

On domestic sales, the company would be able to defer Customs duty payments on foreign materials. On domestic shipments of photovoltaic modules, the company would be able to choose the duty rate that applies to finished products (duty-free) instead of the rate otherwise applicable to the foreign components (duty-free to 6.5%). In addition, Sharp may realize logistical/procedural and other benefits from subzone status. The application indicates that the savings from zone procedures would help improve Sharp's international competitiveness.

In accordance with the Board's regulations, a member of the FTZ staff has been designated examiner to investigate the application and report to the Board.

Public comment is invited from interested parties. Submissions (original and 3 copies) shall be addressed to the Board's Executive Secretary at one of the following addresses:

1. *Submissions Via Express/Package Delivery Services:* Foreign-Trade-Zones Board, U.S. Department of Commerce, Franklin Court Building—Suite 4100W, 1099 14th St. NW., Washington, DC 20005; or

2. *Submissions Via the U.S. Postal Service:* Foreign-Trade-Zones Board, U.S. Department of Commerce, FCB—Suite 4100W, 1401 Constitution Ave. NW., Washington, DC 20230.

The closing period for their receipt is January 20, 2004. Rebuttal comments in response to material submitted during the foregoing period may be submitted during the subsequent 15-day period (to December 4, 2003).

A copy of the request will be available for public inspection at the Office of the Foreign-Trade Zones Board's Executive Secretary at address Number 1 listed above and at the U.S. Department of Commerce Export Assistance Center, Buckman Hall, Suite 328, 650 East Parkway South, Memphis, TN 38104.

Dated: November 6, 2003.

**Dennis Puccinelli,**

*Executive Secretary.*

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-549-813]

### Canned Pineapple Fruit From Thailand

**AGENCY:** Import Administration, International Trade Administration, Department of Commerce.

**ACTION:** Notice of Final Results of Antidumping Duty Administrative

Review, Rescission of Administrative Review in Part, and Final Determination to Not Revoke Order in Part: Canned Pineapple Fruit from Thailand.

**SUMMARY:** On June 27, 2003, the Department of Commerce (the Department) published the preliminary results of its administrative review of the antidumping duty order on canned pineapple fruit (CPF) from Thailand. This review covers seven producers/exporters of the subject merchandise. The period of review (POR) is July 1, 2001, through June 30, 2002. Based on our analysis of the comments received, these final results differ from the preliminary results. The final results are listed below in the Final Results of Review section. Consistent with the preliminary results, we are rescinding the review with respect to Prachuab Fruit Canning Company (Praft) based on our determination that this company had no shipments of subject merchandise to the United States during the POR.

**EFFECTIVE DATE:** November 19, 2003.

**FOR FURTHER INFORMATION CONTACT:**

Marin Weaver or Charles Riggle, Office 5, Group II, AD/CVD Enforcement, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230; telephone: (202) 482-2336 and (202) 482-0650, respectively.

**SUPPLEMENTARY INFORMATION:**

#### Background

This review covers the following producers/exporters of merchandise subject to the antidumping duty order on CPF from Thailand: Vita Food Factory (1989) Co., Ltd. (Vita), Kuiburi Fruit Canning Co., Ltd. (Kuiburi), Malee Sampran Public Co., Ltd. (Malee), The Thai Pineapple Public Co., Ltd. (TIPCO), Thai Pineapple Canning Industry Corp., Ltd. (TPC), Dole Food Company, Inc., Dole Packaged Foods Company, and Dole Thailand, Ltd. (collectively, Dole), and Siam Fruit Canning (1988) Co., Ltd. (SIFCO).

On June 27, 2003, the Department published the preliminary results of this review and invited interested parties to comment on those results. *See Notice of Preliminary Results, Partial Rescission of Antidumping Duty Administrative Review, and Preliminary Determination to Not Revoke Order in Part: Canned Pineapple Fruit From Thailand*, 68 FR 38291 (*Preliminary Results*). On July 28, 2003, we received case briefs from Dole,

Malee, TPC, and the petitioners.<sup>1</sup> On July 28, 2003, SIFCO submitted what it claimed was a case brief, but it was rejected by the Department for being comprised strictly of new factual information.<sup>2</sup> On August 4, 2003, we received rebuttal briefs from Dole, Malee, and the petitioners. We received rebuttal comments from Kuiburi on August 8, 2003.<sup>3</sup>

On July 28, 2003, Malee and the petitioners requested a public hearing, and Dole asked to participate if one was held. A public hearing<sup>4</sup> was held September 5, 2003, and was attended by Dole, Malee, and the petitioners.

#### Scope of the Order

The product covered by this order is CPF, defined as pineapple processed and/or prepared into various product forms, including rings, pieces, chunks, tidbits, and crushed pineapple, that is packed and cooked in metal cans with either pineapple juice or sugar syrup added. CPF is currently classifiable under subheadings 2008.20.0010 and 2008.20.0090 of the Harmonized Tariff Schedule of the United States (HTSUS). HTSUS 2008.20.0010 covers CPF packed in a sugar-based syrup; HTSUS 2008.20.0090 covers CPF packed without added sugar (*i.e.*, juice-packed). Although these HTSUS subheadings are provided for convenience and for customs purposes, the written description of the scope is dispositive.

#### Rescission

On October 4, 2002, in response to the Department's questionnaire, Praft stated that it made no shipments of subject merchandise to the United States during the POR. We ran a customs query and found that Praft had no shipments of subject merchandise during the POR. We received no comments regarding our preliminary decision to rescind the review with respect to Praft and, consistent with the preliminary results, we are rescinding the review with respect to Praft.

<sup>1</sup> The petitioners in the case are Maui Pineapple Company and the International Longshoremen's and Warehousemen's Union.

<sup>2</sup> See Letter to Mr. Prayut Visutvatanasak from Gary Taverman, Director, Office 5, Import Administration (July 30, 2003).

<sup>3</sup> Kuiburi was granted permission to submit rebuttal comments on August 8, 2003, due to a delay in its receipt of the petitioners' case brief. See Letter to Mr. Wichian Boonmapajorn from Charles Riggle, Program Manager, Office 5 (August 18, 2003).

<sup>4</sup> The petitioners' request for an *in camera* hearing was rejected because they failed to satisfy the criteria outlined in section 351.310(f) of the Department's regulations. See Letter to the petitioners from Gary Taverman (August 4, 2003).