

MESSAGE NO: 4350201 MESSAGE DATE: 12/15/2004
MESSAGE STATUS: Active CATEGORY: Antidumping
TYPE: FNO-Final Det w/Order PUBLIC NON-PUBLIC
SUB-TYPE:

FR CITE: FR FR CITE DATE:

REFERENCE
MESSAGE #
(s):

CASE #(s): A-570-893

EFFECTIVE DATE: COURT CASE #:

PERIOD OF REVIEW: TO

PERIOD COVERED: 12/08/2004 TO

Notice of Lifting of Suspension Date:

TO: { Directors Of Field Operations, Port Directors }

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

RE: NOTICE OF FINAL DETERMINATION OF SALES AT LESS THAN FAIR VALUE:
CERTAIN FROZEN AND CANNED WARMWATER SHRIMP FROM THE PEOPLE'S REPUBLIC
OF CHINA (A-570-893)

MESSAGE NO: 4350201

DATE: 12 15 2004

CATEGORY: ADA

TYPE: FNO

REFERENCE:

REFERENCE DATE:

CASES: A - 570 - 893

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PERIOD COVERED: 12 08 2004 TO

LIQ SUSPENSION DATE:

TO: DIRECTORS OF FIELD OPERATIONS

PORT DIRECTORS

FROM: DIRECTOR, SPECIAL ENFORCEMENT

RE: NOTICE OF FINAL DETERMINATION OF SALES AT LESS THAN
FAIR VALUE: CERTAIN FROZEN AND CANNED WARMWATER
SHRIMP FROM THE PEOPLE'S REPUBLIC OF CHINA (A-570-893)

1. ON DECEMBER 8, 2004, THE DEPARTMENT OF COMMERCE PUBLISHED IN
THE FEDERAL REGISTER ITS FINAL DETERMINATION, IN THE
INVESTIGATION OF CERTAIN FROZEN AND CANNED WARMWATER SHRIMP FROM

THE PEOPLE'S REPUBLIC OF CHINA (A-570-893).

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-OFF¹, DEVEINED OR NOT DEVEINED, COOKED OR RAW, OR OTHERWISE PROCESSED IN FROZEN OR CANNED FORM.

FROZEN OR CANNED WARMWATER SHRIMP AND PRAWN PRODUCTS COVERED

BY THE SCOPE INCLUDES 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, WHICH

ARE GENERALLY CLASSIFIED IN, BUT NOT LIMITED TO, THE PENAEIDAE FAMILY.

THE PRODUCTS WITHIN THE SCOPE INCLUDE: FROZEN SHRIMP AND PRAWNS THAT ARE PACKED WITH MARINADE, SPICES OR SAUCE; AND, FOOD PREPARATIONS, WHICH ARE NOT "PREPARED MEALS," THAT CONTAIN MORE THAN 20 PERCENT BY WEIGHT OF SHRIMP OR PRAWN.

THESE PRODUCTS ARE CLASSIFIABLE UNDER TARIFF ARTICLE CODES: 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. ALTHOUGH THE HTSUS SUBHEADINGS ARE PROVIDED, OUR WRITTEN DESCRIPTION OF THE SCOPE OF THIS PROCEEDING IS DISPOSITIVE.

THE DEPARTMENT HAS ISSUED NINE DECISIONS REGARDING THE SCOPE OF THE MERCHANDISE COVERED BY THIS INVESTIGATION: (1) ON MAY 21, 2004, THE DEPARTMENT DECLINED TO EXPAND THE SCOPE OF THIS INVESTIGATION TO INCLUDE FRESH (NEVER FROZEN) SHRIMP; (2) ON JULY 2, 2004, PURSUANT TO A REQUEST FROM OCEAN DUKE, THE DEPARTMENT FOUND THAT ITS "SEAFOOD MIX" IS EXCLUDED FROM THE SCOPE OF THIS

