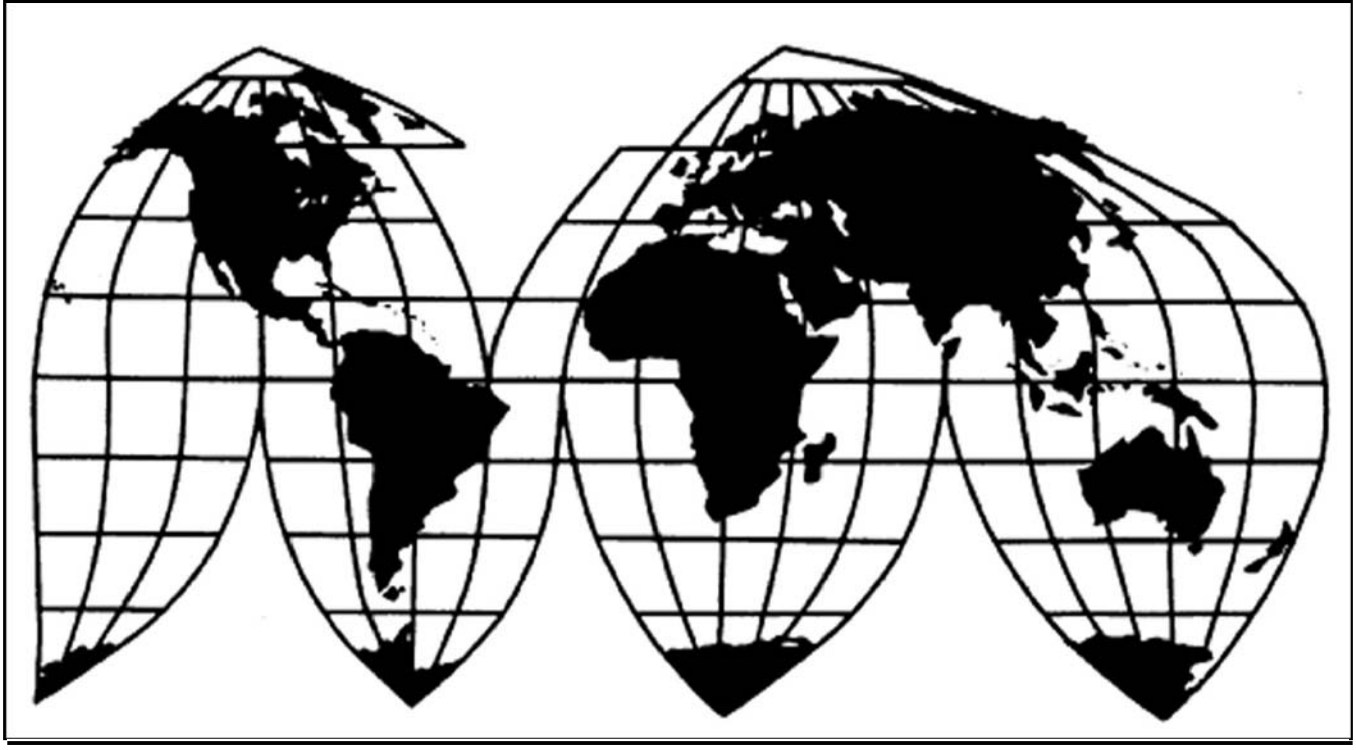
Silicon Metal from Russia

Investigation No. 731-TA-991 (Review)

Publication 4018 **June 2008**

U.S. International Trade Commission



Washington, DC 20436

U.S. International Trade Commission

COMMISSIONERS

Daniel R. Pearson, Chairman
Shara L. Aranoff, Vice Chairman
Deanna Tanner Okun
Charlotte R. Lane
Irving A. Williamson
Dean A. Pinkert

Robert A. Rogowsky

Director of Operations

Staff assigned

Mary Messer, Investigator
Jack Greenblatt, Industry Analyst
Rhonda Hughes, Attorney
George Deyman, Supervisory Investigator

Address all communications to
Secretary to the Commission
United States International Trade Commission
Washington, DC 20436

U.S. International Trade Commission

Washington, DC 20436
www.usitc.gov

Silicon Metal from Russia

Investigation No. 731-TA-991 (Review)

Publication 4018

June 2008

CONTENTS

Appendix

Note.–Information that would reveal confidential operations of individual concerns may not be published and therefore has been deleted from this report. Such deletions are indicated by asterisks.

UNITED STATES INTERNATIONAL TRADE COMMISSION

Investigation No. 731-TA-991 (Review)

SILICON METAL FROM RUSSIA

DETERMINATION

On the basis of the record[1] developed in the subject five-year review, the United States International Trade Commission (Commission) determines,[2] pursuant to section 751(c) of the Tariff Act of 1930 (19 U.S.C. § 1675(c)), that revocation of the antidumping duty order on silicon metal from Russia 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 this review on February 1, 2008 (73 F.R. 6204) and determined on May 6, 2008 that it would conduct an expedited review (73 F.R. 28153, May 15, 2008).

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

[2] Commissioner Okun did not participate in this determination.

VIEWS OF THE COMMISSION

Based on the record in this five-year review, we determine under section 751(c) of the Tariff Act of 1930, as amended (the "Act"), that revocation of the antidumping duty order on silicon metal from Russia would be likely to lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time.[1]

I. BACKGROUND

On March 19, 2003, the Commission determined that an industry in the United States was materially injured by reason of imports of silicon metal from Russia that the Department of Commerce ("Commerce") determined to be sold at less than fair value.[2] Commerce issued its antidumping duty order in March 2003.[3]

Respondents Bratsk Aluminum Smelter and Sual Trade Limited appealed the Commission's determination to the U.S. Court of International Trade ("CIT"), which remanded the case to the Commission for further explanation.[4] On September 15, 2004, the Commission filed its affirmative remand determination with the CIT. On December 3, 2004, the CIT affirmed the Commission's remand determination in its entirety and dismissed the case. Plaintiffs appealed the CIT's dismissal to the U.S. Court of Appeals for the Federal Circuit ("CAFC"), which vacated and remanded the CIT's decision on April 10, 2006. Bratsk Aluminium Smelter v. United States, 444 F.3d 1369 (Fed. Cir. 2006).[5] Upon consideration of the CIT's remand order that the Commission comply with the CAFC's decision, the Commission again determined that an industry in the United States was materially injured by reason of imports of silicon metal from Russia that Commerce found to be sold at less than fair value.[6] On January 15, 2008, the CIT issued an opinion affirming the Commission's affirmative remand determination that subject imports of silicon metal from Russia were causing material injury to the U.S. industry. That decision was not appealed to the CAFC.[7]

---

[1] Commissioner Okun did not participate in this review.

[2] Silicon Metal from Russia, Inv. No. 731-TA-991 (Final), USITC Pub. 3584 (March 2003), at 1 ("Original Determination"). Commissioner Okun was recused from the investigation.

[3] Id.; 19 U.S.C. § 1675(c)(3). In 1991, antidumping duty orders were put in place on Argentina, Brazil and China. As a result of the Commission's five-year reviews, the order on Argentina was revoked in 2001 and the order on Brazil was revoked in 2006. The Commission is scheduled to conduct a third review of the order respecting China beginning in November 2011. CR at I-9 - I-11, PR at I-7 - I-8.

[4] The CIT ordered the Commission (1) to explain its reasons for accepting evidence that "spot" prices may affect contract prices while rejecting contradictory evidence; (2) to explain the significance or effect of the similar pricing trends of the different market segments; and (3) if the Commission could not provide sufficient reasons or explanations, to change its determination accordingly. Bratsk Aluminum Smelter v. United States, 28 C.I.T. 955, 968 (2004).

[5] The CAFC ordered the Commission to consider the potential for price-competitive nonsubject imports to replace the subject imports and whether any such replacement would result in no benefit for the domestic industry.

[6] Silicon Metal from Russia, Inv. No. 731-TA-991 (Final) (Second Remand), USITC Pub. 3910 (Mar. 2007), at 1 and I-1 ("Remand Determination"). Chairman Aranoff and Commissioners Williamson and Pinkert did not participate in the original investigation or first remand determination, but participated in the second remand proceeding.

[7] Confidential Staff Report ("CR") at I-5 - I-6, PR at I-4 - I-5.

The Commission instituted this review on February 1, 2008,[8] and received only one substantive response to the notice of institution, which was from Globe Metallurgical, Inc. ("Globe"), a domestic producer that reported that it accounted for approximately *** percent of U.S. silicon metal production in 2007.[9] The Commission did not receive responses from any producer or exporter of silicon metal from Russia or from any U.S. importers of the subject merchandise. Globe also filed comments on the adequacy of the responses to the notice of institution, arguing that the Commission should expedite the review in the absence of any adequate response to the notice of institution by foreign producers/exporters or U.S. importers of the subject merchandise. On May 6, 2008, the Commission found that the domestic interested party group response to the notice of institution was adequate and that the respondent interested party group response to the notice of institution was inadequate.[10] The Commission did not find any circumstances that would warrant conducting a full review in the absence of an adequate respondent interested party response and therefore determined to conduct an expedited review pursuant to section 751(c)(3) of the Act. Accordingly, we rely on the facts available on the record, which consist primarily of information from the original investigation as well as information collected in this five-year review, including that submitted by Globe in its response to the notice of institution and its comments on the adequacy of the responses to the notice of institution.[11]

II. DOMESTIC LIKE PRODUCT AND INDUSTRY

A. Domestic Like Product

In making its determination under section 751(c), the Commission defines the "domestic like product" and the "industry."[12] The Act defines the "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."[13] In five-year reviews, the Commission looks to the domestic like product definition from the original determination and any previous reviews and considers whether the record indicates any reason to revisit that definition.[14]

In its expedited sunset determination during this review, Commerce defined the subject merchandise as:

---

[8] 73 Fed. Reg. 6,204 (Feb. 1, 2008).

[9] Globe's Response to Notice of Institution at 28 (Mar. 24, 2008) ("Globe's Response"). There is one other domestic producer, SIMCALA, Inc. ("SIMCALA"). Id.

[10] See Explanation of Commission Determination on Adequacy.

[11] Section 751(c)(3)(B) of the Act indicates that the Commission in an expedited five-year review may issue a determination based on the facts available. See 19 U.S.C. § 1677e(a).

[12] 19 U.S.C. § 1677(4)(A).

[13] 19 U.S.C. § 1677(10). See Nippon Steel Corp. v. United States, 19 CIT 450, 455 (1995); Timken Co. v. United States, 913 F. Supp. 580, 584 (Ct. Int'l Trade 1996); Torrington Co. v. United States, 747 F. Supp. 744, 748-49 (Ct. Int'l Trade 1990), aff'd, 938 F.2d 1278 (Fed. Cir. 1991). See also S. Rep. No. 249, 96th Cong., 1st Sess. 90-91 (1979).

[14] See Stainless Steel Sheet and Strip from France, Germany, Italy, Japan, Korea, Mexico, Taiwan, and the United Kingdom, Inv. Nos. 701-TA-380 to 382 and 731-TA-797 to 804 (Review), USITC Pub. 3788 at 6 (July 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).

> silicon metal, which generally contains at least 96.00 percent but less than 99.99 percent silicon by weight. The merchandise covered by this order also includes silicon metal from Russia containing between 89.00 and 96.00 percent silicon by weight, but containing more aluminum than the silicon metal which contains at least 96.00 percent but less than 99.99 percent silicon by weight. Silicon metal currently is classifiable under subheadings 2804.69.10 and 2804.69.50 of the Harmonized Tariff Schedule of the United States ("HTSUS"). This order covers all silicon metal meeting the above specification, regardless of tariff classification.[15]

The scope definition set out above is unchanged from Commerce's scope determination in the original investigation.

Silicon metal is a chemical element that is commonly found in nature in combination with oxygen as silica or in combination with both oxygen and a metal in silicate minerals. Although commonly referred to as a metal, silicon exhibits characteristics of both metals and nonmetals. Whether imported or domestic, it is usually sold in lump form typically ranging from 6 inches x ½ inch to 4 inches x ¼ inch.[16]

There are four broadly defined categories, or grades, of silicon metal, which are ranked in generally descending order of purity as: (1) semiconductor grade;[17] (2) chemical grade; (3) a metallurgical grade used to produce primary aluminum (aluminum produced from ore); and (4) a metallurgical grade used to produce secondary aluminum (aluminum produced from scrap). Higher-grade silicon metal, however, is frequently shipped to a purchaser with a lower specification requirement. The silicon content for all four grades of silicon metal is typically at least 98.5 percent.[18]

Silicon metal is used in the chemical industry to produce silanes, which are, in turn, used to produce a family of organic chemicals known as silicones. Silicones are used in a wide variety of applications including resins, lubricants, plastomers, anti-foaming agents, and water-repellent compounds that are employed in the chemical, pharmaceutical, automotive, and aerospace industries. Silicon metal employed in the production of primary and secondary aluminum is used as an alloying agent (it is a required component in aluminum casting alloys) because the silicon increases fluidity and reduces shrinkage while it enhances strength, castability and weldability. Primary aluminum applications include the manufacture of components that require higher-purity aluminum, such as automobile wheels. Secondary aluminum applications apply primarily to the automotive castings industry. Other applications for silicon metal include the production of brass and bronzes, steel, copper alloys, ceramic powders, and refractory coatings. Another use of silicon metal is in solar panels for the generation of electricity. The silicon metal that is sold by silicon producers for this use is of metallurgical grade, which is further refined to a purity suitable for electronic applications by the manufacturers or suppliers of the solar panels. There are no known substitutes for silicon metal.[19]

The starting point of the Commission's domestic like product analysis in a five-year review is the Commission's domestic like product determination in the original determination.[20] In the original

---

[15] 73 Fed. Reg. 31,064 (May 30, 2008).

[16] CR at I-12, PR at I-9 - I-10.

[17] Semiconductor-grade silicon, used in the electronics industry, is not covered by the scope of the antidumping duty order on imports from Russia. It is a high purity product generally containing over 99.99 percent silicon. CR at I-13 n.42, PR at I-10 n.42.

[18] CR at I-13, PR at I-10.

[19] CR at I-13 - I-14, PR at I-10 - I-11.

[20] In its like product determination, the Commission generally considers a number of factors, including (1) physical characteristics and uses; (2) interchangeability; (3) channels of distribution; (4) common manufacturing

(continued...)

investigation, petitioners argued that the Commission should find only one domestic like product, and respondents raised no objection. Based upon shared physical characteristics, some overlapping uses, similar channels of distribution, some interchangeability, the same production processes and employees, and relatively minor differences in pricing between the grades of silicon metal, the Commission defined the domestic like product as all silicon metal, regardless of grade, consistent with Commerce's scope.[21]

In this review investigation, Globe states that it agrees with the Commission's definition of the domestic like product from the original investigation. Globe further states that the conditions that led the Commission to find a single like product in 2003 continue today.[22] No new facts have been presented to warrant a conclusion different from that originally reached by the Commission. Accordingly, we find, based on the available information, that there is one domestic like product consisting of all silicon metal, regardless of grade, consistent with the scope of the investigation and the order.

B. Domestic Industry

Section 771(4)(A) of the Act defines the relevant domestic industry as the "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."[23] 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, provided that adequate production-related activity is conducted in the United States.[24] Consistent with our definition of the domestic like product, we find that the domestic industry consists of all domestic producers of silicon metal – Globe and SIMCALA.

III. LIKELIHOOD OF CONTINUATION OR RECURRENCE OF MATERIAL INJURY IF THE ANTIDUMPING DUTY ORDER IS REVOKED

For the reasons stated below, we determine that revocation of the antidumping duty order on silicon metal from Russia would be likely to lead to continuation or recurrence of material injury to the domestic industry producing silicon metal within a reasonably foreseeable time.

---

[20] (...continued)
facilities, production processes and production employees; (5) customer or producer perceptions; and, when appropriate, (6) price. See Timken Co. v. United States, 913 F. Supp. 580, 584 (Ct. Int'l Trade 1996). No single factor is dispositive, and the Commission may consider other factors it deems relevant based on the facts of a particular investigation. The Commission looks for clear dividing lines among possible like products, and disregards minor variations. See, e.g., S. Rep. No. 249, 96th Cong., 1st Sess. 90-91 (1979); 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).

[21] Original Determination at 5.

[22] Globe's Response at 30.

[23] 19 U.S.C. § 1677(4)(A).

[24] See United States Steel Group v. United States, 873 F. Supp. 673, 682-83 (Ct. Int'l Trade 1994), aff'd, 96 F.3d 1352 (Fed. Cir. 1996).

A. Legal Standard In a Five-Year Review

In a five-year review conducted under section 751(c) of the Act, Commerce will revoke an antidumping duty order unless: (1) it makes a determination that dumping is likely to continue or recur, and (2) the Commission makes a determination that revocation of the antidumping duty order "would be likely to lead to continuation or recurrence of material injury within a reasonably foreseeable time."[25] The Uruguay Round Agreements Act ("URAA"), Statement of Administrative Action ("SAA"), states that "under the likelihood standard, the Commission will engage in a counter-factual 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."[26] Thus, the likelihood standard is prospective in nature.[27] The CIT has found that "likely," as used in the five-year review provisions of the Act, means "probable," and the Commission applies that standard in five-year reviews.[28] [29]

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."[30] 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."[31]

---

[25] 19 U.S.C. § 1675a(a).

[26] The SAA, H.R. Rep. No. 103-316, vol. I, at 883-84 (1994). 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." SAA at 883.

[27] 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.

[28] 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 without opinion, 140 Fed. Appx. 268 (Fed. Cir. 2005); Nippon Steel Corp. v. United States, Slip Op. 02-153 at 7-8 (Ct. Int'l Trade Dec. 24, 2002) (same); Usinor Industeel, S.A. v. United States, Slip Op. 02-152 at 4 n.3 & 5-6 n.6 (Ct. Int'l Trade Dec. 20, 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, Slip Op. 02-105 at 20 (Ct. Int'l Trade Sept. 4, 2002) ("standard is based on a likelihood of continuation or recurrence of injury, not a certainty"); Usinor v. United States, Slip Op. 02-70 at 43-44 (Ct. Int'l Trade July 19, 2002) ("'likely' is tantamount to 'probable,' not merely 'possible'").

[29] Commissioner Lane notes that, consistent with her views in Pressure Sensitive Plastic Tape from Italy, Inv. No. AA1921-167 (Second Review), USITC Pub. 3698 (June 2004) at 15-17, she does not concur with the U.S. Court of International Trade's interpretation of "likely" but she will apply the Court's standard in this review and all subsequent reviews until either Congress clarifies the meaning or the U.S. Court of Appeals for the Federal Circuit addresses the issue.

[30] 19 U.S.C. § 1675a(a)(5).

[31] 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.

Although the standard in a five-year review is not the same as the standard applied in an original antidumping duty 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."[32] 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 the orders are revoked or the suspension agreement is terminated, and any findings by Commerce regarding duty absorption pursuant to 19 U.S.C. § 1675(a)(4).[33]

No respondent interested party has participated in this review. The record, therefore, contains limited information with respect to the current state of the silicon metal industry in Russia. Accordingly, we rely on the facts available on the record, which consist primarily of information from the original investigation and information collected in this five-year review, including that submitted by Globe in its response to the notice of institution and its comments on the adequacy of the responses to the notice of institution.[34]

B. Conditions of Competition and the Business Cycle

In evaluating the likely impact of the subject imports on the domestic industry, 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."[35] The following conditions of competition are relevant to our determination.

Demand. In the original investigation, the Commission noted that demand for silicon metal is dependent on the demand for the products in which it is used, specifically aluminum products and certain chemical products. The largest customer market for silicon metal produced by the domestic industry was the chemical market, followed by the secondary aluminum market and the primary aluminum market. U.S. importers sold silicon metal to all three customer groups, but in different proportions than the domestic industry.[36] The Commission found that apparent U.S. consumption had increased slightly between 1999 and 2000 before declining in 2001. U.S. producers reported that demand generally

---

[32] 19 U.S.C. § 1675a(a)(1).

[33] 19 U.S.C. § 1675a(a)(1). Commerce did not make any duty absorption findings with respect to the order under review. CR at I-6, PR at I-5; see 73 Fed Reg. at 31,064. 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. 19 U.S.C. § 1675a(a)(5). While the Commission must consider all factors, no one factor is necessarily dispositive. SAA at 886.

[34] 19 U.S.C. § 1677e(a) authorizes the Commission to "use the facts otherwise available" in reaching a determination when: (1) necessary information is not available on the record or (2) an interested party or other person withholds information requested by the agency, fails to provide such information in the time, form, or manner requested, significantly impedes a proceeding, or provides information that cannot be verified pursuant to section 782(i) of the Act. 19 U.S.C. § 1677e(a). The verification requirements in section 782(i) are applicable only to Commerce. 19 U.S.C. § 1677m(i). See Titanium Metals Corp., 155 F. Supp. 2d at 765 ("[T]he ITC correctly responds that Congress has not required the Commission to conduct verification procedures for the evidence before it, or provided a minimum standard by which to measure the thoroughness of a Commission investigation.").

[35] 19 U.S.C. § 1675a(a)(4).

[36] Original Determination at 7.

decreased between 1999 and 2002. Both U.S. producers and importers agreed that the declines in demand were due to poor economic conditions in the United States.[37]

In this review, we note that demand for silicon metal is a derived demand arising from use in the production of primary and secondary aluminum alloys and silicon-based chemicals, for which there are no substitutes.[38] Apparent U.S. consumption has increased over the period of review. It rose from 262,491 short tons in 2002 to *** short tons in 2007. As measured by value, apparent U.S. consumption was $336.0 million in 2001 and $*** in 2007.[39] The United States is among the world's largest consuming countries, representing one-fifth of total global demand for silicon metal.[40] Evidence in the record indicates that U.S. demand is expected to increase over the next few years.[41]

Supply. At the time of the Commission's decision in the original investigation in 2003, three firms produced silicon metal in the United States. A fourth had ceased production in September 1999. Given apparent U.S. consumption during the period of investigation, it appeared that the domestic industry was able to satisfy only a portion of U.S. silicon metal demand, with the balance satisfied by subject and nonsubject imports.[42] In addition, two U.S. silicon metal producers produced ferrosilicon. Producers can switch production between ferrosilicon and silicon metal with varying degrees of cost, downtime and efficiency loss.[43]

Since the time of the original investigation, there have been changes in the structure of the domestic silicon metal industry. Dow Corning purchased U.S. silicon metal producer SIMCALA in June 2003, and U.S. silicon metal producer Elkem Metals Co. ("Elkem") sold its assets to Globe in December 2005. Thus, while there were three domestic producers of silicon metal during the original investigation, there now are two.[44]

There have also been changes in the structure of the Russian silicon metal industry. The Bratsk Ferroalloy Plant, which was part of Rusal's Bratsk Aluminum Smelter's silicon works during the original investigation, became a separate company in 2003. The Bratsk Ferroalloy Plant was then sold by Rusal to JSC Investment Construction Technologies in April 2004. In August 2007, the Bratsk Ferroalloy Plant was purchased by Russian coal and steel company Mechel. The reported silicon metal capacity of this plant was approximately 11,000 short tons in 2003, and the plant is now idle.[45] Russian producers Rusal and Sual Holdings and the Swiss-headquartered natural resources group Glencore International formally announced in October 2006 an agreement to create UC RUSAL by merging their assets. The merger was completed by March 2007. The company claims to be the world's largest producer of primary aluminum and alumina today, with operations in 19 countries on five continents and 100,000 employees worldwide. The unified company includes, among other assets, Sual Holdings' SUAL-Kremny-Ural, Ltd. and ZAO Kremny silicon metal facilities. According to Globe, UC RUSAL is the only known currently operating producer of silicon metal in Russia, where it operates two plants, and is the fifth-largest producer of

---

[37] Original Determination at 7.

