

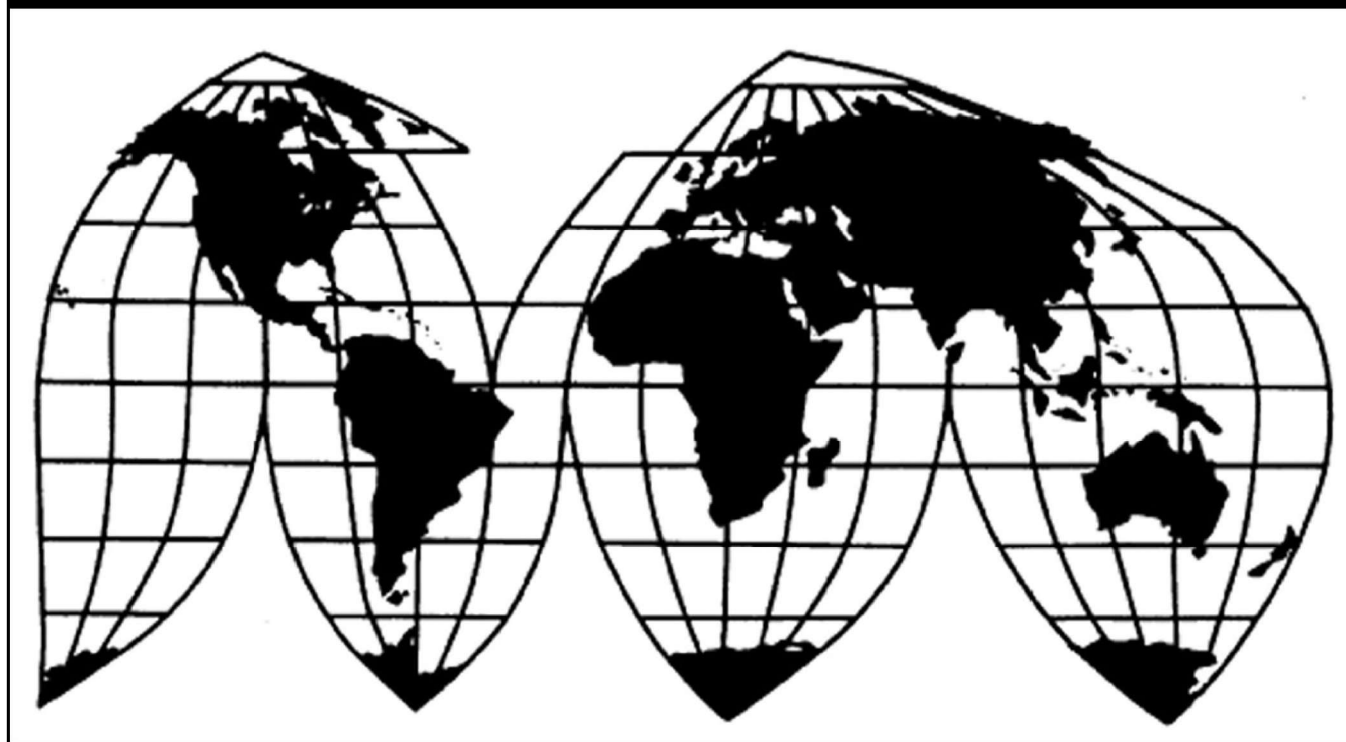
# **Cut-to-Length Carbon Steel Plate from China, Russia, and Ukraine**

Investigation Nos. 731-TA-753, 754, and 756 (Fourth Review)

**Publication 5205**

**June 2021**

**U.S. International Trade Commission**



Washington, DC 20436

# U.S. International Trade Commission

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## CONTENTS

	Page
<b>Determinations .....</b>	<b>1</b>
<b>Views of the Commission.....</b>	<b>3</b>
<b>Information obtained in these reviews .....</b>	<b>I-1</b>
Background .....	I-1
Responses to the Commission's notice of institution.....	I-1
Individual responses .....	I-1
Party comments on adequacy .....	I-2
The original investigations and subsequent reviews .....	I-2
The original investigations .....	I-2
The first five-year reviews.....	I-3
The second five-year reviews .....	I-4
The third five-year reviews .....	I-4
Previous and related investigations.....	I-5
Commerce's five-year reviews.....	I-9
The product.....	I-10
Commerce's scope .....	I-10
U.S. tariff treatment.....	I-11
Description and applications .....	I-12
Manufacturing processes.....	I-12
The industry in the United States .....	I-22
U.S. producers.....	I-22
Recent developments .....	I-23
U.S. producers' trade and financial data .....	I-25
Definitions of the domestic like product and domestic industry .....	I-25
U.S. imports and apparent U.S. consumption .....	I-26
U.S. importers .....	I-26
U.S. imports .....	I-28
Apparent U.S. consumption and market shares.....	I-30
Cumulation considerations .....	I-32
The industry in China .....	I-33
The industry in Russia .....	I-35
The industry in Ukraine.....	I-38
Antidumping or countervailing duty orders in third-country markets .....	I-40
The global market .....	I-41

## Appendixes

A.	<i>Federal Register</i> notices.....	A-1
B.	Company-specific data.....	B-1
C.	Summary data compiled in prior proceedings.....	C-1
D.	Purchaser questionnaire responses.....	D-1

Note: Information that would reveal confidential operations of individual concerns may not be published.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

## **UNITED STATES INTERNATIONAL TRADE COMMISSION**

Investigation Nos. 731-TA-753, 754, and 756 (Fourth Review)

Cut-to-Length Carbon Steel Plate from China, Russia, and Ukraine

### **DETERMINATIONS**

On the basis of the record<sup>1</sup> developed in the subject five-year reviews, the United States International Trade Commission (“Commission”) determines, pursuant to the Tariff Act of 1930 (“the Act”), that revocation of the antidumping duty order on cut-to-length carbon steel plate from China and the termination of the suspended investigations on cut-to-length carbon steel plate from Russia and Ukraine 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 November 2, 2020 (85 FR 69362) and determined on February 5, 2021 that it would conduct expedited reviews (86 FR 26067, May 12, 2021).

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



## Views of the Commission

Based on the record in these five-year reviews, we determine under section 751(c) of the Tariff Act of 1930, as amended (“the Tariff Act”), that revocation of the antidumping duty order on cut-to-length carbon steel plate (“CTL plate”) from China and termination of the suspended investigations on CTL plate from Russia and Ukraine 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 December 1997, the Commission determined that an industry in the United States was threatened with material injury by reason of imports of CTL plate from China, Russia, South Africa, and Ukraine that the Department of Commerce (“Commerce”) had determined were being sold at less than fair value (LTFV).<sup>1</sup> Commerce had entered into suspension agreements concerning each of the investigations on October 24, 1997, and then continued the investigations.<sup>2</sup> As a result of the Commission’s affirmative determinations, the suspension agreements remained in effect.

#### *The Suspension Agreements Regarding China, Russia, and Ukraine*

*China.* On October 24, 1997, Commerce signed a non-market economy (“NME”) suspension agreement with the government of the People’s Republic of China suspending the antidumping duty investigation of CTL plate from China. The agreement provided for five years of quotas, and was extended through October 31, 2003. On August 29, 2003 the government of China announced its intention to withdraw from the suspension agreement. Commerce subsequently terminated the agreement and issued an antidumping duty order on CTL plate from China effective November 3, 2003.<sup>3</sup>

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<sup>1</sup> *Certain Carbon Steel Plate From China, Russia, South Africa, and Ukraine*, Inv. Nos. 731-TA-753-756 (Final), USITC Pub. 3076 (Dec. 1997) (“*Original Determinations*”).

<sup>2</sup> *Suspension of Antidumping Duty Investigation: Certain Cut-to-Length Carbon Steel Plate From South Africa*, 62 Fed. Reg. 61751 (Nov. 19, 1997); *Suspension of Antidumping Duty Investigation: Certain Cut-to-Length Carbon Steel Plate From Ukraine*, 62 Fed. Reg. 61766 (Nov. 19, 1997); *Suspension of Antidumping Duty Investigation: Certain Cut-to-Length Carbon Steel Plate From the People’s Republic of China*, 62 Fed. Reg. 61773 (Nov. 19, 1997); *Suspension of Antidumping Duty Investigation: Certain Cut-to-Length Carbon Steel Plate From the Russian Federation*, 62 Fed. Reg. 61780 (Nov. 19, 1997).

<sup>3</sup> Confidential Report, INV-TT-009 (Jan. 25, 2021) (“CR”); Public Report, USITC Pub. 5205 (June 2021) (“PR”) at I-4 n.15; see *Cut-to-Length Carbon Steel Plate from China, Russia, and Ukraine*, Inv. Nos. (Continued...)

*Russia.* On October 24, 1997, Commerce signed a NME suspension agreement with the government of the Russian Federation suspending the antidumping duty investigation of CTL plate from Russia.<sup>4</sup> The agreement provided for quotas and was replaced by a market economy agreement on December 20, 2002. Effective January 23, 2003, the agreement was revised to eliminate the quotas, and each CTL plate producer/exporter individually agreed to make any necessary price revisions to eliminate completely any amount by which the normal value of the merchandise exceeded the U.S. price of its merchandise subject to the agreement.<sup>5</sup>

*Ukraine.* On October 24, 1997, Commerce signed a NME suspension agreement with the government of Ukraine suspending the antidumping duty investigation of CTL plate from Ukraine.<sup>6</sup> The agreement set a quota, or export limit, for shipments of CTL plate and set a minimum reference price at which Ukrainian mills were required to sell their CTL plate products. On February 1, 2006, Commerce revoked Ukraine's status as a NME country. Effective November 1, 2008, Commerce converted the NME suspension agreement to a market economy agreement based on a request by certain Ukrainian producers of CTL plate.<sup>7</sup> On January 7, 2020, Commerce initiated a second administrative review of the suspension agreement.<sup>8</sup>

*First Reviews.* After conducting its first full five-year reviews, the Commission determined on August 29, 2003, that termination of the suspended investigations on CTL plate from China, Russia, and Ukraine would be likely to lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time, and that termination of the suspended investigation on CTL plate from South Africa would not be likely to lead to continuation or recurrence of material injury to an industry in the United States

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731-TA-753, 754, and 756 (Second Review), USITC Pub. 4103 (Oct. 2009) ("*Second Reviews*") at I-3; *Suspension Agreement on Certain Cut-to-Length Carbon Steel Plate From the People's Republic of China: Termination of Suspension Agreement and Notice of Antidumping Duty Order*, 68 Fed. Reg. 60081 (Oct. 21, 2003).

<sup>4</sup> *Suspension of Antidumping Duty Investigation: Certain Cut-to-Length Carbon Steel Plate From the Russia Federation*, 62 Fed. Reg. 61780 (Nov. 18, 1997).

<sup>5</sup> *Second Reviews*, USITC Pub. 4103 at I-4; *Suspension of Antidumping Duty Investigation: Certain Cut-to-Length Carbon Steel Plate from the Russian Federation*, 68 Fed. Reg. 3859 (Jan. 27, 2003).

<sup>6</sup> *Suspension of Antidumping Duty Investigation: Certain Cut-to-Length Carbon Steel Plate from Ukraine*, 62 Fed. Reg. 61766 (Nov. 19, 1997).

<sup>7</sup> *Suspension of Antidumping Duty Investigation: Certain Cut-to-Length Carbon Steel Plate from Ukraine*, 73 Fed. Reg. 57602 (Oct. 3, 2008).

<sup>8</sup> *Initiation of Antidumping and Countervailing Duty Administrative Reviews*, 85 Fed. Reg. 3014, 3023 (Jan. 17, 2020).

within a reasonably foreseeable time.<sup>9</sup> On September 17, 2003, Commerce published notices of the continuation of the suspended investigations on CTL plate from China, Russia, and Ukraine.<sup>10</sup>

*Second Reviews.* After conducting second full five-year reviews, the Commission unanimously determined that revocation of the antidumping duty order on CTL plate from China and termination of the suspended investigations on CTL plate from Russia and Ukraine would be likely to lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time.<sup>11</sup> On November 10, 2009, Commerce published a notice of the continuation of the antidumping duty order on CTL plate from China and of the suspended investigations on CTL plate from Russia and Ukraine.<sup>12</sup>

*Third Reviews.* After conducting its third full five-year reviews, the Commission determined that revocation of the antidumping duty order on CTL plate from China, and termination of the suspended investigations on CTL plate from Russia and Ukraine, would be likely to lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time.<sup>13</sup> In December 2015, Commerce published a notice of the continuation of the antidumping duty order on CTL plate from China and of the suspended investigations on CTL plate from Russia and Ukraine.<sup>14</sup>

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<sup>9</sup> *Cut-to-Length Carbon Steel Plate From China, Russia, South Africa, and Ukraine*, Inv. Nos. 731-TA-753-756 (Review), USITC Pub. 3626 (Sept. 2003) (“*First Reviews*”). Commerce subsequently issued a notice of termination of the suspension agreement with respect to South Africa, effective October 24, 2002. *Termination of Suspended Antidumping Duty Investigation: Cut-to-Length Carbon Steel Plate From South Africa*, 68 Fed. Reg. 54417 (Sept. 17, 2003).

<sup>10</sup> *Continuation of Suspended Antidumping Duty Investigations: Cut-to-Length Carbon Steel Plate From the People’s Republic of China, the Russian Federation, and Ukraine*, 68 Fed. Reg. 54417 (Sept. 17, 2003).

<sup>11</sup> *Cut-To-Length Carbon Steel Plate from China, Russia, and Ukraine*, Inv. Nos. 731-TA-753, 754 and 756 (Second Review), USITC Pub. 4103 (Oct. 2009).

<sup>12</sup> *Continuation of the Antidumping Duty Order on Certain Cut-to-Length Carbon Steel Plate from the People’s Republic of China and Continuation of Suspended Antidumping Duty Investigations on Certain Cut-to-Length Carbon Steel Plate from the Russian Federation and Ukraine*, 74 Fed. Reg. 57994 (Nov. 10, 2009).

<sup>13</sup> *Cut-To-Length Carbon Steel Plate from China, Russia, and Ukraine*, Inv. Nos. 731-TA-753, 754 and 756 (Third Review), USITC Pub. 4581 (Dec. 2015) (“*Third Reviews*”) at 6.

<sup>14</sup> *Continuation of Antidumping Duty Order on Certain Cut-to-Length Carbon Steel Plate From the People’s Republic of China and Continuation of Suspended Antidumping Duty Investigations on Certain Cut-to-Length Carbon Steel Plate From the Russian Federation and Ukraine*, 80 Fed. Reg. 79306 (Dec. 21, 2015).

*Current Reviews.* The Commission instituted these fourth five-year reviews on November 2, 2020.<sup>15</sup> It received a joint response to its notice of institution, filed on behalf of ArcelorMittal USA, LLC (“ArcelorMittal”), Nucor Corporation (“Nucor”), and SSAB Enterprises, LLC (“SSAB”), domestic producers of CTL plate (collectively, “Domestic Producers”).<sup>16</sup> The Commission received no respondent interested party responses to the notice of institution.<sup>17</sup> On February 5, 2021, it determined that the domestic interested party group response to its notice of institution was adequate for all reviews and that the respondent interested party group response was inadequate for all reviews. The Commission did not find any other circumstances that would warrant conducting full reviews and determined to conduct expedited reviews pursuant to section 751(c)(3) of the Tariff Act.<sup>18</sup> On May 20, 2021, Domestic Producers filed final comments in these reviews.<sup>19</sup>

In these reviews, U.S. industry data are based on information submitted by Domestic Producers in their response to the notice of institution and information from the original investigations and prior reviews.<sup>20</sup> The Commission estimates that the three responding U.S. producers of CTL plate accounted for \*\*\* percent of U.S. mill production of CTL plate in 2019.<sup>21</sup> U.S. import data and related information in these reviews are based on the Commerce’s official import statistics.<sup>22</sup> Foreign industry data and related information are based on information submitted by Domestic Producers, questionnaire responses from the original investigations and prior reviews, and publicly available information, such as Global Trade Atlas (“GTA”) data, gathered by staff.<sup>23</sup> Additionally, three U.S. purchasers of CTL plate responded to the Commission’s adequacy phase questionnaire.<sup>24</sup>

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<sup>15</sup> *Cut-To-Length Carbon Steel Plate From China, Russia, and Ukraine: Institution of Five-Year Reviews*, 85 Fed. Reg. 69362 (Nov. 2, 2020).

<sup>16</sup> CR/PR at I-1 to I-2; Domestic Producers’ Response to the Notice of Institution (“Response”) at 1.

<sup>17</sup> CR/PR at I-2.

<sup>18</sup> Explanation of Commission Determination on Adequacy, EDIS Doc. 734880 (Feb. 23, 2021); *Cut-to-Length Carbon Steel Plate from China, Russia, and Ukraine; Scheduling of Expedited Five-Year Reviews*, 86 Fed. Reg. 26067 (May 12, 2021).

<sup>19</sup> The final comments were filed on behalf of Nucor, SSAB, and Cleveland-Cliffs Inc. Since institution of these reviews, Cleveland Cliffs Inc. acquired ArcelorMittal. Domestic Producers’ Final Comments, May 20, 2021 (“Final Comments”) at 1 n.1.

<sup>20</sup> CR/PR at I-22.

<sup>21</sup> CR/PR at Table I-1. This coverage estimate does not include \*\*\*. *Id.*, statistical note to Table I-1.

<sup>22</sup> CR/PR at Table I-5.

<sup>23</sup> See generally CR/PR at I-33 to I-39.

<sup>24</sup> CR/PR at App. D-3 to D-4.

## II. Domestic Like Product and Industry

### A. Domestic Like Product

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

Commerce has defined the imported merchandise within the scope of the order and suspended investigations under review as follows:

The products covered . . . include hot-rolled iron and non-alloy steel universal mill plates (*i.e.*, flat-rolled products rolled on four faces or in a closed box pass, of a width exceeding 150 mm but not exceeding 1250 mm and of a thickness of not less than 4 mm, not in coils and without patterns in relief), of rectangular shape, neither clad, plated nor coated with metal, whether or not painted, varnished, or coated with plastics or other nonmetallic substances; and certain iron and non-alloy steel flat-rolled products not in coils, of rectangular shape, hot-rolled, neither clad, plated, nor coated with metal, whether or not painted, varnished, or coated with plastics or other nonmetallic substances, 4.75 mm or more in thickness and of a width which exceeds 150 mm and measures at least twice the thickness. Included as subject merchandise . . . are flat-rolled products of nonrectangular cross-section where such cross-section is achieved subsequent to the rolling process (*i.e.*, products which have been “worked after rolling”) for example, products which have been beveled or rounded at the edges. This merchandise is currently classified in the Harmonized Tariff Schedule of the United

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<sup>25</sup> 19 U.S.C. § 1677(4)(A).

<sup>26</sup> 19 U.S.C. § 1677(10); *see, e.g.*, *Cleo Inc. v. United States*, 501 F.3d 1291, 1299 (Fed. Cir. 2007); *NEC Corp. v. Department of Commerce*, 36 F. Supp. 2d 380, 383 (Ct. Int’l Trade 1998); *Nippon Steel Corp. v. United States*, 19 CIT 450, 455 (1995); *Timken Co. v. United States*, 913 F. Supp. 580, 584 (Ct. Int’l Trade 1996); *Torrington Co. v. United States*, 747 F. Supp. 744, 748-49 (Ct. Int’l Trade 1990), *aff’d*, 938 F.2d 1278 (Fed. Cir. 1991); *see also* S. Rep. No. 249, 96<sup>th</sup> Cong., 1<sup>st</sup> Sess. 90-91 (1979).

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

States (HTS) under item numbers 7208.40.3030, 7208.40.3060, 7208.51.0030, 7208.51.0045, 7208.51.0060, 7208.52.0000, 7208.53.0000, 7208.90.0000, 7210.70.3000, 7210.90.9000, 7211.13.0000, 7211.14.0030, 7211.14.0045, 7211.90.0000, 7212.40.1000, 7212.40.5000, and 7212.50.0000. Although the HTS subheadings are provided for convenience and customs purposes, the written description of the scope . . . is dispositive. Specifically excluded from subject merchandise within the scope . . . is grade X-70 steel plate.<sup>28</sup>

In addition, Commerce has determined that certain CTL plate with boron at concentrations of 0.0008 percent or more is within the product scope of the antidumping duty order on CTL plate from China.<sup>29</sup>

CTL plate is a flat-rolled carbon steel product that is 4.75 millimeters or more in thickness.<sup>30</sup> CTL plate is available in a wide variety of widths, thicknesses, and shapes that are incorporated or further processed into other products. The term “cut-to-length” refers to a flat plate product with a defined length. CTL plate is used in load-bearing and structural applications, such as agricultural and construction equipment; bridges; machine parts; electricity transmission towers and light poles; buildings (especially nonresidential); and heavy transportation equipment, including railroad cars and ships.<sup>31</sup>

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

In the original investigations, the Commission defined the domestic like product to consist of CTL plate produced by U.S. mills or cut from coiled plate by service centers.<sup>32</sup> The Commission also considered whether plate in coil form itself warranted inclusion in the domestic like product definition. Based on different physical characteristics and end uses,

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<sup>28</sup> *Certain Cut-to-Length Carbon Steel Plate From the Russian Federation and Ukraine; Final Results of the Expedited Fourth Sunset Reviews of the Suspension Agreements*, 86 Fed. Reg. 13297 (Mar. 8, 2021); *Certain Cut-to-Length Carbon Steel Plate From the People’s Republic of China: Final Results of the Expedited Fourth Sunset Review of the Antidumping Duty Order*, 86 Fed. Reg. 13330 (Mar. 8, 2021).

<sup>29</sup> CR/PR at I-14 (citing 74 FR 33991, July 14, 2009 and 74 FR 40565, August 12, 2009).

<sup>30</sup> CR/PR at I-12. CTL plate refers to both cut-to-length carbon steel plate and cut-to-length micro-alloy steel plate. Micro-alloy steel plate is a product in which: (1) iron predominates by weight, over each of the other contained elements; (2) the carbon content is 2 percent or less, by weight; and (3) one or more of certain elements is present by quantity, by weight, respectively indicated. *Id.* at I-13.

<sup>31</sup> CR/PR at I-12 to I-21.

<sup>32</sup> *Original Determinations*, USITC Pub. 3076 at 8-9.

limited interchangeability, different manufacturing facilities for the majority of CTL plate and coiled plate, and differences in prices, the Commission did not include coiled plate in its domestic like product definition.<sup>33</sup> The Commission similarly declined to include “certain coiled plate” – coiled plate produced to the same specifications, chemistries, or widths as CTL carbon steel plate and generally shipped to processors, service centers, or distributors – in its domestic like product definition.<sup>34</sup>

In the first five-year reviews, the Commission stated that changes in CTL plate usage since the original investigations warranted revisiting the like product definition to determine whether it should encompass micro-alloy steel plate, which generally referred to a type of steel designed to provide better mechanical properties or greater resistance to atmospheric corrosion than conventional carbon steel. It found that micro-alloy steel was not considered to be an alloy steel, and was more similar in physical characteristics and uses to carbon steel than to alloy steel. It stated that micro-alloy and in-scope CTL plate were interchangeable in a variety of applications. It found that the manufacturing equipment and employees were similar for the two products, and that channels of distribution were also similar. Accordingly, the Commission determined that the differences between the two were not so pronounced as to constitute clear dividing lines, and included micro-alloy steel CTL plate within the domestic like product definition.<sup>35</sup>

In the second and third five-year reviews, the Commission defined the domestic like product in the same way as it did in the first reviews, stating that no new facts had been presented to warrant a different domestic like product definition.<sup>36</sup>

## **2. The Current Reviews**

Domestic Producers agree with the Commission’s domestic like product definition from the prior five-year reviews.<sup>37</sup> The record contains no new information suggesting that the characteristics and uses of domestically produced CTL plate have changed since the prior five-year reviews.<sup>38</sup> Accordingly, we again define the domestic like product to consist of CTL plate, including micro-alloy steel CTL plate, produced by U.S. mills or cut from coiled plate by service centers.

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<sup>33</sup> *Original Determinations*, USITC Pub. 3076 at 5-7.

<sup>34</sup> *Original Determinations*, USITC Pub. 3076 at 8.

<sup>35</sup> *First Reviews*, USITC Pub. 3626 at 8-9.

<sup>36</sup> *Second Reviews*, USITC Pub. 4103 at 8-9; *Third Reviews*, USITC Pub. 4581 at 9.

<sup>37</sup> Response at 37.

<sup>38</sup> See generally CR/PR at I-12 to I-21.

## **B. Domestic Industry**

Section 771(4)(A) of the Tariff Act defines the relevant industry as the domestic “producers as a whole of a domestic like product, or those producers whose collective output of a domestic like product constitutes a major proportion of the total domestic production of the product.”<sup>39</sup> In defining the domestic industry, the Commission’s general practice has been to include in the industry producers of all domestic production of the like product, whether toll-produced, captively consumed, or sold in the domestic merchant market.

*Status of Processors.* In the original investigations, the Commission considered whether the domestic industry should include entities that processed out-of-scope coiled plate into the domestic like product, CTL plate. The Commission analyzed the production-related activities of the processors and concluded that they were properly considered a part of the domestic industry. The Commission therefore defined the domestic industry to include all producers of CTL carbon steel plate, whether toll producers, integrated producers, or processors.<sup>40</sup>

In the first five-year reviews, the Commission again included processors within the definition of the domestic industry, all producers of the domestic like product.<sup>41</sup> In the second and third five-year reviews, the Commission stated that no new facts had been presented to warrant a different conclusion, and again defined the domestic industry to include all producers of the domestic like product.<sup>42</sup>

The record does not contain any new information that would warrant a conclusion different from that reached by the Commission in the prior proceedings.<sup>43</sup> Moreover, no party raised any objections to this domestic industry definition.<sup>44</sup> Consequently, we again define the domestic industry as all producers of the domestic like product, including processors of CTL plate.

*Related Parties.* The related parties provision allows the Commission, if appropriate circumstances exist, to exclude from the domestic industry producers that are related to an exporter or importer of subject merchandise, or are themselves importers.<sup>45</sup>

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<sup>39</sup> 19 U.S.C. § 1677(4)(A). The definitions in 19 U.S.C. § 1677 are applicable to the entire subtitle containing the antidumping and countervailing duty laws, including 19 U.S.C. §§ 1675 and 1675a. See 19 U.S.C. § 1677.

<sup>40</sup> *Original Determinations*, USITC Pub. 3076 at 9-12.

<sup>41</sup> *First Reviews*, USITC Pub. 3626 at 9-10.

<sup>42</sup> *Second Reviews*, USITC Pub. 4103 at 9-10; *Third Reviews*, USITC Pub. 3626 at 10.

<sup>43</sup> See generally CR/PR at I-38.

<sup>44</sup> Response at 37.

<sup>45</sup> 19 U.S.C. § 1677(4)(B).

In the original investigations, the Commission found that three domestic producers (North Star Steel Co., Cargill Steel & Wire Div. of Cargill, Inc., and Feralloy Corp.) were related parties because of common ownership with companies that imported subject merchandise. However, the Commission found that appropriate circumstances did not exist to exclude any of these firms from the domestic industry.<sup>46</sup>

There were no related parties issues in the first five-year reviews.<sup>47</sup> In the second five-year reviews, the Commission addressed two related parties issues and did not exclude any producers from the domestic industry.<sup>48</sup> In the third five-year reviews, the Commission found that ArcelorMittal was not subject to the related party provision, despite its parent company's minority ownership of a subject Chinese producer, and that although \*\*\* qualified for possible exclusion under the related parties provision, appropriate circumstances did not exist to exclude it from the domestic industry.<sup>49</sup>

In the current reviews, none of the Domestic Producers imported subject merchandise or are related to subject producers.<sup>50</sup> Thus, there are no related party issues in these reviews.

Therefore, based on our definition of the domestic like product, we again define the domestic industry to include producers of CTL carbon steel plate, whether toll producers, integrated producers, or processors of the domestic like product.

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<sup>46</sup> *Original Determinations*, USITC Pub. 3076 at 13.

<sup>47</sup> *First Reviews*, USITC Pub. 3626 at 10 n.44.

<sup>48</sup> Domestic producer \*\*\* had an ownership stake in foreign producer \*\*\*, although \*\*\* did not import subject merchandise. The Commission found that \*\*\* was not subject to the related parties provision, because \*\*\*. *Second Reviews*, USITC Pub. 4103 at 10 n.43. In addition, the Commission found that domestic producer \*\*\* was subject to the related party provision because it imported subject merchandise, but found that appropriate circumstances did not exist to exclude it from the domestic industry. *Id.*

<sup>49</sup> *Third Reviews*, USITC Pub. 3626 at 11-12; Confidential Third Reviews Report, INV-NN-075 at 16-17. The Commission found that ArcelorMittal USA was not subject to the related party provision because its parent company had only a minority ownership stake in Hunan, and ArcelorMittal USA represented that it \*\*\*. The Commission found that \*\*\* had a \*\*\* ratio of subject imports to domestic production, indicating that its primary interest was in domestic production. *Id.*

<sup>50</sup> While domestic producer Evraz NA Oregon Steel Mills ("Oregon Steel") reportedly is related to a producer of subject merchandise in Russia, Evraz ZSMK, Siberia ("ZapSib works") through common ownership of London-based Evraz PLC, Oregon Steel did not respond to the Commission's notice of institution. Consequently, there is no factual basis for determining whether appropriate circumstances exist to exclude Oregon Steel under the related parties provision and no data in the record concerning Oregon Steel's operations that could be excluded from domestic industry data. Response to Cure Letter, EDIS Docs. 728715 and 728717 (Dec. 22, 2020) ("Cure Letter") at 2-3. Domestic Producers were unable to determine if Oregon Steel's rolling mill is dormant and noted that Evraz is building a new flat steel mill at its ZapSib works, to be commissioned in 2021. Cure Letter at 3.

