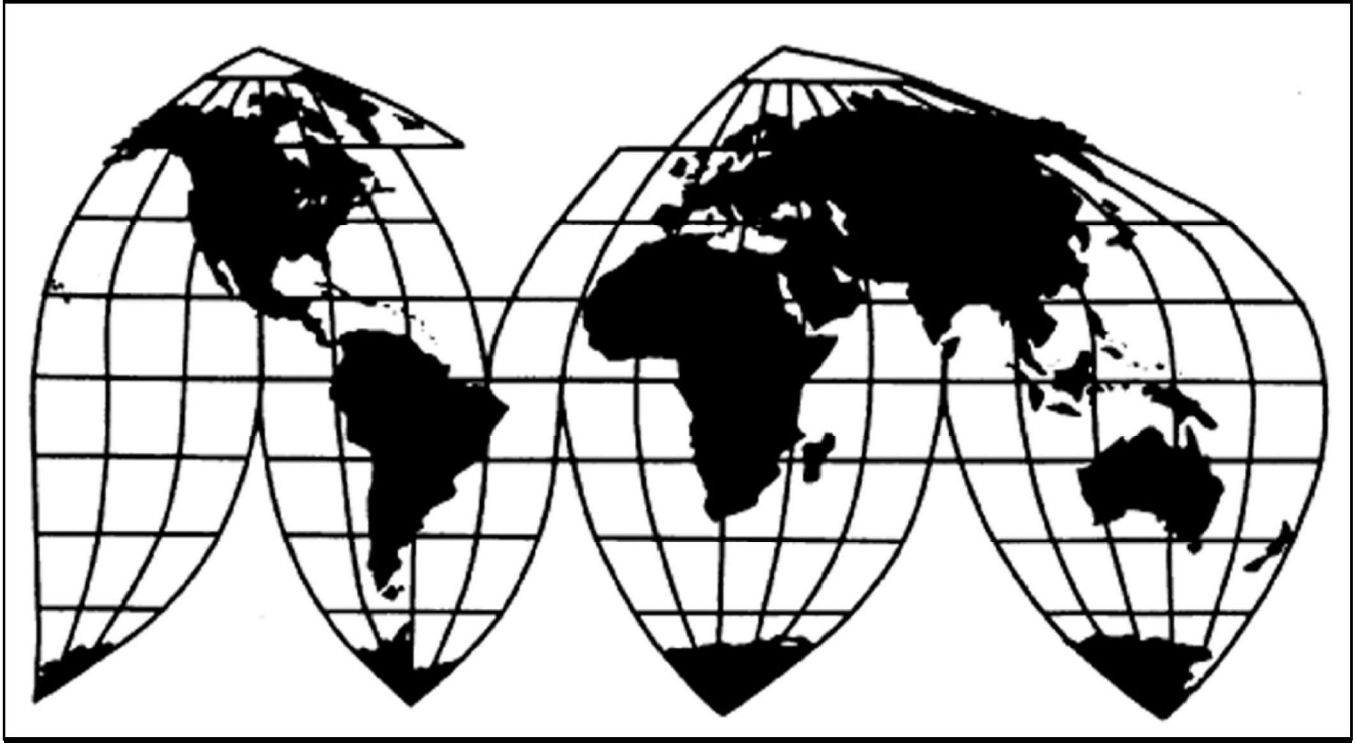
Carbon and Alloy Seamless Standard, Line, and Pressure Pipe from Japan and Romania

Investigation Nos. 731-TA-847 and 849 (Fourth Review)

Publication 5427 **May 2023**

U.S. International Trade Commission



Washington, DC 20436

U.S. International Trade Commission

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UNITED STATES INTERNATIONAL TRADE COMMISSION

Investigation Nos. 731-TA-847 and 849 (Fourth Review)

Carbon and Alloy Seamless Standard, Line, and Pressure Pipe from Japan and Romania

DETERMINATION

On the basis of the record[1] 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 existing antidumping duty order on large-diameter carbon and alloy seamless standard, line, and pressure pipe from Japan and the antidumping duty orders on small-diameter carbon and alloy seamless standard, line, and pressure pipe from Japan and Romania 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 October 3, 2022 (87 FR 59779) and determined on January 6, 2023 that it would conduct expedited reviews (88 FR 20909, April 6, 2023).

By order of the Commission.

Lisa R. Barton
Secretary to the Commission

Issued:

[1] The record is defined in § 207.2(f) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(f)).

Views of the Commission

Based on the record in these five-year reviews, we determine under section 751(c) of the Tariff Act of 1930, as amended ("the Tariff Act"), that revocation of the antidumping duty order on large-diameter carbon and alloy seamless standard, line and pressure pipe ("seamless SLP pipe" from Japan and the antidumping duty orders on small-diameter seamless SLP pipe from Japan and Romania would be likely to lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time.

I. Background

Original Investigations: In June 2000, the Commission determined that an industry in the United States was materially injured by reason of less-than-fair-value ("LFTV") imports of small-diameter seamless SLP pipe from Japan and South Africa and that an industry in the United States was materially injured by reason of LTFV imports of large-diameter seamless SLP pipe from Japan.[1] On June 26, 2000, Commerce issued antidumping duty orders on small-diameter seamless SLP pipe from Japan and South Africa and on large-diameter seamless pipe from Japan.[2]

In August 2000, the Commission determined that an industry in the United States was materially injured by reason of LTFV imports of small-diameter seamless SLP pipe from the Czech Republic and Romania and LTFV imports of large-diameter seamless SLP pipe from Mexico.[3] On August 4, 2000, Commerce issued antidumping duty orders on small-diameter seamless SLP pipe from Romania and large-diameter seamless SLP pipe from Mexico.[4] On August 8, 2000, Commerce issued an antidumping duty order on small-diameter seamless SLP pipe from the Czech Republic.[5]

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[1] *Certain Seamless Carbon and Alloy Steel Standard, Line, and Pressure Pipe from Japan and South Africa*, Inv. Nos. 731-TA-847 and 850 (Final), USITC Pub. 3311 (June 2000) ("*Original Investigations-Japan*").

[2] *Notice of Antidumping Duty Orders: Certain Large Diameter Carbon and Alloy Seamless Standard, Line and Pressure Pipe from Japan; and Certain Small Diameter Carbon and Alloy Seamless Standard, Line and Pressure Pipe from Japan and the Republic of South Africa*, 65 Fed. Reg. 39360 (June 26, 2000).

[3] *Certain Seamless Carbon and Alloy Steel Standard, Line, and Pressure Pipe from the Czech Republic, Mexico, and Romania*, Inv. Nos. 731-TA-846, 848, 849 (Final), USITC Pub. 3325 (Aug. 2000) ("*Original Investigations-Romania*").

[4] *Notice of Amended Final Determination of Sales at Less Than Fair Value and Antidumping Duty Order: Certain Small Diameter Carbon and Alloy Seamless Standard, Line, and Pressure Pipe from Romania*, 65 Fed. Reg. 48963 (Aug. 10, 2000) and *Notice of Amended Final Determination of Sales at Less Than Fair Value and Antidumping Duty Order: Certain Large Diameter Carbon and Alloy Seamless Standard, Line, and Pressure Pipe from Mexico*, 65 Fed. Reg. 49227, 49229 (Aug. 11, 2000).

[5] *Notice of Antidumping Duty Order: Certain Small Diameter Carbon and Alloy Seamless Standard, Line, and Pressure Pipe from the Czech Republic*, 65 Fed. Reg. 49539, 49540 (August 14, 2000).

First Five-Year Reviews. In May 2005, in the first five-year reviews of the orders,[6] the Commission conducted full reviews and determined that revocation of the antidumping duty orders covering small-diameter seamless SLP pipe from Japan and Romania and large-diameter seamless SLP pipe from Japan would be likely to lead to continuation or recurrence of material industry to an industry in the United States within a reasonably foreseeable time.[7] The Commission made negative determinations with respect to subject imports of small-diameter seamless SLP pipe from the Czech Republic and South Africa and with respect to large-diameter seamless SLP pipe from Mexico.[8] Consequently, Commerce continued the orders on large-diameter seamless SLP pipe imports from Japan and small-diameter seamless SLP pipe imports from Romania and Japan,[9] and revoked the orders on small-diameter seamless SLP pipe from the Czech Republic and South Africa and on large-diameter seamless SLP pipe from Mexico.[10]

Second Five-Year Reviews: In September 2011, in the expedited second five-year reviews of the antidumping duty orders on small-diameter seamless SLP pipe from Japan and Romania and large-diameter seamless SLP pipe from Japan, the Commission determined that revocation of these orders would be likely to lead to a continuation or recurrence of material

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[6] *Certain Seamless Carbon and Alloy Steel Standard, Line, and Pressure Pipe from the Czech Republic, Japan, Mexico, Romania, and South Africa*, Inv. Nos. 731-TA-846 to 850 (Review), USITC Pub. 3850 at 3-4 (Apr. 2006) ("*First Five-Year Reviews*").

[7] Commissioners Lane, Aranoff, and Koplan voted in the affirmative with respect to subject imports from Japan and Romania; Commissioners Okun, Pearson, and Hillman voted in the negative with respect to small-diameter seamless SLP pipe from Romania. *See First Five-Year Reviews*, USITC Pub. 3850 at 3.

[8] The negative determination in the five-year reviews covering small-diameter seamless SLP pipe from the Czech Republic and South Africa and large-diameter seamless SLP pipe from Mexico reflected the views of Commissioners Okun, Pearson, Aranoff, and Hillman. Commissioners Koplan and Lane dissented. *See* 71 Fed. Reg. 24860 (April 27, 2006). Four Commissioners did not exercise their discretion to cumulate subject imports of small-diameter seamless SLP pipe from Japan with any other subject imports;[8] *First Five-Year Reviews*, USITC Pub. 3850 at 17-18 (Commission Opinion). Two Commissioners exercised their discretion to cumulate subject imports of small-diameter seamless SLP pipe from all countries then subject to review. *First Five-Year Reviews*, USITC Pub. 3850 at 77 (Commissioners Koplan and Lane). One Commissioner who made an affirmative determination with respect to small-diameter seamless SLP pipe from Romania considered those imports separately. *First Five-Year Reviews*, USITC Pub. 3850 at 66-68 (Commissioner Aranoff).

[9] *Certain Large Diameter Carbon and Alloy Steel Seamless Standard, Line, and Pressure Pipe from Japan and Certain Small Diameter Carbon and Alloy Seamless Standard, Line, and Pressure Pipe from Japan and Romania: Continuation of Antidumping Duty Orders*, 71 Fed Reg. 26746 (May 8, 2006).

[10] *Revocation of Antidumping Duty Orders: Certain Small Diameter Carbon and Alloy Seamless Standard, Line, and Pressure Pipe from the Czech Republic and South Africa*, 71 Fed. Reg. 27463 (May 11, 2006) *and Revocation of Antidumping Duty Orders: Certain Large Diameter Carbon and Alloy Seamless Standard, Line, and Pressure Pipe from Mexico*, 71 Fed. Reg. 27461 (May 11, 2006).

injury to an industry in the United States within a reasonably foreseeable time.[11] On October 11, 2011, Commerce issued a continuation of the antidumping duty orders on large-diameter seamless SLP pipe from Japan and on small-diameter seamless SLP pipe from Japan and Romania.[12]

Third Five-Year Reviews: In October 2017, in the full third five-year reviews of the antidumping duty orders on small-diameter seamless SLP pipe from Japan and Romania and large-diameter seamless SLP pipe from Japan, the Commission determined that revocation of the orders would be likely to lead to a continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time.[13] Unlike in the original investigations and prior reviews, the Commission defined a single domestic like product encompassing both small-diameter and large-diameter seamless SLP pipe with an outside diameter not exceeding 16 inches, and cumulated all subject imports of seamless SLP pipe.[14] In November 2017, Commerce issued a notice of continuation of the antidumping duty orders on small-diameter seamless SLP pipe from Japan and Romania and on large-diameter seamless SLP pipe from Japan.[15]

Current Five-Year Reviews. On October 3, 2022, the Commission instituted these fourth five-year reviews.[16] The Commission received a single joint response to the notice of institution from Vallourec Star L.P. ("Vallourec") and U.S. Steel Tubular Products ("U.S. Steel") (jointly, "Domestic Producers"), each of which is a domestic producer of seamless SLP pipe.[17] No respondent interested party responded to the notice of institution or participated in these reviews. On January 6, 2023, the Commission found that the domestic interested party group response was adequate and the respondent interested party group response was

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[11] *Certain Seamless Carbon and Alloy Steel Standard, Line, and Pressure Pipe from Japan and Romania*, Inv. Nos. 731-TA-847 and 849 (Second Review), USITC Pub. 4262 at 3-4, 22 (Sep. 2011) ("*Second Five-Year Reviews*").

[12] *Certain Large Diameter Carbon and Alloy Seamless Standard, Line, and Pressure Pipe from Japan and Certain Small Diameter Carbon and Alloy Seamless Standard, Line, and Pressure Pipe from Japan and Romania: Continuation of Antidumping Duty Orders*, 76 Fed. Reg. 62762 (Oct. 11, 2011).

[13] *Certain Seamless Carbon and Alloy Steel Standard, Line, and Pressure Pipe from Japan and Romania*, Inv. Nos. 731-TA-847 and 849 (Third Review), USITC Pub. 4731 at 3, 32 (Oct. 2017) ("*Third Five-Year Reviews*"). Commissioner Broadbent dissented with respect to small-diameter seamless SLP pipe from Romania.

[14] *Third Five-Year Reviews*, USITC Pub. 4731 at 17-19, 31-32.

[15] *Certain Large Diameter Carbon and Alloy Seamless Standard, Line and Pressure Pipe from Japan; Certain Small Diameter Carbon and Alloy Seamless Standard, Line and Pressure Pipe from Japan and Romania: Continuation of Antidumping Duty Orders*, 82 Fed. Reg. 52275 (Nov. 13, 2017).

[16] *Carbon and Alloy Seamless Standard, Line, and Pressure Pipe from Japan and Romania: Institution of Five-Year Reviews*, 87 Fed. Reg. 59821 (Oct. 3, 2022) ("*Notice of Institution*").

[17] *See Domestic Interested Parties' Confidential Response to Notice of Institution*, EDIS Doc. 783634 (Nov. 2, 2022) ("*Confidential Domestic Response*"); *Domestic Interested Parties' Response to Notice of Institution*, EDIS Doc 783673 (Nov. 3, 2022) (Public Version) ("*Domestic Response*").

inadequate.[18] Finding no other circumstances that would warrant conducting full reviews, the Commission determined that it would conduct expedited reviews of the antidumping duty orders.[19] Domestic Producers submitted joint final comments pursuant to Commission Rule 207.62(d)(1) regarding the determination that the Commission should reach.[20]

Data/Response Coverage. U.S. industry data in these reviews is based on data provided by the Domestic Producers in their response to the notice of institution, which are estimated to account for *** percent of U.S. production of seamless SLP pipe in 2021.[21] U.S. import data and related information are based on Commerce's official import statistics.[22] Foreign industry data and related information are based on information from the original investigations and prior five-year reviews, information submitted by Domestic Producers in their response to the notice of institution, and publicly available information compiled by the Commission.[23]

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."[24] 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."[25] 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.[26]

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[18] *Carbon and Alloy Seamless Standard, Line, and Pressure Pipe from Japan and Romania: Scheduling of Expedited Five-Year Reviews*, 88 Fed. Reg. 20909 (Jan. 6, 2023).

[19] *Id.* Chairman David S. Johanson voted to conduct full reviews in light of the changes in competition resulting from imposition of the Section 232 duties detailed in Section IV.B.3., *infra*.

[20] *Domestic Interested Parties' Final Comments*, EDIS Doc. 795064 (Apr. 27, 2023) ("*Domestic Final Comments*").

[21] *Confidential Staff Report*, INV-UU-127, EDIS Doc. No. 786795 (Dec. 22, 2022) ("CR"), *Public Report* ("PR") at I-2.

[22] CR/PR at Tables I-8 through Table I-10.

[23] CR/PR at Table I-8 through Table I-18. Two purchasers, *** and *** responded to the Commission's adequacy phase questionnaires. CR/PR at Appendix D-3.

[24] 19 U.S.C. § 1677(4)(A).

[25] 19 U.S.C. § 1677(10); *see*, *e.g., Cleo Inc. v. United States*, 501 F.3d 1291, 1299 (Fed. Cir. 2007); *NEC Corp. v. Department of Commerce*, 36 F. Supp. 2d 380, 383 (Ct. Int'l Trade 1998); *Nippon Steel Corp. v. United States*, 19 CIT 450, 455 (1995); *Timken Co. v. United States*, 913 F. Supp. 580, 584 (Ct. Int'l Trade 1996); *Torrington Co. v. United States*, 747 F. Supp. 744, 748-49 (Ct. Int'l Trade 1990), *aff'd*, 938 F.2d 1278 (Fed. Cir. 1991); *see also* S. Rep. No. 249, 96th Cong., 1st Sess. 90-91 (1979).

[26] *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).

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

Small Diameter Pipe from Japan and Romania

The products covered by these *Orders* include small diameter seamless carbon and alloy (other than stainless) steel standard, line, and pressure pipes and redraw hollows produced, or equivalent, to the ASTM A-53, ASTM A-106, ASTM A-333, ASTM A-334, ASTM A-335, ASTM A-589, ASTM A-795, and the API 5L specifications and meeting the physical parameters described below, regardless of application. The scope of these *Orders* also includes all products used in standard, line, or pressure pipe applications and meeting the physical parameters described below, regardless of specification. Specifically included within the scope of these *Orders* are seamless pipes and redraw hollows, less than or equal to 4.5 inches (114.3 mm) in outside diameter, regardless of wall-thickness, manufacturing process (hot finished or cold-drawn), end finish (plain end, beveled end, upset end, threaded, or threaded and coupled), or surface finish.

The seamless pipes subject to these *Orders* are currently classifiable under the subheadings 7304.10.10.20, 7304.10.50.20, 7304.19.10.20, 7304.19.50.20, 7304.31.30.00, 7304.31.60.50, 7304.39.00.16, 7304.39.00.20, 7304.39.00.24, 7304.39.00.28, 7304.39.00.32, 7304.51.50.05, 7304.51.50.60, 7304.59.60.00, 7304.59.80.10, 7304.59.80.15, 7304.59.80.20, and 7304.59.80.25 of the HTSUS.

Specifications, Characteristics, and Uses: seamless pressure pipes are intended for the conveyance of water, steam, petrochemicals, chemicals, oil products, natural gas and other liquids and gasses in industrial piping systems. They may carry these substances at elevated pressures and temperatures and may be subject to the application of external heat. Seamless carbon steel pressure pipe meeting the ASTM A-106 standard may be used in temperatures of up to 1000 degrees Fahrenheit, at various ASME code stress levels. Alloy pipes made to ASTM A- 335 standard must be used if temperatures and stress levels exceed those allowed for ASTM A- 106. Seamless pressure pipes sold in the United States are commonly produced to the ASTM A- 106 standard.

Seamless standard pipes are most commonly produced to the ASTM A-53 specification and generally are not intended for high temperature service. They are intended for the low temperature and pressure conveyance of water, steam, natural gas, air and other liquids and gasses in plumbing and heating systems, air conditioning units, automatic sprinkler systems, and other related uses. Standard pipes (depending on type and code) may carry liquids at elevated temperatures but must not exceed relevant ASME code requirements. If exceptionally low temperature uses or conditions are anticipated, standard pipe may be manufactured to ASTM A- 333 or ASTM A-334 specifications.

Seamless line pipes are intended for the conveyance of oil and natural gas or other fluids in pipe lines. Seamless line pipes are produced to the API 5L specification.

Seamless water well pipe (ASTM A-589) and seamless galvanized pipe for fire protection uses (ASTM A-795) are used for the conveyance of water.

Seamless pipes are commonly produced and certified to meet ASTM A-106, ASTM A-53, API 5L-B, and API 5L-X42 specifications. To avoid maintaining separate production runs and separate inventories, manufacturers typically triple or quadruple certify the pipes by meeting the metallurgical requirements and performing the required tests pursuant to the respective specifications. Since distributors sell the vast majority of this product, they can thereby maintain a single inventory to service all customers.

The primary application of ASTM A-106 pressure pipes and triple or quadruple certified pipes is in pressure piping systems by refineries, petrochemical plants, and chemical plants. Other applications are in power generation plants (electrical-fossil fuel or nuclear), and in some oil field uses (on shore and off shore) such as for separator lines, gathering lines and metering runs. A minor application of this product is for use as oil and gas distribution lines for commercial applications. These applications constitute the majority of the market for the subject seamless pipes. However, ASTM A-106 pipes may be used in some boiler applications.

Redraw hollows are any unfinished pipe or "hollow profiles" of carbon or alloy steel transformed by hot rolling or cold drawing/hydrostatic testing or other methods to enable the material to be sold under ASTM A-53, ASTM A-106, ASTM A-333, ASTM A-334, ASTM A-335, ASTM A- 589, ASTM A-795, and API 5L specifications.

The scope of these *Orders* includes all seamless pipe meeting the physical parameters described above and produced to one of the specifications listed above, regardless of application, with the exception of the specific exclusions discussed below, and whether or not also certified to a noncovered specification. Standard, line, and pressure applications and the above-listed specifications are defining characteristics of the scope of the *Orders*. Therefore, seamless pipes meeting the physical description above, but not produced to the ASTM A-53, ASTM A-106, ASTM A-333, ASTM A-334, ASTM A-335, ASTM A-589, ASTM A-795, and API 5L specifications shall be covered if used in a standard, line, or pressure application, with the exception of the specific exclusions discussed below.

For example, there are certain other ASTM specifications of pipe which, because of overlapping characteristics, could potentially be used in ASTM A-106

applications. These specifications generally include ASTM A-161, ASTM A-192, ASTM A-210, ASTM A-252, ASTM A-501, ASTM A-523, ASTM A-524, and ASTM A-618. When such pipes are used in a standard, line, or pressure pipe application, such products are covered by the scope of these *Orders*.

Specifically excluded from the scope of these *Orders* are boiler tubing and mechanical tubing, if such products are not produced to ASTM A-53, ASTM A-106, ASTM A-333, ASTM A-334, ASTM A-335, ASTM A-589, ASTM A-795, and API 5L specifications and are not used in standard, line, or pressure pipe applications. In addition, finished and unfinished {oil country tubular goods (OCTG)} are excluded from the scope of these *Orders*, if covered by the scope of another antidumping duty order from the same country. If not covered by such an OCTG order, finished and unfinished OCTG are included in this scope when used in standard, line or pressure applications.

With regard to the excluded products listed above, {Commerce} will not instruct CBP to require end-use certification until such time as {the petitioner} or other interested parties provide to {Commerce} a reasonable basis to believe or suspect that the products are being used in a covered application. If such information is provided, we will require end-use certification only for the product(s) (or specification(s)) for which evidence is provided that such products are being used in covered applications as described above. For example, if, based on evidence provided by {the petitioner}, {Commerce} finds a reasonable basis to believe or suspect that seamless pipe produced to the A-161 specification is being used in a standard, line or pressure application, we will require end-use certifications for imports of that specification. Normally we will require only the importer of record to certify to the end use of the imported merchandise. If it later proves necessary for adequate implementation, we may also require producers who export such products to the United States to provide such certification on invoices accompanying shipments to the United States.

Although the HTSUS subheadings are provided for convenience and customs purposes, {Commerce's} written description of the merchandise under these *Orders* is dispositive.[27]

[27] *Issues and Decision Memorandum for the Final Results of the Expedited Fourth Sunset Reviews of the Antidumping Duty Orders on Certain Carbon Alloy and Seamless Standard, Line and Pressure Pipe (Under 4 ½ Inches) from Japan and Romania*, EDIS Doc. 795877, 2-4 (Jan. 17, 2023) ("*Commerce I & D Memorandum-Small Diameter*").

Large Diameter Pipe from Japan

The products covered by this *Order* are large diameter seamless carbon and alloy (other than stainless) steel standard, line, and pressure pipes produced, or equivalent, to the American Society for Testing and Materials (ASTM) A-53, ASTM A-106, ASTM A-333, ASTM A- 334, ASTM A-589, ASTM A-795, and the American Petroleum Institute (API) 5L specifications and meeting the physical parameters described below, regardless of application. The scope of this *Order* also includes all other products used in standard, line, or pressure pipe applications and meeting the physical parameters described below, regardless of specification, with the exception of the exclusions discussed below. Specifically included within the scope of this *Order* are seamless pipes greater than 4.5 inches (114.3 mm) up to and including 16 inches (406.4 mm) in outside diameter, regardless of wall-thickness, manufacturing process (hot finished or cold drawn), end finish (plain end, beveled end, upset end, threaded, or threaded and coupled), or surface finish.

