

MESSAGE NO: 5040204 MESSAGE DATE: 02/09/2005
MESSAGE STATUS: Active CATEGORY: Antidumping
TYPE: LIQ-Liquidation PUBLIC NON-PUBLIC
SUB-TYPE:

FR CITE: FR FR CITE DATE:

REFERENCE 4351203
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: AMENDED FINAL DETERMINATION AND ANTIDUMPING DUTY ORDER IN THE INVESTIGATION OF CERTAIN FROZEN WARMWATER SHRIMP FROM THE SOCIALIST REPUBLIC OF VIETNAM (A-552-802)

MESSAGE NO: 5040204

DATE: 02 09 2005

CATEGORY: ADA

TYPE: LIQ

REFERENCE: 4351203

REFERENCE DATE: 12 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: AMENDED FINAL DETERMINATION AND ANTIDUMPING DUTY ORDER IN THE INVESTIGATION OF CERTAIN FROZEN WARMWATER SHRIMP FROM THE SOCIALIST REPUBLIC OF VIETNAM (A-552-802)

1. ON FEBRUARY 1, 2005, THE DEPARTMENT OF COMMERCE PUBLISHED IN THE FEDERAL REGISTER ITS AMENDED FINAL DETERMINATION AND ANTIDUMPING DUTY ORDER, IN THE INVESTIGATION OF CERTAIN FROZEN WARMWATER SHRIMP FROM THE SOCIALIST REPUBLIC OF VIETNAM. THIS IS AN AMENDMENT OF MESSAGE 4351203 ON 12/16/2004.

2. THE SCOPE OF THIS ORDER INCLUDES CERTAIN WARMWATER SHRIMP AND PRAWNS, WHETHER FROZEN, 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 FORM.

THE FROZEN WARMWATER SHRIMP AND PRAWN PRODUCTS INCLUDED IN THE SCOPE OF THIS ORDER, REGARDLESS OF DEFINITIONS IN THE HARMONIZED TARIFF SCHEDULE OF THE UNITED STATES (HTS), ARE PRODUCTS WHICH ARE PROCESSED FROM WARMWATER SHRIMP AND PRAWNS THROUGH FREEZING 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 THIS ORDER. 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 THIS

ORDER.

EXCLUDED FROM THE SCOPE ARE: 1) BREADED SHRIMP AND PRAWNS (HTS SUBHEADING 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 (HTS SUBHEADINGS 0306.23.00.20 AND 0306.23.00.40); 4) SHRIMP AND PRAWNS IN PREPARED MEALS (HTS SUBHEADING 1605.20.05.10); 5) DRIED SHRIMP AND PRAWNS; 6) CANNED WARMWATER SHRIMP AND PRAWNS (HTS SUBHEADING 1605.20.10.40); 7) CERTAIN DUSTED SHRIMP; AND 8) CERTAIN BATTERED SHRIMP. DUSTED SHRIMP IS A SHRIMP-BASED PRODUCT: 1) THAT IS PRODUCED FROM FRESH (OR THAWED-FROM-FROZEN) AND PEELED SHRIMP; 2) TO WHICH A "DUSTING" LAYER OF RICE OR WHEAT FLOUR OF AT LEAST 95 PERCENT PURITY HAS BEEN APPLIED; 3) WITH THE ENTIRE SURFACE OF THE SHRIMP FLESH THOROUGHLY AND EVENLY COATED WITH THE FLOUR; 4) WITH THE NON-SHRIMP CONTENT OF THE END PRODUCT CONSTITUTING BETWEEN FOUR AND TEN PERCENT OF THE PRODUCT'S TOTAL WEIGHT AFTER BEING DUSTED, BUT PRIOR TO BEING FROZEN; AND 5) THAT IS SUBJECTED TO INDIVIDUALLY QUICK FROZEN (IQF) FREEZING IMMEDIATELY AFTER APPLICATION OF THE DUSTING LAYER. BATTERED SHRIMP IS A SHRIMP-BASED PRODUCT THAT, WHEN DUSTED IN ACCORDANCE WITH THE DEFINITION OF DUSTING ABOVE, IS COATED WITH A WET VISCOUS LAYER CONTAINING EGG AND/OR MILK, AND PAR-FRIED.