### III. Cumulation

#### A. Legal Standard

With respect to five-year reviews, section 752(a) of the Tariff Act provides as follows: the Commission may cumulatively assess the volume and effect of imports of the subject merchandise from all countries with respect to which reviews under section 1675(b) or (c) of this title were initiated on the same day, if such imports would be likely to compete with each other and with domestic like products in the United States market. The Commission shall not cumulatively assess the volume and effects of imports of the subject merchandise in a case in which it determines that such imports are likely to have no discernible adverse impact on the domestic industry.<sup>51</sup>

Cumulation therefore is discretionary in five-year reviews, unlike original investigations, which are governed by section 771(7)(G)(i) of the Tariff Act.<sup>52</sup> The Commission may exercise its discretion to cumulate, however, only if the reviews are initiated on the same day, the Commission determines that the subject imports are likely to compete with each other and the domestic like product in the U.S. market, and imports from each such subject country are not likely to have no discernible adverse impact on the domestic industry in the event of revocation. Our focus in five-year reviews is not only on present conditions of competition, but also on likely conditions of competition in the reasonably foreseeable future. The statutory threshold for cumulation is satisfied in these reviews, because all reviews were initiated on the same day: November 1, 2020.<sup>53</sup>

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<sup>51</sup> 19 U.S.C. § 1675a(a)(7).

<sup>52</sup> 19 U.S.C. § 1677(7)(G)(i); *see also, e.g., Nucor Corp. v. United States*, 601 F.3d 1291, 1293 (Fed. Cir. 2010) (Commission may reasonably consider likely differing conditions of competition in deciding whether to cumulate subject imports in five-year reviews); *Allegheny Ludlum Corp. v. United States*, 475 F. Supp. 2d 1370, 1378 (Ct. Int'l Trade 2006) (recognizing the wide latitude the Commission has in selecting the types of factors it considers relevant in deciding whether to exercise discretion to cumulate subject imports in five-year reviews); *Nucor Corp. v. United States*, 569 F. Supp. 2d 1328, 1337-38 (Ct. Int'l Trade 2008).

<sup>53</sup> *Initiation of Five-Year (Sunset) Reviews*, 85 Fed. Reg. 69585 (Nov. 3, 2020).

## 1. The Original Investigations and Prior Reviews

*Original Investigations.* In the original investigations, the Commission found that the statutory criteria for cumulation were met. The Commission stated that there was general fungibility between and among imports from each subject country and the domestic like product, competition in the same geographical markets, substantial overlap in sales in the same channels of distribution, and the simultaneous presence of all of the subject imports in the U.S. market during the period of investigation. Because the Commission found that subject imports competed with each other and with the domestic like product, it cumulated subject imports from China, Russia, South Africa, and Ukraine for the purposes of analyzing whether the domestic industry was materially injured by reason of LTFV imports from those countries.<sup>54</sup> It also exercised its discretion to cumulate the LTFV imports from China, Russia, South Africa, and Ukraine for its threat analysis. The Commission stated that any differences in volume and price trends did not warrant a decision not to cumulate, noting that most of the subject imports had significant increases in volume during the period of investigation, and that imports from each of the subject countries consistently undersold the domestic like product.<sup>55</sup>

*First Reviews.* In the first reviews, the Commission found that, based on the available information on capacity, production, product mix, importance of price to purchasers, and export orientation, as well as the prevailing conditions of competition in the U.S. market, the subject imports from China, Russia, Ukraine, and South Africa would each be likely to have a discernible adverse impact on the domestic industry if the suspended investigations were terminated. The Commission also found that there likely would be a reasonable overlap of competition between subject imports from all countries under review and the domestic like product, and among the subject imports from all of the countries, if the suspended investigations were terminated.<sup>56</sup> The Commission did not find any significant differences in the likely conditions of competition among the subject countries, except for South Africa.<sup>57</sup> The Commission exercised its discretion to cumulate subject imports from China, Russia, and Ukraine, but not South Africa.<sup>58</sup>

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<sup>54</sup> *Original Determinations*, USITC Pub. 3076 at 16-19.

<sup>55</sup> *Original Determinations*, USITC Pub. 3076 at 23-24.

<sup>56</sup> *First Reviews*, USITC Pub. 3626 at 12-16.

<sup>57</sup> *First Reviews*, USITC Pub. 3626 at 16. The Commission concluded that significant differences in conditions of competition were likely to exist for subject imports from South Africa, and therefore exercised its discretion not to cumulate subject imports from South Africa. *Id.* at 16-17.

<sup>58</sup> *First Reviews*, USITC Pub. 3626 at 16-17.

*Second Reviews.* In the second reviews, the Commission did not find that subject imports from any of the three subject countries were likely to have no discernible adverse impact on the domestic industry in the event of revocation of the order or termination of the suspended investigations. The Commission stated that the volume of subject imports from China, Russia, and Ukraine rose rapidly during the original investigations, and the subject imports from each country had remained in the U.S. market after imposition of the order and signing of the suspension agreements. It found that the size of the CTL plate industry in each subject country was significant, both absolutely and relative to the U.S. market, and each subject industry had significant excess capacity.<sup>59</sup> The Commission also concluded that there would likely be a reasonable overlap of competition between the subject imports and the domestic like product, and among the subject imports themselves, if the suspended investigations were terminated and the antidumping duty order revoked.<sup>60</sup> The Commission exercised its discretion to cumulate subject imports from China, Russia, and Ukraine, stating that it did not find, and no party had asserted, any significant difference in likely conditions of competition among imports from the three subject countries.<sup>61</sup>

*Third Reviews.* In the third reviews, the Commission did not find that subject imports from any of the three subject countries were likely to have no discernible adverse impact on the domestic industry in the event of revocation of the order or termination of the suspended investigations.<sup>62</sup> It also found that there was likely to be a reasonable overlap of competition between and among subject imports from China, Russia, and Ukraine and the domestic like product after revocation of the order and termination of the suspended investigations.<sup>63</sup> The Commission found that the record did not support Ukrainian producer Metinvest's argument that, upon revocation of the order and termination of the investigations, subject imports from Ukraine would likely compete in the U.S. market under different conditions of competition than subject imports from China and Russia. Finding no significant difference in likely conditions of competition among imports from the three subject countries, the Commission exercised its discretion to cumulate subject imports from China, Russia, and Ukraine.<sup>64</sup>

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<sup>59</sup> *Second Reviews*, USITC Pub. 4103 at 12-14.

<sup>60</sup> *Second Reviews*, USITC Pub. 4103 at 14-16.

<sup>61</sup> *Second Reviews*, USITC Pub. 4103 at 16.

<sup>62</sup> *Third Reviews*, USITC Pub. 4581 at 15-20.

<sup>63</sup> *Third Reviews*, USITC Pub. 4581 at 15-23.

<sup>64</sup> *Third Reviews*, USITC Pub. 4581 at 24-26.

## **2. Arguments of the Parties in the Current Reviews**

Domestic Producers argue that the Commission should again cumulate subject imports in these reviews, as it has done in prior reviews, because the same conditions that led the Commission to cumulate imports in the prior reviews continue to exist. First, they assert that there is no evidence that subject imports from any of the subject countries are likely to have no discernible adverse impact on the domestic industry. In their view, absent continuation of the order and suspension agreements, subject imports from each country would likely be significant in terms of volume, would likely have significant adverse effects on domestic prices, and would likely have a significant impact on the domestic industry. Second, they argue that there continues to be a likely reasonable overlap of competition as nothing in the record of these reviews contradicts the Commission's findings in the prior reviews.<sup>65</sup>

### **B. Likelihood of No Discernible Adverse Impact**

The statute precludes cumulation if the Commission finds that subject imports from a country are likely to have no discernible adverse impact on the domestic industry.<sup>66</sup> Neither the statute nor the Uruguay Round Agreements Act ("URAA") Statement of Administrative Action ("SAA") provides specific guidance on what factors the Commission is to consider in determining that imports "are likely to have no discernible adverse impact" on the domestic industry.<sup>67</sup> With respect to this provision, the Commission generally considers the likely volume of subject imports and the likely impact of those imports on the domestic industry within a reasonably foreseeable time if the orders are revoked. Our analysis for each of the subject countries takes into account, among other things, the nature of the product and the behavior of subject imports in the original investigations.

*China.* During the original period of investigation, the quantity of subject imports from China increased from 8,639 short tons in 1994 to 181,737 short tons in 1995, and then to 301,652 short tons in 1996; subject imports from China as a share of apparent U.S. consumption ranged from a low of 0.1 percent in 1994, to a high of 4.3 percent in 1996.<sup>68</sup> In the first reviews, the quantity of subject imports from China ranged between a low of 26,159 short tons in 1999 to a high of 163,527 short tons in 1997; subject imports from China as a share of apparent U.S. consumption ranged from a low of 0.4 percent in 1999 to a high of 2.3

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<sup>65</sup> Response at 16-17; Final Comments at 8.

<sup>66</sup> 19 U.S.C. § 1675a(a)(7).

<sup>67</sup> SAA, H.R. Rep. No. 103-316, vol. I at 887 (1994).

<sup>68</sup> Original Investigations Confidential Report at Tables IV-5 and IV-6.

percent in 2000.<sup>69</sup> In the second reviews, the quantity of subject imports from China ranged between a low of 1,393 short tons in 2004 to a high of 6,036 short tons in 2003; subject imports from China as a share of apparent U.S. consumption was 0.0 percent from 2004 to 2007 and was 0.1 percent in 2003 and 2008.<sup>70</sup> In the third reviews, the quantity of subject imports from China ranged between a low of 2,923 short tons in 2013 to a high of 6,224 short tons in 2012; subject imports from China as a share of apparent U.S. consumption ranged from a low of 0.0 percent in 2013 to 0.1 percent in 2012 and 2014.<sup>71</sup> In these reviews, the quantity of subject imports from China ranged from a low of 373 short tons in 2017 to a high of 20,290 short tons in 2015, and was 428 short tons in 2019, accounting for \*\*\* percent of apparent U.S. consumption.<sup>72</sup>

In the current reviews, there are limited data available concerning the industry in China because no subject Chinese producer responded to the Commission's notice of institution. Domestic Producers identified 14 producers that they believe currently produce subject merchandise in China.<sup>73</sup> Domestic Producers assert that the Chinese plate industry continues to maintain massive production capacity, is expanding that capacity, and is highly export-oriented.<sup>74</sup> According to GTA data, China was the largest global exporter of flat-rolled products of iron or nonalloy steel, including CTL plate and out-of-scope products, throughout the period of review.<sup>75</sup> China's largest export markets for flat-rolled products of iron or nonalloy steel in 2019 were Korea, Vietnam, Indonesia, the Philippines, and Thailand in 2019.<sup>76</sup> China's exports of CTL plate are subject to several trade remedy measures in third countries, including measures imposed by Mexico, Canada, Turkey, and the European Union.<sup>77</sup>

Based on the foregoing, including the available data on the record regarding the Chinese producers' significant capacity, export orientation, and interest in the U.S. market in the original investigations, as well as Chinese producers' continued, albeit diminished, presence in the U.S. market throughout the life of the suspension agreement and order, we do not find that subject

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<sup>69</sup> First Reviews Confidential Report at Tables I-6 and I-7.

<sup>70</sup> Second Reviews Confidential Report at Tables I-11 and I-12.

<sup>71</sup> Third Reviews Confidential Report at Tables I-11 and I-12.

<sup>72</sup> CR/PR at Tables I-5 and I-6.

<sup>73</sup> CR/PR at I-33.

<sup>74</sup> Response at 19.

<sup>75</sup> CR/PR at Table I-12.

<sup>76</sup> CR/PR at Table I-7. These data concern HTS subheadings 7208.40, 7208.51, 7208.52, 7208.53, 7208.90, 7210.70, 7210.90, 7211.13, 7211.14, 7211.90, 7212.40, and 7212.50, which includes both subject and out-of-scope merchandise. *Id.*

<sup>77</sup> CR/PR at Table I-11.

imports from China would likely have no discernible adverse impact on the domestic industry if the antidumping duty order were revoked.

*Russia.* During the original period of investigation, the quantity of subject imports from Russia increased from 230,156 short tons in 1994 to 234,255 short tons in 1995, and then to 252,396 short tons in 1996; subject imports from Russia as a share of apparent U.S. consumption ranged from a low of 3.5 percent in 1994, to a high of 3.7 percent in 1995.<sup>78</sup> In the first reviews, the quantity of subject imports from Russia ranged between a low of 17,390 short tons in 1999 to a high of 158,509 short tons in 1997; subject imports from Russia as a share of apparent U.S. consumption ranged from a low of 0.3 percent in 1999 to a high of 2.2 percent in 1997.<sup>79</sup> In the second reviews, the quantity of subject imports from Russia ranged between a low of 714 short tons in 2004 to a high of 84,992 short tons in 2008; subject imports from Russia as a share of apparent U.S. consumption ranged from 0.0 percent in 2004 and 2005 to 1.0 percent in 2008.<sup>80</sup> In the third reviews, the quantity of subject imports from Russia ranged from a low of 2,791 short tons in 2013 to a high of 61,585 short tons in 2014; subject imports from Russia as a share of apparent U.S. consumption ranged from 0.0 percent in 2013 to 0.7 percent in 2014.<sup>81</sup> In these reviews, the quantity of subject imports from Russia ranged from a low of 41 short tons in 2018 to a high of 22,123 short tons in 2017; and was 86 short tons in 2019, accounting for \*\*\* percent of apparent U.S. consumption.<sup>82</sup>

In the current reviews, there are limited data available concerning the industry in Russia because no subject Russian producer responded to the Commission's notice of institution. Domestic Producers identified six producers that they believe currently produce subject merchandise in Russia.<sup>83</sup> Domestic Producers contend that several subject producers in Russia announced plans during the period of review to expand their plate production capacity.<sup>84</sup> They also claim that due to high inventory levels and low demand, these producers will likely export the increase in CTL plate production.<sup>85</sup> GTA data indicates that Russia exported between

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<sup>78</sup> Original Investigations Confidential Report at Tables IV-5 and IV-6.

<sup>79</sup> First Reviews Confidential Report at Tables I-6 and I-7.

<sup>80</sup> Second Reviews Confidential Report at Tables I-11 and I-12.

<sup>81</sup> Third Reviews Confidential Report at Tables I-11 and I-12.

<sup>82</sup> CR/PR at Tables I-5 and I-6.

<sup>83</sup> CR/PR at I-35.

<sup>84</sup> Response at 22-24. Domestic Producers contend that Magnitogorsk Iron & Steel Works, Severstal, and Novolipetsk upgraded their plate mills, JSC United Metallurgical Company plans to build an additional steel plant to increase inputs for its plate mill, and Evraz began constructing a flat casting and rolling facility. *Id.*

<sup>85</sup> Response at 22-25.

977,357 and 1.24 million short tons of flat-rolled products of iron and nonalloy steel, including CTL plate and out-of-scope products, annually between 2015 and 2019.<sup>86</sup> Russia's largest export markets for flat-rolled products of iron or nonalloy steel in 2019 were Belarus, Kazakhstan, Uzbekistan, Latvia, and Poland in 2019.<sup>87</sup> Exports of CTL plate from Russia are subject to a trade remedy measure imposed by Mexico.<sup>88</sup>

Based on the foregoing, including the data on the record regarding the Russian producers' capacity, export orientation, and interest in the U.S. market in the original investigations, as well as Russian producers' continued, albeit diminished, presence in the U.S. market throughout the life of the suspension agreement, we do not find that subject imports from Russia would likely have no discernible adverse impact on the domestic industry if the suspended investigation were terminated.

*Ukraine.* During the original period of investigation, the quantity of subject imports from Ukraine increased from 295,775 short tons in 1994 to 500,266 short tons in 1995, and then to 627,796 short tons in 1996; subject imports from Ukraine as a share of apparent U.S. consumption ranged from a low of 4.5 percent in 1994 to a high of 8.9 percent in 1996.<sup>89</sup> In the first reviews, the quantity of subject imports from Ukraine ranged between a low of 3,814 short tons in 1999 to a high of 184,615 short tons in 1997; subject imports from Ukraine as a share of apparent U.S. consumption ranged from a low of 0.1 percent in 1999 and 2002 to a high of 2.5 percent in 1997.<sup>90</sup> In the second reviews, the quantity of subject imports from Ukraine ranged between a low of 4,724 short tons in 2003 to a high of 173,945 short tons in 2008; subject imports from Ukraine as a share of apparent U.S. consumption ranged from 0.1 percent in 2003 to 2.0 percent in 2008.<sup>91</sup> In the third reviews, the quantity of subject imports from Ukraine ranged between no imports in 2013 to a high of 14,728 short tons in 2012; subject imports from Ukraine as a share of apparent U.S. consumption ranged from a low of 0.0 percent in 2013 and 2014 to 0.2 percent in 2012.<sup>92</sup> In these reviews, the quantity of subject imports from

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<sup>86</sup> CR/PR at Table I-9. These data concern HTS subheadings 7208.40, 7208.51, 7208.52, 7208.53, 7208.90, 7210.70, 7210.90, 7211.13, 7211.14, 7211.90, 7212.40, and 7212.50, which includes both subject and out-of-scope merchandise. *Id.*

<sup>87</sup> CR/PR at Table I-9. These data concern HTS subheadings 7208.40, 7208.51, 7208.52, 7208.53, 7208.90, 7210.70, 7210.90, 7211.13, 7211.14, 7211.90, 7212.40, and 7212.50, which includes both subject and out-of-scope merchandise. *Id.*

<sup>88</sup> CR/PR at Table I-11.

<sup>89</sup> Original Investigations Confidential Report at Tables IV-5 and IV-6.

<sup>90</sup> First Reviews Confidential Report at Tables I-6 and I-7.

<sup>91</sup> Second Reviews Confidential Report at Tables I-11 and I-12.

<sup>92</sup> Third Reviews Confidential Report at Tables I-11 and I-12.

Ukraine ranged between a low of 3,560 short tons in 2015 to a high of 58,685 short tons in 2017, and was 35,677 short tons in 2019, accounting for \*\*\* percent of apparent U.S. consumption.<sup>93</sup>

In the current reviews, there are limited data available concerning the industry in Ukraine because no subject Ukrainian producer responded to the Commission's notice of institution. Domestic Producers identified four Ukrainian producers that they believe currently produce subject merchandise.<sup>94</sup> Domestic Producers contend that the largest steel producer in Ukraine increased its overall production capacity by 15 percent in 2019 and that the industry produces CTL plate far in excess of home market demand.<sup>95</sup> According to GTA data, Ukrainian exports of flat-rolled products of iron and nonalloy steel, including CTL plate and out-of-scope products, ranged from 1.7 million to 2.4 million short tons annually between 2015 and 2019.<sup>96</sup> In 2019, Ukraine's largest export markets for flat-rolled products of iron or nonalloy steel in 2019 were Russia, Poland, Singapore, Saudi Arabia, and the United Arab Emirates.<sup>97</sup> Exports of CTL plate from Ukraine are subject to trade remedy measures imposed by Mexico and Canada.<sup>98</sup>

Based on the foregoing, including the available data on the record regarding the Ukrainian producers' capacity, export orientation, and interest in the U.S. market in the original investigations, as well as Ukrainian producers' continued, albeit diminished, presence in the U.S. market throughout the life of the suspension agreement, we do not find that subject imports from Ukraine would likely have no discernible adverse impact on the domestic industry if the order were revoked.

### **C. Likelihood of a Reasonable Overlap of Competition**

The Commission generally has considered four factors intended to provide a framework for determining whether subject imports compete with each other and with the domestic like

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<sup>93</sup> CR/PR at Tables I-5 and I-6.

<sup>94</sup> CR/PR at I-38.

<sup>95</sup> Response at 26.

<sup>96</sup> CR/PR at Table I-10. These data concern HTS subheadings 7208.40, 7208.51, 7208.52, 7208.53, 7208.90, 7210.70, 7210.90, 7211.13, 7211.14, 7211.90, 7212.40, and 7212.50, which includes both subject and out-of-scope merchandise. *Id.*

<sup>97</sup> CR/PR at Table I-10. These data concern HTS subheadings 7208.40, 7208.51, 7208.52, 7208.53, 7208.90, 7210.70, 7210.90, 7211.13, 7211.14, 7211.90, 7212.40, and 7212.50, which includes both subject and out-of-scope merchandise. *Id.*

<sup>98</sup> CR/PR at Table I-11.

product.<sup>99</sup> Only a “reasonable overlap” of competition is required.<sup>100</sup> In five-year reviews, the relevant inquiry is whether there likely would be competition even if none currently exists because the subject imports are absent from the U.S. market.<sup>101</sup>

*Fungibility.* In the original investigations, the Commission found that subject imports from China, Russia, South Africa, and Ukraine were fungible with both the domestic like product and with each other. This finding relied on market participants’ reports that CTL plate from the various sources were broadly interchangeable.<sup>102</sup> In the first and second reviews, the Commission found that subject imports and domestic like product appeared to be no less fungible than in the original investigations.<sup>103</sup> In the third reviews, the Commission found that imports from China, Russia, and Ukraine were sufficiently fungible with each other and the domestic like product to satisfy the reasonable overlap standard.<sup>104</sup>

There is no new information on the record of the current reviews to indicate that the degree of fungibility between and among subject imports from China, Russia, Ukraine, and the domestic like product has changed from that in the prior reviews and original investigations.

*Channels of Distribution.* In the original investigations, the Commission found overlap in the channels of distribution for imports from all four subject countries and the domestic like

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<sup>99</sup> The four factors generally considered by the Commission in assessing whether imports compete with each other and with the domestic like product are as follows: (1) the degree of fungibility between subject imports from different countries and between subject imports and the domestic like product, including consideration of specific customer requirements and other quality-related questions; (2) the presence of sales or offers to sell in the same geographical markets of imports from different countries and the domestic like product; (3) the existence of common or similar channels of distribution for subject imports from different countries and the domestic like product; and (4) whether subject imports are simultaneously present in the market with one another and the domestic like product. See, e.g., *Wieland Werke, AG v. United States*, 718 F. Supp. 50 (Ct. Int’l Trade 1989).

<sup>100</sup> See *Mukand Ltd. v. United States*, 937 F. Supp. 910, 916 (Ct. Int’l Trade 1996); *Wieland Werke*, 718 F. Supp. at 52 (“Completely overlapping markets are not required.”); *United States Steel Group v. United States*, 873 F. Supp. 673, 685 (Ct. Int’l Trade 1994), *aff’d*, 96 F.3d 1352 (Fed. Cir. 1996). We note, however, that there have been investigations where the Commission has found an insufficient overlap in competition and has declined to cumulate subject imports. See, e.g., *Live Cattle from Canada and Mexico*, Inv. Nos. 701-TA-386 and 731-TA-812-13 (Preliminary), USITC Pub. 3155 at 15 (Feb. 1999), *aff’d sub nom, Ranchers-Cattlemen Action Legal Foundation v. United States*, 74 F. Supp. 2d 1353 (Ct. Int’l Trade 1999); *Static Random Access Memory Semiconductors from the Republic of Korea and Taiwan*, Inv. Nos. 731-TA-761-62 (Final), USITC Pub. 3098 at 13-15 (Apr. 1998).

<sup>101</sup> See generally, *Cheflene Corp. v. United States*, 219 F. Supp. 2d 1313, 1314 (Ct. Int’l Trade 2002).

<sup>102</sup> *Original Determinations*, USITC Pub. 3076 at 17.

<sup>103</sup> *First Reviews*, USITC Pub. 3626 at 15; *Second Reviews*, USITC Pub. 4103 at 15.

<sup>104</sup> *Third Reviews*, USITC Pub. 4581 at 23.

product. Imports from China, South Africa, and Ukraine were sold predominantly to distributors, processors, and service centers while the domestic like product and imports of CTL plate from Russia were split between distributors, processors and service centers, with the remaining sales directly to end users.<sup>105</sup> In the first and second reviews, the Commission found that virtually all shipments of subject imports were to distributors or service centers, and that domestic producers shipped plate to end users, distributors and service centers.<sup>106</sup> The overlap in channels of distribution increased due to the growing share of sales by domestic producers to distributors or service centers.<sup>107</sup> In the third reviews, the Commission found that U.S. producers' sales were relatively evenly split between distributors and end users, while importers of subject merchandise from Russia and Ukraine sold primarily to distributors.<sup>108</sup> There were minimal data in the record regarding channels of distribution with respect to subject imports from China. However, given the Commission's findings in the original investigations and the first two reviews, the Commission found there would likely be an overlap in channels of distribution with the domestic like product and subject imports from Russia and Ukraine upon revocation/termination.<sup>109</sup>

There is no new information on the record of these reviews to indicate that the channels of distribution have changed with respect to subject imports from China, Russia, and Ukraine and the domestic like product, or are likely to do so upon revocation of the order or termination of the investigations.

*Geographic Overlap.* In the original investigations, the Commission found that subject imports from all four countries and the domestic like product were sold in the same geographic markets.<sup>110</sup> In the first and second reviews, the Commission continued to find that the domestic like product and subject imports were sold nationwide.<sup>111</sup> In the third reviews, the Commission found that there was geographic overlap between and among subject imports and the domestic like product, given that domestic CTL plate was shipped to all regions in the United States, and subject imports from all three sources were shipped to the Midwest region, among other regions.<sup>112</sup>

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<sup>105</sup> *Original Determinations*, USITC Pub. 3076 at 18.

<sup>106</sup> *First Reviews*, USITC Pub. 3626 at 15-16; *Second Reviews*, USITC Pub. 4103 at 15.

<sup>107</sup> *First Reviews*, USITC Pub. 3626 at 15-16; *Second Reviews*, USITC Pub. 4103 at 15.

<sup>108</sup> *Third Reviews*, USITC Pub. 4581 at 22.

<sup>109</sup> *Third Reviews*, USITC Pub. 4581 at 23.

<sup>110</sup> *Original Determinations*, USITC Pub. 3076 at 18.

<sup>111</sup> *First Reviews*, USITC Pub. 3626 at 16; *Second Reviews*, USITC Pub. 4103 at 15.

<sup>112</sup> *Third Reviews*, USITC Pub. 4581 at 23.

In the current reviews, the majority of subject imports from China, Russia, and Ukraine entered through the southern, northern, or eastern borders throughout the review period.<sup>113</sup>

*Simultaneous Presence in Market.* In the original investigations, the Commission found that the CTL plate produced in subject countries were present throughout the period of investigation.<sup>114</sup> In the first and second reviews, the Commission found that subject imports from each country continued to enter the U.S. market in each year of review periods.<sup>115</sup> In the third reviews, the domestic like product and subject imports from China were present throughout the period of review, while imports from Russia were present in 24 of 42 months and Ukraine in 11 of 42 months.<sup>116</sup> In the prior reviews, the Commission found that if the order were revoked or investigations terminated, the domestic like product and subject imports would likely be present in the market simultaneously.<sup>117</sup>

In the current reviews, the record shows that subject imports from China were present in the U.S. market in all 60 months during the period of review. Subject imports from Russia and Ukraine were present in 19 months and 20 months, respectively, during the period of review.<sup>118</sup>

*Conclusion.* The record of these expedited reviews contains limited information concerning subject imports in the U.S. market during the period of review. The record contains no information suggesting that the reasonable overlap of competition found in the original investigations and prior reviews would not exist upon revocation of the order and termination of the suspended investigations. In light of this, and the lack of any contrary argument, we find that there would likely be a reasonable overlap in competition between subject imports from China, Russia, and Ukraine and the domestic like product if the order were revoked and the suspended investigations were terminated.

#### **D. Likely Conditions of Competition**

In determining whether to exercise our discretion to cumulate the subject imports, we assess whether subject imports from China, Russia, and Ukraine would likely compete under similar or different conditions of competition in the U.S. market after revocation of the order

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<sup>113</sup> CR/PR at I-32.

<sup>114</sup> *Original Determinations*, USITC Pub. 3076 at 18.

<sup>115</sup> *First Reviews*, USITC Pub. 3626 at 16; *Second Reviews*, USITC Pub. 4103 at 16.

<sup>116</sup> *Third Reviews*, USITC Pub. 4581 at 22.

<sup>117</sup> *First Reviews*, USITC Pub. 3626 at 16; *Second Reviews*, USITC Pub. 4103 at 16; *Third Reviews*, USITC Pub. 4581 at 23.

<sup>118</sup> CR/PR at I-32.

and termination of the suspension agreements. We find that the record in these reviews does not indicate that there would likely be any significant difference in the conditions of competition among subject imports from China, Russia, and Ukraine upon revocation of the order and termination of the suspended investigations.

#### **E. Conclusion**

In sum, we determine that subject imports from all three countries are not likely to have no discernible adverse impact on the domestic industry in the event of revocation or termination and that there would likely be a reasonable overlap of competition between the subject imports from each country and the domestic like product. We also determine that subject imports from all three countries would be likely to compete under similar conditions of competition upon revocation of the antidumping duty order and termination of the investigations. Accordingly, for the reasons discussed above, we exercise our discretion to cumulate subject imports from China, Russia, and Ukraine.

### **IV. Revocation of the Antidumping Duty Order and Termination of the Suspended Investigations 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 or terminate a suspended investigation 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 or termination of the suspended investigation “would be likely to lead to continuation or recurrence of material injury within a reasonably foreseeable time.”<sup>119</sup> The SAA states that “under the likelihood standard, the Commission will engage in a counterfactual analysis; it must decide the likely impact in the reasonably foreseeable future of an important change in the status quo – the revocation or termination of a proceeding and the elimination of its restraining effects on volumes and prices of imports.”<sup>120</sup> Thus, the likelihood

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<sup>119</sup> 19 U.S.C. § 1675a(a).