The seamless pipes subject to this *Order* are currently classifiable under the subheadings 7304.10.10.30, 7304.10.10.45, 7304.10.10.60, 7304.10.50.50, 7304.19.10.30, 7304.19.10.45, 7304.19.10.60, 7304.19.50.50, 7304.31.60.10, 7304.31.60.50, 7304.39.00.04, 7304.39.00.06, 7304.39.00.08, 7304.39.00.36, 7304.39.00.40, 7304.39.00.44, 7304.39.00.48, 7304.39.00.52, 7304.39.00.56, 7304.39.00.62, 7304.39.00.68, 7304.39.00.72, 7304.51.50.15, 7304.51.50.45, 7304.51.50.60, 7304.59.20.30, 7304.59.20.55, 7304.59.20.60, 7304.59.20.70, 7304.59.60.00, 7304.59.80.30, 7304.59.80.35, 7304.59.80.40, 7304.59.80.45, 7304.59.80.50, 7304.59.80.55, 7304.59.80.60, 7304.59.80.65, and 7304.59.80.70 of the Harmonized Tariff Schedule of the United States (HTSUS).

Specifications, Characteristics, and Uses: large diameter seamless pipe is used primarily for line applications such as oil, gas, or water pipeline, or utility distribution systems. Seamless pressure pipes are intended for the conveyance of water, steam, petrochemicals, chemicals, oil products, natural gas and other liquids and gasses in industrial piping systems. They may carry these substances at elevated pressures and temperatures and may be subject to the application of external heat. Seamless carbon steel pressure pipe meeting the ASTM A-106 standard may be used in temperatures of up to 1000 degrees Fahrenheit, at various American Society of Mechanical Engineers (ASME) code stress levels. Alloy pipes made to ASTM A-335 standard must be used if temperatures and stress levels exceed those allowed for ASTM A-106. Seamless pressure pipes sold in the United States are commonly produced to the ASTM A-106 standard. Seamless standard pipes are most commonly produced to the ASTM A-53 specification and generally are not intended for high temperature service.

They are intended for the low temperature and pressure conveyance of water, steam, natural gas, air and other liquids and gasses in plumbing and heating systems, air conditioning units, automatic sprinkler systems, and other related uses. Standard pipes (depending on type and code) may carry liquids at elevated temperatures but must not exceed relevant ASME code requirements. If exceptionally low temperature uses or conditions are anticipated, standard pipe may be manufactured to ASTM A-333 or ASTM A-334 specifications.

Seamless line pipes are intended for the conveyance of oil and natural gas or other fluids in pipe lines. Seamless line pipes are produced to the API 5L specification. Seamless water well pipe (ASTM A-589) and seamless galvanized pipe for fire protection uses (ASTM A-795) are used for the conveyance of water.

Seamless pipes are commonly produced and certified to meet ASTM A-106, ASTM A-53, API 5L-B, and API 5L-X42 specifications. To avoid maintaining separate production runs and separate inventories, manufacturers typically triple or quadruple certify the pipes by meeting the metallurgical requirements and performing the required tests pursuant to the respective specifications. Since distributors sell the vast majority of this product, they can thereby maintain a single inventory to service all customers.

The primary application of ASTM A-106 pressure pipes and triple or quadruple certified pipes in large diameters is for use as oil and gas distribution lines for commercial applications. A more minor application for large diameter seamless pipes is for use in pressure piping systems by refineries, petrochemical plants, and chemical plants, as well as in power generation plants and in some oil field uses (on shore and off shore) such as for separator lines, gathering lines and metering runs. These applications constitute the majority of the market for the subject seamless pipes. However, ASTM A-106 pipes may be used in some boiler applications.

The scope of this *Order* includes all seamless pipe meeting the physical parameters described above and produced to one of the specifications listed above, regardless of application, with the exception of the exclusions discussed below, whether or not also certified to a non-covered specification.

Standard, line, and pressure applications and the above-listed specifications are defining characteristics of the scope of this review. Therefore, seamless pipes meeting the physical description above, but not produced to the ASTM A-53, ASTM A-106, ASTM A-333, ASTM A-334, ASTM A-589, ASTM A-795, and API 5L specifications shall be covered if used in a standard, line, or pressure application, with the exception of the specific exclusions discussed below. For example, there are certain other ASTM specifications of pipe which, because of overlapping characteristics, could potentially be used in ASTM A-106 applications. These

specifications generally include ASTM A-161, ASTM A-192, ASTM A-210, ASTM A-252, ASTM A-501, ASTM A-523, ASTM A-524, and ASTM A-618. When such pipes are used in a standard, line, or pressure pipe application, such products are covered by the scope of this *Order*.

Specifically excluded from the scope of this *Order* are: A. Boiler tubing and mechanical tubing, if such products are not produced to ASTM A-53, ASTM A-106, ASTM A-333, ASTM A-334, ASTM A-589, ASTM A-795, and API 5L specifications and are not used in standard, line, or pressure pipe applications. B. Finished and unfinished oil country tubular goods (OCTG), if covered by the scope of another antidumping duty order from the same country. If not covered by such an OCTG order, finished and unfinished OCTG are included in this scope when used in standard, line or pressure applications. C. Products produced to the A-335 specification unless they are used in an application that would normally utilize ASTM A-53, ASTM A-106, ASTM A-333, ASTM A-334, ASTM A-589, ASTM A-795, and API 5L specifications. D. Line and riser pipe for deepwater application, *i.e.*, line and riser pipe that is (1) used in a deepwater application, which means for use in water depths of 1,500 feet or more; (2) intended for use in and is actually used for a specific deepwater project; (3) rated for a specified minimum yield strength of not less than 60,000 psi; and (4) not identified or certified through the use of a monogram, stencil, or otherwise marked with an API specification (e.g., API 5L).

With regard to the excluded products listed above, the Department will not instruct U.S. Customs and Border Protection (CBP) to require end-use certification until such time as Petitioner or other interested parties provide to the Department a reasonable basis to believe or suspect that the products are being utilized in a covered application. If such information is provided, we will require end-use certification only for the product(s) (or specification(s)) for which evidence is provided that such products are being used in a covered application as described above. For example, if, based on evidence provided by Petitioner, the Department finds a reasonable basis to believe or suspect that seamless pipe produced to the A-335 specification is being used in an A- 106 application, we will require end-use certifications for imports of that specification. Normally we will require only the importer of record to certify to the end use of the imported merchandise. If it later proves necessary for adequate implementation, we may also require producers who export such products to the United States to provide such certification on invoices accompanying shipments to the United States.

> Although the HTSUS subheadings are provided for convenience and customs purposes, {Commerce's} written description of the merchandise under these *Orders* is dispositive.[28]

Standard, line and pressure pipe is generally intended to convey liquids and is typically tested and rated for its ability to withstand hydrostatic pressure. Seamless standard pipe is most commonly produced to ASTM International A-53 specification and is generally intended for the low-pressure conveyance of water, steam, natural gas, air and other liquids and gases in plumbing and heating systems, air conditioning units, automatic sprinklers, and other related uses.[29]

Seamless line pipe is produced to the American Petroleum Institute ("API") 5L specification and is intended for the conveyance of oil and natural gas and other fluids in pipelines. Seamless pressure pipe is commonly produced to ASTM A-106 specification, and is intended for the conveyance of water, steam, petrochemicals, chemicals, oil products, natural gas, and other liquids and gases in industrial piping systems.[30]

Small-diameter seamless SLP pipe is most frequently used in petrochemical and other non-pipeline applications. Small-diameter seamless SLP pipe ranging from 0.5 to 1.5 inches outside diameter may be used for high-pressure construction applications -- for example, in refineries or chemical plants. Small-diameter seamless SLP pipe with an outside diameter ranging from 2 to 3 inches is typically pressure pipe used for high-pressure industrial applications.[31] Seamless SLP pipe with larger outside diameters (especially pipe with an outside diameter greater than 4.5 inches (corresponding to a nominal pipe size of 4 inches)) is typically line pipe used in gas transmission, as well as in pipeline construction.[32]

Seamless SLP pipe is manufactured by either of two high temperature processes to form a central cavity in a solid steel billet, the rotary-piercing process or the extrusion process. Typically, pipe is hot-finished, however small diameter pipe of less than two inches in outside diameter is often cold drawn.[33]

1. The Original Investigations

In the original investigations, Commerce defined two classes or kinds of subject merchandise in the scope of the investigations. These were: (1) small-diameter seamless SLP pipe from Japan, Romania, South Africa, and the Czech Republic and (2) large-diameter seamless SLP pipe from Japan and Mexico. The Commission similarly defined two domestic like products: (1) small-diameter seamless SLP pipe with an outside diameter less than or equal to 4.5 inches and (2) large-diameter seamless SLP pipe with an outside diameter greater than

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[28] *Issues and Decision Memorandum for the Expedited Sunset Review of the Antidumping Duty Order on Certain Large Diameter Carbon and Alloy Seamless Standard, Line and Pressure Pipe from Japan*, EDIS Doc. 795996, 2-4 (Dec. 22, 2022) ("*Commerce I & D Memorandum-Large Diameter*").

[29] CR/PR at I-17

[30] CR/PR at I-17.

[31] CR/PR at I-17 to I-18.

[32] CR/PR at I-18.

[33] CR/PR at I-18.

4.5 inches but less than 16 inches.[34] The Commission found small-diameter and large-diameter seamless SLP pipe to be separate like products based on size differences, somewhat different end uses and limited interchangeability, different prices, producers' and consumers' perceptions of them as different products, the fact that the products generally were manufactured in different mills with different equipment, the fact that the investigations proceeded on separate scopes for small-diameter and large-diameter pipes, and the fact that no party objected to treating the products separately.[35]

2. First Five-Year Reviews

In the full first five-year reviews, involving separate orders for small-diameter seamless SLP pipe from Japan, Romania, South Africa, and the Czech Republic and large-diameter seamless SLP pipe from Japan and Mexico, the Commission again defined two separate domestic like products. It found that the record contained no information suggesting that it would be appropriate to reconsider the domestic like product definitions from the original investigations, and no interested party disagreed with those definitions.[36] Accordingly, consistent with the like product definitions in the original investigations and Commerce's scope, the Commission defined two domestic like products: small-diameter seamless SLP pipe and large-diameter seamless SLP pipe.[37]

3. Second Five-Year Reviews

In the expedited second five-year reviews, the Commission found that the record contained no information suggesting that it would be appropriate to reconsider the domestic like product definitions from the original investigations, and no interested party disagreed with those definitions. Accordingly, the Commission again defined two domestic like products: small-diameter seamless SLP pipe and large-diameter seamless SLP pipe.[38] Nevertheless, four Commissioners expressly noted that, in the 2010 original investigations on certain seamless SLP pipe from China, where there was a more developed record, the Commission had found small-diameter and large-diameter seamless SLP pipe to be a single domestic like product.[39] In those investigations, the Commission defined a single domestic like product consisting of all seamless SLP pipe less than or equal to 16 inches in outside diameter that was coextensive with Commerce's scope.[40] It found that small-diameter and large-diameter seamless SLP pipe had similarities and differences regarding use (with all generally being used to transmit fluids or gases under pressure, although smaller diameter pipe was used more intensively in higher-

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[34] *Original Investigations-Japan*, USITC Pub. 3311 at 7-11.

[35] *Original Investigations-Japan*, USITC Pub. 3311 at 7-11.

[36] *First Five-Year Reviews*, USITC Pub. 3850 at 5-7.

[37] *First Five-Year Reviews*, USITC Pub. 3850 at 7.

[38] *Second Five-Year Reviews*, USITC Pub. 4262 at 5-6 and I-8.

[39] *Second Five-Year Reviews*, USITC Pub. 4262 at 6 n.21 (Commissioners Okun and Pearson), 6 n.22 (Commissioners Aranoff and Williamson).

[40] *Certain Seamless Carbon and Alloy Steel Standard, Line, and Pressure Pipe from China*, Inv. Nos. 701-TA-469 and 731-TA-1168 (Final), USITC Pub. 4190 (Nov. 2010) ("*Original Investigation – SLP China*").

pressure applications) and common manufacturing facilities and employees, but were mostly similar in physical characteristics (except outside diameter), channels of distribution, manufacturing methods, customer and producer perceptions, and price.[41]

4. Third Five-Year Reviews

In the full third five-year reviews, the Commission defined a single domestic like product comprised of small-diameter and large-diameter seamless SLP pipe.[42]

The Commission found that the record did not indicate that 4.5 inches of outside diameter provided a clear dividing line between different types of domestically produced seamless SLP pipe products.[43] It found that there were similarities between small- and large-diameter seamless SLP pipe in terms of physical characteristics and uses, as both are made to common specifications from identical grades of carbon and alloy steel,[44] and both are generally used for transmission of fluids or gas under pressure, although large-diameter seamless SLP pipe may be used more intensively in pipeline applications than small-diameter SLP pipe.[45] The only physical difference between small- and large-diameter seamless SLP pipe was outside diameter.[46] Although most U.S. producers and purchasers reported that small-diameter and large-diameter seamless SLP pipe generally were not interchangeable due to the size requirements of finished pipe, a slight majority of market participants perceived that small-diameter and large-diameter products were at least mostly comparable.[47] The Commission also found that small- and large-diameter seamless SLP pipe were comparable with respect to channels of distribution,[48] and that both types of pipe were manufactured by domestic producers accounting for a substantial portion of seamless SLP pipe production.[49] Although prices for seamless SLP pipe varied based on several factors, the Commission found overlap between the prices of small- and large-diameter products.[50] Based on the preponderance of similarities between small- and large-diameter seamless SLP pipe, and the fact that none of the parties had advocated a consistent view on the issue, the Commission defined a single domestic like product consisting of all seamless SLP pipe no greater than 16 inches in outside diameter.[51]

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[41] *Original Investigation – SLP China,* USITC Pub. 4190 at 9-10. In rejecting respondent's argument that there was a clear line at 4.5 inches in outside diameter dividing small-diameter and large-diameter seamless SLP pipe, the Commission observed that its domestic like product determinations are *sui generis* and based on the record of a particular proceeding. *Original Investigation – SLP China*, USITC Pub. 4190 at 7 n.37.

[42] *Third Five-Year Reviews*, USITC Pub. 4731 at 19.

[43] *Third-Five Year Reviews*, USITC Pub. 4731 at 19.

[44] *Third-Five Year Reviews*, USITC Pub. 4731 at 17.

[45] *Third-Five Year Reviews*, USITC Pub. 4731 at 17.

[46] *Third-Five Year Reviews*, USITC Pub. 4731 at 17.

[47] *Third-Five Year Reviews*, USITC Pub. 4731 at 18.

[48] *Third-Five Year Reviews*, USITC Pub. 4731 at 17-18.

[49] *Third-Five Year Reviews*, USITC Pub. 4731 at 18.

[50] *Third-Five Year Reviews*, USITC Pub. 4731 at 18.

[51] *Third-Five Year Reviews*, USITC Pub. 4731 at 19.

5. The Current Reviews

In the current five-year reviews, the record does not contain any new information suggesting that pertinent product characteristics and uses of seamless SLP pipe have changed since the prior proceedings so as to warrant revisiting the Commission's domestic like product definition. Domestic Producers argue that the Commission should again define a single domestic like product comprised of all seamless SLP pipe no greater than 16 inches in outside diameter.[52] Consequently, we define a single domestic like product consisting of all seamless SLP pipe no greater than 16 inches in outside diameter.

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."[53] 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, the full first five-year reviews, and the expedited second five-year reviews, the Commission found two domestic industries, consistent with two domestic like products, comprised of all domestic producers of small-diameter seamless SLP pipe and all domestic producers of large-diameter seamless SLP pipe.[54]

In the full third five-year reviews, the Commission defined a single domestic industry comprising all domestic producers of seamless SLP pipe with an outside diameter not exceeding 16 inches, consistent with its definition of a single domestic like product.[55]

2. The Current Reviews

There are no related parties issues or other domestic industry issues in these five-year reviews.[56] Domestic Producers agree with the definition of the domestic industry that the Commission adopted in the third five-year reviews.[57] Therefore, consistent with our definition

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[52] *Confidential Domestic Respons*e at 31.

[53] 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.

[54] *Original Determinations*, USITC Pub. 3311 at 7-9; *First Five-Year Reviews*, USITC Doc. 3850, at 6-7; *Second Five-Year Reviews*, USITC Pub. 4250 at 5.

[55] The Commission found that domestic producer *** qualified for possible exclusion under 19 U.S.C. § 1677(4)(B), but that appropriate circumstances did not exist to exclude the producer. *Third Five-Year Reviews*, USITC Pub. 4731 at 27-28.

[56] *See Confidential Domestic Response* at Ex. 1(a), p. 46, Ex. 1(b), p. 46. *** reported that ***. *Id.* at Ex. 1(a), p. 46. Although *** reported that ***. *Id.* at Ex. 1(b), p. 46. Neither *** nor *** imported subject merchandise. *See Id.* at Exs. 1(a), 1(b).

[57] *Confidential Domestic Response* at 31.

of the domestic like product, we define the domestic industry to include all domestic producers of seamless SLP pipe with an outside diameter not exceeding 16 inches.

III. Cumulation

A. Legal Standard

> With respect to five-year reviews, section 752(a) of the Tariff Act provides as follows: the Commission may cumulatively assess the volume and effect of imports of the subject merchandise from all countries with respect to which reviews under section 1675(b) or (c) of this title were initiated on the same day, if such imports would be likely to compete with each other and with domestic like products in the United States market. The Commission shall not cumulatively assess the volume and effects of imports of the subject merchandise in a case in which it determines that such imports are likely to have no discernible adverse impact on the domestic industry.[58]

Cumulation therefore is discretionary in five-year reviews, unlike original investigations, which are governed by section 771(7)(G)(i) of the Tariff Act.[59] The Commission may exercise its discretion to cumulate, however, only if the reviews are initiated on the same day, the Commission determines that the subject imports are likely to compete with each other and the domestic like product in the U.S. market, and imports from each such subject country are not likely to have no discernible adverse impact on the domestic industry in the event of revocation. Our focus in five-year reviews is not only on present conditions of competition, but also on likely conditions of competition in the reasonably foreseeable future.

The statutory threshold for cumulation is satisfied in these reviews, because the reviews were initiated on the same day: October 3, 2022.[60]

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 the Czech Republic, Japan, Romania, and South Africa in its analysis of the small-diameter seamless SLP pipe industry. The Commission found that the record indicated general

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[58] 19 U.S.C. § 1675a(a)(7).

[59] 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).

[60] *Notice of Institution*, 87 Fed. Reg. 59821 (Oct. 3, 2022).

fungibility among the subject imports and between the subject imports and the domestic like product, similar channels of distribution, geographic overlap in at least the Gulf region, and the simultaneous presence of subject imports in the U.S. market.[61]

In the full first five-year reviews, four Commissioners did not cumulate subject imports of small-diameter seamless SLP pipe from Japan with any other subject imports, including small-diameter seamless SLP pipe from Romania,[62] whereas the remaining two Commissioners cumulated subject imports of small-diameter seamless SLP pipe from Japan with small-diameter seamless SLP pipe from all other countries then subject to review.[63] One Commissioner who made an affirmative determination with respect to small-diameter seamless SLP pipe from Romania considered those imports separately.[64]

In the expedited second five-year reviews, the Commission found that imports of small diameter seamless SLP pipe from Japan and Romania were not likely to have no discernible adverse impact on the domestic industry if the orders were revoked. It emphasized the large production capacity, excess capacity, and export orientation of the industry in each subject country.[65] It found a reasonable overlap of competition between subject imports from Japan and Romania and between those imports and the domestic like product, stating that there was no record information indicating that they were any less fungible than in the original investigations and the first five-year reviews. The Commission also found that the available information suggested a likely overlap in terms of channels of distribution and a likelihood that the domestic like product and subject imports of small-diameter seamless SLP pipe from Japan and Romania would be simultaneously present in overlapping geographic markets in the United States.[66] The Commission found no indication that conditions of competition would be significantly different for subject imports from Japan and Romania if the orders were revoked and accordingly, exercised its discretion to cumulate subject imports of small-diameter seamless SLP pipe from Japan and Romania.[67]

In the full third five-year reviews, the Commission found that imports of small-diameter seamless SLP pipe from Japan and Romania were not likely to have no discernible adverse impact on the domestic industry if the orders were revoked. The Commission found that the Romanian industry had excess capacity and available inventories and was export oriented with

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[61] *Original Investigations-Japan*, USITC Pub. 3311 at 16; *Original Investigations-Romania*, USITC Pub. 3325 at 3-4. The Commission's cumulation analysis regarding small-diameter seamless SLP pipe reflected the views of Chairman Okun and Commissioners Bragg, Miller, and Koplan. *Original Investigations-Japan*, USITC Pub. 3311 at Cover, 1-3, 16. The Commission cumulated subject imports from Japan and Mexico for purposes of its analysis of whether subject imports of large-diameter seamless SLP pipe had injured the domestic industry. *Id*. at 24.

[62] *First Five-Year Reviews*, USITC Pub. 3850 at 17-18 (Commission Opinion).

[63] *First Five-Year Reviews*, USITC Pub. 3850 at 77 (Commissioners Koplan and Lane).

[64] *First Five-Year Reviews*, USITC Pub. 3850 at 66-68 (Commissioner Aranoff). The Commission did not cumulate subject imports from Japan and Mexico in its analysis of the large-diameter seamless SLP pipe industry and made a negative determination with respect to subject imports from Mexico.

[65] *Second Five-Year Reviews*, USITC Pub. 4262 at 20-21.

[66] *Second Five-Year Reviews*, USITC Pub. 4262 at 21.

[67] *Second Five-Year Reviews*, USITC Pub. 4262 at 22.

substantial exports to non-EU markets.[68] The Commission also found that the Japanese industries for both small- and large-diameter seamless SLP pipe continued to have excess capacity and were export oriented.

The Commission also found that there would likely be a reasonable overlap of competition between and among the domestic like product and imports of seamless SLP pipe from Japan and Romania.[69] The Commission found no indication that the conditions of competition would be significantly different for subject imports from Japan and Romania if the orders were revoked.[70] Accordingly, the Commission exercised its discretion to cumulate subject imports of seamless SLP pipe from Japan and Romania.[71]

2. Party Arguments

In these reviews, Domestic Producers request that the Commission again cumulate subject imports from Japan and Romania. They assert that producers in both countries are likely to export a significant volume of subject imports if the antidumping duty orders are revoked. They also argue that there has been no change in the elements that led the Commission to cumulate subject imports from Japan and Romania in the prior proceedings.[72]

C. Likelihood of No Discernible Adverse Impact

The statute precludes cumulation if the Commission finds that subject imports from a country are likely to have no discernible adverse impact on the domestic industry.[73] 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.[74] 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.

1. Romania

Subject imports from Romania have been present in the U.S. market from the original investigations through the current period of review. During the original period of investigation, the quantity of U.S. shipments of subject imports of small-diameter seamless SLP

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[68] *Third Five-Year Reviews*, USITC Pub. 4731 at 37.
[69] *Third Five-Year Reviews*, USITC Pub. 4731 at 33.
[70] *Third Five-Year Reviews*, USITC Pub. 4731 at 45-46.
[71] *Third Five-Year Reviews*, USITC Pub. 4731 at 46.
[72] *Confidential Domestic Response* at 3-5.
[73] 19 U.S.C. § 1675a(a)(7).
[74] SAA, H.R. Rep. No. 103-316, vol. I at 887 (1994).

pipe from Romania declined from *** short tons in 1997 to *** short tons in 1998 and *** short tons in 1999. In the first five-year reviews, the volume of subject imports from Romania increased from *** short tons in 2000 to *** short tons in 2004.[75] In the second five-year reviews, the volume of subject imports from Romania declined from *** short tons in 2005 to *** short tons in 2010.[76] In the third five-year reviews, the quantity of U.S. shipments of subject imports from Romania was *** short tons in 2014, *** short tons in 2015, and *** short tons in 2016.[77] During the current period of review, subject imports from Romania increased from 6,994 short tons in 2017 to 11,576 short tons in 2018 before declining to 5,666 short tons in 2019, 2,304 short tons in 2020, and 2,098 short tons in 2021.[78] In 2021, subject imports from Romania accounted for *** percent of apparent U.S. consumption of small-diameter seamless SLP pipe[79] and *** percent of overall apparent U.S. consumption of seamless SLP pipe by quantity.[80]

The record of the current review contains limited information concerning the industry in Romania producing seamless SLP pipe because no Romanian producer responded to the notice of institution. In prior reviews, the Commission found that the Romanian seamless SLP pipe industry was export oriented, had unused capacity, and faced trade barriers in third countries.[81] In these reviews, the Domestic Producers have identified three possible producers of small-diameter seamless SLP pipe in Romania and provided evidence that subject producers in Romania maintain substantial capacity.[82] The information available also indicates that Romanian producer Tenaris Silcotub added a new production line for seamless pipe in January 2021.[83]

The record also indicates that the Romanian industry remains export oriented. According to *Global Trade Atlas* ("GTA") data, Romanian exports of seamless pipes and tubes, including seamless SLP pipe and out-of-scope products, increased irregularly from 414,106 short tons in 2017 to 446,966 short tons in 2021.[84] In 2021, Romania was the world's third largest exporter of such merchandise, and the United States was the third largest export market for Romania, accounting for 8.5 percent of exports.[85]

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[75] *First Five-Year Reviews,* Confidential Opinion, EDIS No. 785733 at 13.

