

MESSAGE NO: 4351203 MESSAGE DATE: 12/16/2004
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-552-802

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:CERTAIN FROZEN AND CANNED
WARMWATER SHRIMP FROM THE SOCIALIST REPUBLIC OF VIETNAM (A-552-802)

MESSAGE NO: 4351203 DATE: 12 16 2004

CATEGORY: ADA TYPE: FNO

REFERENCE: REFERENCE DATE:

CASES: A - 552 - 802 - -

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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:CERTAIN FROZEN AND CANNED
WARMWATER SHRIMP FROM THE SOCIALIST REPUBLIC OF VIETNAM
(A-552-802)

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 SOCIALIST REPUBLIC OF VIETNAM (A-552-802).

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.

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 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 SHRIMP ARE OUTSIDE THE SCOPE OF THIS INVESTIGATION.

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, 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 MARGINS SHOWN BELOW 4:

MANUFACTURER OR EXPORTER	CUSTOMS ID NUMBER	MARGIN PERCENTAGE
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VIETNAM-WIDE	A-552-802-000	25.76
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CAMAU FROZEN SEAFOOD PROCESSING

IMPORT EXPORT CORPORATION	A-552-802-001	4.99
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KIM ANH COMPANY LIMITED	A-552-802-002	25.76
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MINH HAI JOINT STOCK SEAFOODS

PROCESSING COMPANY	A-552-802-003	4.13
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MINH PHU SEAFOOD CORPORATION	A-552-802-004	4.21
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AMANDA FOODS (VIETNAM) LTD.	A-552-802-005	4.38
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C.P. VIETNAM LIVESTOCK CO., LTD.	A-552-802-006	4.38
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CAI DOI VAM SEAFOOD

IMPORT-EXPORT COMPANY	A-552-802-007	4.38
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CANTHO AGRICULTURE AND ANIMAL

PRODUCTS IMPORT EXPORT COMPANY	A-552-802-008	4.38
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CANTHO ANIMAL FISHERIES PRODUCT
PROCESSING EXPORT ENTERPRISE A-552-802-009 4.38

CUU LONG SEAPRODUCTS COMPANY A-552-802-010 4.38

DANANG SEAPRODUCTS IMPORT EXPORT
CORPORATION A-552-802-011 4.38

HANOI SEAPRODUCTS IMPORT EXPORT
CORPORATION A-552-802-012 4.38

MINH HAI EXPORT FROZEN SEAFOOD
PROCESSING JOINT-STOCK COMPANY A-552-802-013 4.38

MINH HAI SEAPRODUCTS IMPORT
EXPORT CORPORATION A-552-802-014 4.38

NHA TRANG FISHERIES JOINT
STOCK COMPANY A-552-802-015 4.38

NHA TRANG SEAPRODUCT COMPANY A-552-802-016 4.38

PATAYA FOOD INDUSTRIES
(VIETNAM) LTD. A-552-802-017 4.38

SAO TA FOODS JOINT STOCK COMPANY A-552-802-018 4.38

SOC TRANG AQUATIC PRODUCTS AND
GENERAL IMPORT EXPORT COMPANY A-552-802-019 4.38

THUAN PHUOC SEAFOODS AND
TRADING CORPORATION A-552-802-020 4.38

VIET NHAN COMPANY A-552-802-021 4.38

KIEN GIANG SEA-PRODUCT
IMPORT-EXPORT COMPANY A-552-802-022 4.38

AQUATIC PRODUCTS TRADING COMPANY A-552-802-023 4.38

BAC LIEU FISHERIES COMPANY LIMITED A-552-802-024 4.38

COASTAL FISHERIES DEVELOPMENT
CORPORATION A-552-802-025 4.38

CAM RANH SEAFOODS PROCESSING
ENTERPRISE COMPANY A-552-802-026 4.38

PHU CUONG SEAFOOD PROCESSING AND
IMPORT-EXPORT COMPANY LIMITED A-552-802-027 4.38

SONG HUONG ASC IMPORT-EXPORT
COMPANY LTD. A-552-802-028 4.38

UTXI AQUATIC PRODUCTS
PROCESSING COMPANY A-552-802-029 4.38

VIET FOODS CO., LTD. A-552-802-030 4.38

VIET HAI SEAFOOD COMPANY LTD. A-552-802-031 4.38

VINH LOI IMPORT EXPORT COMPANY A-552-802-032 4.38

INVESTMENT COMMERCE FISHERIES
CORPORATION A-552-802-033 4.38

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) 482-3577 (GENERATED BY O9:PW).

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