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Scope Inquiry
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MEMORANDUM TO: Stephen J. Claeys
Deputy Assistant Secretary
for Import Administration

FROM: James Maeder *JM 2/24/07*
Director, Office 2
Office of AD/CVD Operations

SUBJECT: Scope Ruling: Contessa Premium Frozen Foods

RE: Antidumping Duty Orders on Certain Frozen Warmwater Shrimp
from Brazil, Ecuador, India, Thailand, the People's Republic of
China, and the Socialist Republic of Vietnam

Summary

On January 10, 2007,¹ the Department of Commerce (the Department) received a request from Contessa Premium Foods (Contessa) for a scope ruling regarding whether Enrobed Shrimp™ (Enrobed Shrimp) is within the scope of the antidumping duty orders on certain frozen warmwater shrimp (shrimp) from Brazil, Ecuador, India, Thailand, the People's Republic of China (PRC), and the Socialist Republic of Vietnam (Vietnam). On January 19, 2007, Contessa submitted additional information requested by the Department relating to its scope inquiry. In accordance with 19 CFR 351.225(k)(1), we recommend that the Department determine that Enrobed Shrimp is within the scope of the antidumping duty orders on shrimp from Brazil, Ecuador, India, Thailand, the PRC, and Vietnam.

Background

On January 10, 2007, Contessa filed its request for a scope ruling from the Department in proper form. On January 19, 2007, in response to the Department's request, Contessa submitted additional information regarding its scope inquiry. The Ad Hoc Shrimp Trade Action Committee

¹ We note that Contessa filed its scope ruling request on December 11, 2006, only on the administrative record of the Thai shrimp proceeding. We instructed it to re-submit its request on the administrative record of all six shrimp proceedings.



(the Petitioner), filed comments regarding Contessa's request on January 10, 2007,² and February 2, 2007. On February 22, 2007, Contessa met with Department officials to discuss its scope ruling request. See the Memorandum to the File from Alice Gibbons entitled "Scope Proceedings: Certain Frozen Warmwater Shrimp from Brazil, Ecuador, India, Thailand, the People's Republic of China and the Socialist Republic of Vietnam: Ex-Parte Meeting with Contessa Premium Foods," dated February 22, 2007. See also, Contessa's February 23, 2007, letter to the Department regarding the ex-parte meeting.

Contessa's Scope Request

Contessa states that Enrobed Shrimp consists of fully eviscerated, deveined, peeled, and washed shrimp that undergo an "enrobing" process which coats each piece of shrimp with a viscous mixture of, but not limited to, partially hydrogenated vegetable oil, autolyzed yeast extract, beta carotene, lecithin, salt, natural and artificial flavors, and other spices and seasonings. According to Contessa, the "enrobing" process requires advance preparation of the coating mixture in a mixing tank, after which the mixture is placed in an all-purpose breading and batter applicator machine for treatment of the shrimp. Contessa alleges that 66 percent of the mixture must adhere to the shrimp during the application process. According to Contessa, during the production process, the mixture permeates to the protein molecules of the shrimp, altering the flavor, texture, color, taste, appearance, moisture, and nutritional content of the shrimp. Contessa states that the coating accounts for 40 percent of the total weight of each piece of shrimp. Contessa explains that the Enrobed Shrimp is individually quick frozen and placed in packaging that clearly identifies the product as Contessa Enrobed Shrimp™ subject to Contessa's exclusive Proprietary Processing Protocol™. See Contessa's January 10 submission at page 2.

In making its argument, Contessa refers to the Department's previous scope ruling that excluded dusted and battered shrimp from the scope, as referenced in the final determinations of shrimp from Brazil, Ecuador, India, Thailand, the PRC, and Vietnam.³ Specifically, Contessa contends

² The petitioner originally filed its comments on December 27, 2006, on the administrative record of the Thai shrimp proceeding only. We instructed it to re-submit its comments on the administrative records of all six shrimp proceedings.

