

MESSAGE NO: 4026201 MESSAGE DATE: 01/26/2004
MESSAGE STATUS: Active CATEGORY: Antidumping
TYPE: LIQ-Liquidation PUBLIC NON-PUBLIC
SUB-TYPE:

FR CITE: FR FR CITE DATE:

REFERENCE
MESSAGE #
(s):

CASE #(s): A-570-848

EFFECTIVE DATE: COURT CASE #:

PERIOD OF REVIEW: TO

PERIOD COVERED: 09/01/2002 TO 08/31/2003

Notice of Lifting of Suspension Date:

TO: { Directors Of Field Operations, Port Directors }

FROM: { Director AD/CVD & Revenue Policy & Programs }

RE: LIQUIDATION INSTRUCTIONS FOR FRESHWATER CRAWFISH TAIL MEAT FROM THE PEOPLE'S REPUBLIC OF CHINA (A-570-848)

MESSAGE NO: 4026201 DATE: 01 26 2004

CATEGORY: ADA TYPE: LIQ

REFERENCE: REFERENCE DATE:

CASES: A - 570 - 848 - -

- - - -

- - - -

PERIOD COVERED: 09 01 2002 TO 08 31 2003

LIQ SUSPENSION DATE:

TO: DIRECTORS OF FIELD OPERATIONS
PORT DIRECTORS

FROM: DIRECTOR, SPECIAL ENFORCEMENT

RE: LIQUIDATION INSTRUCTIONS FOR FRESHWATER CRAWFISH TAIL MEAT FROM THE PEOPLE'S REPUBLIC OF CHINA (A-570-848)

1. THE DEPARTMENT OF COMMERCE DOES NOT AUTOMATICALLY CONDUCT ADMINISTRATIVE REVIEWS OF ANTIDUMPING DUTY ORDERS. INSTEAD, REVIEWS MUST BE REQUESTED IN ACCORDANCE WITH SECTION 351.213(B) OF THE COMMERCE DEPARTMENT REGULATIONS.

2. THE DEPARTMENT OF COMMERCE HAS RECEIVED COMPANY-SPECIFIC REQUESTS FOR AN ADMINISTRATIVE REVIEW OF THE ANTIDUMPING DUTY ORDER FOR THE PERIOD AND ON THE MERCHANDISE LISTED BELOW.

THEREFORE, IN ACCORDANCE WITH SECTION 351.212(C) OF THE COMMERCE

DEPARTMENT REGULATIONS, YOU ARE TO ASSESS ANTIDUMPING DUTIES ON ALL MERCHANDISE ENTERED, OR WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION AT THE CASH DEPOSIT RATE IN EFFECT ON THE DATE OF ENTRY TO WHICH THE FOLLOWING INFORMATION APPLIES:

FRESHWATER CRAWFISH TAIL MEAT PERIOD
FROM THE PEOPLE'S REPUBLIC OF CHINA

(A-570-848) SEPTEMBER 1, 2002- AUGUST 31, 2003

LIQUIDATE ALL ENTRIES FOR ALL FIRMS EXCEPT:

CHINA EVERBRIGHT

CHINA KINGDOM IMPORT & EXPORT CO., LTD., AKA CHINA KINGDOMA
IMPORT & EXPORT CO., LTD., AKA ZHONGDA IMPORT & EXPORT CO., LTD.

FUJIAN PELAGIC FISHERY GROUP CO.
HUAIYIN FOREIGN TRADE CORPORATION (5)

JIANGSU HILONG INTERNATIONAL TRADING CO., LTD.

HUAIYIN FOREIGN TRADE CORPORATION (30)

JIANGSU CEREALS, OILS, & FOODSTUFFS IMPORT & EXPORT CORP.

HUBEI QIANGJIANG HOUHU COLD & PROCESSING FACTORY

NANTONG DELU AQUATIC FOOD CO., LTD.

NANTONG SHENGFA FROZEN FOOD CO., LTD.

