

both before and after the failed unit until it is determined that the failure has been isolated. All tested units are reworked, tested and marked before release to the warehouse. Lawn mowers also are selected from the production line and shipped to Valley City for safety compliance and quality testing.

From the factory warehouse, lawn mowers are shipped in cartons, by truck, to retailers, either to the retailer's distribution centers or directly to their stores.

4. U.S. Tariff Classification

Walk-behind lawn mowers that are the subject of this Petition are generally classified under the statistical reporting number in Chapter 84 of the Harmonized Tariff Schedule of the United States ("HTSUS") 8433.11.0050, as reported in **Exhibit I-4**. The HTSUS subheading encompasses gas non-riding lawn mowers with power ratings less than 3.7 kw. The subject merchandise entered as engines or parts of walk-behind mowers may be classifiable under the following additional Chapter 84 subheadings: 8433.90.10.10, 8433.90.10.90 and 8407.90.1010.

1. Proposed Scope Language for Placement in the Federal Register Notice

Petitioner proposes the following scope:

The merchandise covered by this investigation consists of certain walk-behind lawn mowers powered by an internal combustion engine which are rotary-powered grass cutting machines. The scope of the investigation covers certain walk-behind lawn mowers, whether self-propelled or non-self-propelled, whether finished or unfinished, whether assembled or unassembled, whether containing any additional features that provide for functions in addition to mowing.

Walk-behind lawn mowers within the scope of this investigation are only those powered by an internal combustion engine with a power rating of less than 3.7 kilowatts (kw). These internal combustion engines are typically spark ignition, single or multiple cylinder, air cooled, internal combustion engines with vertical power take off shafts with a maximum displacement of 196cc. Walk-behind lawn mowers covered by this scope typically must be certified and comply with the Consumer Products Safety Commission (CPSC) Safety Standard For Walk-Behind Power Lawn Mowers under the 16 CFR Part 1205. However, lawn

mowers that meet the physical descriptions above, but are not certified under 16 CFR Part 1205 remain subject to the scope of this proceeding.

The internal combustion engines of the lawn mowers covered by this scope typically must comply with and be certified under Environmental Protection Agency (EPA) air pollution controls title 40, chapter I, subchapter U, part 1054 of the Code of Federal Regulations standards for small non-road spark-ignition engines and equipment. However, lawn mowers that meet the physical descriptions above but that do not have engines certified under 40 CFR Part 1054 or other parts of subchapter U remain subject to the scope of this proceeding.

For purposes of this investigation, an unfinished and/or unassembled lawn mower means at a minimum, a sub-assembly comprised of the following components: an engine and a cutting deck shell. A cutting deck shell is the portion of the lawn mower—typically of aluminum or steel—that houses and protects a user from a rotating blade. Importation of these components together, whether assembled or unassembled, and whether or not accompanied by additional components such as a handle, blade(s), grass catching bag, or wheel(s) constitute an unfinished lawn mower for purposes of this investigation. The inclusion of any other components not identified as comprising the unfinished lawn mower subassembly in a third-country does not remove the engine from the scope. A lawn mower is within the scope of this investigation regardless of the origin of its engine.

Specifically excluded from the scope of this investigation are electric-powered walk-behind lawn mowers which are lawn mowers primarily powered by an electric motor. Electric-powered walk-behind lawn mowers are typically classified in the Harmonized Tariff Schedule of the United States (HTSUS) at subheading: 8433.11.0010.

The lawn mowers subject to this investigation are typically at subheading: 8433.11.0050. Lawn mowers subject to this investigation may also enter under HTSUS 8433.90.10.10, 8433.90.10.90 and 8407.90.1010. The HTSUS subheadings are provided for convenience and customs purposes only, and the written description of the merchandise under investigation is dispositive.

D. Targeted Countries Concerned (19 C.F.R. § 351.202(b)(6))

Walk-behind lawn mowers that are described in the scope in this Petition are produced in and exported from China and Vietnam.

E. Foreign Producers and Exporters of Subject Merchandise (19 C.F.R. § 351.202(b)(7)(i)(A))