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May 13, 2015

MEMORANDUM TO: Christian Marsh
Deputy Assistant Secretary
for Antidumping and Countervailing Duty Operations

FROM: Abdelali Elouaradia
Acting Director, Office VI
for Antidumping and Countervailing Duty Operations

SUBJECT: Issues and Decision Memorandum for the Final Determination in the Countervailing Duty Investigation of Certain Steel Nails from Malaysia

I. SUMMARY

The Department of Commerce (Department) determines that *de minimis* countervailable subsidies are being provided to producers and exporters of certain steel nails (nails) in Malaysia, pursuant to section 705 of the Tariff Act of 1930, as amended (the Act). The mandatory respondents in this investigation are Inmax Sdn. Bhd. (Inmax Sdn.) and Inmax Industries Sdn. Bhd (Inmax Industries) (collectively, Inmax), Region System Sdn. Bhd. (Region System) and Region International Co., Ltd. (Region International) (collectively, Region), and the Government of Malaysia (the GOM). The petitioner is Mid-Continent Steel & Wire, Inc. (hereinafter, Petitioner).

II. BACKGROUND

On November 3, 2014, we published our *Preliminary Determination* for this investigation.[1] Between January 22 and January 28, 2015, we conducted verifications of the questionnaire responses submitted by the GOM, Inmax, and Region. We released verification reports in March 2015.[2] Petitioner submitted a case brief on March 18, 2015.[3] The GOM, Inmax and Region submitted rebuttal briefs on March 23, 2015.[4] No other parties submitted case or rebuttal briefs.

[1] *See Certain Steel Nails From Malaysia: Preliminary Negative Countervailing Duty Determination and Alignment of Final Countervailing Duty Determination With Final Antidumping Duty Determination*, 79 FR 65179 (November 3, 2014) (*Preliminary Determination*).
[2] *See* Memoranda to Angelica Townshend, Program Manager, AD/CVD Operations, Office VI, "Countervailing Duty Investigation of Certain Steel Nails from Malaysia: Verification Report of the Government of Malaysia (GOM)" (March 3, 2015) (GOM VR); " Verification Report: Region International Co., Ltd. (Region International) and Region System Sdn. Bhd. (Region System)" (March 6, 2015); and " Verification Report: Inmax Sdn. Bhd. (Inmax)" (March 10, 2015).

The "Analysis of Programs" and "Subsidies Valuation Information" sections below describe the subsidy programs and the methodologies used to calculate the subsidy rates for our final determination. Additionally, we analyzed the comments submitted by interested parties in their case briefs and rebuttal briefs in the "Analysis of Comments" section below, which contains our responses to the issue raised in these briefs. Based on the comments received, and our verification findings, we did not make modifications to the *Preliminary Determination*. We recommend that you approve the positions we described in this memorandum.

The one issue about which we received comments is the countervailability of sales tax exemptions.

III. SCOPE OF THE INVESTIGATION

The final version of the scope, reflecting the changes referenced in the "SCOPE COMMENTS" section, below, appears in Appendix I of the *Final Determination*.

IV. SCOPE COMMENTS[5]

On March 17, 2015, the Department invited interested parties to submit additional comments on certain scope issues that had been raised on the record of this and the concurrent antidumping and countervailing investigations of certain steel nails from the Republic of Korea, Malaysia, the Sultanate of Oman, Taiwan, and the Socialist Republic of Vietnam (All Nails Investigations).

On March 23, 2015, two interested parties, The Home Depot (Home Depot) and Target Corporation (Target) requested in a joint submission that the Department exclude certain nails from the scope of All Nails Investigations. On that same day, another interested party, IKEA Supply AG (IKEA), made the very same request, using identical language to that in the Home Depot/Target submission. On March 26, 2015, Petitioner submitted a response that agreed with the exact scope exclusion language proposed by the aforementioned parties in their March 23, 2015 submissions. The exclusion language proposed by those parties and Petitioner is referenced below as "Interested Parties' Proposed Exclusion." That language reads as follows:

> Also excluded from the scope are certain steel nails with a nominal shaft length of one inch or less that are (a) a component of an unassembled article, (b) the total number of nails is sixty (60) or less, and (c) the imported unassembled article is described in one of the following current HTSUS subheadings: 4418.10, 4418.20, 9401.30, 9401.40, 9401.51, 9401.59, 9401.61, 9401.69, 9403.30, 9403.40, 9403.50, 9403.60, 9403 .81 or 9403.89.

