

Main Steel Co.  
 Miju Steel Manufacturing Co., Ltd.  
 NEXTEEL Co., Ltd.  
 POSCO DAEWOO  
 Sam Kang Industrial Co., Ltd.  
 Samson Controls Ltd., Co.  
 SeAH Steel Corporation  
 Shin Steel Co., Ltd.  
 Tianjin Songda International Trade Co., Ltd.  
 Yujin Steel Industry Co. Ltd.

## Appendix II

### Companies for Which the Review Is Continuing

Dong-A Steel Co., Ltd.  
 HiSteel Co., Ltd.

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BILLING CODE 3510-DS-P

## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-337-804; A-533-813; A-560-802; A-570-851]

### Certain Preserved Mushrooms From Chile, India, Indonesia, and the People's Republic of China: Continuation of the Antidumping Duty Orders

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

**SUMMARY:** As a result of the determinations by the Department of Commerce (Commerce) and the International Trade Commission (ITC) in their five year (sunset) reviews that revocation of the antidumping duty (AD) orders on certain preserved mushrooms (mushrooms) from Chile, India, Indonesia, and the People's Republic of China (China) would likely lead to a continuation or recurrence of dumping and material injury to an industry in the United States, Commerce is publishing a notice of continuation of the AD orders on mushrooms from Chile, India, Indonesia, and China.

**DATES:** Applicable March 12, 2021.

**FOR FURTHER INFORMATION CONTACT:** Brian Smith or Katherine Johnson, AD/CVD Operations, Office VIII, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482-1766 or (202) 482-4929, respectively.

### SUPPLEMENTARY INFORMATION:

## Background

On August 3 and 4, 2020, respectively, the ITC instituted <sup>1</sup> and Commerce initiated <sup>2</sup> five-year (sunset) reviews of the AD orders on mushrooms from Chile, India, Indonesia, and China, pursuant to sections 751(c) and 752 of the Tariff Act of 1930, as amended (the Act). As a result of its reviews, Commerce determined that revocation of the AD orders on mushrooms from Chile, India, Indonesia, and China would likely lead to a continuation or recurrence of dumping. Therefore, Commerce notified the ITC of the magnitude of the margins of dumping likely to prevail were the orders to be revoked.<sup>3</sup>

On March 5, 2021, the ITC published its determination, pursuant to sections 751(c) and 752(a) of the Act, that revocation of the AD orders on mushrooms from Chile, India, Indonesia, and China would likely lead to a continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time.<sup>4</sup>

## Scope of the Orders

The merchandise subject to the orders is certain preserved mushrooms, whether imported whole, sliced, diced, or as stems and pieces. The preserved mushrooms covered under these orders are the species *Agaricus bisporus* and *Agaricus bitorquis*. "Preserved mushrooms" refer to mushrooms that have been prepared or preserved by cleaning, blanching, and sometimes slicing or cutting. These mushrooms are then packed and heated in containers including but not limited to cans or glass jars in a suitable liquid medium, including but not limited to water, brine, butter or butter sauce. Preserved mushrooms may be imported whole, sliced, diced, or as stems and pieces. Included within the scope of these orders are "brined" mushrooms, which are presalted and packed in a heavy salt solution to provisionally preserve them for further processing.

Excluded from the scope of these orders are the following: (1) All other species of mushroom, including straw mushrooms; (2) all fresh and chilled

mushrooms, including "refrigerated" or "quick blanched mushrooms;" (3) dried mushrooms; (4) frozen mushrooms; and (5) "marinated," "acidified," or "pickled" mushrooms, which are prepared or preserved by means of vinegar or acetic acid, but may contain oil or other additives.<sup>5</sup>

The merchandise subject to the orders is classifiable under subheadings: 2003.10.0127, 2003.10.0131, 2003.10.0137, 2003.10.0143, 2003.10.0147, 2003.10.0153, and 0711.51.0000 of the Harmonized Tariff Schedule of the United States (HTSUS). Although the HTSUS subheadings are provided for convenience and customs purposes, our written description of the scope of these orders is dispositive.

## Continuation of the AD Orders

As a result of the determinations by Commerce and the ITC that revocation of the AD orders on mushrooms from Chile, India, Indonesia, and China would likely lead to a continuation or recurrence of dumping, and material injury to an industry in the United States, pursuant to sections 751(c) and 751(d)(2) of the Act, Commerce hereby orders the continuation of the AD orders on mushrooms from Chile, India, Indonesia, and China. U.S. Customs and Border Protection will continue to collect AD cash deposits at the rates in effect at the time of entry for all imports of subject merchandise. The effective date of the continuation of the orders will be the date of publication in the **Federal Register** of this notice of continuation. Pursuant to section 751(c)(2) of the Act, Commerce intends to initiate the next five-year reviews of these orders not later than 30 days prior to the fifth anniversary of the effective date of continuation.

