



DEPARTMENT OF COMMERCE

International Trade Administration

[A-557-820]

Silicon Metal from Malaysia: Final Results of Antidumping Duty Administrative Review; 2021-2022

AGENCY: Enforcement and Compliance, International Trade Administration, Department of
Commerce.

SUMMARY: The U.S. Department of Commerce (Commerce) determines that silicon metal
from Malaysia was not sold in the United States at less than normal value during the period of
review (POR), February 1, 2021, through July 31, 2022.

DATES: Applicable [INSERT DATE OF PUBLICATION IN THE *FEDERAL REGISTER*].

FOR FURTHER INFORMATION CONTACT: Rachel Jennings, AD/CVD Operations,
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Commerce, 1401 Constitution Avenue, NW, Washington DC 20230; telephone: (202) 482-
1110.

SUPPLEMENTARY INFORMATION:

Background

This administrative review covers one producer/exporter of silicon metal from Malaysia,
PMB Silicon Sdn. Bhd (PMB Silicon).¹ On September 12, 2023, Commerce published the
Preliminary Results of this administrative review and invited parties to comment.² No interested
party submitted comments on the *Preliminary Results*.³ Accordingly, the final results remain

¹ See *Initiation of Antidumping and Countervailing Duty Administrative Reviews*, 87 FR 71829 (October 18, 2022).

² See *Silicon Metal from Malaysia: Preliminary Results of Antidumping Duty Administrative Review; 2021-2022*,
88 FR 62537 (September 12, 2023) (*Preliminary Results*), and accompanying Preliminary Decision Memorandum.

³ We received comments from Globe Specialty Metals, Inc. and Mississippi Silicon LLC (collectively, the
petitioners), requesting that Commerce refer certain record information to U.S Customs and Border Protection
(CBP) for further evaluation. Because these comments do not concern the *Preliminary Results*, we do not find it
necessary to address the petitioners' request in a decision memorandum; we do, however, intend to refer the
information to CBP with these final results, consistent with the request. See Petitioners' Letter, "Case Brief," dated
December 6, 2023.

unchanged from the *Preliminary Results*.⁴ Commerce conducted this administrative review in accordance with section 751 of the Tariff Act of 1930, as amended (the Act).

Scope of the Order⁵

The merchandise under review is all forms and sizes of silicon metal, including silicon metal powder. Silicon metal contains at least 85.00 percent but less than 99.99 percent silicon, and less than 4.00 percent iron, by actual weight. Semiconductor grade silicon (merchandise containing at least 99.99 percent silicon by actual weight and classifiable under Harmonized Tariff Schedule of the United States (HTSUS) subheading 2804.61.0000) is excluded from the scope of this review.

Silicon metal is currently classifiable under subheadings 2804.69.1000 and 2804.69.5000 of the HTSUS. Although the HTSUS numbers are provided for convenience and customs purposes, the written description of the merchandise under review is dispositive.

Final Results of Review

Commerce determines that the following estimated weighted-average dumping margin exists for the period February 1, 2021, through July 31, 2022:

Exporter/Producer	Weighted-Average Dumping Margin (percent)
PMB Silicon Sdn. Bhd.	0.00

Disclosure

Because Commerce received no comments on the *Preliminary Results*, we have not modified our analysis and no decision memorandum accompanies this *Federal Register* notice. We are adopting the *Preliminary Results* as the final results of this review. Consequently, there are no new calculations to disclose in accordance with 19 CFR 351.224(b) for these final results.

Assessment Rates

⁴ For a complete description of our analysis, see the *Preliminary Results*.

⁵ See *Silicon Metal from Malaysia: Antidumping Duty Order*, 86 FR 46677 (August 19, 2021) (*Order*).

Pursuant to section 751(a)(2)(A) of the Act, and 19 CFR 351.212(b)(1), Commerce shall determine, and CBP shall assess, antidumping duties on all appropriate entries covered by this review. Where the respondent's weighted-average dumping margin is either zero or *de minimis* (*i.e.*, less than 0.5 percent), we will instruct CBP to liquidate the appropriate entries without regard to antidumping duties. Accordingly, because PMB Silicon's weighted-average dumping margin is zero percent, we will instruct CBP to liquidate the appropriate entries without regard to antidumping duties.

For entries of subject merchandise during the POR produced by PMB Silicon for which it did not know its merchandise was destined for the United States, we will instruct CBP to liquidate unreviewed entries at the all-others rate if there is no rate for the intermediate company(ies) involved in the transaction.⁶

We intend to instruct CBP to take into account the "provisional measures deposit cap," in accordance with 19 CFR 351.212(d). Commerce intends to issue assessment instructions to CBP no earlier than 35 days after the date of publication of the final results of this review in the *Federal Register*. If a timely summons is filed at the U.S. Court of International Trade, the assessment instructions will direct CBP not to liquidate relevant entries until the time for parties to file a request for a statutory injunction has expired (*i.e.*, within 90 days of publication).

Cash Deposit Requirements

The following cash deposit requirements will be effective for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results of this administrative review, as provided by section 751(a)(2)(C) of the Act: (1) the cash deposit rate for PMB Silicon will be the rates established in the final results of this administrative review; (2) for merchandise exported by producers or exporters not covered in this administrative review but covered in a prior segment of the proceeding, the cash deposit

⁶ For a full discussion of this practice, see *Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties*, 68 FR 23954 (May 6, 2003).

rate will continue to be the company-specific rate published for the most recently completed segment of this proceeding; (3) if the exporter is not a firm covered in this review, a prior review, or the original less-than-fair-value (LTFV) investigation, but the producer is, the cash deposit rate will be the rate established for the most recently completed segment of this proceeding for the producer of the subject merchandise; and (4) the cash deposit rate for all other manufacturers or exporters will continue to be 12.27 percent, the all-others rate established in the LTFV investigation.⁷ These cash deposit requirements, when imposed, shall remain in effect until further notice.

Notification to Importers

This notice serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in Commerce's presumption that reimbursement of duties occurred and the subsequent assessment of double antidumping duties.

Administrative Protective Order

This notice also serves as a final reminder to parties subject to an administrative protective order (APO) of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3), which continues to govern business proprietary information in this segment of the proceeding. Timely written notification of the return/destruction of APO materials, or conversion to judicial protective order, is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

⁷ See *Silicon Metal from Malaysia: Final Affirmative Determination of Sales at Less Than Fair Value*, 88 FR 33224 (June 24, 2021).

Notification to Interested Parties

We are issuing and publishing this notice in accordance with sections 751(a)(1) and 777(i)(1) of the Act, and 19 CFR 351.221(b)(5) and 19 CFR 351.213(h)(2).

Dated: December 21, 2023.

James Maeder,
Deputy Assistant Secretary
for Antidumping and Countervailing Duty Operations.

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