



This document is scheduled to be published in the Federal Register on 09/02/2015 and available online at <http://federalregister.gov/a/2015-21771>, and on FDsys.gov

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 (the Department) 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 (PRC) would likely lead to a continuation or recurrence of dumping and material injury to an industry in the United States, the Department is publishing a notice of continuation of the AD orders on mushrooms from Chile, India, Indonesia, and the PRC.

DATES: EFFECTIVE DATE: [INSERT DATE OF PUBLICATION IN THE FEDERAL REGISTER].

FOR FURTHER INFORMATION CONTACT: Terre Keaton Stefanova or Katherine Johnson, AD/CVD Operations, Office II, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street & Constitution Avenue, NW, Washington, DC 20230; telephone: (202) 482-1280 or (202) 482-4929, respectively.

SUPPLEMENTARY INFORMATION:

Background

On March 2, 2015, the Department initiated¹ and the ITC instituted² five-year (sunset) reviews of the AD orders on mushrooms from Chile, India, Indonesia and the PRC, pursuant to section 751(c) and 752 of the Tariff Act of 1930, as amended (the Act). As a result of its reviews, the Department determined that revocation of the AD orders on mushrooms from Chile, India, Indonesia and the PRC would likely lead to a continuation or recurrence of dumping. Therefore, the Department notified the ITC of the magnitude of the margins of dumping likely to prevail were the orders revoked.³

On August 24, 2015, 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 the PRC would likely lead to a continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time.⁴

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

¹ See Initiation of Five-Year (“Sunset”) Review, 80 FR 11164 (March 2, 2015).

² See Preserved Mushrooms From Chile, China, India, and Indonesia; Institution of Five-Year Reviews, 80 FR 11221 (March 2, 2015).

³ See Certain Preserved Mushrooms from Chile, India, Indonesia and the People’s Republic of China: Final Results of Expedited Third Sunset Reviews of the Antidumping Duty Orders, 80 FR 39053 (July 8, 2015).

⁴ See Preserved Mushrooms From Chile, China, India, and Indonesia; Determination, 80 FR 51310 (August 24, 2015).

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.

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, 0711.51.0000, 0711.90.4000, 2003.10.0027, 2003.10.0031, 2003.10.0037, 2003.10.0043 and 2003.10.0047 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 the Department and the ITC that revocation of the AD orders on mushrooms from Chile, India, Indonesia and the PRC 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, the Department hereby orders the continuation of the AD orders on mushrooms from Chile, India, Indonesia and the PRC. U.S. Customs and Border Protection (CBP) 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, the Department intends to initiate the next five-year review 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). 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: August 27, 2015.

Paul Piquado
Assistant Secretary
for Enforcement and Compliance

[FR Doc. 2015-21771 Filed: 9/1/2015 08:45 am; Publication Date: 9/2/2015]