## Administrative Protective Order

This notice also serves as the only reminder to parties subject to administrative protective order (APO) of their responsibility concerning the return/destruction or conversion to judicial protective order of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3).

<sup>5</sup> On June 19, 2000, Commerce confirmed that "marinated," "acidified," or "pickled" mushrooms containing less than 0.5 percent acetic acid are within the scope of the AD order on mushrooms from China. See "Recommendation Memorandum-Final Ruling of Request by Tak Fat, et al. for Exclusion of Certain Marinated, Acidified Mushrooms from the Scope of the Antidumping Duty Order on Certain Preserved Mushrooms from the People's Republic of China," dated June 19, 2000. On February 9, 2005, this decision was upheld by the United States Court of Appeals for the Federal Circuit. See *Tak Fat v. United States*, 396 F.3d 1378 (Fed. Cir. 2005).

<sup>1</sup> See *Certain Preserved Mushrooms from Chile, China, India, and Indonesia: Institution of Five-Year Reviews*, 85 FR 46725 (August 3, 2020).

<sup>2</sup> See *Initiation of Five-Year (Sunset) Reviews*, 85 FR 47185 (August 4, 2020).

<sup>3</sup> See *Certain Preserved Mushrooms from Chile, India, Indonesia and the People's Republic of China: Final Results of Expedited Sunset Reviews of Antidumping Duty Orders*, 85 FR 78306 (December 4, 2020).

<sup>4</sup> See *Preserved Mushrooms from Chile, China, India, and Indonesia: Determinations*, 86 FR 12969 (March 5, 2021).

Failure to comply is a violation of the APO which may be subject to sanctions.

These five-year (sunset) reviews and notice are in accordance with sections 751(c) and (d)(2), and 777(i) the Act, and 19 CFR 351.218(f)(4).

Dated: March 5, 2021.

**Christian Marsh,**

*Acting Assistant Secretary for Enforcement and Compliance.*

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-570-124]

#### **Certain Vertical Shaft Engines Between 99cc and Up to 225cc, and Parts Thereof, From the People's Republic of China: Final Affirmative Determination of Sales at Less Than Fair Value and Final Affirmative Determination of Critical Circumstances, in Part**

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

**SUMMARY:** The Department of Commerce (Commerce) determines that certain vertical shaft engines between 99cc and up to 225cc, and parts thereof (small vertical engines), from the People's Republic of China (China) are being, or are likely to be, sold in the United States at less than fair value (LTFV). The period of investigation is July 1, 2019, through December 31, 2019. The final dumping margins of sales at LTFV are listed below in the "Final Determination" section of this notice.

**DATES:** Applicable March 12, 2021.

#### **FOR FURTHER INFORMATION CONTACT:**

Benjamin A. Luberda, AD/CVD Operations, Office II, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482-2185.

#### **SUPPLEMENTARY INFORMATION:**

##### **Background**

On October 21, 2020, Commerce published the *Preliminary Determination* of sales at LTFV of small vertical engines from China.<sup>1</sup> On

November 9, 2020, Commerce published in the *Federal Register*, pursuant to 19 CFR 351.210(g), notice of postponement of the final determination to March 5, 2021.<sup>2</sup> The petitioner in this investigation is Briggs & Stratton, LLC. The mandatory respondents in this investigation are Chongqing Kohler Engines Ltd. (Chongqing Kohler) and Chongqing Zongshen General Power Machine Co., Ltd.<sup>3</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 the parties for this final determination are discussed in the Issues and Decision Memorandum.<sup>4</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 <http://access.trade.gov>. In addition, a complete version of the Issues and Decision Memorandum can be accessed directly at <http://enforcement.trade.gov/frn/index.html>. The signed and electronic versions of the Issues and Decision Memorandum are identical in content.

##### **Scope of the Investigation**

The products covered by this investigation are small vertical engines from China. For a complete description of the scope of this investigation, see Appendix I.

