.4 of the Agreement: Turkey*, G/ADP/N/322/TUR, April 12, 2019, p. 8.

<https://docs.wto.org/dol2fe/Pages/SS/directdoc.aspx?filename=q:/G/ADP/N322TUR.pdf&Open=True>.

<sup>83</sup> World Trade Organization, *Semi-Annual Report under Article 16.4 of the Agreement: Thailand*, G/ADP/N/294/THA, April 7, 2017, p. 4, 5.

<https://docs.wto.org/dol2fe/Pages/SS/directdoc.aspx?filename=q:/G/ADP/N294THA.pdf&Open=True>.

The Thai antidumping duty orders cover products outside the scope of these reviews. The subject product of the Thai antidumping duty orders is defined as: “Stainless steel pipe and tube HS: 7305.31.10, 7306.11.10, 7306.11.90, 7306.21.00, 7306.40.10, 7306.40.20, 7306.40.30, 7306.40.90, 7306.61.00.”

<sup>84</sup> World Trade Organization, *Semi-Annual Report under Article 16.4 of the Agreement: Thailand*, G/ADP/N/364/THA, February 26, 2022, p. 6. [https://www.usitc.gov/publications/701\\_731/pub4687.pdf](https://www.usitc.gov/publications/701_731/pub4687.pdf).

## The global market

Table I-10 presents global export data for certain welded stainless steel tubes, pipes and hollow profiles of circular cross section, a category that includes WSSP and out-of-scope products (by source in descending order of quantity for 2021). Italy and China were the largest exporters in 2021, accounting for 31.5 percent and 17.7 percent of total global exports by quantity, respectively. Taiwan was the third largest exporter, representing 13.9 percent of total global exports in 2021, and South Korea was the fifth largest exporter, representing 4.0 percent of total global exports in 2021.

**Table I-10**  
**Certain welded stainless steel tubes, pipes and hollow profiles of circular cross section: Quantity of global exports by country and period**

Quantity in short tons

<b>Destination market</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>	<b>2020</b>	<b>2021</b>
Italy	339,199	339,230	330,131	334,346	301,597	329,827
China	152,192	203,348	248,327	260,341	215,363	185,497
Taiwan	174,867	186,580	175,265	146,884	131,803	145,703
Germany	91,185	86,917	82,268	79,123	62,521	65,750
South Korea	57,175	48,213	48,120	41,172	37,652	42,406
Czech Republic	36,315	30,889	34,099	27,628	21,343	20,757
United States	28,709	26,726	26,808	22,404	19,803	26,677
India	10,548	17,215	25,077	19,524	21,242	34,621
Finland	22,443	22,270	23,899	24,042	22,451	22,627
Netherlands	26,077	15,358	22,352	25,361	22,054	14,696
All other exporters	197,508	208,734	210,277	188,956	208,800	158,508
All exporters	1,136,218	1,185,479	1,226,624	1,169,780	1,064,628	1,047,068

Source: Global Trade Information Services, Inc., Global Trade Atlas, HS subheading 7306.40, accessed June 9, 2022. These data may be overstated as HS subheading 7306.40 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](http://www.usitc.gov). In addition, the following tabulation presents, in chronological order, Federal Register notices issued by the Commission and Commerce during the current proceeding.

Citation	Title	Link
87 FR 25668, May 2, 2022	<i>Certain Welded Stainless Steel Pipe From South Korea and Taiwan; Institution of Five-Year Reviews</i>	<a href="https://www.govinfo.gov/content/pkg/FR-2022-05-02/pdf/2022-09263.pdf">https://www.govinfo.gov/content/pkg/FR-2022-05-02/pdf/2022-09263.pdf</a>
87 FR 25617, May 2, 2022	<i>Initiation of Five-Year (Sunset) Reviews</i>	<a href="https://www.govinfo.gov/content/pkg/FR-2022-05-02/pdf/2022-09366.pdf">https://www.govinfo.gov/content/pkg/FR-2022-05-02/pdf/2022-09366.pdf</a>





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



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**APPENDIX C**  
**SUMMARY DATA COMPILED IN PRIOR PROCEEDINGS**



Table C-1  
A-312 pipes: Summary data concerning the U.S. market, 1989-91, January-June 1991, and January-June 1992

