I. Recommendation

[FR Doc. 2015–19613 Filed 8–7–15; 8:45 am]

DEPARTMENT OF COMMERCE
International Trade Administration

[A–570–016, C–570–017]

Certain Passenger Vehicle and Light Truck Tires From the People’s Republic of China: Amended Final Affirmative Antidumping Duty Determination and Antidumping Duty Order; and Amended Final Affirmative Countervailing Duty Determination and Countervailing Duty Order

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

SUMMARY: Based on affirmative final determinations by the Department of Commerce (the Department) and the International Trade Commission (the ITC), the Department is issuing affirmative antidumping duty (AD) and countervailing duty (CVD) orders on certain passenger vehicle and light truck tires (passenger tires) from the People’s Republic of China (the PRC). Also, as explained in this notice, the Department is amending its final affirmative CVD determination to correct the rate assigned to the GITI companies and to the separate rate companies.

DATES: Effective date: August 10, 2015.

FOR FURTHER INFORMATION CONTACT:
Emily Halle at (202) 482–0176 (CVD); or Toni Page at (202) 482–1398 (AD), AD/CVD Operations, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230.

SUPPLEMENTARY INFORMATION:
Background

On June 18, 2015, with respect to passenger tires from the PRC, the Department published its final affirmative determination of sales at less than fair value (LTFV) and its final affirmative determination that countervailable subsidies are being provided to producers and exporters of passenger tires from the PRC. On August 3, 2015, pursuant to sections 735(d) and 705(d) of the Tariff Act of 1930, as amended (the Act), the ITC notified the Department of its affirmative final determination that an industry in the United States is materially injured within the meaning of sections 735(b)(1)(A)(i) and 705(b)(1)(A)(i) of the Act by reason of LTFV imports and subsidized imports of subject merchandise from the PRC, and its determination that critical circumstances do not exist with respect to imports of subject merchandise from the PRC that are subject to the Department’s affirmative critical circumstances finding.

Scope of the Orders

The scope of these orders is passenger vehicle and light truck tires. Passenger vehicle and light truck tires are new pneumatic tires, of rubber, with a passenger vehicle or light truck size designation. Tires covered by these orders may be tube-type, tubeless, radial, or non-radial, and they may be intended for sale to original equipment manufacturers or the replacement market. Subject tires have, at the time of importation, the symbol “DOT” on the sidewall, certifying that the tire conforms to applicable motor vehicle safety standards. Subject tires may also have the following prefixes or suffix in their tire size designation, which also appears on the sidewall of the tire:

Prefix designations:
P—Identifies a tire intended primarily for service on passenger cars. LT—Identifies a tire intended primarily for service on light trucks.

Suffix letter designations:
LT— Identifies light truck tires for passenger vehicles which, in addition, exhibit each of the following physical characteristics:
(a) The size designation and load index combination molded on the tire’s sidewall are listed in Table PCT–1B (“T” Type Spare Tires for Temporary Use on Passenger Vehicles) of the Tire and Rim Association Year Book,
(b) the designation “ST” is molded into the tire’s sidewall as part of the size designation, and,
(c) the tire’s speed rating is molded on the sidewall, indicating the rated speed in MPH or a letter rating as listed by Tire and Rim Association Year Book, and the rated speed is 81 MPH or a “M” rating;
(4) non-pneumatic tires, such as solid rubber tires;
(tires designed and marketed exclusively as temporary use spare tires for passenger vehicles which, in addition, exhibit each of the following physical characteristics:
(a) the tire incorporates a warning, prominently molded on the sidewall, that the tire is “For Trailer Service Only” or “For Trailer Use Only”;

(d) the load index molded on the tire’s sidewall meets or exceeds those load indexes listed in the Tire and Rim Association Year Book for the relevant ST tire size, and
(e) either
(i) the tire’s speed rating is molded on the sidewall, indicating the rated speed in MPH or a letter rating as listed by the Tire and Rim Association Year Book, and the rated speed does not exceed 81 MPH or a “M” rating; or
(ii) the tire’s speed rating molded on the sidewall is 87 MPH or a “N” rating, and in either case the tire’s maximum pressure and maximum load limit are molded on the sidewall and either
(1) both exceed the maximum pressure and maximum load limit for any tire of the same size designation in either the passenger car or light truck section of the Tire and Rim Association Year Book; or
(2) if the maximum cold inflation pressure molded on the tire is less than any cold inflation pressure listed for that size designation in either the passenger car or light truck section of the Tire and Rim Association Year Book, the maximum load limit molded on the tire is higher than the maximum load limit listed at that cold inflation pressure for that size designation in either the passenger car or light truck section of the Tire and Rim Association Year Book;
(7) tires designed and marketed exclusively for off-road use and which, in addition, exhibit each of the following physical characteristics:
(a) the size designation and load index combination molded on the tire’s sidewall are listed in the off-the-road, agricultural, industrial or ATV section of the Tire and Rim Association Year Book;
(b) in addition to any size designation markings, the tire incorporates a warning, prominently molded on the sidewall, that the tire is “Not For Highway Service” or “Not For Highway Use”;
(c) the tire’s speed rating is molded on the sidewall, indicating the rated speed in MPH or a letter rating as listed by the Tire and Rim Association Year Book, and the rated speed does not exceed 55 MPH or a “G” rating, and
(d) the tire features a recognizable off-road tread design.