[38] CR at I-13 - I-14, I-43, PR at I-10 - I-11, I-32.

[39] CR/PR at Table I-7 (value data for 2002 are unavailable).

[40] CR at I-43, PR at I-32.

[41] CR at I-38, PR at I-29.

[42] Original Determination at 7-8.

[43] Original Determination at 8.

[44] CR at I-24, PR at I-17.

[45] CR at I-46, PR at I-33. The record in this expedited review contains no information regarding the length of time necessary to reactivate this idled capacity.

silicon metal in the Western world.[46] Both Russian total silicon metal production capacity and excess capacity have decreased since 2001. Russian silicon metal production capacity was *** short tons in 2001, but only *** short tons in 2007. Russian capacity utilization was *** percent in 2001 and increased to *** percent in 2007.[47]

Substitutability. In the original investigation, the Commission stated that silicon metal is generally considered to be a commodity product, in that materials of the same grade are interchangeable.[48] There is no evidence in the record of this expedited review to suggest that there has been any significant change in substitutability since the original investigation.

Other Factors. The parties agreed in the original investigation that price was a primary consideration for purchasers. Sales were made on both a contract basis and a spot basis. Contracts were somewhat more common in the chemical market segment, in which they were likely to be at least one year in duration, while contracts in the primary and secondary aluminum markets were often one year or less in duration.[49] Annual contracts were usually negotiated during the fourth quarter of the prior year and often contained approximate, but not fixed, volumes.[50] The majority of responding purchasers responded in the negative when asked if prices varied within the duration of a contract in response to changes in spot prices.[51] The Commission also stated in the original determination that nonsubject imports were an important factor in the U.S. market.[52]

In this review, price remains an important factor in purchasing decisions.[53] Evidence in the record indicates that the silicon metal market is a single market in which prices in different segments are interrelated.[54]

Silicon metal producers continue to produce other ferroalloys using the same type of production process and equipment used to produce silicon metal. They may be able to switch production between ferrosilicon and silicon metal given an economic incentive to do so. However, it is generally easier to switch from silicon metal to ferrosilicon production than vice versa. According to Globe, Russia is the world's second-largest producer of ferrosilicon after China.[55]

Nonsubject imports remain an important source of supply in the U.S. market. The volume of nonsubject imports rose from 125,697 short tons in 2002 to 159,097 short tons in 2007, while their market share rose from 47.9 percent in 2002 to *** percent in 2007. Domestic producers' market share increased from 39.7 percent in 2002 to *** percent in 2007.[56]

Based on the record evidence, we find that these conditions of competition are not likely to change significantly in the reasonably foreseeable future. Accordingly, we find that current conditions in the market provide us with a reasonable basis on which to assess the likely effects of revocation of the order in the reasonably foreseeable future.

---

[46] CR at I-46 - I-47, PR at I-35.

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

[48] Original Determination at 8.

[49] Original Determination at 8.

[50] Original Determination at 9.

[51] Original Determination at 9.

[52] Original Determination at 9.

[53] See Globe's Response at 5; Globe's Comments (June 5, 2008) at 3.

[54] Globe's Response at 6; Globe's Comments at 3.

[55] CR at I-16, I-47, PR at I-12, I-35.

[56] CR/PR at Table I-7.

C. Likely Volume of Subject Imports

In evaluating the likely volume of imports of subject merchandise if the antidumping duty order is revoked, 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.[57] 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.[58]

In its original determination, the Commission found that the volume of subject imports increased over the period of investigation by 35.8 percent from 1999 to 2001. Subject imports' market share rose from 7.8 percent in 1999 to 12.3 percent in 2001. Subject import volume increased despite the inability of Russian producers to manufacture low-iron silicon metal due to the composition of quartzite deposits in Russia, which effectively excluded Russian producers from supplying a segment of the U.S. primary aluminum market. Subject imports gained market share at the same time that apparent U.S. consumption declined and domestic producers lost market share. Domestic producers' U.S. market share declined from 62.2 percent in 1999 to 57.0 percent in 2000 and 54.6 percent in 2001. The Commission attributed the U.S. producers' lost market share in significant part to subject imports, particularly from 1999 to 2001 and from 2000 to 2001, when subject imports outpaced all other imports in gaining U.S. market share. When the interim periods (January-September 2001 and January-September 2002) were compared, the U.S. industry continued to lose market share in significant part to subject imports, while also losing market share to nonsubject imports. The Commission found the volume and increase in volume of subject imports, both in absolute terms and relative to apparent domestic consumption and production in the United States, to be significant.[59]

In this review, subject producers in Russia have declined to participate or furnish new or updated information. Thus, the Commission is constrained to rely on the facts otherwise available on the record.[60] Based on official statistics, the volume of subject imports essentially declined to zero after 2002 (22 short tons were imported in 2005, the only year in which subject imports were present between 2003 and 2007). Nonsubject imports rose after 2002.[61] While the nonsubject imports covered by antidumping duty orders not subject to this review, i.e. imports of silicon metal from Brazil and China, increased steadily from 2002 to 2004, they began to decline in 2005 and declined sharply in 2006 and even further in 2007 following revocation of the antidumping duty order on imports from Brazil. Nonsubject imports not

---

[57] 19 U.S.C. § 1675a(a)(2).

[58] 19 U.S.C. § 1675a(a)(2)(A)-(D).

[59] Original Determination at 10-11.

[60] See 19 U.S.C. § 1677e(a); see also e.g., Glycine from China, Inv. No. 731-TA-718 (Review), USITC Pub. 3315 (June 2000) at 6-7.

[61] Nonsubject imports rose from 125,697 short tons in 2002 to 137,221 short tons in 2003, then to 177,282 short tons in 2004, before falling to 165,282 short tons in 2005 and 158,946 short tons in 2006; they were 159,097 short tons in 2007. CR/PR at Table I-5.

covered by antidumping duty orders rose irregularly between 2002 and 2007, but by 2007 had more than doubled their 2002 volume.[62]

Demand as measured by apparent U.S. consumption has increased since the end of the original investigation. Apparent U.S. consumption increased from 278,197 short tons in 2001 to *** short tons in 2007.[63]

Although there now is only one operating Russian producer, Russian silicon metal production increased 56 percent between 2002 to 2007 to 69,000 short tons, which is equivalent to over *** percent of U.S. silicon metal production in 2007.[64] In 2005, Russia accounted for approximately 7 percent of reported global production of silicon metal.[65] In 2007, Russian silicon metal capacity was estimated at *** short tons, whereas it was *** short tons in 2001, the last full year of the original investigation. Russian silicon metal producers' capacity utilization was *** percent in 2007, as compared to *** percent in 2001.[66]

Russian silicon metal producers, however, continue to be export oriented. Even though their total worldwide exports fell by 48.4 percent from 2002 to 2007, their silicon metal exports in 2007 were equivalent to 40 percent of annual Russian silicon metal production.[67] Furthermore, the European Union ("EU") imposed an antidumping duty of 22.7 percent on silicon metal from Russia in December 2003.[68]

In light of the increase in the volume and market share of subject silicon metal during the original investigation and the Russian producers' large capacity and significant excess capacity, increased production during the period of review, continuing export orientation, and the EU antidumping duty order, we find that the likely volume of subject imports upon revocation of the order would be significant.

D. Likely Price Effects of Subject Imports

In evaluating the likely price effects of subject imports if the antidumping order is revoked, 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.[69]

---

[62] Nonsubject imports covered by antidumping duty orders increased from 47,217 short tons in 2002 to 58,887 short tons in 2003 and 78,341 short tons in 2004, before decreasing to 71,442 short tons in 2005, 7,015 short tons in 2006 and 413 short tons in 2007. Nonsubject imports not covered by antidumping duty orders fell from 78,479 short tons in 2002 to 78,334 short tons in 2003, then rose to 98,941 short tons in 2004 before falling to 93,840 short tons in 2005; they increased to 151,932 short tons in 2006 and 158,683 short tons in 2007. CR/PR at Table I-6.

[63] CR/PR at Table I-7.

[64] CR at I-47, PR at I-35. Russian silicon metal production increased from 44,092 short tons in 2002 to 49,604 short tons in 2003, remained at the 2003 level during 2004 and 2005, and rose to 69,000 short tons in 2007. CR/PR at Table I-10. U.S. silicon metal production was *** short tons in 2007, CR/PR at Table I-4, and apparent U.S. consumption was *** short tons. CR/PR at Table I-7.

[65] CR at I-41, PR at I-31.

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

[67] Russia's silicon metal exports fell from 53,608 short tons in 2002 to 27,668 short tons in 2007. Russia's silicon metal production was 69,000 short tons in 2007. CR/PR at Table I-10, CR at I-49, PR at I-37.

[68] CR at I-41, PR at I-31.

[69] 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

(continued...)

In the original investigation, the Commission found that domestically produced silicon metal and subject imports were generally substitutable and that price was a key factor in purchasing decisions. Silicon metal prices in all three segments "keyed off" the secondary aluminum price and exhibited similar trends.[70] The Commission found underselling by subject imports to be significant. Subject imports destined for the primary and secondary aluminum markets undersold domestic product in the vast majority of pricing comparisons. The Commission also found that the AUVs of subject imports were lower than the aggregate AUVs of nonsubject imports during the period of investigation and were lower than the AUVs of imports from individual nonsubject countries during each full year of the period and in the interim periods.[71]

The Commission also found significant price depression, as prices for both domestic product and subject imports in all three segments generally declined during the period of investigation. The Commission noted that there were a number of confirmed lost sales and lost revenue allegations. It recognized that nonsubject imports may have had an independent price depressing effect on domestic prices, but given the significant underselling by subject imports, subject import volume surges during the period, and the high degree of substitutability between subject imports and the domestic product, it found that subject imports had significantly depressed domestic silicon metal prices in all three customer segments.[72]

The Commission noted that subject import suppliers won the majority of the silicon metal lots offered in the four reported internet auctions. The participation of the Russian suppliers had a significant effect on prevailing market prices in addition to the results of particular auctions.[73]

In this review, subject imports have essentially not been present in the U.S. market since 2002;[74] meaningful price comparisons are not available for sales in the U.S. market. The AUV for Russia's overall exports of silicon metal in 2007, however, was only $1,368,[75] whereas Globe's AUV for its U.S. shipments was $*** in that year.[76] In fact, with the exception of 9 tons shipped to the United Kingdom and 192 tons shipped to "all other" markets, the AUVs for Russia's exports to individual countries (totaling 27,467 tons) ranged between $1,308 and $1,574 in 2007.[77]

We conclude that if the order were revoked, subject silicon metal producers in Russia would likely sell subject imports at prices lower than the domestic product and nonsubject imports. Subject imports undersold the domestic product during the original investigation. The AUVs for Russia's exports to other countries are significantly lower than prevailing AUVs for the domestic industry's U.S. shipments as well as AUVs for nonsubject imports.[78] As discussed above, we find the volume of subject imports from Russia is likely to be significant upon revocation. Because subject imports and the domestic

---

[69] (...continued)
circumstantial, as well as direct, evidence of the adverse effects of unfairly traded imports on domestic prices." SAA at 886.

[70] Original Determination at 11-12.

[71] Original Determination at 12-13.

[72] Original Determination at 14-15.

[73] Original Determination at 16.

[74] See CR/PR at Table I-7.

[75] CR/PR at Table I-11.

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

[77] CR/PR at Table I-11.

[78] AUVs for nonsubject imports ranged from $1,621 to $34,995, and averaged $1,799, in 2007. CR/PR at Table I-6.

like product are highly substitutable and compete largely on the basis of price, it is likely that the Russian producers would price aggressively in order to gain market share in the United States. For these reasons, we conclude that subject imports would be likely to undersell the domestic product to a significant degree if the order were revoked.

In considering whether subject imports are likely to have price depressing or suppressing effects, we note that the Commission found price depression in the original investigation and that the subject imports and domestic like product continue to be largely interchangeable. As noted above, price remains an important factor in purchasing decisions. Given those facts, we conclude that significant underselling by subject imports would be likely to lead to significant price depressing or suppressing effects on prices for the domestic product within a reasonably foreseeable time.

E. Likely Impact of Subject Imports

In evaluating the likely impact of imports of subject merchandise if the antidumping duty order is revoked, 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: (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.[79] 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.[80] As instructed by the statute, we have considered the extent to which any improvement in the state of the domestic industry is related to the order at issue and whether the industry is vulnerable to material injury if the order is revoked.

In its original determination, the Commission found that, as subject import volume increased, particularly from 2000 to 2001, at prices that undersold and depressed U.S. prices, subject imports had a significant adverse impact on the domestic industry. The domestic industry suffered declines in prices, sales volume and most performance and financial indicators. The deterioration in the industry's condition was evidenced by its loss of market share due to its declining U.S. shipments, which fell by 24.7 percent from 1999 to 2001 and by 29.7 percent from January-September 2001 to January-September 2002.[81]

Reduced sales led to domestic producers curtailing silicon metal production and capacity. Globe shut down or converted to ferrosilicon production four of its seven silicon metal furnaces and periodically idled the remaining three furnaces during the period of investigation. SIMCALA shut down one of its three silicon metal furnaces in August 2001. Also in August 2001, Elkem shut down one of its five silicon metal furnaces. The majority of the closures took place in 2001, which was the same year in which subject imports registered a 38.6 percent increase in volume. Due to these closures, the average

---

[79] 19 U.S.C. § 1675a(a)(4).

[80] 19 U.S.C. § 1675a(a)(4). Section 752(a)(6) of the Act states that "the Commission may consider the magnitude of the margin of dumping" in making its determination in a five-year review. 19 U.S.C. § 1675a(a)(6). The statute defines the "magnitude of the margin of dumping" to be used by the Commission in five-year reviews as "the dumping margin or margins determined by the administering authority under section 1675a(c)(3) of this title." 19 U.S.C. § 1677(35)(C)(iv). See also SAA at 887. Commerce expedited its determination in its review of silicon metal from Russia and found that revocation of the antidumping duty order would be likely to lead to continuation or recurrence of dumping at the following margins: 61.61 percent for ZAO Kremny and SUAL-Kremny-Ural, Ltd., 87.08 percent for Bratsk Aluminum Smelter and Rual Trade Limited and 79.42 percent for all others. 73 Fed. Reg. at 31,064.

[81] Original Determination at 17.

number of production and related workers and productivity declined throughout the period of investigation.[82]

Declining sales and increasing costs adversely affected most major financial indicators. The ratio of the domestic industry's cost of goods sold to net sales increased such that the industry was in a cost-price squeeze.[83] The domestic industry's operating income and operating margin declined throughout the period of investigation, with the industry registering a loss in 2001 when subject imports reached their highest volume during the period. SIMCALA failed to make interest payments due on its bonds in October 2001, and Globe's financial losses forced it to put itself up for sale in December 2002. Due to decreased cash flow, the domestic industry's capital expenditures also decreased. As a result of the significant volume of subject imports and their adverse effect on domestic prices, the Commission found that low-priced subject imports had a significant adverse impact on the domestic industry.[84]

The Commission also found that subject imports gained more market share than nonsubject imports from 1999 to 2001 and that the industry's loss in market share during that period was attributable to the subject imports. The Commission stated that the fact that nonsubject imports also may have contributed to the domestic industry's continued deterioration toward the end of the period of investigation did not negate its finding that subject imports had a material adverse impact on the domestic industry.[85]

In this expedited review, there is only limited information on the record regarding the current condition of the domestic industry. Only one producer, Globe, which estimates that it accounted for *** percent of all U.S. production of silicon metal in 2007,[86] provided information on this matter. Since 2001, the domestic industry's production capacity has decreased somewhat.[87] However, capacity utilization increased.[88] U.S. shipments have increased since 2001, whether measured by quantity or value.[89]

As discussed above, revocation of the antidumping duty order would likely lead to significant increases in the volume of subject imports from Russia. Given the likely significant underselling by the subject imports, the significant increase in subject imports is likely to cause a significant decline in the volume of domestic producers' shipments, as well as significant negative price effects. The limited evidence in the record of this review does not enable us to find that the domestic industry is vulnerable. We find, however, that the volume and price effects of the subject imports would have a significant negative impact on the domestic industry and would likely cause the domestic industry to lose market share. In addition, the price and volume declines would likely have a significant adverse impact on the production, shipments, sales, and revenues of the domestic industry. The reductions in the industry's production, sales and revenues would have a direct adverse impact on the industry's profitability, as well as its ability to raise capital and make and maintain necessary capital investments. Finally, we find it likely that revocation of the order would result in employment declines for the industry.

---

[82] Original Determination at 17-18.

[83] Original Determination at 18.

[84] Original Determination at 18.

[85] Original Determination at 19.

[86] Globe's Response at 2.

[87] Average capacity was 198,363 short tons in 2001 and *** short tons in 2007. CR/PR at Table I-4.

[88] Capacity utilization was 73.3 percent in 2001 and *** percent in 2007. CR/PR at Table I-4.

[89] The domestic industry's U.S. shipments were 151,766 short tons in 2001 and *** short tons in 2007. The value of these shipments was $196.2 million in 2001 and $*** in 2007. CR/PR at Table I-4.

For all of these reasons, we conclude that revocation of the antidumping duty order on silicon metal from Russia likely would have a significant adverse impact on the domestic industry within a reasonably foreseeable time.

CONCLUSION

For the above-stated reasons, we determine that revocation of the antidumping duty order on silicon metal from Russia would be likely to lead to continuation or recurrence of material injury to the U.S. silicon metal industry within a reasonably foreseeable time.

INFORMATION OBTAINED IN THE REVIEW

INTRODUCTION

On February 1, 2008, in accordance with section 751(c) of the Tariff Act of 1930, as amended ("the Act"),[1] the U.S. International Trade Commission ("Commission" or "USITC") gave notice that it had instituted a review to determine whether revocation of the antidumping duty order on silicon metal from Russia would be likely to lead to a continuation or recurrence of material injury within a reasonably foreseeable time.[2] [3] On May 6, 2008, the Commission determined that the domestic interested party group response to its notice of institution was adequate[4] and that the respondent interested party group response was inadequate.[5] In the absence of respondent interested party responses and any other circumstances that would warrant the conduct of a full review, the Commission determined to conduct an expedited review of the antidumping duty order pursuant to section 751(c)(3) of the Act (19 U.S.C. § 1675(c)(3)).[6] The Commission voted on this review on June 19, 2008, and notified Commerce of its determination on June 30, 2008. Selected information relating to the schedule of this five-year review is presented below:[7]

Effective date	Action	*Federal Register* citation
February 1, 2008	Commission's institution of five-year review	73 FR 6204 February 1, 2008
February 1, 2008	Commerce's initiation of five-year review	73 FR 6128 February 1, 2008
May 6, 2008	Commission's determination to conduct an expedited five-year review	73 FR 28153 May 15, 2008
May 30, 2008	Commerce's final result of expedited five-year review	73 FR 31064 May 30, 2008
June 19, 2008	Date of the Commission's vote	Not applicable
June 30, 2008	Commission's determination transmitted to Commerce	Not applicable

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

[2] 73 FR 6204, February 1, 2008. All interested parties were requested to respond to this notice by submitting the information requested by the Commission. The Commission's notice of institution is presented in app. A.

[3] In accordance with section 751(c) of the Act, the U.S. Department of Commerce ("Commerce") published a notice of initiation of a five-year review of the subject antidumping duty order concurrently with the Commission's notice of institution. 73 FR 6128, February 1, 2008.

[4] The Commission received one submission from domestic producer Globe Metallurgical, Inc. ("Globe") in response to its notice of institution for the subject review. Globe is represented by the law firm of DLA Piper US LLC. Globe reported that it accounted for *** percent of total U.S. production of silicon metal in 2007. *Response* of Globe, March 24, 2008, p. 28.

[5] The Commission did not receive a response from any respondent interested parties to its notice of institution.

[6] 73 FR 28153, May 15, 2008. The Commission's notice of an expedited review appears in app. A. The Commission's statement on adequacy is presented in app. B.

[7] Cited *Federal Register* notices beginning with the Commission's institution of a five-year sunset review are presented in app. A.

The Original Investigation

On March 7, 2002, a petition was filed with Commerce and the Commission alleging that an industry in the United States was materially injured and threatened with further material injury by reason of less-than-fair-value ("LTFV") imports of silicon metal from Russia.[8] On February 11, 2003, Commerce made an affirmative final LTFV determination regarding silicon metal from Russia.[9] The Commission completed its original investigation concerning silicon metal from Russia on March 19, 2003, determining that an industry in the United States was materially injured by reason of LTFV imports of silicon metal from Russia.[10] After receipt of the Commission's final determination, Commerce issued an antidumping duty order on imports of silicon metal from Russia.[11]

Commission Remand Proceedings

After the Commission determined that an industry in the United States was materially injured by reason of imports from Russia of silicon metal in March 2003,[12] respondents Bratsk Aluminum Smelter and Sual Trade Limited ("plaintiffs") appealed the Commission's determination to the U.S. Court of International Trade ("CIT"). On June 22, 2004, the CIT remanded the case to the Commission for further explanation, and on September 15, 2004, the Commission filed its affirmative remand determination with the CIT. On December 3, 2004, the CIT affirmed the Commission's remand determination in its entirety and dismissed the case.[13] Plaintiffs appealed the CIT's dismissal to the U.S. Court of Appeals for the Federal Circuit ("CAFC"). On April 10, 2006, the CAFC vacated and remanded the CIT's decision so that the CIT would remand the case back to the Commission to address nonsubject imports.[14] On May 25, 2006, the Commission submitted a petition for rehearing *en banc* before the CAFC and on July 24, 2006, the petition was denied. On July 28, 2006, the Commission petitioned the CAFC to stay issuance of the mandate to the CIT while the Commission, through the Office of the Solicitor General, considered the filing of a petition for *certiorari*. On August 7, 2006, the CAFC denied the motion to stay and remanded the case to the CIT. On August 17, 2006, the CIT remanded the case to the Commission. The Commission then filed a motion to stay the remand proceedings at the CIT pending a decision on whether to seek *certiorari*. On September 22, 2006, the CIT granted the stay. On December 20, 2006, the Commission informed the CIT that it would not be seeking *certiorari* at that time. On December 22, 2006, the CIT entered an order lifting the stay and instructed the Commission to submit its remand results to the CIT by March 22, 2007. Upon consideration of the CIT's remand order that the Commission comply with the CAFC's decision in *Bratsk Aluminum Smelter v. United States*, 444 F.3d 1369 (Fed. Cir. 2006), the Commission determined that an industry in the United States was materially injured by reason

---

[8] The petition was filed by counsel on behalf of Globe, Cleveland, OH; SIMCALA, Inc. ("SIMCALA"), Mt. Meigs, AL; the International Union of Electronic, Electrical, Salaried, Machine and Furniture Workers (I.U.E.-C.W.A, AFL-CIO, C.L.C., Local 693), Selma, AL; the Paper, Allied-Industrial Chemical and Energy Workers International Union (Local 5-89), Boomer, WV; and the United Steel Workers of America (AFL-CIO, Local 9436), Niagara Falls, NY. *Silicon Metal From Russia: Investigation No. 731-TA-991 (Final)*, USITC Publication 3584, March 2003, p. I-1.

[9] 68 FR 6885, February 11, 2003 (as amended, 68 FR 12037, March 13, 2003).

[10] 68 FR 14260, March 24, 2003; *Silicon Metal From Russia: Investigation No. 731-TA-991 (Final)*, USITC Publication 3584, March 2003, p. 1.

[11] 68 FR 14578, March 26, 2003.