<sup>120</sup> SAA at 883-84. The SAA states that “{t}he likelihood of injury standard applies regardless of the nature of the Commission’s original determination (material injury, threat of material injury, or material retardation of an industry). Likewise, the standard applies to suspended investigations that were never completed.” *Id.* at 883.

standard is prospective in nature.<sup>121</sup> The U.S. Court of International Trade has found that “likely,” as used in the five-year review provisions of the Act, means “probable,” and the Commission applies that standard in five-year reviews.<sup>122</sup>

The statute states that “the Commission shall consider that the effects of revocation or termination may not be imminent, but may manifest themselves only over a longer period of time.”<sup>123</sup> According to the SAA, a “‘reasonably foreseeable time’ will vary from case-to-case, but normally will exceed the ‘imminent’ timeframe applicable in a threat of injury analysis in original investigations.”<sup>124</sup>

Although the standard in a five-year review is not the same as the standard applied in an original investigation, it contains some of the same fundamental elements. The statute provides that the Commission is to “consider the likely volume, price effect, and impact of imports of the subject merchandise on the industry if the orders are revoked or the suspended investigation is terminated.”<sup>125</sup> It directs the Commission to take into account its prior injury determination, whether any improvement in the state of the industry is related to the order or the suspension agreement under review, whether the industry is vulnerable to material injury if an order is revoked or a suspension investigation is terminated, and any findings by Commerce

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<sup>121</sup> While the SAA states that “a separate determination regarding current material injury is not necessary,” it indicates that “the Commission may consider relevant factors such as current and likely continued depressed shipment levels and current and likely continued {sic} prices for the domestic like product in the U.S. market in making its determination of the likelihood of continuation or recurrence of material injury if the order is revoked.” SAA at 884.

<sup>122</sup> See *NMB Singapore Ltd. v. United States*, 288 F. Supp. 2d 1306, 1352 (Ct. Int’l Trade 2003) (“‘likely’ means probable within the context of 19 U.S.C. § 1675(c) and 19 U.S.C. § 1675a(a)”), *aff’d mem.*, 140 Fed. Appx. 268 (Fed. Cir. 2005); *Nippon Steel Corp. v. United States*, 26 CIT 1416, 1419 (2002) (same); *Usinor Industeel, S.A. v. United States*, 26 CIT 1402, 1404 nn.3, 6 (2002) (“more likely than not” standard is “consistent with the court’s opinion;” “the court has not interpreted ‘likely’ to imply any particular degree of ‘certainty’”); *Indorama Chemicals (Thailand) Ltd. v. United States*, 26 CIT 1059, 1070 (2002) (“standard is based on a likelihood of continuation or recurrence of injury, not a certainty”); *Usinor v. United States*, 26 CIT 767, 794 (2002) (“‘likely’ is tantamount to ‘probable,’ not merely ‘possible’”).

<sup>123</sup> 19 U.S.C. § 1675a(a)(5).

<sup>124</sup> SAA at 887. Among the factors that the Commission should consider in this regard are “the fungibility or differentiation within the product in question, the level of substitutability between the imported and domestic products, the channels of distribution used, the methods of contracting (such as spot sales or long-term contracts), and lead times for delivery of goods, as well as other factors that may only manifest themselves in the longer term, such as planned investment and the shifting of production facilities.” *Id.*

<sup>125</sup> 19 U.S.C. § 1675a(a)(1).

regarding duty absorption pursuant to 19 U.S.C. § 1675(a)(4).<sup>126</sup> The statute further provides that the presence or absence of any factor that the Commission is required to consider shall not necessarily give decisive guidance with respect to the Commission's determination.<sup>127</sup>

In evaluating the likely volume of imports of subject merchandise if an order under review is revoked and/or a suspended investigation is terminated, the Commission is directed to consider whether the likely volume of imports would be significant either in absolute terms or relative to production or consumption in the United States.<sup>128</sup> In doing so, the Commission must consider "all relevant economic factors," including four enumerated factors: (1) any likely increase in production capacity or existing unused production capacity in the exporting country; (2) existing inventories of the subject merchandise, or likely increases in inventories; (3) the existence of barriers to the importation of the subject merchandise into countries other than the United States; and (4) the potential for product shifting if production facilities in the foreign country, which can be used to produce the subject merchandise, are currently being used to produce other products.<sup>129</sup>

In evaluating the likely price effects of subject imports if an order under review is revoked and/or a suspended investigation is terminated, the Commission is directed to consider whether there is likely to be significant underselling by the subject imports as compared to the domestic like product and whether the subject imports are likely to enter the United States at prices that otherwise would have a significant depressing or suppressing effect on the price of the domestic like product.<sup>130</sup>

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<sup>126</sup> 19 U.S.C. § 1675a(a)(1). Commerce has made no duty absorption findings with respect to the matters under review. "Issues and Decision Memorandum for the Expedited Fourth Sunset Review of the Antidumping Duty Order on Certain Cut-to-Length Carbon Steel Plate from the People's Republic of China," EDIS Doc. 736201 (Mar. 3, 2021) at 4; "Issues and Decision Memorandum for the Expedited Fourth Sunset Review of the Agreement Suspending the Antidumping Duty Investigation of Certain-Cut-to-Length Carbon Steel Plate from Ukraine; Final Results," EDIS Doc. 736201 (Mar. 3, 2021) at 5; "Issues and Decision Memorandum for the Expedited Fourth Sunset Review of the Agreement Suspending the Antidumping Investigation of Certain Cut-to-Length Carbon Steel Plate from the Russian Federation; Final Results," EDIS Doc. 736201 (Mar. 3, 2021) at 5.

<sup>127</sup> 19 U.S.C. § 1675a(a)(5). Although the Commission must consider all factors, no one factor is necessarily dispositive. SAA at 886.

<sup>128</sup> 19 U.S.C. § 1675a(a)(2).

<sup>129</sup> 19 U.S.C. § 1675a(a)(2)(A-D).

<sup>130</sup> See 19 U.S.C. § 1675a(a)(3). The SAA states that "{c}onsistent with its practice in investigations, in considering the likely price effects of imports in the event of revocation and termination, the Commission may rely on circumstantial, as well as direct, evidence of the adverse effects of unfairly traded imports on domestic prices." SAA at 886.

In evaluating the likely impact of imports of subject merchandise if an order under review is revoked and/or a suspended investigation is terminated, the Commission is directed to consider all relevant economic factors that are likely to have a bearing on the state of the industry in the United States, including but not limited to the following: (1) likely declines in output, sales, market share, profits, productivity, return on investments, and utilization of capacity; (2) likely negative effects on cash flow, inventories, employment, wages, growth, ability to raise capital, and investment; and (3) likely negative effects on the existing development and production efforts of the industry, including efforts to develop a derivative or more advanced version of the domestic like product.<sup>131</sup> All relevant economic factors are to be considered within the context of the business cycle and the conditions of competition that are distinctive to the industry. As instructed by the statute, we have considered the extent to which any improvement in the state of the domestic industry is related to the orders under review and whether the industry is vulnerable to material injury upon revocation.<sup>132</sup>

## **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 or suspended investigation is terminated, the statute directs the Commission to consider all relevant economic factors “within the context of the business cycle and conditions of competition that are distinctive to the affected industry.”<sup>133</sup>

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

*Original Investigations.* In the original investigations, the Commission highlighted several conditions of competition pertinent to its analysis of the domestic CTL plate market. It found that demand for CTL plate had increased overall during the period of investigation. Producers, importers and end-user purchasers attributed the increase in demand to a strong economy and to such specific factors as low interest rates, increased spending on capital goods, and increased general construction spending.<sup>134</sup> The Commission also identified the growing

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<sup>131</sup> 19 U.S.C. § 1675a(a)(4).

<sup>132</sup> The SAA states that in assessing whether the domestic industry is vulnerable to injury if the order is revoked, the Commission “considers, in addition to imports, other factors that may be contributing to overall injury. While these factors, in some cases, may account for the injury to the domestic industry, they may also demonstrate that an industry is facing difficulties from a variety of sources and is vulnerable to dumped or subsidized imports.” SAA at 885.

<sup>133</sup> 19 U.S.C. § 1675a(a)(4).

<sup>134</sup> *Original Determinations*, USITC Pub. 3076 at 14.

importance of steel service centers in the domestic CTL plate industry.<sup>135</sup> The Commission found CTL plate to be essentially a commodity-type product and price to be a significant factor for its purchasers.<sup>136</sup>

*First Reviews.* In the first reviews, the Commission found that demand for CTL plate had declined overall during the period of review. Market participants attributed the decline to general economic conditions, with specific factors cited such as decreased spending on capital goods, and decreased general construction spending.<sup>137</sup> The Commission also noted that the domestic industry had consolidated over the period, and that its productivity had increased. The Commission found that the importance of steel service centers had grown since the original investigations. It found that service centers increased price competition for CTL plate in the U.S. market because of their buying leverage and ability to make large purchases and hold sizable quantities of CTL plate in inventory.<sup>138</sup>

*Second Reviews.* With respect to demand, the Commission stated that a majority of market participants agreed that U.S. demand increased from 2003 to mid-2008, and then collapsed in late 2008 due to the global economic recession. The Commission found that demand was likely to remain weak, based on domestic producers' reports of dramatically lower orders of CTL plate, as well as demand projections, and the lack of a large impact from stimulus spending. The Commission found demand for CTL plate to be derived from demand for end-use applications, and that the CTL plate was accordingly not characterized by a regular and measurable business cycle, but rather that CTL plate producers responded to several different end-use industries and their individual business cycles.<sup>139</sup>

As to supply, the Commission stated that the U.S. market continued to be supplied primarily by the domestic industry, while noting that the domestic CTL plate market had become increasingly global as multinational corporations, including Mittal Steel Company, SSAB and Evraz, entered the U.S market through acquisitions. The Commission stated that as a result of consolidation, the domestic industry was better able to respond to changes in demand by idling production facilities. Nonsubject imports were the second largest source of supply in the U.S. market during the period of review, followed by subject imports.<sup>140</sup>

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<sup>135</sup> *Original Determinations*, USITC Pub. 3076 at 14.

<sup>136</sup> *Original Determinations*, USITC Pub. 3076 at 20.

<sup>137</sup> *First Reviews*, USITC Pub. 3626 at 20.

<sup>138</sup> *First Reviews*, USITC Pub. 3626 at 20-21.

<sup>139</sup> *Second Reviews*, USITC Pub. 4103 at 20-21.

<sup>140</sup> *Second Reviews*, USITC Pub. 4103 at 21-22.

As to other conditions, the Commission stated that market participants found subject imports from all three sources to be generally interchangeable with each other and the domestic like product. Purchasers listed price and quality as the two most important factors in their purchasing decisions. The Commission stated that the cost of raw materials (e.g., iron ore, coal, and steel scrap) and energy were important components of the total cost of producing CTL plate, and that most market participants indicated that CTL plate prices follow raw material price trends closely.<sup>141</sup>

*Third Reviews.* The Commission found that U.S. demand for CTL plate depended on the demand for end use products, such as manufacture of storage tanks, heavy machinery and machinery parts, ships and barges, agriculture and construction equipment, general load-bearing structures, and pipe. Apparent U.S. consumption fluctuated during the period of review, increasing overall by 10.5 percent from 2012 to 2014, though it was lower in January-June 2015 (“interim 2015”) than in January-June 2014 (“interim 2014”).<sup>142</sup>

With respect to supply, the Commission found that the domestic industry was the largest supplier to the U.S. market during the period of review, despite domestic producers’ capacity decreasing between 2012 and 2014.<sup>143</sup> Two domestic producers ceased operations.<sup>144</sup> The market share of cumulated subject imports remained below 1.0 percent throughout the period of review.<sup>145</sup> Nonsubject imports’ market share far exceeded that of cumulated subject imports, increasing irregularly over the period of review. The largest sources of nonsubject imports were Korea, Canada, Brazil, Turkey, and France.<sup>146</sup> The Commission noted that there was a substantial global overcapacity in CTL plate.<sup>147</sup>

The Commission found that there was a moderate to high degree of substitutability between domestically produced CTL plate and CTL plate imported from subject sources and price was a very important factor in purchasing decisions for CTL plate.<sup>148</sup> A majority of respondents reported that the domestic like product and subject imports are at least sometimes interchangeable and that they are comparable with respect to multiple factors.

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<sup>141</sup> *Second Reviews*, USITC Pub. 4103 at 23.

<sup>142</sup> *Third Reviews*, at USITC Pub. 4581 at 31.

<sup>143</sup> Although three domestic producers expanded their operations, two idled or closed their operations. Additionally, there were several acquisitions or consolidations during the period of review. *Third Reviews*, at USITC Pub. 4581 at 32.

<sup>144</sup> *Third Reviews*, at USITC Pub. 4581 at 32.

<sup>145</sup> *Third Reviews*, at USITC Pub. 4581 at 32.

<sup>146</sup> *Third Reviews*, at USITC Pub. 4581 at 32.

<sup>147</sup> *Third Reviews*, at USITC Pub. 4581 at 33.

<sup>148</sup> *Third Reviews*, at USITC Pub. 4581 at 33.

Additionally, responding purchasers ranked quality and price as the most important factors used in purchasing decisions.<sup>149</sup>

The Commission also found that U.S. producers' raw material costs, including costs of iron ore, coal and scrap, represented nearly two-thirds of the cost of goods ("COGS") sold. Costs for iron ore, coal, and iron and steel scrap declined, while cost of natural gas declined irregularly and electricity costs increased irregularly over the period of review.<sup>150</sup>

## **2. The Current Reviews**

The following conditions of competition inform our determinations.

*Demand Conditions.* U.S. demand for CTL plate depends on the demand for end use products, which include the manufacture of storage tanks, heavy machinery and machinery parts, ships and barges, agriculture and construction equipment, general load-bearing structures, and pipe.<sup>151</sup> Domestic Producers reported no changes in end uses during the period of review.<sup>152</sup> They contend that demand for CTL plate fluctuated during the period of review, decreasing at the beginning of the review period before increasing in 2018 and 2019 and then remaining steady or declining in 2020 due to the COVID-19 pandemic.<sup>153</sup> Apparent U.S. consumption of CTL plate was \*\*\* short tons in 2019.<sup>154</sup>

*Supply Conditions.* The domestic industry was the largest supplier to the U.S. market during the period of review, accounting for \*\*\* percent of apparent U.S. consumption in 2019.<sup>155</sup> During the period of review, there were changes to the operations of several domestic producers of CTL plate. ArcelorMittal idled a rolling mill, Cleveland Cliffs acquired ArcelorMittal USA's operations, and \*\*\*.<sup>156</sup> Additionally, \*\*\*.<sup>157</sup>

Nonsubject imports were the second largest source of supply of CTL plate to the U.S. market during the period of review, accounting for \*\*\* percent of apparent U.S. consumption

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<sup>149</sup> *Third Reviews*, at USITC Pub. 4581 at 33.

<sup>150</sup> *Third Reviews*, at USITC Pub. 4581 at 33.

<sup>151</sup> Response at 35.

<sup>152</sup> Response at 7; Final Comments at 5.

<sup>153</sup> Response at 7 and 35; Final Comments at 5.

<sup>154</sup> See CR/PR at Table I-6. We note that the higher level of apparent U.S. consumption prior to the period of review may partly reflect the greater coverage of the domestic industry afforded by domestic producer questionnaire responses from mills and service centers in those years. See *id.* at Table I-1 & note.

<sup>155</sup> CR/PR at Table I-6.

<sup>156</sup> CR/PR at Table I-3.

<sup>157</sup> CR/PR at Table I-3.

in 2019.<sup>158</sup> Korea was the largest source of nonsubject imports in 2019.<sup>159</sup> In 2017, imports of CTL plate from Austria, Belgium, Brazil, China, France, Germany, Italy, Japan, Korea, South Africa, Taiwan, and Turkey became subject to antidumping duty orders and imports of CTL plate from China and Korea became subject to countervailing duty orders.<sup>160</sup>

Cumulated subject imports were the smallest source of supply to the U.S. market during the period of review, accounting for \*\*\* percent of apparent U.S. consumption in 2019.<sup>161</sup>

*Substitutability and other conditions.* In these reviews, the Domestic Producers maintain that there continues to be a high degree of substitutability between domestically produced CTL plate and subject imports, and that price remains an important factor in purchasing decisions.<sup>162</sup> There is no new information in the record to suggest that the substitutability of domestically produced CTL plate and subject imports, or the importance of price to purchasing decisions, has changed since the original investigations or prior reviews. Accordingly, we again find that there is a moderate to high degree of substitutability between domestically produced CTL plate and subject imports, and that price continues to be an important factor in purchasing decisions.

Effective September 1, 2019, CTL plate from China became subject to an additional 10 percent *ad valorem* duty, which was subsequently increased to 15 percent, under Section 301 of the Trade Act of 1974, as amended (“section 301 tariffs”).<sup>163</sup> The President reduced the *ad valorem* duty on CTL plate from China to 7.5 percent effective February 14, 2020.<sup>164</sup>

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<sup>158</sup> See CR/PR Table I-6.

<sup>159</sup> CR/PR at Table I-5.

<sup>160</sup> CR/PR at I-23 and Table I-2. The scope of the 2017 CTL plate from China antidumping duty order covers alloy plate not already covered by the order under the current review. *Certain Carbon and Alloy Steel Cut-To-Length Plate From Austria, Belgium, France, the Federal Republic of Germany, Italy, Japan, the Republic of Korea, and Taiwan: Amended Final Affirmative Antidumping Determinations for France, the Federal Republic of Germany, the Republic of Korea and Taiwan, and Antidumping Duty Orders*, 82 Fed. Reg. 24096 (May 25, 2017); *Certain Carbon and Alloy Steel Cut-to-Length Plate From the Republic of Korea: Countervailing Duty Order*, 82 Fed. Reg. 24103 (May 25, 2017); *Certain Carbon and Alloy Steel Cut-to-Length Plate From the People's Republic of China: Countervailing Duty Order*, 82 Fed. Reg. 14346 (Mar. 20, 2017).

<sup>161</sup> CR/PR at Table I-6.

<sup>162</sup> Response at 8.

<sup>163</sup> CR/PR at I-11. See 18 U.S.C. § 2411; *Notice of Modification of Section 301 Action: China's Acts, Policies, and Practices Related to Technology Transfer, Intellectual Property, and Innovation*, 84 Fed. Reg. 43304 (Aug. 20, 2019); *Notice of Modification of Section 301 Action: China's Acts, Policies, and Practices Related to Technology Transfer, Intellectual Property, and Innovation*, 84 Fed. Reg. 45821 (Aug. 30, 2019).

<sup>164</sup> *Notice of Modification of Section 301 Action: China's Acts, Policies, and Practices Related to Technology Transfer, Intellectual Property, and Innovation*, 84 Fed. Reg. 3741 (Jan. 22, 2020).

In addition, subject imports from China, Russia, and Ukraine, have been subject to additional 25 percent ad valorem duties pursuant to section 232 of the Trade Expansion Act of 1962, as amended,<sup>165</sup> (“section 232 tariffs”), effective March 2018.<sup>166</sup>

### **C. Likely Volume of Cumulated Subject Imports**

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

*The Original Investigations.* In its present material injury analysis, the Commission found that the increase in volume and market share of subject imports, both in absolute terms and relative to U.S. consumption, was significant.<sup>167</sup> In its threat analysis, the Commission found a significant rate of increase in the volume of subject imports indicating the likelihood of substantially increased imports in the near future. The Commission found that the dramatic surge of subject imports in interim 1997 demonstrated the ability of respondents to ship very large volumes of subject imports to the United States and the likelihood that respondents would do so in the absence of relief. The Commission also noted that the rate of increase in subject imports far outpaced growth in U.S. demand, resulting in increased market share for subject imports.<sup>168</sup> The Commission also considered it significant that each of the subject countries was facing at least one and, in some cases, several antidumping findings, investigations, or quantitative restrictions in other major export markets, indicating that export markets other than the United States were and might be further restricted.<sup>169</sup>

*First Reviews.* In the first reviews, the Commission found that the likely volumes of cumulated subject imports from China, Russia, and Ukraine, both in absolute terms and as a share of the U.S. market, would be significant. The Commission found that in the three years prior to the suspension agreements, the volume of subject imports increased by 121.1 percent, thus demonstrating the ability of subject producers to increase exports to the United States rapidly without the restraining effects of the suspension agreements. The data collected by the Commission showed considerable production capacity in the cumulated subject country industries, and that this capacity had increased over the period of review. Moreover, the Commission found that producers in all three subject countries had the ability to shift capacity

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<sup>165</sup> 19 U.S.C. § 1862.

<sup>166</sup> CR/PR at I-11; *Presidential Proclamation 9705 of March 8, 2018: Adjusting Imports of Steel Into the United States*, 83 FR 11625 (Mar. 15, 2018).

<sup>167</sup> *Original Determinations*, USITC Pub. 3076 at 19.

<sup>168</sup> *Original Determinations*, USITC Pub. 3076 at 24-25.

<sup>169</sup> *Original Determinations*, USITC Pub. 3076 at 25.

between subject merchandise and other products. The Commission also found that the industries in the subject countries were somewhat export oriented. It stated that the United States was an attractive market for foreign producers because of its size and established distribution system, and that evidence on the record showed that U.S. prices for CTL plate are often higher than prices in other markets. Additionally, the Commission found that exports of subject merchandise from each of the subject countries were subject to a number of tariff and non-tariff barriers in third-country markets, further increasing the attractiveness of the U.S. market.<sup>170</sup>

*Second Reviews.* In the second reviews, the Commission found that the likely volumes of cumulated subject imports from China, Russia, and Ukraine, both in absolute terms and as a share of the U.S. market, would be significant. The Commission found that cumulated subject imports maintained a growing presence in the market during the period of review even with the order and suspension agreements in place. Additionally, the data available showed considerable production capacity and excess capacity in the cumulated subject industries, and that capacity had increased over the period of review. Although the Commission did not have reported data on the CTL plate industry in China due to the lack of participation in the reviews by Chinese producers, the available information indicated significant excess capacity in the CTL plate industry in China, as well as numerous capacity expansions planned for that industry in the reasonably foreseeable future. Moreover, the Commission found that producers in all three subject countries had the ability to shift capacity between subject merchandise and other products. It also found that the industries in the cumulated countries were somewhat to highly export oriented. Furthermore, the United States was an attractive market for foreign producers because of its size and established distribution system, and the record showed that U.S. prices for CTL plate tended to be comparable to those in Europe and higher than those in Asia. Additionally, the Commission found that exports of subject merchandise from each of the subject countries were subject to a number of tariff and non-tariff barriers in third-country markets, further increasing the attractiveness of the U.S. market.<sup>171</sup>

*Third Reviews.* The Commission found that the likely volume of subject imports, both in absolute terms and relative to consumption in the United States, would be significant if the order were revoked and the suspension investigations terminated.<sup>172</sup> As support, the Commission found that cumulated subject industries had substantial capacity, had added

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<sup>170</sup> *First Reviews*, USITC Pub. 3626 at 22-25.

<sup>171</sup> *Second Reviews*, USITC Pub. 4103 at 24-27.

<sup>172</sup> *Third Reviews*, USITC Pub. 4581 at 35-37.

capacity since the prior reviews, and had substantial excess capacity. The Commission also found that the subject industries in all three countries were export oriented and among the top ten exporting industries of CTL plate in the world. Additionally, the Commission found that subject producers had demonstrated a continued interest in the U.S market, and that the United States remained an attractive export market for the producers, as it was among the largest CTL plate markets in the world and offered higher prices for CTL plate compared to other markets. Finally, the Commission found that trade barriers to imports of CTL plate in other markets provided a further incentive for subject producers to ship subject product to the United States.

## **2. The Current Reviews**

The record indicates that subject producers in China, Russia, and Ukraine have the means and the incentive to increase their exports of subject merchandise to the U.S. market significantly within a reasonably foreseeable time if the antidumping duty order were revoked and the suspended investigations were terminated. Cumulated subject imports ranged from a period low of 22,842 short tons in 2016 to a period high of 81,182 short tons in 2017, and were 36,191 short tons in 2019.<sup>173</sup> Cumulated subject imports accounted for \*\*\* percent of apparent U.S. consumption in 2019, compared with 0.8 percent in 2014, 3.0 percent in 2008, 1.4 percent in 2002, and 14.6 percent in 1996.<sup>174</sup>

As previously stated, no importer, producer, or exporter of subject merchandise participated in these expedited reviews. The limited information available on the record indicates that the subject industries in China, Russia, and Ukraine continue to produce and export substantial volumes of rolled products of iron or nonalloy steel, a product category that includes CTL plate and out-of-scope merchandise.<sup>175</sup> GTA data on exports of flat-rolled products of iron or nonalloy steel show that exports from China in 2019 were 7.8 million short tons, the largest in the world; exports from Ukraine in 2019 were 2.3 million short tons, the fifth largest in the world; and exports from Russia were 1.1 million short tons, the tenth largest in the world.<sup>176</sup> Domestic Producers have identified 14 possible CTL plate producers in China, six possible CTL plate producers in Russia, and four possible CTL plate producers in Ukraine,

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<sup>173</sup> CR/PR at Table I-5.

<sup>174</sup> CR/PR at Table I-6.

<sup>175</sup> CR/PR at Tables I-7, I-9, and I-10.

<sup>176</sup> CR/PR at Table I-12. These data concern HTS subheadings 7208.40, 7208.51, 7208.52, 7208.53, 7208.90, 7210.70, 7210.90, 7211.13, 7211.14, 7211.90, 7212.40, and 7212.50, which includes both subject and out-of-scope merchandise. *Id.*

claiming that many of the producers increased their capacity and production during the period of review.<sup>177</sup> Additionally, Domestic Producers contend that Russian CTL plate producers compensated for weak home market demand with increased exports in 2020 and that Ukrainian steel production far in excess of home market demand has made Ukrainian steel producers, including CTL plate producers, dependent on exports.<sup>178</sup>

We find that producers in China, Russia, and Ukraine would likely direct significant volumes of CTL plate to the U.S. market should the antidumping order be revoked and the suspended investigations be terminated. Even under the disciplining effect of the order and suspension agreements, cumulated subject imports were present in the U.S. market throughout the period of review, indicating that subject producers remained interested in the U.S. market and maintained contacts with U.S. customers.<sup>179</sup> In addition, the information available indicates that the U.S. market for CTL plate remains one of the largest in the world, with higher CTL plate prices than other markets making it attractive to subject exporters.<sup>180</sup>

Antidumping and countervailing duty measures imposed on imports of CTL plate from China, Russia, and Ukraine in third country markets would provide a further incentive for subject producers to increase their exports of CTL plate to the United States after revocation of the order and termination of the suspended investigations. Imports of CTL plate from China are subject to trade remedy measures in Canada, the European Union, Mexico, and Turkey; imports of CTL plate from Russia are subject to trade remedy measures in Mexico; and imports of CTL plate from Ukraine are subject to trade remedy measures in Canada and Mexico.<sup>181</sup>

Given the cumulated subject industries' large capacity and overall export orientation, the size and relative attractiveness of the U.S market, third-country trade remedy measures on imports of CTL plate, and the continued presence of subject imports in the U.S. market during the period of review, we conclude that cumulated subject import volumes would likely be

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<sup>177</sup> Response at 19-27 and Exh. 49; CR/PR at I-33 to I-38.

<sup>178</sup> Response at 25 and 27.

<sup>179</sup> The volume of cumulated subject imports was 37,549 short tons in 2015, 22,842 short tons in 2016, 81,182 short tons in 2017, 48,021 short tons in 2018, and 36,191 short tons in 2019. CR/PR at Table I-5.

<sup>180</sup> Final Comments at 10 (citing *Third Reviews*, USITC Pub. 4581 at 37); Response at 28 (citing *Third Reviews*, USITC Pub. 4581 at 34-35, 37). We recognize that \*\*\*. CR/PR at D-3. Despite tariffs under section 232 coming into force during 2018, however, the volume of cumulated subject imports in 2019 remained appreciable, at 35,677 short tons, and similar to the levels in 2015 and 2016, though lower than the levels in 2017 and 2018. CR/PR at Table I-5. We consequently find that section 232 tariffs are not likely to significantly impede increased volumes of cumulated subject imports upon revocation of the order and termination of the suspended investigations.

<sup>181</sup> CR/PR at Table I-11.

significant, both in absolute terms and relative to U.S. consumption, after revocation of the order and termination of the suspended investigations.<sup>182</sup>

## **D. Likely Price Effects of Cumulated Subject Imports**

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

*The Original Investigations.* In its present material injury analysis, the Commission stated that price was a significant factor for purchasers of CTL plate, which it found was essentially a commodity-like product, and that a majority of market participants viewed domestically produced and imported CTL plate as broadly interchangeable, despite some perceptions of quality differences. The Commission found that subject imports undersold the domestic like product in the overwhelming majority of comparisons. The Commission also found that prices obtained by domestic producers for sales to distributors peaked in early 1995, as did prices for two of three pricing products sold to end users, before declining through early 1996.<sup>183</sup> In its threat analysis, the Commission found evidence that increased volumes of subject imports would enter at prices likely to depress or suppress domestic prices to a significant degree. The Commission found that the beginnings of price depression and suppression were indicated by the fact that sales to distributors of the three pricing products accounting for the largest volume among the products investigated started to show declines in price in mid-to-late 1996 and continued through early 1997, notwithstanding strong growth in demand.<sup>184</sup>

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<sup>182</sup> We note that the record in these expedited reviews contains no information concerning inventories of the subject merchandise or the potential for product shifting.

While CTL plate from China is currently subject to a 7.5 percent *ad valorem* duty pursuant to section 301, no responding domestic producer, importer, or purchaser reported that these tariffs have had an effect on either the supply of or demand for subject imports or that they anticipated such effects in the reasonably foreseeable future. *See id.* at D-3 to D-4.