(Quantity=short tons, value=1,000 dollars, unit values and unit labor costs are percent except where noted)

Item	Reported data					Period changes		1989-91	an. - une 1991-92
	1989	1990	1991	Jan.-June-- 1991	Jan.-June-- 1992	1989-90	1990-91		
<b>U.S. consumption quantity:</b>									
Amount.....	50,851	62,678	60,794	32,198	30,782	+23.3	-3.0	+19.6	-4.4
Producers' share 1/.....	73.7	64.8	59.6	59.8	70.8	-8.9	-5.2	-14.1	+10.9
Importers' share: 2/.....									
Korea.....	0.9	5.3	8.3	12.7	3.2	+4.4	+3.0	+7.5	-9.5
Taiwan.....	6.1	12.7	15.1	15.3	9.1	+6.6	+2.4	+9.0	-6.2
Subtotal.....	7.0	18.0	23.5	28.0	12.3	+11.1	+5.4	+16.5	-15.7
Other sources.....	19.3	17.1	16.9	12.1	16.9	-2.2	-0.3	-2.4	+4.8
Total.....	26.3	35.2	40.4	40.2	29.2	+8.9	+5.2	+14.1	-10.9
<b>U.S. consumption value:</b>									
Amount.....	239,232	245,827	211,550	115,473	106,900	+2.8	-13.9	-11.6	-7.4
Producers' share 1/.....	76.6	68.8	63.2	62.6	71.3	-7.8	-5.6	-13.4	+8.7
Importers' share: 2/.....									
Korea.....	0.6	4.0	7.2	10.4	2.4	+3.4	+3.1	+6.6	-8.0
Taiwan.....	5.5	10.8	13.9	13.5	7.9	+5.2	+3.1	+8.3	-5.7
Subtotal.....	6.1	14.8	21.0	24.0	10.3	+8.7	+6.2	+14.9	-13.7
Other sources.....	17.3	16.4	15.8	13.4	18.4	-0.9	-0.6	-1.5	+5.0
Total.....	23.4	31.2	36.8	37.4	28.7	+7.8	+5.8	+13.4	-8.7
<b>U.S. importers' imports from--</b>									
<b>Korea:</b>									
Imports quantity.....	444	3,328	5,074	4,083	973	+649.5	+52.5	2/	-76.2
Imports value.....	1,422	9,906	15,172	12,060	2,605	+596.6	+53.2	+966.9	-78.4
Unit value.....	\$3,206	\$2,977	\$2,990	\$2,953	\$2,678	-7.2	+0.4	-6.7	-9.3
Ending inventory qty.....	***	***	***	***	***	***	***	***	***
<b>Taiwan:</b>									
Imports quantity.....	3,095	7,979	9,197	4,938	2,812	+157.8	+15.3	+197.2	-43.1
Imports value.....	13,271	26,531	29,305	15,634	8,419	+99.9	+10.5	+120.8	-46.1
Unit value.....	\$4,288	\$3,325	\$3,186	\$3,166	\$2,995	-22.5	-4.2	-25.7	-5.4
Ending inventory qty.....	***	***	***	***	***	***	***	***	***
<b>Subject sources:</b>									
Imports quantity.....	3,538	11,307	14,271	9,022	3,785	+219.6	+26.2	+303.4	-58.0
Imports value.....	14,693	36,437	44,477	27,694	11,025	+148.0	+22.1	+202.7	-60.2
Unit value.....	\$4,152	\$3,223	\$3,117	\$3,070	\$2,913	-22.4	-3.3	-24.9	-5.1
Ending inventory qty.....	253	669	1,363	1,051	297	+164.4	+103.7	+438.7	-71.7
<b>Other sources:</b>									
Imports quantity.....	9,819	10,738	10,260	3,907	5,205	+9.4	-4.5	+4.5	+33.2
Imports value.....	41,377	40,271	33,472	15,505	19,682	-2.7	-16.9	-19.1	+26.9
Unit value.....	\$4,214	\$3,750	\$3,262	\$3,969	\$3,781	-11.0	-13.0	-22.6	-4.7
Ending inventory qty.....	***	***	***	***	***	***	***	***	***
<b>All sources:</b>									
Imports quantity.....	13,357	22,045	24,531	12,929	8,990	+65.0	+11.3	+83.7	-30.5
Imports value.....	56,070	76,708	77,949	43,199	30,706	+36.8	+1.6	+39.0	-28.9
Unit value.....	\$4,198	\$3,480	\$3,178	\$3,341	\$3,416	-17.1	-8.7	-24.3	+2.2
<b>U.S. producers'--</b>									
Ending capacity quantity...	60,299	63,904	63,432	31,887	32,246	+6.0	-0.7	+5.2	+1.1
Production quantity.....	38,103	41,012	39,016	21,158	22,001	+7.6	-4.9	+2.4	+4.0
Capacity utilization 1/.....	63.2	64.2	61.5	66.4	68.2	+1.0	-2.7	-1.7	+1.9
<b>U.S. shipments:</b>									
Quantity.....	37,494	40,633	36,263	19,269	21,792	+8.4	-10.8	-3.3	+13.1
Value.....	183,162	169,119	133,601	72,274	76,194	-7.7	-21.0	-27.1	+5.4
Unit value.....	\$4,885	\$4,162	\$3,684	\$3,751	\$3,496	-14.8	-11.5	-24.6	-6.8
<b>Export shipments:</b>									
Quantity.....	***	***	***	***	***	***	***	***	***
Exports/shipments 1/.....	***	***	***	***	***	***	***	***	***
Value.....	***	***	***	***	***	***	***	***	***
Unit value.....	***	***	***	***	***	***	***	***	***
Ending inventory quantity..	***	***	***	***	***	-2.0	+50.2	+47.1	+4.5
Inventory/shipments 1/.....	***	***	***	***	***	-1.3	+7.4	+6.1	-1.1
Production workers.....	563	615	562	574	577	+9.2	-8.6	-0.2	+0.5
Hours worked (1,000s).....	1,134	1,191	1,200	621	590	+5.0	+0.8	+5.8	-5.0
Total comp. (\$1,000).....	15,864	16,817	16,093	8,360	9,104	+6.0	-4.3	+1.4	+8.9
Hourly total compensation..	\$13.99	\$14.12	\$13.41	\$13.46	\$15.43	+0.9	-3.0	-4.1	+14.6
Productivity (short tons per 1,000 hours).....	33.6	34.4	32.5	34.1	37.3	+2.5	-5.6	-3.2	+9.4
Unit labor costs.....	\$416	\$410	\$412	\$395	\$414	-1.5	+0.6	-0.9	+4.7
Net sales value.....	***	***	***	***	***	-8.7	-20.1	-27.0	+4.4
COGS/sales 1/.....	***	***	***	***	***	+3.6	+3.9	+7.6	+5.3
Operating income (loss)....	***	***	***	***	***	-47.8	-88.3	-93.9	-110.2
Op. income (loss)/sales 1/.	9.6	5.5	0.8	4.4	(0.4)	-4.1	-4.7	-8.8	-4.8