INVESTIGATION; (3) ON JULY 2, 2004, THE DEPARTMENT FOUND THAT SALAD SHRIMP, SOLD IN COUNTS OF 250 PIECES OR HIGHER, ARE INCLUDED WITHIN THE SCOPE OF THE THIS INVESTIGATION; (4) ON JULY 2, 2004, THE DEPARTMENT FOUND MACROBRACHIUM ROSENBERGII AND ORGANIC SHRIMP INCLUDED WITHIN THE SCOPE OF THIS INVESTIGATION; (5) ON JULY 2, 2004, THE DEPARTMENT FOUND THAT PEELED SHRIMP ARE INCLUDED WITHIN THE SCOPE OF THIS INVESTIGATION; (6) ON NOVEMBER 29, 2004, THE DEPARTMENT FOUND THAT SHRIMP SAUCE IS EXCLUDED FROM THE SCOPE OF THIS INVESTIGATION; (7) ON NOVEMBER 29, 2004, THE DEPARTMENT FOUND XIAN-NING SEAFOOD CO., LTD.'S SCAMPI SHRIMP IS INCLUDED WITHIN THE SCOPE OF THESE INVESTIGATION; (8) ON NOVEMBER 29, 2004, THE DEPARTMENT FOUND CERTAIN DUSTED SHRIMP² ARE OUTSIDE THE SCOPE OF THIS INVESTIGATION; AND (9) ON NOVEMBER 29, 2004, THE DEPARTMENT FOUND CERTAIN BATTERED SHRIMP³ ARE OUTSIDE THE SCOPE OF THIS INVESTIGATION.

3. THE DEPARTMENT OF COMMERCE FOUND THAT A DE MINIMIS MARGIN OF 0.07 PERCENT EXISTS WITH RESPECT TO IMPORTS OF CERTAIN FROZEN AND CANNED WARMWATER SHRIMP FROM THE PEOPLE'S REPUBLIC OF CHINA WHICH WAS PRODUCED AND EXPORTED BY ZHANJIANG GUOLIAN AQUATIC PRODUCTS CO., LTD. ("ZHANJIANG GUOLIAN"). ACCORDINGLY, FOR CERTAIN FROZEN AND CANNED WARMWATER SHRIMP PRODUCED AND EXPORTED BY ZHANJIANG GUOLIAN CBP SHOULD NOT SUSPEND LIQUIDATION.

4. FOR IMPORTS OF CERTAIN FROZEN AND CANNED WARMWATER SHRIMP FROM THE PEOPLE'S REPUBLIC OF CHINA FROM RED GARDEN OR SHANTOU RED GARDEN FOODSTUFF CO., LTD. OR RED GARDEN FOOD PROCESSING CO., LTD. (COLLECTIVELY "RED GARDEN"), CBP SHALL CONTINUE TO SUSPEND LIQUIDATION OF SUCH SHIPMENTS ENTERED, OR WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION ON OR AFTER JULY 16, 2004. EFFECTIVE DECEMBER 8, 2004, CBP SHALL REQUIRE FOR SUCH ENTRIES A CASH DEPOSIT OR THE POSTING OF A BOND EQUAL TO THE MARGIN SHOWN BELOW FOR RED GARDEN:

MANUFACTURER/PRODUCER OR EXPORTER CBP ID NUMBER MARGIN
PERCENTAGE

RED GARDEN A-570-893-002 27.89

5. FOR IMPORTS OF CERTAIN FROZEN AND CANNED WARMWATER SHRIMP FROM

THE PEOPLE'S REPUBLIC OF CHINA NOT PRODUCED AND EXPORTED BY
ZHANJIANG GUOLIAN OR RED GARDEN, CBP SHALL CONTINUE TO SUSPEND
LIQUIDATION OF SUCH SHIPMENTS ENTERED, OR WITHDRAWN FROM
WAREHOUSE, FOR CONSUMPTION ON OR AFTER APRIL 17, 2004. EFFECTIVE
DECEMBER 8, 2004, CBP SHALL REQUIRE FOR SUCH ENTRIES A CASH
DEPOSIT OR THE POSTING OF A BOND EQUAL TO THE MARGINS SHOWN
BELOW:

MANUFACTURER/PRODUCER OR EXPORTER CBP ID NUMBER MARGIN
PERCENTAGE

ALLIED PACIFIC GROUP

(ALLIED PACIFIC FOOD (DALIAN) CO., LTD.);

(ALLIED PACIFIC (HK) CO., LTD. OR KING ROYAL INVESTMENTS, LTD.);

(ALLIED PACIFIC AQUATIC PRODUCTS (ZHANJIANG) CO., LTD.)

OR ALLIED PACIFIC AQUATIC PRODUCTS (ZHONGSHAN) CO., LTD.)

