
**AD/CVD OPERATIONS
QUANTITY AND VALUE QUESTIONNAIRE**

REQUESTER(S): {insert name of firm}

REPRESENTATION: {insert name of counsel and law firm and contact info}

CASE: Certain Frozen Warmwater Shrimp from Brazil (A-351-838)

PERIOD OF REVIEW: August 4, 2004, through January 31, 2006

DEADLINE FOR SUBMISSION OF CERTIFICATION: April 28, 2006

OFFICIAL IN CHARGE:

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AD/CVD Operations, Office 2
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FILING ADDRESS:

U.S. Department of Commerce
International Trade Administration
AD/CVD Operations, Office 2
1401 Constitution Avenue, NW, Room 1870
Washington, DC 20230
Attn: Katherine Johnson (Room 3083)

The Department of Commerce (the Department) is initiating an antidumping duty administrative review of 50 companies to determine whether certain frozen warmwater shrimp was sold in the United States at less than fair value during the period of August 4, 2004, through January 31, 2006.¹

Section 777A(c)(1) of the Tariff Act of 1930, as amended, (the Act) directs the Department to calculate individual dumping margins for each known exporter and producer of the subject merchandise. Where it is not practicable to examine all known producers/exporters of subject merchandise, as is the case in this present administrative review, section 777A(c)(2) of the Act permits the Department to examine either (1) a sample of exporters, producers or types of products that is statistically valid based on the information available at the time of selection; or (2) exporters and producers accounting for the largest volume of the subject merchandise from the exporting country that can be reasonably examined.

Due to the large number of requests for administrative review and the Department's experience regarding the resulting administrative burden to review each company for which a request has been made, the Department is considering exercising its authority to limit the number of respondents selected for review.

In advance of the issuance of the full antidumping questionnaire, we ask that each party for whom a review is initiated respond to Attachment I of this Quantity and Value Questionnaire requesting information on production of certain frozen warmwater shrimp and the quantity and U.S. dollar sales value of all exports to the United States of certain frozen warmwater shrimp² during the period of August 4, 2004, through January 31, 2006. Full and accurate responses to the Quantity and Value Questionnaire from all participating respondents is necessary to ensure that the Department has the requisite information to appropriately select mandatory respondents. If you had no shipments during the POR it is very important that you submit a statement to that effect, or the Department may have to assign a margin to your company based on adverse facts available.

Parties should note that the Department's regulations at 19 CFR 351.213(d)(1) permit parties that have requested an administrative review to withdraw that request within 90 days of the date of publication of the notice of initiation of the requested review. However, parties should be aware that for this particular administrative review, due to the time constraints imposed by our statutory deadlines and, if it is used, the need to preserve the statistical validity of the sampling methodology, it is unlikely that the Department will be able to grant any extensions

¹ There was a clerical error in the original investigation preliminary margin calculation resulting in a dumping margin of zero and no suspension of liquidation for entries from Empaf - Empresa de Armazenagem Frigorifica Ltda. As a result of correcting this clerical error, an affirmative margin resulted and suspension of liquidation for this entity began on August 30, 2004. See Notice of Amended Preliminary Determination of Sales at Less Than Fair Value: Certain Frozen and Canned Warmwater Shrimp from Brazil, 69 FR 52860 (August 30, 2004). Thus, the period of review (POR) for this company is August 30, 2004, through January 31, 2006.

² The scope of the merchandise subject to the antidumping duty order on certain frozen warmwater shrimp from Brazil is identified in Attachment II to this questionnaire.

to the 90-day time limit for withdrawal of request for review pursuant to 19 CFR 351.213(d)(1).

To allow for the possibility of sampling and to complete this segment within the statutory time frame, the Department will be limited in its ability to extend the deadline for the response to the Quantity and Value Questionnaire.