³ See Notice of Final Determination of Sales at Less Than Fair Value: Certain Frozen and Canned Warmwater Shrimp From Brazil, 69 FR 76910, 76911 (Dec. 23, 2004) (Brazil Shrimp Final Determination); Notice of Final Determination of Sales at Less Than Fair Value: Certain Frozen and Canned Warmwater Shrimp From Ecuador, 69 FR 76913, 76915 (Dec. 23, 2004) (Ecuador Shrimp Final Determination); Notice of Final Determination of Sales at Less Than Fair Value and Negative Final Determination of Critical Circumstances: Certain Frozen and Canned Warmwater Shrimp From India, 69 FR 76916, 76917 (Dec. 23, 2004) (India Shrimp Final Determination); Notice of Final Determination of Sales at Less Than Fair Value and Negative Final Determination of Critical Circumstances: Certain Frozen and Canned Warmwater Shrimp From Thailand, 69 FR 76918, 76919 (Dec. 23, 2004) (Thailand Shrimp Final Determination);

that the Department excluded dusted shrimp from the scope because: 1) it is comprised of components that create clear physical characteristics that separate dusted shrimp from the subject merchandise; 2) it is a separate class or kind of merchandise more similar to battered and breaded shrimp, which are outside the scope of the orders, than the subject merchandise; 3) the addition of dusting material physically changes the product significantly enough that it differs from the otherwise-subject merchandise (i.e., the covalent bond created between the dust and the shrimp's surface is compelling evidence that the shrimp has been physically transformed into a separate like product); 4) it is marketed to the same consumers as breaded shrimp, which are different from consumers of the subject merchandise; 5) its production requires special machinery and is produced in a distinct room from the subject merchandise; and, 6) removal of the dusting layer would be costly, time consuming, and fatal to the quality of the product. Contessa asserts that, based on the above-mentioned analysis, dusted (or breaded) and battered shrimp were excluded from the scope of the antidumping duty orders, and, if the same analysis were applied to Enrobed Shrimp it would also be outside of the scope of the orders.

Further, Contessa asserts that, in contrast to its determination to exclude dusted and battered shrimp, the Department determined that shrimp scampi should be included within the scope of the antidumping duty orders because: 1) it is coated with a liquid mixture; 2) it does not meet either the definition for breaded or battered shrimp; 3) the respondent failed to provide sufficient evidence to support its assertion that shrimp scampi is a separate class or kind of merchandise based on a "Diversified Products" analysis;⁴ and, 4) the respondent provided no evidence to support its assertion that the expectations of the ultimate purchaser, ultimate uses of shrimp scampi, channels of trade, and the manner in which shrimp scampi is displayed or advertised are different than those for the subject merchandise. See PRC Shrimp Final Determination, 69 FR at 71000 and Vietnam Shrimp Final Determination, 69 FR at 71007.

Contessa asserts that, for Enrobed Shrimp, the Department must, in the same manner as it did for its scope determinations for dusted shrimp and shrimp scampi: 1) apply a Diversified Products analysis; 2) consider the adequacy and the administrability of the proposed exclusion; and, 3) consider the quality of the evidence presented in support of the exclusion request.⁵ Contessa

Notice of Final Determination of Sales at Less Than Fair Value: Certain Frozen and Canned Warmwater Shrimp From the People's Republic of China, 69 FR 70997, 71001 (Dec. 8, 2004) (PRC Shrimp Final Determination); and Final Determination of Sales at Less Than Fair Value: Certain Frozen and Canned Warmwater Shrimp From the Socialist Republic of Vietnam, 69 FR 71005, 71008 (Dec. 8, 2004) (Vietnam Shrimp Final Determination).

⁴ This analysis is set forth in 19 CFR 351.225(k)(2).

⁵ See Brazil Shrimp Final Determination, 69 FR at 76911; Ecuador Shrimp Final Determination, 69 FR at 76915; India Shrimp Final Determination, 69 FR at 76917; Thailand Shrimp Final Determination, 69 FR at 76919; PRC Shrimp Final Determination, 69 FR at 71000; and Vietnam Shrimp Final Determination, 69 FR at 71007.

argues that, based on a Diversified Products analysis, the Department should find that Enrobed Shrimp falls within the same class or kind of merchandise as the dusted/battered/breaded shrimp which had been expressly excluded from the scope of the antidumping duty orders on shrimp from Brazil, Ecuador, India, Thailand, the PRC, and Vietnam.

