



DEPARTMENT OF COMMERCE

International Trade Administration

[C-553-002]

Silicon Metal from the Lao People's Democratic Republic: Final Affirmative Countervailing Duty Determination

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

SUMMARY: The U.S. Department of Commerce (Commerce) determines that countervailable
subsidies are being provided to producers and/or exporters of silicon metal from the Lao
People's Democratic Republic (Laos). The period of investigation (POI) is January 1, 2024,
through December 31, 2024.

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

FOR FURTHER INFORMATION CONTACT: Shane Subler or Laurel Smalley, AD/CVD
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(202) 482-6241 and (202) 482-3456, respectively.

SUPPLEMENTARY INFORMATION:

Background

On September 26, 2025, Commerce published the *Preliminary Determination* in the
Federal Register.¹ In the *Preliminary Determination*, and in accordance with section 701(a)(1)
of the Tariff Act of 1930, as amended (the Act) and 19 CFR 351.210(b)(4), Commerce aligned

¹ See *Silicon Metal from the Lao People's Democratic Republic: Preliminary Affirmative Countervailing Duty
Determination and Alignment of Final Determination With Final Antidumping Duty Determination*, 90 FR 46384
(September 26, 2025) (*Preliminary Determination*), and accompanying Preliminary Decision Memorandum (PDM).

the final countervailing duty (CVD) determination with the final determination in the companion less-than-fair-value investigation of silicon metal from Laos.²

Due to the lapse in appropriations and Federal Government shutdown, on November 14, 2025, Commerce tolled all deadlines in administrative proceedings by 47 days.³ Additionally, due to a backlog of documents that were electronically filed via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS) during the Federal Government shutdown, on November 24, 2025, Commerce tolled all deadlines in administrative proceedings by an additional 21 days.⁴ Accordingly, the deadline for this final determination is now February 17, 2026.⁵

For a complete description of the events that followed the *Preliminary Determination*, see the Issues and Decision Memorandum.⁶ The Issues and Decision Memorandum is a public document and is on file electronically via ACCESS. ACCESS is available to registered users at <https://access.trade.gov>. In addition, a complete version of the Issues and Decision Memorandum can be accessed directly at <https://access.trade.gov/public/FRNoticesListLayout.aspx>.

Scope of the Investigation

The product covered by this investigation is silicon metal from Laos. For a complete description of the scope of this investigation, see Appendix I.

Scope Comments

No interested party commented on the scope of the investigation as it appeared in the *Preliminary Determination*. Therefore, no changes were made to the scope of the investigation.

² *Id.*, 90 FR at 46385.

³ See Memorandum, "Deadlines Affected by the Shutdown of the Federal Government," dated November 14, 2025.

⁴ See Memorandum, "Tolling of all Case Deadlines," dated November 24, 2025.

⁵ Because the current deadline falls on a weekend (*i.e.*, February 14, 2026), the deadline became the next business day (*i.e.*, February 17, 2026). See *Notice of Clarification: Application of "Next Business Day" Rule for Administrative Determination Deadlines Pursuant to the Tariff Act of 1930, As Amended*, 70 FR 24533 (May 10, 2005).

⁶ See Memorandum, "Issues and Decision Memorandum for the Final Affirmative Determination of the Countervailing Duty Investigation of Silicon Metal from the Lao People's Democratic Republic," dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).

Verification

Because the sole mandatory respondent (*i.e.*, Lao Silicon Co., Ltd. (Lao Silicon)) did not participate in this investigation and because the Government of Laos (GOL) did not respond to Commerce's requests for cooperation to coordinate verification, Commerce did not conduct verification in this investigation. *See* Issues and Decision Memorandum.

Analysis of Comments Received

The subsidy programs under investigation and the issue raised in the letter in lieu of case brief filed by Ferrolobe USA, Inc. and Mississippi Silicon LLC (collectively, the petitioners) in this investigation are discussed in the Issues and Decision Memorandum. For a list of the topics discussed, and the issue raised to which we responded in the Issues and Decision Memorandum, *see* Appendix II.

Methodology

Commerce conducted this investigation in accordance with section 701 of the Act. For each of the subsidy programs found to be countervailable, Commerce determines that there is a subsidy, *i.e.*, a financial contribution by an "authority" that gives rise to a benefit to the recipient, and that the subsidy is specific.⁷ For a full description of the methodology underlying our final determination, *see* the Issues and Decision Memorandum.

In making this final determination, Commerce relied on facts otherwise available, including with an adverse inference, pursuant to sections 776(a) and (b) of the Act. For a full discussion of our application of adverse facts available, *see* the "Use of Facts Otherwise Available and Application of Adverse Inferences" section in the Issues and Decision Memorandum.

Changes Since the Preliminary Determination

⁷ *See* sections 771(5)(B) and (D) of the Act regarding financial contribution; section 771(5)(E) of the Act regarding benefit; and section 771(5A) of the Act regarding specificity.

For this final determination we made certain changes to the selection of the adverse facts available (AFA) rate and the countervailable subsidy rate calculation for Lao Silicon and for all other producers/exporters. For a discussion of these changes, *see* the Issues and Decision Memorandum.

All-Others Rate

Sections 703(d) and 705(c)(5)(A) of the Act provide that Commerce shall determine an estimated all-others rate for companies not individually examined. This rate shall be an amount equal to the weighted average of the estimated subsidy rates established for those companies individually examined, excluding any zero and *de minimis* rates and any rates based entirely under section 776 of the Act.