[12] *Silicon Metal From Russia, Investigation No. 731-TA-991 (Final)*, USITC Publication 3584, March 2003, p. 1. Chairman Okun did not participate in the investigation.

[13] *Bratsk Aluminum Smelter v. United States*, Slip Op. 04-153, CIT 2004, December 3, 2004.

[14] *Bratsk Aluminum Smelter v. United States*, 444 F.3d 1369, 1375 (Fed. Cir. 2006).

of imports of silicon metal from Russia that Commerce found to be sold at LTFV.[15] On January 15, 2008, the CIT issued an opinion affirming the Commission's affirmative remand determination that subject imports of silicon metal from Russia were causing material injury to the U.S. industry.[16] That decision was not appealed to the CAFC.

Commerce's Original Determination and Subsequent Review Determination

Since the issuance of the antidumping duty order, Commerce has conducted no administrative reviews with respect to imports of silicon metal from Russia. There have been no new shipper reviews, no changed circumstances determinations, no duty absorption findings, and no scope clarifications or scope rulings concerning the antidumping duty order. No HTS categories have been added to the scope and the scope description itself has not changed. The order remains in effect for all manufacturers, producers, and exporters of the subject merchandise. Information on Commerce's final determination, antidumping duty order, and expedited five-year review determination is presented in table I-1.

Commerce's Final Result of Expedited Five-Year Review

On March 24, 2008, Commerce notified the Commission that it did not receive an adequate substantial response to its notice of initiation from respondent interested parties with respect to silicon metal from Russia and that it would conduct an expedited review of the order.[17] Commerce published the final result of its review based on the facts available on May 30, 2008.[18] In its final result, Commerce found that revocation of the antidumping duty order on silicon metal from Russia would likely lead to continuation or recurrence of dumping at margins determined in its original final determination, as amended (see table I-1).[19]

In its final results, Commerce explained that it "normally determines that revocation of an antidumping duty order is likely to lead to continuation or recurrence of dumping where (a) dumping continued at any level above *de minimis* after the issuance of the order, (b) imports of the subject merchandise ceased after the issuance of the order, or (c) dumping was eliminated after the issuance of an order and import volumes for the subject merchandise declined significantly."[20] With respect to the subject review, Commerce found that "since there have been virtually no imports of subject merchandise after the issuance of the antidumping duty order, and foreign producers and exporters have not

---

[15] Commissioner Deanna Tanner Okun was recused from the investigation. Vice Chairman Aranoff and Commissioners Williamson and Pinkert did not participate in the original investigation or first remand determination, but participated in the second remand proceeding. *Silicon Metal From Russia, Investigation No. 731-TA-991 (Final) (Second Remand)*, USITC Publication 3910, March 2007, pp. 1 and I-1.

[16] *Bratsk Aluminum Smelter v. United States*, Slip Op. 08-5 (January 15, 2008).

[17] Commerce notified the Commission that it would issue the final result of its sunset review based on facts available not later than 120 days after the date of publication of the *Federal Register* notice of initiation, or by June 2, 2008. *Letter from Susan Kuhbach, Senior Director, AD/CVD Operations, Office 1, Import Administration, U.S. Department of Commerce*, May 24, 2008.

[18] 73 FR 31064, May 30, 2008.

[19] Commerce explained that it selected the margins from its original final determinations because those are the only calculated rates that reflect the behavior of exporters without the discipline of the orders. *Issues and Decision Memorandum for the Final Results in the Expedited Sunset Review of the Antidumping Duty Order on Silicon Metal from the Russian Federation*, from Stephen J. Claeys, Deputy Assistant Secretary for Import Administration, to David M. Spooner, Assistant Secretary for Import Administration, International Trade Administration, Department of Commerce, p. 5.

[20] Ibid., p. 3.

Table I-1
Silicon metal: Commerce's final determination, antidumping duty order, and five-year review determination

Action	Date of action	*Federal Register* citation	Period of review	Antidumping duty margins	
				Firm-specific	Country-wide
				Percent ad valorem	
Final determination	02/11/2003	68 FR 6885	07/01/2001-12/31/2001	54.77[1] 77.51[2]	77.51
Amended final determination	03/13/2003	68 FR 12037	--	56.11[1] 79.42[2]	79.42
Antidumping duty order	03/26/2003	68 FR 14578	--	56.11[1] 79.42[2]	79.42
Amended final determination pursuant to court decision	02/16/2006	71 FR 8277	--	61.61[1] 87.08[2]	79.42
Final results of expedited five-year review	05/30/2008	73 FR 31064	--	61.61[1] 87.08[2]	79.42

[1] ZAO Kremny/Sual-Kremny-Ural Ltd.
[2] Bratsk Aluminum Smelter.

Source: Cited *Federal Register* notices.

demonstrated an ability to sell at non-dumped prices with the discipline of the order in place, we determine that revocation of the antidumping duty order on silicon metal from Russia would be likely to lead to continuation or recurrence of dumping."[21]

Distribution of Continued Dumping and Subsidy Offset Act Funds to Affected Domestic Producers

Qualified U.S. producers of silicon metal are eligible to receive disbursements from U.S. Customs and Border Protection ("Customs") under the Continued Dumping and Subsidy Offset Act of 2000 ("CDSOA"), also known as the Byrd Amendment.[22] Certifications were filed with Customs by two claimants (Globe and SIMCALA) with respect to silicon metal from Russia during 2006; however, there was no disbursement of such claims to the companies. No other CDSOA claims and disbursements were made with respect to silicon metal from Russia either prior to 2006 or in 2007.[23] Table I-2 presents CDSOA claims and disbursements for Federal fiscal year 2006.

[21] Ibid, p. 4.

[22] 19 CFR 159.64(g).

[23] Customs' *CDSOA Annual Reports 2003-07*, http://www.cbp.gov/xp/cgov/trade/priority_trade/add_cvd/cont_dump/, retrieved on May 8, 2008.

Table I-2
Silicon metal: CDSOA claims and disbursements, Federal fiscal year 2006[1] [2]

Year	Order	Claimant	Share of yearly allocation	Certification amount[3]	Amount disbursed
			Percent	*Dollars*	
2006	A-821-817 (Russia)	Globe	0.0	192,875,000.00	0.00
		SIMCALA	0.0	62,576,848.56	0.00

[1] The Federal fiscal year is October 1-September 30.
[2] No other CDSOA claims and disbursements were made with respect to silicon metal from Russia prior to 2006 or in 2007.
[3] Qualifying expenditures incurred by domestic producers since the issuance of an order.

Source: Customs' *CDSOA Annual Reports 2003-07*, http://www.cbp.gov/xp/cgov/trade/priority_trade/add_cvd/cont_dump/, retrieved on May 8, 2008.

Related Commission Investigations and Reviews

The Commission has conducted one other grouped investigation and related five-year review on silicon metal with respect to Argentina, China, and Brazil.[24] On August 24, 1990, a petition was filed with Commerce and the Commission alleging that an industry in the United States was materially injured by reason of dumped imports of silicon metal from Argentina, Brazil, and China.[25] Commerce made final affirmative LTFV determinations[26] and the Commission made final affirmative injury determinations with respect to all three countries in 1991.[27] Thereafter, Commerce issued antidumping duty orders on silicon metal from Argentina, Brazil, and China.[28]

On November 2, 1999, the Commission instituted the first five-year reviews of the antidumping duty orders on imports of silicon metal from Argentina, Brazil, and China.[29] In February 2001, the Commission completed its full first five-year reviews and determined that revocation of the antidumping duty order on silicon metal from Argentina would not be likely to lead to continuation or recurrence of

[24] In addition, on March 31, 2004, the Commission instituted a countervailing duty investigation on imports of silicon metal from Brazil and an antidumping investigation on imports of silicon metal from South Africa upon receipt of a petition filed by Globe; the International Union of Electronic, Electrical, Salaried, Machine and Furniture Workers, I.U.E.-C.W.A., AFL-CIO, C.L.C., Local 693; and the United Steelworkers of America, AFL-CIO, Local 9436 (69 FR 18404, April 7, 2004). On April 16, 2004, the petition was withdrawn and the investigations were terminated (69 FR 23213, April 28, 2004).

[25] The petition was filed by American Alloys, Inc. ("American Alloys"); Elkem Metals Co., L.P. ("Elkem"); Silicon Metaltech, Inc.; SiMETCO, Inc.; and SKW Alloys, Inc. ("SKW"). *Silicon Metal From Argentina, Brazil, and China, Investigations Nos. 731-TA-470-472 (Review)*, USITC Publication 3385, January 2001, p. I-1.

[26] 56 FR 37891, August 9, 1991 (Argentina); 56 FR 26977, June 12, 1991 (Brazil); and 56 FR 18570, April 23, 1991 (China).

[27] 56 FR 48577, September 25, 1991 (Argentina) (transmitted to Commerce on September 19, 1991); 56 FR 37572, August 7, 1991 (Brazil) (transmitted to Commerce on July 24, 1991); and 56 FR 27033, June 12, 1991 (China) (transmitted to Commerce on June 3, 1991).

[28] 56 FR 48779, September 26, 1991 (Argentina); 56 FR 36135, July 31, 1991 (Brazil); and 56 FR 26649, June 10, 1991 (China).

[29] 64 FR 59209, November 2, 1999.

material injury to an industry in the United States within a reasonably foreseeable time. The Commission further determined that revocation of the antidumping duty orders on silicon metal from Brazil and China would be likely to lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time.[30] Subsequently, Commerce issued a continuation of the antidumping duty orders on silicon metal from Brazil and China, effective February 16, 2001, and revoked the antidumping duty order on silicon metal from Argentina, effective January 1, 2000.[31]

The Commission's second five-year reviews of the antidumping duty orders on imports of silicon metal from Brazil and China were instituted on January 3, 2006.[32] The Commission completed its full second five-year reviews in December 2006, determining that revocation of the antidumping duty order on silicon metal from Brazil 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 and that revocation of the antidumping duty order on silicon metal from China would be likely to lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time.[33] Subsequently, Commerce issued a continuation of the antidumping duty order on silicon metal from China, effective December 21, 2006, and revoked the antidumping duty order on silicon metal from Brazil, effective February 16, 2006.[34]

In its original determinations concerning silicon metal from Argentina, Brazil, and China, the Commission found the appropriate domestic like product to be all silicon metal, regardless of grade, having a silicon content of at least 96.00 percent but less than 99.99 percent of silicon by weight, and excluding semiconductor grade silicon; it found one domestic industry consistent with its domestic like product finding. In the first and second five-year review determinations, the Commission defined the domestic like product as all silicon metal, regardless of grade and corresponding to the scope of the orders, and it found the domestic industry to be all domestic producers of silicon metal.[35] The Commission is scheduled to conduct a third review of the antidumping duty order on silicon metal from China beginning in November 2011.

THE PRODUCT

Scope

The imported product subject to the antidumping duty order on silicon metal from Russia has been defined by Commerce as follows:

> silicon metal, which generally contains at least 96.00 percent but less than 99.99 percent silicon by weight. The merchandise covered by this investigation also includes silicon metal from Russia containing between 89.00 and 96.00 percent silicon by weight, but

---

[30] Commissioners Okun, Askey, and Devaney did not participate in the first five-year reviews concerning silicon metal from Argentina, Brazil, and China. Commissioner Bragg dissented with respect to the Commission's determination concerning Argentina. 66 FR 8981, February 5, 2001; *Silicon Metal From Argentina, Brazil, and China, Investigations Nos. 731-TA-470-472 (Review)*, USITC Publication 3385, January 2001, p. 1.

[31] 66 FR 10669, February 16, 2001.

[32] 71 FR 138, January 3, 2006.

[33] 71 FR 71554, December 11, 2006; *Silicon Metal From Brazil and China, Investigation Nos. 731-TA-471 and 472 (Second Review)*, USITC Publication 3892, December 2006, p. 1.

[34] 71 FR 76635 and 76636, December 21, 2006.

[35] *Silicon Metal From Brazil and China, Investigation Nos. 731-TA-471 and 472 (Second Review)*, USITC Publication 3892, December 2006, pp. 4-5.

containing more aluminum than the silicon metal which contains at least 96.00 percent but less than 99.99 percent silicon by weight.[36]

U.S. Tariff Treatment

Silicon metal, provided for under subheading 2804.69.10 (containing by weight less than 99.99 percent but not less than 99 percent of silicon), has a normal trade relations tariff rate of 5.3 percent applicable to imports from Russia. When provided for under subheading 2804.69.50 (containing by weight less than 99 percent of silicon), it has a normal trade relations tariff rate of 5.5 percent applicable to imports from Russia. The Harmonized System tariff nomenclature treats silicon as a chemical element when it is unworked as drawn or in the form of cylinders or rods.[37]

Domestic Like Product and Domestic Industry

The domestic like product is the domestically produced product or products which are like, or in the absence of like, most similar in characteristics and uses with, the subject merchandise. The domestic industry is the U.S. producers as a whole of the domestic like product, or those producers whose collective output of the domestic like product constitutes a major proportion of the total domestic production of the product. The Commission's decision regarding the appropriate domestic products that are "like" the subject imported products is based on a number of factors, including (1) physical characteristics and uses; (2) common manufacturing facilities and production employees; (3) interchangeability; (4) customer and producer perceptions; (5) channels of distribution; and, where appropriate, (6) price.

In its original determination, the Commission defined the domestic like product as all silicon metal, regardless of grade, consistent with Commerce's scope. The Commission defined the domestic industry as all domestic producers of silicon metal.[38] Globe indicated in its response to the Commission's notice of institution in this review that "[t]he Commission was correct in determining in the original investigation that all silicon metal, other than semiconductor grade, constitutes a single like product." Globe added that "the conditions that led the Commission to find a single like product in 2003 continue to exist today."[39]

Physical Characteristics and Uses[40]

Silicon is a chemical element, metallic in appearance, solid in mass, and steel gray in color, that is commonly found in nature in combination with oxygen either as silica (SiO_2) or in combination with both oxygen and a metal in silicate minerals. Although commonly referred to as metal, silicon exhibits characteristics of both metals and nonmetals. Silicon metal is a polycrystalline material whose crystals

---

[36] 68 FR 14578, March 26, 2003; and 73 FR 31064, May 30, 2008.

[37] *See* Explanatory Notes for Harmonized System heading 2804. When cut into wafers, discs or similar forms, imported silicon is classified in heading 3818. The Harmonized System deems silicon to be a nonmetal material, according to heading 2804.

[38] *Silicon Metal From Russia, Investigation No. 731-TA-991 (Final)*, USITC Publication 3584, March 2003, pp. 5-6.

[39] *Response* of Globe, March 24, 2008, p. 30.

[40] The discussion in this section is based on information from *Silicon Metal From Brazil and China, Investigation Nos. 731-TA-471 and 472 (Second Review)*, USITC Publication 3892, December 2006, pp. I-11-I-13.

have a diamond cubic structure at atmospheric pressure. Whether imported or domestic, it is usually sold in lump form typically ranging from 6 inches x ½ inch to 4 inches x ¼ inch.[41]

There are four broadly defined categories, or grades, of silicon metal, which are ranked in generally descending order of purity as: (1) semiconductor grade;[42] (2) chemical grade; (3) a metallurgical grade used to produce primary aluminum (aluminum produced from ore); and (4) a metallurgical grade used to produce secondary aluminum (aluminum produced from scrap).[43] However, higher grade silicon metal is frequently shipped to a purchaser with a lower specification requirement.[44] The silicon metal content for all four grades of silicon metal is typically at least 98.5 percent.

There are no known substitutes for silicon metal. Silicon metal is used in the chemical industry to produce silanes which are, in turn, used to produce a family of organic chemicals known as silicones. Silicones are used in a wide variety of applications including resins, lubricants, plastomers, anti-foaming agents, and water-repellent compounds which are employed in the chemical, pharmaceutical, automotive, and aerospace industries. Silicon metal employed in the production of primary and secondary aluminum is used as an alloying agent (it is a required component in aluminum casting alloys) because the silicon

---

[41] The dimensions refer to the maximum and minimum dimensions of the silicon metal lumps. If the specification is 6 inches x ½ inch, no dimension of a lump can be larger than 6 inches or smaller than ½ inch.

[42] Semiconductor-grade silicon, used in the electronics industry, is not covered by the scope of the antidumping duty orders on product from Russia. It is a high-purity product generally containing over 99.99 percent silicon.

[43] Although silicon metal has been described in terms of different grades, there is, in fact, no uniformly accepted grade classification system. Silicon metal "grades" actually refer to ranges of specifications that are typically sold to particular groups of customers. These specifications, which exist within very narrow bands and are often proprietary, establish the minimum amounts of silicon and the maximum amounts of impurities such as iron, calcium, aluminum, or titanium, that the silicon metal may contain. Specifications for chemical-use silicon metal typically require silicon that contains less than 0.4 percent iron, less than 0.025 percent calcium, and less than 0.25 percent aluminum. Specifications for the metallurgical primary-aluminum use silicon metal typically require silicon that contains less than 0.5 percent iron (although some low-iron specifications call for less than 0.35 percent) and less than 0.07 percent calcium (although some specifications call for less than 0.015 percent). Specifications for silicon metal used in metallurgical secondary-aluminum product typically allow for no more than 1 percent iron and no more than 0.35 percent calcium. Chemical customers each have their own detailed specifications. Requirements also vary widely among primary aluminum customers. Even some secondary aluminum customers, whose product comes closest to representing a commodity, have differences in tolerances with regard to impurities.

The type and level of impurities rather than the precise silicon content (assuming it is near 99 percent) is the principal factor determining whether the silicon metal product can be used in a given application. As such, it is not possible to assume that silicon metal imported under HTS subheading 2804.69.10 (silicon containing by weight less than 99.99 percent but not less than 99.00 percent silicon) is necessarily better quality than silicon metal imported under HTS subheading 2804.69.50 (silicon containing by weight less than 99.00 percent silicon) even though the silicon content of the former is higher.

[44] According to petitioners in the original investigation on silicon metal from Russia, producers "make the best quality silicon metal they can possibly make and sell it down into the various chemical and aluminum applications" and "to the knowledge of domestic producers, no producer purposely sets out to produce a secondary aluminum product." U.S. producers of silicon metal produce silicon metal whose specifications are designed to meet the most stringent requirements of their customers (which is not necessarily identical to the silicon metal produced by the other producers). If necessary, an adjustment may be made which simply involves the change of an input (e.g., the types of coal used to achieve a lower iron content) to meet the special needs of an established or new customer. Globe essentially reiterated this position in the recent second five-year reviews on silicon metal from Brazil and China: "In fact, if there has been a change it's been in the direction of a convergence to producing what is fundamentally a single high-quality product" and "Just to clarify one point, Globe fundamentally produces a single product which is sold to all types of customers." In its posthearing brief in those recent reviews, Globe quantified this statement, indicating that most of the silicon metal it sold exceeded customer specifications; for iron, this amounted to about *** percent of customers and, for calcium, *** percent.

increases fluidity and reduces shrinkage while it enhances strength, castability, and weldability.[45] Primary aluminum applications include the manufacture of components that require higher purity aluminum, such as automobile wheels. Secondary-aluminum applications apply primarily to the automotive castings industry. Other applications for silicon metal include the production of brass and bronzes, steel, copper alloys, ceramic powders, and refractory coatings. Another use of silicon metal is in solar panels for the generation of electricity. The silicon metal that is sold by silicon producers for this use is of metallurgical grade which is further refined to a purity suitable for electronic applications by the manufacturers or suppliers of the solar panels.

According to information provided to the Commission by Globe in the second five-year reviews on silicon metal from Brazil and China, "Silicon metal is a commodity product. While the silicon metal purchased by a particular customer may need to conform to that customer's specifications, the differences in such specifications among buyers in the three main market segments (chemical, primary aluminum, and secondary aluminum) tend to be relatively minor and can be met by both domestic and import suppliers." However, the staff report in the reviews reported that an official of purchaser Alcoa appeared to suggest that the silicon metal that it purchased was not a commodity product. He stressed the rigorous qualification process to which silicon suppliers to Alcoa were subject and the fact that the company required at least seven specifications for the silicon it purchased. He indicated that he did not believe that silicon producers typically made large batches of one set of products and indicated that the silicon used by Alcoa did not have the "sameness" characteristics of a commodity. For example, he stated that Russia could not provide Alcoa with low-iron silicon metal.

Manufacturing Process[46]

Silicon metal is produced from mined quartzite (a rock consisting principally of quartz, a natural crystallized silica) which is washed, crushed, and screened. Only material containing a high percentage of silica (over 99 percent) and a low iron content (less than one percent) can be used to produce silicon metal. The quartzite is combined with a carbon-containing reducing agent (low-ash coal, petroleum coke, charcoal, or coal char) and a bulking agent (such as wood chips) in a submerged-arc electric furnace[47] to produce molten silica, which is reduced to silicon metal. The overall chemical reaction is summarized as SiO_2 (silica) + 2C (carbon) → Si (silicon metal) + 2CO (carbon monoxide).

The hot metal is poured into iron molds or onto beds of silicon metal fines for cooling, and is then shaped into ingots or crushed to the desired size for shipping. Lumps of the chemical-grade silicon are of smaller size (about 1 inch maximum) compared with lumps for the metallurgical grades. Also, the more refined grades of silicon metal require an oxidative refining step that is not required to produce secondary aluminum. There are differences in the costs of production of the more refined grades versus the secondary aluminum grade, assuming the oxidative refining step is eliminated in producing the latter. However, in practice U.S. producers "sell down" the higher-grade silicon metal to secondary aluminum customers even though these have less stringent purity specifications. Differences in costs also arise because some forms of silicon (e.g., the low-iron grades), require higher raw material expenditures.

Production capability is limited by the ***.

---

[45] Because iron interferes with these functions, the iron content of silicon metal used in the production of aluminum is usually limited to a maximum of 1 percent or less.

[46] Unless otherwise specified, the discussion in this section is based on information from *Silicon Metal From Brazil and China, Investigation Nos. 731-TA-471 and 472 (Second Review),* USITC Publication 3892, December 2006, pp. I-14-I-16 and *Silicon Metal From Russia, Investigation No. 731-TA-991 (Final),* USITC Publication 3584, March 2003, pp. I-8-I-9.

[47] The process relies on electricity from a transformer system and is extremely energy-intensive.

The hardware for silicon furnaces worldwide is basically the same. Any physical differences relate to differences in the size of furnaces and the electrodes. Also, the purities of the raw materials and the carbon sources used can vary widely. There are, however, characteristics that silicon production facilities share worldwide. For example, given the large amounts of quartz required to produce silicon metal, quartz sources worldwide need to be reasonably near the silicon furnace.

One noticeable economic trend that affected the production costs of silicon metal for U.S. producers was the increase in manufacturing costs, particularly for energy, consisting of electricity and natural gas. During 2000-05, average energy costs per unit of silicon metal sold increased by *** percent.

Some silicon metal producers also produce ferrosilicon, which is used in the production of steel (especially stainless and heat-resisting steel) and cast iron.[48] For example, in 2004, two U.S. silicon metal producers, Elkem and Globe, also produced ferrosilicon.[49] Producers can switch production between ferrosilicon and silicon metal with varying degrees of cost, downtime, and efficiency loss.[50] It is generally easier for firms to switch from silicon metal production to ferrosilicon production than the reverse. Ferrosilicon contains more impurities than silicon metal and tends to contaminate the furnace lining with impurities intolerable in silicon metal production. In addition, certain furnace designs are more efficient at producing one product than another, leading to possible efficiency loss when switching production.