A-570-893-001 84.93

YELIN; YELIN ENTERPRISE

CO. HONG KONG

(YANGJIANG CITY)

(YELIN HOITAT QUICK

FROZEN SEAFOOD CO., LTD.);

(FUQING YIHUA AQUATIC

PRODUCTS CO., LTD.)

OR YELIN FROZEN SEAFOOD CO. A-570-893-003 82.27

BEIHAI ZHENGWU

INDUSTRY CO., LTD.

A-570-893-005 55.23

CHENGHAI NICH
LAN FOOD CO., LTD. A-570-893-006 55.23

DALIAN FTZ SEA-RICH
INTERNATIONAL TRADING
CO., LTD. A-570-893-007 55.23

DONGRI AQUATIC
PRODUCTS FREEZING PLANTS
OR DONGRI AQUATIC SHANTOU
OCEAN FREEZING. A-570-893-008 55.23

GALLANT OCEAN LIANGJIANG
CO., LTD. A-570-893-009 55.23

PINGYANG XINYE AQUATIC
PRODUCTS CO., LTD. A-570-893-011 55.23

SAVVY SEAFOOD INC. A-570-893-012 55.23

SHANGHAI TAOEN INTERNATIONAL
TRADING CO., LTD. A-570-893-013 55.23

SHANTOU JINYUAN
DISTRICT MINGFENG
QUICK-FROZEN FACTORY A-570-893-014 55.23

SHANTOU LONG FENG
FOODSTUFFS CO., LTD. A-570-893-015 55.23

SHANTOU WANYA FOOD
FACTORY CO., LTD. A-570-893-016 55.23

SHANTOU OCEAN
FREEZING INDUSTRY
AND TRADE GENERAL
CORPORATION A-570-893-017 55.23

XUWEN HAILANG
BREEDING CO., LTD. A-570-893-018 55.23

YANTAI WEI-CHENG
FOOD CO., LTD. A-570-893-019 55.23

ZHANGJIANG NEWPRO
FOOD CO., LTD. A-570-893-020 55.23

ZHANGJIANG BOBOGO
OCEAN CO., LTD. A-570-893-021 55.23

ZHANGJIANG UNIVERSAL
SEAFOOD CORP. A-570-893-022 55.23

ZHOUSHAN CEREALS OILS
AND FOODSTUFFS
IMPORT AND EXPORT
CO., LTD. A-570-893-023 55.23

ZHOUSHAN HUADING
SEAFOOD CO., LTD. A-570-893-024 55.23

ZHOUSHAN LIZHOU
FISHERY CO., LTD. A-570-893-025 55.23

SHANTOU SHENGPING
OCEANSTAR
BUSINESS CO., LTD. A-570-893-026 55.23

SHANTOU YUEXING
ENTERPRISE COMPANY A-570-893-027 55.23

CHAOYANG QIAOFENG GROUP
CO., LTD.(SHANTOU QIAOFENG
GROUP)CO., LTD.) A-570-893-028 55.23

FUQING DONGWEI AQUATIC
PRODUCTS FREEZING PLANTS A-570-893-029 55.23

HAINAN GOLDEN SPRING
FOODS CO., LTD. A-570-893-030 55.23

KAIFENG OCEAN SKY
INDUSTRY CO., LTD. A-570-893-031 55.23

LEIZHOU ZHULIAN FROZEN
FOOD CO., LTD. A-570-893-032 55.23

SHANTOU FREEZING
AQUATIC PRODUCT FOOD STUFFS
CO. A-570-893-033 55.23

SHANTOU JINHANG AQUATIC
INDUSTRY COL. LTD. A-570-893-034 55.23

SHANTOU RUIYUAN INDUSTRY
CO., LTD. A-570-893-035 55.23

ZHANJIANG GO-HARVEST
AQUATIC PRODUCTS CO.,
LTD. A-570-893-036 55.23

ZHANGJIANG RUNHAI
FOODS CO., LTD. A-570-893-037 55.23

ZHANJIANG EVERGREEN AQUATIC
PRODUCT SCIENCE AND TECHNOLOGY
CO., LTD. A-570-893-038 55.23

HAINAN FRUIT VEGETABLE
FOOD ALLOCATION CO., LTD. A-570-893-039 55.23

ASIAN SEAFOODS (ZHANJIANG)

CO., LTD. A-570-893-040 55.23

PRC-WIDE A-570-893-000 112.81

6. 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.

7. 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 O9:JSC).

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