Frozen Warmwater Shrimp from Brazil, China, India, Thailand, and Vietnam

Investigation Nos. 731-TA-1063, 1064, 1066-1068 (Review)

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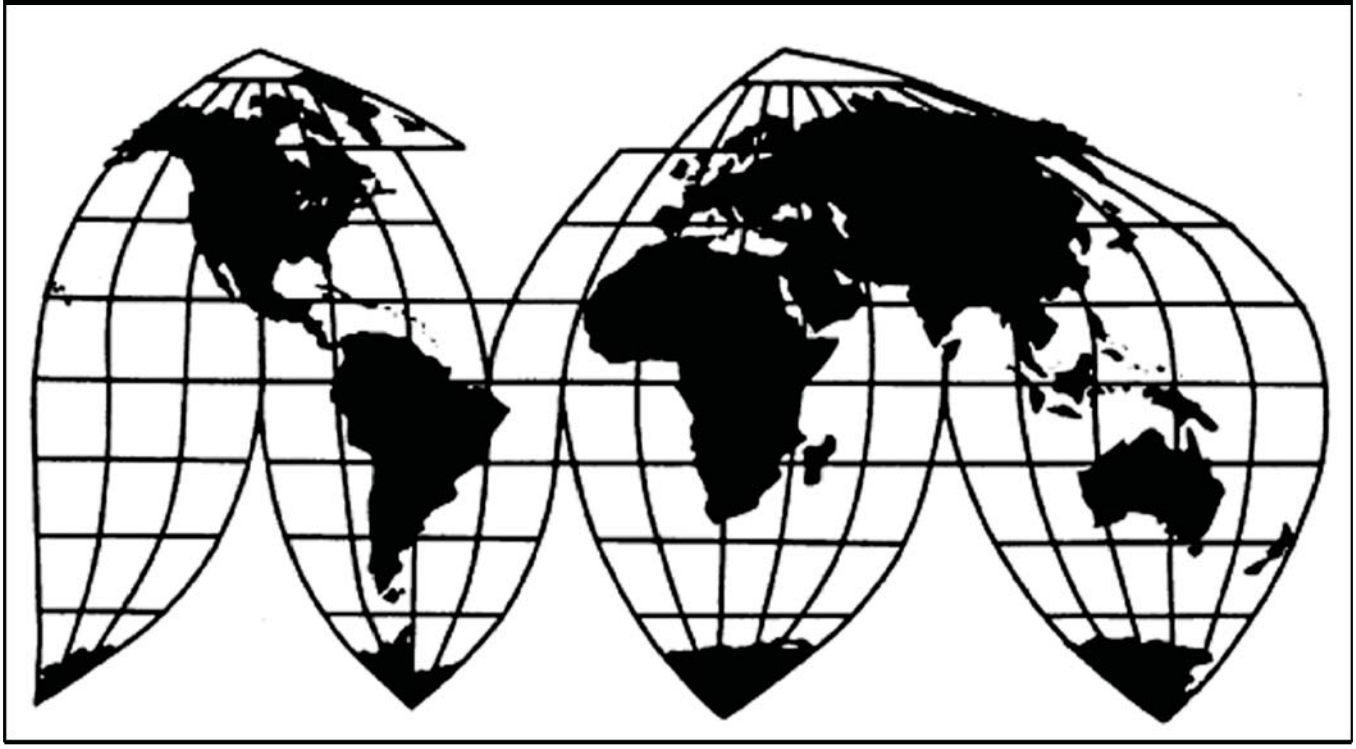
U.S. International Trade Commission



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UNITED STATES INTERNATIONAL TRADE COMMISSION
Investigation Nos. 731-TA-1063, 1064, 1066-1068 (Review)

FROZEN WARMWATER SHRIMP FROM BRAZIL, CHINA, INDIA, THAILAND, AND VIETNAM

DETERMINATIONS

On the basis of the record[1] developed in the subject five-year reviews, the United States International Trade Commission (Commission) determines, pursuant to section 751(c) of the Tariff Act of 1930 (19 U.S.C. § 1675(c)), that revocation of the antidumping duty orders on frozen warmwater shrimp from Brazil, China, India, Thailand, and Vietnam would be likely to lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time.[2]

BACKGROUND

The Commission instituted these reviews on January 4, 2010 (75 F.R. 1078, January 8, 2010) and determined on April 9, 2010 that it would conduct full reviews (75 F.R. 22424, April 28, 2010). Notice of the scheduling of the Commission's reviews and of a public hearing to be held in connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, DC, and by publishing the notice in the *Federal Register* on August 11, 2010 (75 F.R. 48724). The hearing was held in Washington, DC, on February 1, 2011, and all persons who requested the opportunity were permitted to appear in person or by counsel.

[1] The record is defined in sec. 207.2(f) of the Commission's Rules of Practice and Procedure (19 CFR § 207.2(f)).

[2] Commissioner Daniel R. Pearson determines that revocation of the antidumping duty orders covering frozen warmwater shrimp from Brazil, China, India, Thailand, and Vietnam would not be likely to lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time.

VIEWS OF THE COMMISSION

Based on the record in these five-year reviews, we determine under section 751(c) of the Tariff Act of 1930, as amended (the Act), that revocation of the antidumping duty orders covering frozen warmwater shrimp from Brazil, China, India, Thailand, and Vietnam would be likely to lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time.[1]

I. BACKGROUND

In January 2005, the Commission determined that an industry in the United States was materially injured by reason of less than fair value (LTFV) imports of certain frozen warmwater shrimp and prawns from Brazil, China, Ecuador, India, Thailand, and Vietnam.[2] The U.S. Department of Commerce (Commerce) issued antidumping duty orders with respect to imports from the subject countries on February 1, 2005.[3] Commerce subsequently revoked the order with respect to imports from Ecuador in its entirety.[4] It has also revoked the orders with respect to certain producers in India and Thailand.[5]

In April 2005, the Commission instituted changed circumstances reviews with respect to the orders on subject imports from India and Thailand. The changed circumstances arose from the December 2004 tsunami that struck India and Thailand. In November 2005, the Commission determined in those reviews that revocation of the orders on subject imports from India and Thailand would be likely to lead to continuation or recurrence of material injury to the domestic industry within a reasonably foreseeable time.[6]

The Commission instituted the instant reviews on January 4, 2010.[7] Two groups of domestic interested parties submitted responses to the notice of institution: (1) the Ad Hoc Shrimp Trade Action Committee (AHSTAC), the petitioner in the original investigations;[8] and (2) the American Shrimp Processors Association (ASPA), the Louisiana Shrimp Association (LSA), Dean Blanchard Seafood, and Seafood Shed (collectively "ASPA").[9] AHSTAC and ASPA each filed prehearing and posthearing

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[1] Commissioner Daniel R. Pearson determines that revocation of the antidumping duty orders covering frozen warmwater shrimp from Brazil, China, India, Thailand, and Vietnam would not be likely to lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time. See Dissenting Views of Commissioner Daniel R. Pearson. He joins sections I-III and V.A.-V.B.2.b. of these Views.

[2] Certain Frozen or Canned Warmwater Shrimp and Prawns from Brazil, China, Ecuador, India, Thailand, and Vietnam, Inv. Nos. 731-TA-1063-1068 (Final), USITC Pub. 3748 (Jan. 2005) ("Original Determinations"). The Commission found canned shrimp to be a separate domestic like product and made negative or negligible import determinations with respect to canned shrimp from each subject country.

[3] 70 Fed. Reg. 5143 (Feb. 1, 2005) (Brazil); 70 Fed. Reg. 5149 (Feb. 1, 2005) (China); 70 Fed. Reg. 5156 (Feb. 1, 2005) (Ecuador); 70 Fed. Reg. 5147 (Feb. 1, 2005) (India); 70 Fed. Reg. 5145 (Feb. 1, 2005) (Thailand); 70 Fed. Reg. 5152 (Feb. 1, 2005) (Vietnam).

[4] 72 Fed. Reg. 48257 (Aug. 23, 2007).

[5] 75 Fed. Reg. 41813 (July 19, 2010) (India); 74 Fed. Reg. 5638 (Jan. 30, 2009) (Thailand).

[6] Certain Frozen Warmwater Shrimp and Prawns from India and Thailand, Inv. Nos. 751-TA-28-29, USITC Pub. 3813 (Nov. 2005).

[7] 75 Fed. Reg. 1078 (Jan. 8, 2010).

[8] AHSTAC includes eight members, six of which are shrimp fishermen, one of which is a processor, and one of which engages in both fishing and processing. AHSTAC Response to Notice of Institution at 2-3, ex. 21.

[9] ASPA is an association of 41 entities, 31 of which are involved in processing of frozen warmwater shrimp. LSA is an association of nearly 500 members, the great majority of whom are shrimp fishermen. ASPA Supplemental Response to Notice of Institution, exs. 1, 2 (Mar. 11, 2010). Dean Blanchard Seafood and

(continued...)

briefs. Each entity participated at the Commission's hearing. We will refer to AHSTAC and ASPA jointly as "Domestic Parties."

Several respondent interested parties responded to the notice of institution. These included: (1) 35 individual members of the Shrimp Committee of China Aquatic Products Processing and Marketing Association (CAPPMA); (2) Seafood Exporters Association of India (SEAI), a trade association in India a majority of whose members produce or export subject merchandise; (3) 38 individual members of the Thai Frozen Food Association (TFFA) that are producers and exporters of subject merchandise from Thailand; and (4) 28 individual producers and exporters of subject merchandise from Vietnam (collectively "Vietnamese Respondents"). These entities, referred to hereafter as "Joint Respondents," jointly filed prehearing and posthearing briefs and participated at the Commission's hearing. Additionally, the Brazilian Shrimp Farmers Association (ABCC), a trade association a majority of whose members consist of producers or exporters of subject merchandise from Brazil, responded to the notice of institution and subsequently submitted prehearing and posthearing statements.[10]

On April 9, 2010, the Commission determined that, for each of the reviews, both the domestic interested party response and the respondent interested party response were adequate. Accordingly, the Commission determined to conduct full reviews for each of the antidumping duty orders.[11]

II. DOMESTIC LIKE PRODUCT

A. Legal Standard

In making its determination under section 751(c) of the Act, the Commission defines "the domestic like product" and the "industry."[12] The Act defines "domestic like product" as "a product which is like, or in the absence of like, most similar in characteristics and uses with, the article subject to an investigation under this subtitle."[13] The Commission's practice in five-year reviews is to look to the like product definition from the original determination and any completed reviews and consider whether the record indicates any reason to revisit the prior findings.[14]

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[9] (...continued)
Seafood Shed are U.S. processors of frozen warmwater shrimp. ASPA Response to Notice of Institution at 3.

[10] Counsel for ABCC withdrew their entry of appearance after the adequacy phase of the reviews.

[11] Explanation of Commission Determination of Adequacy, reprinted in Confidential Report (CR)/Public Report (PR), App. A.

[12] 19 U.S.C. § 1677(4)(A).

[13] 19 U.S.C. § 1677(10); see, e.g., Cleo Inc. v. United States, 501 F.3d 1291, 1299 (Fed. Cir. 2007); NEC Corp. v. Department of Commerce, 36 F. Supp. 2d 380, 383 (Ct. Int'l Trade 1998); Nippon Steel Corp. v. United States, 19 CIT 450, 455 (1995); Timken Co. v. United States, 913 F. Supp. 580, 584 (Ct. Int'l Trade 1996); Torrington Co. v. United States, 747 F. Supp. 744, 748-49 (Ct. Int'l Trade 1990), aff'd, 938 F.2d 1278 (Fed. Cir. 1991); see also S. Rep. No. 249, 96th Cong., 1st Sess. 90-91 (1979).

[14] See, e.g., Internal Combustion Industrial Forklift Trucks From Japan, Inv. No. 731-TA-377 (Second Review), USITC Pub. 3831 at 8-9 (Dec. 2005); Crawfish Tail Meat From China, Inv. No. 731-TA-752 (Review), USITC Pub. 3614 at 4 (July 2003); Steel Concrete Reinforcing Bar From Turkey, Inv. No. 731-TA-745 (Review), USITC Pub. 3577 at 4 (Feb. 2003).

B. Product Description

Commerce has defined the scope of the imported merchandise subject to the antidumping duty orders under review as follows:

> The scope of these investigations 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, 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 these investigations, 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 maybe 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 vannemei), 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 these investigations. 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 these investigations.
>
> 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) Lee Kum Kee's shrimp sauce; (7) canned warmwater shrimp and prawns (HTS subheading 1605.20.10.40); and (8) 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 nonshrimp 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.[15]

"Dusted shrimp," which is now expressly included in the scope definition, was expressly excluded from the scope during the original investigations. In September 2010, Commerce published a notice in the Federal Register amending the scope definition to include "dusted shrimp" pursuant to a court

[15] 75 Fed. Reg. 53947, 53948-49 (Sept. 12, 2010) (footnotes omitted).

remand.[16] "Dusted shrimp" has not been the subject of any domestic like product arguments in either the original investigations or these reviews.

C. The Original Determinations

In the original investigations, the Commission addressed three issues pertinent to the definition of the domestic like product. First, the Commission determined that the domestic like product should be defined to include fresh warmwater shrimp, an item excluded from the scope. Using the "semifinished products" analysis, the Commission found that fresh shrimp should be included in the domestic like product because fresh shrimp was overwhelmingly used as an input in the production of the frozen product, shrimp was overwhelmingly sold in a processed form, and the initial stages of processing did not significantly change the physical characteristics and uses of the product and appeared to add at most moderate value to the product.[17] Second, the Commission rejected an argument that "shrimp scampi" should be defined as a separate domestic like product, observing that the proponent of this domestic like product failed to define it meaningfully and that there were no clear distinctions between "shrimp scampi" and other domestically produced products described by the scope.[18] Third, the Commission found that canned warmwater shrimp, which was then within the scope definition, should be defined as a domestic like product separate from fresh and frozen warmwater shrimp.[19] The Commission made negative or negligible import determinations for canned shrimp from all subject countries. Consequently, the single domestic like product for which the Commission reached affirmative determinations consisted of fresh warmwater shrimp and those frozen warmwater shrimp products described in the scope.

D. The Current Reviews

The Commission generally considers a number of factors in its domestic like product analysis, including the following: (1) physical characteristics and uses; (2) interchangeability; (3) channels of distribution; (4) customer and producer perceptions of the products; (5) common manufacturing facilities, production processes and production employees; and, where appropriate, (6) price.

Domestic Parties argue that the Commission should define the domestic like product to encompass both fresh warmwater shrimp and those frozen articles described by the scope definition.[20] Respondents have not made any arguments regarding the appropriate definition of the domestic like product.

The record in these reviews does not indicate that there have been any changes in the product characteristics of either fresh or frozen warmwater shrimp since the original investigations.[21] Based on the analysis in the original investigations, the record in these reviews, and the lack of any contrary argument, we again define a single domestic like product encompassing fresh warmwater shrimp and the frozen warmwater shrimp described by the scope definition.[22]

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[16] 75 Fed. Reg. 53947 (Sept. 2, 2010).

[17] Original Determinations, USITC Pub. 3748 at 6.

[18] Original Determinations, USITC Pub. 3748 at 6-8.

[19] Original Determinations, USITC Pub. 3748 at 8-10. Commissioners Koplan and Lane did not define canned warmwater shrimp as a separate domestic like product.

[20] Domestic Parties argue that the record of these reviews does not provide any basis to modify the like product definition from the original investigations. AHSTAC Prehearing Brief at 2-4; ASPA Prehearing Brief at 9-10.

[21] CR at I-25-29, PR at I-24.

[22] Because the scope definition now includes dusted shrimp, and the record provides no basis for treating dusted shrimp as a distinct like product, we define the domestic like product to include dusted shrimp. Shortly before Commerce amended the scope of the investigations to include dusted shrimp, Commerce

(continued...)

III. DOMESTIC INDUSTRY

A. Legal Standard

Section 771(4)(A) of the Act defines the relevant industry as the domestic "producers as a [w]hole of a domestic like product, or those producers whose collective output of a domestic like product constitutes a major proportion of the total domestic production of the product."[23] In defining the domestic industry, the Commission's general practice has been to include in the industry producers of all domestic production of the domestic like product, whether toll-produced, captively consumed, or sold in the domestic merchant market, provided that adequate production-related activity is conducted in the United States.[24]

These reviews, as did the original investigations, raise two sets of domestic industry issues. The first concerns the kinds of processing activities that are sufficient to constitute domestic production. The

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[22] (...continued)
sent the Commission a letter stating that before it "can consider amending the antidumping duty orders we must receive notification from the International Trade Commission ("ITC") on whether the inclusion of dusted shrimp in our dumping analysis impacts the ITC's original injury determination." Letter from Edward C. Yang to Deanna Tanner Okun (Aug. 23, 2010). On October 1, 2010, the Commission responded by issuing a letter informing Commerce that review proceedings under 19 U.S.C. § 1675, such as these reviews, are the "proceedings that the antidumping and countervailing duty laws expressly authorize the Commission to conduct in response to these Commerce scope amendments." Letter from Marilyn R. Abbott to Edward C. Yang at 1 (Oct. 1, 2010).

In the October 1, 2010, letter, the Commission stated that it would not conduct a formal redetermination of its original injury determinations because the matter involved neither a court remand to the Commission nor an allegation of fraud. Id. at 1-2. The Commission also pointed to facts indicating that, in the original injury determinations, the Commission based its injury determinations on data from which dusted shrimp were not excluded. In its briefs to the Commission, AHSTAC takes issue with the Commission's decision not to conduct a formal redetermination.

We find AHSTAC's arguments unavailing. First, we do not agree with AHSTAC that 19 U.S.C. § 1673d(b) directs the Commission to make multiple final injury determinations in an original investigation whenever Commerce issues an "amended" final determination. The statute does not reference "amended" final determinations at all. It references only a preliminary determination and a final determination following that preliminary determination. It also does not contemplate that the Commission will issue multiple final determinations in a single investigation. To the contrary, it directs the Commission only to issue a single final determination following Commerce's final determination. See 19 U.S.C. § 1673d(b)(2).

AHSTAC additionally argues that the Federal Circuit indicated in Ad Hoc Shrimp Trade Action Comm. v. United States, 515 F.3d 1372 (Fed. Cir. 2008), that the Commission has "reconsideration" authority under the circumstances of this proceeding. The statement on which AHSTAC relies is dictum attributing to the Government an argument about the Commission's "reconsideration" authority that the Government never made. See Government Petition for Rehearing, App. No. 2007-1230 (Fed. Cir. Mar. 31, 2008). Moreover, to the extent that the Federal Circuit has found that agencies have authority to reconsider antidumping determinations, it has found that this authority is inherent, not pursuant to an express statutory provision, as AHSTAC appears to argue. AHSTAC's arguments provide no reason for us to modify our prior statement to Commerce that these reviews are the appropriate proceedings to conduct in response to Commerce's scope amendments.

[23] 19 U.S.C. § 1677(4)(A).

[24] See, e.g., United States Steel Group v. United States, 873 F. Supp. 673, 682-83 (Ct. Int'l Trade 1994), aff'd, 96 F.3d 1352 (Fed. Cir. 1996).

second concerns whether appropriate circumstances exist to exclude any domestic producers from the domestic industry pursuant to the related parties provision.

B. Production-Related Activities

In deciding whether a firm qualifies as a domestic producer, the Commission generally has analyzed the overall nature of a firm's production-related activities in the United States. The Commission generally considers six factors:

(1) source and extent of the firm's capital investment;
(2) technical expertise involved in U.S. production activities;
(3) value added to the product in the United States;
(4) employment levels;
(5) quantity and type of parts sourced in the United States; and
(6) any other costs and activities in the United States directly leading to production of the like product.

No single factor is determinative, and the Commission may consider any other factors it deems relevant in light of the specific facts of any investigation or review.[25]

In the original investigations, the Commission examined these factors in the context of shrimp processing and found that processing activities such as deheading, grading, machine peeling, and deveining all constitute domestic production. It observed that these operations each required specialized equipment and that the petitioner did not contest that these activities were sufficient to constitute domestic production. The Commission additionally found that cooking constituted domestic production, because it typically required specialized equipment and added more value to the process than any preceding stage. By contrast, the Commission found that marinating and skewering did not constitute domestic production because they involved no specialized equipment and added relatively modest value to the processed shrimp product. Finally, the Commission found that breading could not constitute domestic production activity because breaded shrimp was not part of the domestic like product.[26]

Domestic Parties agree with the findings that the Commission made in the original investigations concerning which shrimp processing activities are sufficient to constitute domestic production.[27] Respondents have not addressed the issue. The record does not indicate any change in the nature of shrimp processing since the time of the original investigations.[28] In light of this and the lack of any contrary argument, we continue to make the same findings in these five-year reviews that the Commission made in the original investigations concerning what shrimp processing activities constitute domestic production.

Applying these findings to the evidence in these reviews, we conclude that two processors that submitted data in response to the Commission's questionnaires do not perform sufficient production-related activity to be considered domestic producers. These are *** and ***. Each of these firms

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[25] See, e.g., Internal Combustion Industrial Forklift Trucks from Japan, Inv. No. 731-TA-377 (Second Review), USITC Pub. 3831 at 10-14 (Dec. 2005); Sebacic Acid from China, Inv. No. 731-TA-653 (Second Review), USITC Pub. 3775 at 12-14 (May 2005).

[26] Original Determinations, USITC Pub. 3748 at 12-13. Applying these findings, the Commission concluded that domestic producers *** did not perform sufficient production-related activities to be considered members of the domestic industry. Confidential Original Determinations, EDIS Doc. 222710 at 22.

[27] AHSTAC Prehearing Brief at 6-7; ASPA Prehearing Brief at 15.

[28] CR at I-28-29, PR at I-24.

indicates that its domestic processing activities were limited to breading and marinating/saucing, neither of which is sufficient to constitute domestic production.[29]

C. Related Parties

Section 771(4)(B) of the Act allows the Commission, if appropriate circumstances exist, to exclude from the domestic industry producers that are related to an exporter or importer of subject merchandise or which are themselves importers.[30] Exclusion of such a producer is within the Commission's discretion based upon the facts presented in each case.[31]

In the original investigations, the Commission found that certain processors of warmwater shrimp were subject to exclusion under the related parties provision because they imported subject merchandise during the pertinent period examined. The Commission found that appropriate circumstances existed to exclude five processors from the domestic industry.[32]

The record in these reviews indicates that domestic processor *** imported subject merchandise during the period of review.[33] Domestic Parties seek to exclude *** from the domestic industry.[34] Joint Respondents do not contest the exclusion of ***.[35]

*** was responsible for *** percent of the domestic industry's shipments in 2009.[36] *** imports of subject merchandise far exceeded its domestic production during every portion of the period of review, which encompasses January 2005 through September 2010. On an annual basis, *** domestic production ranged between *** and *** pounds. Its imports of subject merchandise ranged between *** and *** pounds. The annual ratio of its subject imports to its production ranged from *** percent in 2005 to *** percent in 2007.[37] *** stated that it imported subject merchandise because ***.[38] *** opposes

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[29] *** Producers Questionnaire Response, EDIS Doc. 442097, response to question II-14; *** Producers Questionnaire Response, EDIS Doc. 445156, response to question II-14.

[30] 19 U.S.C. § 1677(4)(B).

[31] The primary factors the Commission has examined in deciding whether appropriate circumstances exist to exclude a related party are as follows:

(1) the percentage of domestic production attributable to the importing producer;

(2) the reason the U.S. producer has decided to import the product subject to investigation, i.e., whether the firm benefits from the LTFV sales or subsidies or whether the firm must import in order to enable it to continue production and compete in the U.S. market; and

(3) the position of the related producer vis-à-vis the rest of the industry, i.e., whether inclusion or exclusion of the related party will skew the data for the rest of the industry.

See, e.g., Torrington Co. v. United States, 790 F. Supp. 1161 (Ct. Int'l Trade 1992), aff'd without opinion, 991 F.2d 809 (Fed. Cir. 1993).

[32] Original Determinations, USITC Pub. 3748 at 15-17. The five processors were ***. Original Confidential Determinations at 24-26.

[33] CR/PR, Table III-8. There were also several firms that purchased subject imports during the period of review. Id. Most of the processors that purchased subject merchandise did so in small amounts; only one processor purchased as many as one million pounds of imports in a calendar year. Id. This processor, ***, indicated in its questionnaire response that it purchased subject merchandise from *** different firms during the period of review. See *** Producers Questionnaire Response, EDIS Doc. 444067, attachment 1. The record consequently indicates that *** is not responsible for a predominant portion of any importer's purchases. Accordingly, we find that none of the processors that purchased subject merchandise warrants treatment as a related party.

[34] AHSTAC Prehearing Brief at 10-11; ASPA Prehearing Brief at 16-18.

[35] Joint Respondents Final Comments at 12 n.15.

[36] CR/PR, Table I-13.

[37] CR/PR, Table III-8.

[38] CR at III-11 n.10, PR at III-4 n.10.

continuation of the orders ***, and takes no position ***.[39] During the five full years of the period of review, *** operating income ratio exceeded the average for domestic processors in *** years, and was less than the industry average in ***.[40] [41] [42]

We find that appropriate circumstances exist to exclude *** from the domestic industry. Its *** ratios of subject imports to domestic production, together with its *** to continuation of most of the orders under review, suggests that its principal interest is not in domestic production. Moreover, it has expressly indicated that it imports subject merchandise ***.

Accordingly, we define a single domestic industry encompassing all shrimp fishermen and processors of warmwater shrimp except ***.

IV. CUMULATION[43]

A. Original Determinations

In the original investigations, in which the issue of cumulation was not contested, the Commission cumulated imports from all subject countries. With respect to fungibility, the Commission found that the questionnaire data indicated that market participants perceived at least some overlap in the applications for which the domestic like product and imports from the subject countries were used, although perceptions of product interchangeability varied markedly among different types of market participants.[44] Additionally, both the purchaser data and the pricing information indicated an overlap of purchasers and product types between domestically produced frozen shrimp and imports from each of the subject countries.[45] The Commission concluded that the record indicated that the domestic like product and imports from each subject country "are sufficiently similar in characteristics to satisfy the fungibility criterion."[46]

The Commission found that the other cumulation criteria were clearly satisfied. Concerning geographic overlap, the overwhelming majority of both U.S. processors and importers reported that they served either a national market or several regions of the country, and imports from each of the subject countries entered the United States in substantial quantities during the period of investigation at ports in the East, Gulf, and West regions.[47] The domestic like product and subject imports were both sold to

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[39] CR/PR, Table I-13.

[40] CR/PR, Table III-13.

[41] In these reviews, Commissioner Aranoff does not rely on individual company operating income margins in assessing whether particular related parties benefit from importation of subject merchandise. Rather, she has based her determination regarding whether to exclude related parties principally on their ratios of subject imports to domestic shipments and on whether their primary interests lie in domestic production or importation. She finds that appropriate circumstances exist to exclude ***.

[42] Commissioner Pinkert does not rely upon *** financial performance as a factor in determining whether there are appropriate circumstances to exclude it from the domestic industry in these reviews. The record is not sufficient to infer from its profitability on U.S. operations whether it has derived a specific benefit from importing. See Allied Mineral Products v. United States, 28 CIT 1861, 1865-67 (2004).

[43] Commissioner Pearson does not join this section of the opinion.

[44] Original Determinations, USITC Pub. 3748 at 19.

[45] Original Determinations, USITC Pub. 3748 at 20.

[46] Original Determinations, USITC Pub. 3748 at 21.

[47] Original Determinations, USITC Pub. 3748 at 20.

distributors and retail customers such as grocers and restaurants.[48] Imports from each subject country were present in the U.S. market throughout the period of investigation.[49]

B. Legal Standard

Section 752(a) of the Act provides as follows:

> the Commission may cumulatively assess the volume and effect of imports of the subject merchandise from all countries with respect to which reviews under section 1675(b) or (c) of this title were initiated on the same day, if such imports would be likely to compete with each other and with domestic like products in the United States market. The Commission shall not cumulatively assess the volume and effects of imports of the subject merchandise in a case in which it determines that such imports are likely to have no discernible adverse impact on the domestic industry.[50]

Cumulation therefore is discretionary in five-year reviews, unlike original investigations which are governed by section 771(7)(G)(I) of the Act.[51] The Commission may exercise its discretion to cumulate, however, only if the reviews are initiated on the same day, the Commission determines that the subject imports are likely to compete with each other and the domestic like product in the U.S. market, and imports from each such subject country are not likely to have no discernible adverse impact on the domestic industry in the event of revocation. Our focus in five-year reviews is not only on present conditions of competition, but also on likely conditions of competition in the reasonably foreseeable future.

The statutory threshold for cumulation is satisfied in these reviews because all five reviews were initiated on the same day: January 4, 2010.[52] We consider the following issues in deciding whether to exercise our discretion to cumulate the subject imports as follows: (1) whether imports from any of the five subject countries are precluded from cumulation because they are likely to have no discernible adverse impact on the domestic industry; (2) whether there is a likelihood of a reasonable overlap of competition among imports of frozen warmwater shrimp from Brazil, China, India, Thailand, and Vietnam, and between subject imports from each of these sources and the domestic like product; and (3) whether differences in the likely conditions of competition under which subject imports are likely to compete in the U.S. market for warmwater shrimp support declining to exercise our discretion to cumulate all subject imports.[53] [54]

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[48] Original Determinations, USITC Pub. 3748 at 20.

[49] Original Determinations, USITC Pub. 3748 at 20.

[50] 19 U.S.C. § 1675a(a)(7).

[51] 19 U.S.C. § 1677(7)(G)(i); see also, e.g., Allegheny Ludlum Corp. v. United States, 475 F. Supp. 2d 1370, 1378 (Ct. Int'l Trade 2006) (recognizing the wide latitude the Commission has in selecting the type of factors it considers relevant in deciding whether to exercise discretion to cumulate subject imports in five-year reviews); Nucor Corp. v. United States, 569 F. Supp. 2d 1328, 1337-38 (Ct. Int'l Trade 2008); United States Steel Corp. v. United States, 572 F. Supp.2d 1334 (Ct. Int'l Trade 2008).

[52] See 75 Fed. Reg. 103 (Jan. 4, 2010).

[53] Chairman Okun notes that while she considers the same issues discussed in this section in determining whether to exercise her discretion to cumulate the subject imports, her analytical framework begins with whether imports from the subject countries are likely to face similar conditions of competition. For those subject imports which are likely to compete under similar conditions of competition, she next proceeds to consider whether there is a likelihood of a reasonable overlap of competition whereby those imports are likely to compete with each other and with the domestic like product. Finally, if based on that analysis she intends to exercise her discretion to cumulate one or

(continued...)

Domestic Parties argue that the Commission should cumulate imports from all five subject countries.[55] Joint Respondents have not contested that position.[56]

C. Likelihood of No Discernible Adverse Impact

The statute precludes cumulation if the Commission finds that subject imports from a country are likely to have no discernible adverse impact on the domestic industry.[57] Neither the statute nor the Uruguay Round Agreements Act ("URAA") Statement of Administrative Action ("SAA") provides specific guidance on what factors the Commission is to consider in determining that imports "are likely to have no discernible adverse impact" on the domestic industry.[58] With respect to this provision, the Commission generally considers the likely volume of subject imports and the likely impact of those imports on the domestic industry within a reasonably foreseeable time if the orders are revoked.

Based on the record, we do not find that imports from any of the five subject countries are likely to have no discernible adverse impact on the domestic industry in the event of revocation of the orders. Our analysis for each of the subject countries takes into account the nature of the product and the behavior of subject imports in the original investigations.

Brazil. In the original investigations, the volume of subject imports from Brazil increased from 21.6 million pounds in 2001 to 39.1 million pounds in 2002 and to 48.0 million pounds in 2003. In 2003, subject imports from Brazil accounted for 4.0 percent of the quantity of apparent U.S. consumption. In 2005, subject imports from Brazil were 6.6 million pounds. Subject imports from Brazil then declined to 1.3 million tons in 2006 and have since been at minimal levels.[59] Nevertheless, Brazil remains a significant producer of warmwater shrimp. Estimated shrimp aquaculture production in 2010 was 100.6 million pounds.[60]

During the original investigations, the Brazilian industry was heavily export oriented.[61] Although ABCC argues that the Brazilian shrimp industry now predominantly supplies its domestic market, it has provided no data concerning domestic shipment quantities that would corroborate this argument, and its members largely failed to respond to the Commission's foreign producers' questionnaire seeking such data. The three producers of subject merchandise that did respond to the questionnaire, which appear to account for only a very small share of Brazilian production,[62] did not corroborate ABCC's assertions. To the contrary, during the period of review, their shipments were *** directed to export markets.[63] Accordingly, we find that the absence of subject imports from Brazil during the latter portion of the

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[53] (...continued)
more subject countries, she analyzes whether she is precluded from cumulating such imports because the imports from one or more subject countries, assessed individually, are likely to have no discernible adverse impact on the domestic industry. See Steel Concrete Reinforcing Bar From Belarus, China, Indonesia, Korea, Latvia, Moldova, Poland, and Ukraine, Invs. Nos. 731-TA-873 to 875, 877 to 880, and 882 (Review), USITC Pub. 3933 (Jul. 2007) (Separate and Dissenting Views of Chairman Daniel R. Pearson and Commissioner Deanna Tanner Okun Regarding Cumulation). Accord Nucor Corp. v. United States, 605 F. Supp. 2d 1361, 1372 (Ct. Int'l Trade 2009); Nucor Corp. v. United States, 594 F. Supp. 2d 1302, 1345-47 (Ct. Int'l Trade 2008), aff'd, 601 F.3d 1291 (Fed. Cir. 2010).

[54] As discussed further below, Commissioners Lane and Pinkert take a different approach to analysis of the likely conditions of competition than that used by the Commission majority.

[55] See ASPA Prehearing Brief at 18-92; AHSTAC Prehearing Brief at 12-32.

[56] Tr. at 269 (Connelly).

[57] 19 U.S.C. § 1675a(a)(7).

[58] SAA, H.R. Rep. No. 103-316, vol. I at 887 (1994).

[59] CR/PR, Table I-1.

[60] CR/PR, Table IV-7.

[61] Original Determinations, USITC Pub. 3748 at VII-2.

[62] CR at IV-20-21, PR at IV-16; CR/PR, Tables IV-7-8.

[63] CR/PR, Table IV-8.

period of review was largely a function of the order. Subject imports from Brazil are likely to return to the U.S. market if the order is revoked, given the significant quantities of subject imports in the U.S. market during the original period of investigation and the lack of information from Brazilian producers to support the assertion of a permanent shift to focusing on their home market. We consequently do not find that subject imports from Brazil would likely have no discernible adverse impact on the domestic industry if the order is revoked.

China. In the original investigations, the volume of subject imports from China increased from *** pounds in 2001 to *** pounds in 2002 and to *** pounds in 2003. In 2003, subject imports from China accounted for *** percent of the quantity of apparent U.S. consumption. By 2005, subject imports from China had declined to *** pounds. Subject imports from China increased in 2006 to ***, but declined thereafter; there were *** pounds of subject imports from China in 2009. In 2009, subject imports from China accounted for *** percent of the quantity of apparent U.S. consumption.[64] China is among the world's largest producers of warmwater shrimp. Estimated shrimp aquaculture production in 2010 was 1.25 billion pounds.[65]

The 34 Chinese subject producers that completed the Commission's foreign producer's questionnaire indicated a significant export orientation, with exports constituting between *** percent of their annual shipments during the period of review.[66] These producers' annual capacity utilization rates ranged between *** and *** percent during the period of review, with the highest capacity utilization occurring during 2009 and January-September ("interim") 2010.[67]

Although the quantity of subject imports from China has declined since imposition of the order, these imports have retained an appreciable presence in the U.S. market. In light of this, and the export orientation and significant unused capacity of the Chinese industry, we do not find that subject imports from China would likely have no discernible adverse impact on the domestic industry if the order is revoked.

India. In the original investigations, the volume of subject imports from India increased from 71.8 million pounds in 2001 to 96.7 million pounds in 2002 and to 99.1 million pounds in 2003. In 2003, subject imports from India accounted for 8.2 percent of the quantity of apparent U.S. consumption. By 2005, subject imports from India had declined to 77.2 million pounds. Subject imports from India declined each year thereafter until 2008, when they were 32.6 million pounds, then increased to *** pounds in 2009. In 2009, subject imports from India accounted for *** percent of the quantity of apparent U.S. consumption.[68] India is a significant producer of warmwater shrimp. Estimated shrimp aquaculture production in 2010 was 130.6 million pounds.[69]

Responses to the Commission's foreign producers' questionnaire were submitted by 36 firms, responsible for 75.9 percent of subject imports from India in 2009.[70] These producers showed a heavy export orientation, with exports constituting at least 97.8 percent of shipments during each full year of the period of review. Indian producers' annual capacity utilization rates ranged between 17.6 and 21.9 percent during the period of review, with the lowest capacity utilization occurring during 2009.[71]

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[64] CR/PR, Table I-1.

[65] CR/PR, Table IV-7.

[66] CR at IV-24, PR at IV-17; CR/PR, Table IV-9. Although these producers appear to represent a small share of the Chinese industry, CR at IV-24, PR at IV-17, available data concerning Chinese exports worldwide (which include subject merchandise and some nonsubject merchandise as well) indicate that Chinese shrimp exports to all markets were higher in 2009 than in any of the preceding five years. Joint Respondents Prehearing Brief, ex. 1.

[67] CR/PR, Table IV-9.

[68] CR/PR, Table I-1.

[69] CR/PR, Table IV-7.

[70] CR at IV-28, PR at IV-20.

[71] CR, Table IV-11.

Although the quantity of subject imports from India has declined since imposition of the order, these imports have retained an appreciable presence in the U.S. market. In light of this, and the export orientation and significant unused capacity of the Indian industry, we do not find that subject imports from India would likely have no discernible adverse impact on the domestic industry if the order is revoked.

Thailand. In the original investigations, the volume of subject imports from Thailand declined from 294.3 million pounds in 2001 to 245.5 million pounds in 2002, and then increased to 278.6 million pounds in 2003. In 2003, subject imports from Thailand accounted for 23.2 percent of the quantity of apparent U.S. consumption. By 2005, subject imports from Thailand had increased to 339.8 million pounds. Subject imports from Thailand further increased to 411.7 million pounds in 2006, then declined the next three years, reaching *** pounds in 2009. In 2009, subject imports from Thailand accounted for *** percent of the quantity of apparent U.S. consumption.[72] Thailand is among the world's largest producers of warmwater shrimp. Estimated shrimp aquaculture production in 2010 was 761.2 million pounds.[73]

Responses to the Commission's foreign producers' questionnaire were submitted by 34 firms, responsible for 97.0 percent of subject imports from Thailand in 2009.[74] These producers displayed a heavy export orientation, with exports constituting at least 80.2 percent of shipments during each full year of the period of review. The United States was the largest export market, with exports to the United States ranging between 46.1 percent and 57.6 percent of total shipments on an annual basis during the period of review.[75]

Even with the order in place, subject imports from Thailand have maintained a significant presence in the U.S. market. In light of this, and the export orientation of the Thai industry, with its particular focus on the U.S. market, we do not find that subject imports from Thailand would likely have no discernible adverse impact on the domestic industry if the order is revoked.

Vietnam. In the original investigations, the volume of subject imports from Vietnam increased from 72.2 million pounds in 2001 to 96.5 million pounds in 2002 and 124.2 million pounds in 2003. In 2003, subject imports from Vietnam accounted for 10.3 percent of the quantity of apparent U.S. consumption. By 2005, subject imports from Vietnam had declined to 92.9 million pounds, and they further declined to 79.1 million pounds in 2006. They increased the next two years, reaching 102.9 million pounds in 2008, but declined to 88.5 million pounds in 2009. In 2009, subject imports from Vietnam accounted for 7.0 percent of the quantity of apparent U.S. consumption.[76] Vietnam is among the world's largest producers of warmwater shrimp. Estimated shrimp aquaculture production in 2010 was 496.1 million pounds.[77]

Responses to the Commission's foreign producers' questionnaire were submitted by 26 firms, responsible for 95.8 percent of subject imports from Vietnam in 2009.[78] These producers displayed a heavy export orientation, with exports constituting at least 82.1 percent of shipments during each full year of the period of review. For each year except 2006 and both interim periods, the United States was the largest export market; exports to the United States ranged between 32.1 percent and 36.1 percent of total shipments on an annual basis during the period of review.[79]

Even with the order in place, subject imports from Vietnam have maintained a significant presence in the U.S. market. In light of this, and the export orientation of the Vietnamese industry, with its

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[72] CR/PR, Table I-1.
[73] CR/PR, Table IV-7.
[74] CR at IV-32, PR at IV-23.
[75] CR/PR, Table IV-13.
[76] CR/PR, Table I-1.
[77] CR/PR, Table IV-7.
[78] CR at IV-35, IV-37, PR at IV-26.
[79] CR/PR, Table IV-15.

particular focus on the U.S. market, we do not find that subject imports from Vietnam would likely have no discernible adverse impact on the domestic industry if the order is revoked.