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[3] *See* Letter from Petitioner, "Countervailing Duty Investigation of Certain Steel Nails from Malaysia: Petitioner's Case Brief" (March 18, 2015) (Petitioner Brief).

[4] *See* Letter from the GOM, "Certain Steel Nails from Malaysia: Rebuttal Brief" (March 23, 2015) (GOM Rebuttal Brief); Letter from Inmax and Region System, "Certain Steel Nails from Malaysia: Submission of Rebuttal Brief" (March 23, 2015) (Inmax and Region Rebuttal Brief).

[5] In several of the investigations of certain steel nails, The Home Depot and Target Corporation submitted a case brief and IKEA Supply AG submitted a rebuttal brief that reiterate those parties' requests for an additional scope exclusion, which those parties requested in scope comments they made in separate submissions, as discussed below.

On April 10, 2015, the Department provided interested parties in All Nails Investigations the opportunity to comment on a proposed revised version of the scope. That Department proposal modified the language proposed in the Interested Parties' Proposed Exclusion to include narrative from the Harmonized Tariff Schedule of the United States (HTSUS) describing the merchandise referenced in the HTSUS subheadings identified in Interested Parties' Proposed Exclusion, and which altered the reference to "described in one of the following current HTSUS subheadings" to "currently classified under the following HTSUS subheadings." The Department proposal also contained two other revisions.[6] In addition, the Department indicated it was considering including language in the scope to address mixed media and non-subject merchandise kit ("mixed media and kits") analysis criteria.

On April 15, 2015, Home Depot, Target, IKEA, and Petitioner submitted comments objecting to the Department's proposed modification to Interested Parties' Proposed Exclusion. Those parties noted that it was unnecessary to attempt to incorporate language from the HTSUS into the scope itself because the HTSUS chapters in question are on the record and, therefore, can by reference be reflected in any interpretation of the desired scope exclusion.[7] Those parties also commented that language related to "mixed media and kits" analysis would be unnecessary and inappropriate, and would introduce ambiguity that would be burdensome for the Department, importers, and Petitioner. None of those parties commented on the two other minor revisions the Department had proposed.

No parties provided rebuttal comments to those submitted by Home Depot, Target, IKEA, and Petitioner.

The Department has determined that inclusion of language from the HTSUS for the additional exclusion is appropriate, as modified in the Department's April 10, 2015 memorandum to incorporate narrative from the HTSUS. The Department notes it is important for such exclusions to include descriptions of the products in question, instead of relying only upon references to HTSUS subcategory numbers. The Department references HTSUS categories for convenience and customs purposes only, and such references are not intended to be dispositive of the scope. The Department's preference to rely on the physical description of the merchandise to determine the scope of an investigation provides greater clarity should there be future HTSUS number or categorization changes, and allows better enforcement of any order.

As noted, the April 10, 2015 version proposed by the Department incorporates two other modifications. No parties have raised objections to those other modifications, and the Department determines they are appropriate for clarification purposes.

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[6] The other two other proposed revisions were: moving and altering a sentence that referred to an existing exclusion to account for the additional exclusion language, and an adding a reference noting subject merchandise may enter under HTSUS subheadings other than those listed with the scope.

[7] Home Depot and Target also noted that use of "described in one of the following current HTSUS subheadings" ties the complete language of the HTSUS regarding those subheadings to the scope, while use of "currently classified under the following HTSUS subheadings" fails to achieve that goal.

The Department also determines that it would not be appropriate to introduce language into the scope to address "mixed media and kits." We note no interested partes have requested such language, and those that commented in fact opposed such language.

V. SUBSIDIES VALUATION

A. Period of Investigation

The period for which we are measuring subsidies, the period of investigation (POI), is January 1, 2013, through December 31, 2013.

B. Allocation Period

We normally allocate the benefits from non-recurring subsidies over the average useful life (AUL) of renewable physical assets used in the production of subject merchandise.[8] We find the AUL in this proceeding to be 15 years, pursuant to the U.S. Internal Revenue Service's 1977 Class Life Asset Depreciation Range System.[9] We notified the respondents of the 15-year AUL in the initial questionnaire and requested data accordingly. No party to this proceeding objected to our use of this AUL.