The Petitioner's Comments

On January 10, 2007, the petitioner submitted comments opposing Contessa's request that the Department find Enrobed Shrimp to be outside the scope of the orders. Specifically, the petitioner argues that, based on Contessa's product description: 1) Enrobed Shrimp is plainly within the scope of the orders and does not fall within an exclusion of the scope; and, 2) Contessa's request for exclusion of Enrobed Shrimp conflicts with the Department's previous scope ruling with respect to shrimp scampi.

First, the petitioner contends that Contessa's description of Enrobed Shrimp does not demonstrate that the product is outside of the scope, but rather indicates that Enrobed Shrimp has characteristics that fall within the scope (i.e., warmwater shrimp processed into frozen form; frozen shrimp packed with marinade, spices, or sauce; and a food preparation containing more than 20 percent by weight of shrimp). Moreover, the petitioner maintains that Enrobed Shrimp does not meet the definition of any of the expressly defined exclusions of the orders, which include breaded shrimp or prawns, coldwater shrimp in any state of processing, fresh shrimp or prawns, dried shrimp or prawns, certain dusted shrimp, and certain battered shrimp. The petitioner argues that Contessa has not claimed that Enrobed Shrimp is breaded, battered, or dusted shrimp, but rather asserts that Enrobed Shrimp should be excluded from the scope of the orders because it is shrimp covered with a coating that constitutes at least 40 percent of each shrimp by weight. Further, the petitioner contends that Contessa's request for exclusion of Enrobed Shrimp conflicts with the Department's previous ruling that shrimp scampi is included in the scope of the orders. Specifically, the petitioner argues that: 1) Enrobed Shrimp is analogous to shrimp scampi in many aspects because both products are coated with a proprietary mixture and are individually quick frozen; and, 2) Contessa failed to demonstrate that Enrobed Shrimp is not like shrimp scampi.

Finally, the petitioner argues that the additional details and description of Enrobed Shrimp provided by Contessa clearly confirm that Enrobed Shrimp has no resemblance to dusted shrimp, given that Enrobed Shrimp: 1) is not dusted and evenly coated with a layer of rice or wheat flour of at least 95 percent purity; and 2) does not constitute between 4 and 10 percent of the product's total weight. Further, according to the petitioner, Contessa confirms that its Enrobed Shrimp is not coated with egg and/or milk, which are specified in the definition of battered shrimp. As a result, the petitioner contends that Enrobed Shrimp plainly falls under the definition of scope merchandise in the orders (i.e., shrimp and prawns that are packed with marinade, spices or

sauce, as well as food preparations, which are not prepared meals, that contain more than 20 percent by weight of shrimp or prawn).

The Department's Position

Legal Framework

The regulations governing the antidumping scope rulings of the Department are found at 19 CFR 351.225 (2006). On matters concerning the scope of an antidumping duty order, we are mindful that the language of the order determines the scope of the order. See Tak Fat Trading Co. v. United States, 396 F.3d 1378, 1382 (Fed. Cir. 2005) and Duferco Steel, Inc. v. United States, 296 F.3d 1087, 1097 (Fed. Cir. 2002) (Duferco). The Department interprets the language of the order with the aid of the descriptions of the merchandise contained in the petition, the initial investigation and the rulings of the Secretary of Commerce (including prior scope determinations) and of the International Trade Commission (ITC). See 19 CFR 351.225(k)(1). The Department may make a determination with or without a formal scope inquiry. If the Department determines that these descriptions are dispositive of the matter, the Department will issue a final scope ruling as to whether the merchandise is within the order. See 19 CFR 351.225(d).

Conversely, where the language of the order and the descriptions of the merchandise are not dispositive, the Department will consider the five additional factors set forth at 19 CFR 351.225(k)(2). These factors are: (i) the physical characteristics of the merchandise; (ii) the expectations of the ultimate purchasers; (iii) the ultimate use of the product; (iv) the channels of trade in which the product is sold; and, (v) the manner in which the product is advertised and displayed. These factors are commonly known as the Diversified Products⁶ criteria. The determination as to which analytical framework is most appropriate in any given scope inquiry is made on a case-by-case basis after consideration of all evidence presented to the Department.

