

MESSAGE NO: 4198206 MESSAGE DATE: 07/16/2004
MESSAGE STATUS: Active CATEGORY: Antidumping
TYPE: PRE-Preliminary PUBLIC NON-PUBLIC
SUB-TYPE:

FR CITE: FR FR CITE DATE:

REFERENCE
MESSAGE #
(s):

CASE #(s): A-552-802

EFFECTIVE DATE: COURT CASE #:

PERIOD OF REVIEW: TO

PERIOD COVERED: 07/16/2004 TO

Notice of Lifting of Suspension Date:

TO: { Directors Of Field Operations, Port Directors }

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

RE: NOTICE OF PRELIMINARY DETERMINATION, NEGATIVE PRELIMINARY DETERMINATION OF CRITICAL CIRCUMSTANCES, CERTAIN FROZEN AND CANNED WARMWATER SHRIMP FROM VIETNAM

MESSAGE NO: 4198206	DATE: 07 16 2004
CATEGORY: ADA	TYPE: PRE
REFERENCE:	REFERENCE DATE:
CASES: A - 552 - 802	- -
- -	- -
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PERIOD COVERED: 07 16 2004 TO

LIQ SUSPENSION DATE:

TO: DIRECTORS OF FIELD OPERATIONS
PORT DIRECTORS

FROM: DIRECTOR, SPECIAL ENFORCEMENT

RE: NOTICE OF PRELIMINARY DETERMINATION, NEGATIVE PRELIMINARY DETERMINATION OF CRITICAL CIRCUMSTANCES, CERTAIN FROZEN AND CANNED WARMWATER SHRIMP FROM VIETNAM

1. ON JULY 16, 2004, THE DEPARTMENT OF COMMERCE PUBLISHED IN THE FEDERAL REGISTER ITS NOTICE OF PRELIMINARY DETERMINATION OF SALES AT LESS THAN FAIR VALUE, NEGATIVE PRELIMINARY DETERMINATION OF CRITICAL CIRCUMSTANCES AND POSTPONEMENT OF FINAL DETERMINATION: CERTAIN FROZEN AND CANNED WARMWATER SHRIMP FROM THE SOCIALIST REPUBLIC OF VIETNAM.

2. THE SCOPE OF THIS INVESTIGATION INCLUDES CERTAIN WARMWATER

SHRIMP AND PRAWNS, WHETHER FROZEN OR CANNED, WILD-CAUGHT (OCEAN HARVESTED) OR FARM-RAISED (PRODUCED BY AQUACULTURE), HEAD-ON OR HEAD-OFF, SHELL-ON OR PEELED, TAIL-ON OR TAIL-OFF,¹ DEVEINED OR NOT DEVEINED, COOKED OR RAW, OR OTHERWISE PROCESSED IN FROZEN OR CANNED FORM.

THE FROZEN OR CANNED WARMWATER SHRIMP AND PRAWN PRODUCTS INCLUDED

IN THE SCOPE OF THE INVESTIGATIONS, REGARDLESS OF DEFINITIONS IN THE HARMONIZED TARIFF SCHEDULE OF THE UNITED STATES ("HTSUS"), ARE PRODUCTS WHICH ARE PROCESSED FROM WARMWATER SHRIMP AND PRAWNS

THROUGH EITHER FREEZING OR CANNING AND WHICH ARE SOLD IN ANY COUNT SIZE.

THE PRODUCTS DESCRIBED ABOVE MAY BE PROCESSED FROM ANY SPECIES OF WARMWATER SHRIMP AND PRAWNS. WARMWATER SHRIMP AND PRAWNS ARE GENERALLY CLASSIFIED IN, BUT ARE NOT LIMITED TO, THE PENAEIDAE