For non-recurring subsidies, we applied the "0.5 percent test," as described in 19 CFR 351.524(b)(2). Under this test, we divide the amount of subsidies approved under a given program in a particular year by the relevant sales value (*e.g.*, total sales or export sales) for the same year. If the amount of the subsidies is less than 0.5 percent of the relevant sales value, then the benefits are allocated to the year of receipt rather than across the AUL.

C. Attribution of Subsidies

Cross Ownership: In accordance with 19 CFR 351.525(b)(6)(i), we normally attribute a subsidy to the products produced by the company that received the subsidy. However, 19 CFR 351.525(b)(6)(ii)-(v) provides additional rules for the attribution of subsidies received by respondents with cross-ownership. Subsidies to the following types of cross-owned companies are covered in these additional attribution rules: (ii) producers of the subject merchandise; (iii) holding companies or parent companies; (iv) producers of an input that is primarily dedicated to the production of the downstream product; or (v) an affiliate producing non-subject merchandise that otherwise transfers a subsidy to a respondent.

According to 19 CFR 351.525(b)(6)(vi), cross-ownership exists between two or more corporations where one corporation can use or direct the individual assets of the other corporation(s) in essentially the same ways it can use its own assets. This section of our regulations states that this standard will normally be met where there is a majority voting ownership interest between two corporations or through common ownership of two (or more) corporations. The *Preamble* to our regulations further clarifies our cross-ownership standard.

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[8] *See* 19 CFR 351.524(d)(2).

[9] *See* U.S. Internal Revenue Service Publication 946 (2008), "How to Depreciate Property" at Table B-2: Table of Class Lives and Recovery Periods.

According to the *Preamble*, relationships captured by the cross-ownership definition include those where:

> the interests of two corporations have merged to such a degree that one corporation can use or direct the individual assets (or subsidy benefits) of the other corporation in essentially the same way it can use its own assets (or subsidy benefits) ... Cross-ownership does not require one corporation to own 100 percent of the other corporation. Normally, cross-ownership will exist where there is a majority voting ownership interest between two corporations or through common ownership of two (or more) corporations. In certain circumstances, a large minority voting interest (for example, 40 percent) or a "golden share" may also result in cross-ownership.[10]

Thus, our regulations make clear that the agency must look at the facts presented in each case in determining whether cross-ownership exists.

The U.S. Court of International Trade (CIT) has upheld our authority to attribute subsidies based on whether a company could use or direct the subsidy benefits of another company in essentially the same way it could use its own subsidy benefits.[11]

Inmax

Inmax Sdn. responded to the Department's questionnaire on behalf of itself and Inmax Industries Sdn. Bhd. (Inmax Industries).[12] Both Inmax Sdn. and Inmax Industries are wholly owned by Inmax Holding Co. Ltd. (Inmax Holding). Inmax Holding is a Taiwanese company that is publicly listed on the Taiwan Stock Exchange. As such, pursuant to 19 CFR 351.525(b)(6)(vi), we determine that cross-ownership exists among Inmax Sdn. and Inmax Industries.

Inmax reported that Inmax Industries has not produced or sold the subject merchandise. We determine that Inmax Industries did not itself receive any subsidies during the AUL period that would be attributable to the POI.[13] In accordance with 19 CFR 351.525(b)(6)(i), we attributed any subsidies received by Inmax Sdn. to its own sales.

[10] *Countervailing Duties; Final Rule*, 63 FR 65348, 65401 (November 25, 1998) (*Preamble*).
[11] *See Fabrique de Fer de Charleroi, SA v. United States*, 166 F. Supp. 2d 593, 600-604 (CIT 2001).
[12] *See* Initial Questionnaire Response from Inmax, (August 25, 2014) (Inmax-IQR).
[13] *See* IQR-Inmax at 2.

Region

Region International responded to the Department's questionnaire on behalf of itself and Region System.[14] Region International is a Seychelles corporation operating in Malaysia that exported to the United States subject merchandise produced in Malaysia by its affiliated supplier, Region System.[15] Region System is controlled by Region International through common shareholdings.[16] As such, pursuant to 19 CFR 351.525(b)(6)(vi), we determine that cross-ownership exists between Region International and Region Systems.

Region System produced and sold the merchandise under investigation. Region International sells and exports produced by Region System. Region International reported that it did not receive any subsidies from the GOM. In accordance with 19 CFR 351.525(b)(6)(i), we attributed any subsidies received by Region System to its own sales.