According to Globe, in the United States, economic incentives for converting ferrosilicon furnaces to silicon furnaces may exist if the margins for silicon metal are better than the margins for ferrosilicon.[51] Such a conversion, which reportedly could take just a few days, would require removal of the material from the furnace, the replacement of the electrodes, and possibly some modifications to the supporting materials. Globe also indicated that the conversion of ferrosilicon to silicon can be conducted relatively quickly, easily, and "at a relatively moderate cost." Globe estimated that the cost of such a conversion was about ***.

Globe indicated in its response to the Commission's notice of institution in this review that silicon metal producers in many countries, including Russia and the United States, often produce other ferroalloys using the same production process and equipment. The ability of these producers to convert their furnaces from producing ferrosilicon and other ferroalloys to the production of silicon metal allows them to adjust their mix of products to take advantage of changing market conditions.[52]

Interchangeability and Customer and Producer Perceptions[53]

The vast majority of silicon metal is either sold as a chemical grade, as a primary aluminum grade, and as a secondary aluminum grade. Each of these grades requires silicon metal with different

---

[48] Ferrosilicon is a product used by the steel industry as an alloying agent. Ferrosilicon differs from silicon metal in that it has a much lower silicon content, ranging from 50 to 96 percent, and greater levels of impurities, including iron.

[49] Globe's metallurgical silicon ferroalloy facility in Niagara Falls, NY was idled beginning in 2004.

[50] A representative of Globe testified in the original final investigation that the company would strongly consider reconverting ferrosilicon production facilities back to silicon metal production with a market recovery, as it is more profitable to produce silicon metal than ferrosilicon.

[51] Based on 2006 market conditions and assuming that a furnace is operating at full capacity and that all its production can be sold at market prices, Globe estimated that in the United States, a producer employing a *** furnace could generate $*** per day in profits producing ferrosilicon compared to $*** producing silicon metal.

[52] *Response* of Globe, March 24, 2008, p. 14.

[53] Unless otherwise specified, the discussion in this section is based on information from *Silicon Metal From Russia, Investigation No. 731-TA-991 (Final),* USITC Publication 3584, March 2003, pp. I-9, I-10, and II-1.

maximum impurity levels; however, within each grade different purchasers may also require silicon metal of different purity. Regardless, silicon metal is generally considered to be a commodity product in that materials of the same grade are considered interchangeable. In fact, Globe indicated in its response to the Commission's notice of institution in this review that "{s}ilicon metal is a fungible product. There are accepted industry standards for silicon metal that are recognized by U.S. and foreign producers and by consumers . . . In general, domestic and imported silicon metal of the same 'grade' are completely interchangeable regardless of the source. Moreover, 'higher grade' silicon metal can be and often is sold for use in 'lower grade' applications . . . As a result, competition among suppliers is fundamentally based on price, and relatively small differences in price can lead consumers to switch suppliers."[54] According to the petitioners in the original investigation, the silicon metal produced in Russia was historically of lower purity than the domestic material and was principally used in metallurgical applications. However, the Commission's staff report in the original investigations noted that imported silicon metal from Russia had improved in quality and competed directly with the domestically produced silicon metal in all three major markets for silicon metal (including chemicals) and was considered completely interchangeable.[55] However, the Russian producers argued in the original investigation that they are excluded from a significant segment of the U.S. primary aluminum market[56] because no Russian producer is qualified to manufacture low-iron silicon metal (less than 0.35 percent iron) due to the composition of quartzite deposits in Russia. Regardless, they stated further that except for those applications that require low-iron grades of silicon, the various grades of silicon metal produced in Russia are of sufficient variety and purity that the Russian material is competitive in virtually all U.S. markets and applications.

Channels of Distribution[57]

Most domestically produced and imported silicon metal is shipped directly to end users. During the period examined in the final phase of the Commission's original investigation concerning silicon metal from Russia, U.S. shipments of domestically produced silicon metal sold to end users accounted for 97-99 percent of U.S. shipments, U.S. shipments of imports from Russia to end users accounted for 84-100 percent of U.S. shipments, and U.S. shipments of imports from all other sources to end users accounted for 98-100 percent of U.S. shipments. In the Commission's second five-year review concerning silicon metal from Brazil and China, the Commission reported that although many U.S. importers sold the silicon metal that they imported in the U.S. market, a substantial number internally consumed the product they imported and did not sell it on the market. The Commission also reported that some silicon metal produced by domestic manufacturers was internally consumed by the firms.

The three major markets for silicon metal in the United States are chemical producers, primary aluminum producers, and secondary aluminum producers. Other purchasers include solar and electronic silicon producers, diecasters, refractory producers, copper producers, and steel producers. Each of these end user markets requires silicon metal with different maximum impurity levels; however, within each

---

[54] *Response* of Globe, March 24, 2008, pp. 3-4.

[55] The Commission's staff report in the original investigation also stated that chemical producers may require qualification of silicon metal suppliers. GE Silicones first qualified silicon metal from Russia in 1999. Because of improvements in methodology by GE Silicones, the duration of the qualification process declined from two years or longer to about one year.

[56] Principally producers of low iron foundry alloys for applications such as alloy wheel rims used in the automotive industry.

[57] Unless otherwise specified, the discussion in this section is based on information from *Silicon Metal From Brazil and China, Investigation Nos. 731-TA-471 and 472 (Second Review)*, USITC Publication 3892, December 2006, p. II-2; and *Silicon Metal From Russia, Investigation No. 731-TA-991 (Final)*, USITC Publication 3584, March 2003, pp. I-11-I-12.

grade different purchasers may also require silicon metal of different purity. Data collected by the Commission in the final phase of the original investigation concerning silicon metal from Russia indicated that during 2001 *** of the U.S.-produced silicon metal was sold to chemical producers and approximately one-fifth was sold to secondary aluminum producers. Silicon metal imported from Russia, on the other hand, was primarily shipped to secondary aluminum producers, with almost two-thirds of the imported Russian product being sold to secondary aluminum producers and *** being sold to chemical producers.

Pricing[58]

Available information from questionnaires received in the original investigation indicated that sales of silicon metal in the U.S. market were made on both a contract and spot basis. Although, all U.S. producers that responded to the Commission's questionnaire in the final phase of the original investigation reported that over 95 percent of their sales were made on a contract basis, the responses of importers and purchasers were mixed, with some firms reporting that all or the majority of sales were done on a spot basis and others reporting that all or a majority of sales were on a contract basis. Available information at that time indicated that contracts were somewhat more likely to be used in the chemical market segment, with durations likely to be at least one year. Contracts in the primary and secondary aluminum markets were often one year or less in duration. During the final phase of the Commission's original investigation, the Commission requested quarterly data for the total quantity and value of three silicon metal products: (1) for sales to primary aluminum producers–silicon metal less than 99.99% pure that contains a minimum of 98.5% silicon, a maximum of 1.00% iron, a maximum of 0.07% calcium, and no restriction of the aluminum content; (2) for sales to secondary aluminum producers–silicon metal less than 99.99% pure that contains a minimum of 98.0% silicon, a maximum of 1.00% iron, a maximum of 0.4% calcium, and no restriction of the aluminum content; and (3) for sales to chemical manufacturers–silicon metal less than 99.99% pure that contains a minimum of 98.5% silicon, a maximum of 0.65% iron, a maximum of 0.02% calcium, and a maximum of 0.035% aluminum. Three U.S. producers, seven importers, and 20 purchasers provided usable pricing data for sales of the requested products in the U.S. market during the final phase of the original investigation, although not all firms reported pricing data for all products for all quarters. The reported price data accounted for virtually all of the quantity of domestically produced commercial shipments of silicon metal in 2001 and 56.2 percent of the quantity of imports of silicon metal from Russia in 2001. In a majority of price comparisons for products 1 and 2 between the United States and Russia, the Russian product was priced below the U.S. product.[59] Globe pointed out in its response to the Commission's notice of institution in this review that at the time of the original investigation, silicon metal was sold in the U.S. market primarily on the basis of price.[60]

Historical price data for silicon metal are publicly available from *Platts Metals Week*, which are viewed by the industry as an accurate measure of prevailing market prices. *Platts Metals Week* prices reflect spot sales prices for imported silicon metal and are based on contacts with buyers and sellers known to be reliable sources. The *Platts Metals Week* prices reflect product closest to secondary aluminum specifications. Regardless, the price data are used as a measure of prevailing market prices by buyers and sellers in all industry segments. *** reported in the original investigation that many of their contracts were fixed or indexed to prices published in *Platts Metals Week* depending on the customer and

---

[58] Unless otherwise specified, the discussion in this section is based on information from the *Staff Report on Silicon Metal From Russia, Investigation No. 731-TA-991 (Final)*, February 23, 2003 (INV-AA-017), pp. V-3-V-16.

[59] Price comparisons for product 3 between the United States and Russia were not possible because the responding importers of this product imported for internal use.

[60] *Response* of Globe, March 24, 2008, p. 21.

the duration of the contract. Globe indicated in its response to the Commission's notice of institution in this review that "{t}he combined effect of communications among buyers and sellers and the weekly publication or price data in periodicals ensures that price changes are quickly communicated throughout the market."[61]

Silicon metal prices adjust in response to changes in supply and demand by the steel, ferrous foundry, aluminum, and chemical industries. Reported low and high weekly U.S. prices for silicon metal for the period January 1, 2002 through April 24, 2008 as published by *Platts Metals Week* are presented in figure I-1. These *Platts Metals Week* data indicate that silicon metal prices increased from an annual average of $0.53 per pound in 2002 to $0.61 per pound in 2003 and to $0.82 per pound in 2004. The United States Geological Survey ("USGS") reported that higher silicon metal prices in the United States during 2003 were affected by the rapid rise in prices in the European Union ("EU"), which led to an increase in U.S. exports and a decline in imports into the United States. The increase in 2004 was attributed to increases in production costs and demand for silicon metal. *Platts Metals Week* reported that average annual U.S. prices began to edge down in 2005, declining from $0.82 per pound in 2004 to $0.76 per pound in 2005. A decrease in demand by the secondary aluminum sector was noted as the primary cause of the lower silicon metal prices in the United States during 2005.[62]

The contraction in supply of silicon metal in the United States, which was reportedly due primarily to the decline in U.S. imports, led to increases in average annual prices from $0.79 per pound in 2006 to $1.12 per pound in 2007 and to $1.66 per pound through April 24, 2008. The USGS reported that the decline in U.S. silicon metal imports during this period was caused, in part, by the decision of the silicon metal producer in Brazil to shift its exports from the United States to Europe.[63] *Metal Bulletin* reported that silicon metal prices worldwide are increasing because the market is tight with (1) energy-related shutdowns in Norway and France and (2) the impact of rumors that Russian producer United Company Rusal ("UC RUSAL") had changed its marketing strategy to supply only its home market with silicon metal.[64] The independent business analysis and consulting group CRU recently reported that increases in silicon metal prices were caused by "different supply-side developments." It explained that "{d}ue to a combination of scheduled and unplanned production outages, recently compounded by electricity supply constraints in Brazil, China, and South Africa, silicon supply has remained very tight, amplifying the effect of higher production costs and a weak U.S. dollar." CRU also predicted that silicon metal prices will remain relatively high in the future with the expected increase in global demand. In fact, CRU forecasted that "{t}he need for large-scale investment in new silicon furnaces, combined with significant escalation of production costs, will result in a period during which silicon prices remain extremely high in comparison to the average level of prices attained over the past decade."[65]

---

[61] *Response* of Globe, March 24, 2008, p. 5.

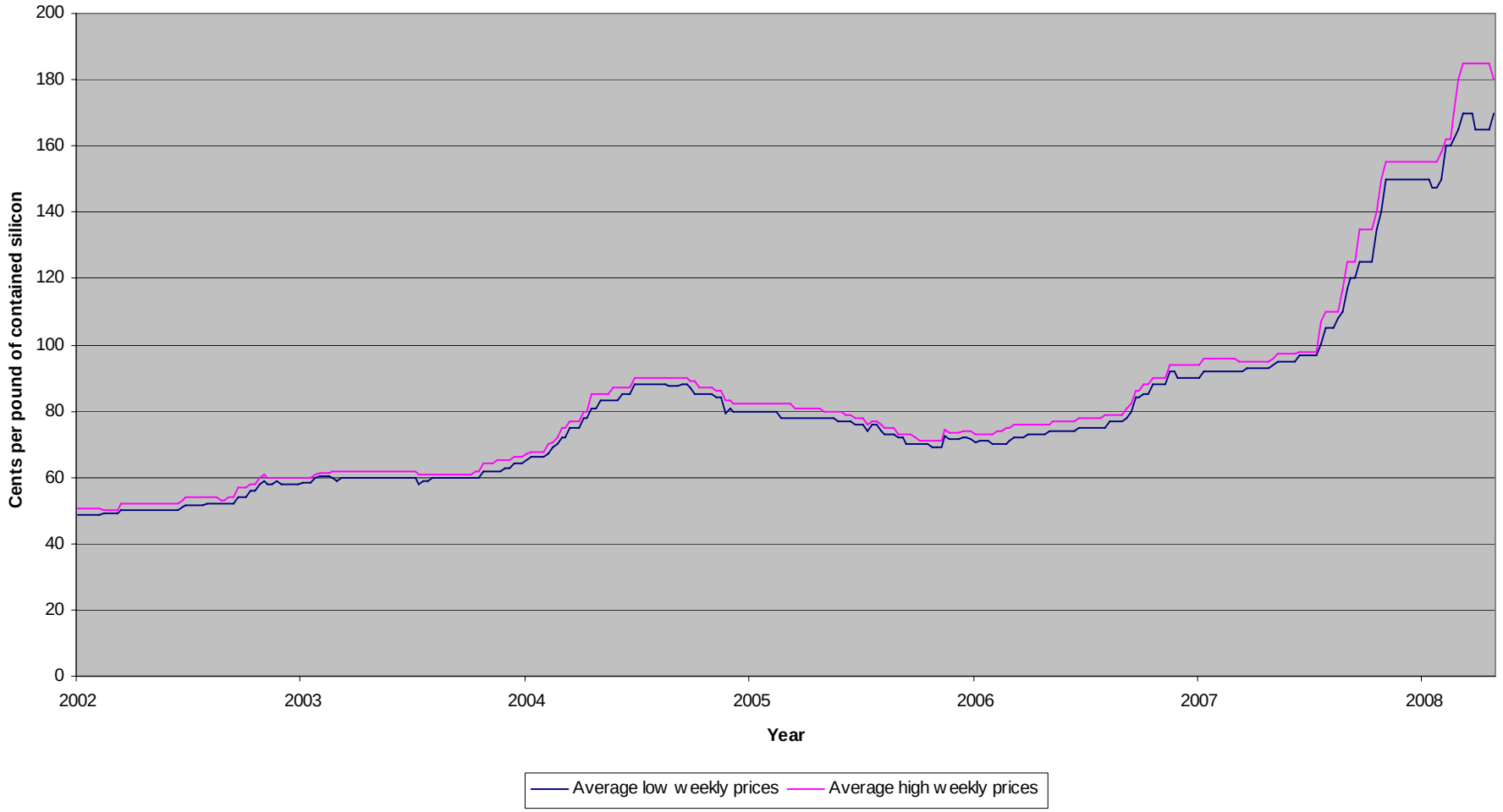
[62] *Platts Metals Week*, various issues; and Corathers, Lisa A., "Silicon," *U.S. Geological Survey 2003-06 Minerals Yearbooks.*

[63] Corathers, Lisa A., "Silicon," *U.S. Geological Survey 2006 Minerals Yearbook*, p. 67.2.

[64] "Rusal Changes, Fears of Production Cuts Push Silicon Prices Higher," *Metal Bulletin*, November 8, 2007.

[65] "Silicon Metal Industry Analysis," *CRU Forecasts*, March 2008, http://www.cruonline.crugroup.com/SteelFerroalloys/MarketForecasts/SiliconMetalIndustryAnalysis/tabid/297/Default.aspx.

Figure I-1
Silicon metal: Reported average weekly prices, January 1, 2002 through April 24, 2008



Source: *Platts Metals Week*, various issues.

THE INDUSTRY IN THE UNITED STATES

U.S. Producers

During the original investigation, the Commission reported that, at that time, there were three firms (i.e., Elkem, Globe, and SIMCALA) that produced silicon metal in the United States.[66] During 2001 (i.e., the latest annual period for which the Commission collected information in the original investigation), Elkem was *** producer of silicon metal, accounting for *** of all domestic production. Globe and SIMCALA accounted for *** and *** percent of 2001 domestic silicon metal production, respectively.[67]

In its response to the Commission's notice of institution in this five-year review, Globe reported that since the imposition of the antidumping duty order, there have been two major changes in the structure of the domestic industry. The first major change occurred in June 2003 when U.S. silicon metal producer SIMCALA was purchased by Dow Corning. Then, in December 2005, U.S. silicon metal producer Elkem sold its silicon metal assets to Globe, which continues to operate the plant as a silicon metal production facility. Globe indicated in its response that there are currently two U.S. producers of silicon metal (i.e., Globe and SIMCALA) and that neither producer is related to Russian producers or exporters of the subject merchandise.[68] Details regarding each firm's production location(s), 2008 silicon metal plant capacity, parent company, and company shares of 2008 total domestic silicon metal capacity are presented in table I-3.

Table I-3
Silicon metal: U.S. producers, locations, parent companies, 2008 plant capacity, and company shares of 2008 total domestic capacity

Firm	Plant location(s)	Plant capacity (*short tons of contained silicon*)[1]	Parent company	Share of domestic capacity (*percent*)[1]
Globe	Alloy, WV	***	Globe Specialty Metals Inc. (formerly International Metal Enterprises, Inc.)	***
	Beverly, OH	***		
	Selma, AL	***		
SIMCALA	***	***	***	***

[1] Globe's capacity data presented are 2006 data published by the USGS and SIMCALA's capacity data presented are 2008 *** company capacity. Globe's 2008 capacity assessments ***.

Source: Corathers, Lisa A., "Silicon," *U.S. Geological Survey 2006 Minerals Yearbook*; and ***.

Globe Metallurgical Inc.

Globe is a wholly owned subsidiary of Globe Specialty Metals Inc. The company produces high-purity chemical and metallurgical grade silicon metal in its U.S. plants in Ohio, West Virginia, and

[66] A fourth producer, American Silicon Technologies, ceased production operations in September 1999. *Staff Report on Silicon Metal From Russia, Investigation No. 731-TA-991 (Final)*, February 23, 2003 (INV-AA-017), p. III-1.

[67] *Staff Report on Silicon Metal From Russia, Investigation No. 731-TA-991 (Final)*, February 23, 2003 (INV-AA-017), pp. III-1-III-2.

[68] *Response* of Globe, March 24, 2008, pp. 26 and 29.

Alabama. During the period examined in this five-year review, Globe experienced several changes in its company structure. Major company changes are listed below:

- In July 2002, Globe reopened its two-furnace silicon smelter at Niagara Falls, NY, after closing it in December 2001. Upon reopening, the company operated one furnace to produce silicon metal and one ferrosilicon.[69]
- In July 2002, Elkem (later purchased by Globe) restarted a furnace at its Alloy, WV, plant, which had been closed since September 2001. At the same time, Elkem closed a different furnace to install new electrodes.[70]
- As part of its efforts to reorganize, Globe sold some of its company collateral in the form of investor and accounts receivable at an auction on December 30, 2002, to Marco International, Inc.[71] Globe explained in its response to the Commission's notice of institution in this review that the company's financial losses were caused by the LTFV imports from Russia and that it was forced to "put itself up for sale in December 2002."[72]
- On April 2, 2003, Globe filed for Chapter 11 bankruptcy protection in New York. Globe reportedly took the action primarily because of its nonproductive Norwegian assets.[73]
- In late April 2003, Elkem announced plans to reduce staffing by 30 percent at its silicon metal plant in Alloy, WV, by the first of August 2003. The company reported that the plant recorded a weak result for the first quarter in 2003 owing to technical problems caused by flooding and continued problems with the introduction of new electrode technology.[74]
- In late September 2003, Globe closed its Niagara Falls, NY silicon ferroalloys smelter indefinitely.[75]
- On May 28, 2004, Globe reported an "eruption" at its silicon metal plant located near Selma, AL, which fatally injured one worker and shut down one of two furnaces. The furnace was restarted on June 8, 2004, with the company reporting about 360 tons in lost production. No cause for the outage was given.[76]
- In December 2005, Globe purchased Elkem's silicon metal assets in Alloy, WV.[77]
- In January 2007, Globe's parent company acquired Camargo Correa Metals S.A., a major Brazilian silicon metal producer. CRU International reported that Globe's "U.S. and Brazilian plants are among the most efficient producers of silicon metal in the world."[78]
- On March 3, 2008, Globe's parent company announced that it completed the acquisition of approximately 81 percent of the entire issued share capital of Solsil, Inc. ("Solsil"), a domestic producer of high purity silicon manufactured through a proprietary metallurgical process for use

[69] Corathers, Lisa A., "Silicon," *U.S. Geological Survey 2002 Minerals Yearbook*, pp. 68.1-68.2.

[70] *Ibid*.

[71] *Ibid*.

[72] *Response* of Globe, March 24, 2008, p. 22.

[73] Corathers, Lisa A., "Silicon," *U.S. Geological Survey 2003 Minerals Yearbook*, pp. 68.1-68.2.

[74] *Ibid.*, p. 67.2.

[75] *Ibid*.

[76] Corathers, Lisa A., "Silicon," *U.S. Geological Survey 2004 Minerals Yearbook*, p. 67.1.

[77] *Response* of Globe, March 24, 2008, pp. 5 and 26.

[78] Globe Specialty Metals website, http://www.glbsm.com/globemetallurgical/, http://www.glbsm.com/silicon-metal.aspx, and http://www.glbsm.com/history.aspx.

in silicon-based solar cells. Solsil supplies its silicon to several leading global manufacturers of photovoltaic cells, ingots, and wafers.[79]

SIMCALA, Inc.

During the period examined in this five-year review, SIMCALA (also known as Silicon Mining Co. of Alabama) experienced several company changes. During 2002, SIMCALA operated only two of its three furnaces at its Mt. Meigs, AL, silicon metal facility. SIMCALA's third furnace, which had been closed since August 2001, was restarted in February 2003.[80] On June 17, 2003, Dow Corning Corp. ("Dow Corning") announced that it acquired SIMCALA for $30 million after receiving bankruptcy court approval. Dow Corning reported that SIMCALA would continue to operate under its current name and at current production levels. SIMCALA at that time employed approximately 130 people to produce high-grade silicon metal for use in the chemical and aluminum industries. As one of the largest consumers of silicon metal in the world, Dow Corning acquired SIMCALA to supply its silicon metal needs but indicated that SIMCALA would also continue "to participate in the silicon metals marketplace."[81] Today, SIMCALA reportedly provides much of its silicon metal output to its parent company. During 2007, SIMCALA reported company revenue of $33.4 million and an employee level of approximately 170 employees.[82]

U.S. Producers' Trade, Employment, and Financial Data

Data reported by U.S. producers of silicon metal in the Commission's original investigation and in response to its five-year review institution notice are presented in table I-4. As shown, overall trends for U.S. production, capacity, and shipment indicators presented for silicon metal declined throughout the period examined in the original investigation. The Commission noted in its views that "As subject import volume increased and domestic silicon metal prices dropped, the domestic industry suffered declines in prices, sales volume, and most performance and financial indicators. The deterioration in the industry's condition was evidenced by its loss of market share due to declining U.S. shipments, which fell by 24.7 percent from 1999 to 2001. Declines in the domestic industry's U.S. commercial shipments outpaced declines in U.S. apparent consumption during the period examined in the final phase of the Commission's

[79] "Regulatory Announcement: Globe Specialty Metals, Inc. Re. Solsil, Inc. Acquisition," http://www.londonstockexchange.com/LSECWS/IFSPages/MarketNewsPopup.aspx?id=172620&source=RNS. Since silicon metal for solar use is refined to a purity of 99.9999 percent silicon by weight, the purity level of the product produced by Solsil likely exceeds the 99.99 percent maximum as specified by Commerce in its scope description and, therefore, is not included in the Commission's definition of domestic like product. "Solar Energy Technologies Program: Silicon," *Energy Efficiency and Renewable Energy, U.S. Department of Energy*, http://www1.eere.energy.gov/solar/silicon.html. In addition, Globe did not list Solsil as a producer of the domestic like product in its response to the Commission's notice of institution in this review. *Response* of Globe, March 24, 2008, p. 26. However, to the extent that the product produced by Solsil contains at least 96.00 percent silicon by weight but less than 99.99 percent silicon by weight, it would, by definition, be included the Commission's domestic like product.