1/ 'Reported data' are in percent and 'period changes' are in percentage points.

2/ An increase of 1,000 percent or more.

3/ Not applicable.

Note.--Period changes are derived from the unrounded data. Period changes involving negative period data are positive if the amount of the negativity decreases and negative if the amount of the negativity increases. Because of rounding, figures may not add to the totals shown. Unit values and other ratios are calculated using data of firms supplying both numerator and denominator information. Part-year inventory ratios are annualized.

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

**Table C-4**

**Welded A-778 pipes: Summary data concerning the U.S. market, 1997-99, January-March 1999, and January-March 2000**

\* \* \* \* \*

**Table C-5**

**Welded A-312 and A-778 pipes: Summary data concerning the U.S. market, 1997-99, January-March 1999, and January-March 2000**

\* \* \* \* \*



**Table C-4**

**Welded A-778 pipes: Summary data concerning the U.S. market, 1997-99, January-March 1999, and January-March 2000**

\* \* \* \* \*

**Table C-5**

**Welded A-312 and A-778 pipes: Summary data concerning the U.S. market, 1997-99, January-March 1999, and January-March 2000**

\* \* \* \* \*

Table C-4

Welded A-312 and A-778 pipes: Summary data concerning the U.S. market, 2000-05, January-March 2005, and January-March 2006