The products covered by the orders are currently classified under the following Harmonized Tariff Schedule of the United States (HTSUS) subheadings: 4011.10.10, 4011.10.10.20, 4011.10.10.30, 4011.10.10.40, 4011.10.10.50, 4011.10.10.60, 4011.10.10.70, 4011.10.50.00, 4011.20.10.05, and 4011.20.50.10. Tires meeting the scope description may also enter under the following HTSUS subheadings:
4011.99.45.10, 4011.99.45.50, 4011.99.85.10, 4011.99.85.50, 8708.70.45.45, 8708.70.45.60, 8708.70.60.30, 8708.70.60.45, and 8708.70.60.60. While HTSUS subheadings are provided for convenience and for customs purposes, the written description of the subject merchandise is dispositive.

Amendment to the AD Final Determination

On June 11, 2015, the Department issued its affirmative final determination in the AD investigation.5 On June 22, 2015, Petitioner 6 submitted timely ministerial error allegations. On June 29, 2015, the GITI companies and the Sailun Group Co., Ltd. (Sailun Group), respondents in the AD investigation, submitted timely rebuttal comments to the Petitioner’s allegations.7 No other interested party submitted ministerial error allegations or rebutted Petitioner’s submission. After analyzing the comments and rebuttals received, we determine, in accordance with section 735(e) of the Act and 19 CFR 351.224(e), that we made ministerial errors in our calculations for the AD Final Determination with respect to the GITI companies.8 This amended final AD determination corrects these errors and revises the weighted-average margin rate for the GITI companies. Because the margin rate for the separate rate companies is based on the rates for the GITI companies and the Sailun Group, and the rate for the GITI companies changed due to the aforementioned ministerial errors, we have revised the calculation for the weighted-average margin rate for the separate rate companies in this amended final AD determination.9 The amended weighted-average margin rates are listed in the table below. The amended weighted-average margin rates provided for all exporter/producer combinations listed in the table are adjusted, where appropriate, for export subsidies and estimated domestic subsidy pass-through.

Amendment to the CVD Final Determination

On June 11, 2015, the Department issued its affirmative final determination in the CVD investigation.10 On June 17, 2015, Petitioner and GITI Tire (Fujian) Co., Ltd. (GITI Fujian), a respondent in the CVD investigation, submitted timely ministerial error allegations and requested that the Department correct the alleged ministerial errors in the subsidy rate calculations.11 On June 22, 2015, Petitioner, GITI Fujian, and Yongsheng submitted timely rebuttal comments to these ministerial error allegations.12 No other interested party submitted ministerial error allegations or rebuttals to Petitioner’s or GITI Fujian’s submissions. After analyzing the comments and rebuttals received, we determined, in accordance with section 705(e) of the Act and 19 CFR 351.224(e), that we made ministerial errors in certain calculations for the CVD Final Determination with respect to Yongsheng. This amended final CVD determination corrects these errors and revises the ad valorem subsidy rate for Yongsheng. The amended estimated ad valorem subsidy rate for Yongsheng is 116.73 percent.

Antidumping Duty Order

As stated above, on August 3, 2015, in accordance with section 735(d) of the Act, the ITC notified the Department of its final determination in its

5 See AD Final Determination.
7 See AD Ministerial Error Memorandum.
8 See CVD Final Determination.
investigation, in which it found that an industry in the United States is materially injured within the meaning of section 735(b)(1)(A)(i) of the Act by reason of imports of passenger tires from the PRC, and that critical circumstances do not exist with respect to imports of subject merchandise from the PRC that are subject to the Department’s affirmative critical circumstances finding.13 Because the ITC determined that imports of passenger tires from the PRC are materially injuring a U.S. industry, unliquidated entries of such merchandise from the PRC, entered or withdrawn from warehouse, for consumption are subject to the assessment of antidumping duties. Therefore, in accordance with section 736(a)(1) of the Act, the Department will direct U.S. Customs and Border Protection (CBP) to assess, upon further instruction by the Department, antidumping duties equal to the amount by which the normal value of the merchandise exceeds the export price (or constructed export price) of the merchandise, for all relevant entries of passenger tires from the PRC. These antidumping duties will be assessed on unliquidated entries of passenger tires from the PRC entered, or withdrawn from warehouse, for consumption on or after January 27, 2015, the date of publication of the AD Preliminary Determination,14 but will not include entries occurring after the expiration of the provisional measures period and before publication of the ITC’s final injury determination as further described below.