D. Likelihood of a Reasonable Overlap of Competition

The Commission generally has considered four factors intended to provide a framework for determining whether the imports compete with each other and with the domestic like product.[80] Only a "reasonable overlap" of competition is required.[81] In five-year reviews, the relevant inquiry is whether there likely would be competition even if none currently exists because the subject imports are absent from the U.S. market.[82]

Fungibility.[83] The record in these reviews indicates that market participants perceive at least some interchangeability between the domestic like product and the subject imports and between imports from different subject sources. Large majorities of U.S. processors said that products from different sources were always interchangeable.[84] Pluralities of purchasers said products from different sources were always interchangeable in all comparisons except three; in those three comparisons, equal numbers of purchasers found the products always or frequently interchangeable.[85] Majorities or pluralities of importers, by contrast, reported that products from different sources were sometimes interchangeable in all comparisons except one, in which equal numbers found the products frequently or sometimes interchangeable.[86] The pricing data indicate that, notwithstanding the orders, the domestic like product and imports from multiple subject countries competed for sales of numerous forms of warmwater shrimp during the period of review.[87]

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[80] The four factors generally considered by the Commission in assessing whether imports compete with each other and with the domestic like product are as follows: (1) the degree of fungibility between the imports from different countries and between imports and the domestic like product, including consideration of specific customer requirements and other quality related questions; (2) the presence of sales or offers to sell in the same geographical markets of imports from different countries and the domestic like product; (3) the existence of common or similar channels of distribution for imports from different countries and the domestic like product; and (4) whether the imports are simultaneously present in the market. See, e.g., Wieland Werke, AG v. United States, 718 F. Supp. 50 (Ct. Int'l Trade 1989).

[81] See Mukand Ltd. v. United States, 937 F. Supp. 910, 916 (Ct. Int'l Trade 1996); Wieland Werke, 718 F. Supp. at 52 ("Completely overlapping markets are not required."); United States Steel Group v. United States, 873 F. Supp. 673, 685 (Ct. Int'l Trade 1994), aff'd, 96 F.3d 1352 (Fed. Cir. 1996). We note, however, that there have been investigations where the Commission has found an insufficient overlap in competition and has declined to cumulate subject imports. See, e.g., Live Cattle From Canada and Mexico, Inv. Nos. 701-TA-386 and 731-TA-812 to 813 (Prelim.), USITC Pub. 3155 at 15 (Feb. 1999), aff'd sub nom, Ranchers-Cattlemen Action Legal Foundation v. United States, 74 F. Supp. 2d 1353 (Ct. Int'l Trade 1999); Static Random Access Memory Semiconductors from the Republic of Korea and Taiwan, Inv. Nos. 731-TA-761 to 762 (Final), USITC Pub. 3098 at 13-15 (Apr. 1998).

[82] See generally Chefline Corp. v. United States, 219 F. Supp. 2d 1313, 1314 (Ct. Int'l Trade 2002).

[83] Commissioner Lane notes that, with respect to fungibility, her analysis does not require such similarity of products that a perfectly symmetrical fungibility is required and that this factor would be better described as an analysis of whether subject imports from each country and the domestic like product could be substituted for each other. See Separate Views of Commissioner Charlotte R. Lane, Certain Lightweight Thermal Paper from China, Germany, and Korea, Inv. Nos. 701-TA-451 and 731-TA-1126-1128 (Preliminary), USITC Pub. 3964 (Nov. 2007).

[84] CR/PR, Table II-12.

[85] CR/PR, Table II-12.

[86] CR/PR, Table II-12.

[87] The Commission collected data concerning eight pricing products. For two of the products, there were pricing data for the domestic like product and imports from all five subject countries. CR/PR, Tables H-3, H-6. For each of the remaining six products, there was at least one quarterly pricing observation for the domestic like product and imports from each subject country except Brazil. CR/PR, Tables H-1-2, H-4-5, H-7-8.

Geographic Overlap. The record in these reviews indicates that 10 U.S. processors and 21 importers serve a nationwide market.[88] The 21 importers that reported serving a nationwide market include entities that imported product from each of the five subject countries during at least a portion of the period of review.[89] Moreover, multiple U.S. processors and importers that do not serve national markets serve each U.S. region.[90]

Channels of Distribution. Over 90 percent of shipments of the domestic like product and a substantial proportion of shipments of the imports from each subject source were to distributors. Most remaining shipments of the domestic like product were directed to retailers or institutional buyers, which were a substantial channel of distribution for imports from each of the subject countries.[91]

The five largest responding purchasers collectively represented more than 87 percent of all purchases reported in the purchaser questionnaires.[92] The *** of these purchasers purchased both domestically produced shrimp and imports from each of the subject countries during the period of review.[93] Each of the remaining four purchased domestically produced shrimp; one additionally made purchases from each of the subject country except Brazil, one additionally made purchases from each of the subject countries except Brazil and China, one additionally made purchases of subject imports from China and Thailand, and the fourth additionally purchased subject imports from Vietnam.[94]

Simultaneous Presence in Market. In the original investigations, both the domestic like product and imports from each subject country were present in the U.S. market throughout the period of investigation.[95] In these reviews, the domestic like product and imports from each of the subject countries except Brazil were present throughout the period of review.[96] Imports from Brazil largely ceased after 2006, although there were small amounts shipped in 2008, 2009, and interim 2010.[97]

Conclusion. The record in these reviews indicates clear overlaps in channels of distribution and geographic presence between the domestic like product and imports from each subject country, and between imports from different subject sources. The record also indicates a general perception among market participants of at least some degree of interchangeability between the domestic like product and the subject imports, as well as evidence that there are particular products for which the domestic like product and imports from multiple subject countries compete head-to-head. Although subject imports from Brazil largely exited the U.S. market later in the period of review, the domestic like product and imports from all five subject countries were simultaneously present in the U.S. market during the first two years of the period. Moreover, we have previously found that the exit of subject imports from Brazil from the U.S. market was in substantial part a function of the order and that upon revocation subject imports from Brazil will return to the market, indicating a likelihood of simultaneous presence.

In light of these considerations, and the lack of any contrary argument, we find that there is a likely reasonable overlap of competition between the domestic like product and imports from each subject country and between imports from each subject country.

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[88] CR/PR, Table II-2.
[89] CR at II-3 n.2, PR at II-1 n.2.
[90] CR/PR, Table II-2.
[91] CR/PR, Table II-1.
[92] CR at I-38, PR at I-32.
[93] *** Purchasers Questionnaire, EDIS Doc. 440188, response to question II-1.
[94] *** Purchasers Questionnaires, responses to question II-1.
[95] Original Determinations, USITC Pub. 3748 at 20.
[96] CR/PR, Tables I-15, IV-6.
[97] CR/PR, Table IV-6.

E. Other Likely Conditions of Competition[98]

In determining whether to exercise our discretion to cumulate the subject imports, we assess whether the subject imports from Brazil, China, India, Thailand, and Vietnam are likely to compete under similar or different conditions in the U.S. market in the event of revocation.[99] Based on the information in the record, we do not find any significant differences in likely conditions of competition among imports from any of the subject countries. As stated above, each of the countries is a substantial producer of warmwater shrimp and has a current or historic export orientation. Additionally, each of the subject countries principally produces farmed shrimp.[100] Accordingly, we exercise our discretion to cumulate imports from all five subject countries.

V. REVOCATION OF THE ANTIDUMPING DUTY ORDERS IS LIKELY TO LEAD TO CONTINUATION OR RECURRENCE OF MATERIAL INJURY WITHIN A REASONABLY FORESEEABLE TIME

A. Legal Standards

In a five-year review conducted under section 751(c) of the Act, Commerce will revoke an antidumping or countervailing duty order unless (1) it makes a determination that dumping or subsidization is likely to continue or recur and (2) the Commission makes a determination that revocation of the antidumping or countervailing duty order "would be likely to lead to continuation or recurrence of material injury within a reasonably foreseeable time."[101] The SAA states that "under the likelihood standard, the Commission will engage in a counterfactual analysis; it must decide the likely impact in the reasonably foreseeable future of an important change in the status quo – the revocation or termination of a proceeding and the elimination of its restraining effects on volumes and prices of imports."[102] Thus, the likelihood standard is prospective in nature.[103] The U.S. Court of International Trade has found that

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[98] Commissioners Lane and Pinkert explain their analysis of other considerations as follows. Where, in a five-year review, they do not find that the subject imports would be likely to have no discernible adverse impact on the domestic industry if the orders were revoked, and find that such imports would be likely to compete with each other and with the domestic like product in the U.S. market, they cumulate such imports unless there is a condition or propensity – not merely a trend – that is likely to persist for a reasonably foreseeable time and that significantly limits competition such that cumulation is not warranted. Based on the record in these reviews, and parallel to the discussion in the text, they find that there is no such condition or propensity with respect to the subject imports.

[99] See, e.g., Nucor Corp. v. United States, 601 F.3d 1291, 1296-97 (Fed. Cir. 2010) (Commission may reasonably consider likely differing conditions of competition in deciding whether to cumulate subject imports in five-year reviews); Allegheny Ludlum Corp., 475 F. Supp. 2d at 1378 (recognizing the wide latitude the Commission has in selecting the type of factors it considers relevant in deciding whether to exercise discretion to cumulate subject imports in five-year reviews); Nucor Corp., 569 F. Supp. 2d at 1337-38.

[100] CR at II-11, PR at II-8.

[101] 19 U.S.C. § 1675a(a).

[102] SAA at 883-84. The SAA states that "{t}he likelihood of injury standard applies regardless of the nature of the Commission's original determination (material injury, threat of material injury, or material retardation of an industry). Likewise, the standard applies to suspended investigations that were never completed." Id. at 883.

[103] While the SAA states that "a separate determination regarding current material injury is not necessary," it indicates that "the Commission may consider relevant factors such as current and likely continued depressed shipment levels and current and likely continued {sic} prices for the domestic like product in the U.S. market in making its determination of the likelihood of continuation or recurrence of material injury if the order is revoked." SAA at 884.

"likely," as used in the five-year review provisions of the Act, means "probable," and the Commission applies that standard in five-year reviews.[104] [105] [106]

The statute states that "the Commission shall consider that the effects of revocation or termination may not be imminent, but may manifest themselves only over a longer period of time."[107] According to the SAA, a "'reasonably foreseeable time' will vary from case-to-case, but normally will exceed the 'imminent' timeframe applicable in a threat of injury analysis in original investigations."[108]

Although the standard in a five-year review is not the same as the standard applied in an original antidumping duty investigation, it contains some of the same fundamental elements. The statute provides that the Commission is to "consider the likely volume, price effect, and impact of imports of the subject merchandise on the industry if the orders are revoked or the suspended investigation is terminated."[109] It directs the Commission to take into account its prior injury determination, whether any improvement in the state of the industry is related to the order or the suspension agreement under review, whether the industry is vulnerable to material injury if the orders are revoked or the suspension agreement is terminated, and any findings by Commerce regarding duty absorption pursuant to 19 U.S.C.§ 1675(a)(4).[110] The statute further provides that the presence or absence of any factor that the Commission is required to consider shall not necessarily give decisive guidance with respect to the Commission's determination.[111]

In evaluating the likely volume of imports of subject merchandise if the orders under review are revoked, the Commission is directed to consider whether the likely volume of imports would be

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[104] See NMB Singapore Ltd. v. United States, 288 F. Supp. 2d 1306, 1352 (Ct. Int'l Trade 2003) ("'likely' means probable within the context of 19 U.S.C. § 1675(c) and 19 U.S.C. § 1675a(a)"), aff'd mem., 140 Fed. Appx. 268 (Fed. Cir. 2005); Nippon Steel Corp. v. United States, 26 CIT 1416, 1419 (2002) (same); Usinor Industeel, S.A. v. United States, 26 CIT 1402, 1404 nn.3, 6 (2002) ("more likely than not" standard is "consistent with the court's opinion;" "the court has not interpreted 'likely' to imply any particular degree of 'certainty'"); Indorama Chemicals (Thailand) Ltd. v. United States, Slip Op. 02-105 at 20 (Ct. Int'l Trade Sept. 4, 2002) ("standard is based on a likelihood of continuation or recurrence of injury, not a certainty"); Usinor v. United States, 26 CIT 767, 794 (2002) ("'likely' is tantamount to 'probable,' not merely 'possible'").

[105] For a complete statement of Chairman Okun's interpretation of the likely standard, see Additional Views of Vice Chairman Deanna Tanner Okun Concerning the "Likely" Standard in Certain Seamless Carbon and Alloy Steel Standard, Line and Pressure Pipe From Argentina, Brazil, Germany, and Italy, Invs. Nos. 701-TA-362 (Review) and 731-TA-707 to 710 (Review)(Remand), USITC Pub. 3754 (Feb. 2005).

[106] Commissioner Lane notes that, consistent with her views in Pressure Sensitive Plastic Tape From Italy, Inv. No. AA1921-167 (Second Review), USITC Pub. 3698 (June 2004), she does not concur with the U.S. Court of International Trade's interpretation of "likely," but she will apply the Court's standard in these reviews and all subsequent reviews until either Congress clarifies the meaning or the U.S. Court of Appeals for the Federal Circuit addresses this issue.

[107] 19 U.S.C. § 1675a(a)(5).

[108] SAA at 887. Among the factors that the Commission should consider in this regard are "the fungibility or differentiation within the product in question, the level of substitutability between the imported and domestic products, the channels of distribution used, the methods of contracting (such as spot sales or long-term contracts), and lead times for delivery of goods, as well as other factors that may only manifest themselves in the longer term, such as planned investment and the shifting of production facilities." Id.

[109] 19 U.S.C. § 1675a(a)(1).

[110] 19 U.S.C. § 1675a(a)(1). Commerce found duty absorption in its second administrative review of the antidumping duty order on subject imports from Thailand; two of the three exporters that Commerce found absorbed duties are ones as to which Commerce subsequently revoked the order. See CR/PR at Table I-5, IV-1 n.2. Commerce made negative duty absorption findings with respect to the orders on subject imports from China, India, and Vietnam. CR/PR, Tables I-3, I-4, I-6. It has not conducted a duty absorption inquiry with respect to the order on subject imports from Brazil.

[111] 19 U.S.C. § 1675a(a)(5). Although the Commission must consider all factors, no one factor is necessarily dispositive. SAA at 886.

significant either in absolute terms or relative to production or consumption in the United States.[112] In doing so, the Commission must consider "all relevant economic factors," including four enumerated factors: (1) any likely increase in production capacity or existing unused production capacity in the exporting country; (2) existing inventories of the subject merchandise, or likely increases in inventories; (3) the existence of barriers to the importation of the subject merchandise into countries other than the United States; and (4) the potential for product shifting if production facilities in the foreign country, which can be used to produce the subject merchandise, are currently being used to produce other products.[113]

In evaluating the likely price effects of subject imports if the orders under review are revoked, the Commission is directed to consider whether there is likely to be significant underselling by the subject imports as compared to the domestic like product and whether the subject imports are likely to enter the United States at prices that otherwise would have a significant depressing or suppressing effect on the price of the domestic like product.[114]

In evaluating the likely impact of imports of subject merchandise if the orders under review are revoked, the Commission is directed to consider all relevant economic factors that are likely to have a bearing on the state of the industry in the United States, including but not limited to the following: (1) likely declines in output, sales, market share, profits, productivity, return on investments, and utilization of capacity; (2) likely negative effects on cash flow, inventories, employment, wages, growth, ability to raise capital, and investment; and (3) likely negative effects on the existing development and production efforts of the industry, including efforts to develop a derivative or more advanced version of the domestic like product.[115] All relevant economic factors are to be considered within the context of the business cycle and the conditions of competition that are distinctive to the industry. As instructed by the statute, we have considered the extent to which any improvement in the state of the domestic industry is related to the orders at issue and whether the industry is vulnerable to material injury if the orders were revoked.[116]

The Commission received questionnaire responses in these reviews from 36 domestic shrimp processors (31 of which provided usable data), and 165 shrimp fishermen (134 of whom provided usable financial data).[117] It received questionnaire responses from 56 importers of warmwater shrimp, which are believed to have accounted for *** percent of imports from all subject sources and *** percent of imports from other sources in 2009.[118] Foreign producers' questionnaire responses were received from three Brazilian producer/exporters *** that country's minimal exports to the United States in 2009; 34 Chinese producer/exporters, accounting for 8.5 percent of that country's U.S. exports in 2009; 36 Indian producer/exporters, accounting for 75.0 percent of that country's U.S. exports in 2009; 34 Thai producer/exporters, accounting for 97.0 percent of that country's U.S. exports in 2009; and 26

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[112] 19 U.S.C. § 1675a(a)(2).

[113] 19 U.S.C. § 1675a(a)(2)(A-D).

[114] See 19 U.S.C. § 1675a(a)(3). The SAA states that "{c}onsistent with its practice in investigations, in considering the likely price effects of imports in the event of revocation and termination, the Commission may rely on circumstantial, as well as direct, evidence of the adverse effects of unfairly traded imports on domestic prices." SAA at 886.

[115] 19 U.S.C. § 1675a(a)(4).

[116] The SAA states that in assessing whether the domestic industry is vulnerable to injury if the order is revoked, the Commission "considers, in addition to imports, other factors that may be contributing to overall injury. While these factors, in some cases, may account for the injury to the domestic industry, they may also demonstrate that an industry is facing difficulties from a variety of sources and is vulnerable to dumped or subsidized imports." SAA at 885.

[117] CR at I-7, E-13, PR at I-5, E-13. The responding processors account for *** percent of 2009 U.S. production based on live weight and *** percent of domestic production based on headless shell-on weight. CR/PR at III-1.

[118] CR at I-7, PR at I-5.

Vietnamese producer/exporters, accounting for 95.8 percent of that country's U.S. exports in 2009.[119] When appropriate in these reviews, we have relied on the facts otherwise available, which consist of information from the original investigations, as well as information submitted in these reviews, including information provided by Domestic Parties and Joint Respondents, questionnaire responses, and information available from published sources.[120] [121]

B. Conditions of Competition and the Business Cycle

In evaluating the likely impact of the subject imports on the domestic industry if an order is revoked, the statute directs the Commission to consider all relevant economic factors "within the context of the business cycle and conditions of competition that are distinctive to the affected industry."[122] The following conditions of competition inform our determinations.

1. The Original Determinations

Demand. In the original investigations, the Commission found that apparent U.S. consumption of non-canned warmwater shrimp increased throughout the period of investigation, although market participants did not agree concerning the reasons for this increase. It further found that warmwater shrimp is generally used in meal preparations and that restaurants accounted for about 80 percent of total U.S. consumption.[123]

Supply. In the original investigations, the Commission observed that the domestic like product was overwhelmingly wild-caught. Harvesting occurred in the Gulf of Mexico and to a lesser extent off the Atlantic Coast between the Carolinas and Florida. Production was seasonal, with the main fishing season occurring between May and December. There were numerous entities in the United States engaged in the harvesting or processing of warmwater shrimp. Information provided by the petitioners indicated that in

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[119] CR at I-7, PR at I-5. The record does not allow us to estimate with any degree of precision how much of the capacity and production of the subject industries in each country is covered by the foreign producers' questionnaire responses.

[120] 19 U.S.C. § 1677e(a) authorizes the Commission to "use the facts otherwise available" in reaching a determination when (1) necessary information is not available on the record or (2) an interested party or any other person withholds information requested by the agency, fails to provide such information in the time or in the form or manner requested, significantly impedes a proceeding, or provides information that cannot be verified pursuant to 19 U.S.C. § 1677m(i). The verification requirements in 19 U.S.C. § 1677m(i) are applicable only to Commerce. See Titanium Metals Corp. v. United States, 155 F. Supp. 2d 750, 765 (Ct. Int'l Trade 2002) ("the ITC correctly responds that Congress has not required the Commission to conduct verification procedures for the evidence before it, or provided a minimum standard by which to measure the thoroughness of Commission investigations.").

[121] Chairman Okun notes that the statute authorizes the Commission to take adverse inferences in five-year reviews, but such authorization does not relieve the Commission of its obligation to consider the record evidence as a whole in making its determination. See 19 U.S.C. § 1677e. She generally gives credence to the facts supplied by the participating parties and certified by them as true, but bases her decision on the evidence as a whole, and does not automatically accept participating parties' suggested interpretations of the record evidence. Regardless of the level of participation, the Commission is obligated to consider all evidence relating to each of the statutory factors and may not draw adverse inferences that render such analysis superfluous. "In general, the Commission makes determinations by weighing all of the available evidence regarding a multiplicity of factors relating to the domestic industry as a whole and by drawing reasonable inferences from the evidence it finds most persuasive." SAA at 869.

[122] 19 U.S.C. § 1675a(a)(4).

[123] Original Determinations, USITC Pub. 3748 at 22-23.

2003 there were 16,000 holders of commercial fishing licenses in the Gulf states and 125 domestic shrimp processors.[124]

By contrast, the vast majority of the subject imports were farmed. The Commission found that, although there was some degree of seasonality in the supply of particular sizes and/or species from individual subject countries, the supply of the subject imports was in the aggregate less seasonal than that of domestically harvested shrimp.[125]

The Commission found that, during the period of investigation, subject imports accounted for the majority of U.S. supply. The domestic industry supplied a smaller share than either subject imports or nonsubject imports. The parties agreed that the quantity of warmwater shrimp available from U.S. fishermen was insufficient to meet national demand.[126]

Interchangeability. The Commission found in the original investigations that the domestic like product and the subject imports were sold to similar types of customers for the same applications. Market participants had mixed perceptions about the interchangeability and substitutability of the subject imports and the domestic like product. The Commission emphasized, however, that the record did not support the finding respondents sought that the domestic like product and the subject imports were highly differentiated products.[127]

The Commission provided four reasons for this conclusion. First, the record indicated that the same purchasers bought the domestic like product and the subject imports. Second, because majorities of responding purchasers indicated both that they purchased the domestic like product and that they had no instances of suppliers failing approval, the data indicated that the domestically processed product satisfied purchaser approval standards with at least some frequency. Third, purchasers' comments on availability and product range to some extent merely acknowledged quantitative and seasonal constraints in the supply of the domestically processed shrimp. Fourth, nothing in the purchasers' comments and testimony indicated that there was any application for which the domestically processed product was used for which the subject imports could not be substituted. The Commission concluded that the domestic like product and the subject imports were "at least moderate substitutes."[128]

2. The Current Reviews

a. Demand Conditions

Apparent U.S. consumption of warmwater shrimp fluctuated within a relatively narrow range during the period of review. Apparent U.S. consumption was 1.17 billion pounds in 2005, reached a period peak of 1.33 billion pounds in 2006, and ranged between 1.25 and 1.26 billion pounds the subsequent three years. The 832 million pounds of apparent U.S. consumption during interim 2010 were fewer than the 892 million pounds during interim 2009.[129]

As was the case in the original investigations, warmwater shrimp continues to be used principally in meal preparations. Demand for the product comes from retail sellers of both prepared and unprepared warmwater shrimp, such as grocers and restaurants.[130]

ASPA asserted that poor economic conditions in the United States reduced U.S. demand during the latter portion of the period of review, and some purchasers cited U.S. economic conditions as a cause of

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[124] Original Determinations, USITC Pub. 3748 at 23.
[125] Original Determinations, USITC Pub. 3748 at 23.
[126] Original Determinations, USITC Pub. 3748 at 24.
[127] Original Determinations, USITC Pub. 3748 at 24-25.
[128] Original Determinations, USITC Pub. 3748 at 25.
[129] CR/PR, Table I-16.
[130] CR at II-19, PR at II-15.

reduced demand during the period of review.[131] Nevertheless, market participants' perceptions of changes in U.S. demand during the period of review were mixed.[132] As previously stated, apparent U.S. consumption was basically stable from 2007 to 2009. The parties agree, however, that the lower level of apparent U.S. consumption in interim 2010 was to some extent a function of the April 20, 2010 "Deepwater Horizon" incident in the Gulf of Mexico (the "Gulf Oil Spill").[133]

Market participants provided a range of responses concerning likely future demand in the U.S. market. Majorities of U.S. processors, importers, and purchasers reported that demand would likely either increase or fluctuate.[134] The parties indicated that they did not believe the Gulf Oil Spill was likely to cause a lasting decline in U.S. demand for warmwater shrimp.[135]

b. Supply Conditions

As was the case during the original investigations, domestically produced shrimp is overwhelmingly wild-harvested.[136] Harvesting takes place in the waters of the Gulf of Mexico and off the Atlantic Coast from the Carolinas to Florida.[137] The main fishing season is from May to December; during the off-season, U.S. processors make sales from inventory.[138] Phenomena that affect the waters in which shrimp is harvested and the coastal areas where fishing boats are docked and processing plants are located will also affect the supply of the domestic like product. During the period of review several hurricanes, including Hurricanes Katrina and Rita in 2005 and Hurricane Ike in 2008, hit the U.S. Gulf Coast and destroyed infrastructure and fishing boats.[139] Additionally, waters in the Gulf were closed to fishing for various amounts of time in 2010 because of the Gulf Oil Spill; the great majority of U.S. processors and purchasers said the spill affected their supply of warmwater shrimp.[140] During this period, a large percentage of the Gulf shrimping fleet received payments from BP either for assistance in the Gulf clean-up or as compensation for damages.[141]

Domestic Parties acknowledge that the domestic industry cannot harvest sufficient shrimp to satisfy U.S. demand.[142] Indeed, during the period of review, the domestic industry supplied between 9.2 percent and 12.7 percent of apparent U.S. consumption on an annual basis. That is less than the share supplied by either subject imports or nonsubject imports.[143]

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[131] ASPA Prehearing Brief at 94-96; CR at II-21, PR at II-15.

[132] CR/PR, Table II-4.

[133] ASPA Prehearing Brief at 96-97; Joint Respondents Prehearing Brief at 5 n.5. See CR at II-6 n.10; PR at II-5 n.10.

[134] CR/PR, Table II-5.

[135] Tr. at 133 (Appelbaum), Joint Respondents Posthearing Brief at A-93-95.

[136] CR at I-30, PR at I-25. During a portion of the period of review, the Federal Government funded Wild American Shrimp, Inc. ("WASI"), a program to certify, label, and market U.S. wild-caught shrimp. The program started in 2004, but active marketing efforts ceased after its federal funding was discontinued in 2006. See ASPA Prehearing Brief at 103-04, ex. 12 (Seafood Business Magazine article on "Top Species: Wild Shrimp"). Domestic industry participants expressed divergent views on the efficacy of the WASI program. Tr. at 127-28 (Garcia Pena), 128 (Veal), 129 (Appelbaum).

[137] CR at II-5, PR at II-4.

[138] CR at II-7-8, PR at II-6.

[139] CR at II-6, PR at II-5.

[140] CR at II-6 n.10, PR at II-5 n.10. In June 2010, as much as 36.6 percent of the Gulf of Mexico was closed to fishing due to the Gulf Oil Spill. By November 2010, the closures encompassed only 0.4 percent of the Gulf. Id.

[141] CR at II-6 n.12, PR at II-5 n.12.

[142] Tr. at 50 (Gollott).

[143] CR/PR, Table I-16.

Shrimp from imported sources is generally farm-raised.[144] Purchasers were more likely to describe the subject imports as having year-round availability, although some reported seasonality in particular sizes or species.[145]

Subject imports supplied the majority of apparent U.S. consumption during the first three years of the period of review, but after 2008 they supplied a lower percentage of apparent U.S. consumption than nonsubject imports, as several antidumping duty orders were revoked. In 2005, subject sources were *** percent of the U.S. market. That percentage fell to *** percent in 2009 and was *** percent in interim 2009 and *** percent in interim 2010. Nonsubject sources, which supplied *** percent of the U.S. market in 2005, increased to *** percent in 2009; they were *** percent of the market in interim 2009 and *** percent in interim 2010.[146]

There were several revocations or partial revocations of the antidumping duty orders during the period of review. The order covering imports from Ecuador was revoked with respect to all producers on August 15, 2007.[147] The order on subject imports from India was revoked with respect to producer Devi effective February 1, 2009.[148] The order on subject imports from Thailand was revoked with respect to multiple producers effective January 16, 2009.[149] Imports from sources originally subject to the antidumping duty orders accounted for a majority of apparent U.S. consumption throughout the period of review.[150] By contrast, imports from sources never subject to antidumping duty orders accounted for *** percentage points less of apparent U.S. consumption in 2009 than in 2005 and for *** percentage points less of apparent U.S. consumption in interim 2010 than in interim 2009.[151] [152]

c. Substitutability Conditions

The parties have expressed divergent views on the substitutability of the domestic like product and the subject imports, with Domestic Parties arguing that the products are highly substitutable, and Joint Respondents arguing that any competition between the domestic like product and the subject imports is highly attenuated. As previously discussed, different types of market participants provided different general assessments of interchangeability, with U.S. processors overwhelmingly reporting that the domestic like product and imports from each subject country were always interchangeable, a majority of purchasers reporting that the domestic like product and the imports from each subject country were always or frequently interchangeable, and a majority of importers reporting that the domestic like product and imports from each subject country were frequently or sometimes interchangeable.[153]

The record does not indicate clear distinctions in the markets or customers served by the domestic like product and the subject imports. Both the domestic like product and the subject imports are available in every region of the country.[154] As explained in the discussion of cumulation, each of the five leading

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[144] CR at II-11, PR at II-8.

[145] CR at II-8, PR at II-6.

[146] CR/PR, Table I-16.

[147] 72 Fed. Reg. 48257 (Aug. 23, 2007).

[148] 75 Fed. Reg. 41813 (July 19, 2010).

[149] See 75 Fed. Reg. 27299, 27300 (May 14, 2010).

[150] CR/PR, Table I-16.

[151] CR/PR, Table I-16. This figure includes both imports from countries never subject to the order and imports from individual Chinese and Ecuadorean exporters never subject to the order.

[152] Commissioner Pearson has made negative determinations and does not join the remainder of this opinion. See Dissenting Views of Commissioner Daniel R. Pearson.

[153] CR/PR, Table II-12.

[154] CR/PR, Table II-2. Joint Respondents indicate that the subject imports have a much larger presence in some channels of distribution, particularly those involving end users and retail buyers, than does the domestic industry.

(continued...)

purchasers (which together represented more than 87 percent of reported purchases) purchased both the domestic like product and at least some subject imports during the period of review, and four purchased the domestic like product and imports from multiple subject countries.

One distinction between the domestic like product and the subject imports, as explained above, is that the domestic like product is overwhelmingly wild-caught, while the subject imports are predominantly farm-raised. This distinction taken alone, however, does not significantly limit substitutability between the domestic like product and the subject imports. A majority of reporting purchasers reported that they purchase wild-caught and farm-raised shrimp for the same end uses, and three times as many purchasers indicated that the two types of shrimp were purchased for the same end uses as reported that they were not.[155]

We found above that the domestic like product was more seasonal that the subject imports. A majority of purchasers reported that the domestically produced product was inferior to the subject imports in terms of availability.[156]

The record indicates that the domestic industry supplies all major product forms. Although a large proportion of domestic production is block frozen product, the domestic industry also produces appreciable quantities of individually quick frozen (IQF) product and some quantities of cooked product. The domestic industry also offers products in all possible size ranges.[157] Similarly, the record does not indicate any major product form that the subject imports do not supply. The record also indicates that larger proportions of the subject imports than of the domestic like product are in cooked or IQF forms.[158]

Purchasers compared the quality of the subject imports and the domestic like product. A plurality of purchasers found the domestic like product and subject imports comparable on the criterion "quality meets your firm's standards," although a substantial minority of purchasers found the domestic product to be inferior.[159] Nevertheless, a higher percentage of purchasers reported that purchases of domestically produced product always or usually met minimum quality standards than responded the same for purchases of imports from any subject country except Thailand.[160] In light of these data, we find that, although there are some perceptions of quality distinctions between the domestic like product and the subject imports, the record does not indicate actual distinctions of such magnitude as to significantly limit the substitutability of the products, as claimed by respondents.

We find that differences in product mix and availability between the subject imports and the domestic like product limit to some extent the substitutability of warmwater shrimp from different sources. Nevertheless, we do not perceive significant differences in regional availability, product range, or quality between the domestically produced and subject products. Moreover, because the record shows

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[154] (...continued)
Joint Respondents Posthearing Brief at 6. While this is true, it is to a large extent a function of subject imports accounting overall for a much larger share of apparent U.S. consumption than the domestic industry. As explained in section IV.D. above, both the subject imports and the domestic like product are available in all channels of distribution. Moreover, it is undisputed that both the subject imports and the domestic like product participate significantly in sales to distributors.

[155] CR/PR, Table II-17. Joint Respondents emphasize that importers, particularly large importers, were much less inclined than other market participants to state that wild-caught frozen warmwater shrimp always or usually competes with frozen warmwater shrimp. Joint Respondents Posthearing Brief at 6. We have, however, given greater weight to the responses of purchasers, most of which purchase both the subject and domestic products and thus have first-hand experience with the products, concerning whether the products have the same end uses.

[156] CR/PR, Table II-11. This is based on aggregating the individual U.S.-subject country comparisons.

[157] Producers' Questionnaires, response to question II-16.

[158] See CR/PR, Tables H-1-8.

[159] CR/PR, Table II-11. Nevertheless, for the criterion "quality exceeds your firm's standards," twice as many purchasers found the products comparable as found the domestically produced product inferior. Id.

[160] CR/PR, Table II-14.

no significant market segment in which the domestic like product participates and subject imports do not, we do not agree with respondents' argument that subject imports and the domestic like product compete in separate markets. As in the original investigations, the record in these reviews supports finding that the products are at least moderate substitutes.

d. Other Likely Conditions of Competition

The great majority of U.S. processors reported making more than 65 percent of their sales in the spot market.[161] Twenty of 46 reporting importers sold exclusively in the spot market, 20 others made some transactions in the spot market, and 25 used contract sales in whole or in part.[162] Although Joint Respondents have submitted data indicating that some large importers may be more inclined than their smaller counterparts to make contract sales, even their data indicate that *** percent of the quantity of subject and nonsubject imports during 2009 were sold in the spot market.[163] Consequently, spot market sales are significant for both the domestic like product and the subject imports.

The largest individual component of operating expenses for reporting fishermen consisted of fuel and oil costs. On a per-unit basis, these costs showed large annual fluctuations.[164] Neither fishermen nor processors impose fuel surcharges on their customers, and high fuel costs can serve as a disincentive to fishermen to take their boats out to harvest shrimp.[165]

C. Likely Volume of Subject Imports

1. The Original Determinations

In the original investigations, the quantity and market penetration of the cumulated subject imports increased throughout the period of investigation. The Commission found that these increases came largely at the expense of the domestic industry, whose market share declined by 3.3 percentage points between 2001 and 2003 and was 1.7 percentage points lower in interim 2004 than in interim 2003.[166]

The Commission concluded that the increase in subject import market penetration relative to that of the domestic industry was not merely a function of the natural limitations of U.S. fisheries. It found that U.S. processors' shipments did not increase commensurately with the supply of U.S. fresh shrimp between 2002 and 2003. The Commission further found that the decline in the number of days fished between interim 2003 and interim 2004 was "due to reduced fishing effort attributable to the very low prices which precluded fishermen from operating profitably," rather than to natural factors. Moreover, the Commission concluded that the record indicated that the subject imports had not created any new markets or channels of distribution during the period examined. In light of this, the Commission found that the increase in subject imports did not merely satisfy increased U.S. demand, but displaced U.S. production. The Commission concluded that the volume of subject imports and the increase in that volume, both in absolute terms and relative to consumption in the United States, was significant.[167]

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[161] CR at V-4 n.3, PR at V-4 n.3.

[162] Importer Questionnaires, response to question III-9. Contract sales were generally for three to six month intervals. Only three importers reported that most of their sales were based on long-term contracts.

[163] Joint Respondents Posthearing Brief, ex. 4.

[164] See CR/PR, Table E-5.

[165] Tr. at 143 (McLendon), 144 (Blanchard).

[166] Original Determinations, USITC Pub. 3748 at 26.

[167] Original Determinations, USITC Pub. 3748 at 26-28.

2. The Current Reviews

Although subject import quantity declined from 2006 to 2009, the order revocations with respect to various Ecuadorean, Indian, and Thai producers played a substantial role in these declines. The quantity of cumulated subject imports increased from *** pounds in 2005 to *** pounds in 2006, but then declined to *** pounds in 2007. The antidumping duty order covering subject imports from Ecuador was revoked in 2007, and the decline in subject imports from Ecuador accounted for *** percent of the total decline in cumulated subject imports from 2006 to 2007. Cumulated subject imports declined to *** pounds in 2008; *** percent of the decline in subject imports from 2007 to 2008 was attributable to the declines in subject imports from Ecuador. Cumulated subject imports declined further to *** pounds in 2009, the year the antidumping duty orders were revoked with respect to certain producers from India and Thailand. Both total and subject imports from India and total imports from Thailand increased from 2008 to 2009. Subject imports from Thailand declined, however, and the *** pound decline in subject imports from Thailand from 2008 to 2009 accounted for *** percent of the decline in cumulated subject imports during that year. The *** pounds of cumulated subject imports in interim 2010 were greater than the *** pounds in interim 2009.[168]

Subject import market penetration declined each year during the period of review. As a percentage of the quantity of apparent U.S. consumption, cumulated subject imports declined from *** percent in 2005 to *** percent in 2009. Interim 2010 market penetration of *** percent was greater than interim 2009 market penetration of *** percent.[169]

The reported capacity of the industry in each of the subject countries increased from 2005 to 2009 and was greater in interim 2010 than in interim 2009 for each of the subject countries except Brazil, for which it was unchanged, and India, for which it declined ***.[170] On a cumulated basis, production reported by producers in the subject countries increased from 2005 to 2009 and was higher in interim 2010 than in interim 2009, despite some declines in Brazil and India.[171] Public data indicate that shrimp aquaculture production in the subject countries also increased from 2005 to 2009 on a cumulated basis, although these data indicate a decline from 2009 to 2010.[172]

The record contains no information suggesting that the increases in production reported during the period of review in the questionnaire responses are not likely to continue in the reasonably foreseeable future. To the contrary, public data project that shrimp aquaculture production in each of the subject countries will increase and that the annual aggregate increase for the five subject countries will be 188.3 million pounds in 2011 and 251.8 million pounds in 2012.[173] Moreover, the questionnaire data indicate that the industries in the subject countries have had a history of increasing processing capacity to accommodate increases in the supply of raw shrimp.[174] Even taking into account that some of the projected increases in shrimp aquaculture production may be attributable to nonsubject producers in the

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[168] CR/PR, Tables IV-1-A, IV-1-B.

[169] CR/PR, Table I-16.

[170] CR/PR, Tables IV-8-9, IV-11, IV-13, IV-15. As previously stated, producers' questionnaire coverage for Brazil is extremely low.

[171] CR/PR, Tables IV-8-9, IV-11, IV-13, IV-15.

[172] CR/PR, Table IV-7.

[173] CR/PR, Table IV-7. These data refute Joint Respondents' contention that shrimp farming has reached its practical limit in Thailand. See Joint Respondents Prehearing Brief at 40.

[174] Joint Respondents argue that the subject industries cannot achieve full capacity utilization because their capacity is designed to handle peak harvest periods. Tr. at 276 (Connelly). Assuming *arguendo* that this is the case, we observe that reported capacity utilization levels in 2009 in three of the subject countries (Brazil, India, and Vietnam) were still below period peaks. CR/PR, Tables IV-8, IV-11, IV-15. In any event, the existence of unused capacity, as well as the history of processing expansion in the subject countries, would indicate that the subject industries are well equipped to process the projected additional volumes of farmed shrimp.

subject countries, the projected increases are quite significant in comparison to the 1.26 billion pounds of 2009 apparent U.S. consumption.[175]

We find that, should the orders be revoked, the subject producers are likely to direct a significant volume of the increased production to the U.S. market. We provide three basic reasons for this finding.

