

Dated: March 4, 2025.

**Christopher Abbott,**

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

## Appendix

### List of Topics Discussed in the Issues and Decision Memorandum

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[A–557–820]

### Silicon Metal From Malaysia: Final Results of Antidumping Duty Administrative Review; 2022–2023

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

**SUMMARY:** The U.S. Department of Commerce (Commerce) determines that silicon metal from Malaysia was not sold in the United States at less than normal value during the period of review (POR), August 1, 2022, through July 31, 2023.

**DATES:** Applicable March 11, 2025.

**FOR FURTHER INFORMATION CONTACT:** Rachel Jennings, AD/CVD Operations, Office V, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–1110.

### SUPPLEMENTARY INFORMATION:

#### Background

On September 13, 2024, Commerce published in the **Federal Register** the preliminary results of the 2022–2023 administrative review of the antidumping duty order on silicon metal from Malaysia, and invited interested parties to comment.<sup>1</sup> Because

no comments were submitted by interested parties, we have adopted the *Preliminary Results* as the final results of this review<sup>2</sup> and no decision memorandum accompanies this **Federal Register** notice. Commerce conducted this administrative review in accordance with section 751(a) of the Tariff Act of 1930, as amended (the Act).

#### Scope of the Order

The merchandise covered by this *Order* is all forms and sizes of silicon metal, including silicon metal powder. For a complete description of the scope of the *Order*, see the *Preliminary Results*.<sup>3</sup>

#### Final Results of Review

Commerce determines that the following estimated weighted-average dumping margin exists for the period August 1, 2022, through July 31, 2023:

Exporter/producer	Weighted-average dumping margin (percent)
PMB Silicon Sdn. Bhd .....	0.00

#### Disclosure

Although there is no change to the weighted-average dumping margin calculated in the *Preliminary Results* for PMB Silicon, Commerce updated its analysis for these final results to incorporate a revised database submitted by PMB Silicon after the *Preliminary Results*.<sup>4</sup> Commerce intends to disclose the calculations performed for these final results to parties in this proceeding within five days of the date of publication of this notice in the **Federal Register**, in accordance with 19 CFR 351.224(b).

#### Assessment Rates

Pursuant to section 751(a)(2)(A) of the Act, and 19 CFR 351.212(b)(1), Commerce shall determine, and U.S. Customs and Border Protection (CBP) shall assess, antidumping duties on all appropriate entries covered by this review. Where the respondent's weighted-average dumping margin is

either zero or *de minimis* (i.e., less than 0.5 percent), we will instruct CBP to liquidate the appropriate entries without regard to antidumping duties. Accordingly, because PMB Silicon's weighted-average dumping margin is zero percent, we will instruct CBP to liquidate the appropriate entries without regard to antidumping duties.

For entries of subject merchandise during the POR produced by PMB Silicon for which it did not know its merchandise was destined for the United States, we will instruct CBP to liquidate unreviewed entries at the all-others rate if there is no rate for the intermediate company(ies) involved in the transaction.<sup>5</sup>

Commerce intends to issue assessment instructions to CBP no earlier than 35 days after the date of publication of the final results of this review in the **Federal Register**. If a timely summons is filed at the U.S. Court of International Trade, the assessment instructions will direct CBP not to liquidate relevant entries until the time for parties to file a request for a statutory injunction has expired (i.e., within 90 days of publication).

#### Cash Deposit Requirements

The following cash deposit requirements will be effective for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results of this administrative review, as provided by section 751(a)(2)(C) of the Act: (1) the cash deposit rate for PMB Silicon will be the rates established in the final results of this administrative review; (2) for merchandise exported by producers or exporters not covered in this administrative review but covered in a prior segment of the proceeding, the cash deposit rate will continue to be the company-specific rate published for the most recently completed segment of this proceeding; (3) if the exporter is not a firm covered in this review, a prior review, or the original less-than-fair-value (LTFV) investigation, but the producer is, the cash deposit rate will be the rate established for the most recently completed segment of this proceeding for the producer of the subject merchandise; and (4) the cash deposit rate for all other manufacturers or exporters will continue to be 12.27 percent, the all-others rate established in the LTFV investigation.<sup>6</sup> These cash deposit requirements, when imposed,

<sup>1</sup> See *Silicon Metal from Malaysia: Preliminary Results of Antidumping Duty Administrative Review; 2022–2023*, 89 FR 74910 (September 13, 2024) (*Preliminary Results*), and accompanying Preliminary Decision Memorandum (PDM); see also *Silicon Metal from Malaysia: Antidumping Duty Order*, 86 FR 46677 (August 19, 2021) (*Order*).

<sup>2</sup> Although Commerce updated its analysis to incorporate the revised database timely submitted by PMB Silicon Sdn Bhd (PMB Silicon) in response to the supplemental questionnaire issued after the *Preliminary Results*, the underlying rationale and resulting weighted-average margin calculated for the company remain unchanged. See PMB Silicon's Letter, "Silicon Metal from Malaysia Supplemental Response," dated October 1, 2024; see also Memorandum, "Final Analysis Memorandum for PMB Silicon Sdn. Bhd.," dated concurrently with this notice (Analysis Memo).