The Department defined the scope of each antidumping (AD) order on shrimp from Brazil, Ecuador, India, Thailand, the PRC, and Vietnam as:

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,⁷ 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 investigation, regardless of definitions in the Harmonized Tariff Schedule of the United

⁶ Diversified Product Corp. v. United States, 6 CIT 155, 572 F. Supp. 883 (1983).

⁷ "Tails" in this context means the tail fan, which includes the telson and the uropods.

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 merguensis*), 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 investigation.⁸ 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 investigation.

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 subheading 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 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. 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.⁹

The products covered by this investigation are currently classifiable under the following HTS subheadings: 0306.13.00.03, 0306.13.00.06, 0306.13.00.09, 0306.13.00.12,

⁸ We note that the scope of the orders inadvertently referenced the investigations of the orders.

⁹ We note that in the PRC order, shrimp sauce imported by Lee Kum Kee was further excluded.

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 investigation is dispositive.

See Notice of Amended Final Determination of Sales at Less Than Fair Value and Antidumping Duty Order: Certain Frozen Warmwater Shrimp from Brazil, 70 FR 5143 (Feb. 1, 2005); Notice of Amended Final Determination of Sales at Less Than Fair Value and Antidumping Duty Order: Certain Frozen Warmwater Shrimp from Ecuador, 70 FR 5156 (Feb. 1, 2005); Notice of Amended Final Determination of Sales at Less Than Fair Value and Antidumping Duty Order: Certain Frozen Warmwater Shrimp from India, 70 FR 5147 (Feb. 1, 2005); Notice of Amended Final Determination of Sales at Less Than Fair Value and Antidumping Duty Order: Certain Frozen Warmwater Shrimp from Thailand, 70 FR 5145 (Feb. 1, 2005); Notice of Amended Final Determination of Sales at Less Than Fair Value and Antidumping Duty Order: Certain Frozen Warmwater Shrimp From the People's Republic of China, 70 FR 5149 (Feb. 1, 2005); and Notice of Amended Final Determination of Sales at Less Than Fair Value and Antidumping Duty Order: Certain Frozen Warmwater Shrimp From the Socialist Republic of Vietnam, 70 FR 5152 (Feb. 1, 2005).

The product description in the AD orders specifically excludes certain dusted shrimp and certain battered shrimp. See also Brazil Shrimp Final Determination, 69 FR at 76911; Ecuador Shrimp Final Determination, 69 FR at 76915; India Shrimp Final Determination, 69 FR at 76917; Thailand Shrimp Final Determination, 69 FR at 76919; PRC Shrimp Final Determination, 69 FR at 71000; and Vietnam Shrimp Final Determination, 69 FR at 71007.

On January 23, 2007, the Department published a correction to its scope to move the word "frozen" to be before "warmwater shrimp and prawns" in the first sentence of the first paragraph of the scope to clarify that only frozen warmwater shrimp and prawns are subject to the orders. As a result, the first paragraph of the scope of each order reads as follows:

The scope of this order includes certain frozen warmwater shrimp and prawns, whether wild-caught (ocean harvested) or farm-raised (produced by aquaculture), head-on or head-off, shell-on or peeled, tail-on or tail-off,¹⁰ deveined or not deveined, cooked or raw, or otherwise processed in frozen form.

See Certain Frozen Warmwater Shrimp from Brazil, Ecuador, India, Thailand, the People's Republic of China and the Socialist Republic of Vietnam; Amended Orders, 72 FR 2857 (Jan. 23, 2007).

¹⁰ "Tails" in this context means the tail fan, which includes the telson and the uropods.

Analysis

In the instant case, we have evaluated Contessa's request in accordance with 19 CFR 351.225(k)(1), and we find that the descriptions of the products contained in the AD orders, as amended, are dispositive in this case.

In analyzing the merchandise descriptions, we find that the orders (as amended) simply define the scope as:

The scope of this order includes certain frozen warmwater shrimp and prawns, whether wild-caught (ocean harvested) or farm-raised (produced by aquaculture), head-on or head-off, shell-on or peeled, tail-on or tail-off, 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 merguensis*), 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.