First, the subject industries are heavily export-oriented. Joint Respondents' contentions that production increases will serve home market demand lack record support. In India, internal shipments and home market consumption were minimal throughout the period of review.[176] In Thailand and Vietnam, internal consumption and home market shipments combined never exceeded 20 percent of total shipments during any portion of the period of review, and the shares of total shipments accounted for by internal consumption and home market shipments rose only modestly during the period of review.[177] Joint Respondents' assertions of a rapidly growing home market in China are not corroborated by the questionnaire data, which indicate that exports constituted at least 74.9 percent of total shipments during each year in the period of review. Moreover, exports' share of total shipments declined only 1.4 percentage points from 2005 to 2009 and showed no change between interim 2009 and interim 2010.[178] The Brazilian industry, as previously discussed, historically has been export oriented.[179] Although there is information in the record suggesting that Brazilian producers currently may be shipping the bulk of their production to the home market, there is no indication that this is a permanent phenomenon that is unlikely to change upon revocation of the order.[180]

Second, notwithstanding the orders, the United States remains an important market to the subject producers in the aggregate.[181] Indeed, during the period of review, the United States was generally the largest single export market for the subject Thai and Vietnamese producers[182] and remained an important market for Indian producers.[183] Although both Brazil's participation in the U.S. market and that of the

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[175] CR/PR, Table I-16.

[176] CR/PR, Table IV-11.

[177] CR/PR, Tables IV-13, IV-15.

[178] CR/PR, Table IV-9. Public data also indicate that total exports from China to all markets were higher in 2009 than 2005. Joint Respondents Prehearing Brief, ex. 1. Other information in the record indicates that Chinese consumers may prefer fresh – rather than frozen – shrimp products, or will only accept certain types of frozen shrimp products, such as cooked head-on shell-on. See Joint Respondents Prehearing Brief, ex. 24; ASPA Posthearing Brief, tab Williamson-1, ex. 2 at 4.

[179] Additionally, as previously stated, the small number of Brazilian producers that responded to the Commission's questionnaire reported an export orientation throughout the period of review. CR/PR, Table IV-8.

[180] To the contrary, a 2010 report by the Foreign Agricultural Service of the U.S. Department of Agriculture on which both Domestic Parties and Joint Respondents rely indicates that, although there has been some recent increase in Brazilian demand for warmwater shrimp, the industry in that country is oriented toward serving export markets, notwithstanding that exports have declined in recent years due to such factors as the U.S. antidumping duty order and currency exchange rates that have made imports from Brazil less attractive in European markets. ASPA Prehearing Brief, ex. 5; Joint Respondents Prehearing Brief, ex. 21. The limited information in the record indicates that any current focus by Brazilian producers on their home market may be more a matter of necessity than of choice. The individual shrimp producers that constitute ABCC's membership overwhelmingly failed to cooperate with the Commission's information requests. The Commission therefore has very limited information on the disposition of Brazilian producers' production or the continuing impact, if any, of disease problems the Brazilian industry purportedly encountered at the beginning of the period of review.

[181] We reiterate that the declines in subject import volume and market penetration during the latter portion of the period of review were substantially due to revocations of the orders with respect to imports from Ecuador and from specific Indian and Thai producers. These declines consequently do not indicate that suppliers now subject to the orders have lost either the interest or ability to supply the U.S. market.

[182] CR/PR, Tables IV-13, IV-15.

[183] CR/PR, Table IV-11. Joint Respondents point out that Indian producers did not increase their exports to the United States during the period of review despite receiving very low duty deposit rates in administrative reviews.

(continued...)

responding Chinese producers declined severely during the period of review, this appears to be at least in substantial part a function of the orders.

Third, the United States is an attractive market to exporters.[184] The United States is one of only a handful of very large world export markets for shrimp served by the subject countries, the others being Japan and the EU.[185] Although market participants perceive that worldwide demand for shrimp is likely to increase,[186] there are widespread perceptions among U.S. market participants that U.S. demand will likely increase as well.[187] Additionally, available data in the record indicate that the United States offers exporters prices that are at least competitive with those available in other export markets.[188] The record also indicates that the United States remains an attractive market for exports from the two subject countries whose participation in the U.S. market has declined significantly since issuance of the orders. The United States would be an attractive market for Brazilian producers upon revocation in light of their historic desire to serve export markets and their substantially reduced participation in their only other historic export market, the European Union (EU), due to unfavorable exchange rates.[189] Chinese interest in the U.S. market is evidenced by the vast increases since 2004 in Chinese exports to the United States of breaded shrimp, a product outside the scope.[190]

Joint Respondents argue that the subject producers have established relationships in other export markets and there is consequently no economic incentive for them to divert exports from other markets to the United States.[191] This argument fails to recognize that the subject producers do not need to divert exports from other markets to the United States given their likely significant increases in warmwater

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[183] (...continued)
Joint Respondents Prehearing Brief at 35. We cannot conclude that this experience is dispositive of their likely conduct after revocation, particularly in light of the fact that U.S. imports from Indian producer Devi increased after the order was revoked with respect to that company in 2009. CR/PR, Table IV-1A.

[184] This conclusion is supported by the increase in imports from Ecuador to the United States following revocation of the antidumping duty order on such imports. See CR/PR, Table IV-1B.

[185] See Joint Respondents Prehearing Brief, ex. 1.

[186] CR/PR, Table II-8.

[187] CR/PR, Table II-5. Although perceptions of likely future U.S. demand are not uniform, the perceptions of those entities that directly participate in the U.S. market – U.S. processors, purchasers, and importers -- fail to corroborate Joint Respondents' contention that, because apparent U.S. consumption of shrimp was generally stable during the period of review, demand is likely to remain static in the reasonably foreseeable future.

[188] Two of the three subject countries for which usable public data on average unit values (AUVs) are available reported higher AUVs in 2009 for exports to the United States than for exports to the rest of the world. ASPA Prehearing Brief, ex. 3; Joint Respondents Prehearing Brief, ex. 1. These data indicate that U.S. prices are sometimes, but not always, higher than those available in other export markets. We acknowledge that there are factors that serve to temper the weight to be given to the AUV data. First, market participants' perceptions of whether U.S. prices were higher or lower than those available in other markets were mixed. CR at V-37-38, PR at V-10-11. Second, as Joint Respondents argue (albeit without corroboration for many of their assertions), differences in AUVs may reflect differences in product types. Cf. Joint Respondents Posthearing Brief at A-34-37. Although the record may not support a finding that U.S. prices are clearly superior to those available in other export markets, it also does not support a finding that U.S. prices are clearly inferior to those available in other export markets.

[189] ASPA Prehearing Brief, ex. 5; Joint Respondents Prehearing Brief, ex. 21. See also Joint Respondents Prehearing Brief, ex. 1 (indicating that the sharp decline in Brazilian exports to the EU occurred at least two years after the sharp decline in Brazilian exports to the United States).

[190] ASPA Prehearing Brief, ex. 2. As explained below, we do not find that Chinese producers are likely to shift from producing breaded shrimp to producing subject merchandise upon revocation. Instead, the increases in breaded shrimp exports since the time of the original investigation indicate that Chinese suppliers continue to be interested in supplying the United States with shrimp products.

[191] See Joint Respondents Prehearing Brief at 53-57.

shrimp production.[192] The magnitude of this likely additional production, the export orientation of the subject producers, and the size and attractiveness of the U.S. market – as evidenced by its continued importance to the subject producers – all support our conclusion that significant additional volumes of subject imports are likely to enter the U.S. market upon revocation.[193]

D. Likely Price Effects of Subject Imports

1. The Original Determinations

In the original investigations, the Commission found that price was at least a moderately important factor in purchasing decisions and that price would play a significant role in purchasing decisions. Additionally, in light of the moderate substitutability of the subject imports and the domestic like product, changes in the prices of the subject imports would affect the prices of domestically processed shrimp to a significant degree.[194]

The Commission found that there was predominant underselling for the entire spectrum of pricing products for which it collected data. In light of the importance of price in purchasing decisions and the gains in market penetration the subject imports achieved at the expense of the domestic industry during the period of investigation, the Commission found this underselling to be significant.[195]

The Commission observed that there were large price declines for both the domestically produced product and the subject imports during the period of investigation. It found that there was no record support for respondents' contention that the subject imports' price declines simply reflected efficiencies in shrimp farming. It stated that respondents' contention that the price declines represented competition among farmed shrimp products generally could not be reconciled with the data in the record indicating that the subject imports took market share from nonsubject imports as well as from the domestic industry. The Commission therefore concluded that the subject imports had significant price-depressing effects.[196]

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[192] By the same token, U.S. importers are not significantly constrained by contractual commitments from offering additional quantities of subject imports. As discussed in section V.B.2.c. above, even using Joint Respondents' calculations, importers make a significant share of their sales in the spot market and thus would be able to offer additional subject imports to purchasers in that market. Additionally, only a handful of importers primarily use long-term contracts for sales.

[193] In our analysis of likely subject import volume, we have also examined several other considerations, although we do not place principal reliance on them in making our finding.

We examined inventories of the subject merchandise. Inventories of the subject merchandise in the United States at the conclusion of the period of review were substantial. These inventories were *** pounds at the end of 2009, *** pounds at the end of September 2009, and *** pounds at the end of interim 2010. The quantity of such inventories, however, fluctuated in a fairly narrow range throughout the period of review. CR/PR, Table IV-4. Reported inventory levels in the subject countries were stable relative to production. CR/PR, Tables IV-8-9, IV-11, IV-13, IV-15.

Several subject firms indicated that they produce other products on the same equipment and facilities used to produce frozen warmwater shrimp; among these is breaded shrimp. CR at IV-26, IV-30, IV-34, IV-37, PR at IV-19, IV-22, IV-25, IV-26. The record, however, contains no information suggesting that a producer would have an economic incentive to shift production of breaded shrimp to subject merchandise, particularly inasmuch as breaded shrimp is a higher value product.

We also examined whether there are barriers to the importation of subject merchandise in countries other than the United States. Several Thai producers reported that their exports are subject to tariffs in the EU. CR at IV-32 n.22, PR at IV-23 n.22.

[194] Original Determinations, USITC Pub. 3748 at 28.

[195] Original Determinations, USITC Pub. 3748 at 29.

[196] Original Determinations, USITC Pub. 3748 at 29-31.

2. The Current Reviews

Purchasers indicate that price plays a major role in purchasing decisions. Of 33 responding purchasers, 27 reported price as a very important purchasing consideration.[197] Moreover, purchasers most commonly listed price as the number two factor in purchasing decisions.[198] Although a large majority of purchasers named quality as the number one factor in purchasing decisions, the domestic like product was at least as likely as the subject imports to satisfy purchasers' quality requirements.[199] We accordingly conclude, as we did in the original investigations, that price is at least a moderately important factor in purchasing decisions.

The Commission collected pricing data in these reviews on eight warmwater shrimp products.[200] The subject imports undersold the domestic like product in 317 instances, or 56.7 percent of total comparisons, and oversold the domestic like product in 242 instances.[201]

Prices for the domestic like product and the subject imports fluctuated during the period of review. Although trends for the eight domestically produced pricing products were not uniform, prices declined for most products in 2006, rose in 2007 and 2008, declined in 2009, and rose during the first three quarters of 2010. Six of the eight domestically produced pricing products were priced lower in the third quarter of 2009 than in the third quarter of 2005, and five of the eight were priced higher in the third quarter of 2010 than in the third quarter of 2005. For the subject imports, prices were higher in the third quarter of 2009 than in the third quarter of 2005 in 10 of 21 instances and higher in the third quarter of 2010 than in the third quarter of 2005 in 15 of 21 instances.[202] Although Joint Respondents point to the differences in pricing trends between the subject imports and certain domestic comparison products between 2005 and 2009 as evidence of lack of price competition,[203] we find that this instead indicates that the orders had disciplining effects on prices for the subject imports. Indeed, at the hearing, counsel for Joint Respondents did not dispute that the orders had some disciplining effect on prices.[204]

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[197] CR/PR, Table II-10.

[198] CR/PR, Table II-9.

[199] See discussion in section V.B.2.c. above.

[200] Five of these are block frozen products, each of different sizes. The three largest sizes were headless, shell-on product, the fourth largest was peeled and deveined, tail off, and the smallest was headless and peeled. The remaining three products were IQF, each of different sizes. The largest size was headless, deveined, EZ-peel, tail-on; the medium size was cooked, peeled and deveined, headless; and the smallest was cooked, headless, shell-on. CR at V-6, PR at V-5.

[201] CR/PR, Tables H-1-8. The frequency of underselling varied by individual products, with more instances of underselling by the subject imports than overselling in four products, more instances of overselling than underselling in three products, and equal instances of overselling and underselling in one product. Although Joint Respondents have argued at length concerning the significance of the underselling observed during the period of review, see Joint Respondents Prehearing Brief at 64-72, our statutory inquiry in these five-year reviews does not concern whether there is currently significant underselling, but rather whether significant underselling is likely upon revocation. See 19 U.S.C. § 1675a(a)(3).

[202] CR/PR, Tables H-1-8. We compared third quarter prices because domestic quantities and prices are affected to some degree by seasonal availability and there is typically peak availability during the third quarter. Because domestic supply and prices in 2010 were to some extent affected by the Gulf Oil Spill, we compared third quarter prices in 2005 with third quarter prices in both 2009 and 2010.

[203] See Joint Respondents Posthearing Brief at A-37, ex. 2.

[204] Counsel for Joint Respondents representing Thai producers admitted that Commerce's administrative review process has had some disciplining effect on his clients' pricing practices. Tr. at 291 (Gosselink). Counsel for Vietnamese Respondents did not dispute that the orders may have had some disciplining effect on prices. Tr. at 292 (Nicely). See also Joint Respondents Posthearing Brief at A-23 ("the orders may be responsible for some upward movement in prices and some slight downward movement in subject import volume during the course of the POR.").

Although the pricing data collected during the period of review admittedly do not show that prices for the domestic like product and the subject imports always moved in concert, we find that prices for the subject imports would likely significantly affect prices for the domestic like product following revocation. This follows from our prior finding that the products are moderate substitutes, inasmuch as they are sold in the same forms for the same uses to common purchasers, who perceive that both the domestic like product and the subject imports satisfy their quality standards. Moreover, when purchasers were asked to compare wild-caught shrimp (such as the domestic like product) and farm-raised shrimp (such as the subject imports), a plurality reported that price changes in one type of product always or usually affect prices of the other type.[205] These purchaser data provide persuasive evidence that price changes for the subject imports will affect prices for the domestic like product, in contrast to the analyses the responding parties have submitted purporting to show low correlations between prices of the domestic like product and prices of the subject imports.[206]

Should the orders be revoked, we find that the likely increased volumes of subject imports will be offered at reduced prices. During the original period of investigation, the subject producers cut prices to increase their presence in the U.S. market. We find that absent the discipline of the orders, the subject producers will likely cut prices in the same manner that they did during the original investigations. This will likely continue or accelerate the patterns of predominant underselling observed both in the original investigations and these reviews. In light of the importance of price in purchasing decisions, the substitutability of the subject imports with the domestic like product, and the relationship between prices for the subject imports and prices for the domestic like product, domestic producers will need to cut prices to match subject import price competition and make sales. Consequently, we find that upon revocation of the orders the subject imports are likely to enter the United States at prices that would likely have significant suppressing or depressing effects on the price of the domestic like product, as they did during the original investigations.

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[205] CR/PR, Table II-16. Additionally, an overwhelming proportion of purchasers said that price changes for one type of shrimp will at least sometimes affect prices for the other type.

[206] There are several flaws with the parties' correlation analyses. Most fundamentally, correlation itself is not dispositive with respect to causation. None of the parties has provided any indication whether the correlation coefficients that they have presented are statistically significant. Additionally, the correlations merely reference pricing patterns during the period of review and do not focus on likely behavior upon revocation of the orders.

Joint Respondents, who maintain that the prices of the domestic like product are more closely correlated with the volumes of the domestic like product than the prices of the subject imports, disregard that high correlation factors can be driven by changes in other data series or by extrinsic factors. For example, because of the seasonality of domestically wild-caught shrimp, availability of the domestic like product tends to be greater, and prices lower, during the third and fourth calendar quarters than during the first and second calendar quarters. Domestic Parties acknowledge these seasonal pricing variations. Tr. at 38-39 (Drake). Much of the correlation between domestic prices and domestic shipment volumes on which Joint Respondents rely appears simply to be a function of these known seasonal changes in availability. Joint Respondents did not attempt to measure correlations independent of seasonal changes.

Although we do not dispute the proposition that Joint Respondents advance that availability of the domestic like product will have some effect on its prices, we do not find it either appropriate or accurate to conclude that this is the sole or principal factor that will determine prices in these reviews. Other factors will also have significant effects on shrimp prices. For the reasons stated above, one such factor is the price of subject imports.

D. Likely Impact of Subject Imports[207]

1. The Original Determinations

In the original investigations, the Commission separately examined data for fishermen and processors. It found that during the period of investigation, fishermen experienced declines in employment-related indicators and extreme deterioration in operating performance.[208] Processors experienced increases in inventories, declines in employment, and generally poor operating performance.[209]

The Commission concluded that the large and increasing volume of subject imports caused prices for the domestic like product to decline, which led to the observed declines in operating revenue for fishermen and processors, poor financial performance, and declining employment. The Commission consequently concluded that the subject imports had a significant impact on the domestic industry.[210]

In reaching this conclusion, the Commission examined and rejected several theories respondents proffered to explain the domestic industry's difficulties. It rejected the notion that the industry's problems were structural in nature. It observed that, notwithstanding a decline in the fishing fleet during the period of investigation and increased productivity from the remaining fishermen, the operating performance of the fishermen deteriorated sharply.[211] It also rejected the contention that the industry's problems were self-inflicted because it failed to market itself as producing a high-quality niche product as having dubious relevance; moreover, the record did not indicate that better marketing would have

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[207] The SAA states that in assessing whether the domestic industry is vulnerable to injury if the order is revoked, the Commission "considers, in addition to imports, other factors that may be contributing to overall injury. While these factors, in some cases, may account for the injury to the domestic industry, they may also demonstrate that an industry is facing difficulties from a variety of sources and is vulnerable to dumped or subsidized imports." SAA at 885, 19 U.S.C. § 1675a(a)(4). Section 752(a)(6) of the Tariff Act states that "the Commission may consider the magnitude of the margin of dumping or the magnitude of the net countervailable subsidy" in making its determination in a five-year review. 19 U.S.C. § 1675a(a)(6). The statute defines the "magnitude of the margin of dumping" to be used by the Commission in five-year reviews as "the dumping margin or margins determined by the administering authority under section 1675a(c)(3) of this title." 19 U.S.C. § 1677(35)(C)(iv). See also SAA at 887.

Commerce conducted an expedited five-year review with respect to the order on subject imports from Brazil. It found likely margins ranging from 4.97 percent to 67.80 percent for three named exporters and an all others rate of 7.05 percent. 75 Fed. Reg. 27299, 27300 (May 14, 2010).

Commerce conducted an expedited five-year review with respect to the order on subject imports from China. It found likely margins ranging from 27.89 percent to 82.27 percent for three named exporters and a PRC-wide rate of 112.81 percent. Id. Chinese producer Zhangjiang Guolian has never been subject to the order. See 69 Fed. Reg. 70997, 71003-04 (Dec. 8, 2004).

Commerce conducted an expedited five-year review with respect to the order on subject imports from India. It found likely margins ranging from 9.71 percent to 15.36 percent for two named exporters currently subject to the order and an all others rate of 10.17 percent. 75 Fed. Reg. at 27300. The order was revoked with respect to Indian producer Devi effective February 1, 2009. 75 Fed. Reg. 41813 (July 19, 2010).

Commerce conducted an expedited five-year review with respect to the order on subject imports from Thailand. It found a likely margin for named exporter Thai Union of 5.34 percent and an all others rate of 5.34 percent for all remaining subject producers. The order was revoked with respect to several Thai producers effective January 16, 2009. 75 Fed. Reg. at 27300.

Commerce conducted a full five-year review with respect to the order on subject imports from Vietnam. It found likely margins ranging from 4.30 percent to 5.24 percent for 28 named producer/exporters and a rate of 25.76 percent for the Vietnam-wide entity. 75 Fed. Reg. 75965, 75966-67 (Dec. 7, 2010).

[208] Original Determinations, USITC Pub. 3748 at 31.

[209] Original Determinations, USITC Pub. 3748 at 32.

[210] Original Determinations, USITC Pub. 3748 at 35.

[211] Original Determinations, USITC Pub. 3748 at 34.

materially ameliorated the adverse effects of the subject imports.[212] Further, it rejected arguments concerning low dumping margins as factually inaccurate and not responsive to the Commission's statutory inquiry whether material injury is caused by dumped imports (as opposed to dumping itself).[213]

2. The Current Reviews

As was true in the original investigations, the domestic industry has two segments – fishermen and processors. We will examine the data pertaining to industry performance separately for each segment, as the Commission did in the original investigations.

Public data indicate that fishermen's wild-catch landings fluctuated during the period of review. Landings increased from 229.9 million pounds in 2005 to a period high of 294.8 million pounds in 2006, declined the next two years before reaching a period full-year low of 211.3 million pounds in 2008, and then increased to 261.8 million pounds in 2009. Wild-catch landings were considerably lower at 108.6 million pounds in interim 2010, when the Gulf Oil Spill limited shrimp fishing, than in interim 2009, when they were 196.4 million pounds.[214] The fishermen who reported data to the Commission reported generally stable employment through 2009, with the number of production and related workers (PRWs) ranging between 312 and 339 between 2005 and 2009. There were 256 PRWs in interim 2010, as compared to 301 in interim 2009. Hourly wages increased each year from $8.93 in 2005 to $12.53 in 2008, declined to $9.64 in 2009, and were sharply higher in interim 2010, at $19.47, than in interim 2009, at $11.91. Productivity fluctuated, rising from 14.2 pounds per hour in 2005 to 21.2 pounds per hour in 2006, declining to 16.0 pounds per hour in 2007, remaining unchanged in 2008, and increasing to 18.0 pounds per hour in 2009. It was higher in interim 2010 than in interim 2009.[215]

The financial results of responding fishermen also fluctuated during the period of review. In 2005, fishermen reported a negative 2.5 percent operating income ratio after owners' salaries. Responding fishermen reported profitable operating performance during the next three years (2006-2008); the operating income ratio after owners' salaries reached a peak of 5.0 percent in 2008. In 2009, responding fishermen reported a negative operating income ratio of 2.6 percent after owners' salaries. In interim 2010, when responding fishermen had far lower sales quantities than in interim 2009 but higher AUVs than in any full year except 2008, they reported a negative operating income ratio of 5.6 percent after owners' salaries.[216]

Processors' production exhibited the same trends as wild-catch landings. Production increased from 126.7 million pounds in 2005 to a period peak of 163.9 million pounds in 2006, declined the next two years to a period annual low of 126.3 million pounds in 2008, and increased to 146.2 million pounds in 2009. Production was much lower in interim 2010, at 68.4 million pounds, than in interim 2009, at 105.6 million pounds.[217] Processors' capacity rose during each year of the period of review, increasing from 315.5 million pounds in 2005 to 399.8 million pounds in 2009. The 278.1 million pounds of capacity in interim 2010, however, was lower than the 286.8 million pounds in interim 2009.[218] Capacity utilization fluctuated, increasing from 40.2 percent in 2005 to 44.6 percent in 2006, declining the next two years to a

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[212] Original Determinations, USITC Pub. 3748 at 34.

[213] Original Determinations, USITC Pub. 3748 at 34-35.

[214] CR/PR, Table I-15. During the period of review, farmed U.S. production, which never exceeded 9.0 million pounds per year, declined. Id.

[215] CR/PR, Table E-2.

[216] CR/PR, Table E-5. We observe that, because of non-operating income received from sources such as distributions pursuant to the Continued Dumping and Subsidies Offset Act of 2000 (CDSOA) and, particularly in interim 2010, Gulf Oil Spill compensation, responding fishermen reported positive net income for every period in the period of review except 2005. Id.

[217] CR/PR, Table C-2.

[218] CR/PR, Table C-2.

period annual low of 32.0 percent in 2008, and increasing to 36.6 percent in 2009. The 24.6 percent capacity utilization rate in interim 2010 was lower than the 36.8 percent rate in interim 2009.[219]

Processors' domestic shipments showed the same trends as production, increasing from 125.0 million pounds in 2005 to 152.0 million pounds in 2006, declining the next two years to a period annual low of 123.6 million pounds in 2008, and increasing to 144.8 million pounds in 2009. Domestic shipments of 84.8 million pounds in interim 2010 were lower than the 106.3 million pounds of shipments in interim 2009.[220] Export shipments were very small in relation to domestic shipments and generally declined over the period of review.[221] Ending inventory quantities grew from year to year, increasing from 21.4 million pounds in 2005 to 34.8 million pounds in 2009; the 20.9 million pounds of inventories at the end of interim 2010 were less than the 30.0 million pounds at the end of interim 2009.[222]

Processors' employment fluctuated within a fairly narrow range during the five full years of the period of review. The number of PRWs reached its period peak of 1,498 in 2005, declined irregularly to 1,356 in 2008, and rose to 1,489 in 2009. The 1,291 PRWs in interim 2010 were fewer than the 1,476 in interim 2009. Hourly wages rose from $9.95 in 2005 to a period peak of $12.03 in 2008, then declined to $11.26 in 2009. Hourly wages were incrementally higher in interim 2010, at $11.08, than in interim 2009, when they were $11.00. Productivity fluctuated. Measured in pounds per hour, productivity rose from 45.5 in 2005 to a period peak of 54.4 in 2006, and then declined to 47.0 in 2009; interim 2010 productivity of 38.4 pounds per hour was lower than interim 2009 productivity of 47.0 pounds per hour.[223]

Processors had three marginally profitable years and two marginally unprofitable ones during the period of review. Operating income ratios were negative 0.3 percent in 2005, 1.0 percent in 2006, 0.3 percent in 2007, negative 1.0 percent in 2008, 1.5 percent in 2009, 0.5 percent in interim 2009, and 0.7 percent in interim 2010.[224] Processors' capital expenses fluctuated, rising from a period low of *** in 2005 to a period peak of ***, and then declining the next two years until reaching *** in 2009; capital expenses were higher in interim 2010 than in interim 2009.[225]

In light of the poor financial performance the processors displayed throughout the period of review, the operating losses the reporting fishermen recorded in 2009 and interim 2010, and the declines in employment and output both fishermen and processors experienced in interim 2010 when the Gulf Oil Spill limited fishing, we conclude that the domestic industry is in a vulnerable condition.[226]

Should the orders under review be revoked, we have found that the volume of subject imports will likely increase significantly. We have further found that these additional volumes of subject imports will be priced in a manner that will likely undersell the domestic like product and have significant depressing or suppressing effects on prices for the domestic like product. Consequently, to compete with the likely additional volumes of subject imports, the domestic industry will need to cut prices or restrain price

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[219] CR/PR, Table C-2.
[220] CR/PR, Table C-2.
[221] CR/PR, Table C-2.
[222] CR/PR, Table C-2.
[223] CR/PR, Table C-2.
[224] CR/PR, Table III-15.
[225] CR/PR, Table III-17. Processors' research and development expenses were consistently low. Id.
[226] Counsel for Joint Respondents acknowledged that the current condition of the domestic industry is poor, but questioned whether any vulnerability would be affected by the subject imports. See Tr. at 274-75 (Connelly), 275 (Nicely). Counsel's argument was largely predicated on the view that the domestic like product and the subject imports are not competitive products, which we have rejected. We further observe that the legislative history indicates that the Commission may find the industry to be vulnerable notwithstanding that "it is facing difficulties from a variety of sources," not merely imports subject to orders. SAA at 885. Additionally, the statute's direction that we consider whether revocation of the orders would be likely to result in "continuation" of material injury suggests that factors other than imports subject to orders may be adversely impacting the domestic industry.

increases. The resulting loss of revenues will likely cause further deterioration in the already poor financial performance of the vulnerable domestic industry. Further deterioration in financial performance will result in likely losses of employment, and, ultimately, likely losses in output and market share.[227]

In conducting our analysis of likely impact, we have also considered the likely effect on the domestic industry of factors other than the cumulated subject imports. Initially, we consider the Joint Respondents' argument that the domestic industry's performance is simply a function of landings and that large landing quantities result in positive operating performance for processors but low prices and poor operating performance for fishermen.[228] Joint Respondents' contention is not supported by the record. For the five full years of the period of review, reporting fishermen reported their second-worst operating ratio after owners' salaries in 2005, the year with the second-lowest quantity of wild-catch landings for all fishermen, and reported positive operating results in 2006, the year with the highest quantity of wild-catch landings for all fishermen. Moreover, in interim 2010, when reporting fishermen received relatively high AUVs, their operating performance was very poor.[229] Similarly, processors recorded an operating margin of only 0.3 percent in fiscal 2007, the year when they had their second-highest sales volume, and achieved better operating results in interim 2010 than interim 2009, despite lower sales volume.[230] As we have previously found, the record does not support the notion that the domestic industry operates in an environment where the sole determinant of prices and operating performance is domestic production.

We have also considered the role of nonsubject imports in the U.S. market. As previously discussed, nonsubject imports supplied a greater percentage of the market than did subject imports by the end of the period of review. This, however, was largely a function of previously subject imports becoming nonsubject imports after revocation of antidumping duty orders.[231] We recall that the presence of substantial quantities of nonsubject imports during the original period of investigation did not preclude the subject imports from taking market share from the nonsubject imports as well as the domestic

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[227] We acknowledge that, although the financial difficulties encountered by fishermen during the period of review may have resulted in a reduction of the number of fishermen, it did not result in any appreciable reduction in wild-catch landings or domestic processing volumes. We do not agree, however, with Joint Respondents' argument that "there can be no doubt that there will always be enough shrimpers to maximize the annual catch that Mother Nature will allow." Joint Respondents Posthearing Brief at A-60.

Joint Respondents' sweeping statement cannot be reconciled with basic principles of economics. Fishermen are not engaged in a recreational pursuit, nor do they operate in a cost-free environment. To the contrary, they encounter costs, particularly for fuel and crew labor, whenever they engage in a fishing trip. CR/PR, Table E-5; see ASPA Posthearing Brief, tab Pearson-2, ex. 1. Should subject import competition drive down anticipated revenues so that they do not cover costs, even the most efficient fishermen will not continue fishing activities indefinitely. Cf. Original Determinations, USITC Pub. 3748 at 27 (noting that very low prices of subject imports caused declines in fishing effort in interim 2004). If sufficient fishermen exit the industry, there ultimately will be a reduction in landings. Absent a supply of domestic wild-caught shrimp, domestic processors cannot function. Tr. at 147 (McLendon), 158 (Drake).

We further observe that one reason there may not have been greater attrition of fishermen or reduction of fishing effort during the period of review is that in many periods fishermen received non-operating revenue that was greater on a per-unit basis than operating income. Consequently, reporting fishermen recorded positive net income in several periods when they reported negative operating income. CR/PR, Table E-5. Two principal components of non-operating revenue during the period of review were income from CDSOA distributions and, in interim 2010, Gulf Oil Spill compensation. Id. The CDSOA has been repealed, and the Gulf Oil Spill was a one-time event; consequently, these revenue sources are unlikely to be available to fishermen in the reasonably foreseeable future.

Finally, we emphasize that even assuming *arguendo* that the quantity of domestic production would not decline in response to likely additional quantities of subject imports, the likely price and revenue effects of these imports by themselves are sufficient to have a significant likely adverse impact on the domestic industry.

[228] See Joint Respondents Prehearing Brief at 78-80, 82-84.

[229] CR/PR, Tables I-15, E-5.

[230] CR/PR, Table III-15.

[231] CR/PR, Table I-16.

industry.[232] Moreover, the presence of substantial quantities of nonsubject imports during the period of review did not preclude increases in imports from formerly subject producers after revocation of the orders.[233] Consequently, there is no indication in the record that competition from nonsubject imports will prevent the subject imports from increasing their presence in the U.S. market upon revocation. To the contrary, the increased shipments to the United States of formerly subject imports indicates that revocation of the orders would likely lead, as discussed above, to a significant increase in the volume of imports now subject to the orders.

We also considered Joint Respondents' argument that the domestic industry's difficulties are due to its inability to market itself as the purveyor of a high-quality, niche product.[234] Much of this argument stems from the premise that the domestic industry does not employ sufficiently rigorous processing and handling techniques. We found in section V.B.2.c. above, however, that the record does not support the notion that the domestic like product is of insufficient quality to compete with the subject imports. We observe further that this argument is essentially a reprise of an argument that respondents made in the original investigations, which the Commission rejected on the ground that the record did not indicate that more effective marketing efforts would have improved the competitive condition of the domestic industry.[235] The record in these reviews is also devoid of such information.[236] Similarly, Joint Respondents' emphasis on the inability of the domestic industry to satisfy all U.S. demand for warmwater shrimp does not distinguish these reviews from the original investigations.[237]

Consequently, consideration of factors other than the cumulated subject imports does not detract from our finding that the cumulated subject imports are likely to have a significant adverse impact on the domestic industry within a reasonably foreseeable time should the antidumping duty orders be revoked.

CONCLUSION

For the foregoing reasons, we determine that revocation of the antidumping duty orders on frozen warmwater shrimp from Brazil, China, India, Thailand, and Vietnam would be likely to lead to continuation or recurrence of material injury to the domestic industry within a reasonably foreseeable time.

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[232] Original Determinations, USITC Pub. 3748 at 31.

[233] Imports from Ecuador rose from 2007, the year of revocation, to 2009 and were larger in interim 2010 than interim 2009. CR/PR, Table IV-1B. Indeed, Ecuador was the second-largest supplier of nonsubject imports in 2009 and the largest supplier in interim 2010. CR/PR, Table IV-2. Imports from nonsubject Indian and Thai producers were higher in interim 2010 than in interim 2009. CR/PR, Table IV-1B.

[234] Joint Respondents Prehearing Brief at 22-26.

[235] Original Determinations, USITC Pub. 3748 at 34.

[236] Joint Respondents submitted a pricing report indicating that, for one shrimp size range in January 2011, Mexican wild-caught white shrimp sold at a premium compared to Central and South American farmed white shrimp. Joint Respondents Prehearing Brief, ex. 16. This chart, and the other information presented by Joint Respondents, does not constitute proof that Mexican wild-caught shrimp receives a premium because of superior marketing, much less that domestically processed shrimp could receive a similar premium. In any event, the pricing report indicates that for most size ranges U.S. produced wild-caught white shrimp also sells at a premium to the farmed Central and South American white shrimp. Id.

[237] See Original Determinations, USITC Pub. 3748 at 24.

DISSENTING VIEWS OF COMMISSIONER DANIEL R. PEARSON

Section 751(d)(2) of the Tariff Act of 1930, as amended ("the Act"), requires that the U.S. Department of Commerce ("Commerce") revoke a countervailing duty or an antidumping duty finding in a five-year ("sunset") review unless Commerce determines that dumping or a countervailable subsidy would be likely to continue or recur and the U.S. International Trade Commission ("Commission") determines that material injury to a U.S. industry would be likely to continue or recur within a reasonably foreseeable time.[1] Based on the record in these five-year reviews, I determine that revocation of the antidumping duty orders covering frozen warmwater shrimp from Brazil, China, India, Thailand, and Vietnam would not likely lead to the continuation or recurrence of material injury within a reasonably foreseeable time.[2]

In reaching these findings, I have relied on the record compiled in these review investigations and my findings in the original determination. I am mindful that a review determination is not a referendum on the effectiveness of the existing order. However, I have found that the record in these review investigations reinforces some of the uncertainties noted in my additional views from 2005, particularly regarding the true degree of commercial interchangeability between subject imports and the domestic like product. Despite the imposition of the orders, this record shows some substantial stability across the time periods of the original investigation and the period of review, and, given that stability, I have found that revocation would in some areas lead to little change in the marketplace, leaving the period of review as a reasonable model for some post-revocation effects.

A. Cumulation

1. Conditions of competition

I turn first to the question of whether subject imports from any of these five countries is likely upon revocation to compete in the U.S. market under conditions of competition that differ sufficiently from those of other subject countries.

The industries in China, India, Thailand, and Vietnam are all large, particularly when compared to the domestic industry. The industries in each of these four countries have added capacity since the orders were imposed, and each reported having unused capacity at the end of the period of review. More importantly, each of the industries remain highly dependent on exporting. In China, the home market accounted for nearly a quarter of shipments at the end of the period of review, but in the other four countries shipments to the home market accounted for less than 15 percent of all shipments. Each of the industries exports to multiple countries and regions, suggesting an ability to serve a variety of markets. The record suggests that the industries in each of these countries would compete under similar conditions upon revocation, looking to export markets to support a significant share of production.[3]

The situation in Brazil appears to be somewhat different, as the record suggests that the industry there is both smaller than the industries in the other subject countries and has contracted since the original investigations.[4] Information submitted by ABCC suggests that the industry is now far more focused on *** for sales in the home market.[5] Exports since 2007 have been limited to the European Union.[6] However, producers responding to Commission questionnaires, while representing a very modest share of

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[1] 19 U.S.C. § 1675(d)(2).

[2] I join with, and adopt as my own, the Commission majority's opinion regarding domestic like product, domestic industry and related parties as well as the conditions of competition regarding demand and supply.

[3] CR/PR at Tables IV-7, IV-8, IV-9, IV-11, IV-13, and IV-15.

[4] CR/PR at Tables IV-7 and IV-8.

[5] CR at IV-20, PR at IV-16.

[6] CR/PR at Table IV-8; Joint respondents' prehearing brief at 29-30; ABCC posthearing brief at 1-3.

the industry, were heavily dependent on exports, and ABCC did not provide data on domestic shipments that would corroborate its assertions. In the absence of more complete data, I find that Brazil, too, likely would compete under similar conditions of competition upon revocation.

2. Likelihood of no discernible adverse impact

I do not find that imports from any of the five subject countries are likely to have no discernible adverse impact.

Subject imports from each of the subject countries were significant in volume during the original investigations, and import volume from Brazil, China, India, and Vietnam was significantly higher in 2003 than in 2001; import volume from Thailand was slightly lower in 2003 than in 2001, but total volume remained quite significant. Subject imports from India, Thailand, and Vietnam have remained in the U.S. market throughout the period of review despite the orders, and in fairly significant volume. Subject import volume from Brazil and China declined significantly after the orders were imposed, but subject imports from China remained in the U.S. market to a modest degree.[7] The industries in all five countries are large relative to the domestic industry's production, have unused capacity, and producers in all five countries are active exporters.[8]

3. Reasonable overlap of competition

In the original investigations, I joined with my fellow Commissioners in finding that a reasonable overlap of competition existed. I find that the record in this investigation supports a similar finding.

Fungibility. Market participants rate the domestic like product and subject imports from all five countries as comparable on many factors.[9] Importers and purchasers are significantly less likely to report that the domestic like product is "always" interchangeable with subject imports, or subject imports with each other, but most report that the domestic product and subject imports are at least sometimes interchangeable with one another.[10] There are significant differences in the forms in which the domestic like product and subject imports reach purchasers, but at least some purchasers find warmwater shrimp in these different formats to be interchangeable.[11]

Channels of distribution. There are some fairly significant differences in the distribution of the domestic like product and subject imports from each of the five countries in the various channels of distribution, as the domestic like product is far more likely to be sold to distributors, as are subject imports from India. A significant share of subject imports from Thailand is sold to retailers or institutional buyers, while a significant share of subject imports from China is sold to end users.[12] The record does not indicate that these varying patterns of distribution would change upon revocation. Still, there is some presence of the domestic like product in each channel, and the same is true for subject imports.