Item	(Quantity=short tons, value=1,000 dollars, unit values, unit labor costs, and unit expenses are per short ton; period changes=percent, except where noted)														
	Reported data										Period changes				
	2000	2001	2002	2003	2004	2005	January-March		2000-05	2000-01	2001-02	2002-03	2003-04	2004-05	January-March
							2005	2006							2005-06
<b>U.S. consumption quantity:</b>															
Amount	81,999	68,613	72,327	76,041	79,110	78,462	18,929	21,157	-4.3	-16.3	5.4	5.1	4.0	-0.8	11.8
Producers' share (1)	64.1	67.3	68.1	60.9	55.0	47.2	53.0	53.6	-16.9	3.2	0.8	-7.3	-5.8	-7.8	0.6
<b>Importers' share (1):</b>															
Korea (subject)	2.9	4.3	4.5	6.0	7.2	7.3	5.2	3.5	4.4	1.4	0.2	1.5	1.2	0.1	-1.6
Taiwan (subject)	***	***	***	***	***	***	***	***	***	***	***	***	***	***	***
Subtotal	***	***	***	***	***	***	***	***	***	***	***	***	***	***	***
Taiwan (nonsubject)	***	***	***	***	***	***	***	***	***	***	***	***	***	***	***
All other imports	15.7	13.7	14.8	18.6	25.3	33.0	29.7	29.6	17.3	-2.0	1.0	3.8	6.8	7.7	-0.1
Total imports	35.9	32.7	31.9	39.1	45.0	52.8	47.0	46.4	16.9	-3.2	-0.8	7.3	5.8	7.8	-0.6
<b>U.S. consumption value:</b>															
Amount	247,078	181,227	174,326	189,666	287,814	323,186	75,554	78,439	30.8	-26.7	-3.8	8.8	51.7	12.3	3.8
Producers' share (1)	65.0	64.6	64.9	60.7	58.4	49.9	54.7	56.4	-15.1	-0.4	0.3	-4.2	-2.3	-8.4	1.7
<b>Importers' share (1):</b>															
Korea (subject)	2.1	3.0	3.6	4.5	5.0	5.4	3.7	2.8	3.3	0.9	0.6	0.9	0.5	0.4	-0.8
Taiwan (subject)	***	***	***	***	***	***	***	***	***	***	***	***	***	***	***
Subtotal	***	***	***	***	***	***	***	***	***	***	***	***	***	***	***
Taiwan (nonsubject)	***	***	***	***	***	***	***	***	***	***	***	***	***	***	***
All other imports	18.1	21.2	21.1	22.2	25.2	33.0	29.5	29.9	14.8	3.0	-0.1	1.2	3.0	7.8	0.4
Total imports	35.0	35.4	35.1	39.3	41.6	50.1	45.3	43.6	15.1	0.4	-0.3	4.2	2.3	8.4	-1.7
<b>U.S. imports from:</b>															
<b>Korea (subject):</b>															
Quantity	2,403	2,938	3,259	4,549	5,708	5,716	977	745	137.9	22.3	10.9	39.6	25.5	0.1	-23.8
Value	5,181	5,427	6,212	8,550	14,491	17,577	2,768	2,223	239.3	4.8	14.5	37.6	69.5	21.3	-19.7
Unit value	\$2,156	\$1,847	\$1,906	\$1,879	\$2,539	\$3,075	\$2,832	\$2,984	42.6	-14.3	3.2	-1.4	35.1	21.1	5.3
Ending inventory quantity	0	0	0	0	0	0	0	0	(3)	(3)	(3)	(3)	(3)	(3)	(3)
<b>Taiwan (subject):</b>															
Quantity	***	***	***	***	***	***	***	***	***	***	***	***	***	***	***
Value	***	***	***	***	***	***	***	***	***	***	***	***	***	***	***
Unit value	***	***	***	***	***	***	***	***	***	***	***	***	***	***	***
Ending inventory quantity	***	***	***	***	***	***	***	***	***	***	***	***	***	***	***
<b>Subtotal (subject):</b>															
Quantity	***	***	***	***	***	***	***	***	***	***	***	***	***	***	***
Value	***	***	***	***	***	***	***	***	***	***	***	***	***	***	***
Unit value	***	***	***	***	***	***	***	***	***	***	***	***	***	***	***