[80] Corathers, Lisa A., "Silicon," *U.S. Geological Survey 2002 Minerals Yearbook*, pp. 68.1-68.2.

[81] "Dow Corning to Purchase U.S. Silicon Metal Producer," *Dow Corning Media and Information Center*, June 17, 2003, http://www.dowcorning.com/content/news/pr_simcala.asp.

[82] "SIMCALA, Inc. Company Profile," http://biz.yahoo.com/ic/57/57628.html.

Table I-4
Silicon metal: U.S. producers' trade, employment, and financial data, 1999-2001, January-September 2001, January-September 2002, and 2002-07

(Quantity=*short tons of contained silicon*; unit values and unit labor costs=*$/short ton of contained silicon*)

Item	1999	2000	2001	Jan.-Sept. 2001	Jan.-Sept. 2002	2002	2003	2004	2005	2006	2007
Average capacity	243,667	215,245	198,363	148,123	144,450	(1)	(1)	(1)	(1)	(1)	***[2]
Production	209,376	195,660	145,324	112,638	85,824	122,355	151,015	162,038	159,834	153,220	***
Capacity utilization (*percent*)	85.9	90.9	73.3	76.0	59.4	(1)	(1)	(1)	(1)	(1)	***[2]
U.S. shipments:											
Quantity	201,545	187,951	151,766	115,670	81,357	104,151[3]	131,301[3]	146,657[3]	144,832[3]	(1)	***
Value (*$1,000*)	275,812	245,142	196,244	149,431	101,250	(1)	(1)	(1)	(1)	(1)	***
Unit value	1,368	1,304	1,293	1,292	1,245	(1)	(1)	(1)	(1)	(1)	***
Exports:											
Quantity	***	***	***	***	***	11,591	15,305	8,767	9,490	11,609	8,524
Value (*$1,000*)	***	***	***	***	***	20,895	26,941	19,210	16,991	36,234	24,521
Unit value	***	***	***	***	***	1,803	1,760	2,191	1,790	3,121	2,877
Total shipments:											
Quantity	***	***	***	***	***	115,742	146,606	155,424	154,322	(1)	***
Value (*$1,000*)	***	***	***	***	***	(1)	(1)	(1)	(1)	(1)	***
Unit value	***	***	***	***	***	(1)	(1)	(1)	(1)	(1)	***
End-of-period inventories	9,135	11,110	2,306	5,462	3,940	3,968[4]	6,085[4]	8,300[4]	7,033[4]	(1)	(1)
Production and related workers (*number*)	719	637	523	531	407	(1)	(1)	(1)	(1)	(1)	(1)
Hours worked (*1,000 hours*)	1,632	1,471	1,210	970	793	(1)	(1)	(1)	(1)	(1)	(1)
Wages paid (*$1,000)*	32,438	29,055	23,675	17,692	13,979	(1)	(1)	(1)	(1)	(1)	(1)
Hourly wages	$19.88	$19.75	$19.57	$18.24	$17.63	(1)	(1)	(1)	(1)	(1)	(1)
Productivity (*short tons of contained silicon/1,000 hours*)	128.3	133.0	120.1	116.1	108.2	(1)	(1)	(1)	(1)	(1)	(1)
Unit labor costs	$155	$148	$163	$157	$163	(1)	(1)	(1)	(1)	(1)	(1)

Table continued on following page.

Table I-4--*Continued*
Silicon metal: U.S. producers' trade, employment, and financial data, 1999-2001, January-September 2001, January-September 2002, and 2002-07

(Quantity=*short tons of contained silicon*; unit values and unit labor costs=*$/short ton of contained silicon*)

Item	1999	2000	2001	Jan.-Sept. 2001	Jan.-Sept. 2002	2002	2003	2004	2005	2006	2007
Net sales (*$1,000*)	293,831	267,227	219,034	150,763	103,496	([1])	([1])	([1])	([1])	([1])	([1])
Cost of goods sold ($*1,000*)	251,913	242,020	214,672	152,054	106,554	([1])	([1])	([1])	([1])	([1])	([1])
Gross profit or (loss) ($*1,000*)	41,918	25,207	4,362	(1,291)	(3,058)	([1])	([1])	([1])	([1])	([1])	([1])
SG&A (*$1,000*)	16,743	15,964	14,703	11,459	8,703	([1])	([1])	([1])	([1])	([1])	([1])
Operating income or (loss) (*$1,000*)	25,175	9,243	(10,341)	(12,750)	(11,761)	([1])	([1])	([1])	([1])	([1])	([1])
COGS/sales (*percent*)	85.7	90.6	98.0	100.9	103.0	([1])	([1])	([1])	([1])	([1])	([1])
Operating income (loss)/sales (*percent*)	8.6	3.5	(4.7)	(8.5)	(11.4)	([1])	([1])	([1])	([1])	([1])	([1])

[1] Not available.
[2] Capacity figure presented for 2007 was calculated by ITC staff from ***. Capacity utilization figure presented for 2007 was calculated using this 2008 capacity figure and the production figure provided by Globe in its response for 2007.
[3] Calculated U.S. shipments equal total shipments as reported in *USGS 2003-06 Minerals Yearbooks* minus exports as reported by *Global Trade Atlas*.
[4] Gross weight.

Source: *Staff Report on Silicon Metal From Russia, Investigation No. 731-TA-991 (Final),* February 24, 2003 (INV-AA-017), tables III-2, III-4, III-7, III-8, and VI-1 (data for 1999-2001, January-September 2001, and January-September 2002); Corathers, Lisa A., "Silicon," *U.S. Geological Survey 2003-06 Minerals Yearbooks* (production data, total shipment data, and inventory data for 2002-06); *Global Trade Atlas* (export data for 2002-07); and *Response* of Globe, March 24, 2008, p. 28 (production and shipment data for 2007).

original investigation. Reduced sales in turn led domestic producers to curtail silicon metal production and capacity."[83]

The U.S. industry data presented in table I-4 for the period examined in this five-year review, however, show a different trend than that of the original investigation. Although the domestic capacity level in 2007 was *** (*** percent) lower than that reported in 2001, the volume of U.S. production by domestic producers was *** percent higher in 2007 than it was during 2001, resulting in a *** higher capacity utilization rate. The U.S. producers' silicon metal production during 2007 was *** the size of Russia's production of silicon metal in that year and U.S. production during 2007 represented about *** of the apparent U.S. consumption of silicon metal in that year. U.S. shipments of silicon metal by domestic producers were higher in 2007 than reported in 2001 and the increasing unit value data of U.S. shipments of silicon metal also reflect the overall increase in the domestic prices for silicon metal for the period following the imposition of the antidumping duty order. However, according to *Global Trade Atlas* export data, U.S. exports of silicon metal fluctuated downward by 26 percent from 11,591 short tons in 2002 to 8,524 short tons in 2007, reaching a period high of 15,305 short tons in 2003. The unit value of U.S. exports, on the other hand, fluctuated upward by 60 percent from $1,803 per short ton in 2002 to $2,877 per short ton in 2007, mirroring the overall increases in domestic prices in the same period. During the original investigation, the U.S. producers' end-of-period inventories fell from a high of 9,135 short tons on December 31, 1999 to a low of 2,306 short tons on December 31, 2001. The *U.S. Geological Survey* reported that industry year-end stocks in the United States held by producers have since fluctuated upward from 3,968 short tons as of December 31, 2002 to 7,033 short tons as of December 31, 2005.

Globe reported in its response to the Commission's notice of institution in this review that after the imposition of the antidumping duty orders, "U.S. industry production and shipments increased significantly . . . Without the order this significant recovery in the U.S. industry's production could not have occurred." Globe also noted that "the substantial volume and price increases after the order was issued have resulted in significant improvements in the U.S. industry's financial performance." However, Globe added that "{t}he U.S. industry is facing rising input costs. Specifically, ***.[84]

U.S. IMPORTS AND APPARENT U.S. CONSUMPTION

U.S. Imports

In the original investigation, the Commission sent importer questionnaires to approximately 32 firms believed to have imported silicon metal from Russia and other sources during 1999-2001. Responses to these questionnaires were received from 12 firms importing silicon metal from Russia and 11 firms importing from all other sources. U.S. import data presented in the staff report in the original investigation were based on official Commerce statistics and U.S. importer inventory data were based on the questionnaire responses of firms accounting for approximately *** percent of U.S. imports from Russia during the period examined.[85]

In its response to the Commission's notice of institution in this five-year review, Globe reported that U.S. imports from Russia essentially ceased after Commerce's preliminary determination was

---

[83] *Silicon Metal From Russia, Investigation No. 731-TA-991 (Final)*, USITC Publication 3584, March 2003, p. 17.

[84] *Response* of Globe, March 24, 2008, pp. 23-26.

[85] *Staff Report on Silicon Metal From Russia, Investigation No. 731-TA-991 (Final)*, February 24, 2003 (INV-AA-017), pp. I-3 and IV-1.

published in September 2002.[86] In fact, according to official import statistics,[87] there were no imports of silicon metal from Russia during 2003-04 and 2006-07; there were imports of only 22 short tons in 2005.[88]

Silicon metal import data for 1999-2007 are presented in figure I-2 and table I-5. In the original investigation, the quantity of silicon metal imported into the United States from Russia increased by 36 percent from 25,158 short tons in 1999 to 34,153 short tons in 2001, before falling slightly in 2002 to 32,643 short tons. The share of total imports held by the subject imports increased from 20.5 percent in 1999 to 27.0 percent in 2001. The filing of the petition in March 2002 and the imposition of the antidumping duty order on silicon metal from Russia in March 2003 had a noticeable impact on the volume of the subject imports. Since 2002, there has been only one annual period with any amount of reported imports from Russia. During 2005, 22 short tons of silicon metal were imported into the United States (reportedly by U.S. importer AS Mill Products).[89]

Imports of silicon metal from nonsubject countries increased from 2001 to 2004, fell from 2004 to 2006, and increased slightly in 2007. The largest five nonsubject sources of imported silicon metal during 2007 and their respective shares of the total quantity of silicon metal imported in that year are as follows: Brazil (34 percent), South Africa (26 percent), Canada (19 percent), Australia (10 percent), and Norway (7 percent). These five nonsubject sources of U.S. imports of silicon metal together accounted for 95 percent of all imports of silicon metal during 2007. The unit values of total U.S. imports of silicon metal fell during the period examined in the original investigation but have since climbed to a level in 2007 that is 49 percent higher than the level reported during 1999, the first annual period examined in the original investigation.

Leading Nonsubject Sources of Imports

During the period for which data were collected, imports of silicon metal entered the United States from a variety of sources. The leading nonsubject suppliers are shown in table I-6. The total quantity of silicon metal imports from all nonsubject sources (including countries covered by other antidumping duty orders) increased from 2002 to 2004. However, U.S. imports from countries covered by antidumping duty orders began to fall in 2005 and dropped off considerably thereafter. Imports from countries not covered by antidumping duty orders also fell somewhat in 2005, but rebounded in 2006 and 2007.

Apparent U.S. Consumption and Market Shares

The United States is considered to be one of the world's largest consumers of silicon metal.[90] The level of U.S. aggregate demand for silicon metal depends in large part upon the demand from the aluminum and chemical industries.[91] Concerning the use of silicon metal in the chemical industry, the American Chemistry Council reported that demand for silicon metal mirrored the increase in chemical shipments during 2003 and 2004 due to an improvement in the U.S. economy in those years. The

---

[86] *Response* of Globe, March 24, 2008, pp. 8-9, 17, and 27.

[87] Silicon metal is currently classified under subheadings 2804.69.10 and 2804.69.50 of the Harmonized Tariff Schedule of the United States.

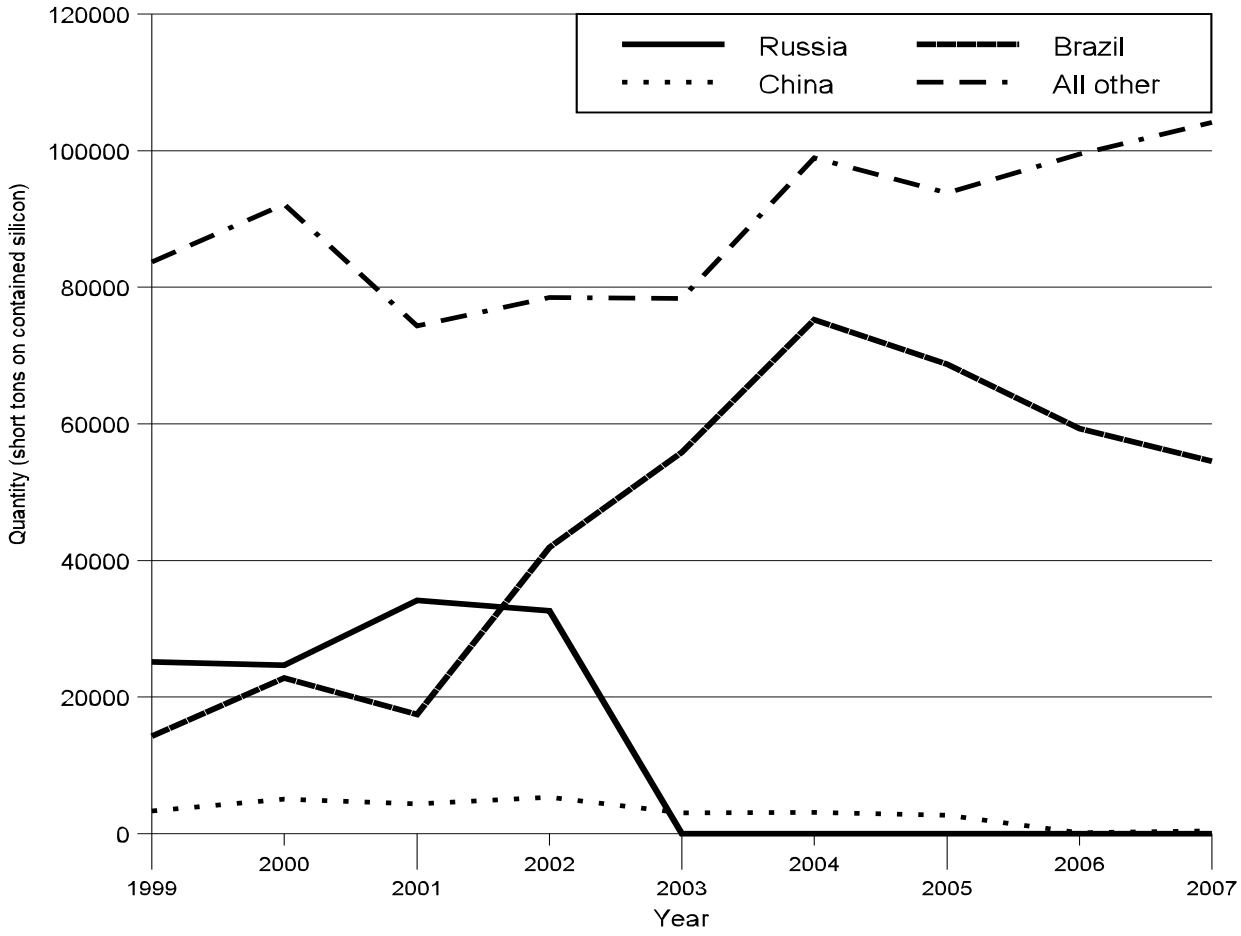
[88] Globe identified AS Mill Products as the importer of the 22 short tons of Russian silicon metal in 2005. *Response* of Globe, March 24, 2008, p. 27.

[89] *Response* of Globe, March 24, 2008, pp. 8-9 and 27.

[90] *Response* of Globe, March 24, 2008, p. 10.

[91] *Response* of Globe, March 24, 2008, p. 7; Corathers, Lisa A., "Silicon," *U.S. Geological Survey 2006 Minerals Yearbook*, p. 67.5.

Figure I-2
Silicon metal: Subject U.S. imports from Russia and nonsubject U.S. imports from Brazil, China, and all other countries combined, by quantity, 1999-2007



Source: Official Commerce statistics, HTS subheadings 2804.69.10 and 2804.69.50.

Table I-5
Silicon metal: U.S. imports, by source, 1999-2007[1]

Source	1999	2000	2001	2002	2003	2004	2005	2006	2007
Quantity (*short tons of contained silicon*)									
Russia	25,158	24,643	34,153	32,643	0	0	22	0	0
Other[2]	97,499	116,908	92,279	125,697	137,221	177,282	165,282	158,946	159,097
Total	122,657	141,551	126,431	158,340	137,221	177,282	165,803	158,946	159,097
Landed, duty-paid value (*1,000 dollars*)									
Russia	26,201	25,529	35,325	30,272	0	0	32	0	0
Other[2]	122,231	134,819	104,420	143,365	159,030	232,213	251,459	239,778	286,171
Total	148,432	160,349	139,745	173,638	159,030	232,213	251,491	239,778	286,171
Unit value (*per short ton of contained silicon*)									
Russia	$1,041	$1,036	$1,034	$927	([3])	([3])	$1,486	([3])	([3])
Other[2]	1,254	1,153	1,132	1,141	$1,159	$1,310	1,521	$1,509	$1,799
Average	1,210	1,133	1,105	1,097	1,159	1,310	1,521	1,509	1,799
Share of total quantity (*percent*)									
Russia	20.5	17.4	27.0	20.6	0.0	0.0	([4])	0.0	0.0
Other[2]	79.5	82.6	73.0	79.4	100.0	100.0	100.0	100.0	100.0
Total	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0

[1] There were no U.S. imports of silicon metal from Russia during January-March 2008.
[2] The largest "other" sources and their respective shares of the total quantity of silicon metal imported during 2007 include the following: Brazil (34 percent), South Africa (26 percent), Canada (19 percent), Australia (10 percent), and Norway (7 percent).
[3] Not applicable.
[4] Less than 0.05 percent.

Source: Official Commerce statistics, HTS subheadings 2804.69.10 and 2804.69.50.

Table I-6
Silicon metal: U.S. imports from leading nonsubject sources, 2002-07

Source	Calendar year					
	2002	2003	2004	2005	2006	2007
	Quantity (*short tons of contained silicon*)					
	Covered by antidumping duty orders					
Brazil[1]	41,899	55,830	75,255	68,759	6,903	([1])
China	5,318	3,057	3,086	2,683	112	413
Subtotal	47,217	58,887	78,341	71,442	7,015	413
	Not covered by antidumping duty orders					
Brazil[1]	([1])	([1])	([1])	([1])	52,424	54,544
South Africa	33,516	41,103	43,784	38,273	42,031	41,617
Canada	19,687	18,954	25,962	29,520	29,701	29,735
Australia	720	4,658	3,937	9,257	14,108	15,179
Norway	7,773	7,591	12,079	10,209	9,120	10,864
Spain	1,619	([2])	437	0	0	2,900
Philippines	0	144	474	1,662	1,682	1,609
France	66	219	9,551	2,269	0	1,079
Germany	2,275	1,204	260	244	([2])	126
United Kingdom	131	667	705	455	1,626	587
Netherlands	4	19	17	0	20	342
Sweden	25	68	144	106	144	80
Japan	([2])	21	([2])	31	15	4
All others	12,664	3,685	1,591	1,815	2,060	19
Total, imports not covered by antidumping duty orders	78,479	78,334	98,941	93,840	151,932	158,683
Total, nonsubject imports	125,697	137,221	177,282	165,282	158,946	159,097

Table continued on following page.

Table I-6--*Continued*
Silicon metal: U.S. imports from leading nonsubject sources, 2002-07

Source	Calendar year					
	2002	2003	2004	2005	2006	2007
	Value (*1,000 dollars*)[3]					
	Covered by antidumping duty orders					
Brazil[1]	54,633	66,094	92,572	97,846	10,317	([1])
China	4,194	2,676	3,497	2,938	384	880
Subtotal	58,827	68,770	96,069	100,784	10,702	880
	Not covered by antidumping duty orders					
Brazil[1]	([1])	([1])	([1])	([1])	77,855	98,247
South Africa	34,299	43,098	50,823	53,897	61,052	67,479
Canada	20,930	20,477	33,443	46,084	43,451	50,306
Australia	824	5,580	5,859	15,522	21,062	25,917
Norway	9,929	13,318	22,353	23,162	17,500	28,114
Spain	1,596	22	704	0	0	6,061
Philippines	0	149	831	3,069	2,469	2,735
France	50	207	16,654	3,062	0	2,707
Germany	3,973	2,025	770	607	14	1,181
United Kingdom	148	778	1,155	1,452	1,762	1,108
Netherlands	17	66	53	0	30	644
Sweden	350	479	847	813	975	497
Japan	15	159	35	152	163	136
All others	12,407	3,903	2,616	2,855	2,744	159
Total, imports not covered by antidumping duty orders	84,538	90,261	136,144	150,675	229,077	285,292
Total, nonsubject imports	143,365	159,030	232,213	251,459	239,778	286,171

Table continued on following page.

Table I-6--*Continued*
Silicon metal: U.S. imports from leading nonsubject sources, 2002-07

Source	Calendar year					
	2002	2003	2004	2005	2006	2007
Unit value (*per short ton of contained silicon*)						
Covered by antidumping duty orders						
Brazil[1]	1,304	1,184	1,230	1,423	1,495	([4])
China	789	875	1,133	1,095	3,445	2,127
Subtotal	1,246	1,168	1,226	1,411	1,526	2,127
Not covered by antidumping duty orders						
Brazil[1]	([4])	([4])	([4])	([4])	$1,485	$1,801
South Africa	$1,023	$1,049	$1,161	$1,408	1,453	1,621
Canada	1,063	1,080	1,288	1,561	1,463	1,692
Australia	1,145	1,198	1,488	1,677	1,493	1,707
Norway	1,277	1,754	1,851	2,269	1,919	2,588
Spain	986	204,229	1,610	([4])	([4])	2,090
Philippines	([4])	1,033	1,754	1,847	1,467	1,699
France	761	946	1,744	1,350	([4])	2,509
Germany	1,747	1,681	2,961	2,493	82,787	9,359
United Kingdom	1,132	1,167	1,637	3,193	2,814	1,888
Netherlands	3,819	3,511	3,189	([4])	1,526	1,887
Sweden	13,815	7,045	5,903	7,699	6,757	6,203
Japan	38,441	7,448	299,149	4,848	10,999	34,995
All others	980	1,059	1,645	1,573	1,333	8,732
Total, imports not covered by antidumping duty orders	1,077	1,152	1,376	1,606	1,508	1,798
Total, nonsubject imports	1,141	1,159	1,310	1,521	1,509	1,799

[1] The antidumping duty order concerning silicon metal from Brazil was revoked by Commerce effective February 16, 2006. 71 FR 76636, December 21, 2006.
[2] Less than 0.5 short tons.
[3] Landed, duty-paid.
[4] Not applicable.

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

Source: Compiled from official Commerce statistics.