[76] *Second Five-Year Reviews*, Confidential Report, EDIS No. 457458, at I-23, Table I-4.

[77] *Third Five-Year Reviews*, Confidential Report, EDIS No. 785742 at Table IV-1. The market penetration of subject imports from Romania ranged from *** percent to *** percent during the third review period. *Id.* at Table I-16.

[78] CR/PR at I-30, Table I-10.

[79] CR/PR at I-32, Table I-11.

[80] CR/PR at I-35, Table I-13

[81] *Third Five-Year Reviews*, USITC Pub. 4731 at 26, 27, 41.

[82] CR/PR at I-39; *Domestic Response* at 17, Exs. 12-14.

[83] CR/PR at Table I-16.

[84] CR/PR at Table I-17.

[85] CR/PR at I-40, Tables I-17, I-18.

In prior reviews, the Commission noted that Brazil imposed an antidumping duty order on imports of small-diameter seamless pipe from Romania in 2000. Available information indicates that Brazil extended the antidumping duty order most recently in 2017.[86]

Regarding pricing, during the original investigations, subject imports of small-diameter seamless SLP pipe from Romania undersold the domestic like product in 30 of 31 quarterly comparisons.[87] In the full first reviews, subject imports from Romania undersold the domestic like product in all 34 of 34 quarterly comparisons.[88] In the full third reviews, prices for small diameter SLP pipe from Romania were lower than those of the domestic like product in 11 of 19 quarterly comparisons.[89] No product-specific pricing data were collected in the second expedited five-year reviews or in the current reviews.

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

2. Japan

Small-Diameter Seamless SLP Pipe.[90] Subject imports of small-diameter seamless SLP pipe from Japan have been present in the U.S. market from the original investigations through the current period of review. During the original period of investigation, the quantity of U.S. shipments of subject imports of small-diameter seamless SLP pipe from Japan increased from *** short tons in 1997 to *** short tons in 1998, before declining to *** short tons in 1998.[91] In the first five-year reviews, the quantity of U.S. imports of small-diameter seamless SLP pipe from Japan declined from *** short tons in 2000 to *** short tons in 2004.[92] In the second reviews, the quantity of U.S. imports of small-diameter seamless SLP pipe from Japan increased from 227 short tons in 2005 to 3,678 short tons in 2010.[93] In the third reviews, the quantity of U.S. imports of small-diameter seamless SLP pipe from Japan increased from ***

[86] CR/PR at I-40.

[87] *Original Investigations-Japan*, USITC Pub. 3311 at 26.

[88] *First Five-Year Reviews*, USITC Pub. 3850 at 66 (Separate Views of Commissioner Aranoff).

[89] *Third Five-Year Reviews*, USITC Pub. 4731 at 70-71.

[90] Consistent with Commission practice, we address no discernible adverse impact on an order-specific basis because subject imports from Japan are subject to multiple orders that are not coterminous. *See Stainless Steel Sheet and Strip from France, Germany, Italy, Japan, Korea, Mexico, Taiwan, and the United Kingdom*, Inv. Nos. 701-TA-381-382 and 731-TA-797-804 (Review), USITC Pub. 3788 at 13 (July 2005).

[91] *Third Five-Year Reviews,* Confidential Opinion, EDIS No. 785744 at 37.

[92] *Id*.

[93] *Third Five Year Reviews*, USITC Pub. 4731 at 27.

short tons in 2014 to *** short tons in 2016.[94] During the current review period, subject imports of small-diameter seamless SLP pipe from Japan declined from 1,038 short tons in 2017, to 788 short tons in 2018, 21 short tons in 2019, 100 short tons in 2020, and 15 short tons in 2021, accounting for *** percent of apparent U.S. consumption that year.[95]

The record of the current reviews contains limited information concerning the industry in Japan producing small-diameter seamless SLP pipe because no Japanese producer responded to the notice of institution. In prior reviews, the Commission found that the Japanese small-diameter seamless SLP pipe industry was export oriented, had unused capacity, and faced trade barriers in third countries.[96] In these reviews, the Domestic Producers provided a list of five possible producers of small-diameter seamless SLP pipe in Japan and evidence that subject producers in Japan maintain substantial capacity.[97]

The record also indicates that the Japanese industry remains large and export oriented. According to GTA data, Japanese exports of seamless pipes and tubes, including small- and large-diameter seamless SLP pipe and out-of-scope products, declined irregularly from 351,836 short tons in 2017 to 217,432 short tons in 2021.[98] In 2021, Japan was the world's eighth largest exporter of such merchandise, and the United States was the fifth largest export market for Japan, accounting for 7.1 percent of exports from Japan.[99]

Available information indicates that Mexico has maintained antidumping duty orders on small-diameter seamless pipe from Japan since 2000 and most recently extended the antidumping duty order in 2021.[100]

During the original investigations, subject imports of small-diameter seamless SLP pipe from Japan undersold the domestic like product in 22 of 34 quarterly comparisons.[101] No product specific pricing data were collected on subject imports from Japan in the prior or current reviews.[102]

In light of the foregoing, including the continued presence of subject imports from Japan in the U.S. market while under the disciplining effect of the orders, the size and export orientation of the Japanese industry producing seamless pipes and tubes, and the underselling by subject imports from Japan during the original investigation, we find that subject imports of small-diameter seamless SLP pipe from Japan would not likely have no discernible adverse

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[94] *Third Five-Year Reviews,* Confidential Opinion, EDIS No. 785744 at 38. The market share of subject imports from Japan ranged from *** percent of apparent U.S. consumption in 2014 to *** percent in 2016. *Id.*

[95] CR/PR at Table I-8.

[96] *Second Five-Year Reviews*, USITC Pub. 4262 at 24.

[97] CR/PR at I-36; *Domestic Response* at Ex. 20.

[98] CR/PR at Table I-15; *Domestic Response* at 17, Exs. 10-11.

[99] CR/PR at I-40, Tables I-15, I-18.

[100] CR/PR at I-40.

[101] *See First Five-Year Reviews*, Confidential Report, Memorandum INV-X-114 at Tables V-1 to V-6 (May 25, 2000).

[102] *First Five-Year Reviews*, USITC Pub. 3850 at 46; *Third Five-Year Reviews*, USITC Pub. 4731 at 8.

impact on the domestic industry if the antidumping duty order covering these imports were revoked.

Large-Diameter Seamless SLP Pipe. During the original period of investigation, the quantity of U.S. shipments of subject imports of large-diameter seamless SLP pipe from Japan increased from *** short tons in 1997 to *** short tons in 1998 and to *** short tons in 1999.[103] In the first five-year reviews, the quantity of U.S. shipments of subject imports from Japan declined from *** short tons in 2000 to *** short tons in 2004.[104] In the second reviews, the quantity of subject imports of large diameter seamless SLP pipe from Japan increased from *** short tons in 2004 to *** short tons in 2010.[105] In the third reviews, U.S. imports of large-diameter seamless SLP pipe from Japan increased from *** short tons in 2014 to *** short tons in 2015, before declining to *** short tons in 2016.[106] In the current reviews, subject imports of large-diameter seamless SLP pipe from Japan increased from 11,482 short tons in 2017, to 24,578 short tons in 2018, and 45,944 short tons in 2019, before declining to 20,774 short tons in 2020, and 11,873 short tons in 2021.[107] Subject imports of large-diameter seamless SLP pipe from Japan accounted for *** percent of apparent U.S. consumption of large diameter seamless SLP pipe in 2021.[108]

The record of the current reviews contains limited information concerning the industry in Japan producing large-diameter seamless SLP pipe because no Japanese producer responded to the notice of institution. In prior reviews, the Commission found that the Japanese large-diameter seamless SLP pipe industry was export oriented and had unused capacity.[109] In these reviews, the Domestic Producers provided a list of five possible producers of large-diameter seamless SLP pipe in Japan and evidence that subject producers in Japan maintain substantial capacity.[110] The record also indicates that the Japanese industry remains large and export oriented. According to *Global Trade Atlas* ("GTA") data, Japanese exports of seamless pipes and tubes, including small- and large-diameter seamless SLP pipe and out-of-scope products, declined irregularly from 351,836 short tons in 2017 to 217,432 short tons in 2021.[111] In 2021, Japan was the world's eighth largest exporter of such merchandise, and the United States was the fifth largest export market for Japan, accounting for 7.1 percent of exports.[112]

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[103] *Id.* at Table IV-4.

[104] *First Five-Year Reviews*, Confidential Report, Memorandum INV-DD-036, EDIS Doc. 594455 at Table I-13 (Mar. 28, 2006).

[105] *Second Five-Year Reviews*, Memorandum INV-JJ-082, EDIS Doc. at 594471 at Table I-7 (Aug. 22, 2011).

[106] *Third Five-Year Reviews*, Confidential Opinion, EDIS No. 785744 at 39.

[107] CR/PR at Table I-9.

[108] CR/PR at Table I-12.

[109] *Second Five-Year Reviews*, USITC Pub. 4262 at 24.

[110] *Domestic Response* at Ex. 20.

[111] CR/PR at Table I-15; *Domestic Response* at 17, Exs. 10-11.

[112] CR/PR at I-40, Tables I-15, I-18.

During the original investigations, subject imports of large-diameter seamless SLP pipe from Japan undersold the domestic like product in four of 13 quarterly comparisons.[113] No product-specific pricing data were collected on subject imports from Japan in the prior, or current reviews. [114]

In light of the foregoing, including the continued presence of subject imports from Japan in the U.S. market while under the disciplining effect of the orders, and the size and export orientation of the Japanese industry producing seamless pipes and tubes, we find that subject imports of large-diameter seamless SLP pipe from Japan would not likely have no discernible adverse impact on the domestic industry if the antidumping duty order covering these imports were revoked.

D. Likelihood of a Reasonable Overlap of Competition

The Commission generally has considered four factors intended to provide a framework for determining whether subject imports compete with each other and with the domestic like product.[115] Only a "reasonable overlap" of competition is required.[116] 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.[117]

Fungibility. In the original investigations and prior reviews, the Commission found that subject imports of small-diameter seamless SLP pipe from Japan and Romania were fungible

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[113] *Original Investigations-Japan*, USITC Pub. 3311 at 26

[114] *First Five-Year Reviews*, USITC Pub. 3850 at 46; *Third Five-Year Reviews*, USITC Pub. 4731 at 8.

[115] 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).

[116] *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).

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

with both the domestic like product and with each other.[118] In the full third reviews, all reporting U.S. producers and a majority of U.S. importers and purchasers found small-diameter seamless SLP pipe from each subject country and the United States were either "always" or "frequently" interchangeable.[119] In assessing the interchangeability of subject imports of large-diameter seamless SLP pipe from Japan and the domestically produced product, all reporting U.S. producers and a majority of U.S. importers and purchasers found that these products were either "always" or "frequently" interchangeable.[120] There is no new information in 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.

Channels of Distribution. In the original investigations and prior reviews, the Commission found that the domestic like product and subject imports shared similar channels of distribution.[121] In the full third reviews, U.S. producers' sales of small- and large-diameter seamless SLP pipe were primarily to distributors with increasing sales to end users at the end of the period.[122] Importers of subject small-diameter seamless SLP pipe from Romania sold almost exclusively to end users with increasing sales to distributors at the end of the period.[123] No data were reported for subject imports from Japan.[124] There is no new information in the record to indicate that there has been any change in the channels of distribution of domestic seamless SLP pipe or subject imports.

Geographic Overlap. In the original investigations and subsequent reviews, the Commission found overlapping geographical markets for subject imports from Japan and Romania and the domestic like product.[125] During the current period of review, subject imports from Japan entered through northern, southern, eastern, and western borders of entry in all years from 2017 through 2021.[126] Similarly, subject imports from Romania entered through northern, southern, and eastern borders of entry in all years from 2017 through 2021, and through the western borders of entry in 2017.[127] Thus, the record indicates that subject imports from Japan and Romania continued to overlap with each other and with the domestic like product during the period of review.

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[118] *Original Investigations-Japan*, USITC Pub. 3311 at 13-14; *First Five-Year Reviews*, USITC Pub. 3850 at 13-14; *Second Five-Year Reviews*, USITC Pub. 4262 at 21.

[119] *Third Five-Year Reviews*, USITC Pub. 4731 at Table II-15.

[120] *Third Five-Year Reviews*, USITC Pub. 4731 at Table II-16.

[121] *Original Investigations*, USITC Pub. 3311 at 14-16; *First Five-Year Reviews*, USITC Pub. 3850 at 13-14; *Second Five-Year Review,* USITC Pub. 4262 at 20-21; *Third Five-Year Reviews,* USITC Pub. 4731 at 29–30.

[122] *Third Five-Year Reviews,* USITC Pub. 4731 at 29–30.

[123] *Third Five-Year Reviews,* USITC Pub. 4731 at 29–30.

[124] *Third Five-Year Reviews,* USITC Pub. 4731 at 29–30.

[125] *Original Investigations*, USITC Pub. 3311 at 14-16; *First Five-Year Reviews*, USITC Pub. 3850 at 13-14; *Second Five-Year Reviews*, USITC Pub. 4262 at 20-21; *Third Five-Year Reviews*, USITC Pub. 4731 at 29–30.

[126] CR/PR at I-31.

[127] CR/PR at I-31. Information regarding borders of entry is based on official U.S. import statistics for HTS statistical reporting numbers.

Simultaneous Presence. The Commission considered the simultaneous presence of subject imports of small-diameter seamless SLP pipe from Japan and Romania in the original investigations and first two five-year reviews. In the original investigations, subject imports from Japan were reported in every month and subject imports from Romania in 30 of 36 months.[128] In the first five-year reviews, subject imports from Japan and Romania were reported in the U.S. market in every month.[129] In the second five-year reviews, subject imports from Japan were reported in 70 of 72 months compared to 50 months for subject imports from Romania.[130] In the third five-year reviews, the Commission found that subject imports of small-diameter SLP pipe from Japan were reported in the market in 13 of 41 months, subject imports of small-diameter SLP pipe from Romania were reported in 12 of 41 months, and subject imports of large-diameter SLP pipe from Japan were reported in 8 of 41 months.[131]

In these reviews, small-diameter seamless SLP pipe imports from Japan were reported in 54 of 60 months between 2017 and 2021, and subject imports from Romania were reported in 59 of 60 months. Large-diameter seamless SLP pipe imports from Japan were reported in all 60 months between 2017 and 2021.[132] Thus, the record indicates that subject imports from Japan and Romania were simultaneously present in the U.S. market during the period of review.

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 between and 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 Japan and Romania and between the domestic like product and subject imports from each source if the orders were revoked.

E. Likely Conditions of Competition

We next consider whether subject imports of seamless SLP pipe from Japan and Romania are likely to compete under different conditions of competition in the U.S. market. 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 Japan and Romania if the orders were revoked, and no party has argued to the contrary.

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[128] *Original Investigations*, USITC Pub. 3311 at 16.
[129] *First Five-Year Reviews*, USITC Pub. 3850 at 14.
[130] *Second Five-Year Reviews*, USITC Pub. 4262 at 21 n. 134.
[131] *Third Five-Year Reviews*, USITC Pub. 4731 at 30.
[132] CR/PR at I-31.

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

F. Conclusion

In sum, we determine that subject imports of small-diameter seamless SLP pipe from Japan and Romania and large-diameter seamless SLP pipe from Japan, 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 between subject imports from Japan and Romania and between the subject imports from each subject country and the domestic like product. Finally, we find that imports from Japan and Romania 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 Japan and Romania for purposes of our analysis in these reviews.

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 or countervailing duty order unless: (1) it makes a determination that dumping or subsidization is likely to continue or recur and (2) the Commission makes a determination that revocation of the antidumping or countervailing duty order "would be likely to lead to continuation or recurrence of material injury within a reasonably foreseeable time."[133] 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."[134] Thus, the likelihood standard is prospective in nature.[135] The U.S. Court of International Trade has found

[133] 19 U.S.C. § 1675a(a).

[134] 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.

[135] 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.

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.[136]

The statute states that "the Commission shall consider that the effects of revocation or termination may not be imminent, but may manifest themselves only over a longer period of time."[137] 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."[138]

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."[139] 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).[140] 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.[141]

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

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[136] *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'").

[137] 19 U.S.C. § 1675a(a)(5).

[138] 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*.

[139] 19 U.S.C. § 1675a(a)(1).

[140] 19 U.S.C. § 1675a(a)(1). Commerce has not made any duty absorption findings or any changed circumstances reviews since the imposition of the antidumping duty orders. *Commerce I & D Memorandum-Small Diameter* at 5-6; *Commerce I & D Memorandum-Large Diameter* at 4-6.

[141] 19 U.S.C. § 1675a(a)(5). Although the Commission must consider all factors, no one factor is necessarily dispositive. SAA at 886.

or relative to production or consumption in the United States.[142] In doing so, the Commission must consider "all relevant economic factors," including four enumerated factors: (1) any likely increase in production capacity or existing unused production capacity in the exporting country; (2) existing inventories of the subject merchandise, or likely increases in inventories; (3) the existence of barriers to the importation of the subject merchandise into countries other than the United States; and (4) the potential for product shifting if production facilities in the foreign country, which can be used to produce the subject merchandise, are currently being used to produce other products.[143]

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.[144]

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.[145] All relevant economic factors are to be considered within the context of the business cycle and the conditions of competition that are distinctive to the industry. As instructed by the statute, we have considered the extent to which any improvement in the state of the domestic industry is related to the orders under review and whether the industry is vulnerable to material injury upon revocation.[146]

No respondent interested party participated in this expedited review. The record, therefore, contains limited new information with respect to the seamless SLP pipe industry in Japan and Romania. There also is limited information on the seamless SLP pipe market in the United States during the period of review. Accordingly, for our determinations, we rely as

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[142] 19 U.S.C. § 1675a(a)(2).

[143] 19 U.S.C. § 1675a(a)(2)(A-D).

[144] *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.

[145] 19 U.S.C. § 1675a(a)(4).

[146] 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.

appropriate on the facts available from the original investigation, the prior reviews, and the limited new information on 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."[147] The following conditions of competition inform our determinations.

1. Demand Conditions

Original Investigations. In the original investigations, the Commission found that demand for small-diameter seamless SLP pipe depended on activities in the oil and gas sectors, industrial construction/reconstruction, and facility repair and maintenance (especially at petrochemical and refinery installations). The Commission noted that apparent U.S. consumption of small-diameter SLP pipe had decreased during the period of investigation.[148]

Although large-diameter seamless SLP pipe was also used in some industrial applications, the Commission found in the original investigations that demand for large-diameter seamless SLP pipe was more closely linked to oil and gas activity levels than small-diameter seamless SLP pipe. Apparent U. S. consumption of large-diameter seamless SLP pipe had also decreased during the investigation period.[149]

First Five-Year Reviews. In the first five-year reviews, apparent U.S. consumption of small diameter seamless SLP pipe fluctuated but increased overall during the review period. It was *** short tons in 2001, *** short tons in 2002, *** short tons in 2003, and *** short tons in 2004.[150]

Apparent U.S. consumption of large-diameter seamless SLP also fluctuated but increased overall during the period of review. It was *** short tons in 2001, *** short tons in 2002, *** short tons in 2003, and *** short tons in 2004.[151]

Second Five-Year Reviews. In the second five-year reviews, the Commission found that demand for large-diameter and small-diameter seamless SLP pipe was derived from demand for the various applications in which seamless SLP pipe was used, including construction, industrial, and oil and gas applications. It found that U.S. demand for large-diameter seamless SLP pipe declined substantially since the first reviews because of the severe economic downturn, and that U.S. demand for small-diameter seamless SLP pipe followed similar trends.[152]

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[147] 19 U.S.C. § 1675a(a)(4).

[148] *Original Investigations*, USITC Pub. 3311 at 16.

[149] *Original Investigations*, USITC Pub. 3311 at 24.

[150] *First Five-Year Reviews*, USITC Pub. 3850 at 21-23; Confidential First Five-Year Reviews, EDIS Doc. 594474 at 31-35, Confidential Separate Views of Commissioners Lane and Koplan, EDIS Doc. 618119 at 16-20.

[151] *First Five-Year Reviews*, USITC Pub. 3850 at 43-45; Confidential First Five-Year Reviews, EDIS Doc. 594474 at 65-68, Separate Views of Commissioners Lane and Koplan, EDIS Doc. 618119 at 32-36.

[152] *Second Five-Year Reviews*, USITC Pub. 4262 at 11.

Third Five-Year Reviews: In the third reviews, the Commission found that the overall demand for seamless SLP pipe continued to derive from the oil and gas sectors, building and construction, and facility repair and pipeline infrastructure.[153] Most market participants reported that U.S. demand for seamless SLP pipe had declined or fluctuated since 2011, resulting from volatile energy prices.[154] Most market participants reported anticipating that future demand would likely fluctuate or increase.[155]

Apparent U.S. consumption of seamless SLP pipe (small-diameter and large-diameter seamless SLP pipe combined) declined sharply from *** short tons in 2014 to *** short tons in 2015, and then to *** short tons in 2016.[156] Overall apparent U.S. consumption of seamless SLP pipe was *** percent lower in 2016 than in 2014.[157]

Current Reviews: In these reviews, there is no new information indicating that the factors influencing demand have changed since the prior proceedings. The record indicates that demand for seamless SLP pipe continues to derive from activities in the oil and gas sectors, building and industrial construction, and facility and pipeline infrastructure.[158] Domestic Producers contend that recent price wars, fluctuating oil prices, and residual impacts from the COVID-19 pandemic may have negative effects on demand for seamless SLP pipe.[159]

Apparent U.S. consumption of seamless SLP pipe (small-diameter and large-diameter seamless SLP pipe combined) was *** short tons in 2021, as compared to *** in 2016, *** in 2010, *** in 2004, and 445,653 in 1999.[160]

2. Supply Conditions

Original Investigations and Prior Reviews. In the original investigations, the domestic industry supplied the largest share of the small-diameter seamless SLP pipe market, followed by subject imports. The domestic industry's market share decreased from *** percent in 1997, to *** percent in 1998, before increasing to *** percent in 1999, while the market share of cumulated subject imports of small-diameter seamless SLP pipe was *** percent in 1997, *** percent in 1998, and *** percent in 1999.[161]

The domestic industry supplied the largest share of the large-diameter seamless SLP pipe market, followed by subject imports. The domestic industry's market share declined from

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[153] *Third Five-Year Reviews*, USITC Pub. 4731 at 37.

[154] *Third Five-Year Reviews*, USITC Pub. 4731 at 37.

[155] *Third Five-Year Reviews*, USITC Pub. 4731 at 37.

[156] *Third Five-Year Reviews*, Confidential Opinion, EDIS No. 785744 at 55. Apparent U.S. consumption of seamless SLP pipe was *** short tons in interim 2016 and higher, at *** short tons, in interim 2017. *Id*. at 55, n.184.

[157] *Third Five-Year Reviews,* USITC Pub. 4731 at Table C-3.

[158] CR/PR at I-21, I-37.

[159] *Domestic Response* at 30.

[160] CR/PR at Table I-13.

[161] *Original Investigations-Japan*, Confidential Staff Report, Memorandum INV-X-114, EDIS Doc. No. 452050 at Table IV-7. The Commission, however, determined that the increase in domestic market share was largely the result of significant decreases in domestic prices to meet the subject import prices. *Original Investigations-Japan*, USITC Pub. 3311 at 17.