NINGBO NANLIAN FROZEN FOODS CO., LTD.

NORTH SUPREME SEAFOOD

QINGDAO JINYONGXIANG AQUATIC FOODS CO., LTD.

QINGDAO RIRONG FOODSTUFF CO., LTD., AKA QINGDAO RIRONG FOODSTUFFS

QINGDAO XIYUAN REFRIGERATED FOOD CO., LTD., AKA QINGDAO XIYUAN
REFRIGERATE FOOD CO., LTD.

QINGDAO ZHENGRI SEAFOOD CO., LTD., AKA QINGDAO ZHENGRI SEAFOODS

SHANGHAI OCEAN FLAVOR INTERNATIONAL TRADING CO., LTD.

SHANGHAI TAOEN INTERNATIONAL TRADING CO., LTD.

SHANGHAI YANGFEN INTERNATIONAL TRADING CO., LTD.

SHOUZHOU HUAXIANG FOODSTUFFS CO., LTD.

SIYANG FOREIGN TRADE CO., LTD.

SUQIAN FOREIGN TRADE CORP., AKA SUQIAN FOREIGN TRADING

WEISHAN FUKANG FOODSTUFFS CO., LTD.

WEISHAN ZHENYU FOODSTUFF CO., LTD.

YANCHENG BAOLONG BIOCHEMICAL PRODUCTS CO., LTD.

YANCHENG FOREIGN TRADE CORP., AKA YANCHENG FOREIGN TRADING, AKA
YANG CHEN FOREIGN TRADING

YANCHENG FUDA FOODS CO., LTD.

YANCHENG HAITENG AQUATIC PRODUCTS & FOODS CO., LTD .

YANCHENG YAOU SEAFOODS

YANGZHOU LAKEBEST FOODS CO., LTD.

ZHOUSHAN HUADING SEAFOOD CO., LTD.

3. FOR ALL COMPANIES THAT DO NOT APPEAR IN PARAGRAPH 2 ABOVE, ASSESS AN ANTIDUMPING LIABILITY ON THE ENTERED VALUE BASED ON THE RATES IN EFFECT AT THE TIME OF ENTRY. ENTRIES FROM COMPANIES THAT DO NOT HAVE A SEPARATE RATE IN THE MODULE (A-570-848-000) SHOULD BE LIQUIDATED AT THE PRC-WIDE RATE OF 223.01 PERCENT.

4. THESE INSTRUCTIONS COVER IMPORTS OF FRESHWATER CRAWFISH TAIL MEAT IN ALL ITS FORMS (WHETHER WASHED OR WITH FAT ON, WHETHER PURGED OR UNPURGED), GRADES, AND SIZES; WHETHER FROZEN, FRESH, OR CHILLED; AND REGARDLESS OF HOW IT IS PACKED, PRESERVED, OR PREPARED. EXCLUDED FROM THE SCOPE OF THE ORDER ARE LIVE CRAWFISH AND OTHER WHOLE CRAWFISH, WHETHER BOILED, FROZEN, FRESH, OR CHILLED. ALSO EXCLUDED ARE SALTWATER CRAWFISH OF ANY TYPE, AND PARTS THEREOF. FRESHWATER CRAWFISH TAIL MEAT IS CURRENTLY CLASSIFIABLE IN THE HARMONIZED TARIFF SCHEDULE OF THE UNITED STATES (HTSUS) UNDER ITEM NUMBERS 1605.40.10.10, 1605.40.10.90, 0306.19.00.10 AND 0306.29.00.00. THE HTSUS SUBHEADINGS ARE PROVIDED FOR CONVENIENCE AND CUSTOMS PURPOSES ONLY. THE WRITTEN DESCRIPTION OF THE SCOPE OF THIS ORDER IS DISPOSITIVE.