Council also reported that the downturn in demand for silicon metal in 2005 tracked the decline in chemical output in the same year, primarily as a result of damage caused to chemical plants along the Gulf Coast by Hurricanes Katrina and Rita. An increase in the domestic chemical output in 2006 was reported by the Council, but no change was reported in the first 9 months of 2007 compared with the comparable period in 2006. Concerning the use of silicon metal in the foundry industry, demand for silicon metal by the U.S. aluminum castings industry increased in 2003; however, the growth may not have been translated directly into an increase in the consumption of silicon metal because of the increase in recycling of automotive scrap. Demand for silicon by the aluminum castings industry reportedly tracked the increase in aluminum casting shipments during 2004, 2005, and 2006. Consumption of silicon metal by the U.S. aluminum castings industry is expected to mirror the 4.5-percent and 16.2-percent increases in aluminum casting shipments forecast for 2008 and 2016, respectively.[92]

Globe indicated in its response to the Commission's notice of institution in this review that U.S. demand for silicon metal is expected to increase over the next few years.[93] Globe's website indicates that the demand for silicon metal for the production of silicone compounds by the chemical industry, which are considered a substitute in many applications for petroleum-based compounds, is expected to increase as the price for oil climbs. Globe also indicated on its website that the demand for silicon metal by aluminum manufacturers has grown steadily, reflecting increased economic activity as well as new uses for aluminum as a substitute for other materials. However, Globe indicates that the fastest-growing market for silicon metal is for the very-high-purity product from which most photovoltaic ("PV") solar cells are manufactured. Continued rapid growth in this market is projected with solar cell usage for silicon metal exceeding current silicon metal usage for all other applications combined by 2020.[94]

Apparent U.S. consumption and market shares of silicon metal for 1999-2007 are presented in table I-7. As the data show, apparent U.S. consumption of silicon metal generally fell from relatively high levels in 1999 and 2000 to lower levels during 2001-03, before rebounding somewhat in the remaining annual periods. During the entire nine-year period for which data are presented, the domestic silicon metal industry experienced *** consumption during 1999 at 334,202 short tons and *** during 2002 at 262,491 short tons. The domestic producers' share of consumption fell from *** 62.2 percent in 1999 to *** 39.7 percent in 2002, before generally increasing to *** percent by 2007. With the veritable absence of Russian silicon metal from the U.S. market after the March 2003 imposition of the antidumping duty order, the 12.4-percent share of the domestic market held in 2002 by the imports from Russia of silicon metal was primarily taken by *** by 2007 (i.e., with an increase of *** percentage points over 2002 levels), although relatively smaller increases in shares held by *** were evident (i.e., with an increase of *** percentage points).

---

[92] Corathers, Lisa A., "Silicon," *U.S. Geological Survey 2003-06 Minerals Yearbooks*.

[93] *Response* of Globe, March 24, 2008, p. 29.

[94] As indicated earlier (footnote 79), silicon metal for use in solar cells likely exceeds the 99.99 percent maximum as specified by Commerce in its scope description and, therefore, is not included in the Commission's definition of domestic like product. "Solar Energy Technologies Program: Silicon," *Energy Efficiency and Renewable Energy, U.S. Department of Energy*, http://www1.eere.energy.gov/solar/silicon.html. Globe's parent company announced on March 3, 2008, that it completed the purchase of Solsil, a producer located in Beverly, OH, of very high purity silicon metal for the PV cell market. "Silicon," *Globe Specialty Metals Products*, http://www.glbsm.com/silicon-metal.aspx; and "Regulatory Announcement: Globe Specialty Metals, Inc. Re. Solsil, Inc. Acquisition," http://www.londonstockexchange.com/LSECWS/IFSPages/MarketNewsPopup.aspx?id=172620&source=RNS.

Table I-7
Silicon metal: U.S. producers' U.S. shipments, U.S. imports, and apparent U.S. consumption, 1999-2007

Item	1999	2000	2001	2002	2003	2004	2005	2006	2007
Quantity (*short tons of contained silicon*)									
U.S. producers' U.S. shipments	201,545	187,951	151,766	104,151	131,301	146,657	144,832	(1)	***
U.S. imports: Russia	25,158	24,643	34,153	32,643	0	0	22	0	0
Other sources	97,499	116,908	92,279	125,697	137,221	177,282	165,282	158,946	159,097
Total imports	122,657	141,551	126,431	158,340	137,221	177,282	165,303	158,946	159,097
Apparent U.S. consumption	324,202	329,502	278,197	262,491	268,522	323,939	310,135	(1)	***
Value (*1,000 dollars*)									
U.S. producers' U.S. shipments	275,812	245,142	196,244	(1)	(1)	(1)	(1)	(1)	***
U.S. imports: Russia	26,201	25,529	35,325	30,272	0	0	32	0	0
Other sources	122,231	134,819	104,420	143,365	159,030	232,213	251,459	239,778	286,171
Total imports	148,432	160,349	139,745	173,638	159,030	232,213	251,491	239,778	286,171
Apparent U.S. consumption	424,244	405,491	335,989	(1)	(1)	(1)	(1)	(1)	***
Share of consumption based on quantity (*percent*)									
U.S. producers' U.S. shipments	62.2	57.0	54.6	39.7	48.9	45.3	46.7	(1)	***
U.S. imports: Russia	7.8	7.5	12.3	12.4	0.0	0.0	0.0	(1)	0.0
Other sources	30.1	35.5	33.2	47.9	51.1	54.7	53.3	(1)	***
Total imports	37.8	43.0	45.4	60.3	51.1	54.7	53.3	(1)	***
Share of consumption based on value (*percent*)									
U.S. producers' U.S. shipments	65.0	60.5	58.4	(1)	(1)	(1)	(1)	(1)	***
U.S. imports: Russia	6.2	6.3	10.5	(1)	(1)	(1)	(1)	(1)	0.0
Other sources	28.8	33.2	31.1	(1)	(1)	(1)	(1)	(1)	***
Total imports	35.0	39.5	41.6	(1)	(1)	(1)	(1)	(1)	***

[1] Not available.

Source: Tables I-4 and I-5.

ANTIDUMPING ACTIONS OUTSIDE THE UNITED STATES

On August 30, 2002, a dumping complaint was filed by the Liaison Committee of the Ferro-Alloy Industry of the European Communities against silicon metal (HTS number 2804.69.00) originating in Russia. On July 10, 2003, the Council of the European Union ("EU Council") imposed a provisional antidumping duty of 25.2 percent on imports of silicon originating in Russia. A definitive antidumping duty of 22.7 percent on imports of silicon originating in Russia was imposed by the EU Council on December 22, 2003.[95]

THE WORLD MARKET

Global Supply

Global silicon metal production data are presented in table I-8. These data show that the leading producer countries of silicon metal during 2005 (the most recent year for which country-specific data are available), in decreasing order, were the United States, Brazil, Norway, France, South Africa, and Russia. Information on the production of silicon metal in China is not available; however, the USGS reported that China was "by far the leading producer of silicon metal in the world in 2006." Annual Chinese production levels are estimated to be approximately 573,000 short tons, or more than three times the level of production reported for the United States. The USGS also reported that the major worldwide producers of silicon metal remained the same during 2006.[96]

Production of silicon metal in Russia, which accounted for approximately 7 percent of reported global production of silicon metal during 2005, increased from 44,092 short tons in 2002 to 49,604 short tons in 2003, but remained at the 2003 level during 2004-05. During 2005, Russia's production of silicon metal was slightly less than one-third the level of U.S. producers' silicon metal production and approximately one-sixth the level of U.S. silicon metal consumption. Reported global silicon metal production increased by 9 percent from 672,409 short tons in 2002 to 729,729 short tons in 2005 before falling to 553,360 short tons in 2006.[97] The world silicon market prices have been pushed up by large increases in energy costs and global electricity shortages, especially in China, Brazil, and South Africa, which together produced some two-thirds of world supplies last year.[98] Globe reported in its response to the Commission's notice of institution in this review that it expects that world supply of silicon metal will increase over the next few years.[99]

According to some sources, the world's largest silicon metal producer is FerroPem Groupe FerroAtlantica, with plants in South Africa, Spain, and France. However, power problems in South Africa and France have limited the company's output. In fact, the company recently declared *force majeure* on shipments at its 60,627 short ton-per-year silicon plant in South Africa due to widespread power supply problems. Regardless, the company's global production of silicon metal was reported to be 209,437 short tons during 2007 and is expected to climb to 220,460 short tons by 2008. Press reports also

---

[95] Official Journal of the European Union, http://eur-lex.europa.eu/Notice.do?val=445058:cs&lang=en&list=454523:cs,454132:cs,445058:cs,43776...

[96] Corathers, Lisa A., "Silicon," *U.S. Geological Survey 2006 Minerals Yearbook*, p. 67.3.

[97] Corathers, Lisa A., "Silicon," *U.S. Geological Survey 2006 Minerals Yearbook*, table 1.

[98] "Power Keeps Silicon from Meeting Demand: FerroPem," *Platts Metals Week*, vol.79, issue 4, January 28, 2008.

[99] *Response* of Globe, March 24, 2008, p. 29.

Table I-8
Silicon metal: World production, by country, 2002-05[1]

Country	2002	2003	2004	2005
	Quantity (*short tons, gross weight*)			
Argentina	8,818	8,818	8,818	8,818
Australia	33,069	33,069	33,069	38,581
Bosnia and Herzegovina	220	0	0	0
Brazil	147,037	147,048	147,048	147,048
Canada	33,069	33,069	33,069	33,069
France	82,673	82,673	82,673	82,673
Hungary	1,102	1,102	551	551
Italy	6,614	6,614	6,614	6,614
Norway	115,743	110,231	115,743	115,743
Russia	44,092	49,604	49,604	49,604
South Africa	46,848	53,462	55,667	56,218
Spain	33,069	33,069	33,069	33,069
United States	119,049	147,710	158,733	157,630
Total[2]	672,409	706,581	725,320	729,729

[1] Although China is believed to be the largest producer of silicon metal in the world, production information is not available. Estimates indicate that annual Chinese production may be close to 573,000 short tons. Also, production data presented in this table for the United States are *** than the production data presented in table I-4. Both sets of data were calculated by USGS, but were presented in separate publications.

[2] Individual country data do not sum to published totals.

Source: Corathers, Lisa A., "Ferroalloys," *U.S. Geological Survey 2005 Minerals Yearbook*, table 6, converted to short tons by Commission staff.

indicate that the company is investing in a 110,230 short ton per year silicon metal production plant in China to serve that domestic market. It is expected to be online by 2012.[100]

Global Demand

Global consumption of silicon metal (as defined in this review) is tied to the demand from the aluminum and chemical industries. As previously indicated, the United States is considered to be among the world's largest consuming countries of silicon metal, representing approximately one-fifth of total global demand. Silicon metal prices are reportedly higher in the United States than in other consuming markets such as the European Union, Japan, and Canada. In terms of contained silicon, silicon metal consumption in the Western world increased from approximately 1.1 million short tons in 2002 to almost

[100] "US Silicon Market on the Skids as Car Demand Slides," *Metal-Pages*, April 9, 2008; and "Power Keeps Silicon from Meeting Demand: FerroPem," *Platts Metals Week*, vol. 79, issue 4, January 28, 2008.

1.5 million short tons in 2006. In decreasing order of consumption, the EU, the United States, and Japan accounted for 75 percent of the silicon metal consumed in 2006.[101]

CRU indicated that it expects that the global demand for silicon metal "will increase rapidly through 2012, mainly driven by big advances in chemical-related silicon consumption." CRU also forecasted that the increase in global demand will result in a "substantial expansion" of production capacity worldwide for silicon metal.[102]

Net Trade Balance

Data concerning the net trade balance reported for Russia and selected nonsubject countries are presented in table I-9. These data show that Russia, along with other large silicon metal producing countries, was a net exporter during every annual period from 2002 to 2007.

THE SUBJECT INDUSTRY IN RUSSIA

During the original investigation, the Commission received questionnaire responses from three producers of silicon metal that were believed to have accounted for all known production of silicon metal in Russia during 1999-2001: Bratsk Aluminum Smelter ("Bratsk"); SUAL-Kremniy-Ural ("SKU"); and ZAO Kremny. SKU and ZAO Kremny shared common ownership through Sual Holding. ZAO Kremny accounted for *** percent of silicon metal production in Russia in 2001; Bratsk accounted for *** percent of Russian production of silicon metal during 2001; and SKU accounted for *** percent.[103]

Since the original investigation, several changes in the structure of the Russian industry have occurred. In fact, Globe indicated in its response to the Commission's notice of institution in this five-year review that there is currently only one producer of silicon metal in Russia. Changes in the character of operations of the Russian silicon metal producers that participated in the Commission's original investigation are discussed below.

The Bratsk Ferroalloy Plant, which was part of Rusal's Bratsk Aluminum Smelter's silicon works during the original investigation, was divested into a separate company in 2003.[104] The Bratsk Ferroalloy Plant was then sold by Rusal to JSC Investment Construction Technologies in April 2004. At that time, The Bratsk Ferroalloy Plant had a rated silicon metal capacity of 11,023 short tons per year and 55,115 short tons per year for ferrosilicon.[105] In August 2007, the Bratsk Ferroalloy Plant was purchased by Russian coal and steel company Mechel.[106] Globe indicated in its response to the Commission's notice of institution in this review that the Bratsk ferroalloy plant that produced silicon metal until 2003 currently has approximately 11,000 short tons of silicon metal production capacity sitting idle.[107]

---

[101] Corathers, Lisa A., "Silicon," *U.S. Geological Survey 2003-06 Minerals Yearbooks*.

[102] "Silicon Metal Industry Analysis," *CRU Forecasts*, March 2008, http://www.cruonline.crugroup.com/SteelFerroalloys/MarketForecasts/SiliconMetalIndustryAnalysis/tabid/297/Default.aspx.

[103] *Silicon Metal From Russia, Investigation No. 731-TA-991 (Final)*, USITC Publication 3584, March 2003, p. VII-2-VII-4.

[104] "Mechel Busy Bratsk FeSi Plant," *Metal-Pages*, August 28, 2007.

[105] "The Economics of Silicon and Ferrosilicon," *Roskill's Information Services Ltd.*, 12th ed., 2007, p. 84; and Corathers, Lisa A., "Silicon," *U.S. Geological Survey 2004 Minerals Yearbook*, p. 67.5.

[106] "Mechel Paid $186.5 MLN for Bratsk Ferroalloy Plant - Source," *Metals & Mining Weekly*, vol. XVII, issue 33(798), August 2007, p. 5.

[107] *Response* of Globe, March 24, 2008, p. 9.

Table I-9
Silicon metal: Russian and selected nonsubject country exports, imports, and trade balances, 2002-07[1]

Item	2002	2003	2004	2005	2006	2007
	Quantity (*short tons of contained silicon*)					
Russia:						
Exports	53,608	36,901	30,282	26,379	28,173	27,668
Imports	11,302	8,447	8,607	13,642	17,975	18,947
Trade balance	42,306	28,453	21,676	12,737	10,199	8,721
China:						
Exports	427,233	528,070	600,791	590,976	676,834	769,708
Imports	228	1,040	1,812	596	3,128	9,454
Trade balance	427,006	527,030	598,979	590,380	673,706	760,254
Brazil:						
Exports	163,182	201,655	223,071	214,556	215,953	224,426
Imports	2,887	2,675	7,632	7,379	11,344	13,413
Trade balance	160,295	198,979	215,439	207,177	204,609	211,013
Norway:						
Exports	166,006	167,236	194,368	180,103	167,811	158,754
Imports	8,319	13,609	17,702	26,926	37,868	39,624
Trade balance	157,688	153,626	176,666	153,177	129,943	119,130
South Africa:						
Exports	643,581	845,614	613,510	63,733	53,143	54,616
Imports	3,266	5,631	7,273	3,827	3,921	3,705
Trade balance	640,315	839,984	606,237	59,905	49,222	50,911
Canada:						
Exports	45,448	40,343	46,043	47,148	47,770	47,462
Imports	31,706	47,913	50,066	27,708	34,366	38,877
Trade balance	13,742	(7,571)	(4,024)	19,440	13,404	8,585
Australia:						
Exports	34,325	29,452	28,132	28,529	30,564	31,542
Imports	6,056	7,290	7,084	7,640	13,144	17,911
Trade balance	28,270	22,162	21,048	20,889	17,421	13,631

[1] Positive numbers presented for “trade balance” show net exports and numbers in parentheses presented for “trade balance” show net imports.

Source: Global Trade Atlas.

Russian producers Rusal and Sual Holdings and the Swiss-headquartered natural resources group Glencore International formally announced in October 2006 an agreement to create UC RUSAL by merging their assets. By February 2007, the European Commission approved the three-way merger, and by March 2007, the merger was complete. The company claims to be the world's largest producer of primary aluminium and alumina today, with operations in 19 countries on five continents and with 100,000 employees globally. The unified company's main products are alumina, aluminum, and aluminium alloy, but the company indicated that it "produces sufficient volume of silicon to supply its downstream facilities with the required raw material." The unified company includes, among other assets, Sual Holdings' SKU and ZAO Kremny silicon metal facilities.[108] Globe reported in its response to the Commission's notice of institution that today, UC RUSAL is the only known currently operating producer of silicon metal in Russia.[109] It described UC RUSAL as the fifth-largest producer of silicon metal in the Western world, currently producing silicon metal at two plants in Russia.[110]

As indicated earlier in this report, silicon metal producers often also produce other ferroalloys using the same type of production process and equipment and may be able to switch production between ferrosilicon and silicon metal given the economic incentives to do so. Globe noted in its response to the Commission's notice of institution in this review that Russia is the world's second largest producer of ferrosilicon after China, having produced 981,047 short tons of ferrosilicon in 2006. In addition, Globe reported that "Russian ferrosilicon production capacity is increasing," noting the construction of new ferroalloy plant capacity by a Russian ferroalloys producer. Globe argued that "Russia has very large capacities to produce ferrosilicon and other ferroalloys that could be converted to silicon metal production."[111]

Table I-10 presents trade data for the Russian silicon metal industry received during the original investigation (1999-2001, January-September 2001, and January-September 2002) and certain published data for 2002-07. As these data show, total Russian silicon metal production increased 56 percent from 2002 levels to 69,000 short tons in 2007, which is equal to over *** percent of U.S. silicon metal production. Total Russian silicon metal production capacity during 2007 was *** short tons, yielding a capacity utilization rate of *** percent.

[108] "Rusal, Sual and Glencore Formally Announce Aluminum Assets Merger," *Trade Finance*, October 2006, v. 9, n. 8, p. 3; "Three-Way Rusal Tie-Up Receives European Commission Approval," *American Metal Market*, February 2, 2007; and *United Company RUSAL Website*, http://www.rusal.ru/en/facts.aspx, http://www.rusal.ru/en/products.aspx, and http://www.rusal.ru/en/kremni.aspx.

[109] No response to the Commission's notice of institution in this current review was received from the Russian producer. *Response* of Globe, March 24, 2008, p. 28.

[110] *Response* of Globe, March 24, 2008, p. 9.

[111] *Ibid*., pp. 8 and 14-15.

Table I-10
Silicon metal: Russia's capacity, production, shipments, and inventories, 1999-2001, January-September 2001, January-September 2002, and 2002-07[1]

Item	1999	2000	2001	Jan.-Sept. 2001	Jan.-Sept. 2002	2002	2003	2004	2005	2006	2007
	Quantity (*short tons of contained silicon*)										
Capacity	***	***	***	***	***	(2)	(2)	(2)	(2)	(2)	***[3]
Production	***	***	***	***	***	44,092	49,604	49,604	49,604	(2)	69,000
End-of-period inventories	***	***	***	***	***	(2)	(2)	(2)	(2)	(2)	(2)
Shipments:											
Home market	***	***	***	***	***	(2)	(2)	(2)	(2)	(2)	(2)
Exports:											
United States	***	***	***	***	***	32,900	69	(4)	(4)	0	0
All other markets	***	***	***	***	***	20,709	36,831	30,282	26,379	28,173	27,668
Total exports	***	***	***	***	***	53,608	36,901	30,282	26,379	28,173	27,668
Total shipments	***	***	***	***	***	(2)	(2)	(2)	(2)	(2)	(2)
	Ratios and shares (*percent*)										
Capacity utilization	***	***	***	***	***	(2)	(2)	(2)	(2)	(2)	***
Inventories to production	***	***	***	***	***	(2)	(2)	(2)	(2)	(2)	(2)
Inventories to total shipments	***	***	***	***	***	(2)	(2)	(2)	(2)	(2)	(2)
Share of total quantity of shipments:											
Home market	***	***	***	***	***	(2)	(2)	(2)	(2)	(2)	(2)
Exports to:											
United States	***	***	***	***	***	(2)	(2)	(2)	(2)	(2)	(2)
All other markets	***	***	***	***	***	(2)	(2)	(2)	(2)	(2)	(2)
All export markets	***	***	***	***	***	(2)	(2)	(2)	(2)	(2)	(2)

[1] Data presented for 1999-2001, January-September 2001, and January-September 2002 were provided by Bratsk Aluminum, SKU, and ZAO Kremny. These three Russian producers of silicon metal were the known producers of silicon metal in Russia during that time. No response to the Commission's notice of institution in this review was received from any Russian producer. Data presented for 2002-07 were obtained from published sources.
[2] Not available.
[3] Capacity figure presented for 2007 was calculated by ITC staff from ***.
[4] Less than significant digits.

Source: *Staff Report on Silicon Metal from Russia, Investigation No. 731-TA-991 (Final)*, February 23, 2003 (INV-AA-017), table VII-3 (for 1999-2001, January-September 2001, and January-September 2002 data); *Global Trade Atlas* and Corathers, Lisa A., "Silicon," *U.S. Geological Survey 2005 Minerals Yearbook*, table 6 (for 2002-07 data); and *Response* of Globe, March 24, 2008, p. 9 (for 2007 production data).

Globe reported in its response that the "Russian silicon metal production and production capacity are substantial and the industry is export-oriented." In fact, during 2007, Russian silicon metal exports were equivalent to 40 percent of annual Russian silicon metal production. Indeed, Russia has historically been a substantial net exporter of silicon metal (see table I-9). Globe also reported that "{t}here are strong incentives for the Russian industry to focus silicon metal exports on the U.S. market."[112]

Global Trade Atlas statistics concerning exports of silicon metal (HTS subheading 2804.69) from Russia for 2002-07 are presented in table I-11. These data show that total exports of silicon metal from Russia to the world fell overall by 48.4 percent from 53,608 short tons in 2002 to 27,668 short tons in 2007. There were minimal amounts of Russian exports of silicon metal to the United States reported after 2002. The largest export markets for Russian silicon metal during 2007 were Switzerland, Germany, Ukraine, and the Netherlands.[113]

Globe indicated in its response to the Commission's notice of institution in this review that in the EU and Japan, Russian silicon metal faces "aggressive competition from low-priced Chinese silicon metal."[114] However, relatively recent press reports indicate that the EU market is concerned that UC RUSAL will reduce the amount of silicon metal it sells outside of Russia as silicon prices continue upward.[115] Globe further indicated in its response that "the Russian silicon metal industry faces increasing competition from low-priced Chinese silicon metal imports in its home market."[116] In fact, UC RUSAL reportedly "plans to focus on its domestic market as well as in-house needs for its own alloys production and so sells less silicon into Europe, which is already suffering a severe shortage of metal." However, company officials insist that "Our silicon strategy remains the same: we plan to meet the growing demand in Russia as well as fulfill the contracts in Europe."[117]

The average unit value of Russian exports of silicon metal to all countries other than the United States during 2003 through 2007 ranged from $718 to $1,368 per short ton. These unit values were much lower than the average unit values of U.S. imports of silicon metal from all sources (ranging from $1,159 to $1,799 per short ton). Globe argued in its response to the Commission's notice of institution in this review that "the significantly higher prices that generally prevail in the U.S. market, as compared to other export markets for the subject countries, would provide a clear incentive for producers in the subject countries to direct their exports to the U.S. market if the orders were revoked."[118]

---

[112] *Response* of Globe, March 24, 2008, pp. 8 and 14.