Simultaneous presence. Subject imports from each of the five subject countries were available in significant quantities throughout the original period of investigation, as was the domestic like product.[13] Subject imports from India, Thailand, and Vietnam have remained in the U.S. market in significant quantities throughout the period of review, and subject imports from China have also generally remained

[7] CR/PR at Table I-1.
[8] CR/PR at Tables IV-7, IV-8, IV-9, IV-11, and IV-13.
[9] CR/PR at Table II-11.
[10] CR/PR at Table II-12.
[11] CR/PR at Table II-17.
[12] CR/PR at Table II-1.
[13] USITC Pub. 3748 at 20.

available.[14] The record suggests no reason why subject imports would not again be generally available in the U.S. market upon revocation.

Geographic overlap. In the original investigation, subject imports from all subject countries were generally available in the same U.S. markets as the domestic like product, though some differences in concentration existed.[15] The same has been true of the period of review. Imports from Brazil generally entered through U.S. ports on the Atlantic coast, imports from China through ports on the Pacific coast, and imports from other subject countries were generally less concentrated.[16] The domestic like product was generally available throughout the U.S. market, although a smaller share of domestic processors reported serving a national market than did importers.[17] Shipments by domestic processors were somewhat concentrated in the Southeast and Central Southwest states, while larger shares of subject imports were shipped to the Mountain and Pacific Coast states.[18]

4. Conclusion

For the foregoing reasons, I find that the record contains sufficient evidence to justify exercising my discretion to cumulate all subject imports.

B. Conditions of competition

In the original investigations, I noted that the record contained extensive evidence of quality differences between the domestic like product and subject imports.[19] I find that the record gathered in these review investigations again contains extensive evidence of quality differences between subject imports and the domestic like product, to the degree that competition between the products is attenuated and likely to remain so.

The domestic like product is overwhelmingly comprised of wild-caught shrimp, while subject imports consist overwhelmingly of farm-raised shrimp. Domestic landings have not varied a great deal since 1970, and the historical data suggest there is a limit on the amount of domestic shrimp that the industry's fishermen can produce, regardless of price or demand. In any case, however, the supply of domestic shrimp will always retain some degree of unpredictability as to volume, size, and composition of the catch.[20] The supply of subject imports, and nonsubject imports as well, is far more elastic. The supply of imported shrimp is larger, more flexible, and more predictable, factors that would naturally make the product more attractive to purchasers concerned with high and consistent volumes.

The wild-caught/farm-raised distinction is an important one to some market participants. Domestic processors are significantly more likely to report that farmed and wild-caught shrimp "always" compete with each other, with 27 of 34 responding purchasers reporting this. Only seven of 48 responding importers agree that these two types of shrimp "always" compete with one another; 25 say "sometimes," and 16 "never."[21] When weighted by actual import volume, the disparity is even more notable: importers

[14] CR/PR at Table I-1.
[15] USITC Pub. 3748 at 20.
[16] CR at IV-13, PR at IV-10.
[17] CR/PR at Table II-2.
[18] CR/PR at Table II-2.
[19] USITC Pub. 3748 at 54.
[20] CR at II-42 n.66.
[21] CR at II-42 and n.64.

accounting for just less than *** percent of imports agree that wild-caught and farm-raised shrimp "always" compete.[22]

There are notable differences in the form in which the domestic like product and subject imports are sold. Approximately three-quarters of the domestic like product was sold in block frozen form in 2009, compared to just 14.1 percent of subject imports. The remaining subject imports were sold in individually quick frozen (IQF) format. In 2009, shipments of IQF imports exceeded ***; shipments of IQF domestic like product were just under ***.[23]

The IQF/block frozen distinction is not an empty one. Using block frozen shrimp requires additional water usage and labor. Retailers "generally require" IQF shrimp. Over half of responding purchasers report that they cannot or do not purchase the two products for the same end uses. Even purchasers that might consider the products interchangeable state a preference for one over the other. The domestic industry agrees that customer interest in IQF is rising and processors are adding additional IQF capacity but block frozen shrimp remains, far and away, the dominant product of the domestic industry.[24]

The domestic like product is most likely to be sold as headless but unpeeled or raw and peeled but not deveined. Subject imports are more likely to be sold as raw, peeled, and deveined. Again, most domestic processors (25 of 32) say that these products compete regardless of form, but only nine of 47 responding importers agree. According to importers, restaurants in particular have switched to more processed product to cut down on labor costs.[25] When the responses of importers to this particular question are weighted by actual import volumes, importers reporting that these products do not compete accounted for *** percent of 2009 imports.[26]

Record data regarding the channels of distribution offer further evidence of attenuated competition. The domestic like product is overwhelmingly sold to distributors, and this has been true throughout the POR, with 90 percent or more of sales going to this channel. Sales to end users have generally accounted for less than two percent, and sales to retailers and institutional buyers (such as hotels and hospitals) have accounted for the remainder. Significant volumes of subject imports from India are also sold to distributors, but for other subject imports, sales to retailers or institutional buyers have been significantly more important.[27] Subject imports are also more likely to be sold by at least short-term contracts.[28]

Domestic processors overwhelmingly report that the domestic like product is always interchangeable with subject imports from all countries and with nonsubject imports as well. About half of all responding purchasers agree that the products are always interchangeable, but with significant numbers reporting less interchangeability. Importers generally report the domestic like product and subject imports as only being sometimes interchangeable.[29] Similarly, domestic processors report that nonprice factors are never important in sales of frozen warmwater shrimp, while importers and purchasers are far more likely to report that nonprice differences are at least sometimes important.[30]

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[22] Joint respondents' posthearing brief at Exh. 4. I am mindful that we do not often weight such responses by volume. In this instance, however, distinctions between the domestic like product and imports–such as the variability of volume and composition of the available product–are important to different buyers, with higher-volume purchasers likely placing greater weight on the greater predictability and consistency of the farmed product.

[23] Joint respondents' prehearing brief at Exh. 37.

[24] CR at II-40-II-41 and Table II-17.

[25] CR at II-39-II-40.

[26] Joint respondents' posthearing brief at Exh. 4.

[27] CR/PR at Table II-1.

[28] Joint respondents' posthearing brief at Exh. 4.

[29] CR/PR at Table II-12.

[30] CR/PR at Table II-13.

Taken together, the record indicates that significant differences exist between the domestic like product and subject imports. These differences are rooted in the nature of the production process but continue through to the nature and type of subsequent processing and the primary purchasers for these products. Subject imports, like nonsubject imports, are close to being a true commodity, produced in significant volumes in a great many locations, with significant volumes of generally uniform product widely available in a largely globalized market.

C. Likely volume

In the original investigation, I found that there had been significant absolute increases in volume, but found that those increases could not have come at the expense of the domestic industry, given the domestic industry's inability to increase production significantly in the face of rising demand. I found no relationship between the volume of subject imports and the volume of domestic production throughout most of the period of investigation.[31] I noted anecdotal indications that low shrimp prices had led to reduced harvesting by shrimpers in the first part of 2004.[32] That observation subsequently has been undermined by a large harvest for full-year 2004.[33]

The imposition of these orders has had little effect on the domestic industry's market share or absolute level of shipments. The industry's domestic shipments stayed below the lowest level seen in 2001-2003 in every year but one, and the same was true for the domestic industry's market share. Any increases in market share and volume went to nonsubject imports, which rose from *** percent in 2003 to *** percent in 2005 to *** percent in 2009. Imposing the orders shifted some supply from subject sources to nonsubject sources rather than to domestic sources.[34]

Subject imports have remained a significant presence in the U.S. market throughout the period of review. The volume of subject imports declined both absolutely and relatively in the wake of the orders, but in 2009 cumulated subject imports still accounted for *** percent of apparent domestic consumption, more than *** the domestic industry's market share. But the apparent decline in subject import market share is somewhat misleading, as some sources shifted from being subject to nonsubject during the period of review. Combined market share for still-subject and previously-subject imports in 2009 was *** percent, very close to the market shares seen during the original period of investigation.[35]

Nothing in the record suggests that subject imports will not continue to play a significant role in the U.S. market upon revocation. Productive capacity among the subject producers has risen, as has production, and the industries remain largely export-oriented. The U.S. remains a large market for frozen warmwater shrimp, and producers that were able to maintain significant market shares while orders were in place will likely have no difficulty in doing so after revocation. Therefore it is likely that subject import volume will remain significant, both absolutely and relatively, upon revocation.

Domestic producers have argued that the U.S. market is one of "opportunity," as U.S. importers, unlike importers in other countries, do not make purchases in harmony with demand.[36] I do not find it likely that subject import volumes will register the sort of significant absolute growth seen in the original investigations. The significant increases in the original investigations took place at a time when demand itself was growing rapidly; apparent consumption rose 20 percent over a two-year period. Since then, however, apparent consumption has stabilized, and while some recovery from a modest, recession-related decline may occur, nothing in the record suggests that apparent consumption will see the sort of growth that occurred in the original period of investigation. The rate of growth seen in the original period of

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[31] USITC Pub. 3748 at 53-54.
[32] USITC Pub. 3748 at 54 n.6.
[33] Joint respondents' posthearing brief at Exh. 4.
[34] CR/PR at Table I-1.
[35] Calculated from CR/PR at Table I-1.
[36] Ad hoc posthearing brief at 9-10.

investigation was itself perhaps a response to newly available, significant volumes of farm-raised shrimp. But the U.S. market seems to have adjusted to this supply development, and the stability of apparent consumption over the period of review suggests that further significant adjustment is unlikely. The stability of apparent domestic consumption, despite significant availability of nonsubject shrimp and generally low or falling prices, suggest that importers have not been purchasing based solely on price rather than demand, and nothing in the record suggests that importers would act differently upon revocation.

Domestic parties have argued that further significant increases are likely and base these arguments in part on the increases in volume from formerly-subject producers. I do not find this argument persuasive. The revocation of some orders led primarily to a shift in volume from one category to another rather than to significant increases in overall volume. The combined market share of subject and formerly-subject producers has been very stable, at about *** percent throughout the period of review, regardless of how many additional producers were shifted into the formerly-subject category.[37]

Domestic parties have also argued that the U.S. market is a particularly attractive one for a variety of reasons, and efforts to circumvent the orders further indicate that subject import volume would increase upon revocation. Assuming that domestic parties are correct in both assertions, I still do not find it likely that subject import volume would increase significantly upon revocation. The total volume of shrimp imports from the subject countries has remained relatively constant throughout the period of review, as have total imports. Producers that have become nonsubject did not significantly increase shipments after their status changed.[38] Throughout the period of review, importers and purchasers have had access to significant volumes of low-priced nonsubject shrimp, but total import volume and market share have remained constant.

I therefore find it unlikely that there would be significant increases in subject import volume upon revocation. But even if there were significant increases in volume upon revocation, these increases would not come at the expense of the domestic industry. As I noted in my original views, an extensive history of domestic landings shows that the industry's ability to increase production is constrained. Between 1970 and 2008, the average domestic harvest of shrimp was just less than 260 million pounds.[39] There is no significant difference between average harvest levels in the years preceding the advent of significant export-oriented shrimp aquaculture and the years since, and there is no significant difference between harvest levels preceding the imposition of the order and following imposition. Nothing in this record suggests that the domestic industry could supply a significantly larger volume than it is currently supplying. The domestic industry's production level is apparently driven by the natural limits of shrimping in these particular waters and little affected by production or shipments elsewhere or even significant changes in the size of the U.S. shrimping fleet.

The record indicates that subject imports and nonsubject imports are good substitutes for one another. The same cannot be said for the domestic like product and subject imports. The record does not indicate that this attenuation of competition would change upon revocation. I therefore find that revocation of these orders would likely lead to subject import volume that is significant both absolutely and relatively, but that subject import volume is likely to have little effect on domestic production or shipments.

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[37] Calculated from CR/PR at Table I-1. In 2005, the total market share of subject and formerly subject producers was *** percent. In 2009, it was *** percent. *Id.*

[38] Calculated from CR/PR at Table I-1.

[39] Joint respondents' prehearing brief at Exh. 3.

D. Likely price

In the original investigation, I noted a mixed pattern of overselling and underselling, with the domestic industry able to document only one lost sales allegation. But prices declined during the original investigation, and despite limited interchangeability, I found that some competition did occur between the domestic like product and subject imports. Subject imports did not displace the domestic like product, but growing global supplies of shrimp led to lower prices, and these lower prices both encouraged increased domestic consumption and depressed prices for the domestic like product.[40]

The record in these reviews further strengthens my original sense that these products are not good substitutes for one another, and that there is attenuated competition between the products. As noted above, the imposition of the orders had little effect on domestic production or shipments, and the orders resulted primarily in a re-sorting of volume between subject and nonsubject sources. Similarly, the imposition of the orders had no discernible effect on prices, for either the domestic like product or subject imports. Average unit values for total subject imports during the POR rose somewhat but generally remained below AUVs for total subject imports during the original POI.[41] Average unit values for nonsubject imports were generally stable during the POR and in any case remained below AUVs for the original POI; this is true for both imports from countries never subject to the orders and total nonsubject imports as well.[42]

Average unit values for the domestic like product also remained below original-investigation AUVs throughout the period of review. The AUVs for domestic shipments were at a peak in 2008, a year in which the absolute volume of domestic industry shipments and market share were at their lowest point in the period of review.[43]

The product-specific pricing data exhibit a mixed pattern of overselling and underselling, with underselling predominating. Subject imports undersold the domestic like product 60 percent of the time, which is similar to underselling seen during the original period of investigation. But the product-specific data provide little evidence of direct influence on domestic prices. Domestic prices were generally at a peak in 2008 and in 2010, years with significant domestic supply interruptions but years which were unremarkable for subject imports. No clear trends are evident indicating a steady rise in prices as subject import volumes and prices were restrained. Domestic interested parties have recommended comparing prices for the third quarter of 2005 with the third quarter of 2010. While some domestic products showed significant increases when prices for the third quarter of 2005 are contrasted with prices for the third quarter of 2010, some prices did not, and price changes were either anemic or negative for products 1 and 2, with particularly high volumes of domestic sales and relatively low volumes of subject imports. These two high domestic volume products also saw a significant number of quarters with overselling by subject imports.[44]

However, when the comparison is made between the third quarter of 2005 and the third quarter of 2009, a year without significant domestic supply interruptions, the picture is quite different. Prices for six of eight specific domestic like products in the third quarter of 2009 were below prices in the same quarter of 2005, and the declines were generally significant. Subject import prices provide little explanation for the differences in these pricing trends.[45]

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[40] USITC Pub. 3748 at 54-55.

[41] I am mindful of the limitations of average unit value data, but note that at least some domestic parties find AUVs "reliable." ASPA posthearing brief at Williamson Question 2, pp. 1-3. Given the more uniform nature of imports, AUV data may be more reliable for imports than for the domestic like product.

[42] CR/PR at Table I-1.

[43] CR/PR at Table I-1.

[44] Calculated from CR/PR at Tables H-1, H-2.

[45] Calculated from CR/PR at Tables H-1-H-8.

Purchasers report that prices for shrimp in one form, such as block frozen, do affect the price of shrimp in another form, such as IQF. But purchasers are divided on how often the price of one of these products affects the price of the other products. This is particularly true when considering whether wild-caught shrimp affect pricing for farm-raised shrimp. In any case, the degree of effect isn't known.[46] It is likely that there is a degree of correlation between prices for the domestic like product and subject imports, as they share some characteristics and are affected by the same general macroeconomic forces; prices for both products seemed weaker in 2009 in the wake of a general economic recession. But given the degree of attenuation of competition, the persistence of that attenuation, and the similarity of product-specific price competition between the original period of investigation and this period of review, I do not find it likely that subject import prices will have a significant depressing or suppressing effect on prices for the domestic like product upon revocation.[47]

E. Likely impact

In the original investigations, I joined my colleagues in finding that the cumulated subject imports had a significant impact on the domestic industry.[48] Because of my findings regarding the likely volume and price effects of revocation, I do not find it likely that subject imports would have a significant adverse impact on the domestic industry upon revocation.

There is no question that both segments of the domestic industry continued to struggle throughout the period of review. On the shrimping side, the number of active shrimpers continued to decline, and harvesting was significantly restricted by hurricanes and the 2010 Gulf Oil Spill. Domestic processors were able to make significant additions to capacity during the period of review, despite extensive destruction and disruption resulting from hurricanes. But domestic processors' returns remained anemic, and operating profit was below that of most of the original period of investigation in every year of the period of review.

The industry is vulnerable by any measure. Fuel costs account for a significant share of shrimpers' cost, and the record does not indicate that this rising burden will ease significantly in the reasonably foreseeable future. The longterm effects of the Gulf Oil Spill are uncertain as well. Even if the amount of shrimp available for harvesting rebounds to historic norms relatively quickly, it is uncertain when consumer reluctance will fade.

Despite the domestic industry's vulnerable state, revocation is not likely to increase the direct competition between subject imports and the domestic like product. The record does not indicate that domestic production or shipments are related to subject import volumes or shipments, as the quantity of raw material available has remained relatively fixed and unresponsive to general market trends, for an extended period of time. The differences between the domestic like product and subject imports are rooted in the very different production methods used and have remained unchanged from the original period of investigation to the end of the period of review. There is no evidence that these significant differences will be removed in the foreseeable future or that they will cease to be important to purchasers. Given the lack of effects on domestic volume or prices, I find that revocation of the orders would not likely lead to significant adverse impacts on the domestic industry.

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[46] CR/PR at Table II-16.

[47] Both domestic parties and respondents presented models allegedly showing correlation, or a lack of correlation, between prices for the domestic like product and subject import prices. Both models were incomplete and incompletely documented, and I do not rely on either in reaching my determination.

[48] USITC Pub. 3748 at 35, 55.

F. Conclusion

For the foregoing reasons, I find that revocation of the orders on Brazil, China, India, Thailand, and Vietnam would not likely lead to continuation or recurrence of material injury within a reasonably foreseeable time.

PART I: INTRODUCTION AND OVERVIEW

BACKGROUND

On January 4, 2010, the U.S. International Trade Commission ("Commission" or "USITC") gave notice, pursuant to section 751(c) of the Tariff Act of 1930, as amended ("the Act"),[1] that it had instituted reviews to determine whether revocation of the antidumping duty orders on frozen warmwater shrimp (hereinafter "warmwater shrimp") from Brazil, China, India, Thailand, and Vietnam would likely lead to the continuation or recurrence of material injury to a domestic industry.[2] [3] On April 9, 2010, the Commission determined that it should proceed to full reviews in each of the subject five-year reviews pursuant to section 751(c)(5) of the Act.[4] Selected information relating to the schedule of these proceedings appears in the following tabulation:[5]

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[1] 19 U.S.C. 1675(c).

[2] *Frozen Warmwater Shrimp from Brazil, China, India, Thailand, and Vietnam*, 75 FR 1078, January 8, 2010. All interested parties were requested to respond to this notice by submitting the information requested by the Commission. The Commission received seven submissions representing the following entities: (1) Ad Hoc Shrimp Trade Action Committee ("AHSTAC"), an *ad hoc* trade association of U.S. producers of the domestic like product; (2) American Shrimp Processors Association ("ASPA"); the Louisiana Shrimp Association ("LSA"); Dean Blanchard Seafood, Inc.; and Seafood Shed. The ASPA is a U.S. trade association composed of 41 members, 31 of which are shrimpers and/or processors of the domestic like product; (3) Associação Brasileira de Criadores de Camarao - ABCC (Brazilian Shrimp Growers Association) ("ABCC") and its individual members; (4) Fujicom-USA Corp. ("Fujicom"), a U.S. importer of warmwater shrimp from Brazil, and Northern Star, a producer of shrimp in Brazil; (5) 35 individual processor members of the Shrimp Committee of the China Aquatic Products Processing and Marketing Association ("CAPPMA"), (6) Seafood Exporters Association of India ("SEAI"); (7) 38 individual members of the Thai Frozen Foods Association ("TFFA") that are producers and exporters of the subject merchandise in Thailand; and (8) 28 individual producers and exporters of the subject merchandise in Vietnam.

[3] In accordance with section 751(c) of the Act, the U.S. Department of Commerce ("Commerce") published a notice of initiation of five-year reviews of the subject antidumping duty orders concurrently with the Commission's notice of institution. *Initiation of Five-Year ("Sunset") Review*, 75 FR 103, January 4, 2010. Commerce case numbers are: Brazil (A-351-838); China (A-570-893); India (A-533-840); Thailand (A-549-822,; and Vietnam (A-552-802).

[4] Chairman Deanna Tanner Okun, Vice-Chairman Irving A. Williamson, Commissioners Charlotte R. Lane, Daniel R. Pearson, and Shara L. Aranoff found that the domestic group responses and the respondent group responses for these reviews were adequate and that circumstances warranted full reviews. Commissioner Dean A. Pinkert determined that domestic group responses and respondent group responses (with the exception of Brazil) were adequate. While Commissioner Pinkert found respondent interested party group response inadequate for the review of the order on subject merchandise from Brazil, he nevertheless determined to conduct a full review of the order in order to promote administrative efficiency in light of his decision to conduct full reviews with respect to the orders in the other reviews.

[5] The Commission's notice of institution, notice to conduct full reviews, scheduling notice, and statement on adequacy appear in appendix A and may also be found at the Commission's web site (internet address *www.usitc.gov*). Commissioners' votes on whether to conduct expedited or full reviews may also be found at the web site. Commerce's notice of institution and its notice of final results of its expedited five-year reviews also appear in appendix A. The list of witnesses appearing at the Commission's hearing appears in appendix B.

Effective date	Action
February 1, 2005	Commerce's antidumping duty orders on frozen warmwater shrimp from Brazil (70 FR 5143), China (70 FR 5149), Ecuador (70 FR 5156), India (70 FR 5147), Thailand (70 FR 5145), and Vietnam (70 FR 5152)
January 4, 2010	Commission's institution of five-year reviews (75 FR 1078)
January 4, 2010	Commerce's initiation of five-year reviews (75 FR 103)
April 9, 2010	Commission's determination to conduct full five-year reviews
April 28, 2010	Commission's scheduling of the reviews (75 FR 48724)
February 1, 2011	Commission's hearing
March 15, 2010	Commission's vote
March 30, 2011	Commission's determinations transmitted to Commerce

THE ORIGINAL INVESTIGATIONS

The original investigations resulted from a petition filed on December 31, 2003, by the Ad Hoc Shrimp Trade Action Committee, Washington, DC. On November 29, 2004, Commerce made final affirmative determinations of sales at less than fair value ("LTFV") with respect to certain frozen and canned warmwater shrimp from China[6] and Vietnam.[7] On December 17, 2004, Commerce made final affirmative determinations of sales at LTFV with respect to certain frozen and canned warmwater shrimp from Brazil,[8] Ecuador,[9] India,[10] and Thailand.[11] The Commission completed the original investigations in January 2005, determining that an industry in the United States was materially injured by reason of imports of frozen warmwater shrimp from Brazil, China, Ecuador, India, Thailand, and Vietnam that were being sold at LTFV.[12] After receipt of the Commission's determinations, Commerce issued

[6] *Final Determination of Sales at Less Than Fair Value: Certain Frozen and Canned Warmwater Shrimp From the People's Republic of China*, 69 FR 69707, December 8, 2004.

[7] *Final Determination of Sales at Less Than Fair Value: Certain Frozen and Canned Warmwater Shrimp From the Socialist Republic of Vietnam*, 69 FR 71005, December 8, 2004.

[8] *Final Determination of Sales at Less Than Fair Value: Certain Frozen and Canned Warmwater Shrimp From Brazil*, 69 FR 76910, December 23, 2004.

[9] *Final Determination of Sales at Less Than Fair Value: Certain Frozen and Canned Warmwater Shrimp From Ecuador*, 69 FR 76914, December 23, 2004.

[10] *Final Determination of Sales at Less Than Fair Value: Certain Frozen and Canned Warmwater Shrimp From India*, 69 FR 76916, December 23, 2004.

[11] *Final Determination of Sales at Less Than Fair Value: Certain Frozen and Canned Warmwater Shrimp From Thailand*, 69 FR 76918, December 23, 2004.

[12] *Certain Frozen and Canned Warmwater Shrimp From Brazil, China, Ecuador, India, Thailand, and Vietnam*, 70 FR 3943, January 27, 2005. The Commission determined that an industry in the United States was not injured by reason of imports from China, Thailand, and Vietnam of canned warmwater shrimp and prawns that had been found by Commerce to be sold at LTFV. Additionally, the Commission determined that imports from Brazil, Ecuador, and India of canned warmwater shrimp and prawns were negligible.

antidumping duty orders on imports of certain warmwater shrimp from Brazil, China, Ecuador, India, Thailand, and Vietnam, effective February 1, 2005.[13] The order on imports from Ecuador was revoked on August 15, 2007.[14]

The Commission had conducted no previous investigations concerning warmwater shrimp prior to the original investigations. On May 5, 2005, the Commission gave notice, pursuant to section 751(b) the Act, that it had instituted review investigation Nos. 751-TA-28-29 to determine whether revocation of the antidumping duty orders on certain warmwater shrimp and prawns from India and Thailand would likely lead to the continuation or recurrence of material injury to a domestic industry.[15] On November 29, 2005, the Commission determined that revocation of the antidumping duty orders covering warmwater shrimp from India and Thailand would be likely to lead to a continuation or recurrence of material injury to an industry in the United States.[16]

STATUTORY CRITERIA

Section 751(C) of the Act requires Commerce and the Commission to conduct a review no later than five years after the issuance of an antidumping or countervailing duty order or the suspension of an investigation to determine whether revocation of the order or termination of the suspended investigation "would be likely to lead to continuation or recurrence of dumping or a countervailable subsidy (as the case may be) and of material injury."

Section 752(a) of the Act provides that in making its determination of likelihood of continuation or recurrence of material injury–

> *(1) IN GENERAL.-- . . . the Commission shall determine whether revocation of an order, or termination of a suspended investigation, would be likely to lead to*

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[13] *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, February 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, February 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, February 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, February 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, February 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, February 1, 2005.

[14] 72 FR 48257, August 23, 2007.

[15] *Certain Frozen and Canned Warmwater Shrimp From India and Thailand*, 70 FR 23884, May 5, 2005. At the time the Commission made its determinations in the original investigations, it stated that it was concerned about the possible impact of the December 26, 2004, tsunami (tsunami) on the shrimp industries of India and Thailand. The tsunami occurred prior to the closing of the record in the investigations on December 27, 2004. At the time the record closed, however, factual information as to any impact of the tsunami on the ability of producers in India or Thailand to produce and export shrimp was not available. On February 8, 2005, the Commission published a *Federal Register* notice inviting comments from the public on whether changed circumstances existed sufficient to warrant the institution of changed circumstances reviews of the Commission's affirmative determinations concerning certain frozen warmwater shrimp and prawns from India and Thailand. On April 25, 2005, after reviewing the comments it received in response to that request, the Commission determined that it had received information which showed changed circumstances sufficient to warrant instituting review investigations and that there was good cause for instituting such review investigations within two years after publication of the orders.

[16] *Certain Frozen and Canned Warmwater Shrimp From India and Thailand*, 70 FR 71557, November 29, 2005.

continuation or recurrence of material injury within a reasonably foreseeable time. The Commission shall consider the likely volume, price effect, and impact of imports of the subject merchandise on the industry if the order is revoked or the suspended investigation is terminated. The Commission shall take into account--

(A) its prior injury determinations, including the volume, price effect, and impact of imports of the subject merchandise on the industry before the order was issued or the suspension agreement was accepted,

(B) whether any improvement in the state of the industry is related to the order or the suspension agreement,

(C) *whether the industry is vulnerable to material injury if the order is revoked or the suspension agreement is terminated, and*

(D) in an antidumping proceeding . . ., (Commerce's findings) regarding duty absorption . . ..

(2) VOLUME.--In evaluating the likely volume of imports of the subject merchandise if the order is revoked or the suspended investigation is terminated, the Commission shall consider whether the likely volume of imports of the subject merchandise would be significant if the order is revoked or the suspended investigation is terminated, either in absolute terms or relative to production or consumption in the United States. In so doing, the Commission shall consider all relevant economic factors, including--

(A) any likely increase in production capacity or existing unused production capacity in the exporting China,

(B) existing inventories of the subject merchandise, or likely increases in inventories,

(C) *the existence of barriers to the importation of such merchandise into countries other than the United States, and*

(D) the potential for product-shifting if production facilities in the foreign country, which can be used to produce the subject merchandise, are currently being used to produce other products.

(3) PRICE.--In evaluating the likely price effects of imports of the subject merchandise if the order is revoked or the suspended investigation is terminated, the Commission shall consider whether--

(A) there is likely to be significant price underselling by imports of the subject merchandise as compared to domestic like products, and

(B) imports of the subject merchandise are likely to enter the United States at prices that otherwise would have a significant depressing or suppressing effect on the price of domestic like products.

(4) IMPACT ON THE INDUSTRY.--In evaluating the likely impact of imports of the subject merchandise on the industry if the order is revoked or the suspended investigation is terminated, the Commission shall consider all relevant economic factors which are likely to have a bearing on the state of the industry in the United States, including, but not limited to–

(A) likely declines in output, sales, market share, profits, productivity, return on investments, and utilization of capacity,

(B) likely negative effects on cash flow, inventories, employment, wages, growth, ability to raise capital, and investment, and

(C) *likely negative effects on the existing development and production efforts of the industry, including efforts to develop a derivative or more advanced version of the domestic like product.*

The Commission shall evaluate all such relevant economic factors . . . within the context of the business cycle and the conditions of competition that are distinctive to the affected industry.

Section 752(a)(6) of the Act states further that in making its determination, "the Commission may consider the magnitude of the margin of dumping or the magnitude of the net countervailable subsidy. If a countervailable subsidy is involved, the Commission shall consider information regarding the nature of the countervailable subsidy and whether the subsidy is a subsidy described in Article 3 or 6.1 of the Subsidies Agreement." Information obtained during the course of the review that relates to the statutory criteria is presented throughout this report.

SUMMARY DATA

Table I-1 presents a summary of data from the original investigations and the current full five-year reviews. As shown in the table, the 2009 market share of subject imports from Brazil, China, India, and Vietnam decreased by ***, ***, ***, and *** percentage points, respectively, from 2003 to 2009. Thailand's 2009 market share increased by *** percentage points since 2003. At the same time, U.S. producers' market share decreased by 0.1 percentage points from 2003 to 2009. The largest sources for nonsubject warmwater shrimp imports are Indonesia, Ecuador, Mexico, and Malaysia.

U.S. industry data and related information for the original investigation are based on questionnaire responses of 39 U.S. processors, while industry information for the current five-year reviews is based on questionnaire responses of 36 U.S. processors, of which 31 provided usable data. U.S. import data for both the original investigation and the five-year reviews are based on official Commerce statistics. Related information on imports in the current reviews is from the questionnaire responses of 56 U.S. importers of warmwater shrimp (55 provided usable data) that are believed to have accounted for *** percent of the subject U.S. imports of warmwater shrimp from Brazil, China, India, Thailand, and Vietnam and for *** percent of U.S. imports of warmwater shrimp from other sources in 2009. Foreign industry data and related information are based on the questionnaire responses of three producer/exporters (all provided usable data) of warmwater shrimp in Brazil; 34 producer/exporters (all provided usable data) in China; 36 producer/exporters (all provided usable data) in India; 34 producer/exporters (34 provided usable data) in Thailand; and 26 producer/exporters (all provided usable data) in Vietnam. For 2009, these responses are believed to account for *** percent of Brazilian exports of warmwater shrimp to the United States; 8.5 percent of Chinese exports; 75.0 percent of Indian exports; 97.0 percent of Thai exports; and 95.8 percent of Vietnamese exports. A summary of trade and financial data for processors of warmwater shrimp as collected in the reviews is presented in appendix C. Responses by U.S. processors, importers, purchasers, and foreign producers of warmwater shrimp to a series of questions concerning the significance of the existing antidumping duty orders and the likely effects of revocation of the orders are presented in appendix D. A summary of trade and financial data as well as related information (including responses questions concerning the significance of the existing antidumping duty orders and the likely effects of revocation of the orders) for fishermen as collected in the reviews is presented in appendix E

Table I-1
Warmwater shirmip: Summary data from the original investigations and the current five-year reviews, 2001-03, and 2005-09
(Quantity=*1,000 pounds*; value=*1,000 dollars*; unit values, unit labor costs, and unit financial data are *per pound*)

Item	2001	2002	2003	2005	2006	2007	2008	2009
U.S. consumption quantity:								
Amount	1,006,617	1,046,548	1,211,618	1,169,260	1,334,762	1,261,164	1,254,032	1,259,986
Processors' share:[1]	15.3	13.2	12.0	11.0	12.7	10.9	9.2	11.9
Importers' share:[1]								
Brazil	2.1	3.7	4.0	0.6	0.1	0.0	0.0	0.0
China (subject)	***	***	***	***	***	***	***	***
Ecuador (subject)	5.6	6.1	6.0	***	***	***	(2)	(2)
India (subject)	7.1	9.2	8.2	6.6	4.4	3.5	2.6	***
Thailand (subject)	29.4	23.7	23.2	29.1	30.8	31.5	30.0	***
Vietnam	7.2	9.3	10.3	7.9	5.9	6.6	8.2	7.0
Subtotal (subject)	***	***	***	***	***	***	***	***
China (nonsubject)	***	***	***	***	***	***	***	***
Ecuador (nonsubject)	(2)	(2)	(2)	***	***	***	9.8	10.6
India (nonsubject)	(2)	(2)	(2)	(2)	(2)	(2)	(2)	***
Thailand (nonsubject)	(2)	(2)	(2)	(2)	(2)	(2)	(2)	***
Nonsubject countries	27.2	24.7	22.4	33.8	31.9	33.4	35.7	31.8
Subtotal (nonsubject)	***	***	***	***	***	***	***	***
All countries	84.7	86.8	88.0	89.0	87.3	89.1	90.8	88.1
U.S. consumption value:								
Amount	4,530,424	4,070,680	4,424,133	4,034,123	4,631,645	4,367,136	4,564,116	4,239,648
Processors' share[1]	20.0	16.3	15.4	13.9	14.9	13.1	12.6	14.0
Importers' share:[1]								
Brazil	1.5	2.3	2.3	0.3	0.1	0.0	0.0	0.0
China (subject)	***	***	***	***	***	***	***	***
Ecuador (subject)	4.9	4.9	4.9	***	***	***	(2)	(2)
India (subject)	5.9	9.0	9.3	7.9	5.5	4.4	3.1	***
Thailand (subject)	28.4	24.3	22.5	24.5	27.9	28.5	27.9	***
Vietnam	8.6	12.0	13.6	11.1	9.4	10.6	10.6	9.0
Subtotal (subject)	***	***	***	***	***	***	***	***

Table continued on next page.

Table I-1 – *Continued*
Warmwater shrimp: Summary data from the original investigations and the current five-year reviews, 2001-03, and 2005-09
(Quantity=*1,000 pounds*; value=*1,000 dollars*; unit values, unit labor costs, and unit financial data are *per pound*)

Item	2001	2002	2003	2005	2006	2007	2008	2009
China (nonsubject)	***	***	***	***	***	***	***	***
Ecuador (nonsubject)	(2)	(2)	(2)	***	***	***	7.7	8.0
India nonsubject)	(2)	(2)	(2)	(2)	(2)	(2)	(2)	***
Thailand (nonsubject)	(2)	(2)	(2)	(2)	(2)	(2)	(2)	***
Nonsubject countries	26.5	24.0	22.1	34.0	31.7	33.2	34.6	30.6
Subtotal (nonsubject)	***	***	***	***	***	***	***	***
All countries	80.0	83.7	84.6	86.1	85.1	86.9	87.4	86.0
U.S. imports from–								
Brazil:								
Quantity	21,638	39,074	48,023	6,591	1,298	0	37	37
Value	67,115	93,061	103,100	13,042	3,894	0	310	86
Unit value[2]	$3.10	$2.38	$2.15	$1.98	$3.00	(2)	$8.34	$2.32
Ending inventory quantity	960	1,644	1,617	44	33	0	0	0
China (subject):								
Quantity	***	***	***	***	***	***	***	***
Value	***	***	***	***	***	***	***	***
Unit value[2]	***	***	***	***	***	***	***	***
Ending inventory quantity	***	***	***	***	***	***	***	***
Ecuador (subject):								
Quantity	56,585	63,351	73,112	***	***	***	(2)	(2)
Value	222,543	200,371	214,873	***	***	***	(2)	(2)
Unit value[2]	$3.93	$3.16	$2.94	***	***	***	(2)	(2)
Ending inventory quantity	2,796	4,123	5,414	***	***	***	(2)	(2)

Table continued on next page.

Table I-1 – *Continued*
Warmwater shrimp: Summary data from the original investigations and the current five-year reviews, 2001-03, and 2005-09
(Quantity=*1,000 pounds*; value=*1,000 dollars*; unit values, unit labor costs, and unit financial data are *per pound*)

Item	2001	2002	2003	2005	2006	2007	2008	2009
India (subject):								
Quantity	71,794	96,654	99,180	77,220	58,736	44,605	32,579	***
Value	266,916	367,436	412,087	318,148	252,656	192,802	140,427	***
Unit value[2]	$3.72	$3.80	$4.15	$4.12	$4.30	$4.32	$4.31	***
Ending inventory quantity	7,512	6,607	11,156	1,502	1,835	1,880	1,411	***
Thailand (subject):								
Quantity	296,422	247,651	281,011	339,751	411,739	397,381	376,182	***
Value	1,288,839	988,432	996,171	986,504	1,293,735	1,246,318	1,273,117	***
Unit value[2]	$4.35	$3.99	$3.54	$2.90	$3.14	$3.14	$3.38	***
Ending inventory quantity	42,126	41,959	55,742	28,230	44,497	35,503	32,090	***
Vietnam (subject):								
Quantity	72,818	96,996	124,503	92,890	79,149	83,689	102,944	88,489
Value	389,556	487,952	602,915	448,803	434,290	462,043	485,410	379,595
Unit value[2]	$5.35	$5.03	$4.84	$4.83	$5.49	$5.52	$4.72	$4.29
Ending inventory quantity	10,417	12,989	17,885	19,634	14,626	19,258	25,183	24,794
Subtotal (subject):								
Quantity	***	***	***	***	***	***	***	***
Value	***	***	***	***	***	***	***	***
Unit value[2]	***	***	***	***	***	***	***	***
Ending inventory quantity	***	***	***	***	***	***	***	***
China (nonsubject):								
Quantity	***	***	***	***	***	***	***	***
Value	***	***	***	***	***	***	***	***
Unit value[2]	***	***	***	***	***	***	***	***
Ending inventory quantity	***	***	***	***	***	***	***	***

Table continued on next page.

Table I-1 – *Continued*
Warmwater shrimp: Summary data from the original investigations and the current five-year reviews, 2001-03, and 2005-09
(Quantity=*1,000 pounds*; value=*1,000 dollars*; unit values, unit labor costs, and unit financial data are *per pound*)

Item	2001	2002	2003	2005	2006	2007	2008	2009
Ecuador (nonsubject):								
Quantity	(2)	(2)	(2)	***	***	***	122,770	133,934
Value	(2)	(2)	(2)	***	***	***	350,521	339,850
Unit value[2]	(2)	(2)	(2)	***	***	***	$2.86	$2.54
Ending inventory quantity	(2)	(2)	(2)	***	***	***	(4)	(4)
India (nonsubject):								
Quantity	(2)	(2)	(2)	(2)	(2)	(2)	(2)	***
Value	(2)	(2)	(2)	(2)	(2)	(2)	(2)	***
Unit value[2]	(2)	(2)	(2)	(2)	(2)	(2)	(2)	***
Ending inventory quantity	(2)	(2)	(2)	(2)	(2)	(2)	(2)	***
Thailand (nonsubject):								
Quantity	(2)	(2)	(2)	(2)	(2)	(2)	(2)	***
Value	(2)	(2)	(2)	(2)	(2)	(2)	(2)	***
Unit value[2]	(2)	(2)	(2)	(2)	(2)	(2)	(2)	***
Ending inventory quantity	(2)	(2)	(2)	(2)	(2)	(2)	(2)	***
Nonsubject countries:								
Quantity	273,533	258,802	270,888	395,592	425,948	420,789	448,302	401,163
Value	1,200,942	975,411	977,973	1,370,781	1,469,994	1,449,913	1,577,511	1,295,902
Unit value[2]	$4.39	$3.77	$3.61	$3.47	$3.45	$3.45	$3.52	$3.23
Ending inventory quantity	19,760	20,734	20,168	18,789	22,215	18,860	20,169	18,278
Subtotal (nonsubject):								
Quantity	***	***	***	***	***	***	***	***
Value	***	***	***	***	***	***	***	***
Unit value[2]	***	***	***	***	***	***	***	***
Ending inventory quantity	***	***	***	***	***	***	***	***
All countries:								
Quantity	852,677	908,482	1,066,168	1,041,157	1,165,462	1,123,447	1,139,216	1,110,013
Value	3,623,717	3,407,963	3,744,881	3,473,446	3,943,425	3,794,958	3,989,238	3,646,368
Unit value	$4.25	$3.75	$3.51	$3.34	$3.38	$3.38	$3.50	$3.28
Ending inventory quantity	88,713	100,314	133,556	79,748	90,760	80,321	84,860	88,664

Table continued on next page.

