

MESSAGE NO: 4294204 MESSAGE DATE: 10/20/2004
MESSAGE STATUS: Active CATEGORY: Antidumping
TYPE: PRE-Preliminary PUBLIC NON-PUBLIC
SUB-TYPE:

FR CITE: FR FR CITE DATE:

REFERENCE 4198206
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 AMENDED PRELIMINARY DETERMINATION: AD DUTY INVESTIGATION OF CERTAIN FROZEN AND CANNED WARMWATER SHRIMP FROM VIETNAM (A-552-802)

MESSAGE NO: 4294204

DATE: 10 20 2004

CATEGORY: ADA

TYPE: PRE

REFERENCE: 4198206

REFERENCE DATE: 07 16 2004

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 AMENDED PRELIMINARY DETERMINATION: AD DUTY INVESTIGATION OF CERTAIN FROZEN AND CANNED WARMWATER SHRIMP FROM VIETNAM (A-552-802)

1. ON SEPTEMBER 1, 2004, THE DEPARTMENT OF COMMERCE PUBLISHED IN THE FEDERAL REGISTER ITS AMENDED FINAL DETERMINATION, IN THE INVESTIGATION OF CERTAIN FROZEN AND CANNED WARMWATER SHRIMP FROM

THE SOCIALIST REPUBLIC OF VIETNAM (A-552-802). THIS IS AN AMENDMENT OF MESSAGE #4198206 ON JULY 16, 2004.

2. FOR PURPOSES OF THIS INVESTIGATION, THE PRODUCT COVERED IS 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, THE BUREAU OF CUSTOMS AND BORDER PROTECTION ("CUSTOMS") SHALL CONTINUE TO SUSPEND LIQUIDATION OF SUCH SHIPMENTS ENTERED OR WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION ON OR AFTER July 16, 2004, WHICH IS THE PUBLICATION DATE OF THE PRELIMINARY DETERMINATION, FROM THE FOLLOWING MANUFACTURERS, PRODUCERS, OR EXPORTERS:

MANUFACTURER OR EXPORTER CUSTOMS ID NUMBER MARGIN PERCENTAGE

VIETNAM-WIDE A-552-802-000 93.13

CAMIMEX OR CAMAU FROZEN SEAFOOD PROCESSING IMPORT EXPORT CORPORATION OR CAMAU SEAFOOD FACTORY NO. 4

A-552-802-001 19.60

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

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-552-802-020 16.01

VIET NHAN COMPANY

A-552-802-021 16.01

KISIMEX OR KIEN GIANG SEA-PRODUCT IMPORT-EXPORT COMPANY

A-552-802-022 16.01

5. IN ACCORDANCE WITH T.D. 85-145, AT THE DISCRETION OF CUSTOMS,
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. 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, IMPORT ADMINISTRATION, INTERNATIONAL TRADE ADMINISTRATION, U.S. DEPARTMENT OF COMMERCE, AT (202) 482-0984 OR (202) 482-3577 RESPECTIVELY (GENERATED BY 09: JEH).

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