*** percent of apparent U.S. consumption in 1997 to *** percent in 1998, while the market share for cumulated imports overall increased from *** percent in 1997 to *** percent in 1999.[162]

In the first reviews, the Commission found that the domestic industry's market share for small-diameter seamless SLP pipe had declined from 2000 to 2004, while the domestic industry's market share for large-diameter seamless SLP pipe had increased during the period of review.[163] The Commission also found that the domestic industry for large-diameter seamless SLP pipe had consolidated since the original investigations.[164]

In the second reviews, nonsubject imports of small-diameter seamless SLP pipe had a larger share of the U.S. market than the domestic industry and subject imports from Japan and Romania.[165] Nonsubject imports of large-diameter seamless SLP pipe also had a larger share of the U.S. market than either the domestic industry or subject imports from Japan.[166] The Commission also noted that there had been significant consolidation in the domestic industry since the original reviews.[167]

In the third reviews, nonsubject imports supplied the largest share of the U.S. seamless SLP pipe market, followed by the domestic industry and then subject imports. The market share of nonsubject imports of seamless SLP pipe increased irregularly from *** percent in 2014 to *** percent in 2016.[168] The market share of the domestic industry producing

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[162] *Original Investigations-Japan*, Confidential Opinion, EDIS Doc.785726 at 34. The subject import market share declined from *** percent in 1998 to *** percent in 1999, but that was still higher than the 1997 subject import market share.

[163] *First Five-Year Reviews*, USITC Pub. 3850 at 22, 44. The domestic industry's market share for small-diameter seamless SLP pipe decreased from *** percent in 2000 to *** percent in 2004. *First Five-Year Reviews*, Confidential Opinion, EDIS Doc. 594474 at 33. The domestic industry's market share for large-diameter seamless SLP pipe increased from *** percent in 2000 to *** percent in 2004. *Id*. at 65.

[164] *First Five-Year Reviews*, USITC Pub. 3850 at 43-45.

[165] *Second Five-Year Reviews*, USITC Pub. 4262 at 12-13. In 2010, the domestic industry's market share for small-diameter seamless SLP pipe was *** percent, the market share of cumulated subject imports was *** percent, and the market share of nonsubject imports was *** percent. *Second Five-Year Reviews*, Confidential Report, EDIS Doc. 655466 at I-25.

[166] *Second Five-Year Reviews*, USITC Pub. 4262 at 12. In 2010, the domestic industry's market share for large-diameter seamless SLP pipe was *** percent, the market share of cumulated subject imports was *** percent, and the market share of nonsubject imports was *** percent. *Second Five-Year Reviews*, Confidential Report, EDIS Doc. 655466 at I-25.

[167] *Second Five-Year Reviews*, USITC Pub. 4262 at 14. In the original investigations, eight firms reported producing small-diameter and large-diameter SLP pipe. *See* Memorandum INV-DD-036, EDIS Doc. 594455, at I-36.

[168] *Third Five-Year Reviews,* Confidential Opinion*,* EDIS No. 785744 at 56. The market share of cumulated nonsubject imports was *** percent in interim 2016 and *** percent in interim 2017. *Id*. The Commission noted that imports of small-diameter seamless SLP from Germany had been subject to an antidumping duty order since 1995; while imports of small-diameter and large-diameter seamless SLP pipe from China became subject to antidumping and countervailing duty orders in 2010. *Third Five-Year Reviews*, USITC Pub. 4731 at 38.

seamless SLP pipe declined irregularly over the period of review, from *** percent in 2014 to *** percent in 2016.[169] The market share of cumulated subject imports of seamless SLP pipe was *** percent in 2014 and 2015, and *** percent in 2016.[170]

Current Reviews. The domestic industry was the second largest source of supply in the U.S. market in 2021, accounting for *** percent of apparent U.S consumption by quantity.[171] This was *** than the domestic industry's share of apparent U.S. consumption in the original investigations and prior reviews.[172]

The information available indicates that there were several changes to the domestic industry during the period of review. In February 2019, U.S. Steel announced that it would resume construction on a furnace facility, although the status of that project is unclear. In March 2020, U.S. Steel idled a domestic mill that manufactured 380,000 tons of seamless SLP pipe and announced that it would lay off workers, due to weak demand in the oil industry.[173] In spring 2020, a domestic producer, Tenaris SA, announced that it would idle two domestic plants in Pennsylvania, largely due to a sharp decrease in oil prices. In 2021, Tenaris SA restarted production at one of the Pennsylvania plants and expanded its operations at a Texas plant. In July 2022, Tenaris SA announced that it would acquire Benteler Steel & Tube Manufacturing Corp., a domestic seamless SLP pipe producer with an annual capacity of 400,000 metric tons.[174] One responding purchaser, *** reported that ***.[175]

Cumulated subject imports were the *** source of supply to the U.S. market in 2021, accounting for *** percent of apparent U.S. consumption.[176] This was *** than their share of apparent U.S. consumption in 2016, which was *** percent.[177]

Nonsubject imports accounted for *** percent of apparent U.S. consumption in 2021.[178] This was *** than the nonsubject imports' share of apparent U.S. consumption in 2016, which was *** percent.[179] In 2021, countervailing duty orders were imposed on seamless SLP pipe from Russia and South Korea and antidumping duty orders were imposed on seamless SLP pipe from Czechia, Russia, South Korea, and Ukraine.[180]

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[169] *Third Five-Year Reviews*, Confidential Opinion, EDIS Doc. 785744 at 55. The domestic industry reported the opening of two new facilities and the expansion of a third plant since 2011. *Third Five-Year Reviews,* Confidential Report, EDIS Doc. 785742 at Table III-1. Moreover, one producer reported the partial closure of a plant producing seamless SLP pipe in June 2017. *Id*.

[170] *Third Five-Year Reviews*, Confidential Opinion, EDIS No. 785744 at 77. The market share of cumulated subject imports was *** percent in interim 2016 and interim 2017. *Id*.

[171] CR/PR at Table I-13.

[172] CR/PR at Table I-13.

[173] CR/PR at Table I-4.

[174] CR/PR at Table I-4.

[175] CR/PR at Appendix D-3.

[176] CR/PR at Table I-13.

[177] CR/PR at Table I-13.

[178] CR/PR at Table I-13.

[179] CR/PR at Table I-13.

[180] CR/PR at Table I-3.

3. Substitutability and Other Conditions

Original Investigation and Prior Reviews. In the original investigations, the Commission found a moderately high degree of substitutability among subject imports of small-diameter seamless SLP pipe and the domestic like product, although it recognized that differences in lead times, product quality, and presence on approved manufacturers' lists could limit substitutability. The Commission found that subject imports of large-diameter seamless SLP pipe and the domestic like product were substitutable to a moderately high degree and became more substitutable over the period of investigation.[181]

In the first and second five-year reviews, the Commission found that subject imports of large-diameter and small-diameter seamless SLP pipe were each substitutable for the corresponding domestic like product to a moderately high degree based on the available information.[182]

In the third five-year reviews, the Commission again determined that domestically produced seamless SLP pipe and subject imports were moderately to highly substitutable.[183] The Commission noted that price played an important role in purchasing decisions and most responding purchasers reported that they usually purchased the lowest-priced seamless SLP pipe.[184]

Current Review. The record in this review 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 last reviews. Domestic Producers assert that there is no basis for the Commission to reach a different conclusion on substitutability in these reviews.[185] Accordingly, we again find that there is a moderate to high degree of substitutability between the domestic like product and subject imports, and that price remains an important factor in purchasing decisions.

Seamless SLP pipe imported from Japan and Romania became subject to tariff rate quotas ("TRQs") under Section 232 of the Trade Expansion Act of 1962, as amended ("Section 232"), effective April 1, 2022, with respect to Japan and January 1, 2022, with respect to Romania, and imports above the quota levels are subject to additional duties under Section 232.[186]

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[181] *Original Investigations*, USITC Pub. 3311 at 24.

[182] *First Five-Year Reviews*, USITC Pub. 3850 at 86; *Second Five-Year Review*, USITC Pub. 4262 at 13.

[183] Although the Commission found a moderate degree of substitutability in the conditions of competition section, *Third Five-Year Reviews*, USITC Pub. 4731 at 38, it clarified in the likely price effects section that there was a moderate to high degree of substitutability. *Id*. at 46.

[184] *Third Five-Year Reviews*, USITC Pub. 4731 at 47.

[185] *Domestic Response* at 20-21.

[186] CR/PR at I-16 & n. 26.

C. Likely Volume of Subject Imports

1. The Original Investigations and Prior Five-Year Reviews

Small-Diameter Seamless SLP Pipe. In the original investigations, the Commission cumulated subject imports of small-diameter seamless SLP pipe from the Czech Republic, Japan, Romania, and South Africa; it found that cumulated subject imports collectively rose from 59,017 short tons in 1997 to 83,228 short tons in 1998. It found that cumulated subject imports increased their market share from 21.8 percent of apparent U.S. consumption in 1997 to 35.8 percent in 1998 largely at the expense of the domestic industry, whose market share declined from 67.8 percent to 54.9 percent in the same period.[187] In 1999, the quantity of these cumulated subject imports fell to 35,683 short tons, and the Commission found that the domestic industry increased its market share that year to 69.3 percent, largely by significantly decreasing its prices to meet the low-priced competition from these subject imports. The Commission also found that cumulated subject imports declined in 1999 in part as a result of the petition filings, as there was a significant decline in the volume of cumulated subject imports in the fourth quarter of 1999. Nevertheless, subject imports' 23.8 percent market share in 1999 was higher than their share in 1997. Thus, the Commission found that cumulated subject imports still held a significant share of the U.S. market in 1999.[188]

In the first five-year reviews, the Commission separately analyzed the likely volume of small-diameter seamless SLP pipe from Japan. It found that the volume of subject imports from Japan was likely to increase significantly and rapidly if the order were revoked considering the Japanese producers' large production capacity, excess production capacity, and volume trends during the original investigations. Of those Commissioners who made affirmative determinations on small-diameter seamless SLP pipe from Romania, one Commissioner analyzed Romania separately and highlighted the excess capacity and export orientation of the industry in that country.[189] Two Commissioners based their likely volume analysis by cumulating subject small-diameter seamless SLP pipe imports from Romania with those from Japan, the Czech Republic, and South Africa. They relied on excess capacity and export orientation of the subject industries, as well as the attractiveness of the U.S. market.[190]

In the expedited second five-year reviews, domestic interested parties identified four producers of subject merchandise in Japan and four producers of small-diameter seamless SLP pipe in Romania. In the absence of contrary record evidence, the Commission repeated its findings from the first reviews that both industries were large and adding capacity despite

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[187] Subject imports of small-diameter SLP pipe from Japan were *** short tons in 1997, *** short tons in 1998, and *** short tons in 1999. *Original Investigations-Japan*, Confidential Staff Report, Memorandum INV-X-114, EDIS Doc. No. 452050 at Table IV-3. Their market share was *** percent in 1997, *** percent in 1998, and *** percent in 1999. *Id.* Subject imports of small-diameter seamless SLP pipe from Romanian were *** short tons in 1997, *** short tons in 1998, *** short tons in 1999. *Id.* Their market share was *** percent in 1997, *** percent in 1998, and *** percent in 1999. *Id.*

[188] *Original Investigations*, USITC Pub. 3311 at 20.

[189] *First Five-Year Reviews*, USITC Pub. 3850 at 62-63.

[190] *First Five-Year Reviews*, USITC Pub. 3850 at 81-83.

significant excess capacity, and both were export oriented. The Commission also observed that third-country trade barriers also would likely encourage subject foreign producers in Japan and Romania to increase their exports of small-diameter seamless SLP pipe to the United States significantly after revocation.[191] The Commission found that the cumulated volume of subject small-diameter seamless SLP pipe imports from Japan and Romania, both in absolute terms and relative to production and consumption in the United States, would likely be significant and increase significantly absent the restraining effect of the antidumping duty orders.[192]

Large-Diameter Seamless SLP Pipe. In the original investigations, the Commission found that the quantity of cumulated subject imports of large-diameter seamless SLP pipe from Mexico and Japan increased overall over the period of investigation.[193] As apparent U.S. consumption decreased during the period, cumulated subject imports increased their share of the U.S. market and the domestic industry's share declined.[194]

In the first five-year reviews, the Commission found the likely volume of imports of large-diameter seamless SLP pipe from Japan would likely be significant in the reasonably foreseeable future if the antidumping duty order were revoked. It based this conclusion on the information available in those reviews, primarily information from the original investigations indicating that the industry in Japan at the time of the original investigations was large, export oriented, and had significant excess capacity and declining shipments to its home market, and that subject imports from Japan into the U.S. market had increased rapidly. The Commission found that nothing in that record indicated that Japanese producers would likely behave differently if the order were lifted than they did during the original investigations.[195]

In the second five-year reviews, the Commission found that there were four producers of subject merchandise in Japan, each of which also reportedly produced other products, including small-diameter seamless SLP pipe. The Commission observed that there was no evidence of any significant changes in the structure of this industry since the original investigations. As the Commission stated in the first five-year reviews, the Japanese industry at the time of the original investigations was large and increased its capacity despite significant excess capacity; it produced both small-diameter and large-diameter seamless SLP pipe

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[191] *Second Five-Year Reviews*, USITC Pub. 4262 at 24. Available information indicated that Brazil imposed an antidumping duty order on imports of small-diameter seamless pipe from Romania in 2000, Venezuela imposed an order on small-diameter seamless line pipe from Japan in 2000, and Mexico imposed antidumping duty orders on small-diameter seamless line pipe from Japan in 2000 and on imports from Romania in 2004.

[192] *Second Five-Year Reviews*, USITC Pub. 3262 at 24-25.

[193] *Original Investigations*, USITC Pub. 3311 at 24-25. Subject imports of large-diameter seamless SLP pipe from Japan were *** short tons in 1997, *** short tons in 1998, and *** short tons in 1999. *Original Investigations-Japan*, Confidential Staff Report, EDIS Doc. 452050 at Table IV-4. Their market share was *** percent in 1997, *** percent in 1998, and *** percent in 1999. *Id.*

[194] *Original Investigations*, USITC Pub. 3311 at 25.

[195] *First Five-Year Reviews*, USITC Pub. 3850 at 45-46.

products, was export oriented, and had declining shipments to its home market and rapidly increasing imports into the U.S. market.[196]

Seamless SLP Pipe. In the third five-year reviews, the Commission analyzed all subject imports of seamless SLP pipe together, consistent with its definition of a single domestic like product and domestic industry producing seamless SLP pipe, and found that cumulated subject imports continued to be present in the U.S. market, albeit at reduced volumes.[197]

The Commission found that the subject industry in Romania had substantial capacity including excess capacity, notwithstanding that capacity had decreased during the period of review. It further found that the small-diameter seamless SLP pipe industry in Romania was export oriented, as export shipments accounted for *** percent of production.[198] Although the EU was the primary export market for the subject industry in Romania during the period of review, an appreciable share of the industry's overall shipments was directed to export markets other than the EU, and the quantity of such exports fluctuated over the period of review. The Commission concluded that subject producers in Romania had the ability to export significant quantities of subject merchandise to the United States and were likely to do so upon revocation of the antidumping duty order.[199]

Based on the information available, in the absence of any questionnaire responses from Japanese producers, the Commission found that the Japanese seamless SLP pipe industry was large and had substantial capacity. Global export statistics indicated that Japan was the world's second largest exporter of seamless line pipe.[200] Although Japanese exports of seamless line pipe declined from 237,315 short tons in 2014 to 161,074 short tons in 2016, based on official Japanese export statistics, exports from other major countries declined as well over this period and the facts available did not indicate that the Japanese industry had contracted.[201] Thus, the Commission concluded that subject producers in Japan had the ability to export significant quantities of seamless SLP pipe to the United States and were likely to do so upon revocation of the antidumping duty orders.[202]

The Current Reviews. The record in these reviews indicates that subject imports maintained a presence in the U.S. market throughout the period of review, while under the disciplining effect of the orders. Cumulated subject import volume increased from 19,514 short tons in 2017 to 36,942 short tons in 2018 and 51,361 short tons in 2019, and then decreased to 23,178 short tons in 2020 and 13,986 short tons in 2021.[203] Cumulated subject imports accounted for *** percent of apparent U.S. consumption by quantity in 2021,

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[196] *Second Five-Year Reviews*, USITC Pub. 4262 at 14.

[197] *Third Five-Year Reviews*, USITC Pub. 4731 at 41-44

[198] *Third Five-Year Reviews*, Confidential Opinion, EDIS No. 785744, at 36.

[199] *Third Five-Year Reviews*, USITC Pub. 4731 at 26-27.

[200] *Third Five-Year Reviews*, USITC Pub. 4731 at 43 and Table IV-23. These data contain seamless line pipe, regardless of size, and consequently may include out-of-scope merchandise.

[201] *See Third Five-Year Reviews*, USITC Pub. 4731 at 43 and Table IV-26.

[202] *Third Five-Year Reviews*, USITC Pub. 4731 at 43.

[203] CR/PR at Table I-10.

compared to *** percent in 2016, 4.0 percent in 2010, 1.3 percent in 2004, and *** percent in 1999.[204]

The record in these reviews contains limited information on the seamless SLP pipe industries in Japan and Romania. Nonetheless, the available information indicates that subject producers have the means and incentive to export subject merchandise to the U.S. market at significant levels if the orders were revoked. According to information submitted by the Domestic Producers, the subject industries in Japan and Romania maintain substantial capacity to produce seamless SLP pipe.[205] Domestic Producers provided a list of three possible Romanian producers of small-diameter seamless SLP pipe and five possible Japanese producers of small and large diameter seamless SLP pipe.[206] The information available indicates that Romanian producer Tenaris Silcotub added a new production line for seamless pipe in January 2021.[207] Moreover, Japan and Romania remain two of the largest global exporters for the HS category that includes seamless SLP pipe. Romania was the third leading global exporter of such merchandise in 2021, while Japan was the eighth leading exporter.[208]

Domestic Producers also argue that subject producers could increase their exports of seamless SLP pipe to the United States after revocation by shifting production from out-of-scope products to seamless SLP pipe, based on the Commission's findings in past reviews that subject producers have the ability to product shift.[209]

The information available also indicates that the U.S. market remains attractive to subject producers. While under the disciplining effect of the orders, subject imports maintained a presence in the U.S. market, accounting for *** percent of apparent U.S. consumption by quantity in 2021, indicating that subject producers have maintained ready distribution networks and customers in the U.S. market.[210] The GTA data indicates that the United States was the third largest destination market for the harmonized system ("HS") category that includes seamless SLP pipe exported from Romania[211] and the fifth largest

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[204] CR/PR at Table I-13

[205] *Domestic Response* at 17. According to information submitted by Domestic Producers, Japanese producer JFE Steel possesses an annual capacity of 912,000 metric tons. *Id*. & Ex. 10. Japanese producer Nippon Steel reported that the former Sumitomo Metal Industries in 2008 increased "capacity for seamless pipe … by 100,000 tons (9%)" – suggesting a total capacity similar to that of JFE. *Id*. & Ex. 11. The annual capacity for Romanian producers includes 400,000 tons for Arcelor Mittal, 180,000 tons for Tenaris Silcotub, and 110,000 tons for TMK Artrom. *Id*. & Exs. 12-14.

[206] *Domestic Response*, Ex. 20.

[207] CR/PR at Tables I-14, I-16.

[208] CR/PR at Table I-18. The GTA data are based on global export data for seamless pipes and tubes, which is a category that includes seamless SLP pipe and out-of-scope products. In 2021, Romanian producers exported 446,966 short tons of seamless pipes and tubes, and Japanese producers exported 217,432 short tons of seamless pipes and tubes.

[209] *Domestic Response* at 19 (citing *First Five-Year Reviews*, USITC Pub. 3850 at 31; *Second-Five Year Reviews*, USITC Pub. 4262 at 24).

[210] CR/PR at Table I-13.

[211] CR/PR at Table I-17. The GTA data in this table is based on global export data for seamless SLP pipes and tubes, which may contain products outside the scope of these reviews.

destination market for such exports from Japan.[212] The antidumping duty order on small-diameter seamless pipe from Romania maintained by Brazil since 2000, and the antidumping duty order on small-diameter seamless pipe from Japan maintained by Mexico since 2000, would further increase the attractiveness of the U.S. market to subject producers in the event of revocation.[213]

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 Romanian and Japanese industries' substantial production and export capacity of seamless pipes and tubes, and the attractiveness of the U.S. market to subject producers, due in part to orders on subject merchandise in third-country markets, 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.[214]

D. Likely Price Effects

1. The Original Investigations and Prior Five-Year Reviews

Small-Diameter Seamless SLP Pipe. The Commission found that the domestic industry's prices were stable in 1997 and 1998 but then declined in 1999, consistent with generally declining subject import prices in 1999. In addition, the Commission found significant underselling of the domestic like product by cumulated subject imports from the Czech Republic, Japan, Romania and South Africa. The Commission found that the decline in demand during the original investigations did influence prices but did not fully explain the price declines evidenced in the record. Given the dramatic decline in price levels, along with pervasive and significant underselling and the substitutability of subject imports, the Commission found that the cumulated subject imports depressed domestic prices to a significant degree.[215]

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[212]CR/PR at Table I-15. The GTA data in this table is based on global export data for seamless SLP pipes and tubes, which may contain products outside the scope of these reviews.

[213] CR/PR at I-40. Domestic Producers also contend that challenging conditions for all steel products in the Japanese home market would make the U.S. market relatively more attractive to subject producers in Japan after revocation. *Domestic Response* at 17, Ex. 15.

[214] Although subject imports are currently subject to TRQs under Section 232, neither Domestic Producers nor the responding purchasers indicated that the TRQs would prevent subject imports from entering the U.S. market at significant levels after revocation of the orders. *See Domestic Response* at 15-19; CR/PR at D-3. We also note that the record of these expedited reviews does not contain information concerning inventories of subject merchandise.

[215] *Original Investigations*, USITC Pub. 3311 at 18. During the original investigations, according to data reported by domestic producers and importers, subject imports of small-diameter seamless SLP pipe from Japan undersold the domestic like product in 22 of 34 observations at margins that ranged from 0.8 to 37.4 percent. Based on purchaser pricing data, subject imports from Japan undersold the domestic like product in 29 of the 31 observations, at margins that ranged as high as 26.9 percent. *See* Memorandum INV-X-114, EDIS Doc. 594450 at Tables V-1 to V-6.
(Continued…)

In the first five-year reviews, the Commission found a likelihood of significant price effects if the antidumping duty order on small-diameter seamless SLP pipe from Japan were revoked. It relied primarily on information from the original investigations, including the fact that underselling by subject imports from Japan increased during the original investigations and there were more instances of underselling than overselling for almost every pricing product at that time. It also noted that Japanese producers were the only subject source listed on purchasers' approved manufacturers lists, giving them faster access to the U.S. market if the order were revoked.[216] The three Commissioners who made affirmative determinations in the first five-year reviews concerning small-diameter seamless SLP pipe from Romania found that the likely underselling and price depression observed during the original investigations would recur.[217]

In the expedited second five-year reviews, the Commission found that the available information on average U.S. transaction prices (for domestic and import shipments combined) indicated increased prices in 2010, but more mixed trends in 2011; during this period, prices for a key input used to produce seamless pipe increased by approximately $100 per short ton and continued to increase into 2011. Based on this pricing evidence and the moderately high degree of substitutability among the domestic like product and subject imports from Japan and Romania, the Commission found that the U.S. market for small-diameter seamless SLP pipe was price-competitive. Thus, the Commission found it likely that subject foreign producers would resume their pattern of underselling from the original investigations if the orders were revoked, in order to increase their market share, particularly given the smaller size of the U.S. market by 2010, and that in response the domestic producers would have to either reduce their prices or relinquish market share. Accordingly, the Commission found that, if the orders were revoked, the likely significant increase in subject import volume at prices that would likely undersell the domestic like product would likely have significant price effects on the domestic industry.[218]

Large-Diameter Seamless SLP Pipe. In the original investigations, the Commission cumulated subject imports of large-diameter seamless SLP pipe from Japan and Mexico. The Commission found that domestic prices declined dramatically when demand was at its weakest in late 1998 and 1999 and there was significant underselling by subject imports of

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During the original investigations, according to data reported by domestic producers and importers, subject imports of small-diameter seamless SLP pipe from Romania undersold the domestic like product in 30 of 31 observations at margins that ranged from 4.5 to 39.7 percent. Based on purchaser pricing data, subject imports from Romania undersold the domestic like product in all 17 observations at margins that ranged from 3.8 to 46.7 percent. *See* Memorandum INV-X-114, EDIS Doc. 594450 at Tables V-1 to V-6.

[216] *First Five-Year Reviews*, USITC Pub. 3850 at 25-26. No pricing data for subject imports from Japan were available at the time of the Commission's first five-year reviews. *See* Memorandum INV-DD-036, EDIS Doc. 594455; *First Five-Year Reviews,* Confidential Decision, EDIS Doc. 594474 at 38 and n.180.

[217] *First Five-Year Reviews*, USITC Pub. 3850 at 66-68, 83-84.