Table I-1 – *Continued*
Warmwater shrimp: Summary data from the original investigations and the current five-year reviews, 2001-03, and 2005-09
(Quantity=*1,000 pounds*; value=*1,000 dollars*; unit values, unit labor costs, and unit financial data are *per pound*)

Item	2001	2002	2003	2005	2006	2007	2008	2009
U.S. processors' (based on NMF data):								
Total shipments: Quantity	153,940	138,066	145,450	128,103	169,300	137,717	114,817	149,973
Value	906,706	662,715	679,251	560,677	688,219	572,179	574,878	593,281
Unit value	$5.89	$4.80	$4.67	$4.38	$4.07	$4.15	$5.01	$3.96
U.S. processors' (based on questionnaire data):								
Capacity quantity	***	***	***	***	***	***	***	***
Production quantity	***	***	***	***	***	***	***	***
Capacity utilization[1]	***	***	***	***	***	***	***	***
U.S. shipments								
Quantity	***	***	***	***	***	***	***	***
Value	***	***	***	***	***	***	***	***
Unit value	***	***	***	***	***	***	***	***
Export shipments:								
Quantity	***	***	***	***	***	***	***	***
Value	***	***	***	***	***	***	***	***
Unit value	***	***	***	***	***	***	***	***
Ending inventory quantity	***	***	***	***	***	***	***	***
Inventories/total shipments[1]	***	***	***	***	***	***	***	***
Production workers	***	***	***	***	***	***	***	***
Hours worked (*1,000 hours*)	***	***	***	***	***	***	***	***
Wages paid (*1,000 dollars*)	***	***	***	***	***	***	***	***
Hourly wages	***	***	***	***	***	***	***	***
Productivity (*pounds per hour*)	***	***	***	***	***	***	***	***

Table continued on next page.

Table I-1 – *Continued*
Warmwater shrimp: Summary data from the original investigations and the current five-year reviews, 2001-03, and 2005-09
(Quantity=*1,000 pounds*; value=*1,000 dollars*; unit values, unit labor costs, and unit financial data are *per pound*)

Item	2001	2002	2003	2005	2006	2007	2008	2009
U.S. processors':								
Unit labor costs	***	***	***	***	***	***	***	***
Net sales quantity	***	***	***	***	***	***	***	***
Net sales value	***	***	***	***	***	***	***	***
Net sales unit value	***	***	***	***	***	***	***	***
Cost of goods sold	***	***	***	***	***	***	***	***
Gross profit or (loss)	***	***	***	***	***	***	***	***
SG&A expenses	***	***	***	***	***	***	***	***
Operating income or (loss)	***	***	***	***	***	***	***	***
Capital expenditures	***	***	***	***	***	***	***	***
Unit cost of goods sold	***	***	***	***	***	***	***	***
Unit SG&A	***	***	***	***	***	***	***	***
Unit operating income/(loss)	***	***	***	***	***	***	***	***
COGS/sales[1]	***	***	***	***	***	***	***	***
Operating income or (loss)/sales[1]	***	***	***	***	***	***	***	***

[1] In percent.
[2] Not applicable.
[3] Less than 0.05 percent.
[4] Not available.

Note.-– Because of rounding, figures may not add to the totals shown.
Note.--Data discussed in Part I and Part III cover all processors, appendix C presents processor data with *** excluded.

Source: *Frozen or Canned Warmwater Shrimp and Prawns From Brazil, China, Ecuador, India, Thailand, and Vietnam, Inv. Nos. 731-TA-1063-1069 (Final),* US ITC Publication 3748, January 2005, "Views of the Commission" and tables cited therein; data submitted in response to Commission questionnaires, official Commerce statistics (adjusted to remove nonsubject producers), and from NMF statistics.

COMMERCE'S REVIEWS

Administrative Reviews[17]

Brazil

Commerce has completed two administrative reviews of the antidumping duty order on warmwater shrimp from Brazil, as shown in table I-2.

Table I-2
Warmwater shrimp from Brazil: Administrative reviews of the antidumping duty order

Date results published	Period of review	Number of producers or exporters[1]	Margin (*percent)*
September 12, 2007 (72 FR 52061)	08/04/04-01/31/06	1	4.62
		7	6.96
		1	15.41
		2	67.80
July 11, 2008 (73 FR 39940)	02/01/06-01/31/07	7	48.60
		8	67.80

[1] A separate listing of all producer/exporter names for each review can be found in appendix F, Table F-1.

Source: Cited *Federal Register* notices.

[17] The results of the administrative reviews are shown in tables I-2-I-6.

China

Commerce has completed three administrative reviews of the antidumping duty order on warmwater shrimp from China, as shown in table I-3.

Table I-3
Warmwater shrimp from China: Administrative reviews of the antidumping duty order

Date results published	Period of review	Number of producers or exporters[1]	Margin (*Percent)*
September 12, 2007 (72 FR 52049)	07/16/04-01/31/06	1	0.44[2]
		3	53.68
		1	225.62
		PRC-Wide Rate	112.81
September 10, 2009 (74 FR 46565)	02/01/07-01/31/08	2	9.08
		PRC-Wide Rate	112.81
August 13, 2010 (75 FR 49460)[3]	02/01/08-01/31/09	2	0.00[1]
		1	9.08
		PRC-Wide Rate	112.81

[1] A separate listing of all producer/exporter names for each review can be found in appendix F, Table F-2.
[2] Margins less than 0.50 percent were considered *de minimis* and liquidated without regard to antidumping duties.
[3] In its most recent administrative review, Commerce conducted a duty absorption inquiry with regard to Hilltop, and determined that Hilltop had not absorbed antidumping duties on U.S. sales made through its affiliated importer. *Administrative Review of Certain Frozen Warmwater Shrimp From the People's Republic of China: Final Results and Partial Rescission of Antidumping Duty Administrative Review*, 75 FR 49460, August 13, 2010.

Note.–Commerce conducted one new shipper review with respect to China. Zhanjiang Regal Integrated Marine Resources Co., Ltd. received a *de minimis* rate of 0.00. *Certain Frozen Warmwater Shrimp From the People's Republic of China: Final Results of the Antidumping Duty New Shipper Review*, 71 FR 70362, December 4, 2006.

Source: Cited *Federal Register* notices.

India

Commerce has completed four administrative reviews of the antidumping duty order on warmwater shrimp from India, as shown in table I-4.

Table I-4
Warmwater shrimp from India: Administrative reviews of the antidumping duty order

Date results published	Period of review	Number of producers or exporters[1]	Margin (*Percent)*
September 12, 2007 (72 FR 52055); amended October 25, 2007 (72 FR 60638)[2]	08/04/04-01/31/06	1	4.39
		1	18.83
		1	4.03
		46	7.22
		15	82.30
July 15, 2008 (73 FR 40492)	02/01/06-01/31/07	1	0.35[3]
		65	1.69
		127	110.90
July 13, 2009 (74 FR 33409)	01/01/07-01/31/08	1	0.39[2]
		154	0.79
July 19, 2010 (75 FR 41813)[4]	02/01/08-01/31/09	1	0.38
		1	0.89
		1	4.44
		144	2.67

[1] A separate listing of all producer/exporter names for each review can be found in appendix F, Table F-3.

[2] Administrative review for Lotus was later rescinded due to ministerial error. *Certain Frozen Warmwater Shrimp from India: Amended Final Results of Antidumping Duty Administrative Review and Rescission In Part*, 72 FR 60638, October 25, 2007.

[3] Margins less than 0.50 percent were considered *de minimis* and liquidated without regard to antidumping duties.

[4] In its fourth administrative review, Commerce conducted a duty absorption inquiry, and determined that there was no duty absorption applicable to Devi's U.S. sales because there was no dumping margin with respect to Devi's U.S. sales. In addition, Commerce revoked the antidumping duty order with respect to Devi, effective February 1, 2009. *Certain Frozen Warmwater Shrimp From India: Final Results of Antidumping Duty Administrative Review, Partial Rescission of Review, and Notice of Revocation of Order in Part*, 75 FR 41813, July 19, 2010.

Source: Cited *Federal Register* notices.

Thailand

Commerce has completed four administrative reviews of the antidumping duty order on warmwater shrimp from Thailand, as shown in table I-5.

Table I-5
Warmwater shrimp from Thailand: Administrative reviews of the antidumping duty order

Date results published	Period of review	Number of producers or exporters[1]	Margin (*percent*)
September 12, 2007 (72 FR 52065)	08/04/04-01/31/06	1	2.58
		1	4.29
		15	4.31
		1	10.75
		6	57.64
August 29, 2008 (73 FR 50933)[2]	02/01/06-01/31/07	1	2.44
		1	2.85
		1	3.09
		29	3.18
		1	3.77
		12	57.64
September 16, 2009 (74 FR 47551)	02/01/07-01/31/08	1	4.61
		120	4.71
		1	4.80
September 9, 2010 (75 FR 54847)	02/01/08-01/31/09	1	1.11
		1	1.63
		146	2.61
		1	4.39

[1] A separate listing of all producer/exporter names for each review can be found in appendix F, Table F-4.
[2] In its second administrative review, Commerce found that antidumping duties were being absorbed by the Rubicon Group, Thai I-Mei, and Thai Union on all U.S. sales made through their affiliated importers of record. *Certain Frozen Warmwater Shrimp From Thailand: Final Results and Final Partial Rescission of Antidumping Duty Administrative Review*, 73 FR 50933, August 29, 2008.

Source: Cited *Federal Register* notices.

Vietnam

Commerce has completed four administrative reviews of the antidumping duty order on warmwater shrimp from Vietnam, as shown in table I-6.

Table I-6
Warmwater shrimp from Vietnam: Administrative reviews of the antidumping duty order

Date results published	Period of review	Number of producers or exporters[1]	Margin (*percent)*
September 12, 2007 (72 FR 52052)[2]	07/16/04-01/31/06	2	0.00[3]
		4	4.57
		Vietnam-Wide Rate	25.76
September 9, 2008 (73 FR 52273)	02/01/06-01/31/07	3	0.00[3]
		1	0.01[3]
		1	4.30
		23	4.57
		Vietnam-Wide Rate	25.76
September 15, 2009 (74 FR 47191); amended October 20, 2009 (74 FR 53701)[4]	02/01/07-01/31/08	2	0.00
		1	0.08
		1	0.21
		1	0.43
		1	4.30
		22	4.57
		Vietnam-Wide Rate	25.76
August 9, 2010 (75 FR 47771)[5]	02/01/08-01/31/09	1	2.96
		1	5.58
		29	4.27
		Vietnam-Wide Rate	25.76

[1] A separate listing of all producer/exporter names for each review can be found in appendix F, Table F-5.
[2] Commerce conducted a new shipper review with respect to Grobest, in conjuction with the 2004-06 administrative review. Grobest received a *de minimis* rate of 0.00. *Certain Frozen Warmwater Shrimp From the Socialist Republic of Vietnam: Final Results of the First Antidumping Duty Administrative Review and First New Shipper Review*, 72 FR 52052, September 12, 2007.
[3] Margins less than 0.50 percent were considered *de minimis* and liquidated without regard to antidumping duties.
[4] Commerce amended its final results to correct for a ministerial error.
[5] In its fourth administrative review, Commerce conducted a duty absorption inquiry, and determined that antidumping duties had not been absorbed by the Minh Phu Group or Nha Trang Seafoods on U.S. sales made through its affiliated importer.

Note.–Commerce concluded two new shipper reviews with respect to Vietnam. Grobest and BIM Seafood were not found to have sold subject merchandise at less-than-normal-value during their respective periods of review, and thus received a margin of 0.00. See *Certain Frozen Warmwater Shrimp From the Socialist Republic of Vietnam: Final Results of the First Antidumping Duty Administrative Review and First New Shipper Review*, 72 FR 52052, September 12, 2007; and *Certain Frozen Warmwater Shrimp from the Socialist Republic of Vietnam: Final Results of the Second New Shipper Review*, 74 FR 24796, May 26, 2009.

Source: Cited *Federal Register* notices.

Results of Five-Year Reviews

Commerce has issued the final results of its five year reviews with respect to warmwater shrimp from Brazil, China, India, Thailand, and Vietnam. Table I-7 presents the dumping margins calculated by Commerce in its original investigations and in its five year reviews, as well as the respective number of firms which received individual rates.

Table I-7
Warmwater shrimp: Commerce's original and five-year review dumping margins for producers/exporters in China

Country	Original margins (*percent ad valorem*)	Number of firms	Five-year review margins (*percent ad valorem*)	Country-wide rate	Number of firms
Brazil	4.97-67.80	3	4.97-67.80	7.05	3
China	27.89-82.27	42	27.89-82.27	112.81[1]	3
India	9.71-15.36	2	4.94-15.36	10.17	3
Thailand	5.34	1	5.34	5.34	1
Vietnam	4.57-25.76	35	4.30-5.24	25.76	29

[1] Commerce calculated a separate rate of 53.68 as well as the country-wide rate of 112.81 with respect to China.

Source: *Certain Frozen Warmwater Shrimp from Brazil, India, the People's Republic of China and Thailand: Final Results of the Expedited Sunset Reviews of the Antidumping Duty Orders*, 75 FR 27299, May 14, 2010; *Certain Frozen Warmwater Shrimp From Brazil, India, the People's Republic of China, Thailand, and the Socialist Republic of Vietnam: Notice of Amended Final Determinations of Sales at Less Than Fair Value Pursuant to Court Decision*, 75 FR 53947, September 2, 2010; and *Certain Frozen Warmwater Shrimp From the Socialist Republic of Vietnam: Notice of Correction to Amended Final Determination of Sales at Less Than Fair Value Pursuant to Court Decision*, 75 FR 60074, September 29, 2010. *Certain Frozen Warmwater Shrimp From the Socialist Republic of Vietnam: Final Results of the first Five-year "Sunset" Review of the Antidumping Duty Order,* 75 FR 75965, December 7, 2010.

Distribution of Continued Dumping and Subsidy Offset Act Funds to Affected Domestic Producers

The Continued Dumping and Subsidy Offset Act of 2000 ("CDSOA") (also known as the Byrd Amendment) provides that assessed duties received pursuant to antidumping or countervailing duty orders must be distributed to affected domestic producers for certain qualifying expenditures that these producers incur after the issuance of such orders.[18] Qualified U.S. producers of warmwater shrimp have been eligible to receive disbursements from the U.S. Customs and Border Protection ("Customs") under CDSOA relating to the orders covering the subject merchandise beginning in Federal fiscal year 2005.[19] [20] Tables I-8-12 present CDSOA disbursements for Federal fiscal years 2005-2010.

Table I-8
Warmwater shrimp from Brazil: CDSOA disbursements, Federal fiscal years 2005-09[1]

Year	Number of Companies	Certification amount[2]	Amount disbursed
2005	1,210	$298,170,302.52	$0.00
2006[3]	1,380	$1,325,924,962.97	$1,043,530.38
2007[4]	1,625	$2,533,014,259.94	$209,106.45
2008[5]	1,389	$3,284,333,425.04	$400,229.37
2009[6]	1,272	$3,297,558,620.89	$391,672.89
2010[7]	1,009	$2,869,254,813.09	$53,437.65

[1] The Federal fiscal year is October 1-September 30.
[2] Qualifying expenditures incurred by domestic producers since the issuance of an order.
[3] Customs withheld $43,200.36 in 2006 due to pending litigation.
[4] Customs withheld $29,035.22 in 2007 due to pending litigation.
[5] Customs withheld $64,381.91 in 2008 due to administrative actions or pending litigation.
[6] Customs withheld $69,294.78 in 2009 due to administrative actions or pending litigation.
[7] Customs withheld $767.84 in 2010 due to administrative actions or pending litigation.

Source: Customs' *CDSOA Annual Reports 2005-09*, http://www.cbp.gov/xp/cgov/trade/priority_trade/add_cvd/cont_dump/.

[18] Section 754 of the Tariff Act of 1930, as amended (19 U.S.C. § 1675©). The Deficit Reduction Act of 2005 repealed the CDSOA with respect to duties on entries of goods made and filed on or after October 1, 2007. See Pub. L. No. 109-171, 120 Stat. 4, 154 (2006).

[19] 19 CFR 159.64 (g).

[20] Customs' *CDSOA Annual Reports 2005-2009*, http://www.cbp.gov/xp/cgov/trade/priority_trade/add_cvd/cont_dump/.

Table I-9
Warmwater shrimp from China: CDSOA disbursements, Federal fiscal years 2005-09[1]

Year	Number of Companies	Certification amount[2]	Amount disbursed
2005	1,211	$301,471,609.82	$0.00
2006[3]	1,379	$1,325,265,223.97	$136,168.27
2007[4]	1,634	$2,571,238,517.17	$37,065.68
2008[5]	1,394	$3,285,947,622.23	$1,247,784.92
2009[6]	1,272	$3,292,943,035.05	$21,755.67
2010[7]	1,008	$2,868,978,345.30	$963,059.97

[1] The Federal fiscal year is October 1-September 30.
[2] Qualifying expenditures incurred by domestic producers since the issuance of an order.
[3] Customs withheld $5,639.94 in 2006 due to pending litigation.
[4] Customs withheld $5,073.22 in 2007 due to pending litigation.
[5] Customs withheld $200,698.86 in 2008 due to administrative actions or pending litigation.
[6] Customs withheld $2,699.63 in 2009 due to administrative actions or pending litigation.
[7] Customs withheld $13,847.59 in 2010 due to administrative actions or pending litigation.

Source: Customs' *CDSOA Annual Reports 2005-09*, http://www.cbp.gov/xp/cgov/trade/priority_trade/add_cvd/cont_dump/.

Table I-10
Warmwater shrimp from India: CDSOA disbursements, Federal fiscal years 2005-09[1]

Year	Number of Companies	Certification amount[2]	Amount disbursed
2005	1,209	$298,084,633.24	$0.00
2006[3]	1,381	$1,325,979,259.28	$19,835,133.03
2007[4]	1,630	$2,555,953,118.21	$8,142,683.74
2008[5]	1,394	$3,262,371,023.24	$12,260,362.21
2009[6]	1,269	$3,258,928,991.77	$3,005,470.17
2010[7]	1,009	$2,831,729,066.56	$971,040.91

[1] The Federal fiscal year is October 1-September 30.
[2] Qualifying expenditures incurred by domestic producers since the issuance of an order.
[3] Customs withheld $821,106.74 in 2006 due to pending litigation.
[4] Customs withheld $1,117,152.19 in 2007 due to pending litigation.
[5] Customs withheld $1,979,340.28 in 2008 due to administrative actions or pending litigation.
[6] Customs withheld $535,469.89 in 2009 due to administrative actions or pending litigation.
[7] Customs withheld $14,051.42 in 2010 due to administrative actions or pending litigation.

Source: Customs' *CDSOA Annual Reports 2005-09*, http://www.cbp.gov/xp/cgov/trade/priority_trade/add_cvd/cont_dump/.

Table I-11
Warmwater shrimp from Thailand: CDSOA disbursements, Federal fiscal years 2005-09

Year	Number of Companies	Certification amount[2]	Amount disbursed
2005	1,212	$301,558,948.80	$0.00
2006[3]	1,380	$1,325,924,962.97	$44,850,046.35
2007[4]	1,628	$2,535,512,164.65	$20,239,619.29
2008[5]	1,391	$3,217,497,533.39	$9,738,449.68
2009[6]	1,272	$3,228,459,726.79	$292,222.26
2010[7]	1,009	$2,803,597,665.05	$1,789,197.81

[1] The Federal fiscal year is October 1-September 30.
[2] Qualifying expenditures incurred by domestic producers since the issuance of an order.
[3] Customs withheld $1,854,333.37 in 2006 due to pending litigation.
[4] Customs withheld $2,665,180.98 in 2007 due to pending litigation.
[5] Customs withheld $1,534,894.78 in 2008 due to administrative actions or pending litigation.
[6] Customs withheld $52,416.00 in 2009 due to administrative actions or pending litigation.
[7] Customs withheld $26,009.50 in 2010 due to administrative actions or pending litigation.

Source: Customs' *CDSOA Annual Reports 2005-09*, http://www.cbp.gov/xp/cgov/trade/priority_trade/add_cvd/cont_dump/.

Table I-12
Warmwater shrimp from Vietnam: CDSOA disbursements, Federal fiscal years 2005-09

Year	Number of Companies	Certification amount[2]	Amount disbursed
2005	1,211	$301,462,609.52	$0.00
2006[3]	1,379	$1,325,265,223.97	$32,535,814.93
2007[4]	1,628	$2,545,402,837.80	$4,445,644.52
2008[5]	1,392	$3,212,085,420.95	$2,531,621.81
2009[6]	1,272	$3,260,978,925.02	$645,945.43
2010[7]	1,009	$2,834,297,077.00	$672,583.95

[1] The Federal fiscal year is October 1-September 30.
[2] Qualifying expenditures incurred by domestic producers since the issuance of an order.
[3] Customs withheld $1,347,597.26 in 2006 due to pending litigation.
[4] Customs withheld $608,991.92 in 2007 due to pending litigation.
[5] Customs withheld $371,070.98 in 2008 due to administrative actions or pending litigation.
[6] Customs withheld $115,232.73 in 2009 due to administrative actions or pending litigation.
[7] Customs withheld $9,744.94 in 2010 due to administrative actions or pending litigation.

Source: Customs' *CDSOA Annual Reports 2005-09*, http://www.cbp.gov/xp/cgov/trade/priority_trade/add_cvd/cont_dump/.

THE SUBJECT MERCHANDISE

Commerce's Scope

The imported warmwater shrimp subject to the antidumping duty orders under review, as defined by Commerce, is as follows:

> "Frozen warmwater shrimp 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,[1] deveined or not deveined, cooked or raw, or otherwise processed in frozen form.
>
> The frozen warmwater shrimp and prawn products included in the reviews, 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 vannemei*), 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 reviews. 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 the reviews.
>
> The products covered by the reviews 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 the reviews is dispositive.
>
> 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) Lee Kum Kee's shrimp sauce;[2] 7) canned warmwater shrimp and prawns (HTS subheading 1605.20.10.40); and 8) 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 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."

[1] "Tails" in this context means the tail fan, which includes the telson and the uropods.
[2] The specific exclusion for Lee Kum Kee's shrimp sauce applies only to the scope in the PRC case.

Tariff Treatment

Warmwater shrimp covered by these investigations are imported under the following Harmonized Tariff Schedule of the United States (HTS) statistical reporting numbers: 0306.13.0003, 0306.13.0006, 0306.13.0009, 0306.13.0012, 0306.13.0015, 0306.13.0018, 0305.13.0021, 0306.13.0024, 0306.13.0027, 0306.13.0040, 1605.20.1010, and 1605.20.1030. Current tariff rates for warmwater shrimp as set forth in the HTS for 2011 are presented in Appendix G.

THE DOMESTIC LIKE PRODUCT

Physical Characteristics and Uses

The imported products subject to these investigations are warmwater shrimp. The subject product can be any species of warmwater shrimp and includes both shrimp that were harvested from the ocean (wild-caught) and those produced by aquaculture (farm-raised). The shrimp can be in a wide variety of processed forms including head-on or head-off, tail-on or tail-off, shell-on or peeled, and deveined or not deveined. They may be raw or further processed by cooking, skewering, or addition of marinades, spices, or sauces. Food preparations containing more than 20 percent by weight of shrimp are included in the subject product, as are dusted shrimp.[21]

Warmwater shrimp are crustaceans that usually inhabit salt waters in coastal regions in the tropics and subtropics. There are also freshwater species of shrimp. The warmwater shrimp subject to these investigations are either wild-caught or farm-raised in tropical or subtropical regions, are generally classified in the *Penaeidae* family, and comprise shrimp of several genera and species.[22] In the United States, the vast majority of warmwater shrimp are wild-caught. The catch is composed primarily of brown shrimp (*Penaeus aztecus*), white shrimp (*Penaeus setiferus*), and pink shrimp (*Penaeus duorarum*). Shrimp vary greatly in size, depending on age and species. They typically grow to a harvestable size within one year; their size largely depends on the time of year they are harvested.[23]

[21] In its final LTFV determinations in the original investigations, Commerce excluded certain dusted shrimp from the scope of these investigations. However, pursuant to a remand by the United States Court of International Trade, Commerce determined that dusted shrimp should properly be included in the scope of these investigations. 75 FR 22370, April 28, 2010.

[22] In the original investigations, it was noted that subject imports included, but were not limited to, shrimp from the following species: whiteleg shrimp (*Penaeus vannamei*), banana prawn (*Penaeus merguiensis*), fleshy prawn (*Penaeus chinensis*), giant river prawn (*Machrobrachium 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*). Petition, Exhibit I-1, Scope of investigation. No parties have presented information suggesting that the species of shrimp subject to investigation have changed since the original investigation.

[23] U.S. shrimp fisheries in both the South Atlantic and the Gulf of Mexico are seasonal, and seasonal peaks vary by species.

Fresh shrimp (never frozen) in any form are excluded from Commerce's scope definition. Likewise, coldwater shrimp in any form, shrimp in prepared meals, breaded shrimp, and dried shrimp are excluded from the subject product.[24]

Over the five years since the original investigations, U.S. consumption of shrimp first increased irregularly to a maximum in 2006, and has since declined, but remains higher than levels observed in 2003.[25] U.S. annual per capita consumption of shrimp in all preparations was 4.0 pounds in 2003, reached a peak of 4.4 pounds in 2006, and in 2009 was 4.1 pounds.[26]

Warmwater shrimp are used principally for human consumption and are sold primarily on the basis of size. Because the tail section is the edible portion and spoilage is more rapid with the head on, most shrimp are marketed raw and frozen with the heads off. The market tendency is for large shrimp (less than 36 per pound, heads-off, shell-on basis) to be sold raw and frozen to restaurants, hotels, and other food institutions; for small to medium shrimp (36 to 60 per pound) to be breaded, canned, or sold at retail; and for extra small (61 to 70 per pound) and tiny shrimp (more than 70 per pound) to be used by canners, dryers, and producers of specialty products. In the original investigations it was estimated that 80 percent of shrimp in the U.S. market are bought by restaurants.[27]

Production Process [28]

Harvesting

The U.S. Gulf and South Atlantic warmwater shrimp fleet[29] is composed of thousands of vessels and is spread across about two dozen port communities.[30] The vessels fall into one of three broad categories: recreational shrimpers, commercial bait shrimpers, and commercial shrimpers. The catch of recreational shrimpers and commercial bait shrimpers is very small in proportion to the catch of commercial shrimpers, who account for the great bulk of all U.S. Gulf and South Atlantic warmwater shrimp landings.

There are two categories of commercial shrimpers. Inshore shrimpers operate small boats typically manned by one person on day-long trips in bays, estuaries, and shallow near-shore waters. Offshore shrimpers operate larger vessels typically manned by a crew of three in deeper waters out to and beyond the 200-mile U.S. territorial limit.[31] Some offshore vessels can freeze their catch and thus make trips lasting several weeks. Most vessels are individually owned, often by the skipper. While horizontal and vertical integration is limited, some shrimpers also process shrimp and/or own multiple vessels.

Offshore shrimpers use vessels that are typically 56 to 85 feet in length, constructed of steel, and diesel-powered. Such vessels are often equipped with sophisticated electronic gear for navigation, communication and locating shrimp. Major costs of operating a vessel include crew share (wages) and

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[24] Species of coldwater shrimp, which are generally classified in the *Pandalidae* family, have different physical characteristics than warmwater species. In particular, they are generally much smaller in size than warmwater species. Coldwater shrimp are harvested and processed in cold water regions (e.g., the U.S. Pacific Northwest, New England, Canada, Greenland, Iceland, and Norway). Petition, Exhibit I-1, Scope of investigation.

[25] National Marine Fisheries Service (NMFS), *Fisheries of the United States, 2009*, September 2010, p. 71.

[26] NMFS, *Fisheries of the United States, 2009*, September 2010, p. 75.

[27] *Certain Frozen or Canned Warmwater Shrimp and Prawns from Brazil, China, Ecuador, India, Thailand, and Vietnam, Inv. Nos. 731-TA-1063-1068 (Final)*, USITC Publication 3748, January 2005, p. I-6.

[28] Except as otherwise noted, information in this section is sourced from the *332 Shrimp Report.*

[29] Shrimp harvested off the Pacific and Northern Atlantic coasts is coldwater shrimp.

[30] The Ad Hoc Shrimp Trade Action Committee asserts that the number of shrimp fishermen has declined significantly since the imposition of the antidumping duty orders while the number of shrimp processors has increased. Ad Hoc Shrimp Trade Action Committee Response to Notice of Institution, February 3, 2010, p. 31.

[31] In 2009, shrimp caught within 3 miles of shore accounted for approximately 40 percent of total commercial shrimp landings. NMFS, *Fisheries of the United States, 2009*, September 2010, p. 12.

fuel as well as depreciation, mortgage payments, insurance, and maintenance on the vessel. Vessels catch shrimp by towing one or more large, funnel-shaped nets. The U.S. fleet, particularly that portion in the Gulf, is relatively mobile and migrates with the seasonal warmwater shrimp populations, or away from areas of poor fishing. Therefore vessels may land shrimp at different ports in different states. Some shrimp vessels are equipped to perform simple processing steps (e.g., deheading, washing, grading, icing, or freezing) while at sea.[32] Shrimp may be placed in mesh bags prior to freezing. Thus, warmwater shrimp can be landed either whole or headed (heads-off) and either fresh or frozen, and shrimp in different forms can be landed from the same trip.[33] Upon unloading, shrimp are generally sold at dockside to dealers or processors. As payment, the vessel's crew typically receive a percentage of the revenue generated by the catch.[34]

Because of the differing feeding habits, migration patterns, and habitats of the different species, Gulf and South Atlantic shrimp vessels usually land one species at a time. Likewise, harvesting activities and hence, landings in the U.S. Gulf and South Atlantic, exhibit seasonal patterns that are influenced by the natural patterns of development of the different species of warmwater shrimp.

Processing

While some processors own their boats, most have buying arrangements with several shrimp vessels.[35] After unloading, shrimp are transferred to processing facilities, which are often located dockside, and undergo initial processing such as separating shrimp from ice,[36] weighing, washing, sizing, and grading.[37] At this stage, shrimp may either be frozen in whole form (head-on, shell-on) or may undergo a number of further steps such as deheading, peeling, deveining, and cooking. Resulting from these steps are shrimp in a variety of forms (e.g., head-on, shell-on; headless, shell-on; raw, peeled; and cooked, peeled). Regardless of their specific processed form, shrimp then are typically frozen with the exception that cooked, peeled shrimp may be canned rather than frozen.[38] Many processing steps (e.g., washing, grading, peeling, deveining, and cooking) may be performed manually or mechanically using purpose-built machinery.[39]

Peeling can be done by one of two types of machines – the Laitram machine that operates by pushing the shrimp out of its shell, or the Jonsson machine that must be fed manually and that peels the shrimp with cutting equipment.

Processing of warmwater shrimp is conducted by a variety of types of operations. Dealers (a.k.a. shrimp houses or fish houses) and packing houses perform minimal processing steps (e.g., weighing, washing, sorting, and packing) for other processors or distributors. Other processors, variously known as freezers, peelers, and breaders, produce the variety of processed forms of shrimp noted previously and perform additional steps such as breading, cutting, and preparing specialty items.

[32] *Certain Frozen or Canned Warmwater Shrimp and Prawns from Brazil, China, Ecuador, India, Thailand, and Vietnam, Inv. Nos. 731-TA-1063-1068 (Final),* USITC Publication 3748, January 2005, p. I-7.

[33] Id.

[34] Id.

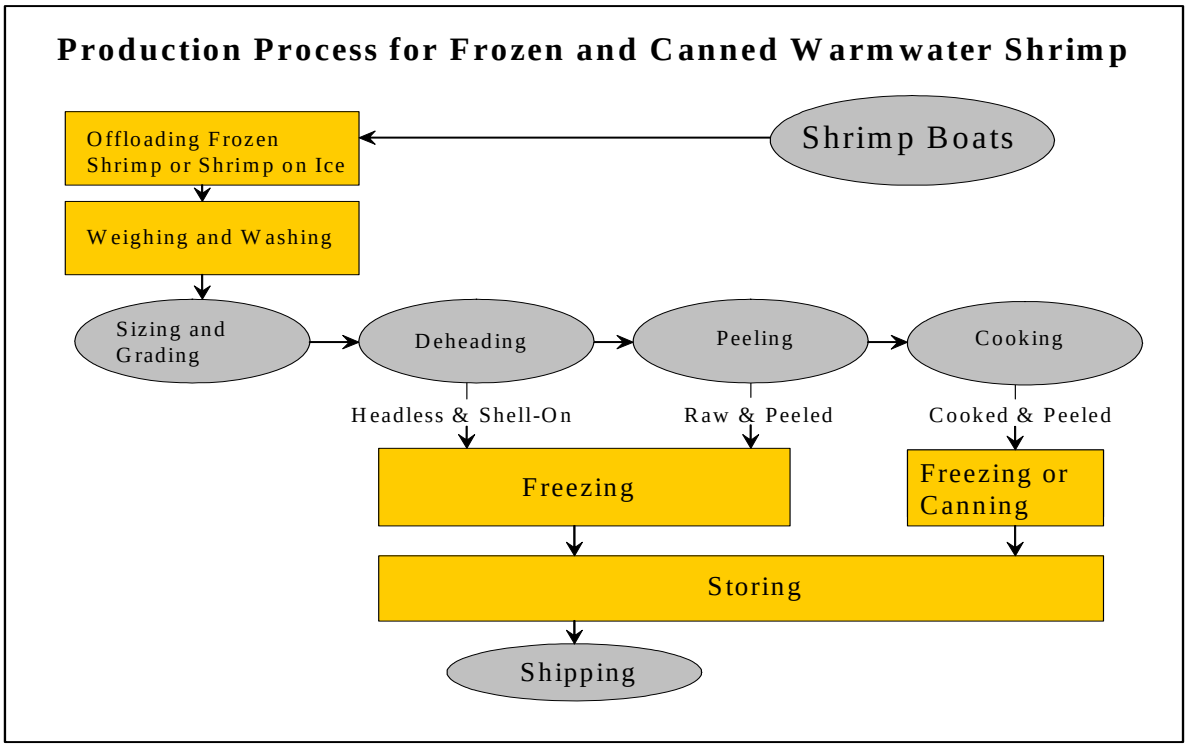
[35] Id.

[36] Id.

[37] Petitioner's Conference Exhibits, p. 16, reproduced on the following page. Id.

[38] *Certain Frozen or Canned Warmwater Shrimp and Prawns from Brazil, China, Ecuador, India, Thailand, and Vietnam, Inv. Nos. 731-TA-1063-1068 (Final),* USITC Publication 3748, January 2005, p. I-8.

[39] Id.



Aquaculture

A small and declining share of U.S. domestic production of warmwater shrimp is produced by aquaculture (i.e., farm-raised). In 2009, an estimated 1.4 percent of U.S. production of warmwater shrimp was farm-raised.[40] U.S. aquaculture of shrimp reached a maximum of 13 million pounds (approximately 4.5 percent of total production) in 2003 prior to the imposition of antidumping duties. Over the past 5 years, some shrimp farming operations have closed and others have shifted to production of other species. The major producing state is Texas, with Alabama a distant second.[41]

[40] Treece, *Texas Aquaculture Industry – 2010*, p. 25; NMFS, *Fisheries of the United States, 2009*, September 2010, p. 5.

[41] Treece, *Texas Aquaculture Industry – 2010*, p. 26.

U.S. MARKET PARTICIPANTS

U.S. Processors

During the original investigations, 37 firms supplied the Commission with usable information on their U.S. operations with respect to warmwater shrimp. These firms accounted for approximately 91.9 percent of U.S. production based on headless shell-on weight.[42] In these current proceedings, the Commission issued producers' questionnaires to 58 firms, 36 of which provided the Commission with information on their warmwater shrimp operations (31 provided usable data). Presented in table I-13 is a list of responding domestic processors of warmwater shrimp and each company's position on the continuation of the antidumping duty orders, production location(s), related and/or affiliated firms, and share of reported production of warmwater shrimp in 2009. As discussed in greater detail in Part III, two U.S. producers directly import the subject merchandise and thirteen purchase the subject merchandise from U.S. importers.

U.S. Importers

In the original investigations, questionnaire responses were received from 47 companies that in 2003 accounted for 67.8 percent of U.S. imports from Brazil, 62.4 percent from China, 60.0 percent from Ecuador, 51.4 percent from India, 73.7 percent from Thailand, and 68.4 percent from Vietnam. In these current proceedings, the Commission issued importers' questionnaires to 163 firms believed to be importers of subject warmwater shrimp, as well as to all U.S. processors of warmwater shrimp. Questionnaire responses were received from 56 companies (55 provided usable data). In 2009, questionnaire respondents accounted for 0.0 percent of subject U.S. imports from Brazil, 14.7 percent from China, 69.3 percent from India, 72.2 percent from Thailand, and 68.4 percent from Vietnam. Two U.S. processors reported directly importing warmwater shrimp from subject sources. Table I-14 lists all responding U.S. importers of warmwater shrimp from subject and nonsubject sources.

[42] Of the 37 U.S. producers that supplied the Commission with usable questionnaire information during the original investigations, 27 have provided responses to the current reviews, four are believed to have gone out of business, stopped processing warmwater shrimp, or have been acquired by other firms; and six did not respond to the Commission's questionnaire.

Table I-13
Warmwater shrimp: U.S. processors, position on continuation of the orders, shares of U.S. shipments in 2009, and U.S. production locations

Firm	Production locations	Share of shipments *(percent)*		Positions on the continuation of the orders					Position on changed circumstance request seeking revocation of order on Thailand
		2003	2009	Brazil	China	India	Thailand	Vietnam	
Bama Sea Products	Florida	***	***	***	***	***	***	***	***
Bayou Shrimp	Louisiana	***	***	***	***	***	***	***	***
Biloxi Freezing	Mississippi	***	***	***	***	***	***	***	***
Bon Secour	Alabama	***	***	***	***	***	***	***	***
Carolina Seafood	South Carolina	***	***	***	***	***	***	***	***
Carson	Alabama	***	***	***	***	***	***	***	***
CF Gollott	Mississippi	***	***	***	***	***	***	***	***
Deep Seafoods	Alabama	***	***	***	***	***	***	***	***
Dominick's Seafood	Alabama	***	***	***	***	***	***	***	***
Fisherman's Reef	Texas	***	***	***	***	***	***	***	***
Golden Gulf	Mississippi	***	***	***	***	***	***	***	***
Graham Fisheries	Alabama	***	***	***	***	***	***	***	***
Gulf Crown Seafood	Louisiana Alabama	***	***	***	***	***	***	***	***
Gulf Fish	Louisiana	***	***	***	***	***	***	***	***
Gulf Island Shrimp	Louisiana	***	***	***	***	***	***	***	***
Gulf Pride	Mississippi	***	***	***	***	***	***	***	***
Gulf Shrimp	Florida	***	***	***	***	***	***	***	***
High Liner[2]	Massachusetts New Hampshire	***	***	***	***	***	***	***	***
Hi-Seas of Dulac	Louisiana	***	***	***	***	***	***	***	***
JBS Packing	Texas	***	***	***	***	***	***	***	***

Table continued on next page.