FAMILY. SOME EXAMPLES OF THE FARMED AND WILD-CAUGHT WARMWATER SPECIES INCLUDE, BUT ARE NOT LIMITED TO, WHITELEG SHRIMP (PENAEUS VANNAMEI), BANANA PRAWN (PENAEUS MERGUIENSIS), FLESHY PRAWN (PENAEUS CHINENSIS), GIANT RIVER PRAWN (MACROBRACHIUM ROSENBERGII), GIANT TIGER PRAWN (PENAEUS MONODON), REDSPOTTED SHRIMP (PENAEUS BRASILIENSIS), SOUTHERN BROWN SHRIMP (PENAEUS SUBTILIS), SOUTHERN PINK SHRIMP (PENAEUS NOTIALIS), SOUTHERN ROUGH SHRIMP (TRACHYPENAEUS CURVIROSTRIS), SOUTHERN WHITE SHRIMP (PENAEUS SCHMITTI), BLUE SHRIMP (PENAEUS STYLIROSTRIS), WESTERN WHITE SHRIMP (PENAEUS OCCIDENTALIS), AND INDIAN WHITE PRAWN (PENAEUS INDICUS).

FROZEN SHRIMP AND PRAWNS THAT ARE PACKED WITH MARINADE, SPICES OR SAUCE ARE INCLUDED IN THE SCOPE OF THE INVESTIGATIONS. IN ADDITION, FOOD PREPARATIONS, WHICH ARE NOT "PREPARED MEALS," THAT CONTAIN MORE THAN 20 PERCENT BY WEIGHT OF SHRIMP OR PRAWN ARE ALSO INCLUDED IN THE SCOPE OF THE INVESTIGATIONS.

EXCLUDED FROM THE SCOPE ARE (1) BREADED SHRIMP AND PRAWNS (1605.20.10.20); (2) SHRIMP AND PRAWNS GENERALLY CLASSIFIED IN THE PANDALIDAE FAMILY AND COMMONLY REFERRED TO AS COLDWATER SHRIMP, IN ANY STATE OF PROCESSING; (3) FRESH SHRIMP AND PRAWNS WHETHER SHELL-ON OR PEELED (0306.23.00.20 AND 0306.23.00.40); (4) SHRIMP AND PRAWNS IN PREPARED MEALS (1605.20.05.10); AND (5) DRIED SHRIMP AND PRAWNS.

THE PRODUCTS COVERED BY THIS SCOPE ARE CURRENTLY CLASSIFIABLE UNDER THE FOLLOWING HTSUS SUBHEADINGS; 0306.13.00.03, 0306.13.00.06, 0306.13.00.09, 0306.13.00.12, 0306.13.00.15, 0306.13.00.18, 0306.13.00.21, 0306.13.00.24, 0306.13.00.27, 0306.13.00.40, 1605.20.10.10, 1605.20.10.30, AND 1605.20.10.40.

THESE HTSUS SUBHEADINGS ARE PROVIDED FOR CONVENIENCE AND FOR CBP

PURPOSES ONLY AND ARE NOT DISPOSITIVE, BUT RATHER THE WRITTEN DESCRIPTIONS OF THE SCOPE OF THESE INVESTIGATIONS IS DISPOSITIVE.

3. FOR FURTHER REPORTING PURPOSES THIS CASE HAS BEEN ASSIGNED INVESTIGATION NUMBER A-552-802.

4. FOR IMPORTS OF CERTAIN FROZEN AND CANNED WARMWATER SHRIMP, U.S. CUSTOMS AND BORDER PROTECTION (CBP) SHALL SUSPEND LIQUIDATIONS OF SUCH SHIPMENTS ENTERED, OR WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION ON OR AFTER JULY 16, 2004. EFFECTIVE JULY 16, 2004, CBP SHALL REQUIRE, FOR ALL SUCH ENTRIES, A CASH DEPOSIT OR THE POSTING OF A BOND EQUAL TO THE MARGINS SHOWN BELOW:

MANUFACTURER OR EXPORTER	CUSTOMS ID NUMBER	MARGIN PERCENTAGE
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VIETNAM-WIDE	A-552-802-000	93.13
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CAMIMEX OR CAMAU FROZEN SEAFOOD PROCESSING IMPORT EXPORT CORPORATION OR CAMAU SEAFOOD FACTORY NO. 4

A-552-802-001	19.60
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KIM ANH CO., LTD. A-552-802-002 12.11