Ending inventory quantity	***	***	***	***	***	***	***	***	***	***	***	***	***	***	***
<b>Taiwan (nonsubject):</b>															
Quantity	***	***	***	***	***	***	***	***	***	***	***	***	***	***	***
Value	***	***	***	***	***	***	***	***	***	***	***	***	***	***	***
Unit value	***	***	***	***	***	***	***	***	***	***	***	***	***	***	***
Ending inventory quantity	***	***	***	***	***	***	***	***	***	***	***	***	***	***	***
<b>All other imports (2):</b>															
Quantity	12,899	9,419	10,686	14,138	20,048	25,894	5,629	6,269	100.8	-27.0	13.5	32.3	41.8	29.2	11.4
Value	44,822	38,356	36,747	42,166	72,490	106,534	22,286	23,472	137.7	-14.4	-4.2	14.7	71.9	47.0	5.3
Unit value	\$3,475	\$4,072	\$3,439	\$2,983	\$3,616	\$4,114	\$3,959	\$3,744	18.4	17.2	-15.6	-13.3	21.2	13.8	-5.4
Ending inventory quantity	413	122	426	1,420	2,910	2,217	1,802	1,322	437.5	-70.5	250.0	233.4	105.0	-23.8	-26.6
<b>All sources:</b>															
Quantity	29,438	22,423	23,055	29,769	35,595	41,456	8,900	9,816	40.8	-23.8	2.8	29.1	19.6	16.5	10.3
Value	86,480	64,187	61,246	74,572	119,814	161,771	34,198	34,180	87.1	-25.8	-4.6	21.8	60.7	35.0	-0.1
Unit value	\$2,938	\$2,863	\$2,656	\$2,505	\$3,366	\$3,902	\$3,843	\$3,482	32.8	-2.6	-7.2	-5.7	34.4	15.9	-9.4
Ending inventory quantity	1,005	122	426	1,420	2,910	2,217	1,802	1,322	120.6	-87.9	250.0	233.4	105.0	-23.8	-26.6
<b>U.S. producers:</b>															
Average capacity quantity	88,787	76,803	77,097	85,419	82,113	77,877	19,794	19,358	-12.3	-13.5	0.4	10.8	-3.9	-5.2	-2.2
Production quantity	54,957	43,593	50,916	46,848	44,605	35,579	8,570	11,044	-35.3	-20.7	16.8	-8.0	-4.8	-20.2	28.9
Capacity utilization (1)	61.9	56.8	66.0	54.8	54.3	45.7	43.3	57.1	-16.2	-5.1	9.3	-11.2	-0.5	-8.6	13.8
<b>U.S. shipments:</b>															
Quantity	52,561	46,191	49,272	46,272	43,514	37,006	10,029	11,341	-29.6	-12.1	6.7	-6.1	-6.0	-15.0	13.1
Value	160,599	117,040	113,080	115,093	168,001	161,415	41,356	44,259	0.5	-27.1	-3.4	1.8	46.0	-3.9	7.0
Unit value	\$3,055	\$2,534	\$2,295	\$2,487	\$3,861	\$4,362	\$4,124	\$3,903	42.8	-17.1	-9.4	8.4	55.2	13.0	-5.4
<b>Export shipments:</b>															
Quantity	499	550	450	412	448	149	251	350	-70.1	10.4	-18.3	-8.4	8.7	-66.7	39.1
Value	1,826	1,606	1,327	1,408	2,181	821	903	1,323	-55.1	-12.0	-17.4	6.1	54.9	-62.4	46.6
Unit value	\$3,663	\$2,919	\$2,952	\$3,420	\$4,874	\$5,505	\$3,589	\$3,781	50.3	-20.3	1.2	15.8	42.5	12.9	5.4
Ending inventory quantity	14,166	8,683	9,892	9,306	10,306	8,729	8,900	7,772	-38.4	-38.7	13.9	-5.9	10.7	-15.3	-12.7
Inventories/total shipments (1)	26.7	18.6	19.9	19.9	23.4	23.5	21.6	16.6	-3.2	-8.1	1.3	0.0	3.5	0.1	-5.0
Production workers	560	374	357	349	359	346	337	341	-38.3	-33.2	-4.5	-2.3	2.9	-3.9	1.5
Hours worked (1,000s)	1,207	853	823	801	841	850	190	193	-29.6	-29.4	-3.5	-2.6	5.0	1.0	1.8
Wages paid (\$1,000s)	18,411	12,549	12,237	12,066	12,505	12,438	3,085	2,990	-32.4	-31.8	-2.5	-1.4	3.6	-0.5	-3.1