Table I-13--*Continued*
Warmwater shrimp: U.S. processors, position on continuation of the orders, shares of U.S. shipments in 2009, and U.S. production locations

Firm	Production locations	Share of shipments *(percent)*		Positions on the continuation of the orders					Position on changed circumstance request seeking revocation of order on Thailand
		2003	2009	Brazil	China	India	Thailand	Vietnam	
King and Prince	Georgia	***	***	***	***	***	***	***	***
Lafitte[3]	Louisiana	***	***	***	***	***	***	***	***
Louisiana Shrimp	Louisiana	***	***	***	***	***	***	***	***
Ocean Springs	Mississippi	***	***	***	***	***	***	***	***
Ore-Cal	California	***	***	***	***	***	***	***	***
Pascagoula	Mississippi	***	***	***	***	***	***	***	***
Paul Piazza	Louisiana	***	***	***	***	***	***	***	***
Pearl/Indian Ridge	Louisiana	***	***	***	***	***	***	***	***
Port Royal	South Carolina	***	***	***	***	***	***	***	***
R.A. Lesso	Mississippi	***	***	***	***	***	***	***	***
Rich-Seapack	Texas	***	***	***	***	***	***	***	***
Seafood Shed	Louisiana	***	***	***	***	***	***	***	***
Sea Pearl	Alabama	***	***	***	***	***	***	***	***
Texas Pack	Texas	***	***	***	***	***	***	***	***
Tidelands	Louisiana	***	***	***	***	***	***	***	***
Tommy's Seafood	Louisiana	***	***	***	***	***	***	***	***
Tropical Seafood	Louisiana	***	***	***	***	***	***	***	***
Vincent Piazza	Louisiana	***	***	***	***	***	***	***	***

[1]Not available
[2] ***.
[3] ***.

Source: Staff Report, July 7, 2003 (INV-AA-088), p. III-2 and compiled from data submitted in response to Commission questionnaires.

Table I-14
Warmwater shrimp: Reported U.S. imports, by importer and by source of imports, 2009

Firm	Location	2009 reported U.S. subject imports (*1,000 pounds*)					2009 reported U.S. nonsubject imports (*1,000 pounds*)			Share of 2009 reported total U.S. imports (*percent*)
		Brazil	China	India	Thailand	Vietnam	China	Thailand	Other Sources	
Advanced Fresh Concepts	Rancho Dominguez, CA	***	***	***	***	***	***	***	***	***
APEX[1]	Long Beach, CA	***	***	***	***	***	***	***	***	***
Arista	Wilton, CT	***	***	***	***	***	***	***	***	***
Asvini Fisheries	India	***	***	***	***	***	***	***	***	***
Avanti Feeds	India	***	***	***	***	***	***	***	***	***
Bailey's Seafood	Lakeland, FL	***	***	***	***	***	***	***	***	***
Best Food Service	Chicago, IL	***	***	***	***	***	***	***	***	***
C.P. Food Products[2]	Columbia, MD	***	***	***	***	***	***	***	***	***
Caribco Shrimp[3]	Aventura, FL	***	***	***	***	***	***	***	***	***
Censea Inc	Northfield, IL	***	***	***	***	***	***	***	***	***
Choice Canning[4]	Edison, NJ	***	***	***	***	***	***	***	***	***
Choice Trading[5]	India	***	***	***	***	***	***	***	***	***
Coastal Corp.	India	***	***	***	***	***	***	***	***	***
Deep Sea Intl	Richmond, VA	***	***	***	***	***	***	***	***	***
Devi Marine Food[6]	India	***	***	***	***	***	***	***	***	***
Devi Seafoods[7]	India	***	***	***	***	***	***	***	***	***
Devi Seafoods[8]	Amboy, NJ	***	***	***	***	***	***	***	***	***
Devi Fisheries[10]	India	***	***	***	***	***	***	***	***	***
Eastern Fish	Teaneck, NJ	***	***	***	***	***	***	***	***	***
Eastgate Marine[11]	Irvine, CA	***	***	***	***	***	***	***	***	***
Empress Intl[12]	Lake Success, NY	***	***	***	***	***	***	***	***	***
Expack Seafood[13]	Woodbridge, NJ	***	***	***	***	***	***	***	***	***
Global Food	Edmonds, WA	***	***	***	***	***	***	***	***	***
Hanwa America[14]	Seattle, WA	***	***	***	***	***	***	***	***	***
Harbor Seafood	New Hyde Park, NY	***	***	***	***	***	***	***	***	***
High Liner[15]	Danvers, MA	***	***	***	***	***	***	***	***	***
J P Seafood	Monrovia, CA	***	***	***	***	***	***	***	***	***

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Table I-14--*Continued*
Warmwater shrimp: Reported U.S. imports, by importer and by source of imports, 2009

Firm	Location	2009 reported U.S. subject imports (*1,000 pounds*)					2009 reported U.S. nonsubject imports (*1,000 pounds*)			Share of 2009 reported total U.S. imports (*percent*)
		Brazil	China	India	Thailand	Vietnam	China	Thailand	Other Sources	
Kader Exports[16]	India	***	***	***	***	***	***	***	***	***
King & Prince[17]	Brunswick, GA	***	***	***	***	***	***	***	***	***
Limson Trading[18]	Wyoming, MI	***	***	***	***	***	***	***	***	***
Mazzetta Co.[19]	Highland Park, IL	***	***	***	***	***	***	***	***	***
Mseafood[20]	Fountain Valley, CA	***	***	***	***	***	***	***	***	***
Nekkanti Sea Foods	India	***	***	***	***	***	***	***	***	***
Nishimoto Trading[21]	Santa Fe Springs, CA	***	***	***	***	***	***	***	***	***
OFI Intl	Los Angeles, CA	***	***	***	***	***	***	***	***	***
Ore-Cal[22]	Los Angeles, CA	***	***	***	***	***	***	***	***	***
Orion Seafood	Portsmouth, NH	***	***	***	***	***	***	***	***	***
Pacific Breeze[23]	Long Beach, CA	***	***	***	***	***	***	***	***	***
Premier Marine[24]	India	***	***	***	***	***	***	***	***	***
PRN Seafood	Chicago, IL	***	***	***	***	***	***	***	***	***
Rich Products[25]	St. Simons Island, GA	***	***	***	***	***	***	***	***	***
Riptide[26]	Monterey Park, CA	***	***	***	***	***	***	***	***	***
Rubicon Resources[27]	Culver City, CA	***	***	***	***	***	***	***	***	***
Sai Marine	India	***	***	***	***	***	***	***	***	***
Sandhya Marines	India	***	***	***	***	***	***	***	***	***
Sea Lion	Margate, FL	***	***	***	***	***	***	***	***	***
Sea Port Prod	Kirkland, WA	***	***	***	***	***	***	***	***	***
Seafood Castle[28]	Monterey Park, CA	***	***	***	***	***	***	***	***	***
Stavis Seafoods	Boston, MA	***	***	***	***	***	***	***	***	***
Tampa Bay Fisheries[29]	Dover, FL	***	***	***	***	***	***	***	***	***
Top East Western	Grand Prairie, TX	***	***	***	***	***	***	***	***	***
Top Trade[30]	Alhambra, CA	***	***	***	***	***	***	***	***	***

Table continued on next page.

Table I-14--*Continued*
Warmwater shrimp: Reported U.S. imports, by importer and by source of imports, 2009

Firm	Location	2009 reported U.S. subject imports (*1,000 pounds*)					2009 reported U.S. nonsubject imports (*1,000 pounds*)			Share of 2009 reported total U.S. imports (*percent*)
		Brazil	China	India	Thailand	Vietnam	China	Thailand	Other Sources	
Trans-Ocean Products[31]	Bellingham, WA	***	***	***	***	***	***	***	***	***
Tri-Union Frozen[32]	El Segundo, CA	***	***	***	***	***	***	***	***	***
Universal Cold Storage[33]	India	***	***	***	***	***	***	***	***	***
Westward Seafoods[34]	Seattle, WA	***	***	***	***	***	***	***	***	***

[1] ***.
[2] ***.
[3] ***.
[4] ***.
[5] ***.
[6] ***.
[7] ***.
[8] ***.
[9] Not applicable.
[10] ***.
[11] ***.
[12] ***.
[13] ***.
[14] ***.
[15] ***.
[16] ***.
[17] ***.
[18] ***.
[19] ***.
[20] ***.
[21] ***.
[22] ***.
[23] ***.
[24] ***.
[25] ***.
[26] ***.
[27] ***.
[28] ***.
[29] ***.
[30] ***.
[31] ***.
[32] ***.
[33] ***.
[34] ***.

Source: Compiled from data submitted in response to Commission questionnaires.

U.S. Purchasers

The Commission received questionnaires from 32 purchasers of warmwater shrimp. Twenty-two purchasers described themselves as distributors, 5 as grocery chains, 3 as restaurant chains, 2 as processors, and 2 as a combination of processor and wholesaler. Reported purchases from these 32 purchasers totaled almost 941 million pounds of warmwater shrimp during January 2005-September 2010, which is 13.1 percent of the quantity of total apparent U.S. consumption of these products during this period. The five leading purchasers represented more than 87 percent of reported purchases. The largest purchaser, based on the total quantity of reported purchases of warmwater shrimp during this period, was ***, followed by ***, ***, ***[43] and ***.

Five reporting grocery chains and stores accounted for *** of the quantity of total purchases of warmwater shrimp.[44] The 3 reporting restaurant chains accounted for ***,[45] the 22 distributors accounted for ***,[46] and 2 processors accounted for ***.[47]

APPARENT U.S. CONSUMPTION AND MARKET SHARES

Table I-15 presents U.S. shipments, imports, and apparent U.S. consumption of warmwater shrimp from January 2005-September 2010. Table I-16 presents total U.S. consumption and market shares for the same period. Apparent U.S. consumption fluctuated between 2005 and 2009, but increased overall by 7.8 percent, then decreased 6.7 percent in the interim periods. Similarly, the value of apparent U.S. consumption fluctuated between 2005 and 2009, but increased overall by 5.1 percent, then decreased by 1.3 percent during the interim periods. The U.S. shipments' market share fluctuated from 2005 to 2009 but increased overall by 0.9 percentage points, then decreased by 5.6 percentage points during the interim periods. The market share of subject imports of warmwater shrimp decreased by *** percentage points from 2005 to 2009, then increased by *** percentage points during the interim periods. Imports from other sources increased by *** percentage points from 2005 to 2009, and increased by *** percentage points during the interim periods.

[43] Owned by ***.
[44] ***.
[45] ***.
[46] ***.
[47] ***.

Table I-15
Warmwater shrimp: U.S. shipments of domestic product, U.S. imports, by sources, and apparent U.S. consumption, 2005-09, January-September 2009, and January-September 2010

Item	2005	2006	2007	2008	2009	Jan.-Sept. 2009	Jan.-Sept. 2010
				Quantity (*1,000 pounds*)			
Wild catch landings	229,874	294,843	246,295	211,258	261,830	196,372	108,629
Farmed production	8,999	7,800	6,001	4,259	3,840	2,880	2,448
Domestic production	238,873	302,643	252,296	215,517	265,670	199,252	111,077
Converted domestic production	150,251	190,362	158,694	135,560	167,106	125,330	69,868
Exports	22,148	21,062	20,977	20,743	17,133	11,835	10,866
U.S. shipments	128,103	169,300	137,717	114,817	149,973	113,495	59,001
U.S. imports from –							
Brazil (subject)	6,591	1,298	0	37	37	37	43
China (subject)	***	***	***	***	***	***	***
Ecuador (subject)	***	***	***	(1)	(1)	(1)	(1)
India (subject)	77,220	58,736	44,605	32,579	***	***	***
Thailand (subject)	339,751	411,739	397,381	376,182	***	***	***
Vietnam (subject)	92,890	79,149	83,689	102,944	88,489	62,002	62,607
Subtotal (subject)	***	***	***	***	***	***	***
China (nonsubject)	***	***	***	***	***	***	***
Ecuador (nonsubject)	***	***	***	***	***	***	***
India (nonsubject)	(1)	(1)	(1)	(1)	***	***	***
Thailand (nonsubject)	(1)	(1)	(1)	(1)	***	***	***
Subtotal	***	***	***	***	***	***	***
Nonsubject countries	395,592	425,948	420,789	448,302	401,163	285,675	247,760
Subtotal (nonsubject)	***	***	***	***	***	***	***
All countries	1,041,157	1,165,462	1,123,447	1,139,216	1,110,013	778,213	773,300
Total U.S. consumption	1,169,260	1,334,762	1,261,164	1,254,032	1,259,986	891,707	832,301

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Table I-15–*Continued*
Warmwater shrimp: U.S. shipments of domestic product, U.S. imports, by sources, and apparent U.S. consumption, 2005-09, January-September 2009, and January-September 2010

Item	2005	2006	2007	2008	2009	Jan.-Sept. 2009	Jan.-Sept. 2010
				Value (*$1,000*)			
U.S. shipments	560,677	688,219	572,179	574,878	593,281	448,976	267,054
U.S. imports from --							
Brazil (subject)	13,042	3,894	0	310	86	86	120
China (subject)	***	***	***	***	***	***	***
Ecuador (subject)	***	***	***	(1)	(1)	(1)	(1)
India (subject)	318,148	252,656	192,802	140,427	***	***	***
Thailand (subject)	986,504	1,293,735	1,246,318	1,273,117	***	***	***
Vietnam (subject)	448,803	434,290	462,043	485,410	379,595	266,137	301,412
Subtotal (subject)	***	***	***	***	***	***	***
China (nonsubject)	***	***	***	***	***	***	***
Ecuador (nonsubject)	***	***	***	***	***	***	***
India (nonsubject)	(1)	(1)	(1)	(1)	***	***	***
Thailand (nonsubject)	(1)	(1)	(1)	(1)	***	***	***
Subtotal	***	***	***	***	***	***	***
Nonsubject countries	1,370,781	1,469,994	1,449,913	1,577,511	1,295,902	925,911	847,564
Subtotal (nonsubject)	***	***	***	***	***	***	***
All countries	3,473,446	3,943,425	3,794,958	3,989,238	3,646,368	2,551,667	2,694,296
Total U.S. consumption	4,034,123	4,631,645	4,367,136	4,564,116	4,239,648	3,000,643	2,961,350

(1) Not applicable.

Note.--Because of rounding figures may not add to the totals shown.
Note.– Data overstated in original investigation due to dusted shrimp being included. Canned shrimp was included in the original investigation scope, but is not included in the current scope.

Source: Compiled from data submitted in response to Commission questionnaires, from official Commerce statistics (modified with CNIF data), and from NMF data (U.S. landings quantities for the Gulf and Southern Atlantic regions; January-September 2010 is estimated using January-September 2009 for the Southern Atlantic region and preliminary January-September 2010 estimates for the Gulf region); U.S. processor shipment values estimated using an average of Urner Barry price series for 6 intermediate sizes of brown and white shrimp.

Table I-16
Warmwater shrimp: Total U.S. consumption and market shares, 2005-09, January-September 2009, and January-September 2010

Item	2005	2006	2007	2008	2009	Jan.-Sept. 2009	Jan.-Sept. 2010
	Quantity (*1,000 pounds*)						
Apparent U.S. consumption	1,169,260	1,334,762	1,261,164	1,254,032	1,259,986	891,707	832,301
	Value (*1,000 dollars*)						
Apparent U.S. consumption	4,034,123	4,631,645	4,367,136	4,564,116	4,239,648	3,000,643	2,961,350
	Share of quantity (*percent*)						
U.S. shipments	11.0	12.7	10.9	9.2	11.9	12.7	7.1
U.S. imports from --							
Brazil (subject)	0.6	0.1	0.0	0.0	0.0	0.0	0.0
China (subject)	***	***	***	***	***	***	***
Ecuador (subject)	***	***	***	(1)	(1)	(1)	(1)
India (subject)	6.6	4.4	3.5	2.6	***	***	***
Thailand (subject)	29.1	30.8	31.5	30.0	***	***	***
Vietnam (subject)	7.9	5.9	6.6	8.2	7.0	7.0	7.5
Subtotal (subject)	***	***	***	***	***	***	***
China (nonsubject)	***	***	***	***	***	***	***
Ecuador (nonsubject)	***	***	***	***	***	***	***
India (nonsubject)	(1)	(1)	(1)	(1)	***	***	***
Thailand (nonsubject)	(1)	(1)	(1)	(1)	***	***	***
Subtotal	***	***	***	***	***	***	***
Nonsubject countries	33.8	31.9	33.4	35.7	31.8	32.0	29.8
Subtotal (nonsubject)	***	***	***	***	***	***	***
All countries	89.0	87.3	89.1	90.8	88.1	87.3	92.9

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Table I-16–*Continued*
Warmwater shrimp: Total U.S. consumption and market shares, 2005-09, January-September 2009, and January-September 2010

Item	2005	2006	2007	2008	2009	Jan.-Sept.	
						2009	2010
	Share of value (*percent*)						
U.S. processors' U.S. shipments	13.9	14.9	13.1	12.6	14.0	15.0	9.0
U.S. imports from--							
Brazil (subject)	0.3	0.1	0.0	0.0	0.0	0.0	0.0
China (subject)	***	***	***	***	***	***	***
Ecuador (subject)	***	***	***	([1])	([1])	([1])	([1])
India (subject)	7.9	5.5	4.4	3.1	***	***	***
Thailand (subject)	24.5	27.9	28.5	27.9	***	***	***
Vietnam (subject)	11.1	9.4	10.6	10.6	9.0	8.9	10.2
Subtotal (subject)	***	***	***	***	***	***	***
China (nonsubject)	***	***	***	***	***	***	***
Ecuador (nonsubject)	***	***	***	7.7	8.0	8.8	10.7
India (nonsubject)	([1])	([1])	([1])	([1])	***	***	***
Thailand (nonsubject)	([1])	([1])	([1])	([1])	***	***	***
Subtotal	***	***	***	***	***	***	***
Nonsubject countries	34.0	31.7	33.2	34.6	30.6	30.9	28.6
Subtotal (nonsubject)	***	***	***	***	***	***	***
All countries	86.1	85.1	86.9	87.4	86.0	85.0	91.0

[1] Not applicable.

Note.– Because of rounding, figures may not add to the totals shown.
Note.– Data overstated in original investigation due to dusted shrimp being included. Canned shrimp was included in the original investigation scope, but is not included in the current scope.

Source: Compiled from data submitted in response to Commission questionnaires, from official Commerce statistics (modified with CNIF data), and from NMF data (U.S. landings quantities for the Gulf and Southern Atlantic regions); U.S. processor shipment values estimated using an average of Urner Barry price series for 6 intermediate sizes of brown and white shrimp.

PART II: CONDITIONS OF COMPETITION IN THE U.S. MARKET

U.S. MARKET SEGMENTS

Warmwater shrimp are intended for human consumption and may be farm-raised or wild-caught, and may be processed to varying levels (e.g., peeled, deveined, shell-off, tail-off, marinated, skewered, or sauced). There are also multiple species of shrimp both farm-raised and wild-caught, and they exist in a range of sizes. Further discussion of these differences is presented at the end of Part II.

For U.S.-processed warmwater shrimp, fresh shrimp are harvested (generally wild) and brought to dock by fishermen. Some deheading, sorting, and freezing may take place on the fishing boats. U.S. processors buy the fresh shrimp at the dock, and then may inspect, weigh, count, devein, peel, and cook it before freezing or canning it. Some of the production will be put into inventory for later sale. U.S. processors may sell the warmwater shrimp to distributors or to retail customers directly, or have their sales handled by brokers. The market is similar for importers of warmwater shrimp; however, importers may sometimes import the warmwater shrimp and then process it themselves, either into another form of warmwater shrimp (e.g., marinated or sauced) or into a nonsubject product (e.g., breaded shrimp).[1]

CHANNELS OF DISTRIBUTION

Domestically-produced and imported warmwater shrimp are sold to distributors, end users, and retailers/institutional buyers (table II-1). U.S. processors shipped over 90 percent of their warmwater shrimp to distributors. In general, importers varied in their shipments between distributors and retailers/institutional buyers, with a limited share directed toward end users. The primary exceptions were subject imports from Brazil in 2007 and China in 2008, 2009, and interim 2010.

U.S. processors and importers serve a national market, and supply all major U.S. regions (table II-2). Ten of 32 U.S. processors and 21 of 47 importers reported having a national market;[2] most other processors and importers served multiple regional markets.

A majority of both U.S. processors and importers shipped more than half of their product between 100 and 1,000 miles from their facility.[3] Twenty-eight importers ship warmwater shrimp from their storage facility, 14 ship directly from the point of importation, and 2 use both types of shipping points.

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[1] *Certain Frozen or Canned Warmwater Shrimp and Prawns from Brazil, China, Ecuador, India, Thailand, and Vietnam, Invs. Nos. 731-TA-1063-1068 (Final)*, USITC Publication 3748, January 2005, p. II-1.

[2] Nineteen of the 21 importers that reported having a national market imported from subject countries during the period of review; specifically 3 imported subject product from Brazil, 3 from China, 10 from India, 19 from Thailand, and 16 from Vietnam.

[3] Among U.S. processors, 14 reported that 50 percent or more of their sales were between 100 and 1,000 miles from their plant, 7 reported that the majority were within 100 miles, and 3 reported that the majority were more than 1,000 miles. Among importers, 18 reported that 50 percent or more of their sales were between 100 and 1,000 miles from their warehouse, 11 importers reported that the majority were within 100 miles, and 3 reported that the majority were more than 1,000 miles.

Table II-1
Warmwater shrimp : U.S. processors' and importers' shares of reported U.S. shipments, by sources and channels of distribution, January 2005-September 2010

Item	2005	2006	2007	2008	2009	Jan-Sept 2009	Jan-Sept 2010
	Share of reported shipments (*percent*)						
Domestic processors' shipments:							
To distributors	91.8	93.4	92.7	92.7	92.4	92.0	90.1
To end users	0.2	0.9	1.1	1.5	1.9	1.7	2.1
To retailers[1]/institutional buyers[2]	8.0	5.7	6.2	5.8	5.7	6.3	7.8
Shipments of imports from Brazil:							
To distributors	40.0	40.0	39.4	--	--	--	--
To end users	15.6	2.6	30.3	--	--	--	--
To retailers[1]/institutional buyers[2]	44.4	57.5	30.3	--	--	--	--
Shipments of imports from China (subject):							
To distributors	50.6	53.3	50.8	19.5	37.7	38.4	0.0
To end users	0.0	0.0	2.3	62.2	37.7	39.2	100.0
To retailers[1]/institutional buyers[2]	49.4	46.7	46.9	18.3	24.5	22.4	0.0
Shipments of imports from India:							
To distributors	63.6	61.8	69.8	81.5	81.9	83.6	86.5
To end users	1.3	0.9	0.7	0.2	0.0	0.0	0.0
To retailers[1]/institutional buyers[2]	35.1	37.2	29.5	18.4	18.1	16.4	13.5
Shipments of imports from Thailand (subject):							
To distributors	46.9	45.0	40.9	35.9	34.8	34.1	39.4
To end users	1.8	1.4	1.9	1.7	2.2	1.9	2.3
To retailers[1]/institutional buyers[2]	51.4	53.6	57.1	62.4	63.0	64.0	58.3
Shipments of imports from Vietnam:							
To distributors	56.3	48.5	44.8	49.5	49.1	50.5	49.7
To end users	5.8	4.0	3.6	3.9	6.2	6.9	6.0
To retailers[1]/institutional buyers[2]	37.9	47.5	51.6	46.6	44.8	42.6	44.3
Shipments of imports from China (nonsubject):							
To distributors	44.8	42.7	61.7	56.8	50.9	42.3	69.5
To end users	0.0	0.0	0.0	0.0	0.0	0.0	0.0
To retailers[1]/institutional buyers[2]	55.2	57.3	38.3	43.2	49.1	57.7	30.5

Table continued on the next page.

Table II-1--*Continued*
Warmwater shrimp : U.S. processors' and importers' shares of reported U.S. shipments, by sources and channels of distribution, January 2005-September 2010

Item	2005	2006	2007	2008	2009	Jan-Sept 2009	Jan-Sept 2010
	Share of reported shipments (*percent*)						
Shipments of imports from Thailand (nonsubject):							
To distributors	--	--	--	--	17.2	14.4	19.2
To end users	--	--	--	--	0.7	0.6	1.1
To retailers[1]/institutional buyers[2]	--	--	--	--	82.1	84.9	79.7
Shipments of imports from all other countries:							
To distributors	55.0	56.5	56.9	50.5	57.1	57.7	52.3
To end users	4.5	4.5	3.7	5.0	4.9	5.2	4.3
To retailers[1]/institutional buyers[2]	40.5	39.0	39.4	44.5	38.0	37.0	43.4

[1] Entities that purchase and resell to end users (i.e., supermarkets and other retailers that sell to customers).
[2] Entities such as restaurants, hotels, hospitals, etc.

Source: Compiled from data submitted in response to Commission questionnaires.

Table II-2
Warmwater shrimp: Geographic markets by destination, as reported by U.S. processors and importers

Item	U.S. processors	Importers
Nationwide	10	21
Northeast[1]	15	22
Midwest[2]	15	14
Southeast[3]	23	15
Central Southwest[4]	21	13
Mountains[5]	4	3
Pacific Coast[6]	7	13

[1] Includes CT, ME, MA, NH, NJ, NY, PA, RI, and VT.
[2] Includes IL, IN, IA, KS, MI, MN, MO, NE, ND, OH, SD, and WI.
[3] Includes AL, DE, DC, FL, GA, KY, MD, MS, NC, SC, TN, VA, and WV.
[4] Includes AR, LA, OK, and TX.
[5] Includes AZ, CO, ID, MT, NV, NM, UT, and WY.
[6] Includes CA, OR, and WA.

Source: Compiled from data submitted in response to Commission questionnaires.

Most U.S. processors' sales are from inventory while importers sell both from U.S. and foreign inventory and produced to order.[4] Lead times for sales from U.S. inventory were generally 10 days or less. U.S. processors reported produced-to-order lead times of seven to fourteen days and importers reported lead times of 45 to 75 days. Most foreign processors' sales are produced-to-order rather than from inventory.[5] Foreign processors reported lead times for produced-to-order product of 30 to 60 days from China, 15 to 60 days from India, 2 weeks to 4 months from Thailand, and 1 week to 2 months from Vietnam. Lead times from inventory were reportedly 7 days or less from Brazil, 7 to 30 days from India, 10 days to 3 weeks from Thailand, and 1 to 6 weeks from Vietnam.

SUPPLY AND DEMAND CONSIDERATIONS

U.S. Supply

U.S. supply of fresh shrimp and natural cycle

U.S. fishermen generally harvest white, pink, and brown shrimp from the Gulf, with white and pink shrimp from the Carolina and Florida Atlantic coasts, respectively. U.S. shrimp fishermen primarily harvest shrimp only, and changes to harvests of other animals would be expensive since their equipment (trawlers, nets, etc.) are not appropriate for catching other forms of seafood.[6] Fishermen's decisions whether or not to shrimp depend on fixed costs including the cost of the boat, boat maintenance, insurance, and debt-servicing costs, and variable costs, including most importantly fuel, as well as equipment repair and replacement, and labor. According to data presented by ASPA, diesel fuel costs (per pound of shrimp harvested) are projected to nearly double from $0.65 in 2009 to $1.12 in 2012.[7]

U.S. wild-caught shrimp fishing and frozen warmwater shrimp production are covered by multiple U.S. government regulations,[8] but few U.S. processors reported that regulations affected their ability to supply warmwater shrimp. Many U.S. processors reported that imported product does not meet

[4] Eight U.S. processors and 11 importers described 100 percent of their sales from inventory, while an additional 13 U.S. processors and 3 importers described over half their sales from inventory. Three U.S. processors and 10 importers reported that 100 percent of their sales were produced-to-order, another three U.S. processors and three importers reported that half or more of their sales were produced-to-order. Two importers reported that 100 percent of their sales were from foreign inventory and four importers reported that over 60 percent of their sales were from foreign inventory.

[5] Twenty-four Indian, 30 Thai, and 24 Vietnamese processors indicated that at least 70 percent of their sales were produced-to-order, while three Indian processors and one Vietnamese processor indicated that they had a 50-50 split between sales out of inventory and sales of product produced-to-order. Only ***, one Indian, and one Vietnamese processor reported at least 90 percent of sales from inventories.

[6] *Certain Frozen or Canned Warmwater Shrimp and Prawns from Brazil, China, Ecuador, India, Thailand, and Vietnam, Invs. Nos. 731-TA-1063-1068 (Final)*, USITC Publication 3748, January 2005, p. II-2.

[7] ASPA poshearing brief, answers to Commissioner Pearson, exh. 2. "Fuel cost represents about a two-thirds input to the price of a wild-caught domestic shrimp. So what you're seeing in the price fluctuations, particularly in '09, is a reduction. You know, fuel went from $147 a barrel at its peak down into the 30s." Hearing transcript, p.141 (McLendon).

[8] These include the HACCP (Hazardous Analysis Critical Control Points), state boards of health, and the mandatory use of TEDS (turtle excluder devices). *Certain Frozen or Canned Warmwater Shrimp and Prawns from Brazil, China, Ecuador, India, Thailand, and Vietnam, Invs. Nos. 731-TA-1063-1068 (Final)*, USITC Publication 3748, January 2005, p. II-3.

the same regulation standards as U.S. product.[9] While most importers reported that U.S. regulations had no effect on their operations and that their imports meet or exceed FDA regulations, two importers reported that imported shrimp do not meet the same regulation requirement, and 12 importers reported that regulations can delay deliveries.

U.S. supply of warmwater shrimp

When asked if any changes other than the Gulf Oil Spill[10] occurred in any factors affecting supply, 18 U.S. processors, 8 importers, and 12 purchasers reported changes such as rises in fuel prices (that prompted many fishermen to find jobs in other industries); the economy; lack of shrimp; government regulations; disease problems; lower shrimp prices and profit margins; currency fluctuations; weather effects such as Hurricanes Katrina-(August/September 2005), Rita-(September 2005), and Ike-(September 2008). The hurricanes hurt the U.S. Gulf Shrimp industry as they destroyed Louisiana infrastructure and also reduced the U.S. shrimp fleet). Other factors reported as affecting supply included labor shortages; lack of visas for crews; and boat shortages. In addition, U.S. processors reported unfair import competition. Importers also reported spot disease outbreaks in Indonesia in 2008 and Mexico in 2010; the depreciation of the U.S. dollar (making imports more expensive), and the general appreciation of the Euro (making imports into Europe cheaper); increased demand in the countries of production and in non-traditional markets such as China, Thailand, and Russia; weather effects in Indonesia; and India and Vietnam shifting production from Black Tiger to White Shrimp (hence reducing supply of large shrimp).

Most U.S. processors (32 of 34) and purchasers (29 of 33), but few importers (5 of 37) reported that their warmwater shrimp supplies were affected by the Gulf Oil Spill. U.S. processors explained that traditional shrimping areas were closed, the majority of the boats were hired by BP[11] to work for the clean-up efforts, and production decreased by 50-60 percent.[12] ASPA reported that production has recovered this year to 75 percent of the average landings over the past five years, and that the shrimp population is likely to fully recover within one to three years.[13] Two importers reported shortages of warmwater shrimp, and one importer reported that the Gulf Oil Spill caused a large spike in demand for imports as many traditional Gulf shrimp users "switched to imported seafood for fear of both quality and availability of Gulf seafood."[14] Some purchasers reported short-term shortages of Gulf Shrimp, while others reported continuing supply shortages.

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[9] One U.S. processor reported that imports are inspected so rarely (allegedly less than 2 percent of imports) that the standard is effectively different for U.S. and imported warmwater shrimp. Commission visit to ***.

[10] Refers to the April 20, 2010 "Deepwater Horizon" incident in the Gulf of Mexico (http://www.deepwaterhorizonresponse.com/go/doc/2931/541571, accessed on September 7, 2010). The highest fishing area closures due to BP oil spill occurred in June 2, 2010 (36.6 percent - 88,522 square miles). The closures decreased by November 15, 2010 (0.4 percent - 1,041 square miles). See Appendix E, table E-4.

[11] Formerly known as "British Petroleum."

[12] A large percentage of the Gulf fleet (one-third to one-half of the Gulf fleet by firms' estimates) received payouts from BP, either to assist to the Gulf Oil Spill clean-up or as compensation for damages. Because of these payments, these boats are not shrimping, resulting in lower supply and higher prices for domestically-harvested shrimp.

[13] Hearing transcript, p. 98 (Veal) and ASPA's posthearing brief, Commissioners' exhibit 2. In questionnaire responses, some U.S. processors expected that supply will return to pre-Gulf Oil Spill levels in May 2011, or within the next 2-3 years, while one firm expected that it will take 5-12 years.

[14] This importer, ***, further reported, "currently imported shrimp are selling at prices that are significantly higher than the corresponding item from the Gulf."

Five U.S. processors and eight importers reported changes in their product range, product mix, and/or marketing since January 2005. Specifically, three U.S. processors reported marketing changes, including the loss of funding for the Wild American Shrimp Initiative.[15] Three importers reported offering more cooked products and four mentioned a shift away from shell-on and block frozen shrimp toward more value added products such as peeled and deveined individual quick frozen (IQF) shrimp.[16]

Seasonality[17]

The U.S. supply of wild-caught fresh shrimp varies by season. The main fishing season is May to December, although different times of the year are better for particular species and sizes.[18] In the offseason (roughly January through April), some fishermen take time for maintenance and upgrades while others continue fishing. Although U.S. processors are able to maintain some supply of warmwater shrimp during the offseason by freezing part of their in-season inventory for later sale, prices have been historically higher in the offseason as supply of both fresh and frozen shrimp is lower. U.S. processors and fishermen have described this seasonal supply characteristic as a necessary cycle for fishermen and U.S. processors to make money (through higher offseason prices) and make needed repairs and upgrades.[19]

Half of U.S. processors (11 of 22) and more than half of importers (27 of 47) reported that there is seasonality in U.S. warmwater shrimp supply. Some firms reported that the supply of fresh wild-caught shrimp depends on weather and boat maintenance. U.S. processors also reported that they hold enough warmwater shrimp in inventory to make year-round sales. Purchasers mostly reported that U.S. warmwater shrimp was more seasonal than subject imports.[20] Purchasers were more likely to describe subject imports as having year-round availability, although some reported seasonality in some countries in particular sizes and/or species.[21]

Anticipated supply

Most U.S. processors anticipated no change or a decrease in the availability of U.S.-produced warmwater shrimp (table II-3).[22] The majority of importers anticipated no change in the availability of

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[15] Other marketing comments included that the Gulf Oil Spill has affected marketing and that a processor had to increase its efforts to market U.S. shrimp. One U.S. processor reported a change in its product range, i.e., producing sauced (enrobed) shrimp.

[16] *** reported that IQF product "saves on labor, time, and it is a 'greener' form as running water is not needed to thaw it."

[17] "The Commercial Guide to Fish and Shellfish" shows the following as "in-season" months for Black Tiger and White Shrimp production – United States- May-October, Brazil- April-September, China- July-November; India- June-December, Thailand- May-November; Vietnam- June- November. Respondents' prehearing brief, exh. 15.

[18] In addition to the seasonality of shrimp, several states in the Gulf have regulated seasons.

[19] *Certain Frozen or Canned Warmwater Shrimp and Prawns from Brazil, China, Ecuador, India, Thailand, and Vietnam, Invs. Nos. 731-TA-1063-1068 (Final),* USITC Publication 3748, January 2005, p. II-2-3.

[20] Some purchasers described domestic availability as lower in the offseason, but not necessarily non-existent. About a third of purchasers did not report any seasonality citing that wholesale distributors should have no problem with year-round availability.

[21] Purchaser *** reported that, while imported shrimp is available all year round, pond shrimp harvests in India, Thailand, and Vietnam are larger during late spring and summer.

[22] However, four firms expected an increase, including *** which stated that supply will increase since the Gulf Oil Spill area has been reopened, and *** which reported that if the antidumping orders remain in place, dock prices

(continued...)

subject imports in the U.S. market, although about one-third anticipated a decrease, citing increased consumption in Asia, particularly China, other subject countries, the EU and Eastern Europe; the depreciation of the U.S. dollar (making the U.S. market less desirable for exporters); and the antidumping orders. Most foreign processors did not anticipate changes in the availability of their exports to the United States; although seven Indian processors anticipated an increase, citing an increase in Indian shrimp aquaculture (especially for *vannamei* - white shrimp), increased U.S. consumption, and the loosening of U.S. bond requirements.[23]

Table II-3
Warmwater shrimp: U.S. processors, importers, and foreign processors perceptions of anticipated changes in the availability of their warmwater shrimp in the United States

Item	Number of firms reporting		
	Increase	Decrease	No change
U.S. processors	4	10	13
Importers	4	15	29
Brazilian processors	1	--	1
Chinese processors	--	1	33
Indian processors	7	--	26
Thai processors	3	2	27
Vietnamese processors	--	1	25

Note: U.S. processors were asked about availability of U.S. product, importers were asked about availability of subject imports, and foreign processors were asked about availability of their foreign-processed products in the U.S. market.

Source: Compiled from data submitted in response to Commission questionnaires.

Domestic Production

Based on available information, U.S. warmwater shrimp processors have the ability to respond to changes in demand with moderate[24] changes in their quantity of shipments to the U.S. market. The main contributing factors to the moderate degree of responsiveness of supply are some availability of inventories, and large unused processing capacity. Supply responsiveness is limited by few alternative

[22] (...continued)
could increase which will ultimately increase supply. *** noted that "oil settlement money will have a positive impact on the industry by allowing firms that want to exit to exit and by allowing increased opportunity to invest in technology, vessels, and fixed assets to allow for better competition in the market."

[23] In addition, two Thai processors that anticipated a decrease cited exchange rate issues, higher raw material costs, and an increased emphasis on the EU and Japanese markets while three Thai processors expected an increase, citing company-specific reasons. Vietnamese processor *** expected a decrease in its supply to the U.S. market due to climate change and a U.S. selling price that is not competitive with other markets. Two Vietnamese processors that anticipated no change in supply to the U.S. market noted that their supply of warmwater shrimp depended on a fluctuating or tight supply of raw material (shrimp).

[24] Staff changed "moderate to large" to "moderate" in response to additional information regarding the seasonal nature of domestic shipments; i.e., that processors maintain capacity levels to process shrimp during peak harvest seasons and maintain inventories to be able to respond to year-round demand.

markets and production alternatives, and biological/environmental limits on how much fresh shrimp can be fished from U.S. waters.

Industry capacity

U.S. processors' capacity utilization rate was less than 42 percent during the period of review. It fluctuated but fell slightly from *** percent in 2005 to *** percent in 2009, and it was *** percent in January-September 2010 compared to *** percent in January-September 2009. ASPA noted that the domestic processors "have very low capacity utilization rates because the shrimp harvest is very seasonal, and so they have to maintain a lot of capacity when they reach peak season."[25]

Alternative markets

U.S. processors export only a small percentage of their total shipments. Exports decreased from *** percent of U.S. processors' total shipments in 2005 to *** percent in 2009; and accounted for *** percent in January-September 2010.

Inventory levels

U.S. processors maintain inventories to respond to year-round demand for warmwater shrimp. U.S. processors' inventories, as a ratio of their total warmwater shrimp shipments, increased irregularly from *** percent of total shipments in 2005 to *** percent in 2009, and decreased to *** percent in January-September 2010 compared to *** percent in January-September 2009. Respondents noted that "inventories are needed to respond to year-round demand for shrimp even though the domestic shrimping season is not a year-round season."[26]

Production alternatives

Most U.S. processors (34 of 37) reported that they do not produce or do not anticipate producing any other products on the same equipment and machinery used in the production of warmwater shrimp. Three U.S. processors reported that they also produce breaded frozen fish, oysters, clams, and mahi fish.

Subject Imports

Imports constitute the vast majority of the U.S. warmwater shrimp market. Warmwater shrimp production in subject foreign countries primarily uses farm-raised shrimp unlike U.S. production which primarily uses wild-caught shrimp. Shrimp of many different species can be farmed, and shrimp farms are usually designed principally for export.[27]

Except for Chinese processors, most foreign processors did not identify many changes in their product range or marketing of warmwater shrimp in recent years.[28] Twenty-three Chinese processors described new products (such as "super-clean peeled and deveined" product for the Japanese market, breaded shrimp, and other higher value-added forms of shrimp), new markets (including the Chinese

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[25] Hearing transcript, p. 83 (Drake).

[26] Respondents' prehearing brief, p. 10.

