

On March 11, 2003, in accordance with section 751(a)(3)(A) of the Tariff Act of 1930, as amended (the Act), the Department extended the deadline for the preliminary results until July 22, 2003. *See Silicon Metal from Brazil: Extension of Time Limit for Preliminary Results of Antidumping Duty Administrative Review*, 68 FR 11519 (March 11, 2003).

The Department issued supplemental questionnaires to CBCC on April 16, 2003, and May 8, 2003, and received responses on May 9, 2003 and May 15, 2003, respectively.

The Department is conducting this review in accordance with section 751 of the Act.

Scope of Review

The merchandise covered by this administrative review is silicon metal from Brazil containing at least 96.00 percent but less than 99.99 percent silicon by weight. Also covered by this administrative review is silicon metal from Brazil containing between 89.00 and 96.00 percent silicon by weight but which contains more aluminum than the silicon metal containing at least 96.00 percent but less than 99.99 percent silicon by weight. Silicon metal is currently provided for under subheadings 2804.69.10 and 2804.69.50 of the Harmonized Tariff Schedule of the United States (HTSUS) as a chemical product, but is commonly referred to as a metal. Semiconductor grade silicon (silicon metal containing by weight not less than 99.99 percent silicon and provided for in subheading 2804.61.00 of the HTSUS) is not subject to the order. Although the HTSUS item numbers are provided for convenience and for customs purposes, the written description remains dispositive.

Fair Value Comparisons

During the POR, CBCC reported that it made both EP and CEP sales to the United States. However, in CBCC's October 15, 2002, and May 9, 2003, questionnaire responses, CBCC stated that its U.S. sales to an unaffiliated trading company were ultimately purchased by Dow Corning Corporation, Inc. (Dow), its U.S. affiliate. Nevertheless, we have determined that the record evidence in this POR does not establish that at the time of the sales by CBCC to the unaffiliated trading company, CBCC had or should have had knowledge that this merchandise would ultimately be purchased by Dow. Therefore, for the purposes of these preliminary results, we have continued to treat CBCC's sales to the unaffiliated trading company as EP sales. *See* Section 772(e) Memorandum from

Thomas F. Futtner, Acting Office Director, to Holly A. Kuga, Acting Deputy Assistant Secretary, dated July 22, 2003, which is on file in the CRU. To determine whether EP sales of silicon metal by CBCC to the United States were made at less than NV, we compared EP to the NV, as described in the *Export Price and Normal Value* sections of this notice. To determine whether CEP sales of silicon metal by CBCC to the United States were made at less than NV, we compared CEP to the NV, as described in the *Constructed Export Price and Normal Value* sections of this notice. In accordance with section 777A(d)(2) of the Act, we calculated monthly weighted-average prices for NV and compared these to individual EP or CEP transactions, as appropriate.

Product Comparisons

In accordance with section 771(16) of the Act, we considered all products produced by CBCC, covered by the description in the *Scope of Review* section, above, to be foreign like products for purposes of determining appropriate product comparisons to U.S. sales. Further, as in a prior segment of this proceeding, we have continued to treat all silicon metal meeting the description of the merchandise under the *Scope of Review* section above (with the exception of slag and contaminated products), as identical products for purposes of model-matching. *See Silicon Metal From Brazil: Preliminary Results, Intent To Revoke in Part, Partial Rescission of Antidumping Duty Administrative Review, and Extension of Time Limits*, 64 FR 43161 (August 9, 1999); *aff'd Final Results of Antidumping Duty Administrative Review: Silicon Metal from Brazil*, 65 FR 7497 (February 15, 2000). Therefore, where applicable, if there were no contemporaneous sales of identical merchandise in the home market made in the ordinary course of trade to compare to U.S. sales, we compared U.S. sales to the constructed value (CV) of the product sold in the U.S. market during the comparison period, consistent with section 351.405 of the Department's regulations.

Verification

As provided in section 782(i) of the Act, we conducted verifications of the information provided by CBCC. We used standard verification procedures including examination of relevant sales and financial records, and selection of relevant source documentation as exhibits. Our verification findings are detailed and on file in the Central Records Unit (CRU), Room B099 of the

Main Commerce building (CRU—Public File).

Partial Rescission

On December 17, 2002, the order was revoked, in part, with respect to Rima. *See 2000–2001 Silicon Metal*, 67 FR at 77226. Consequently, we are rescinding the administrative review with respect to sales made by Rima. *See Ball Bearings and Parts Thereof From France, Germany, Italy, Japan, and Singapore: Final Results of Antidumping Duty Administrative Reviews, Rescission of Administrative Review in Part, and Determination Not To Revoke Order in Part*, 68 FR 35623, 35625 (June 16, 2003).

Revocation

The Department “may revoke, in whole or in part” an antidumping duty order upon completion of a review under section 751 of the Act. While Congress has not specified the procedures that the Department must follow in revoking an order, the Department has developed a procedure for revocation that is described in 19 CFR 351.222. This regulation requires, *inter alia*, that a company requesting revocation must submit the following: (1) A certification that the company has sold the subject merchandise at not less than NV in the current review period and that the company will not sell at less than NV in the future; (2) a certification that the company sold the subject merchandise in commercial quantities in each of the three years forming the basis of the revocation request; and (3) an agreement to reinstatement in the order or suspended investigation, as long as any exporter or producer is subject to the order (or suspended investigation), if the Secretary concludes that the exporter or producer, subsequent to the revocation, sold the subject merchandise at less than NV. *See* 19 CFR 351.222(e)(1). Upon receipt of such a request, the Department will consider the following in determining whether to revoke the order in part: (1) Whether the producer or exporter requesting revocation has sold subject merchandise at not less than NV for a period of at least three consecutive years; (2) whether the continued application of the antidumping duty order is otherwise necessary to offset dumping; and (3) whether the producer or exporter requesting revocation in part has agreed in writing to the immediate reinstatement of the order, as long as any exporter or producer is subject to the order, if the Department concludes that the exporter or producer, subsequent to revocation, sold the