D. Denominators

In accordance with 19 CFR 351.525(b)(1)-(5), we consider the basis for the respondents' receipt of benefits under each program when attributing subsidies, *e.g.*, to the respondents' export or total sales. The denominators we used to calculate the countervailable subsidy rates for the subsidy program described below, in the "Analysis of Programs" section, are further explained in the "Final Calculation Memorandum" prepared for this investigation.[17]

VI. ANALYSIS OF PROGRAMS

Based upon our analysis of the record and the responses to our questionnaires, we determine the following.

A. Program Determined To Be Countervailable

1. Double Deduction for the Promotion of Exports

Double Deduction for the Promotion of Exports is a tax incentive granted to companies under section 41 of the *Promotion of Investments Act 1986* and the *Income Tax (Promotion of Exports) Rules 1986*, whereby the Minister of Finance authorized an adjustment of income with regard to expenses incurred for export promotion.[18] Types of expenses that qualify for this tax incentive include such expenses as overseas advertising, export market research, preparation of the supply

[14] *See* Initial Questionnaire Response from Region International (August 25, 2014) (Region-IQR) at cover letter.
[15] *Id.*
[16] *See* Affiliation-Region at 2.
[17] *See* Region Final Calculation Memorandum, dated concurrently with this memorandum, which corrects a sales denominator but does not affect the margin calculation. For this final determination, we made no changes to the denominators or calculations described in the calculation memorandum issued for Inmax at the *Preliminary Determination*. *See* Department Memorandum, "Countervailing Duty Investigation of Certain Steel Nails from Malaysia: Inmax Preliminary Calculation Memorandum" (October 27, 2014).
[18] *See* Initial Questionnaire Response from the GOM, (August 25, 2014) (GOM-IQR) at Attachment 8.

of goods to prospective overseas customers, and overseas travel expenses incurred for sales or trade fairs.[19]

The GOM granted this deduction to Inmax from January 1, 2012, to December 31, 2012.[20] Inmax Sdn. applied the tax adjustment in its income tax return for tax assessment year 2012, which was filed with tax authorities during the POI.[21]

We determine that this program confers a countervailable subsidy. The income tax exemption is a financial contribution in the form of revenue foregone by the government, and it provides a benefit to the recipient in the amount of the tax savings, pursuant to section 771(5)(D)(ii) of the Act and 19 CFR 351.509(a)(1). Regarding specificity, section 771(5A)(B) of the Act states that an export subsidy is a subsidy that is, in law or in fact, contingent upon export performance, alone or as one of two or more conditions. Based upon the language in the *Promotion of Investments Act 1986* and the *Income Tax (Promotion of Exports) Rules 1986*, we determine that the tax exemption provided to Inmax Sdn. under the Double Deduction for the Promotion of Exports program is specific under sections 771(5A)(A) and (B) of the Act.

To calculate the benefit from this program, we treated the income tax exemption claimed by Inmax Sdn. as a recurring benefit, consistent with 19 CFR 351.524(c)(1). To compute the amount of tax savings, we calculated the amount of tax that Inmax Sdn. would have paid absent the tax exemption at the 25 percent tax rate.[22] The difference between the amount of tax that Inmax Sdn. should have paid and the amount of tax actually paid by Inmax Sdn. is the tax savings. We then divided the tax savings by the 2013 total export sales for Inmax Sdn. On this basis, we determine a countervailable subsidy rate of 0.009 *ad valorem* for Inmax.

2. Double Deduction for Insurance Premium on Export Cargo

Double Deduction for Insurance Premium on Export Cargo is a tax incentive granted to companies under subsection 154(1) of the *Income Tax Act (ITA) 1967 (Revised 1971) (Act 53)* and rule 2 of the *Income Tax (Deductions of Insurance Premiums For Exporters) Rules 1995*, whereby an exporter may make a deduction from taxable income for premium insurance on export cargo.[23] The premium expenses are an addition to the expenses allowable under section 33 of the *ITA*.[24]

The GOM granted this deduction to Region System from January 1, 2012, to December 31, 2012.[25] Region System applied the tax adjustment in its income tax return for tax assessment year 2012, which was filed with tax authorities during the POI.[26]

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[19] *Id.*
[20] *See* Inmax IQR at Exhibit 3.
[21] *Id.*
[22] *See* GOM-IQR at 37.
[23] *See* First Supplemental Questionnaire Response from GOM (October 2, 2014) (1SQR-GOM) at 11, 17, Attachment 7 and Attachment 8.
[24] *Id.*
[25] *See* 1SQR-GOM at 12.
[26] *Id.*