[27] *Certain Frozen or Canned Warmwater Shrimp and Prawns from Brazil, China, Ecuador, India, Thailand, and Vietnam, Invs. Nos. 731-TA-1063-1068 (Final),* USITC Publication 3748, January 2005, p. II-4.

[28] All three Brazilian processors, 22 of 45 Chinese processors, 30 of 35 Indian processors, 28 of 32 Thai processors, and 24 of 26 Vietnamese processors reported that they had not changed their product range or marketing.

mainland for higher value-added products as well as Hong Kong, Taiwan, Korea, and Russia), and a greater emphasis on the Chinese home market in general. Some Indian processors cited increased sales of cooked product, increased sales of value-added product to the EU and Japan, and decreased sales to the United States. Four Thai processors identified increased supply of specialty products (especially head-on, shell-on products) and increased *vannamei* (due to a shortage of Black Tiger). Similarly, two Vietnamese processors identified new products and special products for the EU and Japanese markets.

A discussion of each subject country's import supply follows. Note that respondents indicate that similar to the domestic producers' capacity constraint, the relevant capacity constraint for foreign producers is raw shrimp (and thus farming capacity), rather than processing capacity.[29]

Supply of Subject Imports from Brazil

The Commission received three questionnaire responses from Brazilian suppliers.[30] Based on available information, Brazilian processors have the ability to respond to changes in demand with moderate changes in the quantity of shipments of warmwater shrimp to the U.S. market. The main contributing factor to the moderate degree of responsiveness is high levels of unused capacity, while constraining factors are *** and declining production and export sales.

Industry capacity

While Brazilian processors' reported total capacity *** million pounds, capacity utilization rates decreased irregularly from *** percent in 2005 to *** percent in 2009 ***. These processors reported *** during January-September 2010. According to the Brazilian Shrimp Farmers Association (ABCC), after peaking in 2003, Brazilian farmed shrimp production declined in 2004 and 2005 and has since remained stable, due to environmental and legal constraints affecting the licensing of new production areas, as well as producers' reluctance to increase pond stocking densities because of disease issues.[31]

Alternative markets

Questionnaire respondents reported *** exports to the United States ***. As shown in the following tabulation, responding Brazilian processors' exports of warmwater shrimp were *** to the EU.

Item	2005	2009	Jan-Sept 2010
	Share of total reported shipments (*percent*)		
Internal consumption	***	***	***
Home market	***	***	***
Exports to the United States	***	***	***
Exports to other markets	***	***	***

Note: ***.

Source: Compiled from data submitted in response to Commission questionnaires.

[29] Hearing transcript, pp. 276-277 (Connelly).

[30] ***.

[31] Infectious Myonecrosis Virus, a new disease that originated in Brazil, caused a large drop in Brazilian warmwater shrimp production in 2003-05. ABCC's prehearing brief, pp. 2-3.

According to ABCC, average per capita shrimp consumption in Brazil increased by 85 percent from 2005-09 and this growth in home market demand is expected to continue.[32] Brazilian processor *** indicated that all Brazilian warmwater shrimp is currently sold in the home market since "market conditions due to exchange rate and tariff makes it not productive to export." Similarly, data provided by Brazilian respondents show that Brazilian exports of frozen warmwater shrimp to all markets decreased from 45,033 metric tons in 2005 to 2,282 metric tons in 2010.[33]

Inventory levels

Brazilian processors reported *** during January 2005-September 2010.

Production alternatives

Brazilian processors reported that they do not produce or do not anticipate producing any other products on the same equipment and machinery used in the production of warmwater shrimp.

Supply of Subject Imports from China

The Commission received 34 questionnaire responses from subject Chinese suppliers.[34] Based on available information, Chinese processors have the ability to respond to changes in demand with large changes in the quantity of shipments of warmwater shrimp to the U.S. market. The main contributing factors to the high degree of responsiveness are the moderate levels of unused capacity, some production alternatives, high inventories, and the existence of large home and non-U.S. export markets.

Industry capacity

Subject Chinese processors' reported capacity utilization rates for warmwater shrimp increased irregularly from 43.1 percent in 2005 to 50.9 percent in 2009; rates were 44.4 percent in January-September 2009 and 52.1 percent in January-September 2010. Total capacity increased from 157.7 million pounds in 2005 to 251.2 million pounds in 2009.

Alternative markets

Subject Chinese processors' total shipments more than doubled from 2005 to 2009, as did their shipments to the Chinese home market. As shown in the following tabulation, almost one-quarter of total shipments went to the Chinese home market in 2009, and about three-quarters went to non-U.S. export markets.

[32] ABCC prehearing submission, pp. 5-6.

[33] ABCC posthearing submission, p. 2.

[34] Firms that reported imported product in 2009 accounted for *** percent of subject imports from China.

Item	2005	2009	Jan-Sept 2010
	Share of total reported shipments (*percent*)		
Home market	23.7	24.8	23.5
Exports to the United States	7.8	1.0	0.0
Exports to other markets	68.5	73.9	75.8

Note: Since there was a small amount of internal consumption (less than 1.0 percent), figures do not add to 100 percent.

Source: Compiled from data submitted in response to Commission questionnaires.

Twenty-seven Chinese processors indicated that it would be difficult to shift sales to U.S. markets from other markets because of demand for different products (e.g., type, packaging, size) in different markets, loyalty to customers in China, and the difficulty of developing new markets in the United States.[35]

Inventory levels

Subject Chinese processors' inventories, as a percentage of total shipments, decreased irregularly from 35.4 percent in 2005 to 25.7 percent in 2009 and were 34.1 percent in January-September 2009 and 19.6 percent in January-September 2010.

Production alternatives

About one-third of subject Chinese processors (11 of 34) reported that they produce breaded frozen fish, frozen tilapia fillet, tilapia whole round, frozen crab, and other aquatic products on the same equipment and machinery used in the production of warmwater shrimp.

Supply of Subject Imports from India

The Commission received 36 questionnaire responses from Indian suppliers.[36] Based on available information, Indian processors have the ability to respond to changes in demand with large changes in the quantity of shipments of warmwater shrimp to the U.S. market. The main contributing factors to the high degree of responsiveness are the existence of inventories and high levels of unused capacity, some ability to produce other products with the same labor and equipment, and the existence of non-U.S. export markets.

Industry capacity

Indian processors' reported capacity utilization rates decreased from 21.9 percent in 2005 to 17.6 percent in 2009; rates were 17.6 percent in January-September 2009 and 20.5 percent in January-September 2010. Total capacity increased from 553 million pounds in 2005 to 631 million pounds in 2009.

[35] However one Chinese processor, ***, reported that it would not be difficult to shift product from the Chinese market to the U.S. market.

[36] Firms that provided data accounted for *** percent of imports from India in 2009.

Alternative markets

Indian processors shipped almost exclusively to export markets, with the majority of shipments to third-country markets, as shown in the tabulation below.

Item	2005	2009	Jan-Sept 2010
	Share of total reported shipments (*percent*)		
Home market	0.1	0.0	0.0
Exports to the United States	44.0	23.6	33.2
Exports to other markets	55.7	74.6	65.1

Note: Since there was a small amount of internal consumption (less than 2.0 percent), figures do not add to 100 percent.

Source: Compiled from data submitted in response to Commission questionnaires.

Indian processors expressed a variety of opinions as to how difficult it would be to shift sales to or from the U.S. market. Five Indian processors indicated that it would be easy to shift sales. A larger number of Indian processors indicated that shifting might be possible, but in small volumes for the short-term and/or with substantial effort. Still other Indian processors indicated that shifting sales would be difficult because of U.S. demand for larger sizes or lack of experience in more than one market.

Inventory levels

Available data indicate that Indian processors' inventories of warmwater shrimp, as a percentage of total shipments, decreased irregularly from 16.5 percent in 2005 to 12.0 percent in 2009 and were 13.6 percent in January-September 2009 and 14.0 percent in January-September 2010.

Production alternatives

One quarter of Indian processors (9 of 36) reported that they also produce frozen fish, squid rings, cephalopods, frozen crab, and other aquatic products on the same equipment and machinery used in the production of warmwater shrimp.

Supply of Subject Imports from Thailand

The Commission received 34 questionnaire responses from subject Thai suppliers.[37] Based on available information, Thai processors have the ability to respond to changes in demand with large changes in the quantity of shipments of warmwater shrimp to the U.S. market. The main contributing factors to the high degree of responsiveness are the existence of unused capacity, some production alternatives, and the existence of substantial non-U.S. export markets.

Industry capacity

Subject Thai processors' reported capacity utilization rates for warmwater shrimp increased irregularly from 72.9 percent in 2005 to 86.7 percent in 2009; rates were 81.9 percent in January-

[37] Firms that provided data accounted for *** percent of subject imports from Thailand in 2009.

September 2009 and 84.1 percent in January-September 2010. Total capacity increased from 637 million pounds in 2005 to 761 million pounds in 2009.

Alternative markets

Subject Thai processors export most of their production (see tabulation below). Internal consumption and shipments to the Thai home market combined were less than 20 percent of total shipments during the period of review.

Item	2005	2009	Jan-Sept 2010
	Share of total reported shipments (*percent*)		
Internal consumption	6.4	10.1	9.2
Home market	4.0	3.4	4.5
Exports to the United States	57.6	46.1	40.7
Exports to other markets	32.0	40.4	45.6
Source: Compiled from data submitted in response to Commission questionnaires.			

Twenty-six Thai processors indicated that shifting sales between the U.S. market and alternative country markets would be difficult, and identified numerous reasons, including having sales focused on the U.S. market, and conversely, not having sales in the U.S. market, the risk and difficulty in finding new customers, and differing payment methods.[38]

Inventory levels

Subject Thai processors' inventories, as a percentage of total shipments, decreased irregularly from 19.7 percent in 2005 to 12.7 percent in 2009 and were 13.7 percent in January-September 2009 and 12.2 percent in January-September 2010.

Production alternatives

Less than one-third of Thai processors (10 of 34) reported that they also produce freshwater fish, cephalopods, breaded shrimp, frozen squid, cuttlefish, octopus, and other aquatic products on the same equipment and machinery used in the production of warmwater shrimp.

Supply of Subject Imports from Vietnam

The Commission received 26 questionnaire responses from Vietnamese suppliers.[39] Based on available information, Vietnamese processors have the ability to respond to changes in demand with large changes in the quantity of shipments of warmwater shrimp to the U.S. market. The main contributing factors to the high degree of responsiveness are the existence of unused capacity and inventories, and the existence of non-U.S. export markets, while somewhat limited by a lack of production alternatives.

[38] One Thai processor, ***, reported that it would be easy to shift sales among different markets in which it is already established.

[39] Firms that provided data accounted for *** percent of imports from Vietnam in 2009.

Industry capacity

Vietnamese processors' reported capacity utilization rates for warmwater shrimp decreased irregularly from 79.8 percent in 2005 to 75.1 percent in 2009; rates were 74.4 percent in January-September 2009 and 77.5 percent in January-September 2010. Total capacity increased from 281.1 million pounds in 2005 to 343.9 million pounds in 2009.

Alternative markets

Vietnamese processors export most of their production (see tabulation below). Internal consumption and shipments to the Vietnamese home market combined were less than 20 percent of total shipments during the period of review.

Item	2005	2009	Jan-Sept 2010
	Share of total reported shipments (*percent*)		
Internal consumption	9.9	13.8	8.5
Home market	4.0	4.1	4.2
Exports to the United States	34.7	32.1	36.8
Exports to other markets	51.4	50.0	50.5

Source: Compiled from data submitted in response to Commission questionnaires.

Twenty-four Vietnamese processors indicated that shifting sales between the U.S. market and alternative country markets would not be easy because of market differences in packaging, preferred products (e.g., Japanese preference for sushi products), sales arrangements, consumer preferences, and processing methods.

Inventory levels

Available data indicate that Vietnamese warmwater shrimp processors' inventories, as a percentage of total shipments, increased irregularly from 15.0 percent in 2005 to 17.6 percent in 2009 and were 24.8 percent in January-September 2009 and 25.0 percent in January-September 2010.

Production alternatives

Most Vietnamese processors (22 of 26) reported that they do not produce or do not anticipate producing any other products on the same equipment and machinery used in the production of warmwater shrimp, although 4 processors reported that they also produce squid, octopus, fish, spring rolls, tempura shrimp, cuttlefish, and coldwater shrimp.

Nonsubject Countries

Imports of warmwater shrimp from nonsubject countries are available both as farmed and wild-caught. Mexico provides wild-caught warmwater shrimp with the same seasonal supply surge as U.S. production. Other major nonsubject country sources, generally for farmed shrimp, include Bangladesh, Ecuador, Indonesia, Malaysia, Singapore, and Venezuela.

U.S. Demand

Demand Characteristics

Demand for warmwater shrimp comes from retail sellers of both prepared and unprepared warmwater shrimp (grocery stores) and restaurants. In recent years, larger restaurant chains and U.S. seafood processors (i.e., breaders, skewers, and marinaters) have demanded warmwater shrimp in larger quantities, with year-round availability, standardized sizes, and lower prices.[40] There is some seasonality in U.S. shrimp demand, which is typically higher around Easter, Christmas, and New Year's.[41]

Demand Trends

Apparent U.S. consumption of warmwater shrimp increased irregularly from 1.2 billion pounds in 2005 to 1.3 billion pounds in 2009, and was 832 million pounds during January-September 2010 compared to 892 million pounds during January-September 2009 (table I-15). Purchasers that were end-users were asked whether demand for their final products had changed since 2005: three reported that such demand decreased, two reported that it fluctuated,[42] and one reported no change. Testimony from domestic parties indicated that, from mid-2008 to 2009, due to the recession, restaurant sales declined 10 to 25 percent, and retail sales also declined.[43] Firms provided mixed responses regarding how U.S. demand for warmwater shrimp has changed since 2005 (table II-4).[44]

Of the firms that reported increased demand, U.S. processor *** added that customers increased purchases of domestic shrimp to hold in inventory due to unsettled raw supply. Three importers attributed increased demand to pricing and depreciation of the dollar, two cited increased marketing, and two others cited increased health consciousness. Several purchasers cited market growth, increased per capita consumption, currency exchange, and pricing.[45] Chinese and Thai processors were more likely to report increased U.S. demand than Indian and Vietnamese processors. Some Indian processors cited increased demand for larger sizes and increased seafood consumption for health reasons, and some Thai and Vietnamese processors attributed increased U.S. demand to the U.S. economy and growing consumer preferences for shrimp.

Of the firms that reported a decrease in demand, purchasers most frequently cited the economic recession including *** that stated that restaurants' demand decreased. Two Vietnamese processors cited U.S. economic conditions and importers' financial health.

Most U.S. processors (29 of 32) and purchasers (24 of 34), but fewer importers (13 of 48) reported that the Gulf Oil Spill has affected demand. U.S. processors cited "negative perception of

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[40] See *U.S. Purchasers* section in Part I.

[41] Hearing transcript, pp. 149-150 (McLendon and Pena).

[42] Purchaser *** reported that ***.

[43] Hearing transcript, p. 125 (Appelbaum).

[44] ASPA testified that "demand continues to be sluggish due to the slow economic recovery, and uncertainties regarding the impact of the oil spill on consumers' perceptions. Fuel prices, the largest single component of fishermen's costs, are expected to rise this year and next." Hearing transcript, p. 25 (Drake). However, once the recession is over, one domestic witness foresees demand picking up to previous levels. Hearing transcript, pp. 161-162 (Gollott).

[45] Purchaser *** also cited "the rise in disposable income prior to 2008 in the United States, rise in price of competitive proteins in the United States, lowering of shrimp prices from foreign countries due to more efficient growing methods and, since 2009, the growing disposable income in the Asian Rim."

Table II-4
Warmwater shrimp: U.S. processors, importers, purchasers, and foreign processors perceptions regarding the demand for warmwater shrimp in the United States

Item	Number of firms reporting			
	Increase	Decrease	Fluctuated	No change
U.S. processors	5	13	9	4
Importers	14	0	15	20
Purchasers	8	7	7	10
Brazilian processors	0	1	0	0
Chinese processors	21	0	0	13
Indian processors	5	10	6	13
Thai processors	15	9	2	9
Vietnamese processors	4	9	0	10
Source: Compiled from data submitted in response to Commission questionnaires.				

product safety" as the main factor.[46] A few U.S. processors reported that they anticipate demand will return to normal levels within the next 1-3 years. Some importers also cited reluctance to purchase Gulf Shrimp, with importer *** reporting that "in the beginning there was a lot of speculation, prices and demand went up. Now, we are at the same level as before." Purchasers cited several factors: health concerns, price spikes, availability of certain sizes where substitution of imports have taken hold, lack of adequate supply, and damaged consumer confidence. Purchaser *** reported that "It appeared that concerns about oil contamination of the U.S. domestic shrimp lowered the enthusiasm of the consumer toward shrimp and all seafood in general. We saw some decrease in traffic at our restaurants during and after the oil spill."

Almost two-thirds (20 of 32) of responding purchasers reported that customer preference for U.S.- harvested product has changed because of the Gulf Oil Spill. Purchasers reported that some customers have switched from domestic to imported warmwater shrimp and might not switch back, that some customers are afraid to use any shrimp, and that prices have increased because of lower supply. Some purchasers believe that demand will return to pre-Gulf Oil Spill levels in 2011 while others believe that it will take 3 years or more. According to ASPA, only about 20 percent of consumers still have concerns about Gulf product, and these are mostly infrequent consumers of shrimp.[47]

Anticipated U.S. demand

Firms responses' regarding future U.S. demand are summarized in table II-5.[48] U.S. processors, importers, and purchasers more often expected an increase rather than a decrease in demand. Firms that anticipated an increase in U.S. demand cited a number of reasons, including that the oil spill will fade, U.S. economic recovery, and perceived health benefits of seafood. Numerous importers reported that due to affordable prices, warmwater shrimp is a staple rather than a delicacy and consumption will continue along the current trend. Indian processors cited increased seafood consumption and one, ***, expected

[46] Many U.S. processors reported that purchasers sought non-Gulf shrimp because of fears that Gulf shrimp may be contaminated.

[47] Hearing transcript, p. 98 (Veal).

[48] Respondents testified that U.S. demand has already leveled off. Hearing transcript, p. 345 (Nicely).

that the fishing suspension in the Gulf of Mexico would increase U.S. demand for Indian product. Thai processors pointed to difficulties with sea-caught shrimp and to stable relationships with U.S. purchasers. Thai processors expecting no change or fluctuating U.S. demand cited weakness in the U.S. economy as a reason; however, *** reported that the weak economy would only cause U.S. demand to shift toward smaller-sized shrimp.

Table II-5
Warmwater shrimp: U.S. processors, importers, purchasers, and foreign processors perceptions regarding anticipated U.S. demand for warmwater shrimp

Item	Number of firms reporting			
	Increase	Decrease	Fluctuate	No change
U.S. processors	7	2	9	3
Importers	15	6	16	11
Purchasers	10	1	11	7
Brazilian processors	1	0	0	0
Chinese processors	15	15	9	10
Indian processors	9	9	6	17
Thai processors	8	8	10	15
Vietnamese processors	6	6	7	12
Source: Compiled from data submitted in response to Commission questionnaires.				

Demand Outside the United States

Most firms reported that demand outside the United States had either increased, had fluctuated, or had not changed since January 2005 (table II-6). Two U.S. processors attributed increased demand to growth of the middle class in less developed nations, especially China. Similarly, many importers cited increased demand in all Asian countries.[49]

Table II-6
Warmwater shrimp: U.S. processors, importers, and purchasers perceptions regarding the demand for warmwater shrimp outside the United States

Item	Number of firms reporting			
	Increase	Decrease	Fluctuate	No change
U.S. processors	3	0	1	6
Importers	16	0	8	9
Purchasers	8	1	2	5
Source: Compiled from data submitted in response to Commission questionnaires.				

Foreign processors' responses regarding demand in their home countries since 2005 and their expectations of future demand are summarized in table II-7. Nearly all Chinese and Brazilian processors, and at least half of Thai and Vietnamese processors reported that demand in their home markets had

[49] Also, one importer added that demand has fluctuated since 2005 in Europe, Russia, South Africa, and the Middle East.

increased and that they expected this trend to continue. Most Indian processors reported no change in demand in the home market over the past 5 years, but almost half expected an increase in future demand.

Table II-7
Warmwater shrimp: Foreign processors perceptions regarding demand for warmwater shrimp in the home country

Item	Number of firms reporting			
	Increase	Decrease	Fluctuate	No change
Demand since 2005				
Brazil	3	0	0	0
China	31	0	1	1
India	1	0	1	19
Thailand	14	0	4	10
Vietnam	13	1	4	7
Future demand				
Brazil	3	0	0	0
China	34	0	0	0
India	11	0	0	12
Thailand	15	0	4	9
Vietnam	15	1	1	8

Source: Compiled from data submitted in response to Commission questionnaires.

Most foreign processors had seen stable or increased demand from third countries since 2005, and expected that trend to continue.[50] Indian processors describing increased demand often noted increased demand from the EU and new markets such as Russia, while Thai processors noted a reduction in the EU tariff on Thai warmwater shrimp and increased Asian demand. Thai processors' reasons cited for fluctuating demand included exchange rates and labor costs.

Anticipated non-US demand[51]

Most firms expect increased demand outside the United States (table II-8).[52] Several U.S. processors and importers indicated that demand will increase because the middle class in the less developed countries and emerging markets will desire high quality protein. Thai processor ***

[50] One Brazilian, 31 Chinese, 13 Indian, 18 Thai, and 14 Vietnamese processors described increased demand in other countries; one Brazilian processor described decreased demand; one Brazilian, one Chinese, 13 Indian, 6 Thai, and 5 Vietnamese processors reported no change; and two Chinese, seven Indian, six Thai, and six Vietnamese processors indicated that demand fluctuated.

[51] ***

[52] Respondents testified that they are very concerned about the effect rapidly growing demand in Asia, particularly China, will have on their ability to maintain an adequate supply for their customers, and that the added demand has required them to pay higher prices for imports. Hearing transcript, pp. 203-204 (Bloom). Furthermore, they testified that China has become the largest consumer of seafood, followed by Japan, and that the United States is a distant third. Hearing transcript, p. 206 (Kaelin).

anticipated higher demand from China while Vietnamese processor *** expected more demand from Japan. Thai processor *** described the U.S. market as mature and expected more growth in other foreign markets.

Table II-8
Warmwater shrimp: U.S. processors, importers, purchasers, and foreign processors perceptions regarding anticipated demand outside the United States

Item	Number of firms reporting			
	Increase	Decrease	Fluctuate	No change
U.S. processors	6	0	2	4
Importers	21	0	8	8
Purchasers	9	0	3	5
Brazilian processors	2	0	0	0
Chinese processors	26	0	7	1
Indian processors	11	0	7	15
Thai processors	14	0	8	10
Vietnamese processors	18	0	3	5

Note: Foreign processors' answers are for demand in third-country markets.

Source: Compiled from data submitted in response to Commission questionnaires.

Substitute Products

In general, there are few, if any, close substitutes for warmwater shrimp. While other proteins may be consumed, they offer different tastes, textures, and presentations.[53] Thirty U.S. processors and 49 importers reported that there were no substitutes for warmwater shrimp although three importers listed coldwater shrimp and other proteins such as fish or chicken. Among purchasers, 22 reported that there were no substitutes, while a few listed northern pink shrimp, cold water shrimp, battered fish, fin fish, and other seafood. While most foreign processors also indicated that there were no substitutes, a few identified fish, squid, octopus, and other forms of shrimp.[54]

Cost Share

For most end-use products prepared with warmwater shrimp, including breaded and marinated shrimp, the shrimp itself accounts for a high share of the cost of the final product, with most purchasers reporting that shrimp was 50 to 86 percent of the cost of breaded shrimp and 70 to 90 percent of the cost

[53] *Certain Frozen or Canned Warmwater Shrimp and Prawns from Brazil, China, Ecuador, India, Thailand, and Vietnam, Invs. Nos. 731-TA-1063-1068 (Final),* USITC Publication 3748, January 2005, p. II-9.

[54] No Brazilian or Chinese processors reported that there were any substitutes for warmwater shrimp, nor did most Indian, Thai, or Vietnamese processors. Three Indian processors listed potential substitutes including other seafood (e.g., cephalopods such as cuttlefish, squid, and octopus), but one of those three anticipated that falling shrimp prices (due to increased aquaculture) would limit substitution. Four Thai processors identified other fish and especially cephalopods as substitutes, but three firms reported that such substitutes had no price effect on warmwater shrimp (and the other did not mention any price effect). Three Vietnamese processors named substitutes including breaded shrimp and coldwater shrimp.

of marinated shrimp or shrimp scampi.[55] Purchaser *** reported that shrimp could be a lesser percentage - 30 percent for shell on headless and 20 percent for peeled shrimp; *** reported a 53 percent cost share for shrimp scampi; and *** reported that dusted shrimp imported for battered shrimp is 94 percent of the cost share, while IQF shrimp for its non-fried line of processed products is 100 percent. *** reported that the cost share of shrimp in *** menu items ranges from 16 percent *** to up to 87 percent ***.

SUBSTITUTABILITY ISSUES

The degree of substitution between domestic and imported warmwater shrimp depends upon such factors as relative prices, quality (e.g., species characteristics, consistency, flavor profile, etc.), and conditions of sale (e.g., price discounts/rebates, availability, payment terms, product services, reliability of supply, etc.). Based on available data, staff believes that there is a moderate-to-high degree of substitutability between U.S.-produced warmwater shrimp and subject imports.

Factors Affecting Purchasing Decisions

As shown in table II-9, quality and price were the factors most frequently cited by purchasers as one of their top three factors in purchase decisions. Quality was cited by the majority of responding purchasers (20 of 28) as the most important factor, while price was the most frequently cited second and third factor. Availability was the third-most frequently cited factor overall.

When asked to rate the importance of 17 factors in their purchasing decisions, all 33 responding purchasers reported that quality meeting their standards was "very important" (table II-10). Other factors rated as "very important" by a large number of purchasers include: taste/flavor profile (31 purchasers), availability (30), reliability of supply (29), consistency (28), price (27), and proper cutting and handling (26).

A majority of purchasers noted comparability on most of the 15 factors when comparing warmwater shrimp from different country sources (table II-11).[56]

Comparisons of Domestic Products and Subject Imports

In order to determine whether U.S.-produced warmwater shrimp can generally be used in the same applications as imports from the subject countries, firms were asked how often the products can be used interchangeably (table II-12). In general, most U.S. processors reported that U.S.-produced and imported warmwater shrimp are "always" or "frequently" interchangeable, although *** reported that taste and texture are the defining characteristics of the shrimp, and *** noted that the most important factor affecting interchangeability is the species.[57]

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[55] *Certain Frozen or Canned Warmwater Shrimp and Prawns from Brazil, China, Ecuador, India, Thailand, and Vietnam, Invs. Nos. 731-TA-1063-1068 (Final),* USITC Publication 3748, January 2005, p. II-10.

[56] Note that no purchasers compared product from Brazil to that from the United States or from other countries.

[57] Specifically, it reported "Good quality farm-raised white vannemi shrimp from any country are interchangeable. Wild-caught Gulf of Mexico shrimp or other wild-caught shrimp are a different species with different flavor profiles and are only sometimes interchangeable with other species." It also noted that U.S. wild-caught shrimp can vary greatly in flavor and typically are only sold in shell-on form.

Table II-9
Warmwater shrimp: Ranking factors used in purchasing decisions by U.S. purchasers

Factor	Number of firms reporting		
	Number 1 factor	Number 2 factor	Number 3 factor
Quality[1]	20	3	5
Price	4	15	9
Availability	3	8	8
Reliability of supply	--	1	2
Consistency	1	2	3
Delivery terms	--	--	2
Other[2]	5	4	8

[1] Quality includes purchasers that replied "meeting specifications" as one of the factors.
[2] Other factors include: extension of credit (two purchasers); packing, pre-arranged contracts, species, sustainability, traditional supplier, delivery terms, USDA grade A, USDC-approved processing facility (in order to sell to the Dept. of Defense), and weight.

Note: Some purchasers reported more than one factor in some of their rankings. These factors are included in the appropriate columns, and therefore the totals for each column are not equal.

Source: Compiled from data submitted in response to Commission questionnaires.

A majority of importers reported that warmwater shrimp from each country-pair are "frequently" or "sometimes" interchangeable. Six importers that found limitation in interchangeability further clarified their answers. Four of these noted species differences as the key factor, specifically that India and Vietnam produce mostly Black Tiger shrimp, whereas China and Thailand concentrate mainly on white shrimp. According to two of these four importers, the difference in species may sometimes preclude interchangeability. One of these importers, ***, further noted that imported, farmed product tends to be more consistent than U.S. wild-caught shrimp, and are available year-round. The fifth importer reported that customers become accustomed to working with one country's shrimp and will not usually accept shrimp from another country in its place. The sixth importer reported that it sells imported seafood at higher prices than its competition, having built brand recognition and customer loyalty through consistent supply and strong demand.

Table II-10
Warmwater shrimp: Importance of purchase factors, as reported by U.S. purchasers

Factor	Very important	Somewhat important	Not important
	Number of firms responding		
Availability	30	3	0
Consistency from one shipment to another	28	4	1
Delivery terms	17	14	2
Delivery time	16	14	3
Discounts offered	9	16	7
Extension of credit	9	13	11
Price	27	6	0
Minimum quantity requirements	9	11	13
Packaging	15	12	5
Product range	10	17	6
Proper cutting, handling, and packing techniques	26	4	2
Quality meets your firm's standards	33	0	0
Quality exceeds your firms standards	21	9	3
Reliability of supply	29	4	0
Taste/flavor profile	31	2	0
Technical support/service	14	12	7
U.S. transportation costs	16	11	6

Note: Not all purchasers responded for each factor.

Source: Compiled from data submitted in response to Commission questionnaires.

Table II-11
Warmwater shrimp: Comparisons between U.S.-produced and imported warmwater shrimp as reported by U.S. purchasers

Factor	U.S. vs China			U.S. vs India			U.S. vs Thailand			U.S. vs Vietnam			U.S. vs nonsubject		
	S	C	I	S	C	I	S	C	I	S	C	I	S	C	I
Availability	0	1	2	1	4	3	1	5	7	1	4	7	2	4	7
Consistency from one shipment to another	0	1	2	1	4	3	1	6	6	1	6	5	1	6	6
Delivery terms	1	2	0	1	7	0	3	10	0	2	10	0	3	10	0
Delivery time	2	1	0	3	5	0	6	7	0	4	8	0	4	8	0
Discounts offered	0	3	0	1	7	0	1	12	0	1	11	0	0	13	0
Extension of credit	0	3	0	1	7	0	1	12	0	1	11	0	1	12	0
Price[1]	0	1	2	1	4	3	1	7	5	1	6	5	1	8	4
Minimum quantity requirements	1	1	1	1	6	1	2	10	1	2	9	1	2	10	1
Packaging	0	3	0	1	6	1	0	11	2	0	11	1	0	11	3
Product range	0	1	2	1	5	2	1	7	5	1	5	6	0	5	9
Proper cutting, handling, and packing techniques	0	1	2	1	3	4	0	5	8	0	5	7	1	4	8
Quality meets your firm's standards	0	1	2	1	4	3	1	7	5	1	6	5	1	5	7
Quality exceeds your firm's standards	0	2	1	1	4	3	1	9	3	1	7	4	1	7	5
Reliability of supply	0	2	1	1	3	4	1	7	5	1	5	6	1	6	6
Taste/flavor profile	1	1	1	2	3	3	4	7	2	2	7	3	5	6	2
Technical support/service	0	2	1	1	3	4	1	8	4	1	8	3	1	8	3
U.S. transportation costs	0	3	0	1	6	1	2	11	0	2	10	0	1	11	1

[1] A rating of superior means that price/U.S. transportation cost is generally lower. For example, if a firm reported "U.S. superior", it meant that the U.S. product was generally priced lower than the imported product.

Note: S=first listed country's product is superior; C=both countries' products are comparable; I=first listed country's product is inferior. One firm provided more than one answer for a number of comparisons. These responses are not included in the table. Not all purchasers responded for all factors.

Table continued on the next page.

Table II-11--*Continued*
Warmwater shrimp: Comparisons between U.S.-produced and imported warmwater shrimp as reported by U.S. purchasers

Factor	China vs India			China vs Thailand			China vs Vietnam			China vs nonsubject			India vs Thailand			India vs Vietnam		
	S	C	I	S	C	I	S	C	I	S	C	I	S	C	I	S	C	I
Availability	0	1	0	1	1	3	0	1	1	2	0	3	1	3	1	0	5	1
Consistency from one shipment to another	0	1	0	0	4	1	0	1	1	0	2	3	0	4	1	0	6	0
Delivery terms	0	1	0	0	5	0	0	2	0	0	3	2	0	5	0	0	6	0
Delivery time	0	1	0	0	5	0	0	2	0	0	2	3	1	4	0	0	6	0
Discounts offered	0	1	0	0	5	0	0	2	0	0	5	0	1	4	0	0	6	0
Extension of credit	0	1	0	0	4	1	0	2	0	0	5	0	0	5	0	0	5	1
Price[1]	1	0	0	2	3	0	0	2	0	2	3	0	1	2	2	0	5	1
Minimum quantity	0	1	0	0	5	0	0	2	0	0	5	0	0	5	0	0	6	0
Packaging	0	1	0	0	4	1	0	2	0	1	4	0	0	4	1	0	5	1
Product range	1	0	0	1	4	0	0	1	1	1	4	0	0	4	1	0	4	2
Proper cutting, handling, and packing techniques	1	0	0	0	5	0	0	2	0	0	5	0	0	4	1	0	5	1
Quality meets your firm's standards	1	0	0	0	5	0	0	2	0	0	5	0	0	4	1	0	5	1
Quality exceeds your firm's standards	1	0	0	0	5	0	0	2	0	0	5	0	0	3	2	0	5	1
Reliability of supply	1	0	0	2	2	1	0	1	1	2	1	2	0	4	1	0	6	0
Taste/flavor profile	0	1	0	0	5	0	0	2	0	0	5	0	0	4	1	0	5	1
Technical support/service	0	1	0	0	5	0	0	2	0	0	5	0	0	4	1	0	5	1
U.S. transportation	0	1	0	0	4	1	0	2	0	1	4	0	0	4	0	0	6	1

[1] A rating of superior means that price/U.S. transportation cost is generally lower. For example, if a firm reported "U.S. superior", it meant that the U.S. product was generally priced lower than the imported product.

Note: S=first listed country's product is superior; C=both countries' products are comparable; I=first listed country's product is inferior. One firm provided more than one answer for a number of comparisons. These responses are not included in the table. Not all purchasers responded for all factors.

Table continued on the next page.

Table II-11--*Continued*
Warmwater shrimp: Comparisons between U.S.-produced and imported warmwater shrimp as reported by U.S. purchasers

Factor	Thailand vs India			Thailand vs Vietnam			Thailand vs nonsubject			Vietnam vs India			Vietnam vs Thailand			Vietnam vs nonsubject		
	S	C	I	S	C	I	S	C	I	S	C	I	S	C	I	S	C	I
Availability	1	0	0	1	3	0	4	2	1	0	1	0	1	1	0	0	2	1
Consistency from one shipment to another	1	0	0	2	2	0	1	4	2	0	1	0	1	1	0	0	2	1
Delivery terms	0	1	0	0	4	0	0	5	2	0	1	0	0	2	0	0	3	0
Delivery time	0	1	0	0	4	0	0	4	3	0	1	0	0	2	0	0	3	0
Discounts offered	0	1	0	0	4	0	0	6	0	0	1	0	0	2	0	0	3	0
Extension of credit	0	1	0	0	4	0	0	7	0	0	1	0	0	2	0	0	3	0
Price[1]	1	0	0	2	2	0	2	4	1	0	1	0	0	2	0	0	2	1
Minimum quantity	0	1	0	0	4	0	0	7	0	0	1	0	0	2	0	0	3	0
Packaging	0	1	0	0	4	0	2	5	0	0	1	0	0	2	0	0	3	0
Product range	1	0	0	1	2	1	3	3	1	1	0	0	1	1	0	1	2	0
Proper cutting, handling, and packing techniques	1	0	0	1	3	0	1	5	1	0	1	0	0	2	0	0	2	1
Quality meets your firm's standards	1	0	0	2	2	0	1	4	2	0	1	0	0	2	0	0	2	1
Quality exceeds your firm's standards	1	0	0	2	2	0	1	5	1	0	1	0	0	2	0	0	2	1
Reliability of supply	0	1	0	1	3	0	3	4	0	0	1	0	0	2	0	1	2	0
Taste/flavor profile	1	0	0	0	4	0	0	6	1	0	1	0	0	2	0	0	3	0
Technical support/service	0	1	0	0	4	0	1	6	0	0	1	0	0	2	0	0	3	0
U.S. transportation	0	1	0	0	4	0	0	7	0	0	1	0	0	2	0	0	3	0

[1] A rating of superior means that price/U.S. transportation cost is generally lower. For example, if a firm reported "U.S. superior", it meant that the U.S. product was generally priced lower than the imported product.

Note: S=first listed country's product is superior; C=both countries' products are comparable; I=first listed country's product is inferior. One firm provided more than one answer for a number of comparisons. These responses are not included in the table. Not all purchasers responded for all factors.

Source: Compiled from data submitted in response to Commission questionnaires.

Table II-12
Warmwater shrimp: U.S. processors', importers', and purchasers' perceived degree of interchangeability of warmwater shrimp produced in the United States and other countries

Country 1	Country 2	Perceived degree of interchangeability											
		U.S. Processors				Importers				Purchasers			
		A	F	S	N	A	F	S	N	A	F	S	N
United States	**Brazil**	**22**	3	0	0	0	3	**10**	3	**5**	3	1	3
	China	**22**	2	1	0	1	4	**12**	5	**5**	4	3	2
	India	**22**	3	0	0	1	3	**13**	5	**7**	4	3	3
	Thailand	**22**	3	0	0	1	7	**13**	4	**7**	5	3	2
	Vietnam	**22**	2	1	0	1	5	**13**	4	**8**	3	4	2
	Nonsubject	**22**	3	0	0	0	4	**13**	3	**6**	**6**	2	2
Brazil	**China**	**17**	3	0	0	0	**6**	**6**	3	**6**	2	2	2
	India	**17**	3	0	0	0	3	**9**	4	**6**	1	4	1
	Thailand	**17**	3	0	0	1	6	**8**	2	**6**	1	4	1
	Vietnam	**17**	3	0	0	0	4	**9**	3	**6**	1	4	1
	Nonsubject	**16**	3	0	0	0	4	**9**	2	**6**	2	3	0
China	**India**	**17**	3	0	0	1	3	**12**	4	**6**	2	5	1
	Thailand	**17**	3	0	0	2	8	**9**	1	**7**	2	5	0
	Vietnam	**17**	3	0	0	1	4	**11**	4	**7**	2	5	0
	Nonsubject	**16**	3	0	0	0	5	**8**	3	**7**	3	3	0
India	**Thailand**	**17**	3	0	0	1	4	**15**	2	**7**	**7**	5	0
	Vietnam	**17**	3	0	0	2	8	**11**	1	**8**	**8**	3	0
	Nonsubject	**16**	3	0	0	0	5	**13**	0	**7**	5	5	0
Thailand	**Vietnam**	**17**	3	0	0	1	7	**14**	1	**9**	5	5	0
	Nonsubject	**16**	3	0	0	1	6	**11**	0	**9**	6	2	0
Vietnam	**Nonsubject**	**16**	3	0	0	0	7	**12**	0	**9**	5	4	0

Note: "A" = always, "F" = frequently, "S" = sometimes, and "N" - never; most frequent response is in bold.

Source: Compiled from responses to Commission questionnaires.

The majority of purchasers reported that warmwater shrimp from each country-pair are "always" or "frequently" interchangeable. Purchasers noted various factors influencing interchangeability. Two firms reported species differences, with *** stating that many customers specify Tiger shrimp because of its cooked color and texture, and that white shrimp (farm-raised or wild-caught) do not typically grow much larger than a 16/20 size, so applications requiring larger shrimp may have to use black tiger shrimp or brown shrimp (though brown shrimp reportedly have an iodine flavor, which limits its customer range). *** reported that interchangeability depends on the customer's application, but also noted that U.S. workmanship and handling are inferior. *** alleged that pond-raised shrimp is "exposed to many foreign elements that are harmful to people {and} they are not well-examined." *** replied that there are different flavors, colors, workmanship, and food safety concerns which affect interchangeability when comparing warmwater shrimp across countries. *** noted that it can only use domestic product.