THE PRODUCTS COVERED BY THIS ORDER ARE CURRENTLY CLASSIFIED UNDER THE FOLLOWING HTS 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, AND 1605.20.10.30. THESE

HTS SUBHEADINGS ARE PROVIDED FOR CONVENIENCE AND FOR CUSTOMS PURPOSES ONLY AND ARE NOT DISPOSITIVE, BUT

RATHER THE WRITTEN DESCRIPTION OF THE SCOPE OF THIS ORDER IS DISPOSITIVE.

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

4. FOR IMPORTS OF CERTAIN FROZEN WARMWATER SHRIMP FROM THE SOCIALIST REPUBLIC OF VIETNAM, CUSTOMS AND BORDER PROTECTION SHALL CONTINUE TO SUSPEND LIQUIDATION OF SUCH SHIPMENTS ENTERED, OR WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION ON OR AFTER JULY 16, 2004. EFFECTIVE JANUARY 27, 2005 CBP SHALL REQUIRE A CASH DEPOSIT EQUAL TO THE MARGINS SHOWN BELOW:

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,
OR CAMIMEX,

OR CAMAU SEAFOOD FACTORY NO. 4	A-552-802-001	5.24
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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,

OR SEAPRODEX MINH HAI	A-552-802-003	4.30
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MINH PHU SEAFOOD CORPORATION,

OR MINH PHU SEAFOOD EXPORT-IMPORT CORPORATION,

OR MINH PHU,

OR MINH PHU SEAFOOD PTE.,

OR MINH QUI SEAFOOD CO. LTD.,

OR MINH QUI,

OR MINH PHAT SEAFOOD CO. LTD.,

OR MINH PHAT	A-552-802-004	4.38
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AMANDA FOODS (VIETNAM) LTD.,
OR AMANDA VN,
OR AMANDA A-552-802-005 4.57

C.P. VIETNAM LIVESTOCK CO., LTD. A-552-802-006 4.57

CAI DOI VAM SEAFOOD IMPORT-EXPORT COMPANY,
OR CADOVIMEX A-552-802-007 4.57

CANTHO AGRICULTURE AND ANIMAL PRODUCTS IMPORT EXPORT COMPANY,
OR CAN THO AGRICULTURE AND ANIMAL PRODUCTS IMPORT EXPORT
COMPANY
OR CATACO,
OR DUYEN HAI FOODSTUFFS PROCESSING FACTORY,
OR CASEAFOOD,
OR COSEAFEX,
OR CANTHO SEAFOOD EXPORT A-552-802-008 4.57

CANTHO ANIMAL FISHERIES PRODUCT PROCESSING EXPORT ENTERPRISE,
OR CAFATEX,
OR CAFATEX VIETNAM,
OR XI NGHIEP CHE BIEN THUY SUC SAN XUAT KHAU CAN THO,
OR CAS,
OR CAS BRANCH,
OR CAFATEX SAIGON,
OR CAFATEX FISHERY JOINT STOCK CORPORATION,
OR CAFATEX CORPORATION,
OR TAYDO SEAFOOD ENTERPRISE A-552-802-009 4.57

CUU LONG SEAPRODUCTS COMPANY,
OR CUU LONG SEAPRO A-552-802-010 4.57

DANANG SEAPRODUCTS IMPORT EXPORT CORPORATION,
OR SEAPRODEX DANANG,
OR THO QUANG SEAFOOD PROCESSING AND EXPORT COMPANY,
OR THO QUANG A-552-802-011 4.57

HANOI SEAPRODUCTS IMPORT EXPORT CORPORATION,
OR SEAPRODEX HANOI A-552-802-012 4.57

MINH HAI EXPORT FROZEN SEAFOOD PROCESSING JOINT-STOCK
COMPANY,
OR MINH HAI JOSTOCO A-552-802-013 4.57

MINH HAI SEAPRODUCTS IMPORT EXPORT CORPORATION,
OR SEAPRIMEXCO A-552-802-014 4.57

NHA TRANG FISHERIES JOINT STOCK COMPANY,
OR NHATRANG FISHERIES JOINT STOCK COMPANY,
OR NHA TRANG FISCO,
OR NHATRANG FISCO A-552-802-015 4.57