We determine that this program confers a countervailable subsidy. The income tax deduction is a financial contribution in the form of revenue foregone by the government, and it provides a benefit to the recipient in the amount of the tax savings, pursuant to section 771(5)(D)(ii) of the Act and 19 CFR 351.509(a)(1). Regarding specificity, section 771(5A)(B) of the Act states that an export subsidy is a subsidy that is, in law or in fact, contingent upon export performance, alone or as one of two or more conditions. Based upon the language in the *Income Tax Act (ITA) 1967 (Revised 1971) (Act 53)* and the *Income Tax (Deductions of Insurance Premiums For Exporters) Rules 1995*, we determine that the tax deduction provided to Region System under the Double Deduction for Insurance Premium on Export Cargo program is specific under sections 771(5A)(A) and (B) of the Act.

To calculate the benefit from this program, we treated the income tax exemption claimed by Region System as a recurring benefit, consistent with 19 CFR 351.524(c)(1). To compute the amount of tax savings, we calculated the amount of tax that Region System would have paid absent the tax exemption at the 25 percent tax rate.[27] The difference between the amount of tax that Region System should have paid and the amount of tax actually paid by Region System is the tax savings. We then divided the tax savings by the 2013 total export sales for Region. System. On this basis, we preliminarily determine a countervailable subsidy rate of 0.02 *ad valorem* for Region.

B. Programs Determined To Be Not Used

1. Allowance for Increased Export

Allowance for Increased Export is a tax incentive granted to companies under subsection 154(1) of the *Income Tax Act (ITA) 1967 (Revised 1971) (Act 53)*, rule 3 of the *Income Tax (Allowance for Increased Exports) Rules 1999*, and *Income Tax (Allowance for Increased Exports) (amendment) Rules 2003* whereby an exporter may make a deduction from taxable income for increased exports.[28] The amount of the deduction is restricted to 70 percent of statutory income.[29] Any allowance that is not used during the earned period can be carried forward to the following years of assessment until fully absorbed.[30]

We determine that this program confers a countervailable subsidy. The income tax deduction is a financial contribution in the form of revenue foregone by the government, and it provides a benefit to the recipient in the amount of the tax savings, pursuant to section 771(5)(D)(ii) of the Act and 19 CFR 351.509(a)(1). Regarding specificity, section 771(5A)(B) of the Act states that an export subsidy is a subsidy that is, in law or in fact, contingent upon export performance, alone or as one of two or more conditions. Based upon the language in the *Income Tax Act (ITA) 1967 (Revised 1971) (Act 53), rule 3 of the Income Tax (Allowance for Increased Exports) Rules 1999, and Income Tax (Allowance for Increased Exports) (amendment) Rules 2003,* we determine that the tax deduction provided under the Allowance for Increased Export program is specific under sections 771(5A)(A) and (B) of the Act.

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[27] *See* IQR-GOM at 37.
[28] *See* 1SQR-GOM at 18, Attachment 7, Attachment 9, and Attachment 10.
[29] *Id.* at 23.
[30] *Id.* at 24.

Inmax Sdn. has carry forward balances of this allowance from previous years before the POI, however, no claims were made by Inmax Sdn. for this allowance during the POI.[31] Therefore, we determine that this program was not used during the POI.

We determine the following programs were also not used during the POI:

2. Pioneer Status Program
3. Investment Tax Allowance
4. Infrastructure Allowance
5. Export Credit Refinancing Program
6. Double Deductions for Export Credit Insurance
7. Tax Exemptions for Exporters in Free Trade Zones
8. Duty Exemptions for Exporters in Free Trade Zones

VII. ANALYSIS OF COMMENT

Comment: Countervailability of Sales Tax Exemptions

Petitioner's Comments

- Petitioner notes that the Department discovered at verification that the general sales tax rate in Malaysia is 10 percent, but sales tax exemptions were granted to Region System for certain sales of nails and certain purchases of wire rod.
- Petitioner asserts that the GOM's exemption of certain steel nails and wire rod from the general sales tax is a financial contribution within the meaning of section 771(5)(D)(ii) of the Act and 19 CFR 351.509(a)(1) (revenue foregone).
- Petitioner claims that the GOM's exemption of certain steel nails and wire rod from the general sales tax provides a benefit equal to the amount of sales tax that would otherwise be paid, pursuant to 19 CFR 351.510(a)(1).
- Petitioner asserts that the GOM's exemption of certain steel nails and wire rod from the general sales tax is specific because it is expressly limited only to certain enterprises and industries.