5. THESE INSTRUCTIONS CONSTITUTE THE IMMEDIATE LIFTING OF SUSPENSION OF LIQUIDATION OF ENTRIES FOR THE COMPANIES, MERCHANDISE AND PERIOD LISTED ABOVE. FOR ALL OTHER SHIPMENTS OF FRESHWATER CRAWFISH TAIL MEAT FROM THE PEOPLE'S REPUBLIC OF CHINA, YOU SHALL, UNLESS OTHERWISE INSTRUCTED, CONTINUE TO COLLECT CASH DEPOSITS OF ESTIMATED ANTIDUMPING DUTIES FOR THE MERCHANDISE AT THE CURRENT RATES.

6. THE ASSESSMENT OF ANTIDUMPING DUTIES BY THE U.S. CUSTOMS AND BORDER PROTECTION (CBP) ON ENTRIES OF THIS MERCHANDISE IS SUBJECT TO THE PROVISIONS OF SECTION 778 OF THE TARIFF ACT OF 1930, AS AMENDED (THE ACT). SECTION 778 OF THE ACT REQUIRES THAT CBP PAY INTEREST ON OVERPAYMENTS AND ASSESS INTEREST ON UNDERPAYMENTS OF

THE REQUIRED AMOUNTS DEPOSITED AS ESTIMATED ANTIDUMPING DUTIES. THE INTEREST PROVISIONS ARE NOT APPLICABLE TO CASH OR BONDS POSTED AS ESTIMATED ANTIDUMPING DUTIES BEFORE THE DATE OF

PUBLICATION OF THE ANTIDUMPING DUTY ORDER. INTEREST SHALL BE CALCULATED FROM THE DATE PAYMENT OF ESTIMATED ANTIDUMPING DUTIES IS REQUIRED THROUGH THE DATE OF LIQUIDATION. THE RATE AT WHICH SUCH INTEREST IS PAYABLE IS THE RATE IN EFFECT UNDER SECTION 6621 OF THE INTERNAL REVENUE CODE OF 1954 FOR SUCH PERIOD.

7. UPON ASSESSMENT OF ANTIDUMPING DUTIES, CBP SHOULD REQUIRE THAT THE IMPORTER PROVIDE A REIMBURSEMENT STATEMENT AS DESCRIBED IN SECTION 351.402(f)(2) OF THE COMMERCE DEPARTMENT'S REGULATIONS. THE IMPORTER SHOULD PROVIDE THE REIMBURSEMENT STATEMENT PRIOR TO LIQUIDATION OF THE ENTRY. IF THE IMPORTER CERTIFIES THAT IT HAS AN AGREEMENT WITH THE EXPORTER TO BE REIMBURSED ANTIDUMPING DUTIES, CBP SHOULD DOUBLE THE ANTIDUMPING DUTIES IN ACCORDANCE WITH THE ABOVE-REFERENCED REGULATION. ADDITIONALLY, IF THE IMPORTER DOES NOT RESPOND TO YOUR FORMAL REQUEST (VIA CF 28 OR 29) FOR THE REIMBURSEMENT STATEMENT PRIOR TO LIQUIDATION, CBP SHOULD PRESUME REIMBURSEMENT AND DOUBLE THE ANTIDUMPING DUTIES DUE.

8. IF THERE ARE ANY QUESTIONS REGARDING THIS MATTER BY CBP OFFICERS, THE IMPORTING PUBLIC OR INTERESTED PARTIES, PLEASE CONTACT DAVINA HASHMI AT THE OFFICE OF AD/CVD ENFORCEMENT, IMPORT ADMINISTRATION, INTERNATIONAL TRADE ADMINISTRATION, U.S. DEPARTMENT OF COMMERCE, AT (202) 482-0984 (GENERATED BY G307:MR).

9. THERE ARE NO RESTRICTIONS ON THE RELEASE OF THIS INFORMATION.

CATHY SAUCEDA

Company Details

*Party Indicator Value:

I = Importer, M = Manufacturer, E = Exporter, S = Sold To Party