We note that imports of CTL plate from China were subject to antidumping duties of up to 128.59 percent during the period of review. *Certain Cut-to-Length Carbon Steel Plate From the People's Republic of China: Final Results of the Expedited Fourth Sunset Review of the Antidumping Duty Order*, 86 Fed. Reg. 13330, 13331 (Mar. 8, 2021). During the review period, imports of CTL plate from China also became subject to countervailing duties up to 251.00 percent. *Certain Carbon and Alloy Steel Cut-to-Length Plate From the People's Republic of China: Final Affirmative Countervailing Duty Determination*, 82 Fed Reg. 8507, 8508 (Jan. 26, 2017).

<sup>183</sup> *Original Determinations*, USITC Pub. 3076 at 20-21. The Commission did not make any finding concerning whether the subject imports were having significant price effects.

<sup>184</sup> *Original Determinations*, USITC Pub. 3076 at 26.

*First Reviews.* In the first reviews, the Commission found that price remained an important factor in the purchase of CTL plate, and that with the increasing role of service centers in the distribution of CTL plate in the U.S. market, price competition had increased since the original investigations. The Commission noted that even with the suspension agreements in place, there was significant underselling of the imported product, and that prices for all pricing products sold to service centers generally trended downward over the period of review. Given the likely significant volume of subject imports, the importance of price in the U.S. market, the interchangeability of subject imports and the domestic like product, the price effects of low-priced subject imports in the original investigations, the underselling by subject imports during the period of review, and the incentive of subject imports to enter the U.S. market, the Commission found a likelihood of significant negative price effects for the subject imports. The Commission therefore concluded that if the suspended investigations were terminated, significant volumes of cumulated subject imports likely would significantly undersell the domestic like product to gain market share, and likely would have significant depressing or suppressing effects on the prices of the domestic like product.<sup>185</sup>

*Second Reviews.* In the second reviews, the Commission found that price remained an important factor in the purchase of CTL plate. It stated that the pricing data in the reviews indicated a mixture of both overselling and underselling by subject imports even under the discipline of the order and the suspension agreements. The Commission found that quarterly prices for U.S. produced and subject imports of CTL plate fluctuated but generally increased from 2003 to the third quarter of 2008, and then sharply declined due to the global economic turmoil in late 2008. The Commission found that given the factors motivating subject producers to increase shipments to the United States, and the degree of substitutability between subject and domestic CTL plate, subject producers would be likely to use underselling as a means to increase market share in the United States, and that such underselling would be likely to result in significant negative price effects in the event of revocation of the order and termination of the suspended investigations. Thus, the Commission concluded that in the event of such revocation or termination, significant volumes of cumulated subject imports would significantly undersell the domestic like product to gain market share and likely would have significant depressing or suppressing effects on the prices of the domestic like product.<sup>186</sup>

*Third Reviews.* The Commission found that domestically produced CTL plate and imported CTL plate from subject sources were moderately to highly substitutable, and that

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<sup>185</sup> *First Reviews*, USITC Pub. 3626 at 25-27.

<sup>186</sup> *Second Reviews*, USITC Pub. 4103 at 28-29.

price was a very important factor in purchasing decisions. The Commission found that cumulated subject imports undersold the domestic like product in 14 out of 28 quarterly comparisons over the period of review, by an average margin of 4.7 percent, with quarters of underselling corresponding to 79.1 percent of reported subject import sales volume.<sup>187</sup> The Commission found that, absent the discipline of the order and suspension agreements, subject producers would likely intensify their underselling to increase their sales, likely forcing the domestic industry to either cut prices or restrain price increases when its costs increase.<sup>188</sup> The Commission concluded that cumulated subject imports would likely have significant price effects upon revocation of the order and termination of the suspended investigations.

## **2. The Current Reviews**

As discussed above, we continue to find a moderate to high degree of substitutability between domestically produced CTL plate and subject imports, and that price is an important factor in purchasing decisions. The record does not contain recent product-specific pricing information due to the expedited nature of these reviews. Based on the available information, and given the importance of price in purchasing decisions and the substitutability of subject imports and the domestic like product, we find that, if the order were revoked and the suspended investigations were terminated, significant volumes of cumulated subject imports would likely engage in significant underselling, as they did in the original investigations.<sup>189</sup> Absent the discipline of the order and the suspension agreements, the significant volumes of low-priced subject imports would likely take sales or market share from domestic producers and/or force the domestic industry to cut prices or restrain price increases necessary to cover

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<sup>187</sup> The Commission also considered the significant underselling that prevailed during the original investigations, including underselling by subject imports from Ukraine in all quarterly comparisons. *Third Reviews*, USITC Pub. 4581 at 39. It rejected the Ukrainian respondent's argument that the Commission should focus on the prices and volumes of subject imports from Ukraine during the period of review. *Id.* at 40-41.

<sup>188</sup> *Third Reviews*, USITC Pub. 4581 at 39-40. The Commission was unable to conclude that the limited volume of subject imports from Ukraine during the period of review provided a basis for drawing a conclusion as to the likely volume or prices of subject imports from Ukraine if the suspended investigation were terminated. *Id.* at 40-41.

<sup>189</sup> As previously stated, in the original investigations, cumulated subject imports from China, Russia, and Ukraine undersold the domestic like product in 182 out of 192 comparisons. *Original Determinations*, USITC Pub. 3076 at V-15. In the last reviews, the Commission found that even under the disciplining effect of the order and suspension agreements, subject imports undersold the domestic like product in 14 of 28 quarterly comparisons, corresponding to 79.1 percent of reported subject import sales volume. *Third Reviews*, USITC Pub. 4581 at 39.

increasing costs. Consequently, we find that cumulated subject imports would likely have significant price effects after revocation of the order and termination of the suspended investigations.

## **E. Likely Impact of Cumulated Subject Imports**

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

*Original Investigations.* In its material injury analysis, the Commission determined that the adverse impact of subject imports on the domestic industry was not of sufficient magnitude to conclude that the domestic industry was materially injured by reason of subject imports.<sup>190</sup> In its threat analysis, the Commission found that, in the absence of relief, the volume of subject imports and the price pressure exerted by these imports would increase, resulting in further reductions in prices or suppression of price increases that, in turn, would lead to declines in domestic industry revenues and profitability. The Commission considered declines in the industry's financial performance at the end of the period of investigation to be a strong indication that the industry's condition would further deteriorate in the near future if the escalating volume and price pressure of subject imports continued. The Commission observed that most mills and processors reported that they anticipated negative effects from subject imports in the future.<sup>191</sup>

*First Reviews.* In the first reviews, the Commission noted that the record showed that, despite an initial improvement as a result of the suspension agreements, the domestic industry's condition deteriorated significantly during the period of review due to a wave of unfairly traded imports from nonsubject countries. The Commission found that although demand, as measured by apparent U.S. consumption, grew markedly in 1998, the industry's profitability improved only marginally in that year, and declined significantly thereafter, with the industry operating at a loss from 1999 through 2002. Thus, the Commission found that the domestic industry's performance over the period indicated that it was vulnerable to material injury from subject imports. The Commission concluded that, if the suspended investigations

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<sup>190</sup> *Original Determinations*, USITC Pub. 3076 at 21-23. The Commission found that, although the volume and market penetration of subject imports increased during the period of investigation, the data on the condition of the domestic industry were mixed, and any deterioration in the industry's condition was reflected primarily in the interim 1997 data, upon which the Commission placed less weight than pre-petition data. *Id.* at 22-23.

<sup>191</sup> *Original Determinations*, USITC Pub. 3076 at 26.

were terminated, subject imports from China, Russia, and Ukraine would be likely to have a significant adverse impact on the domestic industry within a reasonably foreseeable time.<sup>192</sup>

*Second Reviews.* In the second reviews, the Commission stated that the years 2003 through 2008 included several prosperous years characterized by strong demand and rising prices for CTL plate. The domestic industry enjoyed strong financial results from 2004 to 2008, which allowed it to increase capital expenditures, perform deferred maintenance, and modernize and expand facilities. However, the industry's performance and financial indicators deteriorated dramatically in 2009 due to the global economic crisis. Accordingly, the Commission found that the domestic industry was vulnerable to the effects of subject imports, finding that the capital investments the industry had been able to make before the 2008 economic crisis did not insulate it from a deep and extended downturn in the demand for and price of CTL plate, and that prospects for a substantial recovery in demand were unlikely in the reasonably foreseeable future. The Commission concluded that, if the antidumping duty order were revoked and the suspended investigations terminated, subject imports from China, Russia, and Ukraine would be likely to have a significant adverse impact on the domestic industry within a reasonably foreseeable time.<sup>193</sup>

*Third Reviews.* In the third reviews, the Commission found that the domestic industry's performance fluctuated over the period of review, with its production, capacity utilization, net sales, and profitability increasing overall between 2012 to 2014 despite an overall decline in the industry's market share. While noting that a number of the domestic industry's performance indicators were lower in interim 2015 than in interim 2014, the Commission found that the industry remained profitable in interim 2015 with a higher operating margin and lower COGS than in interim 2014. Based on these mixed data, the Commission did not conclude that the domestic industry was in a vulnerable condition overall.<sup>194</sup>

The Commission further found that revocation of the order and termination of the suspended investigations would likely result in a significant increase in low-priced cumulated subject imports which would cause significant adverse price effects on the domestic industry. The Commission found that the significant volume of subject imports would likely have a significant adverse impact on the production, shipments, sales, market share, revenues of the domestic industry, employment, and profitability. Thus, the Commission concluded that

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<sup>192</sup> *First Reviews*, USITC Pub. 3626 at 27-29.

<sup>193</sup> *Second Reviews*, USITC Pub. 4103 at 31-33.

<sup>194</sup> *Third Reviews*, USITC Pub. 4581 at 43-45.

revocation of the order and termination of the suspended investigations would likely have a significant impact on the domestic industry.<sup>195</sup>

## **2. The Current Reviews**

Due to the expedited nature of these reviews, we have only limited information with respect to the domestic industry's financial performance. The limited record in these reviews is insufficient for us to determine whether the domestic industry is vulnerable to the continuation or recurrence of material injury in the event of revocation of the order and termination of the suspended investigations.

The information on the record indicates that in 2019, the domestic industry's capacity was \*\*\* short tons, production was \*\*\* short tons, and capacity utilization was \*\*\* percent. The industry's U.S. shipments were \*\*\* short tons in 2019. The industry's net sales were \$\*\*\*, operating income was \$\*\*\*, and the ratio of operating income to net sales was \*\*\* percent in 2019.<sup>196</sup> The industry's operating income margin was lower in 2019 than in 2014, the last year of the period examined in the third reviews.<sup>197</sup>

Based on the limited information in the record, we find that revocation of the order and termination of the suspended investigations would likely result in a significant increase in subject import volume that would likely have adverse price effects on the domestic industry. The likely significant volume of low-priced subject imports and 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 therefore conclude that, if the order were revoked and the suspended investigations terminated, subject imports from China, Russia, and Ukraine would be likely to have a significant impact on the domestic industry within a reasonably foreseeable time.

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<sup>195</sup> *Third Reviews*, USITC Pub. 4581 at 45-46.

<sup>196</sup> CR/PR at Table I-4.

<sup>197</sup> See CR/PR at Table I-4. We recognize that some measures of the industry's performance may appear higher in 2014 relative to 2019 due to the greater coverage of the domestic industry afforded by domestic producer questionnaire responses in the third reviews. See *id.* at Table I-1 & note (the three domestic producers responding to the notice of institution accounted for \*\*\* percent of domestic industry U.S. shipments in 2019, excluding shipments by U.S. processors); *Third Reviews*, USITC Pub. 4581 (the seven responding domestic producers and eight responding U.S. processors accounted for the "vast majority of U.S. production of CTL plate in 2014").

We have also considered the role of factors other than subject imports, so as not to attribute injury from other factors to the subject imports. The volume of nonsubject imports decreased 63.7 percent over the period of review, from 1.4 million short tons in 2015 to 505,641 short tons in 2019.<sup>198</sup> Nonsubject imports accounted for \*\*\* percent of apparent U.S. consumption in 2019.<sup>199</sup> Thus, although nonsubject imports have maintained a presence in the U.S. market and would likely continue their presence in the U.S. market after revocation of the order and termination of the suspended investigations, particularly given U.S. market's size and relatively high prices, the domestic industry is the predominant supplier of CTL plate to the U.S. market. We therefore find that the continued presence of nonsubject imports in the U.S. market would not preclude the likely volume of subject imports from taking market share from the domestic industry or forcing the domestic industry to lower its prices or forgo price increases to compete if the order were revoked and the suspended investigations terminated.

Accordingly, we find that revocation of the antidumping duty order on CTL plate from China and termination of the suspended investigations on CTL plate from Russia and Ukraine would likely have a significant impact on the domestic industry within a reasonably foreseeable time.

## **V. Conclusion**

For the above-stated reasons, we determine that revocation of the antidumping duty order on CTL plate from China and termination of the suspended investigations on CTL plate from Russia and Ukraine would be likely to lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time.

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<sup>198</sup> The volume of nonsubject imports was 1.4 million short tons in 2015, 1.1 short tons in 2016, 706,590 short tons in 2017, 561,545 short tons in 2018, and 505,641 short tons in 2019. CR/PR at Table I-5.

<sup>199</sup> CR/PR at Table I-6.



# Information obtained in these reviews

## Background

On November 2, 2020, the U.S. International Trade Commission (“Commission”) gave notice, pursuant to section 751(c) of the Tariff Act of 1930, as amended (“the Act”),<sup>1</sup> that it had instituted reviews to determine whether revocation of the antidumping duty order on cut-to-length carbon steel plate (“CTL plate”) from China and the termination of the suspended investigations on CTL plate from Russia and Ukraine would be likely lead to continuation or recurrence of material injury to a domestic industry.<sup>2</sup> All interested parties were requested to respond to this notice by submitting certain information requested by the Commission.<sup>3 4</sup> The following tabulation presents information relating to the background and schedule of this proceeding:

Effective date	Action
November 1, 2020	Notice of initiation by Commerce (85 FR 69585, November 3, 2020)
November 2, 2020	Notice of institution by Commission (85 FR 69362, November 2, 2020)
February 5, 2021	Commission’s vote on adequacy
March 8, 2021	Commerce’s results of its expedited reviews
June 21, 2021	Commission’s determinations and views

## Responses to the Commission’s notice of institution

### Individual responses

The Commission received one submission in response to its notice of institution in the subject reviews. It was filed on behalf of ArcelorMittal USA LLC (“ArcelorMittal”), Nucor

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

<sup>2</sup> 85 FR 69362, November 2, 2020. In accordance with section 751(c) of the Act, the U.S. Department of Commerce (“Commerce”) published a notice of initiation of five-year reviews of the subject antidumping duty order and suspended investigations. 85 FR 69585, November 3, 2020. Pertinent Federal Register notices are referenced in app. A, and may be found at the Commission’s website ([www.usitc.gov](http://www.usitc.gov)).

<sup>3</sup> As part of their response to the notice of institution, interested parties were requested to provide company-specific information. That information is presented in app. B. Summary data compiled in the original investigations and subsequent full reviews are presented in app. C.

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

Corporation (“Nucor”), and SSAB Enterprises, LLC (“SSAB”), domestic producers of CTL plate (collectively referred to herein as “domestic interested parties”).<sup>5</sup>

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

**Table I-1**

**CTL plate: Summary of responses to the Commission’s notice of institution**

Type of interested party	Completed responses	
	Number of firms	Coverage
Domestic:		
U.S. producer	3	***%

Note: The U.S. producer coverage figure is the estimated share of total U.S. producers’ shipments of CTL plate in 2019 accounted for by responding firms. The estimate was calculated as the quantity of total domestic producers’ shipments of \*\*\* short tons in 2019 divided by the \*\*\*’s reported domestic industry’s total shipments of \*\*\* short tons in 2019. However, this coverage may be \*\*\* because it does not include \*\*\*. Domestic interested parties’ response to the notice of institution, December 2, 2020, page 2 and exh. 1.

## **Party comments on adequacy**

The Commission received party comments on the adequacy of responses to the notice of institution and whether the Commission should conduct expedited or full reviews from the domestic interested parties. The domestic interested parties request that the Commission conduct expedited reviews of the antidumping duty order on CTL plate from China and the suspended antidumping duty investigations of CTL plate from Russia and Ukraine.<sup>6</sup>

## **The original investigations and subsequent reviews**

### **The original investigations**

The original investigations resulted from petitions filed on November 5, 1996 with Commerce and the Commission by Geneva Steel Co., Provo, Utah and Gulf States Steel, Inc., Gadsen, Alabama.<sup>7</sup> On October 24, 1997, Commerce signed suspension agreements with the

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<sup>5</sup> Cleveland-Cliffs acquired ArcelorMittal USA LLC (“ArcelorMittal”) in December 2020 and, as such, Cleveland-Cliffs is the successor-in-interest to ArcelorMittal, which has participated as a domestic interested party in these reviews. Domestic interested parties’ final briefs, May 20, 2021, p. 1.

<sup>6</sup> Domestic interested parties’ comments on adequacy, January 14, 2021, pp. 1, and 3-4.

<sup>7</sup> Certain Carbon Steel Plate from China, Russia, South Africa, and Ukraine, Inv. Nos. 731-TA-753-756 (Final), USITC Publication 3076, December 1997 (“Original publication”), p. I-1.

Governments of China, Russia, South Africa, and Ukraine.<sup>8</sup> Pursuant to requests from petitioners and the United Steelworkers of America, the investigations were continued and Commerce issued its final LTFV determinations on November 19 and 20, 1997, with final weighted-average dumping margins ranging from 17.33 to 128.59 percent (China), 53.81 to 185.00 percent (Russia), 26.01 to 50.87 percent (South Africa), and 81.43 to 237.91 percent (Ukraine).<sup>9</sup> The Commission determined on December 17, 1997, that the domestic CTL plate industry was threatened with material injury by reason of the subject imports from China, Russia, South Africa, and Ukraine.<sup>10</sup>

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

On December 9, 2002, the Commission determined that it would conduct full reviews of the suspended investigations on CTL plate from China, Russia, South Africa, and Ukraine.<sup>11</sup> On January 8, 2003, Commerce determined that termination of the suspended antidumping duty investigations on CTL plate from China, Russia, and South Africa would be likely to lead to continuation or recurrence of dumping.<sup>12</sup> On May 7, 2003, Commerce determined that termination of the suspended antidumping duty investigation on CTL plate from Ukraine would likely lead to a continuation or recurrence of dumping.<sup>13</sup> On August 29, 2003, the Commission determined that termination of the suspended investigations on CTL plate from China, Russia, and Ukraine would be likely to lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time, and that termination of the suspended investigation on CTL plate from South Africa would not be likely to lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time.<sup>14</sup> Following affirmative determinations in the five-year reviews by Commerce and the Commission, effective September 17, 2003, Commerce published notice of the continuation of the suspended investigations on CTL plate from China, Russia, and Ukraine.<sup>15</sup>

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<sup>8</sup> 62 FR 61751, November 19, 1997 (South Africa); 62 FR 61766, November 19, 1997 (Ukraine); 62 FR 61773, November 19, 1997 (China); and 62 FR 61780, November 19, 1997 (Russia).

<sup>9</sup> 62 FR 61731, November 19, 1997 (South Africa); 62 FR 61754, November 19, 1997 (Ukraine); 62 FR 61787, November 19, 1997 (Russia); and 62 FR 61964, November 20, 1997 (China).

<sup>10</sup> 62 FR 66128, December 17, 1997. Commissioner Crawford determined that an industry in the United States was materially injured by reason of the subject imports.

<sup>11</sup> 67 FR 77803, December 19, 2002.

<sup>12</sup> 68 FR 1038, January 8, 2003.

<sup>13</sup> 68 FR 24434, May 7, 2003.

<sup>14</sup> 68 FR 52614, September 4, 2003.

<sup>15</sup> 68 FR 54417, September 17, 2003. On September 17, 2003, Commerce also published notice of the termination of the suspended investigation on CTL plate from South Africa effective October 24, 2002. 68 FR 54417, September 17, 2003.

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

On November 4, 2008, the Commission determined that it would conduct full reviews of the antidumping duty order on CTL plate from China<sup>16</sup> and the suspended investigations on CTL plate from Russia and Ukraine.<sup>17</sup> On December 5, 2008, December 8, 2008, and March 20, 2009, Commerce determined that revocation of the antidumping duty order on CTL plate from China and the suspended antidumping investigations on CTL plate from Russia and Ukraine, respectively, would be likely to lead to continuation or recurrence of dumping.<sup>18</sup> On October 26, 2009, the Commission determined that material injury would be likely to continue or recur within a reasonably foreseeable time.<sup>19</sup> Following affirmative determinations in the five-year reviews by Commerce and the Commission, effective November 10, 2009, Commerce issued a continuation of the antidumping duty order on imports of CTL plate from China and a continuation of the suspended antidumping duty investigations on CTL plate from Russia and Ukraine.<sup>20</sup>

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

On January 5, 2015, the Commission determined that it would conduct full reviews of the antidumping duty order on CTL plate from China and suspended investigations on CTL plate from Russia and Ukraine.<sup>21</sup> On February 4, 2015, Commerce determined that revocation of the antidumping duty order on CTL plate from China and that termination of the suspension agreements on CTL plate from Russia and Ukraine would likely lead to continuation or recurrence of dumping.<sup>22</sup> On December 3, 2015, the Commission determined that material injury would be likely to continue or recur within a reasonably foreseeable time.<sup>23</sup> Following affirmative determinations in the five-year reviews by Commerce and the Commission, effective December 21, 2015, Commerce issued a continuation of the antidumping duty order on imports of CTL plate

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<sup>16</sup> On August 29, 2003, the Government of China announced its intention to withdraw from the suspension agreement. Commerce subsequently terminated the suspension agreement with respect to China and issued an antidumping duty order effective November 3, 2003. 68 FR 60081, October 21, 2003.

<sup>17</sup> 73 FR 70368, November 20, 2008.

<sup>18</sup> 73 FR 74143, December 5, 2008 (China); 73 FR 74461, December 8, 2008 (Russia); and 74 FR 11910, March 20, 2009 (Ukraine).

<sup>19</sup> 74 FR 56666, November 2, 2009.

<sup>20</sup> 74 FR 57994, November 10, 2009.

<sup>21</sup> 80 FR 2443, January 16, 2015.

<sup>22</sup> 80 FR 6051, February 4, 2015 (China), and 80 FR 6052, February 4, 2015 (Russia and Ukraine).

<sup>23</sup> 80 FR 76575, December 9, 2015. Commissioners Williamson, Pinkert, Johanson, and Schmidtlein made affirmative determinations with respect to imports from all three subject countries. Commissioners Broadbent and Kieff made affirmative determinations with respect to imports from China and Russia, and negative determinations with respect to imports from Ukraine.

from China and a continuation of the suspended antidumping duty investigations on CTL plate from Russia and Ukraine.<sup>24</sup>

## **Previous and related investigations**

The Commission has conducted a number of previous import relief investigations on CTL plate or similar merchandise. Table I-2 presents data on previous and related title VII investigations.

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<sup>24</sup> 80 FR 79306, December 21, 2015.

Table I-2

## CTL plate: Previous and related Commission proceedings

Original investigation				Subsequent actions
Date <sup>1</sup>	Number	Country	Outcome	
1978	AA1921-179	Japan	Affirmative	ITA revoked (1986)
1979	AA1921-197	Taiwan	Affirmative	Affirmative first review (1999) Negative second review (2005)
1980	AA1921-203	Poland	Negative	-
1980	731-TA-18	Belgium	Affirmative <sup>2</sup>	Terminated (1980)
1980	731-TA-19	Germany (West)	Affirmative <sup>2</sup>	Petition withdrawn (1980)
1980	731-TA-20	France	Affirmative <sup>2</sup>	Petition withdrawn (1980)
1980	731-TA-21	Italy	Affirmative <sup>2</sup>	Petition withdrawn (1980)
1980	731-TA-22	Luxembourg	Affirmative <sup>2</sup>	Petition withdrawn (1980)
1980	731-TA-23	Netherlands	Affirmative <sup>2</sup>	Petition withdrawn (1980)
1981	731-TA-24	United Kingdom	Affirmative <sup>2</sup>	Petition withdrawn (1980)
1981	701-TA-83	Belgium	Affirmative <sup>2</sup>	Incorporated into 701-TA-86
1982	701-TA-84	Brazil	Affirmative <sup>2</sup>	Incorporated into 701-TA-87
1982	731-TA-51	Romania	Affirmative <sup>2</sup>	Incorporated into 731-TA-58
1982	701-TA-86	Belgium	Affirmative	Terminated (1982)
1982	701-TA-87	Brazil	Affirmative	Terminated (1985)
1982	701-TA-88	France	Negative <sup>2</sup>	-
1982	701-TA-89	Italy	Negative <sup>2</sup>	-
1982	701-TA-90	Luxembourg	Negative <sup>2</sup>	-
1982	701-TA-91	Netherlands	Negative <sup>2</sup>	-
1982	701-TA-92	United Kingdom	Affirmative <sup>2</sup>	Terminated (1982)
1982	701-TA-93	Germany (West)	Affirmative <sup>2</sup>	Terminated (1982)
1982	701-TA-155	Spain	Affirmative	ITA revoked (1985)
1982	701-TA-170	Korea	Affirmative	ITA revoked (1985)
1982	731-TA-53	Belgium	Affirmative <sup>2</sup>	Terminated (1982)
1982	731-TA-54	France	Negative <sup>2</sup>	-
1982	731-TA-55	Italy	Negative <sup>2</sup>	-
1982	731-TA-56	Luxembourg	Negative <sup>2</sup>	-
1982	731-TA-57	Netherlands	Negative <sup>2</sup>	-
1982	731-TA-58	Romania	Affirmative <sup>2</sup>	Terminated (1985)
1982	731-TA-59	United Kingdom	Affirmative <sup>2</sup>	Terminated (1982)
1982	731-TA-60	Germany (West)	Affirmative <sup>2</sup>	Terminated (1982)
1983	701-TA-204	Brazil	Affirmative	ITA revoked (1985)
1983	731-TA-123	Brazil	Affirmative	ITA revoked (1985)
1983	731-TA-146	Belgium	Affirmative <sup>2</sup>	Terminated (1984)
1983	731-TA-147	Germany (West)	Affirmative (on remand) <sup>2</sup>	Terminated (1984)
1983	731-TA-151	Korea	Affirmative	ITA revoked (1986)
1984	701-TA-225	Sweden	Negative	-
1984	701-TA-226	Venezuela	Affirmative <sup>2</sup>	Terminated (1985)

Table continued.

**Table I-2--Continued**

**CTL plate: Previous and related Commission proceedings**

Original investigation				Subsequent actions
Date <sup>1</sup>	Number	Country	Outcome	
1984	731-TA-169	Finland	Affirmative <sup>2</sup>	Petition withdrawn (1985)
1984	731-TA-170	South Africa	Affirmative <sup>2</sup>	Petition withdrawn (1984)
1984	731-TA-171	Spain	Affirmative <sup>2</sup>	Terminated (1985)
1984	731-TA-213	Czechoslovakia	Affirmative <sup>2</sup>	Petition withdrawn (1985)
1984	731-TA-214	Germany (East)	Affirmative <sup>2</sup>	Terminated (1985)
1984	731-TA-215	Hungary	Affirmative <sup>2</sup>	Petition withdrawn (1985)
1984	731-TA-216	Poland	Affirmative <sup>2</sup>	Terminated (1985)
1984	731-TA-217	Venezuela	Affirmative <sup>2</sup>	Petition withdrawn (1985)
1992	701-TA-319	Belgium	Affirmative	Affirmative first review (2000) Negative second review (2007)
1992	701-TA-320	Brazil	Affirmative	Affirmative first review (2000) Negative second review (2007)
1992	701-TA-321	France	Negative	-
1992	701-TA-322	Germany	Affirmative	Affirmative first review (2000) ITA revoked (2004)
1992	701-TA-323	Italy	Negative	-
1992	701-TA-324	Korea	Negative	-
1992	701-TA-325	Mexico	Affirmative	Affirmative first review (2000) Negative second review (2007)
1992	701-TA-326	Spain	Affirmative	Affirmative first review (2000) Negative second review (2007)
1992	701-TA-327	Sweden	Affirmative	Affirmative first review (2000) Negative second review (2007)
1992	701-TA-328	United Kingdom	Affirmative	Affirmative first review (2000) ITA revoked (2006)
1992	731-TA-573	Belgium	Affirmative	Affirmative first review (2000) Negative second review (2007)
1992	731-TA-574	Brazil	Affirmative	Affirmative first review (2000) Negative second review (2007)
1992	731-TA-575	Canada	Affirmative	Negative first review (2000)
1992	731-TA-576	Finland	Affirmative	Affirmative first review (2000) Negative second review (2007)
1992	731-TA-577	France	Negative	-
1992	731-TA-578	Germany	Affirmative	Affirmative first review (2000) Negative second review (2007)
1992	731-TA-579	Italy	Negative	-
1992	731-TA-580	Japan	Negative <sup>2</sup>	-
1992	731-TA-581	Korea	Negative	-
1992	731-TA-582	Mexico	Affirmative	Affirmative first review (2000) Negative second review (2007)
1992	731-TA-583	Poland	Affirmative	Affirmative first review (2000) Negative second review (2007)
1992	731-TA-584	Romania	Affirmative	Affirmative first review (2000) Negative second review (2007)

Table continued.