A definition of the scope of the merchandise subject to this review is included in Attachment II, and general instructions for responding to this Quantity and Value Questionnaire are contained in Attachment III. **Your response to this questionnaire may be subject to on-site verification by Department officials.**

ATTACHMENT I
FORMAT FOR REPORTING QUANTITY AND VALUE OF SALES

In providing the information in the chart below, please provide the total quantity in kilograms and total value (in U.S. dollars) of all your sales covered by the scope of this review (see enclosed scope description), produced in Brazil, and exported/shipped to the United States during the period August 4, 2004, through January 31, 2006.

Please provide the following information for your company. If you believe that you should be treated as a single entity along with other named exporters, please provide the information requested below both in the aggregate for all named entities in your group and separately for each named entity. Please label each chart accordingly.

(1) **U.S. Sales**

Merchandise	Total Quantity (In Kilograms)	Total Quantity³ (In Pounds)	Total Value (\$U.S.⁴)
Subject merchandise your company produced and shipped/exported to the United States during the POR.			
Subject merchandise exported/shipped to the United States by your company during the POR which was sourced from an unaffiliated supplier or suppliers (<u>i.e.</u> , not produced by your company).			
Subject merchandise produced by your company but exported/shipped through another company to the United States during the POR.			

³ Detail any conversion rates used to report quantity in pounds.

⁴ Values should be expressed in U.S. dollars. Indicate any exchange rates used and their respective dates and sources.

Subject merchandise exported/shipped to the United States by your company during the POR which was harvested in another country (i.e., not Brazil).			
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- NOTE: (1) If you sell products on a glazed-weight basis, report such sales on a net-weight basis.
- (2) Do not include the POR quantity and value of frozen warmwater shrimp harvested in another country in the first three categories in this table (i.e., report this data only in the final block of the chart).

(2) **Production**

Production	Total Quantity (In Kilograms)	Total Quantity⁵ (In Pounds)
Your total production of all merchandise meeting the description of certain frozen warmwater shrimp identified in Attachment II to this questionnaire, produced during the POR (regardless of the ultimate market destination).		
Subject merchandise you produced which was made from frozen shrimp harvested in another country (i.e., not Brazil). (Note: this quantity and value should not be included in the production reported above)		

NOTE: If you produce products on a glazed-weight basis, report such production on a net-weight basis.

⁵ Detail any conversion rates used to report quantity in pounds.

ATTACHMENT II DESCRIPTION OF PRODUCTS UNDER REVIEW

The scope of this review 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,¹ 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 review, 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 review. 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 review.

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 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.

The products covered by this review are currently classifiable 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

¹ “Tails” in this context means the tail fan, which includes the telson and the uropods.

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 review is dispositive.

ATTACHMENT III GENERAL INSTRUCTIONS

Instructions for Filing the Response

The following instructions apply to all documents you submit to the Department during the course of this proceeding.

1. File your response in Washington, D.C. at:

U.S. Department of Commerce
International Trade Administration
AD/CVD Operations, Office 2
1401 Constitution Avenue, NW, Room 1870
Washington, DC 20230
Attn: Katherine Johnson (Room 3083)

2. **Proprietary versions** of the response should be submitted on the day specified in the cover letter. The **public version** of the response may be filed one business day after the proprietary version. You must provide a copy of the public version of your response to all parties on the public service list for this administrative review, the latest version of which can be found here: <http://ia.ita.doc.gov/apo/apo-svc-lists.html>.
3. File the original and six copies of the proprietary version. However, if you file an electronic copy of the proprietary version in Word Perfect 6.1 (Word Perfect 7.0 and 8.0 are also acceptable), you need file only the original version and four copies. In case of any difference between the narrative response and the content of the electronic media, the narrative response is the controlling version. For either alternative, only one copy of sample printouts and electronic media containing sales files and cost files need be submitted.

File the original and four copies of the public version of your narrative response and attachments, including sample printouts.