Pursuant to section 705(c)(5)(A)(ii) of the Act, if the individual estimated countervailable subsidy rates established for all exporters and producers individually examined are zero, *de minimis*, or determined entirely under section 776, Commerce may use any reasonable method to establish the estimated subsidy rate for all other producers and/or exporters. Commerce in this investigation has determined the subsidy rate for the individually examined respondent under section 776 of the Act. This is the only rate available in this proceeding for deriving the all-others rate. Consequently, as a reasonable method, pursuant to sections 703(d) and 705(c)(5)(A)(ii) of the Act, Commerce established the all-others rate by applying the countervailable subsidy rate assigned to Lao Silicon, the mandatory respondent in this investigation, as determined under section 776 of the Act.⁸ For a full description of the methodology underlying Commerce's analysis, *see* the Issues and Decision Memorandum.

Final Determination

Commerce determines that the following estimated countervailable subsidy rates exist:

⁸ *See e.g., Melamine from Germany: Final Affirmative Countervailing Duty Determination*, 89 FR 97586 (December 9, 2024); *see also Overhead Door Counterbalance Torsion Springs from the People's Republic of China: Final Affirmative Countervailing Duty Determination and Final Affirmative Critical Circumstances Determination in Part*, 90 FR 39374 (August 15, 2025).

Company	Subsidy Rate (percent <i>ad valorem</i>)
Lao Silicon Co., Ltd.	69.10*
All Others	69.10

*This rate is based on facts available with adverse inferences.

Disclosure

Commerce intends to disclose its calculations and analysis performed to interested parties in this final determination within five days of any public announcement, or if there is no public announcement, within five days of the date of the publication of this notice in the *Federal Register*, in accordance with 19 CFR 351.224(b).

Suspension of Liquidation

As a result of our *Preliminary Determination*, and pursuant to sections 703(d)(1)(B) and (d)(2) of the Act, Commerce instructed U.S. Customs and Border Protection (CBP) to collect cash deposits and suspend liquidation of entries of subject merchandise as described in the scope of the investigation section entered, or withdrawn from warehouse, for consumption on or after September 26, 2025, the date of publication of the *Preliminary Determination* in the *Federal Register*. In accordance with section 703(d) of the Act, we instructed CBP to discontinue the suspension of liquidation of all entries of subject merchandise entered or withdrawn from warehouse, on or after January 24, 2026, the first day provisional measures were no longer in effect, but to continue the suspension of liquidation of all entries of subject merchandise on or before January 23, 2026.

If the U.S. International Trade Commission (ITC) issues a final affirmative injury determination, we will issue a CVD order, reinstate the suspension of liquidation under section 706(a) of the Act, and require a cash deposit of estimated countervailing duties for such entries of subject merchandise in the amounts indicated above. Pursuant to section 705(c)(2) of the Act, if the ITC determines that material injury, or threat of material injury, does not exist, this proceeding will be terminated, and all estimated duties deposited, or securities posted, as a result of the suspension of liquidation will be refunded or canceled.

ITC Notification

In accordance with section 705(d) of the Act, Commerce will notify the ITC of its final affirmative determination that countervailable subsidies are being provided to producers and/or exporters of silicon metal from Laos. Because the final determination is affirmative, in accordance with section 705(b) of the Act, the ITC will determine, within 45 days, whether the domestic industry in the United States is materially injured, or threatened with material injury, by reason of imports of silicon metal from Laos. In addition, we are making available to the ITC all non-privileged and non-proprietary information related to this investigation. We will allow the ITC access to all privileged and business proprietary information in our files, provided the ITC confirms that it will not disclose such information, either publicly or under an administrative protective order (APO), without the written consent of the Assistant Secretary for Enforcement and Compliance.

If the ITC determines that material injury or threat of material injury does not exist, this proceeding will be terminated and all cash deposits will be refunded. If the ITC determines that such injury does exist, Commerce will issue a CVD order directing CBP to assess, upon further instruction by Commerce, countervailing duties on all imports of the subject merchandise that are entered, or withdrawn from warehouse, for consumption on or after the effective date of the suspension of liquidation, as discussed in the “Continuation of Suspension of Liquidation” section, *supra*.

Administrative Protective Order

In the event that the ITC issues a final negative injury determination, this notice will serve as the only reminder to parties subject to an APO of their responsibility concerning the destruction of proprietary information disclosed under APO, in accordance with 19 CFR 351.305(a)(3). 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 terms of an APO is a violation which is subject to sanction.

Notification to Interested Parties

This determination is issued and published pursuant to sections 705(d) and 777(i) of the Act, and 19 CFR 351.210(c).

Dated: February 17, 2026.

Christopher Abbott,
*Deputy Assistant Secretary
for Policy and Negotiations,
performing the non-exclusive functions and duties
of the Assistant Secretary for Enforcement and Compliance.*

Appendix I

Scope of the Investigation

The scope of this investigation covers 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 investigation.

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

Appendix II

List of Topics Discussed in the Issues and Decision Memorandum

- I. Summary
- II. Background
- III. Changes Since the *Preliminary Determination*
- IV. Use of Facts Otherwise Available and Application of Adverse Inferences
- V. Analysis of Programs
- VI. Discussion of the Issue
Comment: Whether Commerce Should Apply Total AFA to the GOL
- VII. Recommendation

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