Continuation of Suspension of Liquidation (AD)

In accordance with section 735(c)(1)(B) of the Act, the Department will instruct CBP to continue to suspend liquidation of all appropriate entries of passenger tires from the PRC as described in the “Scope of the Orders” section, which were entered, or withdrawn from warehouse, for consumption on or after January 27, 2015, the date of publication in the Federal Register of the notice of an affirmative preliminary determination that passenger tires are being, or are likely to be, sold in the United States at LTFV. Further, consistent with our practice, where the product from the PRC under investigation is also subject to a concurrent CVD investigation, the Department will instruct CBP to require a cash deposit 15 equal to the weighted-average amount by which the normal value exceeds U.S. price, adjusted where appropriate for export subsidies and estimated domestic subsidy pass-through.16 The cash deposit rates are as follows: (1) For each exporter/producer combination listed in the table below, the cash deposit rate will be equal to the dumping margin listed for that exporter/producer combination in the table, adjusted as appropriate for export subsidies and estimated domestic subsidy pass-through; (2) for all other combinations of PRC exporters/ producers of the merchandise under consideration, the cash deposit rate will be equal to the dumping margin established for the PRC-wide entity, adjusted as appropriate for export subsidies and estimated subsidy pass-through; and (3) for all non-PRC exporters of the merchandise under consideration which have not received their own separate rate above, the cash deposit rate will be equal to the cash deposit rate applicable to the PRC exporter/producer combination that supplied that non-PRC exporter. These suspension of liquidation instructions will remain in effect until further notice. Accordingly, effective on the date of publication of the ITC’s final affirmative injury determination, CBP will require, at the same time as importers would normally deposit estimated duties on this subject merchandise, a cash deposit equal to the estimated weighted-average dumping margins indicated below, adjusted, where appropriate, for export subsidies and estimated domestic subsidy pass-through, as discussed above.17

Provisional Measures (AD)

Section 733(d) of the Act states that instructions issued pursuant to an affirmative preliminary determination in an AD investigation may not remain in effect for more than four months except where exporters representing a significant proportion of exports of the subject merchandise request the Department to extend that four month period to no more than six months. At the request of the Giti companies, who account for a significant proportion of passenger tires from the PRC, we extended the four-month period to no more than six months in this case.18 The Department published the preliminary determination in the AD investigation on January 27, 2015. Therefore, the six-month period beginning on the date of publication of the preliminary determination in the AD investigation ended on July 26, 2015. Furthermore, section 737(b) of the Act states that definitive duties are to begin on the date of publication of the ITC’s final injury determination.

Therefore, in accordance with section 733(d) of the Act and our practice, we will instruct CBP to terminate the suspension of liquidation and to liquidate, without regard to antidumping duties, unliquidated entries of passenger vehicle tires from the PRC, entered, or withdrawn from warehouse, for consumption on or after July 26, 2015, the date the provisional measures expired, until and through the day preceding the date of publication of the ITC’s final injury determination in the Federal Register.

