

identical home market LOT. If no match was available at the same LOT, we compared sales at Malee's U.S. LOT to Malee's sales through Malee Enterprise at the more advanced LOT.

To determine whether a LOT adjustment was warranted, we examined the prices of comparable product categories, net of all adjustments, between sales at the two home market LOTs we had designated. We found a pattern of consistent price differences between sales at these LOTs. In making the LOT adjustment, we calculated the difference in weighted-average prices between the two different home market LOTs. Where U.S. sales were compared to home market sales at a different LOT, we reduced the home market price by the amount of this calculated LOT difference.

#### Dole

Dole reported six specific customer categories and one channel of distribution (sales through an affiliated reseller) for its comparison market and seven specific customer categories and one channel of distribution (sales through an affiliated reseller) for its U.S. sales. In its response, Dole claims, and the Department concurs, that all of its sales to unaffiliated comparison market customers (*i.e.*, the six customer categories) are at the same LOT because these sales are made through the same channel of distribution and involve the same selling functions.

Dole had only CEP sales in the U.S. market. Dole reported that its CEP sales were made through a single channel of distribution (*i.e.*, sales through its U.S. affiliate, Dole Packaged Foods (DPF)), which we have treated as one LOT because there is no apparent difference in the selling functions performed by DPF for the different customers. After making the appropriate deductions under section 772(d) of the Act for these CEP sales, we found that the remaining expenses associated with selling activities performed by Dole are limited to expenses related to the arrangement of freight and delivery to the port of export that are reflected in the CEP price. In contrast, the NV prices include a number of selling expenses attributable to selling activities performed by DFC in the comparison market, such as inventory maintenance, warehousing, delivery, order processing, advertising, rebate and promotional programs, warranties, and market research. Accordingly, we concluded that CEP is at a different LOT from the NV LOT, *i.e.*, the CEP sales are less remote from the factory than are the NV sales.

Having determined that the comparison market sales were made at a level more remote from the cannery than the CEP transactions, we then examined whether a LOT adjustment or CEP offset may be appropriate. In this case, Dole only sold at one LOT in the comparison market; therefore, there is no information available to determine a pattern of consistent price differences between the sales on which NV is based and the comparison market sales at the LOT of the export transaction, in accordance with the Department's normal methodology as described above. *See* Porcelain-on-Steel Cookware from Mexico Final Results of Administrative Review, 65 FR 30068 (May 10, 2000). Further, we do not have information which would allow us to examine pricing patterns based on respondent's sales of other products, and there are no other respondents or other record information on which such an analysis could be based. Accordingly, because the data available do not provide an appropriate basis for making a LOT adjustment, but the LOT in the comparison market is at a more advanced stage of distribution than the LOT of the CEP transactions, we made a CEP offset adjustment in accordance with section 773(a)(7)(B) of the Act. This offset is equal to the amount of indirect expenses incurred in the comparison market not exceeding the amount of indirect selling expenses deducted from the U.S. price in accordance with 772(d)(1)(D) of the Act.

#### No Revocation in Part

On July 31, 2002, Dole requested that the Department revoke the antidumping duty order in part as regards Dole based on the absence of dumping pursuant to §351.222(b)(2) of the Department's regulations. Dole submitted, along with its revocation request, a certification stating that: (1) The company did not sell subject merchandise at less than NV during the POR, and that in the future it would not sell such merchandise at less than NV (*see* §351.222 (e)(1)(i) of the Department's regulations; (2) the company has sold subject merchandise to the United States in commercial quantities during each of the past three years (*see* §351.222(e)(1)(ii) of the Department's regulations; and (3) the company agreed to its immediate reinstatement in the order, as long as any exporter or producer is subject to the order, if the Department concludes that the company, subsequent to the revocation, sold the subject merchandise at less than NV. *see* §§351.222(b)(2)(i)(B) and 351.222(e)(1)(iii) of the Department's regulations.

Based on a recent redetermination currently pending review, pursuant to a court remand for *Maui Pineapple Company, Ltd. v. United States and Dole Food Company, Dole Packaged Foods and Dole Thailand*, Slip Op. 03-42 (April 17, 2003), Court No. 01-03-01017, the margin for the fifth POR of this proceeding has risen above *de minimis*. *See* Final Results of Redetermination Pursuant to United States Court of International Trade Remand Order *Maui Pineapple Company, Ltd. v. United States and Dole Food Company, Dole Packaged Foods and Dole Thailand* Court No. 01-03-01017 filed with the court on June 16, 2003. We preliminarily determine that Dole has failed to demonstrate that it has not made sales at less than NV over the past three years. Interested parties are invited to comment in their case briefs, *inter alia*, on all of the requirements that must be met by under §351.222 of the Department's regulations in order to qualify for revocation from the antidumping duty order. Based on the above, the Department preliminarily determines that the continued application of the order with regard to Dole is necessary to offset dumping. Therefore, if these preliminary findings are adopted in our final results, we will not revoke the order with respect to merchandise produced and exported by Dole.

#### Currency Conversion

We made currency conversions into U.S. dollars in accordance with section 773A of the Act, based on exchange rates in effect on the dates of the U.S. sales as certified by the Federal Reserve Bank.

#### Preliminary Results of Review

As a result of this review, we preliminarily determine that the following weighted-average margins exist for the period July 1, 2001, through June 30, 2002:

| Manufacturer/exporter                                 | Margin (percent) |
|---|------------------|
| Dole Food Company, Inc. (Dole) .....                  | 0.49             |
| The Thai Pineapple Public Company, Ltd. (TIPCO) ..... | 0.12             |
| Kuiburi Fruit Canning Co. Ltd. (Kuiburi) .....        | 0.40             |
| Thai Pineapple Canning Industry (TPC) .....           | 51.16            |
| Siam Fruit Canning (1988) Co. Ltd. (SIFCO) .....      | 8.39             |
| Vita Food Factory (1989) Co. Ltd. (Vita) .....        | 1.10             |
| Malee Sampran Public Co., Ltd. (Malee) .....          | 7.60             |