**Table I-2--Continued**

**CTL plate: Previous and related Commission proceedings**

Original investigation				Subsequent actions
Date <sup>1</sup>	Number	Country	Outcome	
1992	731-TA-585	Spain	Affirmative	Affirmative first review (2000) Negative second review (2007)
1992	731-TA-586	Sweden	Affirmative	Affirmative first review (2000) Negative second review (2007)
1992	731-TA-587	United Kingdom	Affirmative	Affirmative first review (2000) Negative second review (2007)
1996	731-TA-753	China	Affirmative	Affirmative first review (2003) Affirmative second review (2009) Affirmative third review (2015) Ongoing fourth review
1996	731-TA-754	Russia	Affirmative <sup>3</sup>	Affirmative first review (2003) Affirmative second review (2009) Affirmative third review (2015) Ongoing fourth review
1996	731-TA-755	South Africa	Affirmative	Negative first review (2003)
1996	731-TA-756	Ukraine	Affirmative <sup>3</sup>	Affirmative first review (2003) Affirmative second review (2009) Affirmative third review (2015) Ongoing fourth review
1999	731-TA-815	Czech Republic	Negative <sup>2</sup>	-
1999	731-TA-816	France	Affirmative	Negative first review (2005)
1999	731-TA-817	India	Affirmative	Affirmative first review (2005) Affirmative second review (2011) Affirmative third review (2018)
1999	731-TA-818	Indonesia	Affirmative	Affirmative first review (2005) Affirmative second review (2011) Affirmative third review (2018)
1999	731-TA-819	Italy	Affirmative	Affirmative first review (2005) Negative second review (2011)
1999	731-TA-820	Japan	Affirmative	Affirmative first review (2005) Negative second review (2011)
1999	731-TA-821	Korea	Affirmative	Affirmative first review (2005) Affirmative second review (2011) Affirmative third review (2018)
1999	731-TA-822	Macedonia	Negative <sup>2</sup>	-
1999	701-TA-388	India	Affirmative	Affirmative first review (2005) Affirmative second review (2011) Affirmative third review (2018)
1999	701-TA-389	Indonesia	Affirmative	Affirmative first review (2005) Affirmative second review (2011) Affirmative third review (2018)
1999	701-TA-391	Korea	Affirmative	Affirmative first review (2005) Affirmative second review (2011) Affirmative third review (2018)

Table continued.

**Table I-2--Continued****CTL plate: Previous and related Commission proceedings**

Original investigation				Subsequent actions
Date <sup>1</sup>	Number	Country	Outcome	
2016	701-TA-559	Brazil	Negative <sup>2</sup>	-
2016	701-TA-560	China	Affirmative	-
2016	701-TA-561	Korea	Affirmative	-
2016	731-TA-1317	Austria	Affirmative	-
2016	731-TA-1318	Belgium	Affirmative	-
2016	731-TA-1319	Brazil	Affirmative	-
2016	731-TA-1320	China	Affirmative	-
2016	731-TA-1321	France	Affirmative	-
2016	731-TA-1322	Germany	Affirmative	-
2016	731-TA-1323	Italy	Affirmative	-
2016	731-TA-1324	Japan	Affirmative	-
2016	731-TA-1325	Korea	Affirmative	-
2016	731-TA-1326	South Africa	Affirmative	-
2016	731-TA-1327	Taiwan	Affirmative	-
2016	731-TA-1328	Turkey	Affirmative	-

<sup>1</sup> Date refers to year in which the investigation was instituted at the Commission.

<sup>2</sup> Preliminary determinations.

<sup>3</sup> Suspension agreements in place.

Note: Shading signifies an order or suspension agreement that is still in place.

Source: Cut-To-Length Carbon Steel Plate from India, Indonesia, and Korea, Investigation Nos. 701-TA-388, 389, and 391 (Third Review), USITC Publication 4764, February 2018, pp. I-9 – I-12. Active order status updated using USITC investigations database at

[http://usitc.gov/sites/default/files/trade\\_remedy/documents/orders.xls](http://usitc.gov/sites/default/files/trade_remedy/documents/orders.xls), and USITC case website at [www.usitc.gov](http://www.usitc.gov).

## Commerce's five-year reviews

Commerce announced that it would conduct expedited reviews with respect to the order on imports of CTL plate from China and the suspension agreements on CTL plate from Russia and Ukraine with the intent of issuing the final results of these reviews based on the facts available not later than March 3, 2021.<sup>25</sup> Commerce's Issues and Decision Memoranda, published concurrently with Commerce's final results, will contain complete and up-to-date information regarding the background and history of the order and suspension agreements, including scope rulings, duty absorption, changed circumstances reviews, and anti-circumvention. Upon publication, a complete version of the Issues and Decision Memoranda can be accessed at

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<sup>25</sup> Letter from Melissa Skinner, Senior Director, AD/CVD Operations, Enforcement and Compliance, U.S. Department of Commerce, to Nannette Christ, Director, Office of Investigations, December 23, 2020.

<http://enforcement.trade.gov/frn/>. The Issues and Decision Memoranda will also include any decisions that may have been pending at the issuance of this report. Any foreign producers/exporters that are not currently subject to the antidumping duty order on imports of CTL plate from China are noted in the sections titled “The original investigations” and “U.S. imports,” if applicable.

## The product

### Commerce’s scope

Commerce has defined the scope as follows:

*The products covered under the antidumping duty order and the Agreements are hot-rolled iron and non-alloy steel universal mill plates (i.e., flat-rolled products rolled on four faces or in a closed box pass, of a width exceeding 150 mm but not exceeding 1250 mm and of a thickness of not less than 4 mm, not in coils and without patterns in relief), of rectangular shape, neither clad, plated nor coated with metal, whether or not painted, varnished, or coated with plastics or other nonmetallic substances; and certain iron and non-alloy steel flat-rolled products not in coils, of rectangular shape, hot-rolled, neither clad, plated, nor coated with metal, whether or not painted, varnished, or coated with plastics or other nonmetallic substances, 4.75 mm or more in thickness and of a width which exceeds 150 mm and measures at least twice the thickness. Included as subject merchandise in this order and these Agreements are flat-rolled products of nonrectangular cross-section where such cross-section is achieved subsequent to the rolling process (i.e., products which have been “worked after rolling”)—for example, products which have been beveled or rounded at the edges.<sup>26</sup>*

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<sup>26</sup> 80 FR 79306, December 21, 2015.

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

CTL plate is currently imported under the following statistical reporting numbers of the HTS: 7208.40.3030, 7208.40.3060, 7208.51.0030, 7208.51.0045, 7208.51.0060, 7208.52.0000, 7208.53.0000, 7208.90.0000, 7210.70.3000, 7210.90.9000, 7211.13.0000, 7211.14.0030, 7211.14.0045, 7211.90.0000, 7212.40.1000, 7212.40.5000, and 7212.50.0000. The HTS provides a general duty rate of “free” for all of the HTS provisions covering these goods. Decisions on the tariff classification and treatment of imported goods are within the authority of U.S. Customs and Border Protection.

### **Section 232 tariff treatment**

All goods in headings 7208, 7210, 7211, and 7212 were included in the enumeration of iron and steel articles (imported on or after March 23, 2018) that became subject to the additional 25 percent ad valorem Section 232 duties.<sup>27</sup> See U.S. notes 16(a) and 16(b), subchapter III of HTS chapter 99.<sup>28</sup> At this time, imports of CTL plate from Australia, Canada, and Mexico are exempt from duties or quota limits; imports of CTL plate from Argentina, Brazil, and Korea are exempt from duties but instead are subject to quota limits; and imports from all other countries are subject to 25 percent additional duties. Imports from each of the three subject countries are currently subject to the full 25 percent ad valorem section 232 duties.

### **Section 301 tariff treatment**

Section 301 of the Trade Act of 1974, as amended,<sup>29</sup> authorizes the Office of the U.S. Trade Representative (“USTR”), at the discretion of the President, to take appropriate action to respond to a country’s unfair trade practices. Products of China classified under in-scope HTS subheadings 7208.40.30, 7208.51.00, 7208.52.00, 7208.53.00, 7208.90.00, 7210.70.30, 7210.90.90, 7211.13.00, 7211.14.00, 7211.90.00, 7212.40.10, 7212.40.50, and 7212.50.00 were included in USTR’s fourth enumeration (“Tranch 4, List 1”) that became subject to the additional 10 percent ad valorem duties on or after September 1, 2019,<sup>30</sup> which was subsequently increased to 15 percent while retaining the same effective date.<sup>31</sup> Effective February 14, 2020, the 15 percent duty was reduced to 7.5 percent for the products enumerated in Tranch 4, List 1.<sup>32</sup> See

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<sup>27</sup> 83 FR 11625, March 15, 2018.

<sup>28</sup> HTSUS (2021) Revision 2, USITC Publication 5156, January 2021, pp. 99-III-5 - 99-III-6.

<sup>29</sup> 19 U.S.C. § 2411.

<sup>30</sup> 84 FR 43304, August 20, 2019.

<sup>31</sup> 84 FR 45821, August 30, 2019.

<sup>32</sup> 84 FR 3741, January 22, 2020.

also U.S. notes 20(r) and 20(s) to subchapter III of HTS subchapter 99.<sup>33</sup> These duties are in addition to the existing Section 232 duties on steel imports.

### **Description and applications<sup>34</sup>**

CTL plate, for the purposes of these reviews, is a flat-rolled carbon steel product that is 4.75 millimeters or more in thickness. Although there is no upper limit on the thickness of CTL plate that is within scope, the great majority of CTL plate produced in the United States is two inches or less in thickness. CTL plate is available in a variety of widths, thicknesses, and shapes incorporated into other products or further processed into products. The term “cut-to-length” refers to a flat plate product with a defined length.

Plate is used in load-bearing and structural applications, such as agricultural and construction equipment (e.g., cranes, bulldozers, scrapers, and other tracked or self-propelled machinery); bridges; machine parts (e.g., the body of the machine or its frame); electricity transmission towers and light poles; buildings (especially nonresidential); and heavy transportation equipment, such as railroad cars (especially tank cars) and ships. The production of tanks, sills, floors, offshore drilling rigs, pipes, petrochemical plant and machinery, various other fabricated pieces, utility applications, such as wind towers, and pressure vessels also uses plate. The product scope also includes wide flat carbon steel bar at least 150 mm (5.9 inches) in width. Wide flat bar is a hot-rolled product made in various lengths and widths, usually starting at 1/8 inch (3.175 mm) in thickness although only bar at least 3/16 inch (4.75 mm) in thickness is within the product scope. It is often used in structural and transportation applications, such as for bridges and trailers.

### **Manufacturing processes<sup>35</sup>**

In general, there are three distinct processing stages, summarized below, for hot-rolled nonalloy steel products, including: (1) melting or refining steel, (2) casting steel into semi-finished forms, and (3) hot rolling semi-finished forms into flat-rolled hot-rolled steel mill products.

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<sup>33</sup> HTSUS (2020) Basic Edition, USITC Publication 5011, January 2020, ch. 99, pp. 99-III-79 – 99-III-80, 99-III-89 – 99-III-90, 99-III-149.

<sup>34</sup> Unless otherwise noted, the source for information in this section is Cut-To-Length Carbon Steel Plate from China, Russia, and Ukraine, Investigation Nos. 731-TA-753, 754, and 756 (Third Review), USITC Publication 4581, December 2015 (“Third review publication”), p. I-23.

<sup>35</sup> Unless otherwise noted, the source for information in this section is Third review publication, pp. I-23—I-31.

## Melt stage

The integrated and the nonintegrated processes are two methods used to produce steel.<sup>36</sup> In the integrated process, a blast furnace smelts iron ore with coke to produce molten iron. The molten iron pours into a steelmaking furnace, generally a basic oxygen furnace, together with a small amount of scrap metal. Oxygen blown into the furnace processes the molten metal into steel. In the nonintegrated process, an electric arc furnace melts scrap and primary iron products (such as pig iron or direct-reduced iron) to produce molten steel.

Whether produced by the integrated or nonintegrated process, molten steel is poured or “tapped” from the furnace into a ladle to be transported to casting. It is common for steelmakers to utilize a secondary steelmaking stage (a ladle metallurgy station) to refine the product further into extra-clean or low-carbon steels satisfying stringent surface or internal requirements or micro cleanliness quality and mechanical properties before casting. Steelmakers may adjust the chemical content by adding alloying elements, lowering the carbon content (decarburization), or adjusting the temperature of the molten steel for optimum casting. Thus, the melt stage establishes the essential physical properties of the steel.

Unless otherwise specified, CTL plate refers to both cut-to-length carbon steel plate and cut-to-length micro-alloy steel plate. For the purposes of these reviews, micro-alloy steel plate is product in which: 1) iron predominates by weight, over each of the other contained elements; 2) the carbon content is 2 percent or less, by weight, and 3) one or more of certain elements is present by quantity, by weight, respectively indicated.<sup>36</sup> Six of the 15 U.S. producers that responded to the questionnaire in the 2015 third reviews reported production of micro-alloy steel plate: \*\*\*. In 2014, 7.0 percent of these producers’ combined reported production was composed of micro-alloy steel plate. After the last review CTL plate producers filed a petition seeking relief for all carbon and alloy (non-stainless) CTL plate. Commerce’s scope included carbon and alloy steel CTL plate and the Commission’s domestic like product corresponded to Commerce’s scope.<sup>37</sup>

Commerce initiated an antidumping circumvention inquiry at the request of ArcelorMittal, Evraz, Nucor, and SSAB concerning CTL plate from China with 0.0008 percent or more boron, by

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<sup>36</sup> American Iron and Steel Institute, “How Steel is Made,” found at <https://www.steel.org/steel-technology/steel-production/#:~:text=Steel%20is%20primarily%20produced%20using,producing%20steel%20from%20iron%20oxides>, retrieved January 7, 2021.

<sup>37</sup> Carbon and Alloy Steel Cut-to-Length Plate from Brazil, South Africa, and Turkey, Investigation Nos. 731-TA-1319, 1326, and 1328 (Final), USITC Publication 4664, January 2017, pp. 6-10 (scope) and 18 (domestic like product finding).

weight, and otherwise meeting the product scope requirements.<sup>38</sup> The addition of boron at concentrations of 0.0008 percent or more results in an alloy steel according to the HTS and would normally exclude CTL plate from the product scope of these reviews. However, in its final determination in the antidumping circumvention inquiry, Commerce determined that certain CTL plate with boron at concentrations of 0.0008 percent or more is within the product scope of the antidumping duty order on CTL plate from China.<sup>39</sup> Boron is an alloying element, added at the melt stage, if required. Boron concentrations in CTL plate range from approximately 0.0015 to 0.0030 percent. Boron increases the hardness of heat-treated steel but is typically not found in CTL plate that does not undergo heat treatment. Standard commodity-grade CTL plate is not typically heat-treated.

Some plate mills, such as Evraz and Jindal United Steel Corp. (“JSW Steel USA”), do not make their own steel. Instead, they roll plate from purchased slabs.<sup>40</sup> The production process for these mills does not include the melting and casting stages and begins at the rolling stage described later in this section.

### **Casting stage**

The casting stage follows the melting stage, which casts the molten steel into a form suitable for the rolling process. Two principal methods of casting are used, continuous slab casting and ingot casting. Continuous slab casting (figure I-1) is the more common, preferred, and lower cost method used to produce plates up to approximately four inches in thickness. Ingot casting (figure I-2) is used to produce thicker plates, because the continuous cast process cannot produce slabs of sufficient thickness.

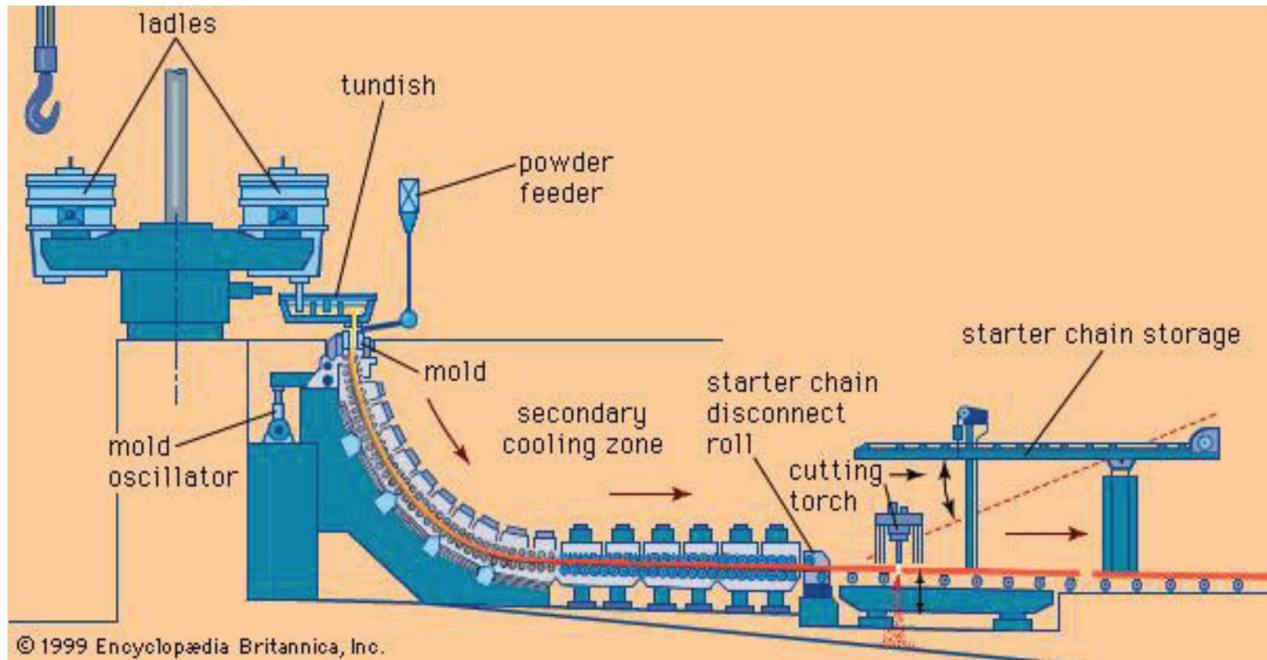
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<sup>38</sup> These certain elements include: 0.30–0.50 percent of aluminum, 0.30–1.25 percent of chromium, 0.40–1.00 percent of copper, 1.65–1.80 percent of manganese, 0.08–0.10 percent of molybdenum, 0.30–1.25 percent of nickel, 0.06–0.10 percent of niobium, 0.60–1.50 percent of silicon, 0.05–0.41 of titanium, 0.10–0.15 vanadium, and 0.05–0.15 percent of zirconium.

<sup>39</sup> 74 FR 33991, July 14, 2009; and 74 FR 40565, August 12, 2009.

<sup>40</sup> See Evraz, “Evraz Portland Rolling Mill,” found at <http://www.evrazna.com/LocationsFacilities/OregonSteel/RollingMill/tabid/155/Default.asp>, retrieved January 7, 2021; JSW Steel USA, “About Us: Plate Division,” found at <https://www.jswsteel.us/baytown/about-us/#abt-plate-division>, retrieved January 7, 2021.

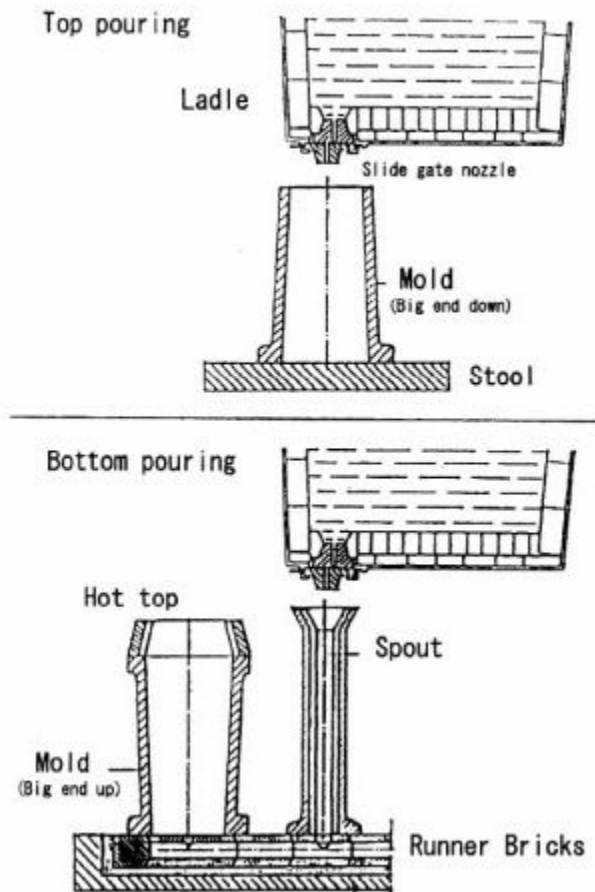
**Figure I-1**  
**Continuous slab casting process**



Source: Encyclopedia Britannica, "A Curved Mold Continuous Slab Caster," 1999

<http://www.britannica.com/science/metallurgy/images-videos/A-curved-mold-continuous-slab-caster/1541>,  
retrieved January 7, 2021.

**Figure I-2**  
**Top and bottom pouring ingot casting**



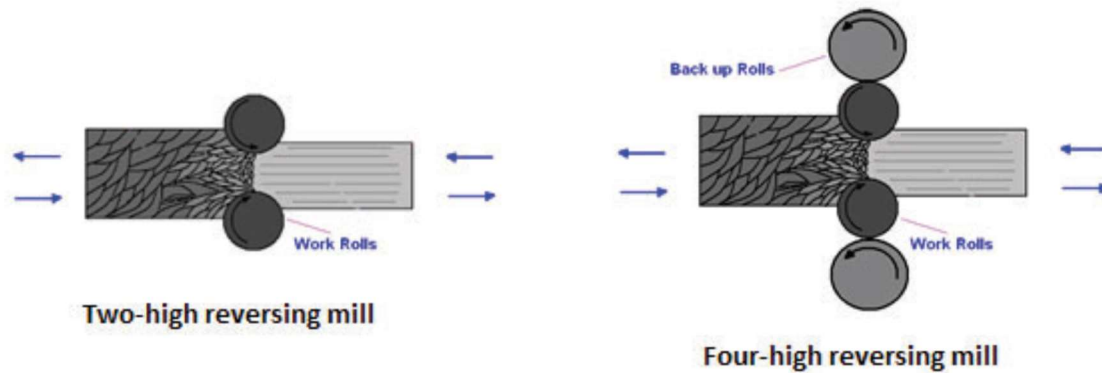
Source: Steel Data, "Non-Metallic Inclusions in Steel: Top pouring and bottom pouring for conventional ingot casting," <http://www.steeldata.info/inclusions/demo/help/ingot.html>, retrieved January 7, 2021.

### **Rolling stage**

Most CTL plate is hot-rolled on a reversing plate mill (also called a sheared plate mill) consisting of one or two reversing hot-rolling mill stands and associated equipment. If there are two stands, the first is the roughing mill and the second is the finishing mill. The roughing mill is equipped with special tables in front of and behind the mill to rotate the plate one-quarter turn between rolling passes in order to allow cross rolling, increasing the width rather than the length of the plate as the thickness reduces. After reaching the desired finished width, the plate is again rotated one-quarter turn and rolled straightaway to the finished thickness. Reversing mills for plate production are typically either two or four parallel rolls high (figure I-3). The rollers that touch the plate are work rolls. Thicker plate requires backup rolls parallel to the work rolls, to provide rigidity to the work rolls, as shown on the four-high rolling mill. Reversing mills in the

United States generally produce plate ranging from 0.187 to 20 inches (4.75 to 508 mm) in thickness and from 48 to 154 inches (1,219 to 3,912 mm) in width.

**Figure I-3**  
**Two-high and four-high reversing mills**



Source: Mechanical Engineering, "Types of Rolling Mills,"  
<http://engineeringhut.blogspot.com/2010/10/types-of-rolling-mills.html>, retrieved January 7, 2021.

Some reversing plate mills (known as "Steckel mills") are equipped with coilers on each side of the finishing mill that operate inside small heating furnaces, keeping the steel hot and allowing the production of much longer or thinner plates (figure I-4).<sup>41</sup> If the coilers are not used then the mill operates like a conventional reversing plate mill. Steckel mills are equipped with coilers at the end of the line to produce coiled plate as well as in-line shearing facilities.

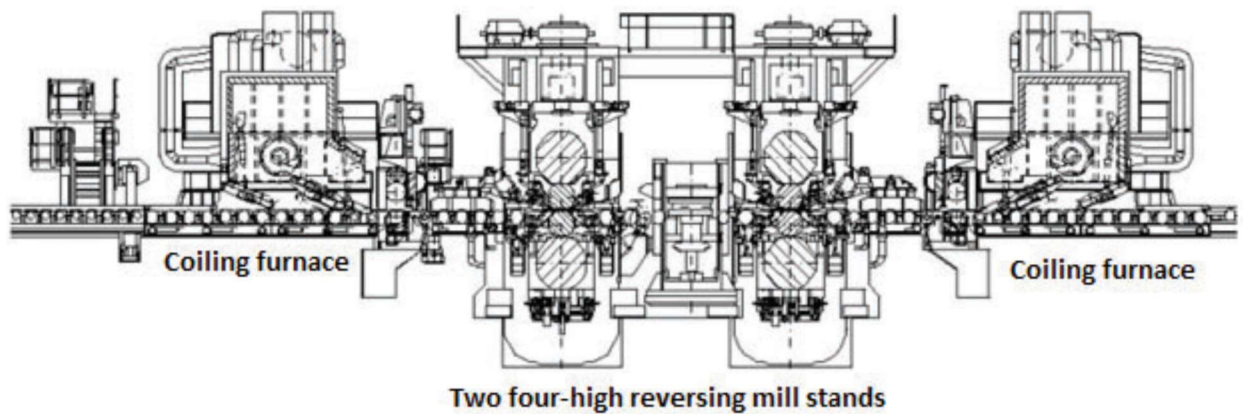
The hot-rolled coils produced by the Steckel mill can be moved to a separate line to be uncoiled, flattened, and cut to length as plate. Plate produced in a Steckel mill typically ranges from 0.187 to 0.750 inches (4.75 to 19.1 mm) in thickness and 48 to 96 inches (1,219 to 2,438 mm) in width, although some mills can produce wider plate.<sup>42</sup>

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<sup>41</sup> China Advanced Steel Technologies and Engineering, "Steckel Mill Consulting,"  
<http://www.castellc.com/Steckel-Mill-Consulting.html>, retrieved January 7, 2021.

<sup>42</sup> For example, Nucor and SSAB can roll plate over 96 inches in width on Steckel mills. See Nucor's "Production Facilities: Plate: Nucor Hertford: Products," found at  
<http://www.nucorhertford.com/plateproducts.pdf>, retrieved January 7, 2021.

**Figure I-4**  
**Steckel mill**



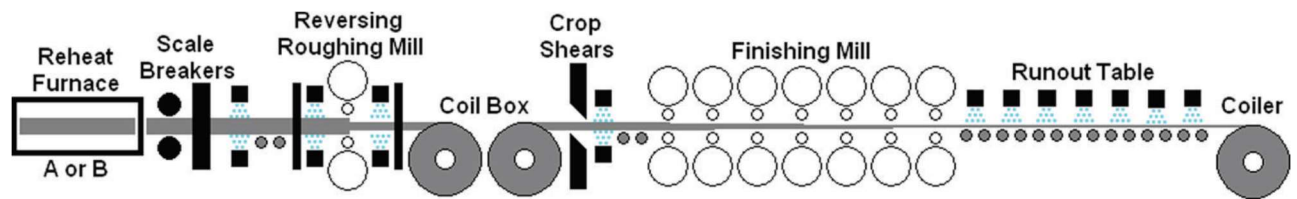
Source: China Advanced Steel Technologies and Engineering, "Steckel Mill Consulting," <http://www.castellc.com/Steckel-Mill-Consulting.html>, retrieved January 7, 2021.

In addition to reversing plate mills, a continuous hot-strip mill can roll plate (figure I-5). Such a mill has either a reversing rougher or a number (usually four or five) of non-reversing roughing mills followed by a finishing section consisting of a series of mill stands, usually six, spaced close together so that a plate is rolled continuously in a single pass in one direction. The finished plate is coiled, discharged from the mill, allowed to cool, then uncoiled, flattened, and cut to length on a separate processing line. Continuous hot-strip mills primarily produce hot-rolled sheet, although they may also produce plate up to inch in thickness.<sup>43</sup>

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<sup>43</sup> ArcelorMittal, "What We Do: Plate Products," <https://usa.arcelormittal.com/products-and-markets/products/flat-carbon/plate>, accessed January 7, 2021.

**Figure I-5**  
**Continuous hot-strip mill**



Source: Evans, Kennedy and Thomas, "Process Parameters Influencing Tertiary Scale Formation at a Hot Strip Mill Using a Multinomial Logit Model," May 2012, <http://manufacturingscience.asmedigitalcollection.asme.org/article.aspx?articleid=1691718>, retrieved January 7, 2021.

### **Key differences in the various rolling methods**

Because of its capability to cross roll, a reversing mill is somewhat flexible with regard to the slab width used to produce a given plate width. Steckel mills and continuous hot-strip mills can only use slabs that are slightly wider than the desired width of the final plate. However, they have the advantage of being able to roll longer, heavier slabs than could be used on a reversing plate mill. Plate from a reversing mill is preferred for welded load-bearing and structural applications because of its generally thicker dimensions. These applications include bridgework; machine parts (e.g., the body of the machine or its frame); transmission towers and light poles; buildings; mobile equipment (e.g., cranes, bulldozers, scrapers, and other tracked or self-propelled machinery); and heavy transportation equipment, such as railroad cars (especially tanker cars) and oceangoing ships. End users concerned about "coil set memory" (e.g., users that cut parts from plate) may prefer plate from a reversing mill because the edges of plate cut from coils from hot-strip and Steckel mills may curl on heating.

Plate producers may have several types of mills at a single steel facility. In such facilities, the reversing plate mill is usually separated from the hot-strip mill and the Steckel mill and employs different production workers.