[218] *Second Five-Year Reviews*, USITC Pub. 4262 at 26.

large-diameter seamless SLP pipe.[219] It found that the decline in oil and gas industry activities, and thus demand for large-diameter seamless SLP pipe, contributed to but did not fully explain the decline in large-diameter seamless SLP pipe prices. Instead, it found that, with demand weak, and cumulated subject imports entering the market in significant volumes at low and declining prices, domestic producers were forced to cut prices to regain market share they had lost to subject imports.[220] The Commission also found that cumulated subject imports depressed prices of the domestic like product to a significant degree.[221]

In the first five-year reviews, the Commission found the likely price effects of large-diameter seamless SLP pipe from Japan would likely be significant in the reasonably foreseeable future if the antidumping duty order were revoked. In doing so it relied on pricing data from the original investigations in the absence of reported data on Japanese products for the first review period. It also relied on its likely volume findings as well as its finding that nothing in the record of the first reviews indicated that subject imports from Japan would behave differently than they had during the original investigations if the order were revoked.[222]

In the second five-year reviews, the Commission found that available information on average U.S. transaction prices (for domestic and import shipments combined) indicated increased prices in 2010, but more mixed trends in 2011; during this period, prices for a key input used to produce seamless pipe increased by approximately $100 per short ton and continued to increase into 2011. Based on this information and the moderately high degree of substitutability between the domestic like product and subject imports from Japan, the Commission determined that the U.S. market for large-diameter seamless SLP pipe was price-competitive. Consequently, the Commission found it likely that subject producers, in order to increase their market share, would resume their pattern of underselling from the original investigations if the order were revoked and the domestic producers would either have to reduce their prices or relinquish market share. Accordingly, the Commission found that, if the order were revoked, the likely significant increase in subject import volume at prices that would likely undersell the domestic like product would likely have significant price effects on the domestic industry.[223]

Seamless SLP Pipe. In the full third reviews, the Commission found that domestically produced seamless SLP pipe and cumulated subject imports were moderately to highly substitutable, and that price was a very important factor in purchasing decisions for seamless SLP pipe. The Commission received pricing data for eight seamless SLP pipe products and

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[219] *Original Investigations-Japan*, USITC Pub. 3311 at 26. During the original investigations, according to data reported by domestic producers and importers, subject imports of large-diameter seamless SLP pipe from Japan undersold the domestic like product in four of 13 observations at margins that ranged from 0.6 to 30.4 percent. Based on purchaser pricing data, subject imports from Japan undersold the domestic like product in five of the six observations, at margins that ranged from 5.2 to 20.2 percent. Memorandum INV-X-114, EDIS Doc. 594450 at Tables V-7 to V-9 (May 25, 2000).

[220] *Original Investigations-Japan*, USITC Pub. 3311 at 26.

[221] *Original Investigations-Japan*, USITC Pub. 3311 at 26-27.

[222] *First Five-Year Reviews*, USITC Pub. 3850 at 46.

[223] *Second Five-Year Reviews*, USITC Pub. 3850 at 16.

found that there was predominant underselling by subject imports during the period of review, notwithstanding the discipline of the orders. Small-diameter seamless SLP pipe from Romania undersold the domestic like product in 11 of 19 quarterly comparisons, at margins ranging from *** percent to *** percent.[224] The record contained no pricing data for subject imports from Japan.[225] Given this, as well as underselling in the original investigations and the importance of price to purchasers, the Commission found that significant underselling was likely in the event of revocation.[226] Absent the discipline of the orders, the likely increased and significant volumes of subject merchandise being offered at low prices would require the domestic industry to cut prices and/or restrain price increases when its costs increase to retain sales. Consequently, the Commission concluded that if the orders were revoked, the likely significant volume of low-priced subject imports would likely depress or suppress prices for the domestic like product.[227]

2. The Current Reviews

As discussed above, we continue to find a moderate to 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 moderate to high degree of substitutability between the domestic like product and subject imports and the importance of price in purchasing decisions, 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 necessary to cover increasing costs, thereby depressing or suppressing 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

Small-Diameter Seamless SLP Pipe. In the original investigations, the Commission found that all of the domestic industry's major economic and financial indicators declined significantly between 1997 and 1999.[228] Operating income fell and five of the seven firms

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[224] *Third Five-Year Reviews*, Confidential Opinion, EDIS No. 785744 at 70. The record contained no pricing data for subject imports from Japan. *Third Five-Year Reviews*, USITC Pub. 4731 at 47, n. 236.

[225] *Third Five-Year Reviews*, Confidential Opinion, EDIS No. 785744 at 70; *Third Five-Year Reviews*, USITC Pub. 4731 at 47.

[226] *Third Five-Year Reviews*, USITC Pub. 4731 at 47-48.

[227] *Third Five-Year Reviews*, USITC Pub. 4731 at 48.

[228] *Original Investigations-Japan*, USITC Pub. 3311 at 19-20.

sustained operating losses in 1999, compared with none in 1997.[229] Moreover, during the period of investigation, the domestic industry experienced significant declines in production, shipments, net sales, capacity utilization, cash flow, productivity, number of production workers, hours worked, wages paid, and hourly wages.[230] Additionally, its end-of-period inventories, unit labor costs, and unit cost of goods sold ("COGS") all increased.[231] Although capital expenditures increased during the period, the Commission found this reflected decisions made before 1998 and before the decline in demand and the surge in subject imports.[232] While the declines in industry performance indicators were partly attributable to the decline in demand, the Commission found that cumulated subject imports of small-diameter seamless SLP pipe exacerbated the effects of the decline in demand on the increasingly unprofitable and poorly performing industry.[233]

In the first five-year reviews, the Commission found that the domestic small-diameter seamless SLP pipe industry was not then vulnerable, based on improvements in its condition, including its profitability, throughout the period of review.[234] Although demand was projected to remain strong, the Commission found that the likely significant volume and price effects of subject imports from Japan likely would be sufficient to have a significant negative impact on the production, shipments, sales, market share, and revenues of the domestic industry. This reduction in the industry's production, shipments, sales, market share, and revenues, it found, likely would adversely impact the industry's profitability and ability to raise capital and maintain necessary capital investments. Therefore, the Commission concluded that if the order were revoked, there would be a likely significant impact on the domestic industry.[235]

In the expedited second five-year reviews, the Commission found that the limited evidence in the record was insufficient to determine whether the domestic industry was vulnerable to the continuation or recurrence of material injury in the event of revocation of the orders. The Commission found that the likely significant volume of cumulated subject small-diameter seamless SLP pipe imports from Japan and Romania, and their likely price effects, would have a significant adverse effect on the industry's output, employment, and financial performance. It also found that, despite the presence of nonsubject imports, a

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[229] *Original Investigations-Japan*, USITC Pub. 3311 at 19.

[230] *Original Investigations-Japan*, USITC Pub. 3311 at 19-20.

[231] *Original Investigations-Japan*, USITC Pub. 3311 at 20.

[232] *Original Investigations-Japan*, USITC Pub. 3311 at 20.

[233] *Original Investigations-Japan*, USITC Pub. 3311 at 20.

[234] *First Five-Year Reviews*, USITC Pub. 3850 at 26.

[235] *First Five-Year Reviews*, USITC Pub. 3850 at 28. In separate views concerning subject imports of small-diameter seamless SLP pipe from Romania, three Commissioners found that the likely significant volume and price effects of subject imports (subject imports from Romania for one Commissioner and cumulated imports from four subject countries for two other Commissioners) would have a significant negative impact on the production, shipments, sales, market share, employment, and revenues of the domestic industry, notwithstanding their findings that the domestic industry was not then vulnerable and that demand was projected to remain strong. *Id*. at 69, 84-85.

significant portion of the likely increased volume of cumulated subject imports would come at the expense of the domestic industry.[236]

Large-Diameter Seamless SLP Pipe. In the original investigations, the Commission found that all the industry's major economic and financial indicators declined significantly. Operating income declined, as did production, shipments, net sales, cash flow, capacity utilization, productivity, number of production workers, hours worked, wages paid, and productivity. Additionally, the domestic industry's unit labor costs and unit COGS increased. While the declines were partly attributable to a decline in demand for large-diameter seamless SLP pipe, the Commission found that cumulated subject imports of large-diameter seamless SLP pipe from Japan and Mexico exacerbated the effects of the decline in demand on the increasingly unprofitable and poorly performing industry.[237]

In the first reviews, the Commission concluded that the domestic industry was not vulnerable, based on improvements in its condition during the review period.[238] In particular, the Commission cited the increased profitability of the industry toward the end of the review period. Although demand was projected to remain strong, the Commission found that the likely substantial volume and price effects of subject imports from Japan likely would be sufficient to have a significant negative impact on the production, shipments, sales, market share, and revenues of the domestic industry. This reduction in the industry's production, shipments, sales, market share, and revenues, it found, likely would adversely affect the industry's profitability and ability to raise capital and maintain necessary capital investments. Consequently, the Commission concluded that if the order were revoked, there would be a likely significant impact on the domestic industry.[239]

In the expedited second five-year reviews, the Commission found that the limited evidence was insufficient to determine whether the domestic industry was vulnerable to the continuation or recurrence of material injury in the event of revocation of the order. Based on the available information, the Commission found that the likely volume and likely price effects of subject imports of large-diameter seamless SLP pipe would likely have a significant impact on the domestic industry's production, sales, and revenue levels, and would likely have a direct adverse impact on the industry's profitability and employment levels as well as its ability to raise capital and make and maintain necessary capital investments. The Commission observed, given the substitutability of the products generally, that subject imports of large-diameter seamless SLP pipe from Japan would also likely displace to some degree nonsubject imports in the U.S. market in the event of revocation. Nevertheless, the Commission found that a significant portion of the expected increase in subject imports from Japan would be at the expense of the domestic industry, particularly given the likelihood of subject import underselling and adverse price effects as well as the size of the U.S. market. Accordingly, it concluded that, if the antidumping duty order on large-diameter seamless SLP pipe from Japan

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[236] *Second Five-Year Reviews*, USITC Pub. 4262 at 28.
[237] *Original Investigations-Japan*, USITC Pub. 3311 at 19-20.
[238] *First Five-Year Reviews*, USITC Pub. 3850 at 47-48.
[239] *First Five-Year Reviews*, USITC Pub. 3850 at 48-49.

were revoked, subject imports would be likely to have a significant impact on the domestic industry.[240]

Seamless SLP Pipe. In the full third reviews, the Commission found that the domestic industry was in a vulnerable condition because most measures of the industry's performance had declined over the period of review, including production, capacity, utilization, net sales, shipments, revenues, employment indicators, profitability, and market share. The Commission concluded that revocation of the orders would likely result in a significant increase in cumulated subject import volume that would likely have significant price effects, causing the industry's condition to deteriorate further.[241]

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 original investigations and prior reviews. The domestic industry's capacity and production in 2021 were lower than in the prior proceedings, and its capacity utilization rate was also lower than in the prior proceedings with the exception of the third reviews. In 2021, the domestic industry's capacity was *** short tons, production was *** short tons, and capacity utilization was *** percent.[242] The industry's U.S. shipments of seamless SLP pipe, at *** short tons, and share of apparent U.S. consumption, at *** percent, were also lower in 2021 than in the prior proceedings.[243] The industry's net sales value was lower in 2021, at $***, than in the prior proceedings, but its operating income ($***) and operating income as a share of net sales (*** percent) were higher in 2021 than in 1999 and 2016, though lower than in 2004 and 2010.[244] The limited information in these expedited reviews is insufficient for us to make a finding as to whether the domestic industry is vulnerable to the continuation or recurrence of material injury in the event of revocation of the orders.

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[240] *Second Five-Year Reviews*, USITC Pub. 4262 at 17.

[241] *Third Five-Year Reviews*, USITC Pub. 4731 at 50-53.

[242] CR/PR at Table I-7. By comparison, the domestic industry's capacity was *** short tons in 2016, *** short tons in 2010, *** short tons in 2004 and *** short tons in 1999; its production was *** short tons in 2016, *** short tons in 2010, *** short tons in 2004, *** short tons in 1999; and its capacity utilization was *** percent in 2016, *** percent in 2010, *** percent in 2004, and *** percent in 1999. *Id*.

[243] CR/PR at Tables I-7, I-13. By comparison, the domestic industry's U.S. shipments were *** short tons in 2016, *** short tons in 2010, *** short tons in 2004, and *** short tons in 1999; its share of the U.S. market was *** percent in 2016, *** percent in 2010, *** percent in 2004, and 69.7 percent in 1999. *Id.*

[244] CR/PR at Table I-7. By comparison, the domestic industry's net sales were *** in 2016, *** in 2010, *** in 2004, and *** in 1999; operating income was *** in 2016, *** in 2010, *** in 2004, and *** in 1999. The industry's operating income to net sales ratio was *** percent in 2016, *** percent in 2010, *** percent in 2004, and *** percent in 1999. *Id*.

Based on the information available on the record, we find that revocation of the orders would likely result in a significant volume of cumulated subject imports 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 Japan and Romania would be likely to have a significant impact on the domestic industry within a reasonably foreseeable time.[245]

We have also considered the role of factors other than subject imports, including the presence of nonsubject imports. Nonsubject imports have maintained a substantial presence in the U.S. market since the last reviews, accounting for *** percent of apparent consumption in 2021.[246] Nevertheless, the record provides no indication that the presence of nonsubject imports would prevent subject imports from Japan and Romania from significantly increasing their presence in the U.S. market after revocation, given the export orientation of the subject industries and the relative attractiveness of the U.S. market. In light of the moderate to high degree of substitutability between subject imports and the domestic like product and the importance of price to purchasers, the significant increase in low-priced subject imports that is likely after revocation would come at least in part at the expense of the domestic industry and/or depress or suppress prices for the domestic like product.[247] Consequently, we find that any effects of nonsubject imports would be distinct from the likely effects attributable to subject imports.

We recognize that price wars and fluctuating oil prices may have negative effects on demand for seamless SLP pipe.[248] Nevertheless, apparent U.S. consumption in 2021 was only *** percent lower than in 2016,[249] and ***.[250] To the extent that demand declines, however,

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[245] 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 106.7 percent for small-diameter seamless SLP pipe from Japan, up to 14.25 percent for small-diameter seamless SLP pipe from Romania, and up to 107.8 percent for large-diameter seamless SLP pipe from Japan. *Carbon and Alloy Seamless Standard, Line and Pressure Pipe (Under 4 1⁄2 Inches) From Japan and Romania: Final Results of the Expedited Fourth Sunset Reviews of the Antidumping Duty Orders*, 88 Fed. Reg. 3971 (Jan. 23, 2023); *Certain Large Diameter Carbon and Alloy Seamless Standard, Line and Pressure Pipe from Japan: Final Results of the Expedited Sunset Review of the Antidumping Duty Order*, 87 Fed. Reg. 80162 (Dec. 29, 2022).

[246] CR/PR at Table I-13. The volume of nonsubject imports declined from *** short tons in 2017, to *** short tons in 2018, *** short tons in 2019, 334,624 short tons in 2020, and 278,519 short tons in 2021. CR/PR at Table I-10.

[247] CR/PR at Tables I-14 and I-15.

[248] *Domestic Response* at 30.

[249] Calculated from CR/PR at Table I-13.

[250] CR/PR at D-3.

the significant volume of low-priced subject imports that is likely after revocation would exacerbate the effects of declining demand on the domestic industry. Moreover, demand trends would be unlikely to fully explain any loss of market share to subject imports upon revocation of the orders.

In sum, we conclude that if the antidumping duty orders on seamless SLP pipe from Japan and Romania 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 large-diameter seamless SLP pipe from Japan and the antidumping duty orders on small-diameter seamless SLP pipe from Japan and Romania would be likely to lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time.

Information obtained in these reviews

Background

On October 3, 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"),[1] that it had instituted reviews to determine whether revocation of antidumping orders on carbon and alloy seamless standard, line, and pressure pipe("seamless SLP pipe") from Japan and Romania would likely lead to the continuation or recurrence of material injury to a domestic industry.[2] All interested parties were requested to respond to this notice by submitting certain information requested by the Commission.[3] [4]Table I-1 presents information relating to the background and schedule of this proceeding:

Table I-1
Seamless SLP pipe: Information relating to the background and schedule of this proceeding

Effective date	Action
October 3, 2022	Notice of initiation by Commerce (87 FR 59779, October 3, 2022)
October 3, 2022	Notice of institution by Commission (87 FR 59821, October 3, 2022)
December 29, 2022	Commerce's results of its expedited review of large-diameter carbon and alloy seamless standard, line and pressure pipe from Japan (87 FR 80162, December 29, 2022)
January 6, 2023	Commission's vote on adequacy
January 31, 2023	Commerce's results of its expedited review of small-diameter carbon and alloy seamless standard, line and pressure pipe from Japan and Romania (88 FR 3970, January 23, 2023)
May 31, 2023	Commission's determinations and views

[1] 19 U.S.C. 1675(c).

[2] 87 FR 59821, October 3, 2022. In accordance with section 751(c) of the Act, the U.S. Department of Commerce ("Commerce") published a notice of initiation of the five-year reviews of the subject antidumping duty orders. 87 FR 59779, October 3, 2022. Pertinent Federal Register notices are referenced in app. A, and may be found at the Commission's website (www.usitc.gov).

[3] As part of their response to the notice of institution, interested parties were requested to provide company-specific information. That information is presented in app. B. Summary data compiled in the original investigations and subsequent full reviews (if applicable) are presented in app. C.

[4] Interested parties were also requested to provide a list of three to five leading purchasers in the U.S. market for the domestic like product and the subject merchandise. Presented in app. D are the two 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 from Vallourec Star, L.P. ("Vallourec"), and U.S. Steel Tubular Products (U.S. Steel"), domestic producers of seamless SLP pipe (referred to herein as the "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
Seamless SLP pipe: Summary of completed responses to the Commission's notice of institution

Interested party	Type	Number of firms	Coverage
U.S. producer	Domestic	2	***%

Note: In its supplemental response to the notice of institution, the domestic interested parties indicated that its production of both small and large diameter seamless SLP pipe during 2021 were ***. This coverage calculation was based on the Preston Pipe and Tube Report (Preston Pipe and Tube, February 2022), but it does not provide breakdowns between small and large diameter seamless SLP pipe. These calculations are based on the domestic industry shipment data for seamless SLP pipe covering Line, Standard and Pressure Pipe markets are available from the Preston Pipe and Tube Report, issued by Preston Publishing and the production quantities provided by Vallourec and U.S. Steel for all seamless SLP pipe produced during 2021. Domestic interested parties' follow-up to its response to its response to the Notice of institution, November 22, 2022.

Note: Vallourec and U.S. Steel provided estimates of their production of both small and large diameter seamless SLP pipe for 2021. *** indicated that its production of ***.

Source: Domestic interested parties' response to the notice of institution, November 3, 2022, exh. 1: Domestic interested parties' follow up to its response to the notice of institution, November 22, 2022.

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 an expedited or full review from the domestic interested parties. The domestic interested parties request that the Commission conduct expedited reviews of the antidumping duty orders on seamless SLP pipe from Japan and Romania.[5]

The original investigations

The original investigations resulted from a petitions filed on June 30, 1999 with Commerce and the Commission by Koppel Steel Corp. ("Koppel"), Beaver Falls, Pennsylvania; Sharon Tube Co. ("Sharon"), Sharon, Pennsylvania; U.S. Steel Group ("U.S. Steel") Fairfield, Alabama; USS/Kobe Steel Co. ("USS-Lorain"), Lorain, Ohio; and Vision Metals' Gulf States Tube Division ("Gulf States"), Rosenberg, Texas.[6] Following affirmative determinations of sales at LTFV by Commerce, on June 16, 2000, the Commission determined that an industry in the United States was materially injured by reason of LTFV imports of small diameter seamless SLP pipe from Japan and South Africa and by LTFV imports of large diameter seamless SLP pipe from Japan.[7] In August 2, 2000, the Commission determined that an industry in the United States was materially injured by reason of LTFV imports of small diameter seamless SLP pipe from the Czech Republic and Romania and large diameter seamless SLP pipe from Mexico.[8] On June 26, 2000, Commerce issued its antidumping duty orders with the final weighted-average dumping margins for Japan ranging from 68.88 to 107.80 percent[9] and for Romania ranging from 11.08 to 15.15 percent.[10]

[5] Domestic interested parties' comments on adequacy, December 14, 2022, p. 5.

[6] Certain Seamless Carbon and Alloy Steel Standard, Line, and Pressure Pipe from Japan and South Africa, Inv. Nos. 731-TA-847 and 850 (Final), USITC Publication 3311, June 2000 ("Original Japan Publication"), p. I-1.

[7] 65 FR 39426, June 26, 2000.

[8] 65 FR 48733, August 9, 2000.

[9] 65 FR 39360, June 26, 2000.

[10] 65 FR 48963, August 10, 2000.

The first five-year reviews

On August 5, 2005 the Commission determined that it would conduct full reviews of the antidumping duty orders on seamless SLP pipe from the Czech Republic, Japan, Mexico, Romania, and South Africa.[11] On April 24, 2006, the Commission determined that revocation of the antidumping duty orders on small diameter seamless SLP pipe from Japan and Romania and large diameter seamless SLP pipe from Japan would be likely to lead to continuation or recurrence of material injury within a reasonably foreseeable time. The Commission also determined that revocation of the antidumping duty orders on small diameter seamless SLP pipe from the Czech Republic and South Africa, and large diameter seamless SLP pipe from Mexico, would not be likely to lead to continuation or recurrence of material injury within a reasonably foreseeable time.[12] On May 8, 2006, Commerce issued a continuation of the antidumping duty orders on large diameter seamless SLP pipe from Japan and on small diameter seamless SLP pipe from Japan and Romania.[13]

The second five-year reviews

On July 5, 2011, the Commission determined that it would conduct expedited reviews of the antidumping duty orders on seamless SLP pipe from Japan and Romania.[14] On August 5, 2011, Commerce determined that revocation of the antidumping duty order on large diameter seamless SLP pipe from Japan and the antidumping duty orders on small diameter seamless SLP pipe from Japan and Romania would be likely to lead to continuation or recurrence of dumping.[15] On September 22, 2011, the Commission determined that material injury would be likely to continue or recur within a reasonably foreseeable time.[16] Following affirmative determinations in the five-year reviews by Commerce and the Commission, effective October 11, 2011, Commerce issued a continuation of the antidumping duty orders on imports of large diameter seamless SLP pipe and from Japan and on small diameter seamless SLP pipe from Japan and Romania.[17]

[11] 70 FR 49680, August 24, 2005.
[12] 71 FR 24860, April 27, 2006.
[13] 71 FR 26746, May 8, 2006.
[14] 76 FR 44608, July 7, 2011.
[15] 76 FR 47555, 47558 August 5, 2011.
[16] 76 FR 60083, September 28, 2011.
[17] 76 FR 62762, October 11, 2011.

The third five-year reviews

On December 5, 2016, the Commission determined that it would conduct full reviews of the antidumping duty orders on seamless SLP pipe from Japan and Romania.[18] On December 21, 2016, Commerce determined that revocation of the antidumping duty order on large diameter seamless SLP pipe from Japan and the antidumping duty orders on small diameter pipe from Japan and Romania would be likely to lead to continuation or recurrence of dumping.[19] On October 10, 2017, the Commission determined that material injury would be likely to continue or recur within a reasonably foreseeable time on imports of small and large diameter seamless SLP pipe from Japan and Romania.[20] Following affirmative determinations in the five-year reviews by Commerce and the Commission, effective November 13, 2017, Commerce issued a continuation of the antidumping duty orders on imports of large diameter seamless SLP pipe and from Japan and on small diameter seamless SLP pipe from Japan and Romania.[21]

Previous and related investigations

The Commission has conducted several previous import relief investigations on seamless SLP pipe or similar merchandise, as presented in table I-3.

Table I-3
Seamless SLP pipe: Previous and related Commission proceedings and status of orders

Date	Number	Country / Type	ITC Original Determination	Current Status of Order
1980	731-TA-15	Japan / Both	Negative	---
1982	731-TA-87	Japan / Both	Affirmative	Orders revoked before first review, October 29, 1985. 50 FR 37565
1994	731-TA-707	Argentina / Small	Affirmative	Orders revoked after second review, May 18, 2007. 72 FR 28027

[18] 81 FR 91199, December 16, 2016.
[19] 81 FR 93658, December 21, 2016.
[20] 82 FR 48113, October 16, 2017.
[21] 82 FR 52275, November 13, 2017.