Estimated Weighted-Average Dumping Margins

The estimated weighted-average dumping margins are as follows.19

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13 See ITC Determination.
15 See Modification of Regulations Regarding the Practice of Accepting Bonds During the Provisional Measures Period in Antidumping and Countervailing Duty Investigations, 76 FR 61042 (October 3, 2011).
16 See sections 772(c)(1)(C) and 777A(f) of the Act.
17 With respect to the final affirmative countervailing duty determination in the companion investigation, because the provisional measures period has expired, the Department will only order the resumption of the suspension of liquidation, and require cash deposits for countervailing duties equal to the final subsidy rates, upon issuance of a final affirmative injury determination by the IT.
18 As explained in the AD Final Determination, we will adjust cash deposit rates by the amount of export subsidies and domestic subsidy pass-throughs, where appropriate. See AD Final Determination, 80 FR at 34897. As a result of the adjustments for export subsidies and domestic subsidy pass-throughs, the Giti companies’ cash deposit rate will be 15.31 percent; the Sailun Group’s cash deposit rate will be 0.00 percent; Cooper Tire & Rubber Company’s, Cooper (Kunshan) Tire Co., Ltd.’s, and Cooper Chengshan (Shandong) Tire Co., Ltd.’s (collectively, Cooper) cash deposit rate will be 11.12 percent; and the other separate rate entities’ (besides Cooper) cash deposit rate will be 8.72 percent; and the PRC-wide entity’s cash deposit rate will be 71.46 percent. See also CVD Final Determination and Memorandum to the File, “Certain Passenger Vehicle and Light Truck Tires from the People’s Republic of China: Countervailing Duty Determination” (June 11, 2015).
19 As explained in the AD Final Determination, we will adjust cash deposit rates by the amount of export subsidies and domestic subsidy pass-throughs, where appropriate. See AD Final Determination, 80 FR at 34897.
<table>
<thead>
<tr>
<th>Exporter(s)</th>
<th>Producer(s)</th>
<th>Weighted-average dumping margin (percent)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Giti Tire Global Trading Pte. Ltd., Giti Tire (USA) Ltd., Giti radial Tire (Anhui) Company Ltd., Giti Tire (Fujian) Company Ltd., Giti Tire (Hualin) Company Ltd. (Collectively, the Giti Companies).</td>
<td>Giti Radial Tire (Anhui) Company Ltd., Giti Tire (Fujian) Company Ltd., Giti Tire (Hualin) Company Ltd.</td>
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<tr>
<td>Cooper Tire &amp; Rubber Company</td>
<td>Cooper Chengshan (Shandong) Tire Co., Ltd., Cooper (Kunshan) Tire Co., Ltd.</td>
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<td>Cooper Chengshan (Shandong) Tire Co., Ltd.</td>
<td>Cooper Chengshan (Shandong) Tire Co., Ltd.</td>
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<td>Cooper (Kunshan) Tire Co., Ltd.</td>
<td>Cooper (Kunshan) Tire Co., Ltd.</td>
<td>25.84</td>
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<td>Best Choice International Trade Co., Limited</td>
<td>Bridgestone (Wuxi) Tire Co., Ltd.</td>
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<td>Bridgestone (Wuxi) Tire Co., Ltd.</td>
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<td>Bridgestone Corporation</td>
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<td>Cheng Shin Tire &amp; Rubber (China) Co., Ltd.</td>
<td>Cheng Shin Tire &amp; Rubber (China) Co., Ltd., Cheng Shin Tire &amp; Rubber (Chongqing) Co., Ltd.</td>
<td>25.84</td>
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<td>Crown International Corporation</td>
<td>Crown International Corporation</td>
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<td>Goodyear Dalian Tire Company Limited</td>
<td>Goodyear Dalian Tire Company Limited</td>
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<td>Guangzhou Pearl River Rubber Tyre Ltd</td>
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<td>Hankook Tire China Co., Ltd.</td>
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<td>Hebei Tianrui Rubber Co., Ltd.</td>
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<td>Highpoint Trading, Ltd</td>
<td>Federal Tire (Jiangxi) Ltd.</td>
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<td>Hong Kong Tiancheng Investment &amp; Trading Co., Limited</td>
<td>Shandong Linglong Tyre Co., Ltd.</td>
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<td>Hong Kong Tri-Ace Tire Co., Limited.</td>
<td>Shandong Yongtai Chemical Co., Ltd., Doublestar-Dongfeng Tyre Co., Ltd.</td>
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<td>Hwa Fong Rubber (Suzhou) Co., Ltd.</td>
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<td>Jiangsu Hankook Tire Co., Ltd.</td>
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<td>Kenda Rubber (China) Co., Ltd.</td>
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<td>Mayrun Tyre (Hong Kong) Limited</td>
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<td>Nankang (Zhangjiagang Free Trade Zone) Rubber Industrial Co., Ltd.</td>
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<td>Pirelli Tyre Co., Ltd.</td>
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<td>Qingdao Honghua Tyre Factory</td>
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<td>Qingdao Nexen Tire Corporation</td>
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Critical Circumstances (AD)

With regard to the ITC’s negative critical circumstances determination on imports of passenger tires from the PRC, we will instruct CBP to lift suspension and to refund any cash deposits made to secure the payment of estimated antidumping duties with respect to entries of subject merchandise entered, or withdrawn from warehouse, for consumption on or after October 29, 2014 (i.e., 90 days prior to the date of publication of the AD Preliminary Determination), but before January 27, 2015 (i.e., the date of publication of the AD Preliminary Determination).

