

MESSAGE NO: 4247202 MESSAGE DATE: 09/03/2004
MESSAGE STATUS: Active CATEGORY: Antidumping
TYPE: PRE-Preliminary PUBLIC NON-PUBLIC
SUB-TYPE:

FR CITE: FR FR CITE DATE:

REFERENCE 4224216
MESSAGE #
(s):

CASE #(s): A-351-838

EFFECTIVE DATE: COURT CASE #:

PERIOD OF REVIEW: TO

PERIOD COVERED: 08/30/2004 TO

Notice of Lifting of Suspension Date:

TO: { Directors Of Field Operations, Port Directors }

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

RE: AMENDED PRELIM. DETERMINATION - AD DUTY INVESTIGATION OF CERTAIN
FROZEN AND CANNED WARMWATER SHRIMP-BRAZIL (A-351-838-000 AND A-351-838-002)
SEE ALSO MSG 4217202

MESSAGE NO: 4247202

DATE: 09 03 2004

CATEGORY: ADA

TYPE: PRE

REFERENCE: 4224216

REFERENCE DATE: 08 11 2004

CASES: A - 351 - 838

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PERIOD COVERED: 08 30 2004 TO

LIQ SUSPENSION DATE:

TO: DIRECTORS OF FIELD OPERATIONS

PORT DIRECTORS

FROM: DIRECTOR, SPECIAL ENFORCEMENT

RE: AMENDED PRELIM. DETERMINATION - AD DUTY INVESTIGATION
OF CERTAIN FROZEN AND CANNED WARMWATER SHRIMP-BRAZIL
(A-351-838-000 AND A-351-838-002) SEE ALSO MSG 4217202

1. THE DEPARTMENT OF COMMERCE PUBLISHED IN THE
FEDERAL REGISTER ON 08/30/2004 ITS AMENDED PRELIMINARY
DETERMINATION OF SALES AT LESS THAN FAIR VALUE IN THE
ANTIDUMPING DUTY INVESTIGATION OF CERTAIN FROZEN AND
CANNED WARMWATER SHRIMP FROM BRAZIL. THIS IS AN
AMENDMENT TO MESSAGE 4224216 DATED 08/11/2004.

2. FOR PURPOSES OF THIS INVESTIGATION, THE PRODUCTS

COVERED ARE 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 (INCLUDING THE TELSON AND THE UROPODS), 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 INVESTIGATION, 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 INVESTIGATION. 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 INVESTIGATION.

EXCLUDED FROM THE SCOPE ARE (1) BREADED SHRIMP AND PRAWNS (INCLUDING BATTERED SHRIMP) (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 CLASSIFIED 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 U.S. CUSTOMS AND BORDER PROTECTION (CBP) PURPOSES ONLY AND ARE NOT DISPOSITIVE, BUT RATHER THE WRITTEN DESCRIPTION OF THE SCOPE OF THIS INVESTIGATION IS DISPOSITIVE.

3. FOR FURTHER REPORTING PURPOSES THIS CASE HAS BEEN ASSIGNED INVESTIGATION NUMBER A-351-838.

4. THE DEPARTMENT HAS REVISED ITS MARGIN CALCULATION FOR EMPRESA DE ARMAZENAGEM FRIGORIFICA LTDA (EMPAF) AND ITS AFFILIATE MARICULTURA NETUNO S.A. (MARICULTURA) DUE TO A MINISTERIAL ERROR. THEREFORE, FOR IMPORTS OF CERTAIN FROZEN AND CANNED WARMWATER SHRIMP FROM BRAZIL PRODUCED/EXPORTED BY EMPAF MARICULTURA, CBP SHALL SUSPEND LIQUIDATION OF SUCH SHIPMENTS ENTERED OR WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION

ON

OR AFTER AUGUST 30, 2004. EFFECTIVE AUGUST 30, 2004 CBP SHALL REQUIRE, FOR SUCH ENTRIES, A CASH DEPOSIT OR THE POSTING OF A BOND EQUAL TO THE MARGINS SHOWN BELOW:

MFR/PRODUCER	CBP ID	MARGIN/AD VALOREM
EXPORTER	NUMBER	PERCENTAGE

EMPRESA DE ARMAZENAGEM
FRIGORIFICA LTDA (EMPAF)
AND ITS AFFILIATE
MARICULTURA NETUNO S.A.
(MARICULTURA) A-351-838-002 12.86%

ALL OTHERS A-351-838-000 23.66%

5. IN ACCORDANCE WITH T.D. 85-145, AT THE DISCRETION OF THE CUSTOMS SERVICE, CUSTOMS 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, CUSTOMS 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. THE MARGINS FOR CENTRAL DE INDUSTRIALIZACAO E DISTRIBUICAO DE ALIMENTOS LTD.(CIDA) AND NORTE PESCA S.A. CONTINUE TO BE THOSE STATED IN MESSAGE 4217202 DATED 08/04/2004.

7. IF THERE ARE ANY QUESTIONS REGARDING THIS MATTER BY CBP OFFICERS, THE IMPORTING PUBLIC OR INTERESTED PARTIES, PLEASE CONTACT DAVINA HASHMI OR RON TRENTHAM AT OFFICE OF AD/CVD ENFORCEMENT, OFFICE 2 IMPORT ADMINISTRATION, INTERNATIONAL TRADE ADMINISTRATION, U.S. DEPARTMENT OF COMMERCE, AT (202) 482-0984 OR (202) 482-3577 RESPECTIVELY (GENERATED BY G1O2:KJ).

8. 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