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MESSAGE STATUS: Active CATEGORY: Antidumping
TYPE: ORD-Order PUBLIC NON-PUBLIC
SUB-TYPE: AMD-Amend

FR CITE: 76 FR 23277 FR CITE DATE: 04/26/2011

REFERENCE MESSAGE # (s): 5039204

CASE #(s): A-549-822

EFFECTIVE DATE: 04/26/2011 COURT CASE #:

PERIOD OF REVIEW: 10/01/2002 TO 09/30/2003

PERIOD COVERED: TO

Notice of Lifting of Suspension Date:

TO: { Directors Of Field Operations, Port Directors }

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

RE: AMENDED ANTIDUMPING DUTY ORDER ON CERTAIN FROZEN WARMWATER SHRIMP FROM THAILAND (A-549-822)

1. ON 04/14/2010, THE U.S. COURT OF INTERNATIONAL TRADE ("CIT") SUSTAINED THE REMAND REDETERMINATION ISSUED BY THE DEPARTMENT OF COMMERCE ("COMMERCE") PURSUANT TO THE CIT'S REMAND ORDER INVOLVING THE ANTIDUMPING DUTY INVESTIGATIONS OF CERTAIN FROZEN WARMWATER SHRIMP FROM BRAZIL, INDIA, THE PEOPLE'S REPUBLIC OF CHINA ("PRC"), THAILAND, AND THE SOCIALIST REPUBLIC OF VIETNAM ("VIETNAM"), IN WHICH COMMERCE FOUND DUSTED SHRIMP TO BE WITHIN THE SCOPE OF THE INVESTIGATIONS. ON 03/30/2011, THE U.S. INTERNATIONAL TRADE COMMISSION ("ITC") NOTIFIED THE DEPARTMENT OF ITS FINAL DETERMINATIONS IN THE FIVE-YEAR (SUNSET) REVIEWS CONCERNING THE ANTIDUMPING DUTY ORDERS ON FROZEN WARMWATER SHRIMP FROM BRAZIL, THE PRC, INDIA, THAILAND, AND VIETNAM, IN WHICH IT FOUND THAT REVOCATION OF THESE ORDERS WOULD LIKELY LEAD TO A CONTINUATION OR RECURRENCE OF MATERIAL INJURY TO AN INDUSTRY IN THE UNITED STATES WITHIN A REASONABLY FORESEEABLE TIME TO A U.S. INDUSTRY. THE ITC ALSO FOUND THE DOMESTIC LIKE PRODUCT TO INCLUDE DUSTED SHRIMP.

2. IN LIGHT OF THE CIT'S FINAL DECISION AND THE ITC'S SUNSET DETERMINATION, ON 04/26/2011, COMMERCE PUBLISHED IN THE FEDERAL REGISTER AN AMENDED ANTIDUMPING DUTY ORDER ON CERTAIN FROZEN WARMWATER SHRIMP FROM THAILAND (76 FR 23277), IN WHICH IT FOUND DUSTED SHRIMP TO BE WITHIN THE SCOPE OF THE ORDER.

3. THIS MESSAGE AMENDS MESSAGE 5039204 ON 02/08/2005, AMENDED FINAL DETERMINATION AND ANTIDUMPING DUTY ORDER IN THE INVESTIGATION OF CERTAIN FROZEN WARMWATER SHRIMP FROM THAILAND (A-549-822).

4. THE SCOPE OF THE 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 (INCLUDING DUSTED SHRIMP), 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); AND 7) CERTAIN BATTERED SHRIMP. BATTERED 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 10 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. WHEN DUSTED IN ACCORDANCE WITH THE DEFINITION OF DUSTING ABOVE, THE BATTERED SHRIMP PRODUCT IS ALSO 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.

5. EFFECTIVE 04/26/2011, CBP SHALL REQUIRE, FOR ENTRIES OF CERTAIN FROZEN WARMWATER SHRIMP FROM THAILAND, INCLUDING DUSTED SHRIMP, A CASH DEPOSIT EQUAL TO THE MARGINS IN EFFECT AT THE TIME OF ENTRY.

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 THE OFFICE OF AD/CVD OPERATIONS, IMPORT ADMINISTRATION, INTERNATIONAL TRADE ADMINISTRATION, U.S. DEPARTMENT OF COMMERCE, AT (202) 482-0984 OR (202) 482-3577, RESPECTIVELY (GENERATED BY 09:AV).

7. THERE ARE NO RESTRICTIONS ON THE RELEASE OF THIS INFORMATION.

MICHAEL B. WALSH

Company Details

*Party Indicator Value:

I = Importer, M = Manufacturer, E = Exporter, S = Sold To Party