Date	Number	Country / Type	ITC Original Determination	Current Status of Order
1994	731-TA-708	Brazil / Small	Affirmative	Orders revoked after second review, May 18, 2007. 72 FR 28027
1994	731-TA-709	Germany / Small	Affirmative	Orders continued after fourth review, Feb. 28, 2018. 83 FR 8651
1994	701-TA-362	Italy / Small	Affirmative	Orders revoked after first review, July 16, 2001. 66 FR 36999
1994	731-TA-710	Italy / Small	Affirmative	Orders revoked after first review, July 16, 2001. 66 FR 36999
1999	731-TA-846	Czechia / Small	Affirmative	Orders revoked after first review, May 11, 2006. 71 FR 27463
1999	731-TA-848	Mexico / Large	Affirmative	Orders revoked after first review, May 11, 2006. 71 FR 27461
1999	731-TA-850	South Africa / Small	Affirmative	Orders revoked after first review, May 11, 2006. 71 FR 27463
2001	TA-201-73	Global	Negative	---
2009	701-TA-469	China / Both	Affirmative	Orders continued after second review, September 14, 2021, 86 FR 51118
2009	731-TA-1168	China / Both	Affirmative	Orders continued after first review, March 16, 2016. 81 FR 14089
2020	701-TA-654	South Korea / Both	Affirmative	Order 86 FR 47060, August 23, 2021
2020	701-TA-655	Russia / Both	Affirmative	Order 86 FR 47060, August 23, 2021
2020	731-TA-1529	Czechia / Both	Affirmative	Order 86 FR 22031, April 26, 2021
2020	731-TA-1530	South Korea / Both	Affirmative	Order 86 FR 47055, August 23, 2021
2020	731-TA-1531	Russia / Both	Affirmative	Order 86 FR 47055, August 23, 2021

Date	Number	Country / Type	ITC Original Determination	Current Status of Order
2020	731-TA-1532	Ukraine / Both	Affirmative	Order 86 FR 47055, August 23, 2021

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

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

Commerce's five-year reviews

Commerce announced that it would conduct expedited reviews with respect to the orders on imports of seamless SLP pipe from Japan and Romania with the intent of issuing the final results of these reviews based on the facts available not later than March 30. 2023.[22] 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.

[22] Letter from Shawn Thompson, Acting Senior Director, AD/CVD Operations, Enforcement and Compliance, U.S. Department of Commerce to Nannette Christ, Director of Investigations, November, 30, 2022.

The product

Commerce's scope

Commerce has defined the scope as follows:[23]

Large Diameter Pipe from Japan
The products covered by this order are large diameter seamless carbon and alloy (other than stainless) steel standard, line, and pressure pipes produced, or equivalent, to the American Society for Testing and Materials (ASTM) A-53, ASTM A-106, ASTM A-333, ASTM A- 334, ASTM A-589, ASTM A-795, and the American Petroleum Institute (API) 5L specifications and meeting the physical parameters described below, regardless of application. The scope of this order also includes all other products used in standard, line, or pressure pipe applications and meeting the physical parameters described below, regardless of specification, with the exception of the exclusions discussed below. Specifically included within the scope of this order are seamless pipes greater than 4.5 inches (114.3 mm) up to and including 16 inches (406.4 mm) in outside diameter, regardless of wall-thickness, manufacturing process (hot finished or cold drawn), end finish (plain end, beveled end, upset end, threaded, or threaded and coupled), or surface finish.

The seamless pipes subject to this order are currently classifiable under the subheadings 7304.10.10.30, 7304.10.10.45, 7304.10.10.60, 7304.10.50.50, 7304.19.10.30, 7304.19.10.45, 7304.19.10.60, 7304.19.50.50, 7304.31.60.10, 7304.31.60.50, 7304.39.00.04, 7304.39.00.06, 7304.39.00.08, 7304.39.00.36, 7304.39.00.40, 7304.39.00.44, 7304.39.00.48, 7304.39.00.52, 7304.39.00.56, 7304.39.00.62, 7304.39.00.68, 7304.39.00.72, 7304.51.50.15, 7304.51.50.45, 7304.51.50.60, 7304.59.20.30, 7304.59.20.55, 7304.59.20.60, 7304.59.20.70, 7304.59.60.00, 7304.59.80.30, 7304.59.80.35, 7304.59.80.40, 7304.59.80.45, 7304.59.80.50,

[23] Issues and Decisions Memorandum, December 15, 2016.

7304.59.80.55, 7304.59.80.60, 7304.59.80.65, and 7304.59.80.70 of the Harmonized Tariff Schedule of the United States (HTSUS).
Specifications, Characteristics, and Uses: Large diameter seamless pipe is used primarily for line applications such as oil, gas, or water pipeline, or utility distribution systems. Seamless pressure pipes are intended for the conveyance of water, steam, petrochemicals, chemicals, oil products, natural gas and other liquids and gasses in industrial piping systems. They may carry these substances at elevated pressures and temperatures and may be subject to the application of external heat. Seamless carbon steel pressure pipe meeting the ASTM A-106 standard may be used in temperatures of up to 1000 degrees Fahrenheit, at various American Society of Mechanical Engineers (ASME) code stress levels. Alloy pipes made to ASTM A-335 standard must be used if temperatures and stress levels exceed those allowed for ASTM A-106. Seamless pressure pipes sold in the United States are commonly produced to the ASTM A-106 standard. Seamless standard pipes are most commonly produced to the ASTM A-53 specification and generally are not intended for high temperature service.

They are intended for the low temperature and pressure conveyance of water, steam, natural gas, air and other liquids and gasses in plumbing and heating systems, air conditioning units, automatic sprinkler systems, and other related uses. Standard pipes (depending on type and code) may carry liquids at elevated temperatures but must not exceed relevant ASME code requirements. If exceptionally low temperature uses or conditions are anticipated, standard pipe may be manufactured to ASTM A-333 or ASTM A-334 specifications. Seamless line pipes are intended for the conveyance of oil and natural gas or other fluids in pipe lines.

Seamless line pipes are produced to the API 5L specification. Seamless water well pipe (ASTM A-589) and seamless galvanized pipe for fire protection uses (ASTM A-795) are used for the conveyance of water.

Seamless pipes are commonly produced and certified to meet ASTM A-106, ASTM A-53, API 5L-B, and API 5L-X42 specifications. To avoid maintaining separate production runs and separate inventories,

manufacturers typically triple or quadruple certify the pipes by meeting the metallurgical requirements and performing the required tests pursuant to the respective specifications. Since distributors sell the vast majority of this product, they can thereby maintain a single inventory to service all customers.

The primary application of ASTM A-106 pressure pipes and triple or quadruple certified pipes in large diameters is for use as oil and gas distribution lines for commercial applications. A more minor application for large diameter seamless pipes is for use in pressure piping systems by refineries, petrochemical plants, and chemical plants, as well as in power generation plants and in some oil field uses (on shore and off shore) such as for separator lines, gathering lines and metering runs. These applications constitute the majority of the market for the subject seamless pipes. However, ASTM A-106 pipes may be used in some boiler applications.

The scope of this order includes all seamless pipe meeting the physical parameters described above and produced to one of the specifications listed above, regardless of application, with the exception of the exclusions discussed below, whether or not also certified to a non-covered specification. Standard, line, and pressure applications and the above-listed specifications are defining characteristics of the scope of this review. Therefore, seamless pipes meeting the physical description above, but not produced to the ASTM A-53, ASTM A-106, ASTM A-333, ASTM A-334, ASTM A-589, ASTM A-795, and API 5L specifications shall be covered if used in a standard, line, or pressure application, with the exception of the specific exclusions discussed below.

For example, there are certain other ASTM specifications of pipe which, because of overlapping characteristics, could potentially be used in ASTM A-106 applications. These specifications generally include ASTM A-161, ASTM A-192, ASTM A-210, ASTM A-252, ASTM A-501, ASTM A-523, ASTM A-524, and ASTM A-618. When such pipes are used in a standard, line, or

pressure pipe application, such products are covered by the scope of this order.

Specifically excluded from the scope of this order are: A. Boiler tubing and mechanical tubing, if such products are not produced to ASTM A-53, ASTM A-106, ASTM A-333, ASTM A-334, ASTM A-589, ASTM A-795, and API 5L specifications and are not used in standard, line, or pressure pipe applications. B. Finished and unfinished oil country tubular goods ("OCTG"), if covered by the scope of another antidumping duty order from the same country. If not covered by such an OCTG order, finished and unfinished OCTG are included in this scope when used in standard, line or pressure applications. C. Products produced to the A-335 specification unless they are used in an application that would normally utilize ASTM A-53, ASTM A-106, ASTM A-333, ASTM A-334, ASTM A-589, ASTM A-795, and API 5L specifications. D. Line and riser pipe for deepwater application, i.e., line and riser pipe that is (1) used in a deepwater application, which means for use in water depths of 1,500 feet or more; (2) intended for use in and is actually used for a specific deepwater project; (3) rated for a specified minimum yield strength of not less than 60,000 psi; and (4) not identified or certified through the use of a monogram, stencil, or otherwise marked with an API specification (e.g., API 5L).

With regard to the excluded products listed above, the Department will not instruct U.S. Customs and Border Protection (CBP) to require end-use certification until such time as the petitioner or other interested parties provide to the Department a reasonable basis to believe or suspect that the products are being utilized in a covered application. If such information is provided, we will require end-use certification only for the product(s) (or specification(s)) for which evidence is provided that such products are being used in a covered application as described above. For example, if, based on evidence provided by Petitioner, the Department finds a reasonable basis to believe or suspect that seamless pipe produced to the A-335 specification is being used in an A106 application, we will require end-use certifications for imports of that specification. Normally we will require only the importer of record to certify to the end use of the imported merchandise. If it later proves necessary for adequate

implementation, we may also require producers who export such products to the United States to provide such certification on invoices accompanying shipments to the United States.

Although the HTSUS subheadings are provided for convenience and customs purposes, our written description of the merchandise subject to this scope is dispositive.

Small Diameter Pipe from Japan and Romania

The products covered by these orders include small diameter seamless carbon and alloy (other than stainless) steel standard, line, and pressure pipes and redraw hollows produced, or equivalent, to the ASTM A-53, ASTM A-106, ASTM A-333, ASTM A-334, ASTM A-335, ASTM A-589, ASTM A-795, and the API 5L specifications and meeting the physical parameters described below, regardless of application. The scope of these orders also includes all products used in standard, line, or pressure pipe applications and meeting the physical parameters described below, regardless of specification. Specifically included within the scope of these orders are seamless pipes and redraw hollows, less than or equal to 4.5 inches (114.3 mm) in outside diameter, regardless of wall-thickness, manufacturing process (hot finished or cold drawn), end finish (plain end, beveled end, upset end, threaded, or threaded and coupled), or surface finish.

The seamless pipes subject to these orders are currently classifiable under the subheadings 7304.10.10.20, 7304.10.50.20, 7304.19.10.20, 7304.19.50.20, 7304.31.30.00, 7304.31.60.50, 7304.39.00.16, 7304.39.00.20, 7304.39.00.24, 7304.39.00.28, 7304.39.00.32, 7304.51.50.05, 7304.51.50.60, 7304.59.60.00, 7304.59.80.10, 7304.59.80.15, 7304.59.80.20, and 7304.59.80.25 of the HTSUS.

Specifications, Characteristics, and Uses: Seamless pressure pipes are intended for the conveyance of water, steam, petrochemicals, chemicals, oil products, natural gas and other liquids and gasses in industrial piping

systems. They may carry these substances at elevated pressures and temperatures and may be subject to the application of external heat. Seamless carbon steel pressure pipe meeting the ASTM A-106 standard may be used in temperatures of up to 1000 degrees Fahrenheit, at various ASME code stress levels. Alloy pipes made to ASTM A335 standard must be used if temperatures and stress levels exceed those allowed for ASTM A106. Seamless pressure pipes sold in the United States are commonly produced to the ASTM A106 standard.

Seamless standard pipes are most commonly produced to the ASTM A-53 specification and generally are not intended for high temperature service. They are intended for the low temperature and pressure conveyance of water, steam, natural gas, air and other liquids and gasses in plumbing and heating systems, air conditioning units, automatic sprinkler systems, and other related uses. Standard pipes (depending on type and code) may carry liquids at elevated temperatures but must not exceed relevant ASME code requirements. If exceptionally low temperature uses or conditions are anticipated, standard pipe may be manufactured to ASTM A333 or ASTM A-334 specifications.

Seamless line pipes are intended for the conveyance of oil and natural gas or other fluids in pipe lines. Seamless line pipes are produced to the API 5L specification.

Seamless water well pipe (ASTM A-589) and seamless galvanized pipe for fire protection uses (ASTM A-795) are used for the conveyance of water.

Seamless pipes are commonly produced and certified to meet ASTM A-106, ASTM A-53, API 5L-B, and API 5L-X42 specifications. To avoid maintaining separate production runs and separate inventories, manufacturers typically triple or quadruple certify the pipes by meeting the metallurgical requirements and performing the required tests pursuant to the respective specifications. Since distributors sell the vast majority of this product, they can thereby maintain a single inventory to service all customers.

The primary application of ASTM A-106 pressure pipes and triple or quadruple certified pipes is in pressure piping systems by refineries, petrochemical plants, and chemical plants. Other applications are in power generation plants (electrical-fossil fuel or nuclear), and in some oil field uses (on shore and off shore) such as for separator lines, gathering lines and metering runs. A minor application of this product is for use as oil and gas distribution lines for commercial applications. These applications constitute the majority of the market for the subject seamless pipes. However, ASTM A-106 pipes may be used in some boiler applications.

Redraw hollows are any unfinished pipe or "hollow profiles" of carbon or alloy steel transformed by hot rolling or cold drawing/hydrostatic testing or other methods to enable the material to be sold under ASTM A-53, ASTM A-106, ASTM A-333, ASTM A-334, ASTM A-335, ASTM A589, ASTM A-795, and API 5L specifications.

The scope of these orders includes all seamless pipe meeting the physical parameters described above and produced to one of the specifications listed above, regardless of application, with the exception of the specific exclusions discussed below, and whether or not also certified to a noncovered specification. Standard, line, and pressure applications and the above-listed specifications are defining characteristics of the scope of the orders. Therefore, seamless pipes meeting the physical description above, but not produced to the ASTM A-53, ASTM A-106, ASTM A-333, ASTM A-334, ASTM A-335, ASTM A-589, ASTM A-795, and API 5L specifications shall be covered if used in a standard, line, or pressure application, with the exception of the specific exclusions discussed below.

For example, there are certain other ASTM specifications of pipe which, because of overlapping characteristics, could potentially be used in ASTM A-106 applications. These specifications generally include ASTM A-161, ASTM A-192, ASTM A-210, ASTM A-252, ASTM A-501, ASTM A-523, ASTM A-524, and ASTM A-618. When such pipes are used in a standard, line, or

pressure pipe application, such products are covered by the scope of these orders.

Specifically excluded from the scope of these orders are boiler tubing and mechanical tubing, if such products are not produced to ASTM A-53, ASTM A-106, ASTM A-333, ASTM A-334, ASTM A-335, ASTM A-589, ASTM A-795, and API 5L specifications and are not used in standard, line, or pressure pipe applications. In addition, finished and unfinished OCTG are excluded from the scope of these orders, if covered by the scope of another antidumping duty order from the same country. If not covered by such an OCTG order, finished and unfinished OCTG are included in these scopes when used in standard, line or pressure applications.

With regard to the excluded products listed above, the Department will not instruct CBP to require end-use certification until such time as Petitioner or other interested parties provide to the Department a reasonable basis to believe or suspect that the products are being used in a covered application. If such information is provided, we will require end-use certification only for the product(s) (or specification(s)) for which evidence is provided that such products are being used in covered applications as described above. For example, if, based on evidence provided by Petitioner, the Department finds a reasonable basis to believe or suspect that seamless pipe produced to the A-161 specification is being used in a standard, line or pressure application, we will require end-use certifications for imports of that specification. Normally we will require only the importer of record to certify to the end use of the imported merchandise. If it later proves necessary for adequate implementation, we may also require producers who export such products to the United States to provide such certification on invoices accompanying shipments to the United States.

Although the HTSUS subheadings are provided for convenience and customs purposes, our written description of the merchandise under these orders is dispositive.

U.S. tariff treatment

SLP pipe is currently imported under Harmonized Tariff Schedule of the United States ("HTS") statistical reporting numbers 7304.19.10.20, 7304.19.10.30, 7304.19.10.45, 7304.19.10.60, 7304.19.50.20, 7304.19.50.50, 7304.31.30.00, 7304.31.60.50, 7304.39.00.16, 7304.39.00.20, 7304.39.00.24, 7304.39.00.28, 7304.39.00.32, 7304.39.00.36, 7304.39.00.40, 7304.39.00.44, 7304.39.00.48, 7304.39.00.52, 7304.39.00.56, 7304.39.00.62, 7304.39.00.68, 7304.39.00.72, 7304.51.50.05, 7304.51.50.60, 7304.59.60.00, 7304.59.80.10, 7304.59.80.15, 7304.59.80.20, 7304.59.80.25, 7304.59.80.30, 7304.59.80.35, 7304.59.80.40, 7304.59.80.45, 7304.59.80.50, 7304.59.80.55, 7304.59.80.60, 7304.59.80.65, and 7304.59.80.70.[24] Seamless SLP pipe from Japan and Romania is imported into the U.S. market at a column 1-general duty rate of "free."[25] Seamless SLP pipe produced in Japan and Romania is subject to a tariff rate quota and imports above the quota level are subject to Section 232 duties.[26] Nonsubject imports of seamless SLP pipe produced in China are currently subject to an additional 7.5

[24] The presented HTS statistical reporting numbers exclude mechanical tubing and tubing suitable for use in boilers, superheaters, heat exchangers, condensers, refining furnaces and feedwater heaters. These HTS statistical reporting numbers are 7304.31.60.10, 7304.39.00.04, 7304.39.00.06, 7304.39.00.08, 7304.51.50.15, 7304.51.50.45, 7304.59.20.30, 7304.59.20.55, 7304.59.20.60, 7304.59.20.70.

[25] HTSUS (2022) Basic Revision 12, USITC Publication 5394, November 2022, pp. 73-3—73-13.

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

Section 232 import duties on steel articles currently cover all countries of origin except Argentina, Australia, Brazil, Canada, Mexico, and South Korea. Imports from Australia, Canada, and Mexico are exempt from Section 232 duties and quotas on steel articles, while imports originating in Argentina, Brazil, and South Korea are exempt from duties but are instead subject to absolute quotas. EU member states (effective January 1, 2022), Japan (effective April 1, 2022), and the United Kingdom (effective June 1, 2022) are currently subject to tariff-rate quotas ("TRQs") for steel articles, and imports that exceed the TRQ limits are subject to the Section 232 tariffs. Section 232 import duties on steel articles originating in Turkey were temporarily raised from 25 percent to 50 percent, effective August 13, 2018, but were restored back to 25 percent May 21, 2019. In addition, Section 232 duties on steel articles of Ukraine are suspended, effective June 1, 2022, to June 1, 2023. 83 FR 11625, March 15, 2018; 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; 87 FR 33591, June 3, 2022.

See also HTS heading 9903.80.01 and 9903.80.03 and U.S. notes 16(a) and 16(b) to subchapter III of chapter 99 and related tariff provisions for this duty treatment. HTSUS (2022) Revision 12, USITC Publication 5394, November 2022, pp. 99-III-5 – 99-III-8, 99-III-266 – 99-III-270.

percent ad valorem duty under Section 301 of the Trade Act of 1974.[27] Decisions on the tariff classification and treatment of imported goods are within the authority of U.S. Customs and Border Protection.

Description and uses[28]

Standard, line, and pressure pipe is generally intended to convey liquids and is typically tested and rated for its ability to withstand hydrostatic pressure.

Seamless standard pipe is most commonly produced to American Society for Testing and Materials ("ASTM") A-53 specification and is generally intended for the low-pressure conveyance of water, steam, natural gas, air, and other liquids and gases in plumbing and heating systems, air conditioning units, automatic sprinklers, and other related uses. Depending on the type and grade, standard pipe may carry liquids at elevated temperatures but must not exceed relevant American Society of Mechanical Engineers ("ASME") code requirements. If exceptionally low temperature end uses or conditions are anticipated, seamless standard pipe may be produced to meet ASTM A-333 and A-334 specifications.

Seamless line pipe is produced to the American Petroleum Institute ("API") 5L specification, and is intended for the conveyance of oil, natural gas, or other fluids in pipelines.

Seamless pressure pipe is commonly produced to ASTM A-106 specification, and is intended for the conveyance of water, steam, petrochemicals, chemicals, oil products, natural gas, and other liquids and gases in industrial piping systems. They may carry these substances at elevated pressures and temperatures and may be subject to the application of external heat.

Most steel products, including those subject to these reviews, are produced from carbon steel, which contains controlled amounts of carbon and manganese. Alloy steels, which provide physical properties not achievable to the same degree with carbon steels, contain controlled amounts of alloying elements–usually, nickel, chromium and molybdenum. The distinguishing characteristics of alloy steel pipe are its physical properties, which make the alloy steel pipe suitable for application in high temperature or low temperature service. Uses can differ from those of carbon steel pipe, based upon the service requirements and temperature

[27] 84 FR 43304, August 20, 2019; 84 FR 45821, August 30, 2019; 85 FR 3741, January 22, 2020.

[28] Unless otherwise noted, this information is based on Carbon and Alloy Seamless Standard, Line, and Pressure Pipe from Japan and Romania, Investigation Nos. 731-TA-847 and 849 (Third Review), USITC Publication 4731, October 2017 ("Third review publication"), pp. I-21 and Seamless Carbon and Alloy Steel Standard, Line, and Pressure Pipe from Czechia, Korea, Russia, and Ukraine, Investigation Nos. 701-TA-654-655 and 731-TA-1529-1532 (Preliminary), USITC Publication 5114, August 2020, pp. I-11.

and pressure requirements of the American Society of Mechanical Engineers ("ASME") Boiler and Pressure Code.

For the purposes of this report, small diameter SLP pipe is less than or equal to 4.5 inches (114 mm) in OD, whereas large diameter SLP pipe is greater than 4.5 inches (114 mm) up to and including 16 inches (406 mm) in OD. Small diameter SLP pipe is most frequently used in petrochemical and other non-pipeline applications. Small diameter SLP pipe ranging from 0.5 to 1.5 inches OD may be used for high-pressure construction applications–for example, in refineries or chemical plants. Small diameter SLP pipe in sizes ranging from 2 to 3 inches in outside diameter is typically pressure pipe used for high-pressure industrial applications but is also used in line pipe applications, in particular for gathering lines connecting oil and natural gas wells to transmission lines. SLP pipe with larger outside diameters (especially pipe with an OD greater than 4.5 inches corresponding to a nominal pipe size of 4)) is typically line pipe used in gas transmission, as well as in pipeline construction.

Manufacturing process[29]

Seamless SLP pipe is manufactured by either of two high-temperature processes to form a central cavity in a solid steel billet. In the rotary-piercing process, a heated billet is gripped by angled rolls, which cause the billet to rotate and advance over a piercer point, forming a hole through its length. In the extrusion process, the billet is hot punch-pierced and then extruded axially through a die and over a mandrel, forming a hollow shell. The hollow shell produced by either process is then rolled with either a fixed plug or a continuous mandrel inside the shell to reduce the wall thickness and increase the length. The shell is then rolled in a sizing mill or a stretch reduction mill where it is formed into a true round and sized to the required diameter.

Typically, pipe is furnished hot-finished. However, small diameter pipe of less than two inches in OD is often cold drawn because hot rolling of small diameter pipe is often not possible. Pipe also may be cold drawn in order to provide a surface finish smoother than can be produced by hot finishing. When pipe is to be cold drawn, seamless hollows (redraw hollows) are first pickled in acid to remove scale and oxides from both the outside and inside surfaces. The redraw hollows are then rinsed in water and coated with a lubricant for cold drawing. The hollow is pulled through a die and over an internal mandrel, which reduces the

[29] Unless otherwise noted, this information is based on the third review publication, p. I-22.

outside diameter and increases the length. The mandrel inside the hollow controls the diameter and the wall thickness. Following cold drawing, the hollows are annealed (heat treated).[30]

Finishing operations on subject SLP include straightening, cutting to length, inspection, testing, end finishing (e.g., beveling or threading), and coating. Pipes may be furnished galvanized (hot-dip zinc coated) and may be threaded and coupled.