<sup>3</sup> See *Preliminary Results* PDM.

<sup>4</sup> See Analysis Memo.

<sup>5</sup> For a full discussion of this practice, see *Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties*, 68 FR 23954 (May 6, 2003).

<sup>6</sup> See *Order*, 86 FR at 46678.

shall remain in effect until further notice.

### Notification to Importers

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

### Administrative Protective Order (APO)

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

### Notification to Interested Parties

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

Dated: March 5, 2025.

**Christopher Abbott,**

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

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[C-570-171]

### Disposable Aluminum Containers, Pans, Trays, and Lids From the People's Republic of China: Final Affirmative Countervailing Duty Determination and Final Affirmative Determination of Critical Circumstances

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

**SUMMARY:** The U.S. Department of Commerce (Commerce) determines that countervailable subsidies are being

provided to producers and exporters of disposable aluminum containers, pans, trays, and lids (disposable aluminum containers) from the People's Republic of China (China). The period of investigation (POI) is January 1, 2023, through December 31, 2023.

**DATES:** Applicable March 11, 2025.

### FOR FURTHER INFORMATION CONTACT:

Brian Warnes, AD/CVD Operations, Office VII, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482-0028.

### SUPPLEMENTARY INFORMATION:

#### Background

On October 28, 2024, Commerce published its *Preliminary Determination* in the **Federal Register** and invited interested parties to comment.<sup>1</sup>

A summary of the events that occurred since Commerce published the Preliminary Determination, as well as a full discussion of the issues raised by parties for this final determination, may be found in the Issues and Decision Memorandum.<sup>2</sup> The Issues and Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at <https://access.trade.gov>. In addition, a complete version of the Issues and Decision Memorandum can be accessed directly at <https://access.trade.gov/public/FRNoticesListLayout.aspx>.

#### Scope of the Investigation

The products covered by this investigation are disposable aluminum containers from China. For a complete description of the scope of this investigation, see Appendix I.

<sup>1</sup> See *Disposable Aluminum Containers, Pans, Trays, and Lids from the People's Republic of China: Preliminary Affirmative Countervailing Duty Determination, Preliminary Affirmative Determination of Critical Circumstances, and Alignment of Final Determination with Final Antidumping Duty Determination*, 89 FR 85495 (October 29, 2024) (*Preliminary Determination*), and accompanying Preliminary Decision Memorandum (PDM).

<sup>2</sup> See Memorandum, "Issues and Decision Memorandum for the Final Affirmative Determination in the Countervailing Duty Investigation of Disposable Aluminum Containers, Pans, Trays, and Lids from the People's Republic of China," dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).

### Scope Comments

In accordance with the *Preamble* to Commerce's regulations,<sup>3</sup> the *Initiation Notice* set aside a period of time for parties to raise issues regarding product coverage (i.e., scope).<sup>4</sup> No interested party commented on the scope of the investigation as it appeared in the *Initiation Notice*. Therefore, we did not make any changes to the scope of this investigation from the scope published in the *Preliminary Determination*, as noted in Appendix I.

### Analysis of Subsidy Programs and Comments Received

The subsidy programs under investigation, and the issues raised in the case and rebuttal briefs that were submitted by parties in this investigation, are discussed in the Issues and Decision Memorandum. For a list of the issues raised by interested parties and addressed in the Issues and Decision Memorandum, see Appendix II.

### Changes Since the Preliminary Determination

Based on Henan Aluminium Corporation (Henan)'s withdrawal from the investigation, and our review and analysis of comments received by interested parties, we have made certain changes to the subsidy rate calculations. Specifically, given that there are no cooperative respondents following Henan's withdrawal from the investigation, we relied on facts available with adverse inferences (AFA), based on section 776 of the Tariff Act of 1920, as amended (the Act), to calculate the subsidy rate for both mandatory respondents, Henan and Zhejiang Acumen Technology Living Co., Ltd. (Zhejiang Acumen).

Furthermore, we revised the AFA rate, as the rate in the *Preliminary Determination* was, in part, based on calculations for some of Henan's self-reported programs. As we were unable to verify the information provided by Henan, we are determining rates for those programs based on AFA in the final determination.<sup>5</sup>

### Methodology

Commerce is conducting this investigation in accordance with section 701 of the Act. For each of the subsidy

<sup>3</sup> See *Antidumping Duties; Countervailing Duties, Final Rule*, 62 FR 27296, 27323 (May 19, 1997) (*Preamble*).

<sup>4</sup> See *Disposable Aluminum Containers, Pans, Trays, and Lids from the People's Republic of China: Initiation of Countervailing Duty Investigation*, 89 FR 49833, 49834 (June 12, 2024).

<sup>5</sup> See Issues and Decision Memorandum at Appendix.