## **Patterns in relief**

Most CTL plate is smooth on both sides, and by definition the product scope excludes plate with “patterns in relief” if produced on a universal mill.<sup>44</sup> “Patterns in relief,” a non-skid pattern of raised figures at regular intervals on one surface of the plate, are typically on floor plate. However, mills other than universal mills are able to produce floor plate with patterns in relief. A continuous hot-strip mill makes floor plate by placing an embossed roll in the final stand of the continuous mill, while a Steckel mill holds the hot plate on one of the Steckel furnaces at the mill after completing all but the final rolling pass. Then one roll is exchanged for an embossed roll, and the final rolling pass is completed.

## **Heat treatment**

After the CTL plate is made, it can be heat treated, subjected to a series of temperature changes to increase its hardness, strength, or ductility, thereby allowing the plate to be used in additional applications.<sup>45</sup> The amount of time spent at the various temperatures and the rates of cooling can vary depending on the characteristics desired for the plate. Some examples of heat treatments are normalizing, quenching, and quench and temper. Normalizing involves heating the steel to about 1,670 degrees followed by slow cooling such as cooling in air. This process increases the toughness of steel for applications requiring pressure vessel quality. Quenching involves heating the steel to the required temperature, holding at that temperature for the necessary time to produce the desired steel qualities, and then immediate cooling of the steel. Quench and temper includes heating of the steel to the required temperature, rapid cooling, and reheating (commonly to 400-1,300 degrees) before cooling again, which makes the steel tougher and more ductile.

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<sup>44</sup> A universal mill is a mill capable of simultaneously rolling between both horizontal and vertical rolls. Universal mill plate is defined in HTSUS Chapter 72 Additional U.S. Note 1(b) as follows: Flat-rolled products rolled on four faces or in a closed box pass, of a width exceeding 150 mm but not exceeding 1,250 mm and of thickness of not less than 4 mm, not in coils without patterns in relief.

<sup>45</sup> Standard commodity-grade CTL plate is not typically heat-treated.

## **CTL plate manufacturing specifications**

CTL plate is produced to meet a variety of manufacturing standards. In the United States, one of the commonly used manufacturing standards is developed by ASTM International. The standards set by ASTM International are voluntary and cover many different factors such as dimensions, chemistry, manufacturing process, testing procedures, etc. Customers and producers can agree to use a manufacturing specification such as an ASTM specification “as is,” can agree to a specification but with certain adjustments, or can agree to their own set of specifications. Plate flatness is one of many factors covered by ASTM plate specifications.

The ASTM A 6 specification sets general requirements for a variety of steel products including the flatness requirement for CTL plate. The CTL plate flatness requirement lists the permitted variation (in terms of inches) from a dead flat surface and varies according to plate length and width. The thinner and/or wider the plate, the larger the permitted variation from dead flat is allowed. There are also standardized supplementary requirements in the A 6 specification for use when desired by the purchaser. One of the supplementary requirements is the flatness requirements for half of the standard ASTM A 6 specification. The customer can ask the producer to meet (or the producer can offer to meet) a flatness level one half of the standard ASTM A 6 specification.

## **Service centers**

Steel service centers traditionally have served as distributors of plate and typically do not have their own plate mills. Some service centers also perform a wide range of value-added processing of many steel products, such as uncoiling, flattening, and cutting plate products to length or flame/plasma cutting plate into non-rectangular shapes. Service centers that process coiled plate into cut lengths or non-rectangular shapes may utilize coiled plate from U.S. or foreign mills.

## 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 14 firms, which accounted for virtually all of mill production of CTL plate in the United States during 1996.<sup>46</sup> During the first five-year reviews, the Commission received U.S. producer questionnaires from 21 firms, which accounted for approximately 90 percent of production of CTL plate in the United States during 2002.<sup>47</sup> During the second five-year reviews, the Commission received U.S. producer questionnaires from 14 firms, which accounted for nearly all of production of CTL plate in the United States during 2008.<sup>48</sup> During the third five-year reviews, the Commission received U.S. producer questionnaires from 15 firms, which accounted for a substantial majority of production of CTL plate in the United States during 2014.<sup>49</sup>

In response to the Commission's notice of institution in these current reviews, domestic interested parties provided a list of 15 known and currently operating U.S. producers of CTL plate. Three firms providing U.S. industry data in response to the Commission's notice of institution accounted for approximately \*\*\* percent of production of CTL plate in the United States during 2019.<sup>50</sup>

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<sup>46</sup> Original publication, p. III-1.

<sup>47</sup> Cut-to-Length Carbon Steel Plate From China, Russia, South Africa, and Ukraine, Investigation Nos. 731-TA-753-756 (Review), USITC Publication 3626, September 2003, ("First review publication"), pp. I-3 and III-1.

<sup>48</sup> Certain Carbon Steel Plate From China, Russia, and Ukraine, Investigation Nos. 731-TA-753, 754, and 756 (Second Review), USITC Publication 4103, October 2009, ("Second review publication"), pp. I-21 and III-5.

<sup>49</sup> Third review publication, pp. I-17 and III-1.

<sup>50</sup> Domestic interested parties' response to the notice of institution, December 2, 2020, p. 2 and exh. 1.

## Recent developments

Since the Commission's third five-year reviews, the following developments have occurred in the CTL plate industry (table I-3). In addition to the company-specific events listed in table I-3, two additional events have impacted the industry generally. First, the March 2018 imposition of 25 percent ad valorem national security duties on U.S. steel imports included CTL plate.<sup>51</sup> Second, in 2016, CTL plate producers filed a petition seeking relief for all carbon and alloy (nonstainless) CTL plate. The investigations resulted in findings of material injury and the imposition of antidumping and/or countervailing duty orders for Austria, Belgium, Brazil, China, France, Germany, Italy, Japan, Korea, South Africa, Taiwan, and Turkey.<sup>52</sup>

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<sup>51</sup> 83 FR 11625, March 15, 2018.

<sup>52</sup> Carbon and Alloy Steel Cut-to-Length Plate from Austria, Belgium, France, Germany, Italy, Japan, Korea, and Taiwan, Investigation Nos. 701-TA-561 and 731-TA-1317-1318, 1321-1325, and 1327 (Final), USITC Publication 4691, May 2017.

Table I-3

**CTL plate: Recent developments in the U.S. industry**

Date	Company	Event
September 2017	ArcelorMittal	<b>Plant idling:</b> In September 2017, ArcelorMittal announced that it would consolidate plate operations by idling its rolling mill in Conshohocken, Pennsylvania.
October 2018	***	***.
July 2020	***	***.
September 2020	Cleveland Cliffs/ArcelorMittal	<b>Acquisition:</b> In September 2020, Cleveland Cliffs announced that it had entered into an agreement with ArcelorMittal to acquire all of the operations of ArcelorMittal USA and its subsidiaries for approximately \$1.4 billion.
October 2020	Nucor	<b>Plant construction:</b> In October 2020, Nucor broke ground on a new facility in Brandenburg, Kentucky, where it is investing \$1.7 billion in a new plate manufacturing plant.

Sources: WDRB.com, "Nucor starts work on Brandenburg, Ky. Steel mill," October 23, 2020, [https://www.wdrb.com/in-depth/nucor-starts-work-on-brandenburg-ky-steel-mill/article\\_68b6530c-156b-11eb-8d81-ffc75a1b85c1.html](https://www.wdrb.com/in-depth/nucor-starts-work-on-brandenburg-ky-steel-mill/article_68b6530c-156b-11eb-8d81-ffc75a1b85c1.html), retrieved January 7, 2021; ArcelorMittal, "Updated statement re: idling of rolling mill at ArcelorMittal Conshohocken," August 31, 2018, <https://usa.arcelormittal.com/news-and-media/announcements/2018/aug/08-31-2018>, retrieved January 7, 2021; \*\*\*, attached as exhibit 54 in domestic interested parties' response to the Notice of Institution; \*\*\*, attached as exhibit 55 in domestic interested parties' response to the Notice of Institution; Businesswire.com, "Cleveland-Cliffs Inc. to Acquire ArcelorMittal USA," September 28, 2020, <https://www.businesswire.com/news/home/20200927005083/en/Cleveland-Cliffs-Inc.-to-Acquire-ArcelorMittal-USA>, retrieved January 7, 2021.

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

The Commission asked domestic interested parties to provide trade and financial data in their response to the notice of institution in the current five-year reviews.<sup>53</sup> Table I-4 presents a compilation of the trade and financial data submitted from all responding U.S. producers in the original investigations and subsequent five-year reviews.

**Table I-4**

**CTL plate: Trade and financial data submitted by U.S. producers, 1996, 2002, 2008, 2014, and 2019**

Item	1996	2002	2008	2014	2019
Capacity (short tons)	9,222,170	8,181,782	10,882,642	10,938,452	***
Production (short tons)	6,942,185	5,625,598	8,583,931	7,958,172	***
Capacity utilization (percent)	75.3	68.4	78.9	72.8	***
U.S. shipments: Quantity (short tons)	6,891,290	5,184,488	7,799,941	7,068,852	***
Value (\$1,000)	3,098,162	1,846,983	7,866,636	5,771,736	***
Unit value (per short ton)	\$450	\$356	\$1,009	\$817	\$***
Net sales (\$1,000)	3,017,747	1,752,442	7,818,382	5,905,530	***
COGS (\$1,000)	2,758,843	1,769,708	6,018,354	5,150,355	***
COGS/net sales (percent)	91.4	101.0	77.0	87.2	***
Gross profit (loss) (\$1,000)	258,904	(17,266)	1,800,028	755,175	***
SG&A expenses (\$1,000)	116,090	105,644	143,355	168,587	***
Operating income (loss) (\$1,000)	142,814	(122,910)	1,656,673	586,588	***
Operating income (loss)/net sales (percent)	4.7	(7.0)	21.2	9.9	***

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

Source: For the years 1996, 2002, 2008, and 2014, data are compiled using data submitted in the Commission's original investigations and prior five-year reviews. For the year 2019, data are compiled using data submitted by domestic interested parties. Domestic interested parties' response to the notice of institution, December 2, 2020, exh. 2, and response to cure letter, December 22, 2020, exh. 6.

## 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

<sup>53</sup> Individual company trade and financial data are presented in app. B.

constitutes a major proportion of the total domestic production of the product. Under the related parties' provision, the Commission may exclude a U.S. producer from the domestic industry for purposes of its injury determination if "appropriate circumstances" exist.<sup>54</sup>

In its original determinations, the Commission defined the domestic like product as cut-to-length plate, co-extensive with Commerce's scope, produced by U.S. mills or cut from coiled plate by service centers. In its full first, second, and third five-year review determinations, the Commission defined the domestic like product as cut-to-length plate, including cut-to-length plate made from micro-alloy steel. In its original determinations and its full first, second, and third five-year review determinations, the Commission defined the domestic industry to include all producers of the domestic like product, whether toll producers, integrated producers, or processors.<sup>55 56 57</sup> One Commissioner defined the domestic like product differently in the first five-year reviews.<sup>58</sup>

## **U.S. imports and apparent U.S. consumption**

### **U.S. importers**

During the final phase of the original investigations, the Commission received U.S. importer questionnaires from 39 firms, which accounted for approximately 88.7 percent of total U.S. imports of CTL plate from China in 1996; 87.6 percent of total U.S. imports of CTL plate from Russia in 1996; 90.5 percent of total U.S. imports of CTL plate from South Africa in 1996; and 97.1 percent of total U.S. imports of CTL plate from Ukraine in 1996. Import data presented in the original investigations were based on official Commerce statistics.<sup>59</sup>

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<sup>54</sup> Section 771(4)(B) of the Tariff Act of 1930, 19 U.S.C. § 1677(4)(B).

<sup>55</sup> 85 FR 69362, November 2, 2020.

<sup>56</sup> Domestic interested parties reported that since the last reviews, ArcelorMittal SA, the parent company of domestic producer ArcelorMittal USA, no longer holds an interest in Chinese producer Hunan Valin and, therefore is no longer a related party. Domestic interest parties' response to cure letter, December 22, 2020, p. 2.

<sup>57</sup> Domestic interested parties also reported that Evraz NA Oregon Steel Mills is related to a producer of subject merchandise in Russia, Evraz ZSMK, Siberia, ("ZapSib" works) via common ownership of London-based Evraz PLC. While domestic interested parties are unable to determine if this rolling mill is dormant, Evraz is building a new flat steel mill at its ZapSib works, to be commissioned in 2021, expected to produce plate of 1.2-25mm thickness and 900-1,600 mm width. Domestic interest parties' response to cure letter, December 22, 2020, p. 3.

<sup>58</sup> Commissioner Koplan defined the domestic like product as CTL plate, co-extensive with Commerce's scope, and did not include CTL plate made from micro-alloy steel. First review publication, p. 36.

<sup>59</sup> Original publication, pp. IV-1 and IV-4.

During the first five-year reviews, the Commission received U.S. importer questionnaires from seven firms, which reported imports of CTL plate from China, Russia, South Africa, and Ukraine from 1997 through March 2003. Import data presented in the first reviews were based on official Commerce statistics.<sup>60</sup>

During the second five-year reviews, the Commission received U.S. importer questionnaires from 16 firms, which accounted for approximately 42.3 percent of total subject U.S. imports of CTL plate during 2008. Import data presented in the second reviews were based on official Commerce statistics as revised to exclude grade X-70 steel plate and to include (as out-of-scope merchandise) imports of CTL micro-alloy steel plate.<sup>61</sup>

During the third five-year reviews, the Commission received U.S. importer questionnaires from 25 firms, which accounted for less than 1.0 percent of U.S. imports CTL plate from China; 51.6 percent of U.S. imports of CTL plate from Russia; and 91.8 of U.S. imports of CTL plate from Ukraine, based on the share of quantity of U.S. imports of CTL plate from January 2012 through June 2015. Import data presented in the third reviews were based on official Commerce statistics, as adjusted to include entries of micro-alloy steel as nonsubject imports and to deduct specifically excluded forms of carbon steel plate.<sup>62</sup>

Although the Commission did not receive responses from any respondent interested parties in these current reviews, in its response to the Commission's notice of institution, the domestic interested parties provided a list of 30 potential U.S. importers of CTL plate.<sup>63</sup>

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<sup>60</sup> First review publication, pp. I-20 and IV-1.

<sup>61</sup> Second review publication, pp. I-21 and IV-1.

<sup>62</sup> Third review publication, pp. I-35 and IV-1—IV-2.

<sup>63</sup> Domestic interested parties' response to the notice of institution, December 2, 2020, exh. 48 and Domestic interested parties' response to cure letter, December 22, 2020, p. 3.

## U.S. imports

Table I-5 presents the quantity, value, and unit value of U.S. imports from China, Russia, and Ukraine as well as the other top sources of U.S. imports (shown in descending order of 2019 imports by quantity).

**Table I-5**  
**CTL plate: U.S. imports, 2015-19**

Item	2015	2016	2017	2018	2019
	<b>Quantity (short tons)</b>				
China	20,290	1,674	373	446	428
Russia	13,699	10,971	22,123	41	86
Ukraine	3,560	10,196	58,685	47,534	35,677
Subtotal, subject	37,549	22,842	81,182	48,021	36,191
Austria	9,825	8,073	1,544	1,123	1,441
Belgium	17,716	12,590	7,449	6,698	2,096
Brazil	37,240	9,078	1,156	253	2,342
France	211,523	103,091	1,317	513	381
Germany	228,131	148,807	25,722	24,481	12,464
Italy	64,540	31,250	16,416	11,950	4,159
Japan	70,653	35,792	20,617	5,586	2,527
Korea	370,190	442,938	257,679	239,025	237,257
South Africa	21,454	101	10	---	---
Taiwan	41,312	15,484	7,931	7,156	6,096
Turkey	24,959	37,699	1,517	731	569
All other sources	294,334	285,180	365,232	264,030	236,308
Subtotal, nonsubject	1,391,876	1,130,082	706,590	561,545	505,641
Total imports	1,429,426	1,152,923	787,772	609,565	541,832
	<b>Landed, duty-paid value (\$1,000)</b>				
China	15,280	2,538	845	850	812
Russia	10,137	6,308	13,867	44	75
Ukraine	2,512	5,773	33,215	36,888	30,073
Subtotal, subject	27,929	14,619	47,927	37,782	30,960
Austria	13,663	11,293	7,647	6,146	8,516
Belgium	20,758	14,803	11,846	13,130	3,177
Brazil	23,778	4,600	1,319	293	2,774
France	157,759	84,834	9,578	3,745	805
Germany	190,386	127,496	41,652	46,824	26,822
Italy	48,677	23,692	16,430	13,807	6,167
Japan	76,427	29,315	22,395	11,354	7,383
Korea	280,314	287,294	165,564	192,229	203,212
South Africa	10,572	42	8	---	---
Taiwan	29,753	9,961	8,386	8,003	6,965
Turkey	14,550	16,156	1,465	650	479
All other sources	211,848	182,996	264,368	242,285	217,632
Subtotal, nonsubject	1,078,485	792,483	550,658	538,466	483,932
Total imports	1,106,413	807,102	598,585	576,247	514,891

Table continued.

**Table I-5--Continued**  
**CTL plate: U.S. imports, 2015-19**

Item	2015	2016	2017	2018	2019
	Unit value (dollars per short tons)				
China	753	1,516	2,264	1,907	1,896
Russia	740	575	627	1,056	874
Ukraine	705	566	566	776	843
Subtotal, subject	744	640	590	787	855
Austria	1,391	1,399	4,953	5,474	5,910
Belgium	1,172	1,176	1,590	1,960	1,516
Brazil	639	507	1,141	1,159	1,185
France	746	823	7,275	7,305	2,110
Germany	835	857	1,619	1,913	2,152
Italy	754	758	1,001	1,155	1,483
Japan	1,082	819	1,086	2,033	2,922
Korea	757	649	643	804	857
South Africa	493	418	810	---	---
Taiwan	720	643	1,057	1,118	1,142
Turkey	583	429	966	888	841
All other sources	720	642	724	918	921
Subtotal, nonsubject	775	701	779	959	957
Total imports	774	700	760	945	950

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

Note: Table I-5 also shows imports of CTL plate from Austria, Belgium, Brazil, China, France, Germany, Italy, Japan, Korea, South Africa, Taiwan, and Turkey (Inv. Nos. 701-TA-560-561 and 731-TA-1317-1328 (Final)). The antidumping duty orders for Austria, Belgium, France, Germany, Italy, Japan, Korea, and Taiwan went into effect on May 25, 2017 (82 FR 24096). The countervailing duty orders entered into effect on March 20, 2017 for China (82 FR 14346) and on March 25, 2017 for Korea (82 FR 24103). The countervailing duty investigation for Brazil was terminated. For more information, see table I-2 in this report.

Source: Compiled from official Commerce statistics for HTS statistical reporting numbers 7208.40.3030; 7208.40.3060; 7208.51.0030; 7208.51.0045; 7208.51.0060; 7208.52.0000; 7208.53.0000; 7208.90.0000; 7210.70.3000; 7210.90.9000; 7211.13.0000; 7211.14.0030; 7211.14.0045; 7211.90.0000; 7212.40.1000; 7212.40.5000; and 7212.50.0000, accessed December 23, 2020. These data include nonalloy product and may be slightly overstated.

## Apparent U.S. consumption and market shares

Table I-6 presents data on U.S. producers' U.S. shipments, U.S. imports, apparent U.S. consumption, and market shares.

**Table I-6**

**CTL plate: U.S. producers' U.S. shipments, U.S. imports, apparent U.S. consumption, and market shares 1996, 2002, 2008, 2014, and 2019**

Item	1996	2002	2008	2014	2019
<b>Quantity (short tons)</b>					
U.S. producers' U.S. shipments	6,891,290	5,184,488	7,799,941	7,068,852	***
U.S. imports from—					
China	301,652	31,138	4,360	5,933	428
Russia	252,396	34,453	84,992	61,585	86
South Africa	81,544	11,889	---	---	---
Ukraine	627,796	5,650	173,945	3	35,677
Subtotal, subject	1,263,389	83,130	263,298	67,520	36,191
All other sources	520,807	546,414	572,094	1,537,833	505,641
Total imports	1,784,195	629,543	835,392	1,605,353	541,832
Apparent U.S. consumption	8,675,485	5,814,031	8,635,333	8,674,205	***
<b>Value (1,000 dollars)</b>					
U.S. producers' U.S. shipments	3,098,162	1,846,983	7,866,636	5,771,736	***
China	105,874	10,980	5,714	7,304	812
Russia	78,514	10,399	95,098	41,271	75
South Africa	31,769	3,484	---	---	---
Ukraine	217,574	2,184	182,276	5	30,073
Subtotal, subject	433,741	27,046	283,089	48,580	30,960
All other sources	263,404	230,775	642,330	1,251,246	483,932
Total imports	697,135	257,821	925,418	1,299,826	514,891
Apparent U.S. consumption	3,795,297	2,104,804	8,792,054	7,071,562	***

Table continued.

**Table I-6--Continued****CTL plate: U.S. producers' U.S. shipments, U.S. imports, apparent U.S. consumption, and market shares 1996, 2002, 2008, 2014, and 2019**

Item	1996	2002	2008	2014	2019
<b>Share of consumption based on quantity (percent)</b>					
U.S. producer's share	79.4	89.2	90.3	81.5	***
U.S. imports from.--					
China	3.5	0.5	0.1	0.1	***
Russia	2.9	0.6	1.0	0.7	***
South Africa	0.9	0.2	---	---	---
Ukraine	7.2	0.1	2.0	0.0	***
Subtotal, subject	14.6	1.4	3.0	0.8	***
All other sources	6.0	9.4	6.6	17.7	***
Total imports	20.6	10.8	9.7	18.5	***
<b>Share of consumption based on value (percent)</b>					
U.S. producer's share	81.6	87.8	89.5	81.6	***
U.S. imports from.--					
China	2.8	0.5	0.1	0.1	***
Russia	2.1	0.5	1.1	0.6	***
South Africa	0.8	0.2	---	---	---
Ukraine	5.7	0.1	2.1	0.0	***
Subtotal, subject	11.4	1.3	3.2	0.7	***
All other sources	6.9	11.0	7.3	17.7	***
Total imports	18.4	12.2	10.5	18.4	***

Note: South Africa was no longer subject to the Suspension Agreement after the first review when the Commission determined on August 29, 2003, that termination of the suspended investigation on CTL plate from South Africa would not be likely to lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time. 68 FR 52614, September 4, 2003. Therefore, imports from South Africa are included in "all other sources" for import data presented for 2008, 2014, and 2019.

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

Source: For the years 1996, 2002, 2008, and 2014, data are compiled using data submitted in the Commission's original investigations and subsequent five-year reviews. For the year 2019, 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 7208.40.3030; 7208.40.3060; 7208.51.0030; 7208.51.0045; 7208.51.0060; 7208.52.0000; 7208.53.0000; 7208.90.0000; 7210.70.3000; 7210.90.9000; 7211.13.0000; 7211.14.0030; 7211.14.0045; 7211.90.0000; 7212.40.1000; 7212.40.5000; and 7212.50.0000, accessed December 23, 2020.

## Cumulation considerations<sup>64</sup>

In assessing whether imports should be cumulated in five-year reviews, the Commission considers, among other things, whether there is a likelihood of a reasonable overlap of competition among subject imports and the domestic like product. Additional information concerning geographical markets and simultaneous presence in the market is presented below.<sup>65</sup>

U.S. imports of CTL plate from China were reported in all 60 months during 2015-19. Imports from Russia were reported in 19 of the 60 months during 2015-19. Imports from Ukraine were reported in 20 of the 60 months during 2015-19, although there were no reported imports from Russia for 8 months of 2019 and for 6 months from Ukraine in the same year.

The majority of imports of CTL plate from China entered through the southern border of entry in 2015, eastern and southern borders in 2016, and eastern and northern borders from 2017 through 2019. All imports of CTL plate from Russia entered through the northern and southern borders in 2015, the southern border in 2016, the northern, eastern, and southern borders in 2017 and 2018, and the eastern border in 2019. The majority of imports of CTL plate from Ukraine entered through the eastern border of entry in 2015, while in 2016 through 2018 the majority of imports of CTL plate from Ukraine entered through the northern and southern borders of entry. In 2019, imports of CTL plate from Ukraine entered through the eastern, northern, and southern borders of entry.

Imports of CTL plate from China in 2019 were entered primarily through Chicago, Illinois, Cleveland, Ohio, and New York, New York. All imports of CTL plate from Russia in 2019 were entered through Baltimore, Maryland. All imports of CTL plate from Ukraine in 2019 were entered through Chicago, Illinois; Detroit, Michigan; Houston-Galveston, Texas; Mobile, Alabama; New Orleans, Louisiana; and Savannah, Georgia.

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<sup>64</sup> Unless otherwise noted, this information is based on official U.S. import statistics for HTS statistical reporting numbers 7208.40.3030; 7208.40.3060; 7208.51.0030; 7208.51.0045; 7208.51.0060; 7208.52.0000; 7208.53.0000; 7208.90.0000; 7210.70.3000; 7210.90.9000; 7211.13.0000; 7211.14.0030; 7211.14.0045; 7211.90.0000; 7212.40.1000; 7212.40.5000; and 7212.50.0000, accessed December 23, 2020.

<sup>65</sup> In addition, available information concerning subject country producers and the global market is presented in the next section of this report.

## The industry in China

During the final phase of the original investigations, the Commission received foreign producer/exporter questionnaires from 12 firms, which accounted for approximately two-thirds of production of CTL plate in China during 1996, and approximately 90 percent of CTL plate exports from China to the United States during 1996.<sup>66</sup> During the first five-year reviews, the Commission received foreign producer/exporter questionnaires from five firms, which accounted for approximately \*\*\* percent of U.S. CTL plate imports from China during 2002.<sup>67</sup> Although the Commission did not receive responses from any respondent interested parties from China in its second, third, or current fourth five-year reviews, the domestic interested parties provided a list of 12 possible producers of CTL plate in China in the second reviews, 28 possible producers in the third reviews, and 14 possible producers in these current fourth reviews.<sup>68</sup>

Table I-7 presents export data for China to leading export markets in descending order of volume for 2019, followed by exports to the United States. The top 5 export markets, by volume, for Chinese flat-rolled products of iron or non-alloy steel were Korea, Vietnam, Indonesia, the Philippines, and Thailand in 2019. Collectively, those five countries represented 37.2 percent of China's total exports of flat-rolled products of iron or non-alloy steel in 2019.

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<sup>66</sup> Original publication, p. VII-1.

<sup>67</sup> Investigation Nos. 731-TA-753-756 (Review): Cut-to-Length Carbon Steel Plate from China, Russia, South Africa, and Ukraine, Confidential Report, INV-AA-108, July 31, 2003 ("First review confidential report"), p. IV-5.

<sup>68</sup> Second review publication, p. IV-19; Third review publication, p. IV-10; and Domestic interested parties' response to the notice of institution, December 2, 2020, exh. 49.

**Table I-7****Flat-rolled products of iron or nonalloy steel: Exports from China, by destination, 2015-19**

Item	Calendar year				
	2015	2016	2017	2018	2019
Quantity (short tons)					
Korea	4,057,358	4,289,544	1,958,577	1,678,720	2,454,216
Vietnam	1,036,657	1,784,788	1,279,991	1,269,750	1,296,047
Indonesia	449,987	561,431	584,866	773,559	1,042,261
Philippines	581,227	839,920	715,490	939,206	921,519
Thailand	409,006	476,602	562,131	691,108	680,238
Myanmar	518,076	590,008	420,520	504,230	603,768
Uzbekistan	262,634	305,096	406,125	489,658	533,822
Russia	608,921	625,233	714,588	398,534	477,455
United Arab Emirates	281,010	148,342	295,208	186,236	443,321
United States	297,294	59,326	61,220	65,444	48,658
All other	10,113,571	9,964,695	9,317,728	8,741,298	8,668,190
Total	18,615,740	19,644,985	16,316,444	15,737,744	17,169,493

Note: Because of rounding, figures may not add to total shown. Exports may include product outside the product scope and therefore, may be overstated.

Source: Official export statistics under HTS subheadings 7208.40, 7208.51, 7208.52, 7208.53, 7208.90, 7210.70, 7210.90, 7211.13, 7211.14, 7211.90, 7212.40, and 7212.50 as reported by each countries' statistical reporting authorities in the Global Trade Information Services, Inc., Global Trade Atlas database, accessed January 7, 2021.

## The industry in Russia

During the final phase of the original investigations, the Commission received foreign producer/exporter questionnaires from four firms, which accounted for approximately \*\*\* percent of production of CTL plate in Russia during 1996, and virtually all of CTL plate exports from Russia to the United States during 1996.<sup>69</sup> During the first five-year reviews, the Commission received foreign producer/exporter questionnaires from three firms, which accounted for approximately \*\*\* percent of imports of CTL plate from Russia during 2002.<sup>70</sup> During the second five-year reviews, the Commission received foreign producer/exporter questionnaires from two firms, which accounted for approximately \*\*\* percent of CTL plate production in Russia during 2008, and \*\*\* of CTL plate exports from Russia to the United States during 2008.<sup>71 72</sup> During the third five-year reviews, the Commission received foreign producer/exporter questionnaires from two firms, which accounted for approximately \*\*\* percent of production of CTL plate in Russia during 2012, and \*\*\* of CTL plate exports from Russia to the United States during 2012.<sup>73</sup> Although the Commission did not receive responses from any respondent interested parties in these five-year reviews, the domestic interested parties provided a list of 6 possible producers of CTL plate in Russia.<sup>74</sup>

Table I-8 presents events in the Russian industry since the last five-year reviews.

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<sup>69</sup> Investigation Nos. 731-TA-753-756 (Final): Certain Carbon Steel Plate from China, Russia, South Africa, and Ukraine, Confidential Report, INV-U-081, November 14, 1997, p. VII-4.