Countervailing Duty Order

As stated above, on August 3, 2015, in accordance with section 705(d) of the Act, the ITC notified the Department of its final determination in this investigation, in which it found that an industry in the United States is materially injured within the meaning of section 705(b)(1)(A)(i) of the Act by reason of imports of passenger tires from the PRC, and that critical circumstances do not exist with respect to imports of subject merchandise from the PRC that are subject to the Department’s affirmative critical circumstances finding.20 Therefore, in accordance with sections 705(c)(2) and 706(a) of the Act, we are publishing this countervailing duty order.

In accordance with section 706(a) of the Act, the Department will direct CBP to assess, upon further instruction by the Department, countervailing duties on unliquidated entries of passenger tires from the PRC entered, or withdrawn from warehouse, for consumption on or after December 1, 2014, the date of publication of the CVD Preliminary Determination in the

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20 See ITC Notification.
Federal Register. and before March 31, 2015, the date on which the
Department instructed CBP to
discontinue the suspension of
liquidity in accordance with section
703(d) of the Act. Section 703(d) of the
Act states that the suspension of
liquidity pursuant to a preliminary
determination may not remain in effect
for more than four months. Entries of
passenger tires from the PRC made on
or after March 31, 2015, and prior to the
date of publication of the ITC’s final
determination in the Federal Register,
are not liable for the assessment of
countervailing duties, due to the
Department’s discontinuation, effective
March 31, 2015, of the suspension of
liquidity.

Provisional Measures (CVD)

In accordance with Section 703(d) of
the Act, the provisional measures period
for the CVD investigation ended on
March 31, 2015 and CBP was instructed
to terminate the suspension of
liquidity and to liquidate, without
guard to countervailing duties,
unliquidated entries of passenger
vehicle tires from the PRC, entered, or
withdrawn from warehouse, for
consumption on or after March 31,
2015, the date the provisional measures
expired, until and through the day
preceding the date of publication of the
ITC’s final injury determination in the
Federal Register.

Suspension of Liquidity (CVD)

In accordance with section 706 of the
Act, the Department will direct CBP to
reinstitute suspension of liquidation,
effective on the date of publication of
the ITC’s notice of final determination in the Federal Register, and to assess,
upon further instruction by the Department pursuant to section
706(1)(A) of the Act, countervailing
dues for each entry of the subject
merchandise in an amount based on the
net countervailable subsidy rates for the
subject merchandise. The Department
will also direct CBP to require a cash
deposit for each entry of subject
merchandise in an amount equal to the
net countervailable subsidy rates listed
down below. The all-others rate applies to all
producers and exporters of subject
merchandise not specifically listed.

Critical Circumstances (CVD)

With regard to the ITC’s negative
critical circumstances determination on
imports of passenger tires from the PRC,
we will instruct CBP to lift suspension
and to refund any cash deposits made
secure the payment of estimated
countervailing duties with respect to
entries of the subject merchandise
entered, or withdrawn from warehouse, for
consumption on or after September 2,
2014 (i.e., 90 days prior to the date of
the publication of the CVD
Preliminary Determination), but before
December 1, 2014 (i.e., the date of
the publication of the CVD Preliminary
Determination).

Notifications to Interested Parties

This notice constitutes the AD and
CVD orders with respect to passenger
tires from the PRC pursuant to sections
735(a) and 706(a) of the Act. Interested
parties can find an updated list of orders
currently in effect by either visiting

Pursuant to Section 6(c) of the
Educational, Scientific and Cultural
L. 89–651; as amended by Pub. L. 106–
36; 80 Stat. 897; 15 CFR part 301), the
Department of Commerce and the
Department of Homeland Security
determine, inter alia, whether
instruments of equivalent scientific
value, for the purposes for which the
instruments shown below are intended to
be used, are being manufactured in the
United States as well as whether the
instrument or apparatus is for the
exclusive use of the applicant
institution and is not intended to be
used for commercial purposes.

On May 29, 2015, Texas University
Health Science Center officials notified
the Department that they wished to
withdraw the above-referenced
application for duty-free entry of a
scientific instrument. They noted that
the instrument will be cleared through
Customs with duty paid by the vendor
in order to be used at a trade show for
educational purposes. As noted in the
regulations at section 301.5(g), the
Department of Commerce shall
continue processing an application when
a request has been made by the
applicant to withdraw the application.
Therefore, the Department of Commerce
has discontinued the processing of this
application, in accordance with section
301.5(g) of the regulations. See 15 CFR
301.5(g).