Hourly paid	\$15.26	\$14.72	\$14.87	\$15.06	\$14.87	\$14.64	\$16.25	\$15.47	-4.0	-3.5	1.0	1.3	-1.3	-1.5	-4.8
Productivity (tons/1,000 hours)	45.5	51.1	61.9	58.5	53.0	41.9	45.2	57.2	-8.0	12.3	21.0	-5.5	-9.3	-21.0	26.6
Unit labor costs	\$335.01	\$287.87	\$240.33	\$257.55	\$280.34	\$349.59	\$359.96	\$270.69	4.4	-14.1	-16.5	7.2	8.8	24.7	-24.8
<b>Net sales:</b>															
Quantity	52,825	46,522	49,515	46,456	43,757	36,993	7,962	9,180	-30.0	-11.9	6.4	-6.2	-5.8	-15.5	15.3
Value	161,477	117,068	113,159	115,492	168,662	160,992	34,104	37,458	-0.3	-27.5	-3.3	2.1	46.0	-4.5	9.8
Unit value	\$3,057	\$2,516	\$2,285	\$2,486	\$3,855	\$4,352	\$4,283	\$4,080	42.4	-17.7	-9.2	8.8	55.0	12.9	-4.7
Cost of goods sold (COGS)	146,427	117,374	123,998	114,928	147,119	150,645	31,106	35,923	2.9	-19.8	5.6	-7.3	28.0	2.4	15.5
Gross profit or (loss)	15,049	(305)	(10,839)	564	21,543	10,348	2,999	1,535	-31.2	(4)	-3449.2	(4)	3720.0	-52.0	-48.8
SG&A expenses	16,655	13,176	12,290	10,282	12,297	11,472	2,432	2,268	-31.1	-20.9	-6.7	-16.3	19.6	-6.7	-6.7
Operating income or (loss)	(1,606)	(13,482)	(23,130)	(9,718)	9,246	(1,125)	566	(733)	30.0	-739.6	-71.6	58.0	(4)	(4)	(4)
Capital expenditures	7,288	4,737	3,363	2,296	3,077	4,870	685	885	-33.2	-35.0	-29.0	-31.7	34.0	58.3	29.2
Unit COGS	\$2,772	\$2,523	\$2,504	\$2,474	\$3,362	\$4,072	\$3,907	\$3,913	46.9	-9.0	-0.7	-1.2	35.9	21.1	0.2
Unit SG&A expenses	\$315	\$283	\$248	\$221	\$281	\$310	\$305	\$247	-1.6	-10.2	-12.4	-10.8	27.0	10.4	-19.1
Unit operating income or (loss)	(\$30)	(\$290)	(\$467)	(\$209)	\$211	(\$30)	\$71	(\$80)	-0.0	-853.4	-61.2	55.2	(4)	(4)	(4)
COGS/sales (1)	90.7	100.3	109.6	99.5	87.2	93.6	91.2	95.9	2.9	9.6	9.3	-10.1	-12.3	6.3	4.7
Operating income or (loss)/sales (1)	(1.0)	(11.5)	(20.4)	(8.4)	5.5	(0.7)	1.7	(2.0)	0.3	-10.5	-8.9	12.0	13.9	-6.2	-3.6

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

(2) All other imports include imports of A-312 and A-778 pipes from all other sources and imports of other welded pipes/pressure tubes from all sources.

(3) Not applicable.

(4) 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.

**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 provided emails for the following 10 firms as top purchasers of certain welded stainless steel pipe: \*\*\*. Three firms (\*\*\*) provided responses, which are presented below.

1. Have there been any significant changes in the supply and demand conditions for certain welded stainless steel pipe that have occurred in the United States or in the market for certain welded stainless steel pipe in South Korea 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 certain welded stainless steel pipe in the United States or in the market for certain welded stainless steel pipe in South Korea and/or Taiwan within a reasonably foreseeable time?

Purchaser	Yes / No	Anticipated changes
***	***	***
***	***	***
***	***	***