<sup>70</sup> First review confidential report, p. IV-11.

<sup>71</sup> Investigation Nos. 731-TA-753, 754, and 756 (Second Review), Cut-to-Length Carbon Steel Plate from China, Russia, and Ukraine, Confidential Report, INV-GG-095, October 1, 2009 (“Second review confidential report”), pp. IV-34—IV-36.

<sup>72</sup> Ibid., p. IV-35. \*\*\* estimated it accounted for \*\*\* exports of CTL plate to the United States from Russia in 2008.

<sup>73</sup> Investigation Nos. 731-TA-753, 754, and 756 (Third Review), Cut-to-Length Carbon Steel Plate from China, Russia, and Ukraine, Confidential Report, INV-NN-075, October 23, 2015 (“Third review confidential report”), pp. IV-16.

<sup>74</sup> Domestic interested parties’ response to the notice of institution, December 2, 2020, exh. 49.

**Table I-8**  
**Recent developments in the Russian industry**

Date	Company	Event
March 2017	Magnitogorsk Iron & Steel Works	<b>Expansion:</b> In March 2017, Magnitogorsk Iron & Steel Works announced plans to modernize its Plate Mill 5000 and one of its continuous slab casters. The company expected an increase of 1.5 million tons of additional annual production capacity, although not all the added capacity is for CTL plate.
August 2019	Severstal	<b>Expansion:</b> Severstal is upgrading its plate mill at Cherepovets to “improve plate surface quality and increase production volume.” This additional capacity is scheduled to come online in Spring 2021.
August 2020	***	<b>Expansion:</b> ***.
December 2019	Evrast	<b>Plant construction:</b> In 2019, Evraz began construction of a 2.5 million annual MT integrated flat casting and rolling facility at EVRAZ ZSMK.

Sources: Magnitogorsk Iron & Steel Works, “MMK modernizes heavy plate production facilities,” March 21, 2017, [http://eng.mmk.ru/press\\_center/70670/](http://eng.mmk.ru/press_center/70670/), retrieved January 8, 2021; Danieli.com, “Extensive Plate Mill Upgrade at Pao Severstal,” August 12, 2019, [https://www.danieli.com/en/news-media/news/extensive-plate-mill-upgrade-pao-severstal\\_37\\_452.htm](https://www.danieli.com/en/news-media/news/extensive-plate-mill-upgrade-pao-severstal_37_452.htm), retrieved January 8, 2021; \*\*\*, attached as exh. 34 in the domestic interested parties’ response to the Notice of Institution; Evraz.com, 2019 Evraz Annual Report, <https://www.evraz.com/upload/iblock/816/81649498534e5569eceb9f164d7d40fe.pdf>, retrieved January 8, 2021.

Table I-9 presents export data for Russia to leading export markets in descending order of volume for 2019, followed by exports to the United States. The top 5 export markets, by volume, for Russian flat-rolled products of iron or non-alloy steel were Belarus, Kazakhstan, Uzbekistan, Latvia, and Poland in 2019. Collectively, those five countries represented 71.1 percent of Russia’s total flat-rolled products of iron or non-alloy steel exports in 2019.

**Table I-9****Flat-rolled products of iron or nonalloy steel: Exports from Russia, by destination, 2015-19**

Item	Calendar year				
	2015	2016	2017	2018	2019
Quantity (short tons)					
Belarus	212,467	206,850	288,075	265,126	247,104
Kazakhstan	179,146	205,734	208,132	221,441	244,730
Uzbekistan	49,269	57,201	67,204	100,405	153,893
Latvia	79,940	107,940	120,520	106,388	88,927
Poland	45,166	33,794	34,541	59,397	39,239
Ukraine	50,020	75,130	90,743	85,742	36,987
Estonia	59,921	45,465	34,932	24,051	28,379
Finland	15,467	40,679	35,787	28,785	27,820
Germany	39,745	71,396	64,331	61,784	20,686
United States	13,699	10,971	27,644	101	67
All other	232,518	335,306	256,723	288,166	199,882
Total	977,357	1,190,466	1,228,633	1,241,385	1,087,714

Note: Because of rounding, figures may not add to total shown. Exports may include product outside the product scope and therefore, may be overstated.

Source: Official export statistics under HTS subheadings 7208.40, 7208.51, 7208.52, 7208.53, 7208.90, 7210.70, 7210.90, 7211.13, 7211.14, 7211.90, 7212.40, and 7212.50 as reported by each countries' statistical reporting authorities in the Global Trade Information Services, Inc., Global Trade Atlas database, accessed January 7, 2021.

## The industry in Ukraine

During the final phase of the original investigations, the Commission received foreign producer/exporter questionnaires from two firms, which accounted for over 75.0 percent of production of CTL plate in Ukraine during 1996, and virtually all of CTL plate exports from Ukraine to the United States during 1996.<sup>75</sup> During the first five-year reviews, the Commission received a foreign producer/exporter questionnaire from one firm, which accounted for \*\*\* imports of CTL plate from Ukraine during 2002.<sup>76</sup> During the second five-year reviews, the Commission received two foreign producer/exporter responses to the notice of institution, which accounted for approximately \*\*\* percent of production of CTL plate in Ukraine during 2007.<sup>77</sup> During the third five-year reviews, the Commission received foreign producer/exporter questionnaires from three firms, which accounted for approximately \*\*\* percent of production of CTL plate in Ukraine during 2014.<sup>78</sup> Although the Commission did not receive responses from any respondent interested parties in these fourth five-year reviews, the domestic interested parties provided a list of 4 possible producers of CTL plate in Ukraine.<sup>79</sup>

Table I-10 presents export data for Ukraine to leading export markets in descending order of volume for 2019, followed by exports to the United States. The top 5 export markets, by volume, for Ukraine flat-rolled products of iron or non-alloy steel plate were Russia, Poland, Singapore, Saudi Arabia, and the United Arab Emirates in 2019. Collectively, those five countries represented 47.0 percent of Ukraine's total flat-rolled products of iron or non-alloy steel plate exports in 2019.

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<sup>75</sup> Original publication, p. VII-3.

<sup>76</sup> First review confidential report, p. IV-19.

<sup>77</sup> Second review confidential report, pp. IV-46—IV-47.

<sup>78</sup> Third review confidential report, p. IV-23.

<sup>79</sup> Domestic interested parties' response to the notice of institution, December 2, 2020, exh. 49.

**Table I-10****Flat-rolled products of iron or nonalloy steel: Exports from Ukraine, by destination, 2015-19**

Item	Calendar year				
	2015	2016	2017	2018	2019
Quantity (short tons)					
Russia	287,474	371,814	313,193	229,921	377,017
Poland	193,885	307,221	218,306	294,608	286,835
Singapore	0	12,893	89,444	191,255	222,358
Saudi Arabia	71,764	101,705	92,032	75,501	109,292
United Arab Emirates	71,048	116,685	170,496	136,750	104,477
Belarus	43,124	55,733	67,448	80,445	101,510
Turkey	109,925	123,173	105,721	98,779	99,798
Egypt	32,186	66,971	105,916	66,965	83,313
Romania	42,189	59,234	69,533	52,003	76,518
United States	0	9,968	58,271	61,960	40,364
All other	815,123	1,162,565	945,688	923,315	838,683
Total	1,666,716	2,387,961	2,236,048	2,211,502	2,340,166

Note: Because of rounding, figures may not add to total shown. Exports may include product outside the product scope and therefore, may be overstated.

Source: Official export statistics under HTS subheadings 7208.40, 7208.51, 7208.52, 7208.53, 7208.90, 7210.70, 7210.90, 7211.13, 7211.14, 7211.90, 7212.40, and 7212.50 as reported by each countries' statistical reporting authorities in the Global Trade Information Services, Inc., Global Trade Atlas database, accessed January 7, 2021.

## Antidumping or countervailing duty orders in third-country markets

Antidumping and countervailing duty orders imposed by third countries on the subject trade partner are listed in table I-11.

**Table I-11**

**CTL plate: Antidumping, countervailing duty orders in third-country markets, January 2015 – December 2019**

Third country and subject products	Latest action date	Subject partner
<b>Mexico:</b>		
Steel plate in sheets	Imposed October 2014	China
Alloy and non-alloy carbon steel plate in sheets	Extended September 2016	Russia
Alloy and non-alloy carbon steel plate in sheets	Extended September 2016	Ukraine
<b>Canada:</b>		
Certain hot rolled steel plate	Extended August 2018	China
Certain steel plate	Extended January 2015	Ukraine
<b>Turkey:</b>		
Heavy plate	Initiated November 2017	China
<b>European Union:</b>		
Heavy plate of non-alloy or other alloy steel	Initiated February 2017	China

Source: WTO, "Definitive Antidumping Measures" semiannual reports of the tabulated third countries; third-country government agency official notices; Mexico, "Semi-Annual Report under Article 16.4 of the Agreement," G/ADP/N/342/MEX (September 18, 2020) attached as exh. 43 in the domestic interested parties' response to the Notice of Institution. Canada, "Semi-Annual Report under Article 16.4 of the Agreement," G/ADP/N/342/CAN (October 7, 2020) attached as exh. 44 in the domestic interested parties' response to the Notice of Institution; Turkey, "Semi-Annual Report under Article 16.4 of the Agreement," G/ADP/N/342/TUR (September 23, 2020) attached as exh. 45 in the domestic interested parties' response to the Notice of Institution; and European Union, "Semi-Annual Report under Article 16.4 of the Agreement," G/ADP/N/342/EU (August 6, 2020) attached as exh. 46 in the domestic interested parties' response to the Notice of Institution.

## The global market

Table I-12 presents global exports of flat-rolled products of iron or nonalloy steel, by volume, from 2015 to 2019. Exports totaled 41 million short tons in 2019. China, representing 19.0 percent of global export volumes in 2019, is the largest global exporter with exports of 7.8 million short tons. The next four leading exporters in 2019, by volume, were Korea, Japan, Italy, and Ukraine. Paired with China, these five countries represented 49.7 percent of global export volume in 2019. Exports from the United States totaled just over 792 thousand short tons, which represented 1.9 percent of global export volume in 2019.

**Table I-12**  
**Flat-rolled products of iron or nonalloy steel: Global exports by major sources, 2015-19**

	Calendar year				
	2015	2016	2017	2018	2019
	Quantity (short ton)				
China	8,443,968	8,910,827	7,401,024	7,138,529	7,787,961
Korea	4,481,579	4,467,658	4,988,755	4,412,320	4,728,417
Japan	3,651,391	3,423,067	2,501,356	3,389,559	3,189,113
Italy	2,051,010	2,349,162	2,407,498	2,319,922	2,356,416
Ukraine	1,666,716	2,387,961	2,236,048	2,211,502	2,340,166
Belgium	2,236,460	2,466,484	2,372,020	2,439,634	2,232,296
Germany	2,125,575	1,996,311	1,927,107	1,875,841	1,942,855
France	1,228,793	1,408,063	1,526,893	1,590,697	1,466,197
Netherlands	1,082,536	1,105,212	1,311,107	1,403,621	1,307,874
Russia	977,357	1,190,466	1,228,633	1,241,385	1,087,714
United States	1,187,645	1,090,485	1,060,230	887,169	792,464
All other exporters	11,373,641	11,436,997	13,088,589	12,622,765	11,783,230
Total global exports	40,506,673	42,232,694	42,049,260	41,532,946	41,014,703

Note: Because of rounding, figures may not add to total shown. Exports may include product outside the product scope and therefore, may be overstated.

Source: Official export statistics under HTS subheadings 7208.40, 7208.51, 7208.52, 7208.53, 7208.90, 7210.70, 7210.90, 7211.13, 7211.14, 7211.90, 7212.40, and 7212.50 as reported by each countries' statistical reporting authorities in the GTIS/GTA database, accessed January 8, 2021.



## **APPENDIX A**

### ***FEDERAL REGISTER* NOTICES**



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

Citation	Title	Link
85 FR 69362 November 2, 2020	<i>Cut-to-Length Carbon Steel Plate From China, Russia, and Ukraine; Institution of Five-Year Reviews</i>	<a href="https://www.govinfo.gov/content/pkg/FR-2020-11-02/pdf/2020-24216.pdf">https://www.govinfo.gov/content/pkg/FR-2020-11-02/pdf/2020-24216.pdf</a>
85 FR 69585 November 3, 2020	<i>Initiation of Five-Year (Sunset) Reviews</i>	<a href="https://www.govinfo.gov/content/pkg/FR-2020-11-03/pdf/2020-24304.pdf">https://www.govinfo.gov/content/pkg/FR-2020-11-03/pdf/2020-24304.pdf</a>



**APPENDIX B**

**COMPANY-SPECIFIC DATA**



### RESPONSE CHECKLIST FOR U.S. PRODUCERS

	ArcelorMittal USA, LLC	Nucor Corporation	SSAB Enterprises, LLC	
Item	Quantity=short tons; value=1,000 dollars			
Nature of operation	✓	✓	✓	
Statement of intent to participate	✓	✓	✓	
Statement of likely effects of revoking the order	✓	✓	✓	
U.S. producer list	✓	✓	✓	
U.S. importer/foreign producer list	✓	✓	✓	
List of 3-5 leading purchasers	✓	✓	✓	
List of sources for national/regional prices	✓	✓	✓	
Production	***	***	***	***
Capacity	***	***	***	***
<b>Commercial shipments:</b>				
Quantity	***	***	***	***
Value	***	***	***	***
<b>Internal consumption/company transfers:</b>				
Quantity	***	***	***	***
Value	***	***	***	***
Net sales	***	***	***	***
COGS	***	***	***	***
Gross profit or (loss)	***	***	***	***
SG&A expenses	***	***	***	***
Operating income or (loss)	***	***	***	***
Changes in supply/demand	✓	✓	✓	
<p>Note: The production, capacity, and shipment data presented are for calendar year 2019. The financial data are for fiscal year ended December 31, 2019.</p> <p>Note: In its response to the Commission's cure letter, on December 22, 2020, Nucor submitted revised net sales data. The response also confirmed that ***.</p> <p>✓ = response provided.</p>				



## **APPENDIX C**

### **SUMMARY DATA COMPILED IN PRIOR PROCEEDINGS**



Table C-4

CTL plate from U.S. mills and U.S. processors: Summary data concerning the U.S. market, 1994-96, Jan.-Mar. 1996, and Jan.-Mar. 1997

(Quantity=short tons, value=1,000 dollars, unit values, unit labor costs, and unit expenses are per short ton; period changes=percent, except where noted)									
Item	Reported data					Period changes			
	1994	1995	1996	January-March		1994-96	1994-95	1995-96	Jan.-Mar. 1996-97
				1996	1997				
U.S. consumption quantity:									
Amount .....	7,918,112	7,745,003	8,675,485	2,067,568	2,263,816	9.6	-2.2	12.0	9.5
Producers' share (1) .....	82.9	82.6	79.4	84.9	73.4	-3.5	-0.4	-3.1	-11.5
Importers' share (1):									
China (subject) .....	0.1	2.3	3.5	2.3	6.8	3.4	2.2	1.1	4.5
Russia (subject) .....	2.9	3.0	2.9	2.8	4.4	(2)	0.1	-0.1	1.7
South Africa (subject) .....	1.5	0.7	0.9	0.7	0.1	-0.5	-0.7	0.2	-0.6
Ukraine (subject) .....	3.7	6.5	7.2	6.0	7.6	3.5	2.7	0.8	1.6
Subtotal .....	8.2	12.6	14.6	11.8	19.0	6.4	4.3	2.0	7.2
Other sources .....	8.9	4.9	6.0	3.3	7.6	-2.9	-4.0	1.1	4.3
Total imports .....	17.1	17.4	20.6	15.1	26.6	3.5	0.4	3.1	11.5
U.S. consumption value:									
Amount .....	3,367,692	3,495,951	3,795,297	914,032	970,592	12.7	3.8	8.6	6.2
Producers' share (1) .....	84.3	83.8	81.6	85.8	76.8	-2.7	-0.5	-2.2	-9.1
Importers' share (1):									
China (subject) .....	0.1	1.8	2.8	1.9	5.4	2.7	1.7	1.0	3.5
Russia (subject) .....	2.1	2.2	2.1	2.0	3.6	(2)	0.2	-0.2	1.6
South Africa (subject) .....	1.2	0.7	0.8	0.7	0.1	-0.4	-0.6	0.2	-0.5
Ukraine (subject) .....	2.7	5.1	5.7	4.9	6.0	3.0	2.4	0.6	1.1
Subtotal .....	6.1	9.8	11.4	9.5	15.1	5.3	3.7	1.6	5.6
Other sources .....	9.6	6.4	6.9	4.7	8.1	-2.6	-3.2	0.6	3.4
Total imports .....	15.7	16.2	18.4	14.2	23.2	2.7	0.5	2.2	9.1
U.S. imports from:									
China (subject):									
Quantity .....	8,639	181,737	301,652	47,843	153,352	(3)	(3)	66.0	220.5
Value .....	2,836	62,271	105,874	17,050	52,085	(3)	(3)	70.0	205.5
Unit value .....	\$328.27	\$342.65	\$350.98	\$356.38	\$339.64	6.9	4.4	2.4	-4.7
Ending inventory quantity .....	***	***	***	***	***	***	***	***	***
Russia (subject):									
Quantity .....	230,156	234,255	252,396	56,937	100,444	9.7	1.8	7.7	76.4
Value .....	69,556	78,164	78,514	18,455	34,905	12.9	12.4	0.4	89.1
Unit value .....	\$302.21	\$333.67	\$311.07	\$324.12	\$347.50	2.9	10.4	-6.8	7.2
Ending inventory quantity .....	***	***	***	***	***	***	***	***	***
South Africa (subject):									
Quantity .....	115,468	56,110	81,544	14,635	3,220	-29.4	-51.4	45.3	-78.0
Value .....	41,481	23,688	31,769	6,206	1,274	-23.4	-42.9	34.1	-79.5
Unit value .....	\$359.24	\$422.16	\$389.59	\$424.06	\$395.55	8.5	17.5	-7.7	-6.7
Ending inventory quantity .....	***	***	***	***	***	***	***	***	***
Ukraine (subject):									
Quantity .....	295,775	500,266	627,796	124,192	172,421	112.3	69.1	25.5	38.8
Value .....	92,085	179,955	217,574	44,871	58,173	136.3	95.4	20.9	29.6
Unit value .....	\$311.33	\$359.72	\$346.57	\$361.30	\$337.39	11.3	15.5	-3.7	-6.6
Ending inventory quantity .....	***	***	***	***	***	***	***	***	***
Subtotal:									
Quantity .....	650,038	972,368	1,263,389	243,607	429,437	94.4	49.6	29.9	76.3
Value .....	205,957	344,078	433,731	86,582	146,436	110.6	67.1	26.1	69.1
Unit value .....	\$316.84	\$353.86	\$343.31	\$355.42	\$341.00	8.4	11.7	-3.0	-4.1
Ending inventory quantity .....	***	***	***	***	***	***	***	***	***
Other sources:									
Quantity .....	701,627	378,226	520,807	67,966	172,081	-25.8	-46.1	37.7	153.2
Value .....	322,594	222,665	263,404	42,953	78,980	-18.3	-31.0	18.3	83.9
Unit value .....	\$459.78	\$588.71	\$505.76	\$631.97	\$458.97	10.0	28.0	-14.1	-27.4
All sources:									
Quantity .....	1,351,665	1,350,595	1,784,195	311,573	601,518	32.0	-0.1	32.1	93.1
Value .....	528,551	566,743	697,135	129,534	225,416	31.9	7.2	23.0	74.0
Unit value .....	\$391.04	\$419.62	\$390.73	\$415.74	\$374.74	-0.1	7.3	-6.9	-9.9

Continued on the following page.

Table C-4--Continued

CTL plate from U.S. mills and U.S. processors: Summary data concerning the U.S. market, 1994-96, Jan.-Mar. 1996, and Jan.-Mar. 1997

(Quantity=short tons, value=1,000 dollars, unit values, unit labor costs, and unit expenses are per short ton; period changes=percent, except where noted)									
Item	Reported data					Period changes			
	1994	1995	1996	January-March		1994-96	1994-95	1995-96	Jan.-Mar. 1996-97
				1996	1997				
U.S. producers:									
Average capacity quantity . . . . .	9,064,709	8,960,893	9,222,170	2,274,581	2,331,563	1.7	-1.1	2.9	2.5
Production quantity . . . . .	6,676,099	6,532,841	6,942,185	1,772,024	1,696,015	4.0	-2.1	6.3	-4.3
Capacity utilization (1) . . . . .	73.6	72.9	75.3	77.9	72.7	1.6	-0.7	2.4	-5.2
U.S. shipments:									
Quantity . . . . .	6,566,447	6,394,408	6,891,290	1,755,995	1,662,298	4.9	-2.6	7.8	-5.3
Value . . . . .	2,839,141	2,929,208	3,098,162	784,498	745,176	9.1	3.2	5.8	-5.0
Unit value . . . . .	\$432.37	\$458.09	\$449.58	\$446.75	\$448.28	4.0	5.9	-1.9	0.3
Export shipments:									
Quantity . . . . .	75,884	115,861	70,158	21,204	16,149	-7.5	52.7	-39.4	-23.8
Value . . . . .	35,033	55,376	34,763	10,271	8,048	-0.8	58.1	-37.2	-21.6
Unit value . . . . .	\$461.67	\$477.95	\$495.50	\$484.39	\$498.36	7.3	3.5	3.7	2.9
Ending inventory quantity . . . . .	313,570	336,100	317,594	328,779	347,744	1.3	7.2	-5.5	5.8
Inventories/total shipments (1) . . . . .	4.7	5.2	4.6	4.6	5.2	-0.2	0.4	-0.6	0.6
Production workers . . . . .	7,489	7,383	7,778	7,908	7,474	3.9	-1.4	5.3	-5.5
Hours worked (1,000s) . . . . .	16,596	16,667	17,332	4,464	4,135	4.4	0.4	4.0	-7.4
Wages paid (\$1,000s) . . . . .	337,309	349,810	365,401	93,267	87,948	8.3	3.7	4.5	-5.7
Hourly wages . . . . .	\$20.33	\$20.99	\$21.08	\$20.89	\$21.27	3.7	3.3	0.5	1.8
Productivity (short tons per									
1,000 hours) . . . . .	402.3	392.0	400.5	397.0	410.2	-0.4	-2.6	2.2	3.3
Unit labor costs . . . . .	\$50.52	\$53.55	\$52.63	\$52.63	\$51.86	4.2	6.0	-1.7	-1.5
Net sales:									
Quantity . . . . .	6,344,407	6,280,227	6,711,412	1,718,903	1,612,314	5.8	-1.0	6.9	-6.2
Value . . . . .	2,739,295	2,868,752	3,017,747	767,603	722,412	10.2	4.7	5.2	-5.9
Unit value . . . . .	\$431.77	\$456.79	\$449.64	\$446.57	\$448.06	4.1	5.8	-1.6	0.3
Cost of goods sold (COGS) . . . . .	2,556,592	2,604,129	2,758,843	704,008	672,729	7.9	1.9	5.9	-4.4
Gross profit or (loss) . . . . .	182,703	264,623	258,904	63,595	49,683	41.7	44.8	-2.2	-21.9
SG&A expenses . . . . .	103,858	104,941	116,090	27,640	27,834	11.8	1.0	10.6	0.7
Operating income or (loss) . . . . .	78,845	159,682	142,814	35,955	21,849	81.1	102.5	-10.6	-39.2
Capital expenditures . . . . .	315,323	325,170	206,476	57,180	34,757	-34.5	3.1	-36.5	-39.2
Unit COGS . . . . .	\$402.97	\$414.66	\$411.07	\$409.57	\$417.24	2.0	2.9	-0.9	1.9
Unit SG&A expenses . . . . .	\$16.37	\$16.71	\$17.30	\$16.08	\$17.26	5.7	2.1	3.5	7.4
Unit operating income or (loss) . . . . .	\$12.43	\$25.43	\$21.28	\$20.92	\$13.55	71.2	104.6	-16.3	-35.2
COGS/sales (1) . . . . .	93.3	90.8	91.4	91.7	93.1	-1.9	-2.6	0.6	1.4
Operating income or (loss)/ sales (1) . . . . .	2.9	5.6	4.7	4.7	3.0	1.9	2.7	-0.8	-1.7

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

(2) Increase of less than 0.05 percentage point.

(3) Increase greater than 1,000 percent.

Note.--Financial data are reported on a fiscal year basis and may not necessarily be comparable to data reported on a calendar year basis.

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

Table C-1

CTL plate: Summary data concerning the U.S. market, 1997-2002, January-March 2002, and January-March 2003

(Quantity=short tons; value=1,000 dollars; unit values, unit labor costs, and unit expenses are per ton; and period changes=percent, except where noted)

Item	Calendar year						January-March		Period changes			
	1997	1998	1999	2000	2001	2002	2002	2003	1997-2002	2000-2001	2001-2002	Jan.-Mar. 2002-2003
U.S. consumption quantity: Amount	7,348,408	8,938,897	6,538,528	6,448,960	6,123,347	5,814,031	1,490,314	1,283,354	-20.9	-5.0	-5.1	-13.9
Producers' share <sup>1</sup>	83.0	79.6	88.8	87.6	88.1	89.2	85.7	89.4	6.1	0.5	1.1	3.8
Importers' share: <sup>1</sup>												
China	2.2	1.7	0.4	2.3	1.5	0.5	0.8	0.0	-1.7	-0.8	-1.0	-0.8
Russia	2.2	1.3	0.3	1.4	1.3	0.6	0.8	0.1	-1.6	-0.1	-0.7	-0.7
South Africa	0.1	0.2	0.2	0.1	0.2	0.2	0.4	0.1	0.1	0.1	0.0	-0.3
Ukraine	2.5	1.7	0.1	0.4	0.5	0.1	0.0	0.1	-2.4	0.1	-0.4	0.1
Subtotal	7.0	4.9	0.9	4.2	3.5	1.4	2.0	0.4	-5.6	-0.8	-2.0	-1.6
Other sources	10.0	15.4	10.3	8.2	8.4	9.4	12.3	10.1	-0.6	0.2	1.0	-2.1
Total	17.0	20.4	11.2	12.4	11.9	10.8	14.3	10.6	-6.1	-0.5	-1.1	-3.8
U.S. consumption value: Amount	3,198,639	3,887,182	2,467,720	2,440,993	2,176,496	2,104,804	511,642	484,482	-34.2	-10.8	-3.3	-5.3
Producers' share <sup>1</sup>	84.1	80.6	88.3	87.3	87.3	87.8	84.7	88.1	3.7	0.0	0.4	3.4
Importers' share: <sup>1</sup>												
China	1.8	1.5	0.4	1.9	1.3	0.5	0.7	0.0	-1.2	-0.6	-0.8	-0.6
Russia	1.7	1.0	0.2	1.0	1.0	0.5	0.6	0.1	-1.2	0.0	-0.5	-0.5
South Africa	0.1	0.2	0.1	0.1	0.2	0.2	0.3	0.1	0.1	0.1	0.0	-0.2
Ukraine	2.0	1.5	0.1	0.4	0.5	0.1	0.0	0.1	-1.9	0.1	-0.4	0.1
Subtotal	5.5	4.2	0.8	3.3	2.9	1.3	1.6	0.4	-4.2	-0.4	-1.6	-1.3
Other sources	10.4	15.1	10.9	9.3	9.8	11.0	13.7	11.5	0.5	0.5	1.2	-2.2
Total	15.9	19.4	11.7	12.7	12.7	12.2	15.3	11.9	-3.7	0.0	-0.4	-3.4
U.S. imports from--												
China:												
Quantity	163,527	154,955	26,159	151,126	91,510	31,138	12,009	401	-81.0	-39.4	-66.0	-96.7
Value	56,247	56,471	9,003	46,031	28,309	10,980	3,408	177	-80.5	-38.5	-61.2	-94.8
Unit value	\$343.96	\$364.44	\$344.17	\$304.59	\$309.35	\$352.61	\$283.77	\$443.00	2.5	1.6	14.0	56.1
Ending inventory	***	***	***	***	***	***	***	***	***	***	***	***
Russia:												
Quantity	158,509	117,614	17,390	87,898	79,070	34,453	12,390	1,528	-78.3	-10.0	-56.4	-87.7
Value	53,096	39,929	6,115	23,933	20,690	10,399	3,196	490	-80.4	-13.5	-49.7	-84.7
Unit value	\$334.97	\$339.49	\$351.63	\$272.28	\$261.67	\$301.84	\$257.93	\$320.83	-9.9	-3.9	15.4	24.4
Ending inventory	***	***	***	***	***	***	***	***	***	***	***	***

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Table C-1--Continued

CTL plate: Summary data concerning the U.S. market, 1997-2002, January-March 2002, and January-March 2003

(Quantity=short tons; value=1,000 dollars; unit values, unit labor costs, and unit expenses are per ton; and period changes=percent, except where noted)

