

PUBLIC VERSION

This product, which is not within the scope of this Petition, generally contains over 99.999 percent silicon.⁵¹ It is generally made by reacting metallurgical silicon with hydrogen chloride gas in the presence of catalysts, producing silicon tetrachloride, which is then purified by fractional distillation.⁵² The purified distillate is pyrolytically decomposed to produce hyperpure metal and hydrochloric acid.⁵³

Silicon metal also is used in die casting and copper, magnesium, and steel manufacture.

5. Current Tariff Classification

Merchandise subject to these investigations is classified under Chapter 28 of the HTSUS.⁵⁴ If properly classified, the merchandise that is subject to this Petition should be imported using HTSUS subheading 2804.69.1000 (“Silicon: Other: Containing by weight less than 99.99 percent but not less than 99 percent of silicon”) and 2804.69.5000 (“Silicon: Other: Other”). Petitioners note that while this classification is provided for convenience and for customs purposes, the written description of the scope of this investigation is dispositive.

6. Proposed Scope Language

The following language describes the imported merchandise from Bosnia-Herzegovina, Iceland, Kazakhstan, and Malaysia that is within the scope of this Petition:

The scope of this investigation covers all forms and sizes of silicon metal, including silicon metal powder. Silicon metal contains at least 85.00 percent but less than 99.99 percent silicon, and less than 4.00 percent iron, by actual weight. Semiconductor grade

⁵¹ *Id.* at I-13 n.38.

⁵² *Id.*

⁵³ *Id.*

⁵⁴ *See* HTSUS Chapter 28 excerpts, attached at **Exhibit I-8**.

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silicon (merchandise containing at least 99.99 percent silicon by actual weight and classifiable under Harmonized Tariff Schedule of the United States (HTSUS) subheading 2804.61.0000) is excluded from the scope of this investigation.

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

D. Countries of Exportation

The silicon metal that is the subject of this Petition is produced in and exported from Bosnia-Herzegovina, Iceland, Kazakhstan, and Malaysia. Petitioners have no knowledge that the subject merchandise currently is being transshipped through any third country to the United States. Petitioner expressly notes, however, that subject merchandise produced in Bosnia-Herzegovina, Iceland, Kazakhstan, or Malaysia remains subject to this proceeding regardless of the country from which it is exported to the United States.

E. Producers and Exporters of Subject Merchandise

Publicly available data regarding exporters of silicon metal from Bosnia-Herzegovina, Iceland, Kazakhstan, and Malaysia and the proportion of exports to the United States accounted for by each exporter during the most recent 12-month period, compiled from publicly available ship manifest data and supplemented by publicly available contact information, are provided at **Exhibit I-9**.

Further, as detailed below, there is only a limited number of producers of silicon metal in the subject countries. Silicon metal produced by these companies apparently accounted for all exports of silicon metal to the United States from the subject countries during the most recent 12-month period.