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 eight firms, which accounted for the vast majority of production of seamless SLP pipe in the United States during 1999.[31] During the first five-year reviews, the Commission received U.S. producer questionnaires from five firms, which accounted for the majority production of seamless SLP pipe in the United States during 2004.[32] During the second five-year reviews, domestic interested parties provided a list of eight known and currently operating U.S. producers of seamless SLP pipe. Two responding firms accounted for approximately *** percent of U.S. total production of small diameter seamless SLP, and *** percent of U.S. production total production of large diameter seamless SLP pipe in 2010.[33] During the third five-year reviews, the Commission received U.S. producer questionnaires from 10 firms, which accounted for approximately *** percent production of seamless SLP pipe in the United States during 2004.[34]

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[30] Alloy steel pipe and carbon steel pipe may require heat treating, which may involve one or more heating cycles in either a continuous furnace or a batch furnace, with controlled rates of cooling. Specific heat treating requirements are dependent upon the grade of steel being processed and the specification to which the steel is produced. The same process and equipment are used to heat treat carbon and alloy steel seamless SLP pipe.

[31] Certain Seamless Carbon and Alloy Standard, Line, and Pressure Pipe from Japan and South Africa, Investigation Nos. 731-TA-847 and 850 (Final), USITC Publication 3311, June 200 ("Original publication"), p. III-2, table III-1, p. III-2.

[32] Carbon and Alloy Seamless Standard, Line, and Pressure Pipe From Mexico, Romania, and South Africa, Investigation Nos. 731-TA-846-850 (Review), USITC Publication 3850, April 2006 ("First review publication"), p. I-31.

[33] Investigation Nos. 731-TA-847 and 849 (Second Review): Carbon and Alloy Seamless Standard, Line, and Pressure Pipe from Japan and Romania, Confidential Report, INV-JJ-082, August 22, 2011, ("Second review confidential report"), p. I-3, fn 4.

[34] Investigation Nos. 731-TA-847 and 849 (Second Review): Carbon and Alloy Seamless Standard, Line, and Pressure Pipe from Japan and Romania, Confidential Report, INV-PP-118, September 6, 2017, ("Third review confidential report"), p. I-37.

In response to the Commission's notice of institution in these current reviews, domestic interested parties provided a list of eight known and currently operating U.S. producers of seamless SLP pipe. Two firms providing U.S. industry data in response to the Commission's notice of institution accounted for approximately *** percent of production of seamless SLP pipe in the United States during 2021.[35]

Recent developments

Table I-4 presents events in the U.S. industry since the Commission's last five-year review.[36]

Table I-4
Seamless SLP pipe: Recent developments in the U.S. industry

Item	Firm	Event
Labor Agreement	U.S. Steel / USW	In October 2018, U.S. Steel and the United Steelworkers ("USW") reached a new four-year labor agreement covering 16,000 workers at U.S. Steel facilities, including its Fairfield, Alabama operations.
Restart	Tenaris SA	In October 2018, Tenaris SA announced that it would resume heat treatment and pipe-finishing operations at its plant in Conroe, Texas. Tenaris SA planned to use the Conroe, Texas plant to finish seamless pipes produced in Bay City, Texas.
Expansion	U.S. Steel Tubular	In February 2019, U.S. Steel announced that it would resume construction on a $215 million electric arc furnace project at its Fairfield, Alabama facility. The expansion also included the modernization of the existing rounds caster and was expected to add 150 full-time employees.
Closure	Timken Steel	In November 2019, Timken Steel announced that it would close a Houston area facility that provided value-added and finishing services primarily to customers in the energy sector. The closure was expected to impact 97 employees.
Acquisition	Tenaris SA	In January 2020, Tenaris SA announced that it acquired domestic steel pipe manufacturer IPSCO Tubulars, Inc. from PAO TMK for nearly $1.1 billion in cash. The acquisition includes a steel melt shop in Koppel, Pennsylvania, and a seamless pipe mill in Ambridge, Pennsylvania.
Closure	Tenaris SA	In March 2020, Tenaris SA announced that it would idle certain tube making operations at the end of the month due to a collapse in oil prices. The announcement applied to the firm's billet mill in Koppel, Pennsylvania, and its seamless pipe mill in Ambridge, Pennsylvania.

[35] Domestic interested parties' response to the notice of institution, November 3, 2022, exh 1, 19. Domestic interested parties' follow up to response to the note of institution, November 22, 2022.

[36] For recent developments in tariff treatment, please see "U.S. tariff treatment" section.

Item	Firm	Event
Closure	U.S. Steel Tubular	In March 2020, U.S. Steel announced that it would idle its Lorain, Ohio tubular operations and issued a WARN notice to employees. 250 workers were expected to be laid off by May 24, 2020. The company noted that the decision was largely related to weak tubular market conditions, including oil pricing, imports, and demand. The mill manufactured 380,000 tons of seamless pipe used in oil and gas exploration and construction.
Layoffs	Vallourec	In April 2020, Vallourec announced that it would lay off 112 workers at its Muskogee, Oklahoma pipe operations due to uncertainty caused by COVID-19 and OPEC actions.
Layoffs	Vallourec	In April 2020, Vallourec announced that it would lay off 59 workers at its Youngstown, Ohio operations, citing “unprecedented issues caused by the COVID-19 pandemic and the OPEC-Russia oil price war.” Layoffs were expected to begin April 30 through May 13.
Layoffs	Tenaris SA	In May 2020, Tenaris SA announced it would lay off 200 workers at its Bay City, Texas plant citing “a drastic drop in demand caused by the price war between Russia and Saudi Arabia.”
Expansion	Tenaris SA	In September 2020, Tenaris SA announced that the firm would upgrade its plant in Koppel, Pennsylvania, to allow the plant to produce billets at a wider range of sizes. The upgrade supports the company’s seamless pipe mills operating in Texas, Pennsylvania, and Canada.
Expansion	Tenaris SA	In March 2021, Tenaris SA increased heat-treating and finishing operations at its plant in Conroe, Texas. The expansion is intended to reduce Tenaris’s supply chain and allow the company’s plant at Bay City, Texas, to source steel domestically.
Antidumping Actions	U.S. industry	Antidumping duties on seamless SLP pipe from Czech Republic (Czechia) went into effect in April 2021 and from Korea, Russia, and Ukraine in August 2021.
Restart	Tenaris SA	In June 2021, Tenaris SA began producing steel again at its Koppel, Pennsylvania melt shop following a year-long investment of $15 million.
Restart	Tenaris SA	Tenaris SA announced in February 2022 that it would reactivate its heat treatment and finishing lines at its Koppel, Pennsylvania plant following an investment of $3.5 million.
Acquisition	Tenaris SA	Tenaris SA announced in July 2022 that it will purchase U.S. seamless steel pipe producer Benteler Steel & Tube Manufacturing Corp for $460 million. Benteler Steel & Tube Manufacturing Corp has an annual pipe rolling capacity of up to 400,000 metric tons at its production facility in Shreveport, Louisiana.
Demand Conditions	Tenaris SA	Tenaris announced third quarter earnings results that included a 76% year on year increase in net sales of tubular products and services. In North America, sales increased thanks to higher OCTG prices throughout the region and higher shipments of OCTG in Canada.

Item	Firm	Event
Demand Conditions	U.S. Steel Tubular	It was reported that during a tight OCTG market in the third quarter of 2022, US Steel boosted its tubular division output by 48 percent from a year earlier, as the division operated at a 76 percent utilization rate, up from 52 percent a year earlier.

Source: United Steelworkers (USW), "USW Welcomes U.S. Steel Plan to Restart EAF Construction," February 11, 2019, https://m.usw.org/news/media-center/releases/2019/usw-welcomes-u-s-steel-plan-to-restarteaf-construction; Tenaris, "Tenaris to restart industrial activity at Conroe plant," June 21, 2018, https://www.tenaris.com/en/newsroom/news-listing/conroe-mill--21471469118; Thornton, "U.S. Steel restarting Fairfield furnace project, adding 150 jobs" Al.com, February 11, 2019, https://www.al.com/business/2019/02/us-steel-restarting-fairfield-furnace-adding-150-jobs.html; Douglas, Erin, "Steel manufacturing company to close Houston facility amid slowing energy sector," Chron, November 21, 2019, https://www.chron.com/business/bizfeed/article/Steel-manufacturing-company-to-close-Houston-14852385.php; Veazey, "Tenaris Embarks on U.S. Expansion," Rigzone, January 3, 2020, https://www.rigzone.com/news/tenaris_embarks_on_us_expansion-03-jan-2020-160710-article/; Druzin, "Tenaris to Idle Some US Ops Amid Oil Price Collapse," Argus Media, March 19, 2020, https://www.argusmedia.com/en/news/2088751-tenaris-to-idle-some-us-ops-amid-oil-price-collapse; O'Brien, "U.S. Steel to idle Lorain tubular plant, lay off 250 workers by May 24," The Chronicle, March 23, 2020, https://chroniclet.com/news/207586/us-steel-to-idle-lorain-tubular-plant-lay-off-250-workers-bymay-24/#:~:text=U.S.%20Steel%20has%20notified%20the,in%20a%20letter%20on%20Monday; OK Energy Today, "Nearly 90 Workers at Muskogee Pipe Plant Lose Their Jobs," April 16, 2020, http://www.okenergytoday.com/2020/04/nearly-90-workers-at-muskogee-pipe-plant-lose-their-jobs/; Gauntner, "Vallourec Lays Off 59 Youngstown Workers Amid Coronavirus, Low Oil Price," WFMJ, April 7, 2020, https://www.wfmj.com/story/41975901/vallourec-cutting-onethird-of-us-workforce; "Tenaris to adjust workforce at Bay City, TX, seamless plant" Tenaris, May 11, 2020, https://www.tenaris.com/en/newsroom/news-listing/bay-city-layoffs--02793502820; "Tenaris to expand scope of U.S. melt shop with $11M investment," Tenaris, August 31, 2020, https://www.tenaris.com/en/newsroom/news-listing/koppel-investment--26546206420 ; Asenov, "Tenaris to scale up industrial activity at its Conroe, TX, plant," March 21, 2021, https://www.tenaris.com/en/newsroom/news-listing/tenaris-to-scale-up-industrial-activity-at-its-con--22528300321; World Trade Organization ("WTO"), Committee on Anti-Dumping Practices, Semi-Annual Report Under Article l6.4 of the WTO Antidumping Agreement: United States, Reporting period July 1 to December 31, 2021, retrieved December 20, 2022; "Tenaris to reactivate heat treatment line at Pennsylvania steel mill," Tenaris, February 2, 2022, https://www.tenaris.com/en/newsroom/news-listing/tenaris-to-reactivate-heat-treatment-line-at-koppe--00961268322; Elliott, "Tenaris to buy U.S. steel pipe producer for $460 million," Reuters, July 8, 2022, https://www.reuters.com/markets/europe/tenaris-buy-us-steel-pipe-producer-460-million-2022-07-08/; "Tenaris Announces 2022 Third Quarter Results," Tenaris, November 3, 2022, https://ir.tenaris.com/news-releases/news-release-details/tenaris-announces-2022-third-quarter-results; Druzen, "North American OCTG industry remains tight," Argus, November 22, 2022, https://www.argusmedia.com/en/news/2393745-north-american-octg-industry-remains-tight.

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.[37] Tables I-5, I-6, and I-7 present a compilation of the trade and financial data submitted from all responding U.S. producers in the original investigations and subsequent five-year reviews.

[37] Individual company trade and financial data are presented in app. B.

Table I-5
Small diameter seamless SLP pipe: 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	1999	2004	2010	2016	2021
Capacity	Quantity	***	***	***	130,061	***
Production	Quantity	***	***	***	40,118	***
Capacity utilization	Ratio	***	***	***	30.8	***
U.S. shipments	Quantity	***	***	***	40,224	***
U.S. shipments	Value	***	***	***	71,397	***
U.S. shipments	Unit value	***	***	***	$1,775	***
Net sales	Value	***	***	***	71,946	***
COGS	Value	***	***	***	61,771	***
COGS to net sales	Ratio	***	***	***	85.9	***
Gross profit or (loss)	Value	***	***	***	10,175	***
SG&A expenses	Value	***	***	***	5,828	***
Operating income or (loss)	Value	***	***	***	***	***
Operating income or (loss) to net sales	Ratio	***	***	***	***	***

Source: Domestic interested parties' response to the notice of institution, November 3, 2022, exh. 1.

Note: For the years presented, data are compiled using data submitted in the Commission's original investigation (1999), full first five-year review (2004), expedited second five-year review (2010), and full third five-year review (2016). For the year 2021, data are compiled using data submitted by domestic interested parties.

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

Table I-6
Large diameter seamless SLP pipe: 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	1999	2004	2010	2016	2021
Capacity	Quantity	***	***	***	***	***
Production	Quantity	***	***	***	***	***
Capacity utilization	Ratio	***	***	***	***	***
U.S. shipments	Quantity	***	***	***	***	***
U.S. shipments	Value	***	***	***	***	***
U.S. shipments	Unit value	***	***	***	***	***
Net sales	Value	***	***	***	***	***
COGS	Value	***	***	***	***	***
COGS to net sales	Ratio	***	***	***	***	***
Gross profit or (loss)	Value	***	***	***	***	***
SG&A expenses	Value	***	***	***	***	***
Operating income or (loss)	Value	***	***	***	***	***
Operating income or (loss) to net sales	Ratio	***	***	***	***	***

Source: Domestic interested parties' response to the notice of institution, November 3, 2022, exh. 1.

Note: For the years presented, data are compiled using data submitted in the Commission's original investigation (1999), full first five-year review (2004), expedited second five-year review (2010), and full third five-year review (2016). For the year 2021, data are compiled using data submitted by domestic interested parties.

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

Table I-7
Seamless SLP pipe: 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	1999	2004	2010	2016	2021
Capacity	Quantity	***	***	***	***	***
Production	Quantity	***	***	***	***	***
Capacity utilization	Ratio	***	***	***	***	***
U.S. shipments	Quantity	***	***	***	***	***
U.S. shipments	Value	***	***	***	***	***
U.S. shipments	Unit value	***	***	***	***	***
Net sales	Value	***	***	***	***	***
COGS	Value	***	***	***	***	***
COGS to net sales	Ratio	***	***	***	***	***
Gross profit or (loss)	Value	***	***	***	***	***
SG&A expenses	Value	***	***	***	***	***
Operating income or (loss)	Value	***	***	***	***	***
Operating income or (loss) to net sales	Ratio	***	***	***	***	***

Source: Domestic interested parties' response to the notice of institution, November 3, 2022, exh. 1.

Note: For the years presented, data are compiled using data submitted in the Commission's original investigation (1999), full first five-year review (2004), expedited second five-year review (2010), and full third five-year review (2016). For the year 2021, data are compiled using data submitted by domestic interested parties.

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

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.[38]

The domestic like product is 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. In its original determinations, its full first five-year review determinations, and its expedited second five-year review determinations, the Commission found two domestic like products corresponding to the two scopes of the investigations: Small diameter carbon and alloy seamless standard, line, and pressure pipe and large diameter carbon and alloy seamless standard, line, and pressure pipe. Certain Commissioners defined the domestic like product differently in the original determinations. In its full third five-year review determinations, the Commission found a single domestic like product consisting of all seamless SLP pipe, regardless of size, but no greater than 16 inches in outside diameter. The domestic industry is 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. In its original determinations, its full first five-year review determinations, and its expedited second five-year review determinations, the Commission found two domestic industries: A small diameter carbon and alloy seamless standard, line, and pressure pipe industry and a large diameter carbon and alloy seamless standard, line, and pressure pipe industry, encompassing all domestic producers of those products, respectively. Certain Commissioners defined the domestic Industry differently in the original determinations. In its full third five-year review determinations, the Commission defined a single domestic industry consisting of all domestic producers of carbon and alloy seamless standard, line, and pressure pipe with an outside diameter not exceeding 16 inches.[39]

U.S. importers

During the original investigations, the Commission received U.S. importer questionnaires from 29 firms, which accounted for almost all of the subject imports of seamless SLP pipe during 1997-99.[40] Import data presented in the original investigations were based on official questionnaire responses. In the original investigations, official statistics were used for subject countries, while questionnaires responses were used for nonsubject sources and Romania.

[38] Section 771(4)(B) of the Tariff Act of 1930, 19 U.S.C. § 1677(4)(B).
[39] 87 FR 59821, October 3, 2022.
[40] Original publication, p. IV-1.

During the first five-year reviews, the Commission received U.S. importer questionnaire responses containing data were received from four companies. Fourteen companies reported that they did not import seamless SLP pipe during the review period.[41] Import data presented in the first reviews are based on official Commerce statistics.

Although the Commission did not receive responses from any respondent interested parties in its second five-year reviews, the domestic interested parties provided a list of 31 firms that possibly imported seamless SLP pipe.[42] Import data presented in the second reviews are based on official Commerce statistics responses.

During the third five-year reviews, the Commission received U.S. importer questionnaires from 19 firms, which accounted for approximately *** percent of total U.S. imports of small diameter seamless SLP pipe, and *** percent of total U.S. imports of large diameter seamless SLP pipe during 2016.[43] Import data presented in the third reviews are based on official questionnaire responses, and from data compiled from proprietary *** records for small and large diameter seamless SLP pipe.[44]

Although the Commission did not receive responses from any respondent interested parties in these current reviews, in its response to the Commission's notice of institution, the domestic interested parties provided a list of 13 potential U.S. importers of seamless SLP pipe.[45]

U.S. imports

Tables I-8, I-9, and I-10, present the quantity, value, and unit value of imports of small and large diameter seamless SLP pipe into the United States from Japan and Romania as well as the other top sources of imports.

[41] First review publication, p. I-21.
[42] Second review publication, p. I-22.
[43] Third review confidential report, p. IV-1.
[44] Third review confidential report, p. IV-2.
[45] Domestic interested parties' response to the notice of institution, November 3, 2022, exh. 20.

Table I-8
Small diameter seamless SLP pipe: 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	2017	2018	2019	2020	2021
Japan	Quantity	1,038	788	21	100	15
Romania	Quantity	6,994	11,576	5,666	2,304	2,098
Subject sources	Quantity	8,032	12,364	5,686	2,404	2,112
Nonsubject sources	Quantity	206,274	231,117	163,624	91,962	97,455
All import sources	Quantity	214,306	243,481	169,310	94,366	99,567
Japan	Value	3,093	1,261	189	797	1,001
Romania	Value	10,502	19,855	10,644	3,887	3,409
Subject sources	Value	13,595	21,116	10,833	4,684	4,410
Nonsubject sources	Value	251,019	353,669	257,825	121,380	143,032
All import sources	Value	264,614	374,786	268,657	126,064	147,442
Japan	Unit value	2,979	1,600	9,051	7,955	68,173
Romania	Unit value	1,502	1,715	1,879	1,687	1,625
Subject sources	Unit value	1,693	1,708	1,905	1,948	2,088
Nonsubject sources	Unit value	1,217	1,530	1,576	1,320	1,468
All import sources	Unit value	1,235	1,539	1,587	1,336	1,481

Source: Compiled from official Commerce statistics for HTS statistical reporting numbers 7304.19.1020, 7304.19.5020, 7304.39.0016, 7304.39.0020, 7304.39.0024, 7304.59.6000, 7304.59.8010, 7304.59.8015, 7304.59.8020, and 7304.59.8025, accessed December 6, 2022.

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

Table I-9
Large diameter seamless SLP pipe: 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	2017	2018	2019	2020	2021
Japan	Quantity	11,482	24,578	45,944	20,774	11,873
Nonsubject sources	Quantity	433,009	453,311	381,130	242,662	181,065
All import sources	Quantity	444,490	477,890	427,074	263,436	192,938
Japan	Value	17,300	45,644	67,546	33,271	18,522
Nonsubject sources	Value	497,439	663,451	598,430	364,257	294,523
All import sources	Value	514,740	709,095	665,976	397,529	313,045
Japan	Unit value	1,507	1,857	1,470	1,602	1,560
Nonsubject sources	Unit value	1,149	1,464	1,570	1,501	1,627
All import sources	Unit value	1,158	1,484	1,559	1,509	1,623

Source: Compiled from official Commerce statistics for HTS statistical reporting numbers 7304.19.1030, 7304.19.1045, 7304.19.1060, 7304.19.5050, 7304.39.0036, 7304.39.0048, 7304.39.0062, 7304.59.8030, 7304.59.8035, 7304.59.8040, 7304.59.8045, 7304.59.8050, 7304.59.8055, 7304.59.8060, 7304.59.8065, and 7304.59.8070, accessed December 6, 2022.

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

Note: Romania is not under antidumping duty order for large diameter seamless SLP pipe.

Table I-10
Seamless SLP pipe: 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	2017	2018	2019	2020	2021
Japan	Quantity	12,520	25,366	45,965	20,874	11,888
Romania	Quantity	6,994	11,576	5,666	2,304	2,098
Subject sources	Quantity	19,514	36,942	51,631	23,178	13,986
Nonsubject sources	Quantity	639,282	684,429	544,754	334,624	278,519
All import sources	Quantity	658,796	721,371	596,384	357,802	292,505
Japan	Value	20,393	46,905	67,735	34,068	19,523
Romania	Value	10,502	19,855	10,644	3,887	3,409
Subject sources	Value	30,895	66,760	78,379	37,955	22,932
Nonsubject sources	Value	748,459	1,017,120	856,255	485,638	437,555
All import sources	Value	779,354	1,083,881	934,633	523,593	460,487
Japan	Unit value	1,629	1,849	1,474	1,632	1,642
Romania	Unit value	1,502	1,715	1,879	1,687	1,625
Subject sources	Unit value	1,583	1,807	1,518	1,638	1,640
Nonsubject sources	Unit value	1,171	1,486	1,572	1,451	1,571
All import sources	Unit value	1,183	1,503	1,567	1,463	1,574

Source: Compiled from official Commerce statistics for HTS statistical reporting numbers 7304.19.1020, 7304.19.5020, 7304.39.0016, 7304.39.0020, 7304.39.0024, 7304.59.6000, 7304.59.8010, 7304.59.8015, 7304.59.8020, 7304.59.802, 7304.19.1030, 7304.19.1045, 7304.19.1060, 7304.19.5050, 7304.39.0036, 7304.39.0048, 7304.39.0062, 7304.59.8030, 7304.59.8035, 7304.59.8040, 7304.59.8045, 7304.59.8050, 7304.59.8055, 7304.59.8060, 7304.59.8065, and 7304.59.8070, accessed December 6, 2022.

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

Note: Romania is not under antidumping duty order for large diameter seamless SLP pipe.

Cumulation considerations[46]

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.[47]

Small diameter seamless SLP pipe imports from Japan were reported in 54 of the 60 months, and from Romania in 59 of the 60 months between 2017 and 2021. Large diameter seamless SLP pipe imports from Japan were reported in all 60 months between 2017 and 2021.

Seamless SLP pipe imports from Japan and Romania were reported in all 60 months between 2017 and 2021.

All imports from Japan entered through northern/southern/eastern/western borders of entry in all years from 2017 through 2021. All imports from Romania entered through northern/southern/eastern borders of entry in all years from 2017 through 2021 and through the western borders of entry in 2017.

Apparent U.S. consumption and market shares

Tables I-11, I-12, and I-13 present data on U.S. producers' U.S. shipments, U.S. imports, apparent U.S. consumption, and market shares.

[46] Unless otherwise noted, this information is based on official U.S. import statistics for HTS statistical reporting numbers: Small diameter seamless SLP pipe: 7304.19.1020, 7304.19.5020, 7304.31.6050, 7304.51.5060,7304.59.6000, 7304.59.8010, 7304.59.8015, 7304.59.8020, and 7304.59.8025. Large diameter seamless SLP pipe: 7304.19.1030, 7304.19.1045, 7304.19.1060, 7304.19.5050, 7304.31.6050, 7304.51.5005, 7304.51.5015, 7304.51.5045, 7304.51.5060, 7304.59.8030, 7304.59.8035, 7304.59.8040, 7304.59.8045, 7304.59.8050, 7304.59.8055, 7304.59.8060, 7304.59.8065, and 7304.59.8070.

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

Table I-11
Small diameter seamless SLP pipe: 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	1999	2004	2010	2016	2021
U.S. producers	Quantity	105,646	***	***	40,224	***
Japan	Quantity	18,709	79	3,678	***	***
Romania	Quantity	***	18,718	1,761	***	***
Subject sources	Quantity	18,709	18,797	5,439	***	***
Nonsubject sources	Quantity	***	124,608	112,472	***	***
All import sources	Quantity	46,856	143,405	117,911	***	***
Apparent U.S. consumption	Quantity	152,502	***	***	***	***
U.S. producers	Value	76,392	***	***	71,397	***
Japan	Value	12,935	513	9,396	***	***
Romania	Value	***	12,996	2,335	***	***
Subject sources	Value	12,935	13509	11,731	***	***
Nonsubject sources	Value	***	93,358	152,001	***	***
All import sources	Value	31,964	106,867	163,732	***	***
Apparent U.S. consumption	Value	108,356	***	***	***	***
U.S. producers	Share of quantity	69.3	***	***	***	***
Japan	Share of quantity	12.3	***	***	***	***
Romania	Share of quantity	***	***	***	***	***
Subject sources	Share of quantity	12.3%	***	***	***	***
Nonsubject sources	Share of quantity	***	***	***	***	***
All import sources	Share of quantity	30.7	***	***	***	***
U.S. producers	Share of value	70.5	***	***	***	***
Japan	Share of value	11.9	***	***	***	***
Romania	Share of value	***	***	***	***	***
Subject sources	Share of value	11.9	***	***	***	***
Nonsubject sources	Share of value	11.9	***	***	***	***
All import sources	Share of value	***	***	***	***	***

Table continued.