Item	Calendar year						January-March		Period changes			
	1997	1998	1999	2000	2001	2002	2002	2003	1997-2002	2000-2001	2001-2002	Jan.-Mar. 2002-2003
U.S. imports from— South Africa:												
Quantity	7,945	21,177	10,561	5,771	10,992	11,889	5,971	1,708	49.6	90.5	8.2	-71.4
Value	3,059	8,625	3,449	1,983	3,665	3,484	1,788	605	13.9	84.8	-4.9	-66.2
Unit value	\$385.07	\$407.28	\$326.54	\$343.68	\$333.39	\$293.01	\$299.50	\$354.19	-23.9	-3.0	-12.1	18.3
Ending inventory	***	***	***	***	***	***	***	***	***	***	***	***
Ukraine:												
Quantity	184,615	148,349	3,814	28,627	31,316	5,650	0	1,537	-96.9	9.4	-82.0	(?)
Value	63,018	59,955	1,904	8,884	9,899	2,184	0	593	-96.5	11.4	-77.9	(?)
Unit value	341	\$404.15	\$499.33	\$310.33	\$316.12	\$386.57	(?)	\$385.90	13.3	1.9	22.3	(?)
Ending inventory	***	***	***	***	***	***	***	***	***	***	***	***
Subtotal subject sources:												
Quantity	514,597	442,094	57,923	273,422	212,888	83,130	30,370	5,173	-83.8	-22.1	-61.0	-83.0
Value	175,420	164,980	20,471	80,830	62,563	27,046	8,392	1,865	-84.6	-22.6	-56.8	-77.8
Unit value	\$340.89	\$373.18	\$353.41	\$295.63	\$293.88	\$325.35	\$276.32	\$360.64	-4.6	-0.6	10.7	30.5
Ending inventory	***	***	***	***	***	***	***	***	***	***	***	***
Other sources:												
Quantity	732,631	1,379,685	671,426	529,085	515,870	546,414	182,998	130,252	-25.4	-2.5	5.9	-28.8
Value	333,633	588,526	269,054	227,994	213,188	230,775	69,950	55,823	-30.8	-6.5	8.2	-20.2
Unit value	\$455.39	\$426.57	\$400.72	\$430.92	\$413.26	\$422.34	\$382.25	\$428.58	-7.3	-4.1	2.2	12.1
Ending inventory	***	***	***	***	***	***	***	***	***	***	***	***
All sources:												
Quantity	1,247,228	1,821,779	729,349	802,507	728,758	629,543	213,369	135,425	-49.5	-9.2	-13.6	-36.5
Value	509,053	753,506	289,524	308,824	275,751	257,821	78,342	57,689	-49.4	-10.7	-6.5	-26.4
Unit value	\$408.15	\$413.61	\$396.96	\$384.82	\$378.39	\$409.54	\$367.17	\$425.98	0.3	-1.7	8.2	16.0
Ending inventory	10,019	29,481	10,336	6,921	7,547	5,012	3,509	6,875	-50.0	9.0	-33.6	95.9

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Table C-1--Continued  
 CTL plate: Summary data concerning the U.S. market, 1997-2002, January-March 2002, and January-March 2003

(Quantity=short tons; value=1,000 dollars; unit values, unit labor costs, and unit expenses are per ton; and period changes=percent, except where noted)

Item	Calendar year							January-March		Period changes			
	1997	1998	1999	2000	2001	2002	2002	2002	2003	1997-2002	2000-2001	2001-2002	Jan.-Mar. 2002-2003
<b>U.S. producers'</b>													
Capacity quantity	8,667,033	10,010,548	9,431,014	9,258,670	8,340,306	8,181,782	2,183,859	2,170,908		-5.6	-9.9	-1.9	-0.6
Production quantity	6,330,510	7,419,073	6,088,967	5,861,042	5,669,296	5,625,598	1,308,483	1,204,259		-11.1	-3.3	-0.8	-8.0
Capacity utilization <sup>1</sup>	73.0	74.1	64.6	63.3	67.6	68.4	59.9	55.5		-4.6	4.3	0.8	-4.4
<b>U.S. shipments--</b>													
Quantity	6,101,180	7,117,118	5,809,179	5,646,453	5,394,589	5,184,488	1,276,946	1,147,929		-15.0	-4.5	-3.9	-10.1
Value	2,689,586	3,133,676	2,178,198	2,132,169	1,900,745	1,846,983	433,299	426,793		-31.3	-10.9	-2.8	-1.5
Unit value	\$440.83	\$440.30	\$374.96	\$377.61	\$352.34	\$356.25	\$339.32	\$371.79		-19.2	-6.7	1.1	9.6
<b>Export shipments:</b>													
Quantity	170,955	226,837	194,051	217,225	177,518	227,124	35,157	54,549		32.9	-18.3	27.9	55.2
Value	77,713	102,976	72,252	79,492	63,468	78,244	13,262	19,041		0.7	-20.2	23.3	43.6
Unit value	\$454.58	\$453.96	\$372.34	\$365.94	\$357.53	\$344.50	\$377.22	\$349.06		-24.2	-2.3	-3.6	-7.5
Ending inventory quantity	428,270	500,751	446,738	447,226	442,041	334,473	300,135	260,882		-21.9	-1.2	-24.3	-13.1
Inventories/total shipments <sup>1</sup>	6.8	6.8	7.4	7.6	7.9	6.2	5.7	5.4		-0.6	0.3	-1.8	-0.3
Production workers	7,577	7,979	6,522	6,641	6,082	4,862	4,899	4,311		-35.8	-8.4	-20.1	-12.0
Hours worked (1,000 hours)	17,212	18,087	14,277	14,384	12,962	10,908	2,612	2,371		-36.6	-9.9	-15.9	-9.2
Wages paid (1,000 dollars)	375,409	402,019	318,065	321,268	300,089	258,415	62,893	59,333		-31.2	-6.6	-13.9	-5.7
Hourly wages	\$21.81	\$22.23	\$22.28	\$22.34	\$23.15	\$23.69	\$24.08	\$25.02		8.6	3.7	2.3	3.9
Productivity (tons per hour)	364.0	406.8	422.6	405.5	435.6	513.8	519.6	523.5		41.2	7.4	18.0	0.8
Unit labor costs	\$59.92	\$54.64	\$52.72	\$55.08	\$53.15	\$46.11	\$46.92	\$48.28		-23.1	-3.5	-13.3	2.9

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Table C-1--Continued  
CTL plate: Summary data concerning the U.S. market, 1997-2002, January-March 2002, and January-March 2003

(Quantity=short tons; value=\$1,000 dollars; unit values, unit labor costs, and unit expenses are per ton; and period changes=percent, except where noted)

Item	Calendar year						January-March			Period changes			
	1997	1998	1999	2000	2001	2002	2002	2003	1997-2002	2000-2001	2001-2002	Jan.-Mar. 2002-2003	
U.S. producers' --													
Net sales:													
Quantity	5,586,050	6,690,581	5,153,254	4,926,278	4,672,699	4,981,996		1,107,343	-10.8	-5.1	6.6	-8.2	
Value	2,514,284	3,005,441	1,964,899	1,875,286	1,675,075	1,752,442		410,382	-30.3	-10.7	4.6	1.0	
Unit value	\$450.10	\$449.20	\$381.29	\$380.67	\$358.48	\$351.75		\$370.60	-21.9	-5.8	-1.9	9.9	
COGS	2,328,842	2,742,965	1,955,117	1,901,588	1,758,880	1,769,708		428,661	-24.0	-7.5	0.6	2.1	
Gross profit or (loss)	185,442	262,476	9,782	(26,302)	(83,805)	(17,266)		(18,279)	-109.3	218.6	-79.4	36.4	
SG&A expenses	106,177	123,630	140,283	127,459	109,230	105,644		23,603	-0.5	-14.3	-3.3	-7.4	
Operating income	79,265	138,846	(130,501)	(153,761)	(193,035)	(122,910)		(41,882)	-255.1	25.5	-36.3	7.7	
Capital expenditures	175,128	140,766	329,004	291,794	65,627	30,441		3,328	-82.6	-77.5	-53.6	-46.4	
Unit COGS	\$416.90	\$409.97	\$379.39	\$386.01	\$376.42	\$355.22		\$387.11	-14.8	-2.5	-5.6	11.2	
Unit SG&A expenses	\$19.01	\$18.48	\$27.22	\$25.87	\$23.38	\$21.21		\$21.31	11.6	-9.7	-9.3	0.8	
Unit operating income	\$14.19	\$20.75	\$(25.32)	\$(31.21)	\$(41.31)	\$(24.67)		\$(37.82)	-273.9	32.4	-40.3	17.3	
COGS/sales <sup>1</sup>	92.6	91.3	99.5	101.4	105.0	101.0		104.5	8.4	3.6	-4.0	1.2	
Operating income or (loss)/sales <sup>1</sup>	3.2	4.6	(6.6)	(8.2)	(11.5)	(7.0)		(10.2)	-10.2	-3.3	4.5	-0.6	

<sup>1</sup> Period changes are in percentage points.

<sup>2</sup> Not meaningful.

<sup>3</sup> Not applicable.

Note.--Data for U.S. producers includes CTL micro alloy steel plate. \*\*\* Available information on CTL micro alloy steel plate is presented in table F-1, appendix F.

Source: Compiled from data submitted in response to Commission questionnaires.

Table C-1

CTL plate: Summary data concerning the U.S. market, 2003-08, January-June 2008, and January-June 2009

(Quantity=short tons, value=1,000 dollars, unit values, unit labor costs, and unit expenses are per short ton; period changes=percent, except where noted)																
Item	Reported data								Period changes							
	2003	2004	2005	2006	2007	2008	January-June 2008 2009		2003-08	2003-04	2004-05	2005-06	2006-07	2007-08	Jan.-June 2008-09	
<b>U.S. consumption quantity:</b>																
Amount	6,393,512	7,217,372	7,536,148	8,988,128	8,531,296	8,635,333	4,480,239	2,212,950	35.1	12.9	4.4	19.3	-5.1	1.2	-50.6	
Producers' share (1)	93.8	91.1	89.4	85.0	87.9	90.3	92.0	89.7	-3.5	-2.7	-1.7	-4.4	2.9	2.4	-2.4	
<b>Importers' share (1):</b>																
China	0.1	0.0	0.0	0.0	0.0	0.1	0.0	0.0	-0.0	-0.1	0.0	0.0	-0.0	0.0	0.0	
Russia	0.1	0.0	0.0	0.8	0.4	1.0	0.6	0.4	0.9	-0.0	0.0	0.7	-0.3	0.5	-0.2	
Ukraine	0.1	1.8	1.2	1.4	0.7	2.0	0.8	0.7	1.9	1.7	-0.6	0.2	-0.7	1.3	-0.0	
Subtotal	0.2	1.8	1.3	2.2	1.2	3.0	1.3	1.1	2.8	1.6	-0.6	0.9	-1.0	1.9	-0.2	
All other sources	6.0	7.1	9.4	12.8	11.0	6.6	6.6	9.2	0.7	1.1	2.3	3.5	-1.9	-4.3	2.6	
Total imports	6.2	8.9	10.6	15.0	12.1	9.7	8.0	10.3	3.5	2.7	1.7	4.4	-2.9	-2.4	2.4	
<b>U.S. consumption value:</b>																
Amount	2,307,465	4,369,126	5,310,214	6,598,992	6,547,414	8,792,054	4,138,021	1,734,302	281.0	89.3	21.5	24.3	-0.8	34.3	-58.1	
Producers' share (1)	91.9	90.5	88.9	86.3	88.1	89.5	91.9	86.3	-2.4	-1.4	-1.6	-2.6	1.8	1.4	-5.6	
<b>Importers' share (1):</b>																
China	0.1	0.0	0.0	0.0	0.0	0.1	0.0	0.1	-0.0	-0.1	-0.0	0.0	0.0	0.0	0.1	
Russia	0.1	0.0	0.0	0.6	0.4	1.1	0.4	0.4	1.0	-0.0	0.0	0.6	-0.3	0.7	-0.0	
Ukraine	0.1	1.7	1.2	1.2	0.6	2.1	0.8	1.0	2.0	1.6	-0.5	0.0	-0.6	1.4	0.2	
Subtotal	0.2	1.7	1.3	1.9	1.1	3.2	1.3	1.5	3.0	1.5	-0.5	0.6	-0.9	2.2	0.3	
All other sources	7.9	7.7	9.8	11.8	10.9	7.3	6.8	12.2	-0.6	-0.1	2.1	2.0	-0.9	-3.6	5.3	
Total imports	8.1	9.5	11.1	13.7	11.9	10.5	8.1	13.7	2.4	1.4	1.6	2.6	-1.8	-1.4	5.6	
<b>U.S. imports from:</b>																
<b>China:</b>																
Quantity	6,036	1,393	2,836	4,113	3,453	4,360	869	789	-27.8	-76.9	103.6	45.0	-16.0	26.3	-9.2	
Value	2,428	1,488	1,719	3,191	3,214	5,714	1,379	1,698	135.4	-38.7	15.5	85.7	0.7	77.8	23.2	
Unit value	\$402	\$1,068	\$606	\$776	\$931	\$1,311	\$1,587	\$2,153	225.9	165.6	-43.2	28.0	20.0	40.8	35.6	
Ending inventory quantity	***	***	***	***	***	***	***	***	***	***	***	***	***	***	***	***
<b>Russia:</b>																
Quantity	3,742	714	3,001	69,960	37,793	84,992	24,810	8,066	2,171.5	-80.9	320.6	2,230.9	-46.0	124.9	-67.5	
Value	1,239	602	1,766	42,572	25,236	95,098	18,555	7,452	7,576.2	-51.4	193.6	2,310.9	-40.7	276.8	-59.8	
Unit value	\$331	\$843	\$588	\$609	\$668	\$1,119	\$748	\$924	237.9	154.6	-30.2	3.4	9.7	67.6	23.5	
Ending inventory quantity	***	***	***	***	***	***	***	***	***	***	***	***	***	***	***	***
<b>Ukraine:</b>																
Quantity	4,724	129,159	89,275	122,420	57,700	173,945	34,528	16,128	3,582.5	2,634.3	-30.9	37.1	-52.9	201.5	-53.3	
Value	1,709	73,854	64,765	81,432	40,885	182,276	32,023	17,190	10,566.4	4,221.8	-12.3	25.7	-49.8	345.8	-46.3	
Unit value	\$362	\$572	\$725	\$665	\$709	\$1,048	\$927	\$1,066	189.7	58.1	26.9	-8.3	6.5	47.9	14.9	
Ending inventory quantity	***	***	***	***	***	***	***	***	***	***	***	***	***	***	***	***
<b>Subtotal:</b>																
Quantity	14,502	131,265	95,113	196,494	98,947	263,298	60,206	24,983	1,715.6	805.2	-27.5	106.6	-49.6	166.1	-58.5	
Value	5,375	75,943	68,250	127,195	69,335	283,089	51,957	26,340	5,166.5	1,312.8	-10.1	86.4	-45.5	308.3	-49.3	
Unit value	\$371	\$579	\$718	\$647	\$701	\$1,075	\$863	\$1,054	190.1	56.1	24.0	-9.8	8.3	53.4	22.2	
Ending inventory quantity	***	***	***	***	***	***	***	***	***	***	***	***	***	***	***	***
<b>All other sources:</b>																
Quantity	380,951	512,579	705,800	1,152,553	934,974	572,094	297,075	203,650	50.2	34.6	37.7	63.3	-18.9	-38.8	-31.4	
Value	181,282	338,335	522,619	779,697	712,338	642,330	283,150	210,981	254.3	86.6	54.5	49.2	-8.6	-9.8	-25.5	
Unit value	\$476	\$660	\$740	\$676	\$762	\$1,123	\$953	\$1,036	135.9	38.7	12.2	-8.6	12.6	47.4	8.7	
Ending inventory quantity	***	***	***	***	***	***	***	***	***	***	***	***	***	***	***	***
<b>All sources:</b>																
Quantity	395,453	643,845	800,913	1,349,047	1,033,921	835,392	357,281	228,633	111.2	62.8	24.4	68.4	-23.4	-19.2	-36.0	
Value	186,658	414,278	590,868	906,892	781,673	925,418	335,107	237,320	395.8	121.9	42.6	53.5	-13.8	18.4	-29.2	
Unit value	\$472	\$643	\$738	\$672	\$756	\$1,108	\$938	\$1,038	134.7	36.3	14.7	-8.9	12.5	46.5	10.7	
Ending inventory quantity	8,272	18,846	17,784	53,034	28,586	52,704	24,747	38,569	537.1	127.8	-5.6	198.2	-46.1	84.4	55.9	
<b>U.S. producers':</b>																
Average capacity quantity	9,612,515	9,358,706	9,824,667	10,420,197	10,464,249	10,882,642	5,581,791	5,064,916	13.2	-2.6	5.0	6.1	0.4	4.0	-9.3	
Production quantity	6,464,022	7,129,899	7,337,156	8,515,159	8,463,676	8,583,931	4,636,079	2,064,300	32.8	10.3	2.9	16.1	-0.6	1.4	-55.5	
Capacity utilization (1)	67.2	76.2	74.7	81.7	80.9	78.9	83.1	40.8	11.6	8.9	-1.5	7.0	-0.8	-2.0	-42.3	
<b>U.S. shipments:</b>																
Quantity	5,998,059	6,573,527	6,735,235	7,639,081	7,497,375	7,799,941	4,122,958	1,984,317	30.0	9.6	2.5	13.4	-1.9	4.0	-51.9	
Value	2,120,807	3,954,848	4,719,346	5,692,100	5,765,741	7,866,636	3,802,914	1,496,982	270.9	86.5	19.3	20.6	1.3	36.4	-60.6	
Unit value	\$354	\$602	\$701	\$745	\$769	\$1,009	\$922	\$754	185.2	70.2	16.5	6.3	3.2	31.1	-18.2	
<b>Export shipments:</b>																
Quantity	450,172	566,669	607,336	796,275	948,275	902,630	509,592	179,288	100.5	25.9	7.2	31.1	19.1	-4.8	-64.8	
Value	185,825	438,474	512,712	664,872	842,197	911,760	506,319	126,919	390.7	136.0	16.9	29.7	26.7	8.3	-74.9	
Unit value	\$413	\$774	\$844	\$835	\$888	\$1,010	\$994	\$708	144.7	87.5	9.1	-1.1	6.4	13.7	-28.8	
Ending inventory quantity	472,142	467,155	427,639	535,175	544,133	429,247	527,909	268,774	-9.1	-1.1	-8.5	25.1	1.7	-21.1	-49.1	
Inventories/total shipments (1)	7.3	6.5	5.8	6.3	6.4	4.9	5.7	6.2	-2.4	-0.8	-0.7	0.5	0.1	-1.5	0.5	
Production workers	4,184	3,498	3,576	3,732	3,853	4,191	4,401	3,716	0.2	-16.4	2.2	4.4	3.2	8.8	-15.6	
Hours worked (1,000s)	9,080	7,847	8,113	8,629	8,869	9,488	5,184	3,450	4.5	-13.6	3.4	6.4	2.8	7.0	-33.4	
Wages paid (\$1,000s)	229,460	219,468	233,643	267,258	281,310	318,344	172,855	100,071	38.7	-4.4	6.5	14.4	5.3	13.2	-42.1	
Hourly wages	\$25.27	\$27.97	\$28.80	\$30.97	\$31.72	\$33.55	\$33.34	\$29.00	32.8	10.7	3.0	7.5	2.4	5.8	-13.0	
Productivity (tons/1,000 hours)	627.7	789.4	793.3	880.2	858.0	820.6	821.9	542.4	30.7	25.8	0.5	11.0	-2.5	-4.4	-34.0	
Unit labor costs	\$40.26	\$35.43	\$36.30	\$35.19	\$36.97	\$40.89	\$40.56	\$53.47	1.6	-12.0	2.5	-3.1	5.1	10.6	31.8	
<b>Net sales:</b>																
Quantity	5,686,152	6,170,413	6,365,139	7,436,868	7,447,725	7,655,181	4,198,215	1,890,838	34.6	8.5	3.2	16.8	0.1	2.8	-55.0	
Value	2,089,064	3,876,161	4,716,691	5,678,021	5,940,911	7,818,382	3,880,734	1,412,853	274.3	85.5	21.7	20.4	4.6	31.6	-63.6	
Unit value	\$367	\$628	\$741	\$763	\$798	\$1,021	\$924	\$747	178.0	71.0	18.0	3.0				

Table C-1

CTL plate: Summary data concerning the U.S. market, 2012-14, January to June 2014, and January to June 2015

(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		2014	January to June		Calendar year		2013-14	Jan-Jun 2014-15
	2012	2013		2014	2015	2012-14	2012-13		
U.S. consumption quantity:									
Amount.....	7,848,696	7,595,999	8,674,205	4,205,788	3,836,456	10.5	(3.2)	14.2	(8.8)
Producers' share (fn1).....	85.9	91.6	81.5	84.1	82.7	(4.4)	5.7	(10.1)	(1.5)
Importers' share (fn1):									
China.....	0.1	0.0	0.1	0.1	0.1	(0.0)	(0.0)	0.0	0.1
Russia.....	0.4	0.0	0.7	0.6	0.3	0.4	(0.3)	0.7	(0.2)
Ukraine.....	0.2	0.0	0.0	0.0	0.1	(0.2)	(0.2)	0.0	0.1
Subject sources.....	0.6	0.1	0.8	0.7	0.6	0.2	(0.5)	0.7	(0.1)
All others sources.....	13.5	8.3	17.7	15.2	16.8	4.2	(5.2)	9.4	1.6
Total imports.....	14.1	8.4	18.5	15.9	17.3	4.4	(5.7)	10.1	1.5
U.S. consumption value:									
Amount.....	6,737,086	5,762,386	7,071,562	3,362,762	2,854,650	5.0	(14.5)	22.7	(15.1)
Producers' share (fn1).....	84.6	90.2	81.6	84.1	81.8	(3.0)	5.6	(8.5)	(2.3)
Importers' share (fn1):									
China.....	0.2	0.1	0.1	0.1	0.2	(0.1)	(0.1)	0.0	0.1
Russia.....	0.3	0.0	0.6	0.4	0.3	0.3	(0.3)	0.6	(0.1)
Ukraine.....	0.2	0.0	0.0	0.0	0.1	(0.2)	(0.2)	0.0	0.1
Subject sources.....	0.7	0.1	0.7	0.6	0.6	0.0	(0.6)	0.6	0.1
All others sources.....	14.8	9.7	17.7	15.3	17.6	2.9	(5.0)	7.9	2.3
Total imports.....	15.4	9.8	18.4	15.9	18.2	3.0	(5.6)	8.5	2.3
U.S. imports from:									
China:									
Quantity.....	6,224	2,923	5,933	3,563	5,548	(4.7)	(53.0)	103.0	55.7
Value.....	10,804	3,646	7,304	3,991	5,897	(32.4)	(66.3)	100.3	47.8
Unit value.....	\$1,736	\$1,247	\$1,231	\$1,120	\$1,063	(29.1)	(28.1)	(1.3)	(5.1)
Ending inventory quantity.....	***	***	***	***	***	***	***	***	***
Russia:									
Quantity.....	27,652	2,791	61,585	24,250	12,607	122.7	(89.9)	2,106.4	(48.0)
Value.....	21,149	1,678	41,271	15,068	9,509	95.1	(92.1)	2,359.0	(36.9)
Unit value.....	\$765	\$601	\$670	\$621	\$754	(12.4)	(21.4)	11.4	21.4
Ending inventory quantity.....	***	***	***	***	***	***	***	***	***
Ukraine:									
Quantity.....	14,728	0	3	3	3,560	(100.0)	(100.0)	fn2	124,942.2
Value.....	13,171	0	5	5	2,512	(100.0)	(100.0)	fn2	48,738.8
Unit value.....	\$894	\$0	\$1,806	\$1,806	\$705	102.0	(100.0)	fn2	(60.9)
Ending inventory quantity.....	***	***	***	***	***	***	***	***	***
Subject sources:									
Quantity.....	48,604	5,714	67,520	27,815	21,716	38.9	(88.2)	1,081.7	(21.9)
Value.....	45,124	5,324	48,580	19,063	17,918	7.7	(88.2)	812.5	(6.0)
Unit value.....	\$928	\$932	\$719	\$685	\$825	(22.5)	0.4	(22.8)	20.4
Ending inventory quantity.....	***	***	***	***	***	***	***	***	***
All other sources:									
Quantity.....	1,058,973	631,868	1,537,833	639,621	643,480	45.2	(40.3)	143.4	0.6
Value.....	994,295	561,706	1,251,246	515,560	502,919	25.8	(43.5)	122.8	(2.5)
Unit value.....	\$939	\$889	\$814	\$806	\$782	(13.3)	(5.3)	(8.5)	(3.0)
Ending inventory quantity.....	***	***	***	***	***	***	***	***	***
Total imports:									
Quantity.....	1,107,576	637,581	1,605,353	667,436	665,196	44.9	(42.4)	151.8	(0.3)
Value.....	1,039,419	567,030	1,299,826	534,623	520,837	25.1	(45.4)	129.2	(2.6)
Unit value.....	\$938	\$889	\$810	\$801	\$783	(13.7)	(5.2)	(9.0)	(2.3)
Ending inventory quantity.....	25,677	28,681	43,633	49,673	24,697	69.9	11.7	52.1	(50.3)

Table continued --

Table C-1--Continued

CTL plate: Summary data concerning the U.S. market, 2012-14, January to June 2014, and January to June 2015

(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 June			Calendar year		Jan-Jun	
	2012	2013	2014	2014	2015	2012-14	2012-13	2013-14	2014-15
U.S. producers':									
Average capacity quantity.....	11,268,473	11,387,809	10,938,452	5,467,398	5,459,438	(2.9)	1.1	(3.9)	(0.1)
Production quantity.....	7,404,186	7,601,673	7,958,172	3,982,082	3,413,082	7.5	2.7	4.7	(14.3)
Capacity utilization (fn1).....	65.7	66.8	72.8	72.8	62.5	7.0	1.0	6.0	(10.3)
U.S. shipments:									
Quantity.....	6,741,120	6,958,418	7,068,852	3,538,352	3,171,260	4.9	3.2	1.6	(10.4)
Value.....	5,697,667	5,195,356	5,771,736	2,828,139	2,333,813	1.3	(8.8)	11.1	(17.5)
Unit value.....	\$845	\$747	\$817	\$799	\$736	(3.4)	(11.7)	9.4	(7.9)
Export shipments:									
Quantity.....	696,518	587,828	737,116	373,551	285,017	5.8	(15.6)	25.4	(23.7)
Value.....	589,925	440,323	619,671	304,025	210,546	5.0	(25.4)	40.7	(30.7)
Unit value.....	\$847	\$749	\$841	\$814	\$739	(0.7)	(11.6)	12.2	(9.2)
Ending inventory quantity.....	303,057	316,138	391,628	346,858	325,775	29.2	4.3	23.9	(6.1)
Inventories/total shipments (fn1).....	4.1	4.2	5.0	4.4	4.7	0.9	0.1	0.8	0.3
Production workers.....	4,364	4,270	4,124	4,026	3,865	(5.5)	(2.2)	(3.4)	(4.0)
Hours worked (1,000s).....	9,034	8,902	8,822	4,399	4,104	(2.3)	(1.5)	(0.9)	(6.7)
Wages paid (\$1,000).....	311,725	312,193	320,340	154,153	144,424	2.8	0.2	2.6	(6.3)
Hourly wages.....	\$34.51	\$35.07	\$36.31	\$35.04	\$35.19	5.2	1.6	3.5	0.4
Productivity (short tons per 1,000 hours).....	819.6	853.9	902.1	905.2	831.6	10.1	4.2	5.6	(8.1)
Unit labor costs.....	\$42.10	\$41.07	\$40.25	\$38.71	\$42.31	(4.4)	(2.5)	(2.0)	9.3
Net Sales:									
Quantity.....	6,639,560	6,791,575	6,988,909	3,512,104	3,061,638	5.3	2.3	2.9	(12.8)
Value.....	5,864,548	5,238,848	5,905,530	2,895,761	2,334,897	0.7	(10.7)	12.7	(19.4)
Unit value.....	\$883	\$771	\$845	\$825	\$763	(4.3)	(12.7)	9.5	(7.5)
Cost of goods sold (COGS).....	5,193,041	4,964,914	5,150,355	2,632,122	2,095,035	(0.8)	(4.4)	3.7	(20.4)
Gross profit or (loss).....	671,507	273,934	755,175	263,639	239,862	12.5	(59.2)	175.7	(9.0)
SG&A expenses.....	198,848	190,283	168,587	85,518	86,979	(15.2)	(4.3)	(11.4)	1.7
Operating income or (loss).....	472,659	83,651	586,588	178,121	152,883	24.1	(82.3)	601.2	(14.2)
Net income.....	299,648	(84,152)	434,176	113,496	80,803	44.9	fn2	fn2	(28.8)
Capital expenditures.....	159,175	117,624	142,523	66,573	33,657	(10.5)	(26.1)	21.2	(49.4)
Unit COGS.....	\$782	\$731	\$737	\$749	\$684	(5.8)	(6.5)	0.8	(8.7)
Unit SG&A expenses.....	\$30	\$28	\$24	\$24	\$28	(19.5)	(6.4)	(13.9)	16.7
Unit operating income or (loss).....	\$71	\$12	\$84	\$51	\$50	17.9	(82.7)	581.4	(1.5)
Unit net income or (loss).....	\$45	(\$12)	\$62	\$32	\$26	37.7	fn2	fn2	(18.3)
COGS/sales (fn1).....	88.5	94.8	87.2	90.9	89.7	(1.3)	6.2	(7.6)	(1.2)
Operating income or (loss)/sales (fn1).....	8.1	1.6	9.9	6.2	6.5	1.9	(6.5)	8.3	0.4
Net income or (loss)/sales (fn1).....	5.1	(1.6)	7.4	3.9	3.5	2.2	(6.7)	9.0	(0.5)

## Notes:

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

fn2.--Undefined.

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



**APPENDIX D**

**PURCHASER QUESTIONNAIRE RESPONSES**



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

1. Have there been any significant changes in the supply and demand conditions for cut-to-length carbon steel plate that have occurred in the United States or in the market for cut-to-length carbon steel plate in China, Russia, and/or Ukraine since January 1, 2015?

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

2. Do you anticipate any significant changes in the supply and demand conditions for cut-to-length carbon steel plate in the United States or in the market for cut-to-length carbon steel plate in China, Russia, and/or Ukraine within a reasonably foreseeable time?

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