##### **Scope Comments**

In accordance with the preamble to Commerce's regulations,<sup>5</sup> the *Initiation Notice* set aside a period of time for parties to raise issues regarding product coverage (i.e., scope).<sup>6</sup> Certain interested

parties commented on the scope of the investigation as it appeared in the *Initiation Notice* and we addressed these comments in the *Preliminary Determination*, preliminarily modifying the scope of this and the companion countervailing duty (CVD) investigation to exclude commercial engines.<sup>7</sup> We established a period of time for parties to address scope issues in scope case and rebuttal briefs,<sup>8</sup> and we received such comments, which we addressed in the Final Scope Decision Memorandum.<sup>9</sup>

On November 6, 2020, we issued a memorandum providing parties an opportunity to comment on the overlap in the scopes of this and the concurrent CVD investigation on small vertical engines and that of the antidumping duty (AD) and CVD investigations on certain walk-behind lawn mowers and parts thereof (lawn mowers).<sup>10</sup> After analyzing interested parties' comments, we modified the scope of the lawn mowers investigations to address the overlap.<sup>11</sup> We have not made any changes to the scope of this and the concurrent CVD investigation from that published in the *Preliminary Determination*. See Appendix I to this notice.

<sup>7</sup> See *Preliminary Determination*, 85 FR at 52087; see also Memorandum, "Antidumping and Countervailing Duty Investigations of Certain Vertical Shaft Engines Between 99cc and Up To 225cc, and Parts Thereof from the People's Republic of China: Scope Comments Decision Memorandum for the Preliminary Determination," dated August 17, 2020 (Preliminary Scope Decision Memorandum).

<sup>8</sup> See Preliminary Scope Decision Memorandum.

<sup>9</sup> See Memorandum, "Certain Vertical Shaft Engines Between 99cc and Up To 225cc, and Parts Thereof from the People's Republic of China: Scope Comments Decision Memorandum for the Final Determination," dated concurrently with, and hereby adopted by, this notice (Final Scope Decision Memorandum).

<sup>10</sup> See Memorandum, "Antidumping and Countervailing Duty Investigations of Certain Vertical Shaft Engines between 99cc and up to 225cc, and Parts Thereof from the People's Republic of China; Antidumping and Countervailing Duty Investigations of Certain Walk-Behind Lawn Mowers and Parts Thereof from the People's Republic of China; and Antidumping Duty Investigation of Certain Walk-Behind Lawn Mowers from the Socialist Republic of Vietnam," dated November 6, 2020.

<sup>11</sup> See Memorandum, "Less-Than-Fair-Value Investigation of Certain Vertical Shaft Engines Between 99cc and Up To 225cc, and Parts Thereof, from the People's Republic of China: Preliminary Scope Decision Memorandum in the Antidumping and Countervailing Duty Investigations of Certain Walk-Behind Lawn Mowers, and Parts Thereof, from the People's Republic of China and the Socialist Republic of Vietnam," dated January 7, 2021 (containing Memorandum, "Antidumping and Countervailing Duty Investigations of Lawn Mowers from the People's Republic of China and the Socialist Republic of Vietnam: Preliminary Scope Decision Memorandum," dated December 22, 2020).

<sup>1</sup> See *Certain Vertical Shaft Engines Between 99cc and Up To 225cc, and Parts Thereof, from the People's Republic of China: Preliminary Affirmative Determination of Sales at Less Than Fair Value, and Preliminary Affirmative Determination of Critical Circumstances, in Part*, 85 FR 66932 (October 21, 2020) (*Preliminary Determination*), and accompanying Preliminary Decision Memorandum (PDM).

<sup>2</sup> See *Certain Vertical Shaft Engines Between 99cc and Up To 225cc, and Parts Thereof, from the People's Republic of China: Postponement of the Final Determination of Sales at Less Than Fair Value Investigation*, 85 FR 71319 (November 9, 2020).

<sup>3</sup> Consistent with our *Preliminary Determination*, we are treating Chongqing Zongshen General Power Machine Co., Ltd., and its affiliates Chongqing Dajiang Power Equipment Co., Ltd., and Chongqing Zongshen Power Machinery Co., Ltd., as a single entity (collectively, the Zongshen Companies).

<sup>4</sup> See Memorandum, "Issues and Decision Memorandum for the Final Affirmative Determination in the Less-Than-Fair-Value Investigation of Certain Vertical Shaft Engines Between 99cc and Up To 225cc, and Parts Thereof, from the People's Republic of China," dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).

<sup>5</sup> See *Antidumping Duties; Countervailing Duties, Final Rule*, 62 FR 27296, 27323 (May 19, 1997).

<sup>6</sup> See *Certain Vertical Shaft Engines between 99cc and up to 225cc, and Parts Thereof from the People's Republic of China: Initiation of Less-Than-Fair-Value Investigation*, 85 FR 20670 (April 14, 2020) (*Initiation Notice*).