4. Submit the required **certification of accuracy**. Providers of information and the person(s) submitting it, if different (e.g., a legal representative), must certify that they have read the submission and that the information submitted is accurate and complete. The Department cannot accept responses to the letter that do not contain the certification statements. A form for such certification is included in this Appendix. You may photocopy this form and submit a completed copy with each of your submissions.
5. Provide the required **certificate of service** with each proprietary version and public version submitted to the Department.

6. Request **proprietary treatment** for information submitted that you do not wish to be made publicly available. As a general rule, the Department places all correspondence and submissions received in the course of an antidumping proceeding in a public reading file. However, information deemed to be **proprietary information** will not be made available to the public. If you wish to make a request for proprietary treatment for particular information, refer to sections 351.304 and 351.304(a)(2) of the Department's **regulations**. Submit the request for proprietary treatment no later than one business day following the submission of the proprietary version of your response to the letter accompanied by:
- (1) a non-proprietary (public) version of your response that is in sufficient detail to permit a reasonable understanding of the information submitted in confidence,¹ and/or
 - (2) an itemization of particular information that you believe you are unable to summarize. State the reasons why you cannot summarize each piece of information.

Responses, or portions thereof, that are not adequately summarized may be returned to you and not used.

7. Submit the statements required regarding limited release of proprietary information under the provisions of an **administrative protective order** (APO). U.S. law permits limited disclosure to representatives of parties (e.g., legal counsel) of certain business proprietary information, including electronic business proprietary information, under an APO. (Note that data received under an APO cannot be shared with others who are not covered by the APO.) Under the provisions governing APO disclosure, you must submit either:
- (1) a statement agreeing to permit the release under APO of information submitted by you in confidence during the course of the proceeding, or
 - (2) a statement itemizing those portions of the information which you believe should not be released under APO, together with arguments supporting your objections to that release.

We are required by our regulations to reject, at the time of filing, submissions of business proprietary information that do not contain one of these statements. You must state in the upper right-hand corner of the cover letter accompanying your response whether you

¹ Generally, numerical data are adequately summarized if grouped or presented in terms of indices or figures ranged within ten percent of the actual figure. If a particular portion of the data is voluminous, use ranged figures for at least one percent of the voluminous portion.

agree or object to release of the submitted information under APO. (See section 351.303 of our regulations for specific instructions.)²

8. Place brackets ([...]) around information for which you request business proprietary treatment. Place double brackets ([[...]]) around information for which you request proprietary treatment and which you do not agree to release under APO.
9. Provide to all parties whose representatives have been granted an APO (as listed in the cover letter or as listed in a subsequent letter from the Department) a complete copy of the submission, proprietary and public versions, except for that information which you do not agree to release under APO. A copy of the latest version of the APO service list can be found here: <http://ia.ita.doc.gov/apo/apo-svc-lists.html>. If you exclude information because you do not agree to release it under APO, submit with your response to the Department a certificate of service and a copy of the APO version of the document containing the information that you agree may be released under APO. For parties that do not have access to information under APO, please provide a public version only.
10. Prepare your response in typed form and in English. Repeat the question to which you are responding in your narrative submission and place your answer directly below it.

² If you do not agree to release under APO all or part of the proprietary information, but we determine that the information should be released, you will have the opportunity to withdraw the information (see section 351.304(d) of our regulations). However, any information which you withdraw will be taken out of the official record and will not be used in our determination.

COMPANY OFFICIAL CERTIFICATION

I, _____, currently employed
(name and title)

by _____, certify that (1) I have
(Interested Party)

read the attached submission, and (2) the information contained in

this submission is, to the best of my knowledge, complete and

accurate.

(signature of certifying official)

CERTIFICATE OF SERVICE

I, _____, hereby certify that a copy of the
(name of certifying official)

foregoing submission on behalf of _____,
(company name)

dated _____, was served by first class mail or by hand delivery (circle the method used) on the following parties:

(Business Proprietary Version)

On Behalf of

Name and address

(Public Version)

On Behalf of

Name and address

(signature of certifying official)