[113] *Ibid*., pp. 8, 14, and 24-25.

[114] *Ibid*., p. 11.

[115] "Rusal Changes, Fears of Production Cuts Push Silicon Prices Higher," *Metal Bulletin*, November 8, 2007.

[116] *Response* of Globe, March 24, 2008, p. 12.

[117] "Rusal Changes, Fears of Production Cuts Push Silicon Prices Higher," *Metal Bulletin*, November 8, 2007.

[118] *Response* of Globe, pp. 10, 24, and 25.

Table I-11
Silicon metal: Russia's export shipments, 2002-07

Item	2002	2003	2004	2005	2006	2007
Quantity (*short tons*)						
Exports:						
United States	32,900	69	([1])	([1])	0	0
Switzerland	11,111	13,226	13,537	14,007	13,839	12,403
Germany	1,471	5,077	4,222	6,458	9,128	11,093
Ukraine	44	859	1,235	1,480	1,447	2,953
Netherlands	3,259	12,754	5,736	2,447	3,307	992
Japan	265	3,682	2,822	904	22	26
United Kingdom	4,018	0	0	0	0	9
Thailand	0	331	2,359	683	331	0
All other[2]	541	902	371	399	100	192
World	53,608	36,901	30,282	26,379	28,173	27,668
Value (*$1,000*)[3]						
Exports:						
United States	21,759	46	1	([1])	0	0
Switzerland	7,658	8,889	10,217	13,121	14,027	16,227
Germany	1,121	4,435	4,410	7,956	11,412	15,305
Ukraine	5	60	1,076	1,406	1,502	4,253
Netherlands	2,325	8,651	4,417	2,795	4,027	1,532
Japan	193	3,353	2,659	1,155	27	41
United Kingdom	2,768	0	0	0	0	25
Thailand	0	320	2,194	862	387	0
All other[2]	444	752	373	528	184	474
World	36,273	26,506	25,347	27,824	31,565	37,857
Unit value (*per short ton*)						
Exports:						
United States	$661	$655	([4])	([4])	([5])	([5])
Switzerland	689	672	755	937	$1,014	$1,308
Germany	762	873	1,045	1,232	1,250	1,380
Ukraine	103	70	871	950	1,038	1,440
Netherlands	713	678	770	1,142	1,218	1,544
Japan	730	911	942	1,278	1,202	1,574
United Kingdom	689	([5])	([5])	([5])	([5])	2,744
Thailand	([5])	966	930	1,261	1,170	([5])
All other[2]	821	834	1,002	1,323	1,845	2,478
World	677	718	837	1,055	1,120	1,368

[1] Less than significant digits.
[2] Other export markets for the Russian product include Tajikistan, Korea, Uzbekistan, the United Arab Emirates, Kazakhstan, China, Hong Kong, Estonia, Finland, Armenia, Kyrgyzstan, Austria, Latvia, Singapore, India, and the Czech Republic.
[3] F.o.b. port in Russia.
[4] Calculated unit value data are not meaningful because of the minor amount of quantities and values of exports reported.
[5] Not applicable.

Source: *Global Trade Atlas*, (HTS 2804.69).

APPENDIX A

FEDERAL REGISTER NOTICES

Postponement of Time Limits for New Shipper Antidumping Duty Reviews in Conjunction With Administrative Review, 72 FR 13744 (March 23, 2007). On October 9, 2007, the Department published the preliminary results. *See Freshwater Crawfish Tail Meat From the People's Republic of China: Preliminary Results and Partial Rescission of the 2005–2006 Antidumping Duty Administrative Review and Preliminary Intent to Rescind 2005–2006 New Shipper Reviews*, 72 FR 57288 (October 9, 2007). These reviews cover the period September 1, 2005, through August 31, 2006. The final results of the administrative review and the new shipper reviews are currently due by February 6, 2008.

Extension of Time Limit for Final Results of Reviews

Pursuant to section 751(a)(3)(A) of the Tariff Act of 1930, as amended (''the Act''), the Department shall make a final determination in an administrative review of an antidumping duty order within 120 days after the date on which the preliminary results were published. The Act further provides, however, that the Department may extend that 120-day period to 180 days after publication of the preliminary results if it determines it is not practicable to complete the review within the foregoing time period.

The Department finds that it is not practicable to complete the final results of the administrative review and new shipper reviews of freshwater crawfish tail meat from the PRC within the 120-day period because it requires additional time to analyze a complicated sales reporting issue. In accordance with section 751(a)(3)(A) of the Act, the Department is fully extending the time period for completion of the final results of these reviews by 60 days to 180 days after the date on which the preliminary results were published. Therefore, the final results are now due no later than April 6, 2008. However, as that date falls on a Sunday, the final results will be due no later than the next business day, Monday, April 7, 2008.

This notice is published in accordance with sections 751(a)(3)(A) and 777(i) of the Act and 19 CFR 351.213(h)(2).

Dated: January 25, 2008.

Stephen J. Claeys,

Deputy Assistant Secretary for Import Administration.

[FR Doc. E8–1910 Filed 1–31–08; 8:45 am]

BILLING CODE 3510–DR–S

DEPARTMENT OF COMMERCE

International Trade Administration

Initiation of Five-Year (''Sunset'') Reviews

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

SUMMARY: In accordance with section 751(c) of the Tariff Act of 1930, as amended (''the Act''), the Department of Commerce (''the Department'') is automatically initiating a five-year review (''Sunset Review'') of the antidumping duty orders listed below. The International Trade Commission (''the Commission'') is publishing concurrently with this notice its notice of Institution of Five-Year Review which covers the same orders.

EFFECTIVE DATE: February 1, 2008.

FOR FURTHER INFORMATION CONTACT: The Department official identified in the *Initiation of Review(s)* section below at AD/CVD Operations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th & Constitution Ave., NW., Washington, DC 20230. For information from the Commission contact Mary Messer, Office of Investigations, U.S. International Trade Commission at (202) 205–3193.

SUPPLEMENTARY INFORMATION:

Background

The Department's procedures for the conduct of Sunset Reviews are set forth in its *Procedures for Conducting Five-Year (''Sunset'') Reviews of Antidumping and Countervailing Duty Orders,* 63 FR 13516 (March 20, 1998) and 70 FR 62061 (October 28, 2005). Guidance on methodological or analytical issues relevant to the Department's conduct of Sunset Reviews is set forth in the Department's Policy Bulletin 98.3—*Policies Regarding the Conduct of Five-Year (''Sunset'') Reviews of Antidumping and Countervailing Duty Orders; Policy Bulletin,* 63 FR 18871 (April 16, 1998).

Initiation of Reviews

In accordance with 19 CFR 351.218(c), we are initiating the Sunset Review of the following antidumping duty orders:

DOC case No.	ITC case No.	Country	Product	Department contact
A–821–817	731–TA–991	Russia	Silicon Metal	Dana Mermelstein (202) 482–1391
A–489–807	731–TA–745	Turkey	Steel Concrete Reinforcing Bars (2nd Review).	Brandon Farlander (202) 482–0182

Filing Information

As a courtesy, we are making information related to Sunset proceedings, including copies of the pertinent statute and Department's regulations, the Department's schedule for Sunset Reviews, a listing of past revocations and continuations, and current service lists, available to the public on the Department's sunset Internet Web site at the following address: ''*http://ia.ita.doc.gov/sunset/*.'' All submissions in these Sunset Reviews must be filed in accordance with the Department's regulations regarding format, translation, service, and certification of documents. These rules can be found at 19 CFR 351.303.

Pursuant to 19 CFR 351.103(c), the Department will maintain and make available a service list for these proceedings. To facilitate the timely preparation of the service list(s), it is requested that those seeking recognition as interested parties to a proceeding contact the Department in writing within 10 days of the publication of the Notice of Initiation.

Because deadlines in Sunset Reviews can be very short, we urge interested parties to apply for access to proprietary information under administrative protective order (''APO'') immediately following publication in the **Federal Register** of the notice of initiation of the sunset review. The Department's regulations on submission of proprietary information and eligibility to receive access to business proprietary information under APO can be found at 19 CFR 351.304–306.

Information Required From Interested Parties

Domestic interested parties (defined in section 771(9)(C), (D), (E), (F), and (G) of the Act and 19 CFR 351.102(b)) wishing to participate in these Sunset Reviews must respond not later than 15 days after the date of publication in the

Federal Register of this notice of initiation by filing a notice of intent to participate. The required contents of the notice of intent to participate are set forth at 19 CFR 351.218(d)(1)(ii). In accordance with the Department's regulations, if we do not receive a notice of intent to participate from at least one domestic interested party by the 15-day deadline, the Department will automatically revoke the orders without further review. *See* 19 CFR 351.218(d)(1)(iii).

For sunset reviews of countervailing duty orders, parties wishing the Department to consider arguments that countervailable subsidy programs have been terminated must include with their substantive responses information and documentation addressing whether the changes to the program were (1) limited to an individual firm or firms and (2) effected by an official act of the government. Further, a party claiming program termination is expected to document that there are no residual benefits under the program and that substitute programs have not been introduced. *Cf.* 19 CFR 351.526(b) and (d). If a party maintains that any of the subsidies countervailed by the Department were not conferred pursuant to a subsidy program, that party should nevertheless address the applicability of the factors set forth in 19 CFR 351.526(b) and (d). Similarly, parties wishing the Department to consider whether a company's change in ownership has extinguished the benefit from prior non-recurring, allocable, subsidies must include with their substantive responses information and documentation supporting their claim that all or almost all of the company's shares or assets were sold in an arm's length transaction, at a price representing fair market value, as described in the *Notice of Final Modification of Agency Practice Under Section 123 of the Uruguay Round Agreements Act*, 68 FR 37125 (June 23, 2003) (''*Modification Notice*''). *See Modification Notice* for a discussion of the types of information and documentation the Department requires.

If we receive an order-specific notice of intent to participate from a domestic interested party, the Department's regulations provide that *all parties* wishing to participate in the Sunset Review must file complete substantive responses not later than 30 days after the date of publication in the **Federal Register** of this notice of initiation. The required contents of a substantive response, on an order-specific basis, are set forth at 19 CFR 351.218(d)(3). Note that certain information requirements differ for respondent and domestic parties. Also, note that the Department's information requirements are distinct from the Commission's information requirements. Please consult the Department's regulations for information regarding the Department's conduct of Sunset Reviews.[1] Please consult the Department's regulations at 19 CFR Part 351 for definitions of terms and for other general information concerning antidumping and countervailing duty proceedings at the Department.

This notice of initiation is being published in accordance with section 751(c) of the Act and 19 CFR 351.218(c).

Dated: January 23, 2008.

Stephen J. Claeys,

Deputy Assistant Secretary for Import Administration.

[FR Doc. E8–1896 Filed 1–31–08; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Notice of Public Meeting

SUMMARY: The Advisory Committee on Commercial Remote Sensing (ACCRES) will meet March 27, 2008.

DATE AND TIME: The meeting is scheduled as follows:

March 27, 2008, 9 a.m.–4 p.m. The first part of this meeting will be closed to the public. The public portion of the meeting will begin at 1 p.m.

ADDRESSES: The meeting will be held in the Auditorium of the National Association of Home Builders Building, Washington, DC, located at 1201 15th Street, NW., Washington, DC 20005. While open to the public, seating capacity may be limited.

SUPPLEMENTARY INFORMATION: As required by section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1982), notice is hereby given of the meeting of ACCRES. ACCRES was established by the Secretary of Commerce (Secretary) on May 21, 2002, to advise the Secretary through the Under Secretary of Commerce for Oceans and Atmosphere on long- and short-range strategies for the licensing of commercial remote sensing satellite systems.

Matters To Be Considered

The first part of the meeting will be closed to the public pursuant to Section 10(d) of the Federal Advisory Committee Act, 5 U.S.C. App. 2, as amended by Section 5(c) of the Government in Sunshine Act, Pub. L. 94–409 and in accordance with Section 552b(c)(1) of Title 5, United States Code. Accordingly, portions of this meeting which involve the ongoing review and implementation of the April 2003 U.S. Commercial Remote Sensing Space Policy and related national security and foreign policy considerations for NOAA's licensing decisions are closed to the public. These briefings are likely to disclose matters that are specifically authorized under criteria established by Executive Order 12958 to be kept secret in the interest of national defense or foreign policy and are in fact properly classified pursuant to such Executive Order.

All other portions of the meeting will be open to the public. During the open portion of the meeting, the Committee will receive updates on NOAA's licensing activities and there will be a presentation on orbital debris. The committee will also be available to receive public comments on its activities.

Special Accommodations

These meetings are physically accessible to people with disabilities. Requests for special accommodations may be directed to ACCRES, NOAA/NESDIS International and Interagency Affairs Office, 1335 East-West Highway, Room 7311, Silver Spring, Maryland 20910.

Additional Information and Public Comments

Any member of the public wishing further information concerning the meeting or who wishes to submit oral or written comments should contact Kay Weston, Designated Federal Officer for ACCRES, NOAA/NESDIS International and Interagency Affairs Office, 1335 East-West Highway, Room 7311, Silver Spring, Maryland 20910. Copies of the draft meeting agenda can be obtained from David Hasenauer at (301) 713–2024 ext. 207, fax (301) 713–2032, or e-mail *David.Hasenauer@noaa.gov*.

The ACCRES expects that public statements presented at its meetings will not be repetitive of previously-submitted oral or written statements. In general, each individual or group making an oral presentation may be limited to a total time of five minutes. Written comments (please provide at least 13 copies) received in the NOAA/

[1] In comments made on the interim final sunset regulations, a number of parties stated that the proposed five-day period for rebuttals to substantive responses to a notice of initiation was insufficient. This requirement was retained in the final sunset regulations at 19 CFR 351.218(d)(4). As provided in 19 CFR 351.302(b), however, the Department will consider individual requests for extension of that five-day deadline based upon a showing of good cause.

Bureau Form Number: None.
Frequency of Collection: Once.
Description of Respondents: Citizens, State governments.
Total Annual Responses: 44.
Total Annual Burden Hours: 451 hours.

Dated: January 24, 2008.

John R. Craynon,

Chief, Division of Regulatory Support.

[FR Doc. 08–449 Filed 1–31–08; 8:45 am]

BILLING CODE 4310–05–M

INTERNATIONAL TRADE COMMISSION

[Investigation No. 731–TA–991 (Review)]

Silicon Metal From Russia

AGENCY: United States International Trade Commission.

ACTION: Institution of a five-year review concerning the antidumping duty order on silicon metal from Russia.

SUMMARY: The Commission hereby gives notice that it has instituted a review pursuant to section 751(c) of the Tariff Act of 1930 (19 U.S.C. 1675(c)) (the Act) to determine whether revocation of the antidumping duty order on silicon metal from Russia would be likely to lead to continuation or recurrence of material injury. Pursuant to section 751(c)(2) of the Act, interested parties are requested to respond to this notice by submitting the information specified below to the Commission; [1] to be assured of consideration, the deadline for responses is March 24, 2008. Comments on the adequacy of responses may be filed with the Commission by April 15, 2008. For further information concerning the conduct of this review and rules of general application, consult the Commission's Rules of Practice and Procedure, part 201, subparts A through E (19 CFR part 201), and part 207, subparts A, D, E, and F (19 CFR part 207).

EFFECTIVE DATE: February 1, 2008.

FOR FURTHER INFORMATION CONTACT: Mary Messer (202–205–3193), Office of Investigations, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. General information concerning the Commission may also be obtained by accessing its Internet server (*http://www.usitc.gov*). The public record for this review may be viewed on the Commission's electronic docket (EDIS) at *http://edis.usitc.gov.*

SUPPLEMENTARY INFORMATION:

Background.—On March 26, 2003, the Department of Commerce issued an antidumping duty order on imports of silicon metal from Russia (68 FR 14578). The Commission is conducting a review to determine whether revocation of the order would be likely to lead to continuation or recurrence of material injury to the domestic industry within a reasonably foreseeable time. It will assess the adequacy of interested party responses to this notice of institution to determine whether to conduct a full review or an expedited review. The Commission's determination in any expedited review will be based on the facts available, which may include information provided in response to this notice.

Definitions.—The following definitions apply to this review:

(1) *Subject Merchandise* is the class or kind of merchandise that is within the scope of the five-year review, as defined by the Department of Commerce.

(2) The *Subject Country* in this review is Russia.

(3) The *Domestic Like Product* is the domestically produced product or products which are like, or in the absence of like, most similar in characteristics and uses with, the *Subject Merchandise.* In its original determination, the Commission defined the *Domestic Like Product* as all silicon metal, regardless of grade, consistent with Commerce's scope.

(4) The *Domestic Industry* is the U.S. producers as a whole of the *Domestic Like Product*, or those producers whose collective output of the *Domestic Like Product* constitutes a major proportion of the total domestic production of the product. In its original determination, the Commission defined the *Domestic Industry* as all domestic producers of silicon metal.

(5) The *Order Date* is the date that the antidumping duty order under review became effective. In this review, the *Order Date* is March 26, 2003.

(6) An *Importer* is any person or firm engaged, either directly or through a parent company or subsidiary, in importing the *Subject Merchandise* into the United States from a foreign manufacturer or through its selling agent.

Participation in the review and public service list.—Persons, including industrial users of the *Subject Merchandise* and, if the merchandise is sold at the retail level, representative consumer organizations, wishing to participate in the review as parties must file an entry of appearance with the Secretary to the Commission, as provided in section 201.11(b)(4) of the Commission's rules, no later than 21 days after publication of this notice in the **Federal Register**. The Secretary will maintain a public service list containing the names and addresses of all persons, or their representatives, who are parties to the review.

Former Commission employees who are seeking to appear in Commission five-year reviews are reminded that they are required, pursuant to 19 CFR 201.15, to seek Commission approval if the matter in which they are seeking to appear was pending in any manner or form during their Commission employment. The Commission's designated agency ethics official has advised that a five-year review is the ''same particular matter'' as the underlying original investigation for purposes of 19 CFR 201.15 and 18 U.S.C. 207, the post employment statute for Federal employees. Former employees may seek informal advice from Commission ethics officials with respect to this and the related issue of whether the employee's participation was ''personal and substantial.'' However, any informal consultation will not relieve former employees of the obligation to seek approval to appear from the Commission under its rule 201.15. For ethics advice, contact Carol McCue Verratti, Deputy Agency Ethics Official, at 202–205–3088.

Limited disclosure of business proprietary information (BPI) under an administrative protective order (APO) and APO service list.—Pursuant to section 207.7(a) of the Commission's rules, the Secretary will make BPI submitted in this review available to authorized applicants under the APO issued in the review, provided that the application is made no later than 21 days after publication of this notice in the **Federal Register**. Authorized applicants must represent interested parties, as defined in 19 U.S.C. 1677(9), who are parties to the review. A separate service list will be maintained by the Secretary for those parties authorized to receive BPI under the APO.

[1] No response to this request for information is required if a currently valid Office of Management and Budget (OMB) number is not displayed; the OMB number is 3117–0016/USITC No. 08–5–178, expiration date June 30, 2008. Public reporting burden for the request is estimated to average 10 hours per response. Please send comments regarding the accuracy of this burden estimate to the Office of Investigations, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436.

Certification.—Pursuant to section 207.3 of the Commission's rules, any person submitting information to the Commission in connection with this review must certify that the information is accurate and complete to the best of the submitter's knowledge. In making the certification, the submitter will be deemed to consent, unless otherwise specified, for the Commission, its employees, and contract personnel to use the information provided in any other reviews or investigations of the same or comparable products which the Commission conducts under Title VII of the Act, or in internal audits and investigations relating to the programs and operations of the Commission pursuant to 5 U.S.C. Appendix 3.

Written submissions.—Pursuant to section 207.61 of the Commission's rules, each interested party response to this notice must provide the information specified below. The deadline for filing such responses is March 24, 2008. Pursuant to section 207.62(b) of the Commission's rules, eligible parties (as specified in Commission rule 207.62(b)(1)) may also file comments concerning the adequacy of responses to the notice of institution and whether the Commission should conduct an expedited or full review. The deadline for filing such comments is April 15, 2008. All written submissions must conform with the provisions of sections 201.8 and 207.3 of the Commission's rules and any submissions that contain BPI must also conform with the requirements of sections 201.6 and 207.7 of the Commission's rules. The Commission's rules do not authorize filing of submissions with the Secretary by facsimile or electronic means, except to the extent permitted by section 201.8 of the Commission's rules, as amended, 67 Fed. Reg. 68036 (November 8, 2002). Also, in accordance with sections 201.16(c) and 207.3 of the Commission's rules, each document filed by a party to the review must be served on all other parties to the review (as identified by either the public or APO service list as appropriate), and a certificate of service must accompany the document (if you are not a party to the review you do not need to serve your response).

Inability to provide requested information.—Pursuant to section 207.61(c) of the Commission's rules, any interested party that cannot furnish the information requested by this notice in the requested form and manner shall notify the Commission at the earliest possible time, provide a full explanation of why it cannot provide the requested information, and indicate alternative forms in which it can provide equivalent information. If an interested party does not provide this notification (or the Commission finds the explanation provided in the notification inadequate) and fails to provide a complete response to this notice, the Commission may take an adverse inference against the party pursuant to section 776(b) of the Act in making its determination in the review.

Information to be Provided in Response to this Notice of Institution: As used below, the term ''firm'' includes any related firms.

(1) The name and address of your firm or entity (including World Wide Web address if available) and name, telephone number, fax number, and E-mail address of the certifying official.

(2) A statement indicating whether your firm/entity is a U.S. producer of the *Domestic Like Product*, a U.S. union or worker group, a U.S. importer of the *Subject Merchandise*, a foreign producer or exporter of the *Subject Merchandise*, a U.S. or foreign trade or business association, or another interested party (including an explanation). If you are a union/worker group or trade/business association, identify the firms in which your workers are employed or which are members of your association.

(3) A statement indicating whether your firm/entity is willing to participate in this review by providing information requested by the Commission.

(4) A statement of the likely effects of the revocation of the antidumping duty order on the *Domestic Industry* in general and/or your firm/entity specifically. In your response, please discuss the various factors specified in section 752(a) of the Act (19 U.S.C. 1675a(a)) including the likely volume of subject imports, likely price effects of subject imports, and likely impact of imports of *Subject Merchandise* on the *Domestic Industry*.

(5) A list of all known and currently operating U.S. producers of the Domestic Like Product. Identify any known related parties and the nature of the relationship as defined in section 771(4)(B) of the Act (19 U.S.C. 1677(4)(B)).

(6) A list of all known and currently operating U.S. importers of the *Subject Merchandise* and producers of the *Subject Merchandise* in the *Subject Country* that currently export or have exported *Subject Merchandise* to the United States or other countries since the *Order Date*.

(7) If you are a U.S. producer of the *Domestic Like Product*, provide the following information on your firm's operations on that product during calendar year 2007 (report quantity data in short tons and value data in U.S. dollars, f.o.b. plant). If you are a union/worker group or trade/business association, provide the information, on an aggregate basis, for the firms in which your workers are employed/which are members of your association.

(a) Production (quantity) and, if known, an estimate of the percentage of total U.S. production of the *Domestic Like Product* accounted for by your firm's(s') production;

(b) the quantity and value of U.S. commercial shipments of the *Domestic Like Product* produced in your U.S. plant(s); and

(c) the quantity and value of U.S. internal consumption/company transfers of the *Domestic Like Product* produced in your U.S. plant(s).