GOM's, Inmax's, and Region's Rebuttal Comments

- The GOM asserts that Petitioner's allegations concerning the countervailability of the sales tax exemptions are untimely, pursuant to 19 CFR 351.301(c)(2)(iv)(A).
- The GOM, Inmax, and Region further assert that the Department failed to notify parties pursuant to 19 CFR 351.311(d) that this program may be considered a countervailable subsidy.
- The GOM, Inmax, and Region contend that the sales tax exemptions are generally available, as set forth in the Sales Tax Act, and are not limited to exporters, particular locations, or industries. Further, the tax exemptions apply to thousands of products

[31] *Id.* at 19.

across a wide range and a multitude of industries.

- Inmax and Region argue that the exemption of sales taxes on nails do not provide any benefit to Region or Inmax because their role as seller is simply to collect taxes from the customers. It is the home market customer of Inmax and Region that bears the burden of the sales tax, not the seller. Any benefits from the sales tax exemption on nails would be extended to Inmax's or Region's customer.

Department's Position:

We discovered during our verification of Region that sales taxes were not collected on the sales of subject merchandise and that sales taxes were also not levied on Region's purchases of the raw material inputs used to produce subject merchandise. Based on this discovery, during verification we solicited information from the GOM on this sales tax exemption program. Based upon the information we were able to collect and verify at the GOM, we disagree with Petitioner that these sales tax exemptions provide a countervailable subsidy to Inmax and Region.

With regard to the tax exemption on nails, Inmax and Region produce the nails, but it is the purchasers of those nails who benefit from the subsidy. Inmax's and Region's role is limited to remission of a tax paid by the purchaser of nails. We therefore find that there is no benefit to either Inmax or Region. This is consistent with *PET Film from India*,[32] where the Department determined that a similar sales tax exemption program provided a benefit to the purchaser, not the seller of the good. Because Inmax and Region do not benefit from this program, we do not reach the question of whether this program is otherwise countervailable.

Regarding the sales tax exemptions on the wire rod input materials, we find that although the subsidy provided a benefit to Inmax and Region, the program is not specific, in accordance with section 771(5A)(D) of the Act. A domestic subsidy program is only specific if it is limited to certain enterprises or industries. The evidence on the record indicates that nearly all input materials, no matter the enterprise or industry, were exempted from the sales tax at issue. The GOM's statement in that regard is, in fact, supported by the text of the sales tax law itself.[33] Furthermore, information on the record indicates that if a manufacturer is purchasing a good that is not exempt from the sales tax but is used by the manufacturer as an input into a manufactured product, the GOM has also established a system where manufacturers receive a sales tax exemption on these purchases.[34] We verified that these exemptions are granted as long as the good is a raw material input product and not a finished good.[35] Therefore, the sales tax exemptions applied to the purchase of input products, such as wire rod by Inmax and Region, are not limited to any enterprise or industry or group thereof, and are therefore not specific.

We note that 19 CFR 351.311(d) provides that the Department will notify the parties to the proceeding of any subsidy discovered during an ongoing proceeding, and whether it will be included in the ongoing proceeding. The parties were notified of the discovery of this assistance

[32] *See Notice of Preliminary Results and Rescission in Part of Countervailing Duty Administrative Review: Polyethylene Terephthalate Film, Sheet, and Strip from India*, 70 FR 46483, 46490 (August 10, 2005) (unchanged in final).
[33] *See GOM VR* at 5 and Exhibit 1.
[34] *Id.* at 6 and 7.
[35] *Id.*

discovered at verification and its inclusion in this proceeding when the Department released the Verification Reports for both Region and the GOM. Such notice is evident in the fact that the interested parties commented on this program prior to this final determination.

VIII. RECOMMENDATION

We recommend approving all of the above positions and adjusting all related countervailable subsidy rates accordingly. If these Department positions are accepted, we will publish the final determination in the *Federal Register* and will notify the ITC of our determination.

✓
Agree

Disagree

Christian Marsh
Deputy Assistant Secretary
for Antidumping and Countervailing Duty Operations

5/13/15
Date