

affirmative antidumping duty determination of sales at less than fair value ("LTFV") on certain preserved mushrooms from Indonesia. We published an antidumping duty order on February 19, 1999 (64 FR 8310).

On February 1, 2002, the Department published in the **Federal Register** a notice advising of the opportunity to request an administrative review of this order for the period February 1, 2001, through January 31, 2002 (67 FR 4945). On February 28, 2002, in accordance with 19 CFR 351.213(b), we received timely requests from Indo Evergreen, Zeta and Dieng/Surya that the Department conduct an administrative review of their exports to the United States. In addition, Dieng/Surya and Zeta requested that the Department revoke the antidumping duty order with respect to them. We published a notice of initiation of the review on March 27, 2002 (67 FR 14696).

On April 15, 2002, we issued antidumping questionnaires to Dieng/Surya, Indo Evergreen, and Zeta. On May 20, 2002, Dieng/Surya timely withdrew their request for an administrative review. We issued Sections A through D supplemental questionnaires to Indo Evergreen and Zeta in July 2002; additional Section D supplemental questionnaires were issued to Indo Evergreen and Zeta in August 2002. We received timely responses to our original and supplemental questionnaires from Indo Evergreen and Zeta in June, August and September 2002.

On August 16, 2002, due to the reasons set forth in the *Certain Preserved Mushrooms from India, Indonesia, and the People's Republic of China: Notice of Extension of Time Limit for Preliminary Results in Antidumping Duty Administrative Reviews*, 67 FR 53565 (August 16, 2002), we extended the due date for the preliminary results. In accordance with section 751(a)(3)(A) of the Act, we extended the due date for the preliminary results by the maximum 120 days allowable or until February 28, 2003.

On January 9, 2003, we published a notice of rescission with respect to Dieng/Surya. See *Certain Preserved Mushrooms from Indonesia: Notice of Partial Rescission of Antidumping Duty Administrative Review*, 68 FR1177 (January 9, 2003).

### Scope of the Order

The products covered by this order are certain preserved mushrooms, whether imported whole, sliced, diced, or as stems and pieces. The preserved mushrooms covered under this order 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 this order 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 this order 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 this order 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<sup>3</sup> (HTS). Although the HTS subheadings are provided for convenience and customs purposes, our written description of the scope of this order is dispositive.

### Fair Value Comparisons

To determine whether sales to the United States of certain preserved mushrooms by Indo Evergreen and Zeta were made at less than NV, we compared export price to the NV, as described in the "Export Price" and "Normal Value" sections of this notice.

Pursuant to section 777A(d)(2) of the Act, we compared the export prices of individual U.S. transactions to the weighted-average NV of the foreign like product where there were sales made in the ordinary course of trade at prices above the cost of production ("COP"), as discussed in the "Cost of Production Analysis" section below.

### Product Comparisons

In accordance with section 771(16) of the Act, we considered all products produced by Indo Evergreen and Zeta, covered by the description in the

"Scope of the Order" section, above, and sold by the respondents in the home market during the POR, to be foreign like products for purposes of determining appropriate product comparisons to U.S. sales. We compared U.S. sales to sales made in the home market within the contemporaneous window period, which extends from three months prior to the U.S. sale until two months after the sale. Where there were no sales of identical merchandise in the home market made in the ordinary course of trade to compare to U.S. sales, we compared U.S. sales to sales of the most similar foreign like product made in the ordinary course of trade.

In making the product comparisons, we matched foreign like products based on the physical characteristics reported by the respondents in the following order: preservation method, container type, mushroom style, weight, grade, container solution and label type. See "Normal Value" section below for further discussion.

### Export Price

For both respondents we used the export price calculation methodology, in accordance with section 772(a) of the Act, because the subject merchandise was sold directly by the producer/exporter in Indonesia to the first unaffiliated purchaser in the United States prior to importation and constructed export price ("CEP") treatment was not otherwise indicated.

We calculated export price based on the packed FOB seaport prices charged to the first unaffiliated customer in the United States. We made deductions, where appropriate, for foreign inland freight, foreign inland insurance, and brokerage and handling, in accordance with section 772(c)(2)(A) of the Act. As a result of verification, we made adjustments to the companies' data where applicable, with respect to discounts, packing and shipment dates. See the Memorandum to the File: Preliminary Results of Third Administrative Review for Zeta ("Zeta's Preliminary Calculation Memorandum") and Memorandum to the File: Preliminary Results of Third Administrative Review for Indo Evergreen, both dated February 28, 2003, on file in the Central Records Unit (CRU), Room B099 of the Main Commerce building.

### Normal Value

In order to determine whether there was a sufficient volume of sales in the home market to serve as a viable basis for calculating NV, we compared each respondent's volume of home market

<sup>3</sup> Prior to January 1, 2002, the HTS codes were as follows: 2003.10.0027, 2003.10.0031, 2003.10.0037, 2003.10.0043, 2003.10.0047, 2003.10.0053, and 0711.90.4000.