NHA TRANG SEAPRODUCT COMPANY,
OR NHA TRANG SEAFOODS A-552-802-016 4.57

PATAYA FOOD INDUSTRIES (VIETNAM) LTD.,
OR PATAYA VN A-552-802-017 4.57

SAO TA FOODS JOINT STOCK COMPANY,
OR FIMEX VN,
OR SAOTA SEAFOOD FACTORY,
OR SAO TA SEAFOOD FACTORY A-552-802-018 4.57

SOC TRANG AQUATIC PRODUCTS AND GENERAL IMPORT EXPORT
COMPANY,
OR STAPIMEX A-552-802-019 4.57

THUAN PHUOC SEAFOODS AND TRADING CORPORATION,
OR FROZEN SEAFOODS FACTORY NO. 32 A-552-802-020 4.57

VIET NHAN COMPANY A-552-802-021 4.57

KIEN GIANG SEA-PRODUCT IMPORT-EXPORT COMPANY,
OR KIEN GIANG SEAPRODUCT IMPORT & EXPORT COMPANY,

OR KIEN GIANG SEAPRODUCT IMPORT AND EXPORT COMPANY,
OR KIEN GIANG SEAPRODUCT IMPORT EXPORT CO.,
OR KIEN GIANG SEA PRODUCT IMPORT & EXPORT CO.,
OR KIEN GIANG SEA PRODUCT IMPORT AND EXPORT COMPANY,
OR KIEN GIANG SEA PRODUCT IMPORT & EXPORT COMPANY,
OR KIEN GIANG SEA PRODUCT IMPORT & EXPORT CO.,
OR KIEN GIANG SEA PRODUCT IM. & EX. CO.,
OR KISIMEX A-552-802-022 4.57

AQUATIC PRODUCTS TRADING COMPANY,
OR APT,
OR A.P.T. CO. A-552-802-023 4.57

BAC LIEU FISHERIES COMPANY LIMITED,
OR BAC LIEU,
OR BAC LIEU FIS,
OR BAC LIEU FISHERIES CO. LTD.,
OR BAC LIEU FISHERIES LIMITED COMPANY,
OR BAC LIEU FISHERIES COMPANY LTD.,
OR BACLIEUFIS A-552-802-024 4.57

COASTAL FISHERIES DEVELOPMENT CORPORATION,
OR COFIDEC A-552-802-025 4.57

CAM RANH SEAFOODS PROCESSING ENTERPRISE COMPANY,
OR CAM RANH A-552-802-026 4.57

PHU CUONG SEAFOOD PROCESSING AND IMPORT-EXPORT COMPANY LIMITED,
OR PHU CUONG SEAFOOD PROCESSING IMPORT-EXPORT COMPANY LTD.,
OR PHU CUONG CO.,
OR PHU CUONG SEAFOOD PROCESSING & IMPORT-EXPORT CO. LTD .,
OR PHU CUONG SEAFOOD PROCESSING,
OR PHU CUONG CO. LTD.,
OR PHU CUONG SEAFOOD PROCESSING IMPORT & EXPORT COMPANY LIMITED,
OR PHU CUONG A-552-802-027 4.57

SONG HUONG ASC IMPORT-EXPORT COMPANY LTD.,
OR SONG HUONG ASC JOINT STOCK COMPANY,
OR SOSEAFOOD,
OR ASC,
OR SONG HUONG IMPORT EXPORT SEAFOOD JOINT STOCK COMPANY,
OR SONG HUONG IMPORT-EXPORT SEAFOOD JOINT STOCK COMPANY,
OR SONG HUONG IMPORT EXPORT SEAFOOD COMPANY,
OR SONG HUONG SEAFOOD IMPORT-EXPORT COMPANY,
OR SONG HUONG SEAFOOD IMPORT EXPORT CO.,
OR SONG HUONG SEAFOOD IM-EXPORT CO.,
OR SONGHUONG,
OR SONGHUONG JOINT STOCK COMPANYS A-552-802-028 4.57