SEAPRODEX MINH HAI OR MINH HAI JOINT STOCK SEAFOOD PROCESSING
COMPANY A-552-802-003 18.68

MINH PHU SEAFOOD CORPORATION A-552-802-004 14.89

AMANDA VN OR AMANDA FOODS (VIETNAM) LTD. (AMANDA)
A-552-802-005 16.01

C.P. VIETNAM LIVESTOCK CO., LTD.
A-552-802-006 16.01

CADOVIMEX OR CAI DOI VAM SEAFOOD IMPORT EXPORT COMPANY
A-552-802-007 16.01

CATACO OR CANTHO AGRICULTURE AND ANIMAL PRODUCTS IMPORT EXPORT
COMPANY
A-552-802-008 16.01

CAFATEX OR CANTHO ANIMAL FISHERIES PRODUCT PROCESSING EXPORT
ENTERPRISE A-552-802-009 16.01

CUU LONG SEAPRO OR CUU LONG SEAPRODUCTS COMPANY
A-552-802-010 16.01

SEAPRODEX DANANG OR DANANG SEAPRODUCTS IMPORT EXPORT ENTERPRISE
A-552-802-011 16.01

SEAPRODUCTS HANOI OR HANOI SEAPRODUCTS IMPORT EXPORT CORPORATION
A-552-802-012 16.01

MINH HAI JOSTOCO OR MINH HAI EXPORT FROZEN SEAFOOD PROCESSING
JOINT-STOCK COMPANY A-552-802-013 16.01

SEAPRIMEXCO OR MINH HAI SEAPRODUCTS CO., LTD.

A-552-802-014 16.01

NHA TRANG GISCO OR NHA TRANG FISHERIES JOINT STOCK COMPANY

A-552-802-015 16.01

NHA TRANG SEAFOODS OR NHA TRANG SEAPRODUCT COMPANY

A-552-802-016 16.01

PATAYA VN OR PATAYA FOOD INDUSTRIES (VIETNAM) LTD.

A-552-802-017 16.01

FIMEX VN OR SAO TA FOODS JOINT STOCK COMPANY

A-552-802-018 16.01

STAPIMEX OR SOC TRANG AQUATIC PRODUCTS AND GENERAL IMPORT EXPORT

COMPANY A-552-802-019 16.01

THUAN PHUOC SEAFOODS AND TRADING CORPORATION OR FROZEN SEAFOODS

FACTORY NO. 32 A-570-893-020 16.01

VIET NHAN COMPANY A-570-893-021 16.01

5. IN ACCORDANCE WITH T.D. 85-145, AT THE DISCRETION OF CBP, CBP OFFICERS MAY ACCEPT EITHER A SINGLE-ENTRY BASIC IMPORTATION AND ENTRY BOND OR A CONTINUOUS BASIC IMPORTATION AND ENTRY BOND ONLY IF THE AMOUNT OF THE ESTIMATED ANTIDUMPING OR COUNTERVAILING DUTY IS LESS THAN FIVE PERCENT AD VALOREM (OR THE EQUIVALENT). OTHERWISE, WHERE THE IMPORTER HAS THE OPTION TO POST A BOND FOR ESTIMATED ANTIDUMPING OR COUNTERVAILING DUTIES, CBP OFFICERS MUST REQUIRE A SINGLE-ENTRY BASIC IMPORTATION AND ENTRY BOND PURSUANT TO T.D. 85-145. YOU ARE INSTRUCTED TO ADHERE TO THE REQUIREMENTS OF T.D. 85-145 WITH RESPECT TO THESE BONDING REQUIREMENTS.

6. IF THERE ARE ANY QUESTIONS REGARDING THIS MATTER BY CBP OFFICERS, THE IMPORTING PUBLIC OR INTERESTED PARTIES, PLEASE CONTACT DAVINA HASHMI OR RON TRENTAM AT OFFICE OF AD/CVD ENFORCEMENT, IMPORT ADMINISTRATION, INTERNATIONAL TRADE ADMINISTRATION, U.S. DEPARTMENT OF COMMERCE, AT (202) 482-0984 OR (202) 482-3577 RESPECTIVELY (GENERATED BY 09:NN).

7. 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