Source: For the years presented, data are compiled using data submitted in the Commission's original investigation (1999), full first five-year review (2004), expedited second five-year review (2010), and full third five-year review (2016). 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 7304.19.1020, 7304.19.5020, 7304.39.0016, 7304.39.0020, 7304.39.0024, 7304.59.6000, 7304.59.8010, 7304.59.8015, 7304.59.8020, and 7304.59.8025, accessed December 6, 2022.

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.

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

Note: Shares and ratios as "0.0" represent value greater than zero, but less than "0.05" percent. Zeroes, null values, and undefined calculations are suppressed and shown as "--".

Table I-12
Large diameter seamless SLP pipe: 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	1999	2004	2010	2016	2021
U.S. producers	Quantity	205,178	208,612	95,638	***	***
Japan	Quantity	49,727	0	5,860	***	11,873
Nonsubject sources	Quantity	38,246	139,895	146,344	***	149,622
All import sources	Quantity	87,973	139,895	152,204	***	192,938
Apparent U.S. consumption	Quantity	293,151	348,507	247,842	***	***
U.S. producers	Value	116,777	163,411	181,621	62,458	***
Japan	Value	29,156	0	10,007	48	18,522
Nonsubject sources	Value	21,623	103,014	205,500	163,673	248,716
All import sources	Value	50,779	103,014	215,507	163,721	313,045
Apparent U.S. consumption	Value	167,556	266,425	397,128	226,179	***
U.S. producers	Share of quantity	70.0	59.9	38.6	23.3	***
Japan	Share of quantity	17.0	0.0	2.4	0.0	***
Nonsubject sources	Share of quantity	13.0	40.1	59.0	76.7	***
All import sources	Share of quantity	30.0	40.1	61.4	76.7	***
U.S. producers	Share of value	69.7	61.3	45.7	27.6	***
Japan	Share of value	17.4	0	2.5	0.0	***
Nonsubject sources	Share of value	12.9	38.7	51.7	72.4	***
All import sources	Share of value	30.3	38.7	54.3	72.4	***

Table continued.

Source: For the years presented, data are compiled using data submitted in the Commission's original investigation (1999), full first five-year review (2004), expedited second five-year review (2010), and full third five-year review (2016). 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 7304.19.1030, 7304.19.1045, 7304.19.1060, 7304.19.5050, 7304.39.0036, 7304.39.0048, 7304.39.0062, 7304.59.8030, 7304.59.8035, 7304.59.8040, 7304.59.8045, 7304.59.8050, 7304.59.8055, 7304.59.8060, 7304.59.8065, and 7304.59.8070, accessed December 6, 2022.

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.

Note: Romania is not under antidumping duty order for large diameter seamless SLP pipe.

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

Note: Shares and ratios as "0.0" represent value greater than zero, but less than "0.05" percent. Zeroes,

null values, and undefined calculations are suppressed and shown as "--".

Table I-13
Seamless SLP pipe: 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	1999	2004	2010	2016	2021
U.S. producers	Quantity	310,824	***	***	87,996	***
Japan	Quantity	68,436	79	9,538	***	11,888
Romania	Quantity	***	18,718	1,761	***	2,098
Subject sources	Quantity	***	18,797	11,299	***	13,995
Nonsubject sources	Quantity	***	264,503	258,816	***	278,520
All import sources	Quantity	134,829	283,300	270,115	***	292,505
Apparent U.S. consumption	Quantity	445,653	***	***	***	***
U.S. producers	Value	193,169	***	***	133,855	***
Japan	Value	42,091	513	19,403	***	19,523
Romania	Value	***	12,996	2,335	***	3,409
Subject sources	Value	***	13,509	21,738	***	22,932
Nonsubject sources	Value	***	196,372	357,501	***	437,555
All import sources	Value	82,743	209,881	379,239	***	460,487
Apparent U.S. consumption	Value	275,912	***	***	***	***
U.S. producers	Share of quantity	69.7	***	***	***	***
Japan	Share of quantity	15.4	0.0	2.2	***	***
Romania	Share of quantity	***	3.1	0.4	***	***
Subject sources	Share of quantity	***	1.3	4.0	***	***
Nonsubject sources	Share of quantity	***	***	***	***	***
All import sources	Share of quantity	30.3	***	***	***	***
U.S. producers	Share of value	70.0	***	***	***	***
Japan	Share of value	15.3	0.1	2.8	***	3.6
Romania	Share of value	***	2.6	0.3	***	0.6
Subject sources	Share of value	***	1.7	4.0	***	4.2
Nonsubject sources	Share of value	***	***	***	***	***
All import sources	Share of value	30.0	***	***	***	***

Table continued.

Source: For the years presented, data are compiled using data submitted in the Commission's original investigation (1999), full first five-year review (2004), expedited second five-year review (2010), and full third five-year review (2016). 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 7304.19.1020, 7304.19.5020, 7304.39.0016, 7304.39.0020, 7304.39.0024, 7304.59.6000, 7304.59.8010, 7304.59.8015, 7304.59.8020, 7304.59.8025, 7304.19.1030, 7304.19.1045, 7304.19.1060, 7304.19.5050, 7304.39.0036, 7304.39.0048, 7304.39.0062, 7304.59.8030, 7304.59.8035, 7304.59.8040, 7304.59.8045, 7304.59.8050, 7304.59.8055, 7304.59.8060, 7304.59.8065, and 7304.59.8070, accessed December 6, 2022.

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.

Note: Romania is not under antidumping duty order for large diameter seamless SLP pipe.

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

Note: Shares and ratios as "0.0" represent value greater than zero, but less than "0.05" percent. Zeroes, null values, and undefined calculations are suppressed and shown as "--".

The industry in Japan

Producers in Japan

During the final phase of the original investigations, the petitioners identified the four producers of small and/or large-diameter seamless SLP pipe in Japan.[48] During the first five-year reviews, the Commission received foreign producer/exporter questionnaires from one firm, which accounted for approximately *** percent of small diameter seamless SLP pipe, and *** percent of production of large diameter seamless SLP pipe in Japan during 2004.[49] Although the Commission did not receive responses from any respondent interested parties in its second five-year reviews, the domestic interested parties provided a list of five possible producers of seamless SLP pipe in Japan in that proceeding.[50] During the third five-year reviews, the Commission did not receive any useable foreign producer/exporter questionnaires from Japanese producers.[51]

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 5 possible producers of seamless SLP pipe in Japan.[52]

[48] Original publication, p. VII-2.
[49] First review confidential report, p. IV-19, IV-39.
[50] Second review publication, p. I-29.
[51] Third review publication, p. IV-36.
[52] Domestic interested parties' response to the notice of institution, November 3, 2022, exh. 20.

Recent developments

Table I-14 presents events in the Japanese industry since the Commission's last five-year review.

Table I-14
Seamless SLP pipe: Recent developments in the Japanese industry

Item	Firm	Event
Market Exit	Haneda Pipe Works	In March 2022, Haneda moved to Yorii Town, Saitama Prefecture and restructured from a manufacturer to a distributor of steel pipe.
Increased Demand	Nippon Steel	Reported an increase in demand in 2022 as gas drilling activity in the Middle East rose to meet higher demand for non-Russian fuel.

Source: Haneda Pipe Works, "Greeting," retrieved November 29, 2022, https://haneda--pipe-co-jp.translate.goog/company1.html?_x_tr_sl=ja&_x_tr_tl=en&_x_tr_hl=en&_x_tr_pto=sc&_x_tr_sch=http; Obayashi and Shimizu, "Nippon Steel sees seamless pipe business back in profit thanks to increased gas drilling," Reuters, May 26, 2022, https://www.reuters.com/markets/commodities/nippon-steel-sees-seamless-pipe-business-back-profit-thanks-increased-gas-2022-05-26/

Exports

Table I-15 presents global export data for seamless pipes and tubes, a category that includes seamless SLP pipe and out-of-scope products, from Japan (by export destination in descending order of quantity for 2021).

Table I-15
Seamless pipes and tubes: Quantity of exports from Japan, by destination and period

Quantity in short tons

Destination market	2017	2018	2019	2020	2021
Korea	95,658	116,643	87,384	47,176	58,748
China	36,001	34,589	29,461	31,808	27,984
Taiwan	20,104	27,998	22,178	21,565	19,645
Thailand	24,291	28,376	16,616	16,066	16,151
United States	21,960	43,040	51,421	36,831	15,487
Mexico	797	5,883	19,677	8,533	15,159
Indonesia	20,075	18,553	38,647	60,192	14,072
Vietnam	15,938	17,700	17,623	15,300	12,992
Saudi Arabia	18,895	8,301	24	18,598	7,265
Malaysia	27,131	13,423	16,560	7,806	6,254
All other markets	70,986	95,089	50,055	25,944	23,676
All markets	351,836	409,595	349,646	289,817	217,432

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

Source: Global Trade Information Services, Inc., Global Trade Atlas, HS subheadings 7304.19, 7304.31,7304.39, 7304.51, and 7304.59, accessed November 28, 2022. These data may be overstated as HS subheadings 7304.19, 7304.31,7304.39, 7304.51, and 7304.59 may contain products outside the scope of these reviews.

The industry in Romania

Producers in Romania

During the final phase of the original investigations, the petitioners identified the three producers of small diameter seamless SLP pipe in Romania, which accounted for all or nearly all production of small diameter seamless SLP pipe in Romania.[53] During the first five-year reviews, the Commission received foreign producer/exporter questionnaires from three firms, which accounted for all production of small diameter seamless SLP pipe in Romania during 2004.[54]

Although the Commission did not receive responses from any respondent interested parties in its second five-year reviews, the domestic interested parties provided a list of four possible producers of small diameter seamless SLP pipe in Romania in that proceeding.[55]

[53] Original publication, p. VII-9.
[54] First review publication, p. IV-7.
[55] Second review publication, p. I-28.

During the third five-year reviews, the Commission received three useable foreign producer/exporter questionnaires from Romanian producers, which accounted for all known production of small diameter seamless SLP pipe in Romania during 2016.[56]

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 three possible producers of small diameter seamless SLP pipe in Romania.[57]

Recent developments

Table I-16 present events in the Romanian industry since the Commission's last five-year review.

Table I-16
Seamless SLP pipe: Recent developments in the Romanian industry

Item	Firm	Event
Expansion	Tenaris Silcotub	Tenaris Silcotub added a new production line in January 2021 to its Zalau, Salaj County factory for seamless pipe to be used in automotive applications.

Source: Chirileasa, "RO steel pipe producer Tenaris Silcotub completes new EUR 5.5 mln production line," Romania Insider, January 19, 2022, https://www.romania-insider.com/tenaris-completes-production-line-jan-2021 .

Exports

Table I-17 presents global export data for seamless pipes and T=tubes, a category that includes seamless SLP pipe and out-of-scope products, from Romania (by export destination in descending order of quantity for 2021).

[56] Third review publication, p. IV-9.

[57] Domestic interested parties' response to the notice of institution, November 3, 2022, exh. 20.

Table I-17
Seamless pipes and tubes: Quantity of exports from Romania, by destination and period

Quantity in short tons

Destination market	2017	2018	2019	2020	2021
Italy	119,610	126,791	127,509	108,639	136,463
Germany	63,109	69,496	63,280	58,382	74,259
United States	43,309	65,357	30,794	18,644	38,005
Turkey	16,323	15,470	12,448	15,909	20,408
Poland	12,580	13,423	16,766	16,269	17,639
Netherlands	15,779	15,974	13,855	16,433	15,196
Bulgaria	10,776	9,013	10,892	13,000	14,427
Spain	8,807	13,717	12,102	9,725	11,132
China	5,017	5,811	5,616	8,101	10,130
Greece	5,557	9,796	6,437	8,599	9,090
All other markets	113,238	87,936	104,427	90,550	100,216
All markets	414,106	432,783	404,127	364,250	446,966

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

Source: Global Trade Information Services, Inc., Global Trade Atlas, HS subheadings 7304.19, 7304.31,7304.39, 7304.51, and 7304.59, accessed November 28, 2022. These data may be overstated as HS subheadings 7304.19, 7304.31,7304.39, 7304.51, and 7304.59 may contain products outside the scope of these reviews.

Third-country trade actions

An antidumping duty order on imports of small diameter seamless pipe from Romania has been in effect in Brazil since 2000 and was extended most recently in 2017.[58] Mexico continues to maintain antidumping duty orders on small-diameter seamless line pipe from Japan, in effect since 2000, and most recently extended in 2021.[59]

The global market

Table I-18 presents global export data for seamless pipes and tubes, a category that includes seamless SLP pipe and out-of-scope products (by source in descending order of

[58] World Trade Organization ("WTO"), Committee on Anti-Dumping Practices, Semi-Annual Report Under Article l6.4 of the WTO Antidumping Agreement: Brazil, Reporting period January 1 to June 30, 2022, retrieved December 6, 2022.

[59] World Trade Organization ("WTO"), Committee on Anti-Dumping Practices, Semi-Annual Report Under Article l6.4 of the WTO Antidumping Agreement: Mexico, Reporting period January 1 to June 30, 2022, retrieved December 6, 2022.

quantity for 2021). China, Germany, and Romania were the leading exporters of seamless pipes and tubes (based on quantity).

Table I-18
Seamless pipes and tubes: Quantity of global exports by country and period

Quantity in short tons

Exporting country	2017	2018	2019	2020	2021
China	3,007,016	2,826,136	2,959,561	2,358,235	2,442,668
Germany	1,062,575	1,084,284	959,745	698,781	781,081
Romania	414,106	432,783	404,127	364,250	446,966
Italy	452,693	543,504	505,200	365,174	407,871
Ukraine	299,136	310,729	296,792	301,279	332,273
Russia	297,730	401,265	295,851	350,966	257,465
Czech Republic	282,148	289,928	247,669	216,580	240,714
Japan	351,836	409,595	349,646	289,817	217,432
Slovakia	203,791	207,750	195,517	177,376	209,760
Spain	137,620	133,187	125,278	122,706	152,974
All other exporters	2,151,801	2,333,599	1,755,220	1,389,760	1,423,269
All exporters	8,660,452	8,972,761	8,094,607	6,634,924	6,912,472

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

Source: Global Trade Information Services, Inc., Global Trade Atlas, HS subheadings 7304.19, 7304.31, 7304.39, 7304.51, and 7304.59, accessed November 28, 2022. These data may be overstated as HS subheadings 7304.19, 7304.31, 7304.39, 7304.51, and 7304.59 may contain products outside the scope of these reviews.

APPENDIX A

FEDERAL REGISTER NOTICES

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

Citation	Title	Link
87 FR 59779 October 3, 2022	*Initiation of Five-Year (Sunset) Reviews*	https://www.govinfo.gov/content/pkg/FR-2022-10-03/pdf/2022-21419.pdf
87 FR 59821 October 3, 2022	*Carbon and Alloy Seamless Standard, Line, and Pressure Pipe From Japan and Romania; Institution of Five-Year Reviews*	https://www.govinfo.gov/content/pkg/FR-2022-10-03/pdf/2022-21226.pdf
88 FR 80162, December 29, 2022	*Certain Large Diameter Carbon and Alloy Seamless Standard, Line and Pressure Pipe From Japan: Final Results of the Expedited Sunset Review of the Antidumping Duty Order*	https://www.govinfo.gov/content/pkg/FR-2022-12-29/pdf/2022-28387.pdf
88 FR 3970, January 31, 2023	*Carbon and Alloy Seamless Standard, Line and Pressure Pipe (Under 4 ½ inches)*	https://www.govinfo.gov/content/pkg/FR-2023-01-23/pdf/2023-01212.pdf

APPENDIX B

COMPANY-SPECIFIC DATA

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APPENDIX C

SUMMARY DATA COMPILED IN PRIOR PROCEEDINGS

Table C-1
Seamless SLP pipe: Summary data concerning the small diameter seamless SLP pipe U.S. market, 2014-16, January to March 2016, and January to March 2017
(Quantity=short tons; Value=1,000 dollars; Unit values, unit labor costs, and unit expenses=dollars per short ton; Period changes=percent--exceptions noted)

	Reported data					Period changes			
	Calendar year			January to March		Calendar year			Jan-Mar
	2014	2015	2016	2016	2017	2014-16	2014-15	2015-16	2016-17
U.S. consumption quantity:									
Amount	***	***	***	***	***	***	***	***	***
Producers' share (fn1)	***	***	***	***	***	***	***	***	***
Importers' share (fn1):									
Japan	***	***	***	***	***	***	***	***	***
Romania	***	***	***	***	***	***	***	***	***
Subject sources	***	***	***	***	***	***	***	***	***
Nonsubject sources	***	***	***	***	***	***	***	***	***
All import sources	***	***	***	***	***	***	***	***	***
U.S. consumption value:									
Amount	***	***	***	***	***	***	***	***	***
Producers' share (fn1)	***	***	***	***	***	***	***	***	***
Importers' share (fn1):									
Japan	***	***	***	***	***	***	***	***	***
Romania	***	***	***	***	***	***	***	***	***
Subject sources	***	***	***	***	***	***	***	***	***
Nonsubject sources	***	***	***	***	***	***	***	***	***
All import sources	***	***	***	***	***	***	***	***	***
U.S. imports from:									
Japan:									
Quantity	***	***	***	***	***	***	***	***	***
Value	***	***	***	***	***	***	***	***	***
Unit value	***	***	***	***	***	***	***	***	***
Ending inventory quantity	***	***	***	***	***	***	***	***	***
Romania:									
Quantity	***	***	***	***	***	***	***	***	***
Value	***	***	***	***	***	***	***	***	***
Unit value	***	***	***	***	***	***	***	***	***
Ending inventory quantity	***	***	***	***	***	***	***	***	***
Subject sources:									
Quantity	***	***	***	***	***	***	***	***	***
Value	***	***	***	***	***	***	***	***	***
Unit value	***	***	***	***	***	***	***	***	***
Ending inventory quantity	***	***	***	***	***	***	***	***	***
Nonsubject sources:									
Quantity	***	***	***	***	***	***	***	***	***
Value	***	***	***	***	***	***	***	***	***
Unit value	***	***	***	***	***	***	***	***	***
Ending inventory quantity	***	***	***	***	***	***	***	***	***
All import sources:									
Quantity	***	***	***	***	***	***	***	***	***
Value	***	***	***	***	***	***	***	***	***
Unit value	***	***	***	***	***	***	***	***	***
Ending inventory quantity	***	***	***	***	***	***	***	***	***
U.S. producers':									
Average capacity quantity	260,894	187,422	130,061	40,449	43,088	(50.1)	(28.2)	(30.6)	6.5
Production quantity	171,587	47,533	40,118	9,157	20,723	(76.6)	(72.3)	(15.6)	126.3
Capacity utilization (fn1)	65.8	25.4	30.8	22.6	48.1	(34.9)	(40.4)	5.5	25.5
U.S. shipments:									
Quantity	171,523	48,742	40,224	8,879	22,638	(76.5)	(71.6)	(17.5)	155.0
Value	313,695	100,780	71,397	18,216	34,396	(77.2)	(67.9)	(29.2)	88.8
Unit value	$1,829	$2,068	$1,775	$2,052	$1,519	(2.9)	13.1	(14.2)	(25.9)
Export shipments:									
Quantity	577	118	106	71	188	(81.6)	(79.5)	(10.2)	164.8
Value	1,269	425	549	434	170	(56.7)	(66.5)	29.2	(60.8)
Unit value	$2,199	$3,602	$5,179	$6,113	$904	135.5	63.8	43.8	(85.2)
Ending inventory quantity	10,689	9,362	9,150	9,569	7,047	(14.4)	(12.4)	(2.3)	(26.4)
Inventories/total shipments (fn1)	6.2	19.2	22.7	26.7	7.7	16.5	12.9	3.5	(19.0)
Production workers	256	185	197	135	189	(23.0)	(27.7)	6.5	40.0
Hours worked (1,000s)	574	367	335	78	124	(41.6)	(36.1)	(8.7)	59.0
Wages paid ($1,000)	21,341	11,537	11,671	2,706	4,486	(45.3)	(45.9)	1.2	65.8
Hourly wages (dollars)	$37.18	$31.44	$34.84	$34.69	$36.18	(6.3)	(15.4)	10.8	4.3
Productivity (short tons per 1,000 hour)	298.9	129.5	119.8	117.4	167.1	(59.9)	(56.7)	(7.5)	42.4
Unit labor costs	$124	$243	$291	$296	$216	133.9	95.1	19.9	(26.7)
Net sales:									
Quantity	172,100	48,860	40,330	8,950	22,411	(76.6)	(71.6)	(17.5)	150.4
Value	314,964	101,205	71,946	18,650	34,566	(77.2)	(67.9)	(28.9)	85.3
Unit value	$1,830	$2,071	$1,784	$2,084	$1,542	(2.5)	13.2	(13.9)	(26.0)
Cost of goods sold (COGS)	228,203	89,160	61,771	14,834	30,713	(72.9)	(60.9)	(30.7)	107.0
Gross profit or (loss)	86,761	12,045	10,175	3,816	3,853	(88.3)	(86.1)	(15.5)	1.0
SG&A expenses	41,232	12,230	5,828	1,870	2,129	(85.9)	(70.3)	(52.3)	13.9
Operating income or (loss)	45,529	(185)	4,347	1,946	1,724	(90.5)	fn2	fn2	(11.4)
Net income or (loss)	39,208	(13,376)	(4,113)	372	49	fn2	fn2	(69.3)	(86.8)
Capital expenditures	***	***	***	***	***	***	***	***	***
Unit COGS	$1,326	$1,825	$1,532	$1,657	$1,370	15.5	37.6	(16.1)	(17.3)
Unit SG&A expenses	$240	$250	$145	$209	$95	(39.7)	4.5	(42.3)	(54.5)
Unit operating income or (loss)	$265	$(4)	$108	$217	$77	(59.3)	fn2	fn2	(64.6)
Unit net income or (loss)	$228	$(274)	$(102)	$42	$2	fn2	fn2	(62.7)	(94.7)
COGS/sales (fn1)	72.5	88.1	85.9	79.5	88.9	13.4	15.6	(2.2)	9.3
Operating income or (loss)/sales (fn1)	14.5	(0.2)	6.0	10.4	5.0	(8.4)	(14.6)	6.2	(5.4)
Net income or (loss)/sales (fn1)	12.4	(13.2)	(5.7)	2.0	0.1	(18.2)	(25.7)	7.5	(1.9)

Notes:

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

fn1.--Reported data are in percent and period changes are in percentage points.
fn2.--Undefined.

Source: Compiled data submitted in response to Commission questionnaires and from *** records using HTS numbers 7304.19.1020, 7304.19.5020, 7304.39.0016, 7304.39.0020, 7304.39.0024, 7304.59.6000,

Table C-2
Seamless SLP pipe: Summary data concerning the large diameter seamless SLP pipe U.S. market, 2014-16, January to March 2016, and January to March 2017

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Table C-3
Seamless SLP pipe: Summary data concerning the large and small diameter seamless SLP pipe U.S. markets combined, 2014-16, January to March 2016, and January to March 2017

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APPENDIX D

PURCHASER QUESTIONNAIRE RESPONSES

As part of their response to the notice of institution, interested parties were asked to provide a list of three to five leading purchasers in the U.S. market for the domestic like product. A response was received from domestic interested parties and it named the following five firms as top purchasers of carbon and alloy seamless standard, line, and pressure pipe: ***. Purchaser questionnaires were sent to these five firms and two firms (***) provided responses, which are presented below.

1. Have there been any significant changes in the supply and demand conditions for carbon and alloy seamless standard, line, and pressure pipe that have occurred in the United States or in the market for carbon and alloy seamless standard, line, and pressure pipe in Japan and Romania since January 1, 2017?

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

2. Do you anticipate any significant changes in the supply and demand conditions for carbon and alloy seamless standard, line, and pressure pipe in the United States or in the market for carbon and alloy seamless standard, line, and pressure pipe in Japan and Romania within a reasonably foreseeable time?

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