UTXI AQUATIC PRODUCTS PROCESSING COMPANY,
OR UT XI AQUATIC PRODUCTS PROCESSING COMPANY,
OR UT-XI AQUATIC PRODUCTS PROCESSING COMPANY,
OR UTXI,
OR UTXI CO. LTD., A-552-802-029 4.57

VIET FOODS CO., LTD.,
OR VIET FOODS,
OR NAM HAI EXPORTS FOOD STUFF LIMITED,
OR NAM HAI EXPORT FOODSTUFF COMPANY LTD.,
OR VIETFOODS CO. LTD.,
OR VIET FOODS COMPANY LIMITED,
OR VIETFOODS COMPANY LIMITED A-552-802-030 4.57

VIET HAI SEAFOOD COMPANY LTD.,
OR VIETNAM FISH-ONE COMPANY CO. LTD.,
OR VIETNAM FISH-ONE,
OR VIETNAM FISH-ONE CO. LTD.,
OR VIETNAM FISH ONE CO. LTD.,
OR VIETNAM FISH ONE COMPANY LIMITED,
OR VIETNAM FISH-ONE COMPANY LIMITED,
OR OR VIETNAM FISHONE A-552-802-031 4.57

VINH LOI IMPORT EXPORT COMPANY,
OR VIMEXCO,
OR VINH LOI IMPORT/EXPORT CO.,
OR VIMEX,
OR VINHLOI IMPORT EXPORT COMPANY,
OR VINH LOI IMPORT-EXPORT COMPANY A-552-802-032 4.57

INVESTMENT COMMERCE FISHERIES CORPORATION,
OR INCOMFISH,
OR INVESTMENT COMMERCE FISHERIES CORP.,
OR INCOMFISH CORP.,
OR INCOMFISH CORPORATION A-552-802-033 4.57

NGOC SINH PRIVATE ENTERPRISE,
OR NGOC SINH SEAFOODS,
OR NGOC SINH FISHERIES,
OR NGOC SINH PRIVATE ENTERPRISES,
OR NGOC SINH SEAFOODS PROCESSING AND TRADING
ENTERPRISES,
OR NGOC SINH A-552-802-034 4.57

PHUONG NAM CO. LTD.,
OR PHUONG NAM COMPANY LIMITED,
OR PHUONG NAM A-552-802-035 4.57

5. EFFECTIVE JANUARY 27, 2005, WITH RESPECT TO ENTRIES
OF SUBJECT MERCHANDISE FROM FIRMS OTHER THOSE COVERED BY
PARAGRAPH 4 OF THIS MESSAGE, CBP SHALL REQUIRE A CASH
DEPOSIT AT A RATE OF 25.76 (A-552-802-000).

6. ON JANUARY 21, 2005, THE INTERNATIONAL TRADE
COMMISSION (ITC) NOTIFIED THE DEPARTMENT OF ITS FINAL
DETERMINATION THAT TWO DOMESTIC LIKE PRODUCTS EXIST FOR
THE MERCHANDISE COVERED BY THE DEPARTMENT'S
INVESTIGATION: 1) CERTAIN NON-CANNED WARMWATER SHRIMP
AND PRAWNS; AND 2) CANNED WARMWATER SHRIMP AND PRAWNS.
THE ITC DETERMINED THAT THERE IS NO INJURY REGARDING
IMPORTS OF CANNED WARMWATER SHRIMP AND PRAWNS FROM THE

SOCIALIST REPUBLIC OF VIETNAM; THEREFORE, CANNED WARMWATER SHRIMP AND PRAWNS ARE NOT COVERED BY THIS ANTIDUMPING DUTY ORDER.

FIELD OFFICES SHOULD DISCONTINUE SUSPENSION OF LIQUIDATION OF ALL SHIPMENTS OF CANNED WARMWATER SHRIMP AND PRAWNS ENTERED, OR WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION ON OR AFTER JULY 16, 2004. ALL ESTIMATED ANTIDUMPING DUTIES DEPOSITED ON ENTRIES OF THIS MERCHANDISE SHALL BE REFUNDED AND THE BONDS OR OTHER

SECURITY RELEASED AT THE TIME OF LIQUIDATION. INTEREST PROVISIONS OF SECTION 778 OF THE TARIFF ACT OF 1930 DO NOT APPLY.

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:NB).

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