(8) If you are a U.S. importer or a trade/business association of U.S. importers of the *Subject Merchandise* from the *Subject Country*, provide the following information on your firm's(s') operations on that product during calendar year 2007 (report quantity data in short tons and value data in U.S. dollars). If you are a trade/business association, provide the information, on an aggregate basis, for the firms which are members of your association.

(a) The quantity and value (landed, duty-paid but not including antidumping duties) of U.S. imports and, if known, an estimate of the percentage of total U.S. imports of *Subject Merchandise* from the *Subject Country* accounted for by your firm's(s') imports;

(b) the quantity and value (f.o.b. U.S. port, including antidumping duties) of U.S. commercial shipments of *Subject Merchandise* imported from the *Subject Country*; and

(c) the quantity and value (f.o.b. U.S. port, including antidumping duties) of U.S. internal consumption/company transfers of *Subject Merchandise* imported from the *Subject Country*.

(9) If you are a producer, an exporter, or a trade/business association of producers or exporters of the *Subject Merchandise* in the *Subject Country*, provide the following information on your firm's(s') operations on that product during calendar year 2007 (report quantity data in short tons and value data in U.S. dollars, landed and duty-paid at the U.S. port but not including antidumping duties). If you are a trade/business association, provide the information, on an aggregate basis, for the firms which are members of your association.

(a) Production (quantity) and, if known, an estimate of the percentage of total production of *Subject Merchandise* in the *Subject Country* accounted for by your firm's(s') production; and

(b) the quantity and value of your firm's(s') exports to the United States of *Subject Merchandise* and, if known, an estimate of the percentage of total exports to the United States of *Subject Merchandise* from the *Subject Country* accounted for by your firm's(s') exports.

(10) Identify significant changes, if any, in the supply and demand conditions or business cycle for the *Domestic Like Product* that have occurred in the United States or in the market for the *Subject Merchandise* in the *Subject Country* since the *Order Date*, and significant changes, if any, that are likely to occur within a reasonably foreseeable time. Supply conditions to consider include technology; production methods; development efforts; ability to increase production (including the shift of production facilities used for other products and the use, cost, or availability of major inputs into production); and factors related to the ability to shift supply among different national markets (including barriers to importation in foreign markets or changes in market demand abroad). Demand conditions to consider include end uses and applications; the existence and availability of substitute products; and the level of competition among the *Domestic Like Product* produced in the United States, *Subject Merchandise* produced in the *Subject Country*, and such merchandise from other countries.

(11) (OPTIONAL) A statement of whether you agree with the above definitions of the *Domestic Like Product and Domestic Industry*; if you disagree with either or both of these definitions, please explain why and provide alternative definitions.

Authority: This review is being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to section 207.61 of the Commission's rules.

By order of the Commission.

Issued: January 28, 2008.

Marilyn R. Abbott,

Secretary to the Commission.

[FR Doc. E8–1733 Filed 1–31–08; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 731–TA–745 (Second Review)]

Steel Concrete Reinforcing Bar From Turkey

AGENCY: United States International Trade Commission.

ACTION: Institution of a five-year review concerning the antidumping duty order on steel concrete reinforcing bar (''rebar'') from Turkey.

SUMMARY: The Commission hereby gives notice that it has instituted a review pursuant to section 751(c) of the Tariff Act of 1930 (19 U.S.C. 1675(c)) (the Act) to determine whether revocation of the antidumping duty order on rebar from Turkey would be likely to lead to continuation or recurrence of material injury. Pursuant to section 751(c)(2) of the Act, interested parties are requested to respond to this notice by submitting the information specified below to the Commission; [1] to be assured of consideration, the deadline for responses is March 24, 2008. Comments on the adequacy of responses may be filed with the Commission by April 15, 2008. For further information concerning the conduct of this review and rules of general application, consult the Commission's Rules of Practice and Procedure, part 201, subparts A through E (19 CFR part 201), and part 207, subparts A, D, E, and F (19 CFR part 207).

EFFECTIVE DATE: February 1, 2008.

FOR FURTHER INFORMATION CONTACT: Mary Messer (202–205–3193), Office of Investigations, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. General information concerning the Commission may also be obtained by accessing its Internet server (*http://www.usitc.gov*). The public record for this review may be viewed on the Commission's electronic docket (EDIS) at *http://edis.usitc.gov.*

SUPPLEMENTARY INFORMATION:

Background.—On April 17, 1997, the Department of Commerce issued an antidumping duty order on imports of rebar from Turkey (62 FR 18748). Following five-year reviews by Commerce and the Commission, effective March 26, 2003, Commerce issued a continuation of the antidumping duty order on imports of rebar from Turkey (68 FR 14579). The Commission is now conducting a second review to determine whether revocation of the order would be likely to lead to continuation or recurrence of material injury to the domestic industry within a reasonably foreseeable time. It will assess the adequacy of interested party responses to this notice of institution to determine whether to conduct a full review or an expedited review. The Commission's determination in any expedited review will be based on the facts available, which may include information provided in response to this notice.

Definitions.—The following definitions apply to this review:

(1) *Subject Merchandise* is the class or kind of merchandise that is within the scope of the five-year review, as defined by the Department of Commerce.

(2) The *Subject Country* in this review is Turkey.

(3) The *Domestic Like Product* is the domestically produced product or products which are like, or in the absence of like, most similar in characteristics and uses with, the *Subject Merchandise.* In its original determination and its full five-year review determination, the Commission defined the *Domestic Like Product* as all rebar coextensive with Commerce's scope.

(4) The *Domestic Industry* is the U.S. producers as a whole of the *Domestic Like Product,* or those producers whose collective output of the *Domestic Like Product* constitutes a major proportion of the total domestic production of the product. In its original determination and its full five-year review determination, the Commission found that ''appropriate circumstances'' existed to conduct a regional industry analysis and defined the *Domestic Industry* as all domestic producers of rebar within the Eastern Tier region.[2]

(5) An *Importer* is any person or firm engaged, either directly or through a parent company or subsidiary, in importing the *Subject Merchandise* into the United States from a foreign manufacturer or through its selling agent.

Participation in the review and public service list.—Persons, including industrial users of the *Subject Merchandise* and, if the merchandise is

[1] No response to this request for information is required if a currently valid Office of Management and Budget (OMB) number is not displayed; the OMB number is 3117–0016/USITC No. 08–5–179, expiration date June 30, 2008. Public reporting burden for the request is estimated to average 10 hours per response. Please send comments regarding the accuracy of this burden estimate to the Office of Investigations, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436.

[2] The Eastern Tier Region is comprised of the following: Maine, New Hampshire, Connecticut, Massachusetts, Rhode Island, Vermont, New Jersey, New York, Pennsylvania, Delaware, Florida, Georgia, Louisiana, Maryland, North Carolina, South Carolina, Virginia, West Virginia, Alabama, Kentucky, Mississippi, Tennessee, the District of Columbia, and Puerto Rico.

http://www.reginfo.gov/public/do/PRAMain.

SUPPLEMENTARY INFORMATION: OMB regulations at 5 CFR 1320, which implement provisions of the Paperwork Reduction Act of 1995 (Pub. L. 104–13), require that interested members of the public and affected agencies have an opportunity to comment on information collection and recordkeeping activities [see 5 CFR 1320.8(d)]. We have submitted a request to OMB to renew its approval for the collection of information for 30 CFR 705 and the Form OSM–23, Restriction on financial interests of State employees. We are requesting a 3-year term of approval for this information collection activity.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for this collection of information is 1029–0067.

As required under 5 CFR 1320.8(d), a **Federal Register** notice soliciting comments on 30 CFR 705 was published on February 12, 2008 (73 FR 8063). No comments were received. This notice provides you with an additional 30 days in which to comment on the following information collection activity:

Title: Restriction on financial interests of State employees, 30 CFR 705.

OMB Control Number: 1029–0067.

Summary: Respondents supply information on employment and financial interests. The purpose of the collection is to ensure compliance with section 517(g) of the Surface Mining Control and Reclamation Act of 1977, which places an absolute prohibition on employees of regulatory authorities having a direct or indirect financial interest in underground or surface coal mining operations.

Bureau Form Number: OSM–23.

Frequency of Collection: Entrance on duty and annually.

Description of Respondents: Any State regulatory authority employee or member of advisory boards or commissions established in accordance with State law or regulation to represent multiple interests who performs any function or duty under the Surface Mining Control and Reclamation Act.

Total Annual Responses: 3,540.

Total Annual Burden Hours: 1,184.

Send comments on the need for the collection of information for the performance of the functions of the agency; the accuracy of the agency's burden estimates; ways to enhance the quality, utility and clarity of the information collection; and ways to minimize the information collection burden on respondents, such as use of automated means of collection of the information, to the addresses listed under **ADDRESSES.** Please refer to OMB control number 1029–0067 in your correspondence.

Before including your address, phone number, e-mail address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Dated: May 8, 2008.

John R. Craynon,

Chief, Division of Regulatory Support.

[FR Doc. E8–10731 Filed 5–14–08; 8:45 am]

BILLING CODE 4310–05–M

INTERNATIONAL TRADE COMMISSION

[Investigation No. 731–TA–991 (Review)]

Silicon Metal From Russia

AGENCY: United States International Trade Commission.

ACTION: Scheduling of an expedited five-year review concerning the antidumping duty order on silicon metal from Russia.

SUMMARY: The Commission hereby gives notice of the scheduling of an expedited review pursuant to section 751(c)(3) of the Tariff Act of 1930 (19 U.S.C. 1675(c)(3)) (the Act) to determine whether revocation of the antidumping duty order on silicon metal from Russia would be likely to lead to continuation or recurrence of material injury within a reasonably foreseeable time. For further information concerning the conduct of this review and rules of general application, consult the Commission's Rules of Practice and Procedure, part 201, subparts A through E (19 CFR part 201), and part 207, subparts A, D, E, and F (19 CFR part 207).

DATES: *Effective Date:* May 6, 2008.

FOR FURTHER INFORMATION CONTACT: Mary Messer (202–205–3193), Office of Investigations, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. General information concerning the Commission may also be obtained by accessing its Internet server (*http://www.usitc.gov*). The public record for this review may be viewed on the Commission's electronic docket (EDIS) at *http://edis.usitc.gov.*

SUPPLEMENTARY INFORMATION:

Background. On May 6, 2008, the Commission determined that the domestic interested party group response to its notice of institution (73 FR 6204, February 1, 2008) of the subject five-year review was adequate and that the respondent interested party group response was inadequate. The Commission did not find any other circumstances that would warrant conducting a full review.[1] Accordingly, the Commission determined that it would conduct an expedited review pursuant to section 751(c)(3) of the Act.[2]

Staff report. A staff report containing information concerning the subject matter of the review will be placed in the nonpublic record on June 2, 2008, and made available to persons on the Administrative Protective Order service list for this review. A public version will be issued thereafter, pursuant to section 207.62(d)(4) of the Commission's rules.

Written submissions. As provided in section 207.62(d) of the Commission's rules, interested parties that are parties to the review and that have provided individually adequate responses to the notice of institution,[3] and any party other than an interested party to the review may file written comments with the Secretary on what determination the Commission should reach in the review. Comments are due on or before June 5, 2008, and may not contain new factual information. Any person that is neither a party to the five-year review nor an interested party may submit a brief written statement (which shall not contain any new factual information) pertinent to the review by June 5, 2008. However, should the Department of Commerce extend the time limit for its completion of the final results of its review, the deadline for comments (which may not contain new factual information) on Commerce's final

[1] A record of the Commissioners' votes, the Commission's statement on adequacy, and any individual Commissioner's statements will be available from the Office of the Secretary and at the Commission's Web site.

[2] Commissioner Deanna Tanner Okun did not participate.

[3] The Commission has found the responses submitted by Globe Metallurgical Inc. to be individually adequate. Comments from other interested parties will not be accepted (see 19 CFR 207.62(d)(2)).

results is three business days after the issuance of Commerce's results. If comments contain business proprietary information (BPI), they must conform with the requirements of sections 201.6, 207.3, and 207.7 of the Commission's rules. The Commission's rules do not authorize filing of submissions with the Secretary by facsimile or electronic means, except to the extent permitted by section 201.8 of the Commission's rules, as amended, 67 FR 68036 (November 8, 2002). Even where electronic filing of a document is permitted, certain documents must also be filed in paper form, as specified in II (C) of the Commission's Handbook on Electronic Filing Procedures, 67 FR 68168, 68173 (November 8, 2002).

In accordance with sections 201.16(c) and 207.3 of the rules, each document filed by a party to the review must be served on all other parties to the review (as identified by either the public or BPI service list), and a certificate of service must be timely filed. The Secretary will not accept a document for filing without a certificate of service.

Authority: This review is being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to section 207.62 of the Commission's rules.

Issued: May 9, 2008.

By order of the Commission.

Marilyn R. Abbott,

Secretary to the Commission.

[FR Doc. E8–10785 Filed 5–14–08; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

Notice of Proposed Administrative Settlement Agreement and Order on Consent Under the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA)

Notice is hereby given that on May 1, 2008, a proposed Settlement Agreement regarding the Asarco Hayden Plant Site in Hayden, Arizona was filed with the United States Bankruptcy Court for the Southern District of Texas in *In re Asarco LLC*, No. 05–21207 (Bankr. S.D. Tex.). The proposed Agreement, entered into by the United States Environmental Protection Agency, the Arizona Department of Environmental Quality, and Asarco LLC, provides, *inter alia*, that Asarco LLC will conduct environmental cleanup actions in Hayden and Winkelman, Arizona, including cleanup of residential areas and environmental investigative work at the Hayden Smelter.

The Department of Justice will receive comments relating to the proposed Agreement for a period of twenty (20) days from the date of this publication. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and either e-mailed to *pubcomment-ees.enrd@usdoj.gov* or mailed to P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044–7611, and should refer to *In re Asarco LLC*, DJ Ref. No. 90–11–3–09141/4.

The proposed Agreement may be examined at the Region 9 Office of the United States Environmental Protection Agency, 75 Hawthorne Street, San Francisco, California 94105. During the public comment period, the proposed Agreement may also be examined on the following Department of Justice Web site: *http://www.usdoj.gov/enrd/Consent_Decrees.html*. A copy of the proposed Agreement may also be obtained by mail from the Consent Decree Library, P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044–7611 or by faxing or e-mailing a request to Tonia Fleetwood (*tonia.fleetwood@usdoj.gov*), fax no. (202) 514–0097, phone confirmation number (202) 514–1547. In requesting a copy from the Consent Decree Library, please enclose a check in the amount of $11.25 (25 cents per page reproduction cost) payable to the U.S. Treasury.

Robert E. Maher, Jr.,

Assistant Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. E8–10820 Filed 5–14–08; 8:45 am]

BILLING CODE 4410–15–P

DEPARTMENT OF JUSTICE

Antitrust Division

United States v. Regal Cinemas, Inc. and Consolidated Theatres Holdings, GP; Complaint, Proposed Final Judgment, and Competitive Impact Statement

Notice is hereby given pursuant to the Antitrust Procedures and Penalties Act, 15 U.S.C. Section 1 6(b)–(h), that a Complaint, proposed Final Judgment, Stipulation, and Competitive Impact Statement have been filed with the *United States District Court for the District of Columbia in States of America* v. *Regal Cinemas, Inc.* and Consolidated Theatres Holdings, GP, Civil Action No. 08–00746. On April 29, 2008, the United States filed a Complaint alleging that the proposed acquisition by Regal Cinemas, Inc. of Consolidated Theatres Holdings, GP, would violate Section 7 of the Clayton Act, 15 U.S.C. 18 by lessening competition for theatrical exhibition of first-run movies in Asheville, Charlotte, and Raleigh, North Carolina. The proposed Final Judgment, filed the same time as the Complaint, requires the defendants to divest first-run, commercial movie theatres, along with certain tangible and intangible assets, in those three geographic regions in order to proceed with the proposed $210 million transaction. A Competitive Impact Statement filed by the United States on April 30, 2008 describes the Complaint, the proposed Final Judgment, the industry, and the remedies available to private litigants who may have been injured by the alleged violation.

Copies of the Complaint, proposed Final Judgment and Competitive Impact Statement are available for inspection at the Department of Justice in Washington, DC in Suite 1010, 450 Fifth Street, NW., Washington, DC 20530, and at the Office of the Clerk of the United States District Court for the District of Columbia, Washington, DC. Copies of these materials may be obtained from the Antitrust Division upon request and payment of the copying fee set by Department of Justice regulations.

Public comment is invited within 60 days of the date of this notice. Such comments, and responses thereto, will be published in the **Federal Register** and filed with the Court. Comments should be directed to John R. Read, Chief, Litigation III Section, Suite 4000, Antitrust Division, Department of Justice, 450 Fifth Street, NW., Washington, DC 20530, (telephone: 202 307–0468). At the conclusion of the sixty (60) day comment period, the U.S. District Court for the District of Columbia may enter the proposed consent decree upon finding that it serves the public interest.

Patricia A. Brink,

Deputy Director of Operations, Antitrust Division.

United States District Court for the District of Columbia

United States of America, Plaintiff, v. Regal Cinemas, Inc., and Consolidated Theatres Holdings, GP, Defendants.

Case: 1:08-cvOQ746.
Assigned To: Leon, Richard J.
Assign. Date: 4/29/2008.
Description: Antitrust.
Filed:

Complaint

The United States of America, acting under the direction of the Attorney General of the United States, brings this

Dated: May 23, 2008.

David M. Spooner,

Assistant Secretary for Import Administration.

[FR Doc. E8–12100 Filed 5–29–08; 8:45 am]

BILLING CODE 3510–DS–S

DEPARTMENT OF COMMERCE

International Trade Administration

[A–821–817]

Silicon Metal From the Russian Federation: Final Results of Expedited Sunset Review of Antidumping Duty Order

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

SUMMARY: On February 1, 2008, the Department of Commerce (the Department) initiated a sunset review of the antidumping duty order on silicon metal from the Russian Federation (Russia), pursuant to section 751(c) of the Tariff Act of 1930, as amended (the Act). *See Initiation of Five-Year (''Sunset'') Reviews*, 73 FR 6128 (February 1, 2008) (*Sunset Initiation*); *see also Antidumping Duty Order: Silicon Metal from Russia*, 68 FR 14578 (March 26, 2003); and *Silicon Metal from the Russian Federation: Notice of Amended Final Determination Pursuant to Court Decision*, 71 FR 8277 (February 16, 2006). Based on the notice of intent to participate, and an adequate substantive response filed on behalf of a domestic interested party, and the lack of a response from any respondent interested parties, the Department conducted an expedited sunset review of the antidumping duty order, pursuant to section 751(c)(3)(B) of the Act and 19 CFR 351.218(e)(1)(ii)(C)(2). As a result of this sunset review, the Department finds that revocation of the antidumping duty order would likely lead to the continuation or recurrence of dumping, at the levels indicated in the ''Final Results of Sunset Review'' section of this notice, *infra*.

DATES: *Effective Date:* May 30, 2008.

FOR FURTHER INFORMATION CONTACT: Gene Calvert, AD/CVD Operations, Office 6, Import Administration, International Trade Administration, Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 482–3586.

SUPPLEMENTARY INFORMATION:

Background

On February 1, 2008, the Department initiated a sunset review of the antidumping duty order on silicon metal from Russia pursuant to section 751(c) of the Act. *See Sunset Initiation,* 73 FR 6128. On February 19, 2008, the Department received a timely notice of intent to participate in this sunset review from a domestic interested party, Globe Metallurgical Inc. (Globe), pursuant to 19 CFR 351.218(d)(1)(i). Globe claimed interested party status under section 771(9)(C) of the Act as a manufacturer in the United States of the domestic like product and as a petitioner in the original investigation.

On February 29, 2008, the Department received an adequate substantive response in this sunset review from Globe within the 30-day deadline in accordance with 19 CFR 351.218(d)(3)(i). The Department did not receive a substantive response from any respondent interested party in this sunset review. As a result, pursuant to section 751(c)(3)(B) of the Act and 19 CFR 351.218(e)(1)(ii)(C)(2), the Department determined to conduct an expedited sunset review of the antidumping duty order on silicon metal from Russia.

Scope of the Order

The product covered by this order is silicon metal, which generally contains at least 96.00 percent but less than 99.99 percent silicon by weight. The merchandise covered by this order also includes silicon metal from Russia containing between 89.00 and 96.00 percent silicon by weight, but containing more aluminum than the silicon metal which contains at least 96.00 percent but less than 99.99 percent silicon by weight. Silicon metal currently is classifiable under subheadings 2804.69.10 and 2804.69.50 of the Harmonized Tariff Schedule of the United States (HTSUS). This order covers all silicon metal meeting the above specification, regardless of tariff classification.

Analysis of Comments Received

A complete discussion of all issues raised in this sunset review can be found in the accompanying ''Issues and Decision Memorandum'' from Stephen J. Claeys, Deputy Assistant Secretary for Import Administration, to David M. Spooner, Assistant Secretary for Import Administration, dated concurrently with this notice (*Decision Memorandum*) and hereby adopted by this notice. The issues in the *Decision Memorandum* include a discussion regarding the likelihood of continuation or recurrence of dumping and the magnitude of the dumping margin likely to prevail if the antidumping duty order on silicon metal from Russia were revoked. This public memorandum is on file in Import Administration's Central Records Unit, Room 1117 of the main Commerce building. In addition, a complete version of the *Decision Memorandum* can be accessed directly on the Internet at *http://ia.ita.doc.gov/frn*. The paper copy and electronic version of the *Decision Memorandum* are identical in content.

Final Results of Sunset Review

Pursuant to section 752(c)(3) of the Act, we determine that revocation of the antidumping duty order on silicon metal from Russia would likely lead to continuation or recurrence of dumping at the weighted-average percentage margins listed below:

Manufacturers/exporters/producers	Weighted-average margin (percent)
ZAO Kremny and SUAL-Kremny-Ural, Ltd.	61.61
Bratsk Aluminum Smelter and Rual Trade Limited	87.08
All Others*	79.42

*Prior to Russia's graduation to market-economy status in 2002, this rate was referred to as the Russia-wide rate.

Notification Regarding Administrative Protective Order

This notice also serves as the only reminder to parties subject to 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. Timely notification of the return or 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.

We are issuing and publishing the results of this sunset review and this notice in accordance with sections 751(c), 752(c), and 777(i)(1) of the Act.

Dated: May 16, 2008.

David M. Spooner,

Assistant Secretary for Import Administration.

[FR Doc. E8–12104 Filed 5–29–08; 8:45 am]

BILLING CODE 3510–DS–P

APPENDIX B

STATEMENT ON ADEQUACY

EXPLANATION OF COMMISSION DETERMINATION ON ADEQUACY

in

Silicon Metal from Russia
Inv. No. 731-TA-991 (Review)

On May 6, 2008, the Commission determined that it should proceed to an expedited review in the subject five-year review pursuant to section 751(c)(3) of the Tariff Act of 1930, as amended, 19 U.S.C. § 1675(c)(3).

The Commission received an adequate response to the notice of institution from Globe Metallurgical Inc., a domestic producer that accounts for a substantial share of the production of silicon metal in the United States. Because the Commission received an adequate response from a domestic producer accounting for a substantial share of U.S. production, the Commission determined that the domestic interested party group response was adequate.[1]

The Commission did not receive a response from any respondent interested party concerning subject imports from Russia and therefore determined that the respondent interested party group response was inadequate. In the absence of an adequate respondent interested party group response, or other circumstances warranting a full review, the Commission determined to conduct an expedited review. A record of the Commissioners' votes is available from the Office of the Secretary and the Commission's web site (http://www.usitc.gov).

[1] Commissioner Okun did not participate.