The scope of the orders contains no restrictions with respect to whether the frozen processed shrimp is seasoned or flavored or otherwise part of a food preparation that contains more than 20 percent by weight of shrimp or prawn. Rather, the orders simply define the scope as warmwater shrimp "processed in frozen form," irrespective of whether the shrimp are seasoned or flavored prior to freezing or otherwise part of a food preparation that contains more than 20 percent by weight of shrimp or prawn. Contessa's Enrobed Shrimp, therefore, fits the description of scope merchandise covered in the language of the orders.

Moreover, the scope of the orders specify that only the following products are excluded:

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 subheading 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.¹¹

Although Contessa contends that Enrobed Shrimp should be excluded because it is like dusted or battered shrimp, we note that this merchandise does not meet the definition of either product. Specifically, dusted shrimp is a shrimp-based product that:

- is produced from fresh (or thawed-from-frozen) and peeled shrimp
- has a “dusting” layer of rice or wheat flour of at least 95 percent purity which has been applied
- has the entire surface of the shrimp flesh thoroughly and evenly coated with the flour
- has 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
- is subjected to individually quick frozen (“IQF”) freezing immediately after application of the dusting layer

Further, battered shrimp is defined as 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.¹² Contessa itself acknowledges that: 1) Enrobed Shrimp is not dusted with a layer of wheat flour of at least 95 percent purity, but rather is coated with mixture of, but not limited to, partially hydrogenated vegetable oil, autolyzed yeast extract, beta carotene, lecithin, salt, natural and artificial flavors, and other spices and seasonings; 2) Enrobed Shrimp’s coating does not contain egg or milk; and 3) the non-shrimp content of Enrobed Shrimp exceeds the threshold percentage and constitutes approximately 40 percent of the product’s total weight. See Contessa’s January 10 submission at page 2 and Contessa’s January 19 submission at page 2.

¹¹ The PRC order further excludes Lee Kum Kee’s shrimp sauce.


¹² See Brazil Shrimp Final Determination, 69 FR at 76911; Ecuador Shrimp Final Determination, 69 FR at 76915; India Shrimp Final Determination, 69 FR at 76917; Thailand Shrimp Final Determination, 69 FR at 76919; PRC Shrimp Final Determination, 69 FR at 71000; and Vietnam Shrimp Final Determination, 69 FR at 71007.

Thus, because Enrobed Shrimp: 1) meets the definition of the scope of the orders; and 2) does not meet the definitions of products excluded from the scope orders, we find that this product fits the description of subject merchandise and is therefore not excluded from the orders. As such, the AD orders on shrimp from Brazil, Ecuador, India, Thailand, the PRC, and Vietnam clearly encompass Enrobed Shrimp.

Finally, we disagree with Contessa's contention that the Department is required to apply the Diversified Products analysis in order to determine whether Enrobed Shrimp should be excluded from the scope. As the courts have held, the language of the scope of an order governs, and other factors cannot substitute for this language. See Duferco, 296 F.3d at 1097. Further, in accordance with 19 CFR 351.225, the Department first examines the descriptions of the merchandise contained in the petition, the initial investigation and the rulings of the Secretary of Commerce (including prior scope determinations) and of the ITC. If the Department determines that the descriptions of the products in the AD order are dispositive, a formal scope ruling is not required. We have evaluated Contessa's request with respect to Enrobed Shrimp in accordance with these principles, and we find that the descriptions of the products contained in the AD orders are dispositive in this case. Therefore, we determine it unnecessary to consider the additional factors set forth at 19 CFR 351.225(k)(2).

Recommendation

As the merchandise descriptions contained in the scope of the antidumping duty orders provide a sufficient basis for making a scope determination, we recommend determining that no formal scope inquiry is warranted.



_____ Agree

_____ Disagree

We further recommend that the Department find Enrobed Shrimp™, as described above, to be within the scope of the AD orders on shrimp from Brazil, Ecuador, India, Thailand, the PRC, and Vietnam.

If you agree, we will send the attached letter to the interested parties, and will notify U.S. Customs and Border Protection of our determination.

Agree Disagree


Stephen J. Claeys
Deputy Assistant Secretary
for Import Administration

2/26/07
Date

Attachment