Foreign processors were also asked to assess the interchangeability of the warmwater shrimp they sell in their home market with that they sell to the United States and/or to third-country markets. Two Brazilian processors described their home market product as interchangeable with the product in other countries' markets, while *** reported that it does not produce headless product for the Brazilian or European market. Thirty-four Chinese producers described U.S., Chinese, and third-country product as not interchangeable, citing different production technology, quality, packaging (larger packages for overseas sales), and consumer preference (with customers in China and Taiwan, and to a lesser extent Australia and Russia, preferring head-on product, whether raw or cooked).
Seventeen of 29 Indian processors reported that U.S., Indian, and third-country product are not interchangeable, either because they do not sell into their home market or because specifications vary from country to country. Twenty-eight Thai producers described their domestic product as interchangeable with their exports, although *** reported that the Japanese market demands a different form of shrimp (e.g., belly cut and sushi cut). Among Vietnamese processors, 16 of 26 reported that their home market products are interchangeable with product in export markets. Among those that reported a lack of interchangeability, *** reported that Vietnamese consumers are not used to eating the higher-priced frozen product, *** reported that frozen shrimp are not sold in Vietnam "according to the law," and several other processors described the home market product as being low volume and featuring lower quality product than the export market.

Firms' assessments of how often differences other than price were significant when comparing sales/purchases of warmwater shrimp from the United States, subject countries, and nonsubject countries are shown in table II-13. A vast majority of U.S. processors reported that such differences are "never" significant. Importers' responses were more varied, but mostly centered around a reply of "sometimes." Responses from purchasers were nearly evenly split among "always," "frequently," "sometimes," and "never."

Most purchasers reported contacting two to five suppliers when purchasing. Only 10 of 30 purchasers reported changing suppliers since January 2005, citing supply, pricing, food safety concerns, and supplier going out of business, and being able to import directly. Only four of 32 purchasers reported they were aware of new suppliers. Seven firms reported they make purchases daily, 14 weekly, 5 monthly, and 5 reported other frequencies.[58]

[58] Specifically, 1 twice a year, 1 daily during the season, 1 both monthly and quarterly, 1 as often as the boats unloads, and 1 reported that it varies by item and market conditions. All but one purchaser reported that current purchasing frequency is not anticipated to change.

Table II-13
Warmwater shrimp: U.S. processors', importers' and purchasers' perceived importance of factors other than price in sales of warmwater shrimp produced in the United States and other countries

		Frequency of non-price factors											
		Processors				Importers				Purchasers			
Country 1	Country 2	A	F	S	N	A	F	S	N	A	F	S	N
	Brazil	1	1	2	**17**	1	3	**9**	3	3	4	**5**	3
	China	1	1	2	**17**	0	4	**8**	4	3	**4**	**4**	**4**
	India	1	1	2	**16**	1	3	**7**	6	3	**5**	**5**	3
	Thailand	1	1	2	**16**	0	4	**9**	5	4	**5**	4	4
	Vietnam	1	1	2	**16**	0	3	**10**	3	4	**5**	4	3
United States	**Nonsubject**	1	1	2	**16**	1	3	**9**	7	4	4	**6**	4
	China	1	1	2	**16**	1	4	**9**	6	3	3	**6**	4
	India	1	1	2	**16**	1	4	**9**	6	3	3	**5**	4
	Thailand	1	1	2	**16**	0	4	**9**	3	3	3	**5**	4
	Vietnam	1	1	2	**16**	4	7	**8**	5	3	**5**	3	**5**
Brazil	**Nonsubject**	1	1	2	**16**	2	**9**	8	6	3	**5**	4	4
	India	1	1	2	**16**	1	5	**9**	3	3	4	4	**5**
	Thailand	1	1	2	**16**	0	6	**12**	7	**5**	4	3	**5**
	Vietnam	1	1	2	**16**	0	5	**10**	3	4	3	4	**5**
China	**Nonsubject**	2	1	4	**18**	3	3	**7**	3	**6**	3	0	**6**
	Thailand	2	1	4	**18**	4	5	**9**	3	**5**	**5**	3	4
	Vietnam	2	1	4	**18**	2	7	**9**	3	**7**	**7**	2	4
India	**Nonsubject**	2	1	4	**18**	4	**8**	7	4	**8**	6	2	4
	Vietnam	2	1	4	**18**	3	7	**9**	4	**9**	5	2	5
Thailand	**Nonsubject**	2	1	3	**18**	2	7	**9**	2	**6**	5	2	5
Vietnam	**Nonsubject**	1	1	2	**16**	0	4	**12**	3	4	3	4	**6**

Note: "A" = always, "F" = frequently, "S" = sometimes, and "N" - never; most frequent response is in bold.

Source: Compiled from responses to Commission questionnaires.

When asked if the relative shares of their purchases from different countries had changed since January 2005, eight purchasers reported a relative increase from U.S. suppliers (citing business growth, increase in military sales, location efficiency for domestic value-added facilities, and additional geographic diversification for supply contingencies), eight reported a decreased share from U.S. suppliers (citing import competition and availability, and customer preference for imports; natural disasters and a declining U.S. fishing fleet; rising prices; and lower demand), five reported that their share from U.S. suppliers fluctuated, and 10 firms reported no change.

Most responding purchasers reported that their purchases from subject countries had not changed. However, *** reported decreasing its share from Brazil because of the antidumping duty, and three firms reported decreasing their share from China because of price and import alerts. *** reported increasing its shares from India (because of increased demand for larger shrimp sizes), and from Vietnam. *** also increased its shares from India and Vietnam, because of increased customer demand for imports. *** decreased its purchases from India (inconsistent supply and cost), Bangladesh (quality and food safety issues), and Indonesia (inconsistent supply in the past two years), and reported fluctuating purchases of product from China (because of "U.S. regulatory hurdles imposed on China.")

When asked what characteristics they consider when determining the quality of warmwater shrimp, purchasers mostly cited size, consistency, quality, color, freshness, count, uniformity, spoilage and smell, packing, texture, damage, flavor, appearance, absence of chemical and antibiotic residue, and workmanship.[59] Most purchasers generally reported that U.S.-produced and most subject imported warmwater shrimp "always" or "usually" met minimum quality specifications for their or their customers' uses, except with respect to Brazil and China (table II-14).

The majority of purchasers reported that they "always" or "usually" make decisions based on the processor or the country of origin of warmwater shrimp, while their customers less often make decisions based on these factors (table II-15).

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[59] ASPA and Respondents provided differing assessments of the role of "quality" and related factors in determining substitutability. ASPA stated that, based on purchaser responses to various questions, U.S. product "is superior or comparable to subject product in its ability to meet or exceed purchaser specifications" and that "domestic and subject product usually or always meet minimum quality specifications." It also asserted that, due to financing, freezing and processing capacity, and inventory, processors are able to provide customers with "consistent supply." Therefore, when "all sources of supply are comparable in quality, then it becomes a non-factor" and "competition is based largely on price." It also added that, with regard to quality, "a lot of attention has been paid to improving the quality of shrimp landed in the Gulf," such that the percent attaining "premium standard" has increased in the past six years and that, as a result "they get higher prices in return." Hearing transcript, pp. 33-34, 161 (Drake); p. 149 (McLendon); pp. 67-68 (Appelbaum).

ASPA and Respondents affirm the difference in taste between domestically caught shrimp and farmed shrimp, although Petitioners further claim that consumers "often can't tell imported shrimp from domestic shrimp." Hearing transcript, pp. 89-90 (Veal); pp. 190, 227 (Weitzer).

Respondents contend, however, that "there are more and more customers for whom presentation and quality matter just as much as taste. By presentation and quality, we mean several things; the texture, consistent sizing, and lack of defects, such as broken shells, or broken tails. This is where the imported product excels. There is simply no question that compared to the domestic wild caught shrimp, imported shrimp is of more uniform and consistent quality. As a result, it is my experience that domestic and imported shrimp, although technically interchangeable, do not compete for the same final consumer." Respondents state that "Customers seeking a consistent high quality year around product must buy imported farm raised shrimp," and that customers such as restaurants and supermarkets require consistency for business planning purposes. They add that "consistency" includes aspects such as "the size of the individual shrimp within a particular count" and "nearly identical quality from load to load." Respondents add that "The fact that customers continue to demand domestic product, regardless of price, is also proof of the lack of competition." Hearing transcript, pp. 190-191 (Weitzer); p. 197 (Bloom); p. 201 (Stern); pp. 242-245 (Connelly).

Table II-14
Warmwater shrimp: Minimum quality reported by purchasers

Source	Number of firms reporting			
	Always	Usually	Sometimes	Rarely or never
Subject countries				
United States	9	13	4	2
Brazil	2	3	2	4
China	2	3	5	1
India	4	8	5	2
Thailand	8	10	3	1
Vietnam	7	8	3	3
Nonsubject countries				
Bangladesh	1	4	7	5
Ecuador	8	13	0	2
Indonesia	4	9	6	2
Malaysia	3	7	4	3
Mexico	9	9	3	1
Singapore	0	2	3	6
Venezuela	0	5	4	3

Source: Compiled from data submitted in response to Commission questionnaires.

Table II-15
Warmwater shrimp: Purchasing decision based on processor and country of origin reported by purchasers

Item	Number of firms reporting			
	Always	Usually	Sometimes	Never
Decision based on processor				
Firm	11	8	9	5
Customers	4	6	16	4
Decision based on country of origin				
Firm	11	9	7	6
Customers	2	10	13	7

Source: Compiled from data submitted in response to Commission questionnaires.

Twenty-six of 32 purchasers reported that they required approval of suppliers for 100 percent of their purchases.[60] Approval was usually based on uniformity, count, weight, FDA certification, testing and local references, sanitation and condition of the plant equipment, quality and reliability, sizing, passing of USDC, FDA and COA's guidelines, and initial inspection. Only five purchasers reported that their suppliers had failed to receive approval; specifically, *** reported that "every week there is a new supplier offering shrimp from another country or source and it does not pass approval;" *** added that

[60] One firm reported that it required approval of suppliers for 25 percent of their purchases and 5 firms reported no approval necessary.

several Chinese firms failed certification because of "concerns over food safety in China;" and *** disapproved *** as a supplier over food quality and safety issues.

When asked how often they purchased the warmwater shrimp that is offered at the lowest price, three purchasers reported always, 10 firms reported usually, 15 firms reported sometimes, and 3 firms reported never.

Different Forms of Warmwater Shrimp

Warmwater shrimp is available in multiple forms. It may be sold in different sizes, species, with different freezing techniques (IQF vs. block frozen), and with different extent of peeling. When asked if warmwater shrimp in a particular form (e.g., headless tail-on, PUD, etc.) compete with warmwater shrimp in a different form, most U.S. processors (25 of 32) but few importers (9 of 47) reported 'yes.' U.S. processors reported that customers' decisions are based on price (for example, customers will switch from one count size to another depending on price differences), and that changes in price also affect U.S. processors' decisions on what form to produce. Some firms mentioned that it depends on how the shrimp will be used. Importers reported that end users such as restaurants have switched to peeled products to eliminate the expense of peeling at their location and that less pre-processed forms of shrimp compete against more pre-processed forms on a cost basis.

Purchasers' assessments of how often the prices of one type of warmwater shrimp affected the price of another type are summarized in table II-16. Purchasers' responses regarding if they could or did use the different types for the same end uses are summarized in table II-17, and further explained below.

Table II-16
Warmwater shrimp: Price factors for warmwater shrimp reported by purchasers

Changes in price in one form of shrimp affecting price of another form	Number of firms reporting			
	Always	Usually	Sometimes	Rarely or never
Block frozen vs. IQF	11	11	9	0
Peeled frozen vs. shell-on headless frozen	6	8	14	2
Wild-caught vs. farm-raised	7	9	14	2
One species vs. another	7	14	11	2
One size count vs. another	8	13	11	2

Source: Compiled from data submitted in response to Commission questionnaires.

IQF vs. block frozen

Retailers generally require IQF shrimp,[61] while food service users may use IQF or block frozen shrimp. Over half of purchasers (11 of 21) reported that they cannot or do not purchase the two forms for the same end uses, and four firms reported that it depends on either the customer's preference or the size. *** reported that although the two products are interchangeable, due to quality reasons, water usage, and labor, it only purchases IQF product. *** reported that end users can use either form, but that it is much easier to use IQF product. According to testimony, consumer interest in IQF product continues to grow, and U.S. processors across the Gulf Coast have been putting in new IQF systems to meet this

[61] Hearing transcript, p. 153 (Appelbaum).

demand.[62] U.S. processors' 2009 block freezing capacity was 279 million pounds compared to 152 million pounds of IQF capacity (*see table III-5*).

Table II-17
Warmwater shrimp: Purchasers' assessments of interchangeability of different forms

Can or do you purchase the following for the same end uses?	Number of firms reporting		
	Yes	No	Depends
Block frozen vs. IQF	6	11	4
Peeled frozen vs. shell-on headless frozen	7	8	3
Wild-caught vs. farm-raised	12	4	6
One species vs. another	13	6	4
One size count vs. another	6	4	10

Source: Compiled from data submitted in response to Commission questionnaires.

Peeled frozen vs. shell-on headless frozen

Forty-four percent of purchasers (8 of 18) reported that they cannot or do not purchase the two forms for the same end uses, while three firms reported that it depends on customer preference or price. Importer Eastern Fish testified that whereas most of its imports from subject countries are further processed goods, most U.S. product is marketed in "basic-shell on form" and that several of its supermarket chain customers have stopped offering domestic shrimp because of lack of sales.[63]

Wild-caught vs. farm-raised

Over half of responding purchasers (12 of 22) reported that they could or do purchase wild-caught and farm-raised shrimp for the same end uses and six firms reported that it depends on the customer's preference, market conditions such as availability, or price. Purchaser *** reported that while it purchases both types for some end users, there has been a "steady trend by customers to prefer farm raised shrimp for quality, consistency, and uniformity."

When asked how often wild-caught and farm-raised warmwater shrimp compete, most U.S. processors reported "always" while most importers reported "sometimes" or "never."[64] Of the firms that provided additional comments, most U.S. processors and importers agree that wild-caught warmwater shrimp are more expensive and flavorful than farm-raised shrimp.[65]

[62] Hearing transcript, p. 152 (Appelbaum).

[63] Furthermore, importer Eastern Fish testified that domestic supply is inconsistent and there are quality issues. Hearing transcript, p. 198 (Bloom).

[64] Twenty-seven U.S. processors and 7 importers reported 'always,' 4 U.S. processors reported 'usually,' 1 U.S. processor and 25 importers reported 'sometimes,' and 2 U.S. processors and 16 importers reported 'never.'

[65] Importer *** reported that domestic wild shrimp have higher defect rates than farmed imports because of different methods of harvesting (trawler vs. pond harvest), and grading/processing (domestic wild shrimp are machine graded and Asian pond shrimp are generally hand graded), and that most U.S. customers prefer farmed shrimp due to consistent supply and better physical characteristics.

Species

More than half of purchasers (13 of 23) reported that they could or do purchase different species of shrimp for the same end uses, and four firms reported that it depends on either the customer's preference or price.

Size[66]

Half of purchasers (10 of 20) reported that their purchases of shrimp of different counts depends on either the customer's preference or price, as smaller sizes are more economical and most customers are price sensitive.

ELASTICITY ESTIMATES

This section discusses elasticity estimates.[67]

U.S. Supply Elasticity

The domestic supply elasticity for warmwater shrimp depends on factors such as the level of excess capacity, the ability to shift production to alternate products, and the availability of alternate markets. U.S. processors have rising inventories and low capacity utilization rates, but limited production alternatives and exports markets, and are limited by the availability of raw material (shrimp). Analysis of these factors indicates that the U.S. processors have some ability to alter domestic shipments in response to a change in the relative price of warmwater shrimp. An estimate in the range of 2 to 5 is suggested.[68]

U.S. Demand Elasticity

The U.S. demand elasticity for warmwater shrimp depends on the availability of substitute products as well as the share of warmwater shrimp in the production cost of downstream products. While there are few close substitutes for warmwater shrimp, purchasers can substitute other proteins for warmwater shrimp. Based on the available information, the aggregate demand for warmwater shrimp is likely to be moderately elastic. An estimate in the range of -1 to -3 is suggested.

Substitution Elasticity

The elasticity of substitution depends on the extent of product differentiation between the domestic and imported products. Product differentiation depends on factors such as the range of products produced, quality, availability, and reliability of supply. Based on available information, subject warmwater shrimp are substitutable for domestic warmwater shrimp in many end uses; nonetheless there are significant distinctions between U.S. and subject warmwater shrimp, and U.S. shrimp cannot supply the current level of U.S. demand. Based on these factors, staff estimates the substitution elasticity between domestic warmwater shrimp and subject imports to be in the range of 3 to 5.

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[66] Shrimpers have reportedly tried to catch larger sizes of shrimp to meet increased interest for larger sizes especially at the retail level, but "when you're out shrimping, you're bringing in what there is, and your catch is going to run all sizes." Hearing transcript, pp. 153-154 (Appelbaum).

[67] No parties commented on these elasticity estimates.

[68] Staff lowered its estimate from that in the prehearing report (3 to 6) because of additional information regarding capacity utilization and inventories.

PART III: CONDITION OF THE U.S. INDUSTRY

OVERVIEW

Background

Information in this section is based on the questionnaire responses of 31 processors. In 2009, these firms accounted for *** percent of U.S. production based on live (head-on shell-on) weight, or *** percent of U.S. production based on headless shell-on weight.[1]

The Commission sent fishermen questionnaires to 444 firms identified as domestic shrimp fishermen. One hundred and sixty-six firms provided responses to the Commission's fishermen questionnaire. One hundred and fifty-six firms provided usable data and are believed to have accounted for approximately 4.3 percent of U.S. wild-caught shrimp during 2009. Data for the U.S. fishermen and a list of U.S. fishermen that responded to the Commission's questionnaire are presented in appendix E.

Changes Experienced in Operations

Domestic processors were asked to indicate whether their firm had experienced any plant openings, relocations, expansions, acquisitions, consolidation, closures, or prolonged shutdowns because of strikes or equipment failure; curtailment of production because of shortages of materials or other reasons including revision of labor agreements (including pension or health care obligations of retirees or current employees); or any other change in the character of their operations or organization relating to the production of warmwater shrimp since 2005. *** processors indicated that they had experienced some change in the character of their operations since 2005. The domestic processors' responses to this question are detailed in table III-1.

Table III-1
Warmwater shrimp: Changes in the character of U.S. operations

* * * * * * *

Several hurricanes negatively impacted the shrimp industry during the period of review: Katrina (2005), Rita (2005), Gustav (2008), and Ike (2008).[2] The shrimp industry was also impacted by the BP Oil Spill in 2010, which resulted in the temporary closure of shrimping activities in many areas of the Gulf. In January 2011, a report was issued that concluded that by 2011 or 2012 the harvest of warmwater shrimp in the northern Gulf of Mexico would likely return to the same levels as seen in recent years.[3]

The Commission asked U.S. processors if they ever received payments, directly or indirectly, from any producer/exporter or U.S. importer of warmwater shrimp from Brazil, China, India, Thailand, or Vietnam, in connection with an agreement to withdraw a request to initiate, or avoid a request to initiate, an administrative review by the Department of Commerce. No U.S. processor reported receiving any settlement payments.

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[1] Staff's coverage estimate is based on a comparison of data compiled from Commission questionnaires to official NMFS statistics for wild-caught and farmed for the Gulf and Southern Atlantic regions. ***. ***.

[2] Prehearing brief of ASPA, Ex. 17, "*An expert opinion of when the Gulf of Mexico will return to pre-spill harvest status following the BP Deepwater Horizon MC 252 oil spill*", Jan. 31, 2011.

[3] Posthearing brief of ASPA, answer to Commissioners questions, Q2, p. 1.

Anticipated Changes in Existing Operations

The Commission requested that domestic processors discuss anticipated changes to their U.S. operations. Table III-2 presents U.S. processors' anticipated changes to their U.S. operations.

Table III-2
Warmwater shrimp: Anticipated changes in U.S. operations

* * * * * * *

U.S. PROCESSORS' CAPACITY, PRODUCTION, AND CAPACITY UTILIZATION

U.S. processors' data on warmwater shrimp capacity, production, and capacity utilization are presented in table III-3.[4] Processors' reported capacity in the United States increased by *** percent between 2005 and 2009, and decreased by *** percent between the interim periods. *** U.S. processors reported an increase in capacity (***).[5] *** processors reported grading warmwater shrimp, *** reported deheading, *** reported hand peeling, *** reported deveining, *** reported dusting, *** reported breading, seven reported butterflying, *** reported machine peeling, *** reported cooking, *** reported marinating, and *** reported other processes.[6]

Table III-3
Warmwater shrimp: U.S. processors' total capacity, production, and capacity utilization, 2005-09, January-September 2009, and January-September 2010

* * * * * * *

Constraints on Capacity

The Commission asked domestic processors to report constraints on their capacity to produce warmwater shrimp. Table III-4 presents the firms' ranking of constraints. With the exception of live shrimp supply, a majority of the firms reported that the listed constraints were not applicable to their firms over the period of review. *** processors reported the live shrimp supply as the most important constraint, whereas *** reported "other" constraints as the most important.[7] Data concerning the impact of the Gulf Oil Spill on U.S. fishermen's operations in 2010 is presented in Appendix E. Table E-3 provides further information on fishing area closures due to the Gulf Oil Spill.

Table III-4
Warmwater shrimp: Constraints on production capacity

* * * * * * *

[4] Data discussed in Part III covers all processors, excluding *** and ***. In the original investigations the Commission found that ***. In these reviews, *** and ***. ***. Table C-1 presents processor data with *** and *** excluded. Table C-2 presents processor data with ***, *** and *** excluded.

[5] Four U.S. processors reported a decrease in capacity ***.

[6] "Other" processes included ***.

[7] ***.

Alternative Products

Table III-5 presents the U.S. processors' total and allocated freezing capacity. Four domestic processors report that they process other products utilizing the same equipment and related workers used to produce warmwater shrimp.[8]

Table III-5
Warmwater shrimp: U.S. processors' capacity, by type, 2005-09

* * * * * * *

U.S. PROCESSORS' DOMESTIC SHIPMENTS, COMPANY TRANSFERS, AND EXPORT SHIPMENTS

As detailed in table III-6, the quantity of U.S. processors' U.S. shipments fluctuated from 2005 to 2009 but increased overall by *** percent, then decreased by *** percent in the interim periods.[9] The value of U.S. shipments fluctuated from 2005 to 2009 but decreased overall by *** percent, and decreased by *** percent in the interim periods. Internal consumption fluctuated but decreased overall by *** percent from 2005 to 2009, and decreased by *** percent in the interim periods. Transfers to related firms increased *** percent from 2005 to 2009, and increased by *** percent in the interim periods. Exports decreased overall by *** percent from 2005 to 2009, and decreased by *** percent during the interim periods. The unit values of U.S. shipments were highest in January-September 2010 at *** per pound, and were lowest in 2009 at *** per pound.

Table III-6
Warmwater shrimp: U.S. processors' shipments, by type, 2005-09, January-September 2009, and January-September 2010

* * * * * * *

U.S. PROCESSORS' INVENTORIES

Data collected in these reviews on domestic processors' end-of-period inventories of warmwater shrimp are presented in table III-7. The domestic industry's inventories of warmwater shrimp increased by *** percent from 2005 to 2009, then decreased by *** percent during the interim periods. Inventories, relative to total shipments, increased from *** percent in 2005 to a high of *** percent in 2008 before dropping to *** percent in 2009. The ratio of inventories to total shipments was lowest in 2005 at *** percent. ***. ***.

Table III-7
Warmwater shrimp: U.S. processors' end-of-period inventories, 2005-09, January-September 2009, and January-September 2010

* * * * * * *

[8] Processors reported producing ***.

[9] U.S. processors' shipments as reported by official NMF statistics (presented in table C-1) show an overall increase of 17.1 percent in U.S. shipments from 2005-09, and a 48.0 percent decrease in the interim periods.

U.S. PROCESSORS' IMPORTS AND PURCHASES

One U.S. processor, ***, reported direct imports of subject warmwater shrimp, as reported in Table III-8.[10] Twelve U.S. processors reported purchases of imports of subject warmwater shrimp.[11] Eleven firms reported purchases from nonsubject countries,[12] and twelve firms reported purchases from domestic producers.[13]

Table III-8
Warmwater shrimp: U.S. processors' imports and purchases of warmwater shrimp from subject countries, 2005-09, January-September 2009, and January-September 2010

* * * * * * *

U.S. PROCESSORS' EMPLOYMENT, WAGES, AND PRODUCTIVITY

Data provided by U.S. processors on the number of production and related workers ("PRWs") engaged in the production of warmwater shrimp, the total hours worked by such workers, and wages paid to such PRWs during the period of review are presented in table III-9. The number of PRWs fluctuated from 2005 to 2009, but had an overall decrease of *** percent, and decreased by *** percent during the interim periods. Hours worked fluctuated from 2005 to 2009, with an overall increase of *** percent; then decreased by *** percent during the interim periods. Wages paid fluctuated from 2005 to 2009, with an overall increase of *** percent; then decreased by *** percent during the interim periods. Productivity increased by *** percent from 2005 to 2009, then decreased by *** percent during the interim periods.

Table III-9
Warmwater shrimp: U.S. processors' employment-related indicators, 2005-09, January-September 2009, and January-September 2010

* * * * * * *

[10] ***.
[11] ***.
[12] ***.
[13] ***.

FINANCIAL CONDITION OF U.S. PRODUCERS

Background

Twenty-eight U.S. processors provided usable financial data on their operations on warmwater shrimp during the period examined.[14] Twenty-five of the producers reported only non-toll operations, two (***) reported both toll and non-toll operations, and one (***) reported only toll operations. Two of the processors also reported internal consumption[15] and one processor reported transfers to related firms.[16] However, combined internal consumption and related company transfers were less than *** percent of the combined companies' net sales value in each of the years 2005-09 (based on table III-11) and thus are not presented separately.

Operations on Processing Frozen Warmwater Shrimp

Aggregate financial data for the processors on their non-toll warmwater shrimp processing operations are presented in table III-10, aggregate financial data for all processors except the *** on their non-toll warmwater shrimp operations are presented in table III-11[17], and the financial data of the *** are presented in table III-12. Selected financial data on the combined non-toll and toll operations of all of the processors is presented on a firm-by-firm basis in table III-13, aggregate financial data for the processors on their toll warmwater shrimp processing operations are presented in table III-14, and aggregate financial data for all of the processors except the *** on both their toll and non-toll warmwater shrimp processing operations are presented in table III-15.

The results of all of the processors non-toll operations (table III-10) improved very modestly over the full year periods, as the processors reported minimal operating profits (less than 1 percent) in most periods. Sales quantities and values were both marginally higher in 2009 than in 2005, increasing through 2007 and then decreasing through 2009. While the average unit sales value increased by $0.32 per pound from 2005 to 2008 and then decreased by $0.53 per pound in 2009, such changes were largely in response to changes in the average unit cost of shrimp (raw materials). For example, while the average unit sales value increased by $0.32 per pound from 2005 to 2008, the average unit cost of raw materials (shrimp) increased by $0.33 per pound, and when the average unit sales value decreased by $0.53 per pound in 2009 compared to 2008, the average total unit cost of shrimp decreased by $0.59 per pound. The average unit value of all other operating costs (direct labor, other factory costs, and selling, general, and administrative expenses) were generally stable, ending up $0.01 per pound lower in 2009 (totaling $0.62 per pound) than in 2005 (when they totaled $0.63 per pound). As a result of this correlation between average unit sales and cost values, the ratio of operating income to net sales varied little over the full year periods.

Net sales quantities and values were both lower in interim 2010 than in interim 2009, yet operating income was somewhat higher. Average unit sales values were $0.52 higher in interim 2010 than in interim 2009, which was slightly more than the $0.51 per pound increase in the average unit cost

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[14] See table III-13 for a list of the processors. An additional ten U.S. processors, ***, submitted questionnaire responses. However, their responses were not used because they either contained no financial data or were significantly incomplete. Data for *** were not used because the firm's questionnaire response indicates that the firm does not engage in the type of processing activities the Commission has previously found to constitute domestic production. The processors that reported data for a fiscal year ending other than December 31, and the month that their fiscal years ended, are ***.

[15] Firms reporting internal consumption were ***.

[16] The only firm reporting transfers to related firms was ***.

[17] ***.

of raw materials. This $0.01 per pound increase in profitability, coupled with the small ($0.01 per pound) decrease in the unit value of all other operating costs, resulted in increased operating profitability ($0.02 per pound), albeit minimal.

Data on the non-toll processing operations of all processors except *** are presented in table III-11. Aside from the fact that the absolute level of sales quantities and values were approximately 20 to 30 percent less, respectively, than the data in table III-10, the data and data trends are quite similar to the data and data trends in table III-10 (profitability in table III-11 is slightly lower).

Table III-10
Warmwater shrimp: Results of non-toll operations of all U.S. processors, fiscal years 2005-09 and January-September 2009-10

* * * * * * *

Table III-11
Warmwater shrimp: Results of non-toll operations of U.S. processors (excluding *), fiscal years 2005-09 and January-September 2009-10**
Table III-11

Item	Fiscal year					Jan-September	
	2005	2006	2007	2008	2009	2009	2010
	Quantity (*1,000 pounds*)						
Net sales quantities[1]	125,932	151,001	141,919	123,115	137,160	101,669	81,588
	Value (*$1,000*)						
Net sales values[1]	400,964	451,538	480,852	434,868	406,169	310,197	294,675
COGS:							
Shrimp–domestic	301,162	339,757	360,969	330,550	297,963	230,944	225,554
Shrimp-imported	17,606	11,966	17,765	17,562	9,868	9,480	12,084
Other materials	4,653	5,162	4,353	4,154	4,026	3,303	2,269
Total raw materials	323,421	356,885	383,087	352,266	311,857	243,727	239,907
Direct labor	23,406	27,038	28,594	24,309	26,210	19,001	15,127
Other factory costs	24,862	31,753	31,881	29,031	28,843	21,446	14,423
Total COGS	371,689	415,676	443,562	405,606	366,910	284,174	269,457
Gross profit	29,275	35,862	37,290	29,262	39,259	26,023	25,218
SG&A expenses	29,857	33,232	36,454	35,094	35,655	26,412	23,784
Operating income (loss)	(582)	2,630	836	(5,832)	3,604	(389)	1,434
Interest expense	5,408	6,210	6,024	4,888	4,283	2,982	2,423
Other expense	4,873	6,541	5,838	3,657	4,799	3,476	2,643
CDSOA funds received	2,247	38,235	20,284	1,294	11,345	9,597	27
Other income	12,725	10,000	8,274	10,952	8,376	8,839	9,133
Net income (loss)	4,109	38,114	17,532	(2,131)	14,243	11,589	5,528
Depreciation/amortization	4,586	4,886	6,629	5,880	5,711	3,573	3,639
Cash flow	8,695	43,000	24,161	3,749	19,954	15,162	9,167
	Number of firms reporting						
Operating losses	10	13	16	15	14	12	15
Data	25	26	26	26	26	26	25

Table continued on the following page.

Table III-11–Continued
Warmwater shrimp: Results of non-toll operations of U.S. processors (excluding [Ore-Cal]), fiscal years 2005-09 and January-September 2009-10

Item	Fiscal year					Jan-September	
	2005	2006	2007	2008	2009	2009	2010
	Ratio to net sales (*percent*)						
Total raw materials	80.7	79.0	79.7	81.0	76.8	78.6	81.4
Direct labor	5.8	6.0	5.9	5.6	6.5	6.1	5.1
Other factory costs	6.2	7.0	6.6	6.7	7.1	6.9	4.9
Total COGS	92.7	92.1	92.2	93.3	90.3	91.6	91.4
Gross profit	7.3	7.9	7.8	6.7	9.7	8.4	8.6
SG&A expenses	7.4	7.4	7.6	8.1	8.8	8.5	8.1
Operating income (loss)	(0.1)	0.6	0.2	(1.3)	0.9	(0.1)	0.5
	Unit value (*dollars per pound*)						
Net sales values	$3.18	$2.99	$3.39	$3.53	$2.96	$3.05	$3.61
COGS:							
Total raw materials	2.57	2.36	2.70	2.86	2.27	2.40	2.94
Direct labor	0.19	0.18	0.20	0.20	0.19	0.19	0.19
Other factory costs	0.20	0.21	0.22	0.24	0.21	0.21	0.18
Total COGS	2.95	2.75	3.13	3.29	2.68	2.80	3.30
Gross profit	0.23	0.24	0.26	0.24	0.29	0.26	0.31
SG&A expenses	0.24	0.22	0.26	0.29	0.26	0.26	0.29
Operating income (loss)	(0.005)	0.02	0.01	(0.05)	0.03	(0.004)	0.02

[1] The combined internal consumption and transfers were less than 1.2 percent of the combined companies' net sales values in all periods and, therefore, are not shown separately.

Source: Compiled from data submitted in response to Commission questionnaires.

The results of *** operations on its warmwater shrimp processing operations are presented in table III-12. The results – increasing and then decreasing sales quantities and values, relatively stable operating income to sales ratios – are better than the operating income margin of all other domestic producers (table III-11). *** average unit sales values were $*** per pound *** than the other domestic producers in 2009.

Table III-12
Warmwater shrimp: Results of operations of U.S. processor *, fiscal years 2005-09 and January-September 2009-10**

* * * * * * *

Table III-13 presents selected financial data on the combined toll and non-toll data of all twenty-eight processors on a company-by-company basis.[18] These data are dominated by six processors, ***. Together, these six processors accounted for more than 60 percent of total net sales values in every period. Five processors, ***, accounted for virtually all of aggregate operating income from 2007 onwards. Four processors, ***, reported operating income every period, while five processors, *** reported operating losses every period.

None of the U.S. processors reported that they received settlement agreements funds from foreign processors/exporters and/or U.S. importers of the subject merchandise, while 14 processors reported they received compensation received for damages relating to Gulf oil spill in interim 2010 and all of them recorded and reported such income as other income.[19] Total compensation received in interim 2010 was approximately $6 million. Twenty-two processors received Continued Dumping and Subsidy Offset Act ("CDSOA") funds and the amounts received in 2006 ($38.2 million) and 2007 ($20.3 million) were highest during the period examined.

Table III-13
Warmwater shrimp: Results of operations of U.S. processors, by firm, fiscal years 2005-09 and January-September 2009-10

* * * * * * *

In addition to the non-toll processing operations presented in table III-10, III-11, and III-12, three processors also reported the results of their operations on toll processing warmwater shrimp. The results of these operations results are presented in table III-14. ***, while ***, are both non-toll and toll processors.[20] Toll processing occurs when the firm that owns the shrimp (the tollee) arranges for an unrelated processor (the toller) to process the shrimp for a fee, and then the tollee arranges for the final sale of the finished product to another party. There are substantial differences between the financial results of the two types of processors. The per-unit values in table III-14 are much less than the values in tables III-10 through III-12 because toll operations did not have primary materials costs and incurred minimal SG&A expenses. Based on 2009 data, per-unit sales value reported by non-toll processors was $3.40 per pound, while tolling revenue by tollers was only $*** per pound.

The combined results of both non-toll and toll processing operations (excluding ***) are presented in table III-15. The trend of these combined financial results of non-toll and toll processing operations are essentially the same as the results in table III-11.

Table III-14
Warmwater shrimp: Results of toll processing operations of U.S. processors, fiscal years 2005-09 and January-September 2009-10

* * * * * * *

[18] These data differ from the data in table III-10 in that they include the toll processing operations of ***.

[19] They are ***.

[20] ***.

Table III-15
Warmwater shrimp: Results of toll and non-toll processing operations of U.S. processors (excluding *), fiscal years 2005-09 and January-September 2009-10**

* * * * * * *

A variance analysis showing the effects of prices and volume on the processors' sales of shrimp, and of costs and volume on their total cost, is shown in table III-16. The analysis is summarized at the bottom of the table. The analysis indicates that the increase in operating income ($4.2 million) between 2005 and 2009 was attributable mainly to the combined effects of the positive effect of decreased costs/expenses ($34.8 million) and the negative effect of decreased selling price ($30.5 million).

Table III-16
Warmwater shrimp: varinace analysis of processors (excluding *) on their non-toll processing operations between fiscal years 2005-09 and January-September 2009-10**

Item	Between fiscal years					Jan-Sept
	2005-09	2005-06	2006-07	2007-08	2008-09	2009-10
	Value (*$1,000*)					
Net sales:						
Price variance ("V")	(30,545)	(29,245)	56,472	17,728	(78,309)	45,746
Volume variance	35,750	79,819	(27,158)	(63,712)	49,610	(61,268)
Total net sales V	5,205	50,574	29,314	(45,984)	(28,699)	(15,522)
Cost of sales:						
Cost variance	37,919	30,004	(52,887)	(20,815)	84,968	(41,411)
Volume variance	(33,140)	(73,991)	25,001	58,771	(46,272)	56,128
Total cost variance	4,779	(43,987)	(27,886)	37,956	38,696	14,717
Gross profit variance	9,984	6,587	1,428	(8,028)	9,997	(805)
SG&A expenses:						
Expense variance	(3,136)	2,569	(5,221)	(3,470)	3,443	(2,589)
Volume variance	(2,662)	(5,944)	1,999	4,830	(4,004)	5,217
Total SG&A V	(5,798)	(3,375)	(3,222)	1,360	(561)	2,628
Operating income V	4,186	3,212	(1,794)	(6,668)	9,436	1,823
Summarized as:						
Price variance	(30,545)	(29,245)	56,472	17,728	(78,309)	45,746
Net cost/expense V	34,783	32,573	(58,108)	(24,285)	88,410	(44,000)
Net volume variance	(52)	(116)	(158)	(111)	(665)	77

Note.--Unfavorable variances are shown in parentheses; all others are favorable. The data are comparable to changes in operating income as presented in table III-11.

Source: Compiled from data submitted in response to Commission questionnaires.

Capital Expenditures and Research and Development Expenses

The responding firms' aggregate data on capital expenditures and research and development ("R&D") expenses are presented in table III-17. Capital expenditures increased from 2005 to 2006 and again to 2007 due to rebuilding plant facilities by some processors after Hurricanes Katrina and Rita in 2005.[21] Capital expenditures decreased in 2008 and remained relatively at the same level in 2009. *** made considerable capital expenditures over the period examined. R&D expenses were relatively low for the entire period. The majority of the U.S. processors (25 processors) reported capital expenditures while only four processors, *** reported R&D expenses at one time or another.

Table III-17
Warmwater shrimp: Capital expenditures and R&D expenses by U.S. processors, fiscal years 2005-09 and January-September 2009-10

* * * * * * *

Assets and Return on Investment

U.S. processors were requested to provide data on their assets used in the production and sales of warmwater shrimp during the period examined to assess their return on investments ("ROI"). Data on the U.S. processors' total assets and their ROI for processors (excluding ***), ***, tollers, and all processors are presented in table III-18.

While total assets utilized by the U.S. processors (excluding ***) in their warmwater shrimp operations increased overall from 2005 to 2009, the U.S. processors' operating income increased during the same period. ROI increased irregularly from a little below zero in 2005 to 3.0 percent in 2009. The trend of ROI over the period was the same as the trend of the operating income margin to net sales in table III-11 over the same period.

Table III-18
Warmwater shrimp: Value of assets and return on investment of U.S. processors, fiscal years 2005-09

* * * * * * *

[21] Some of them are ***, hearing transcript, p. 54 (McLendon) and ***.

PART IV: U.S. IMPORTS AND THE FOREIGN INDUSTRY

U.S. IMPORTS

The Commission sent questionnaires to 163 firms believed to have imported warmwater shrimp between January 2005 and September 2010. Questionnaire responses were received from 56 firms.[1] U.S. subject import data are based on official U.S. import statistics as adjusted by CNIF data.[2] U.S. import data for all other sources are based on official U.S. import statistics.[3] Firms responding to the Commission's questionnaires accounted for *** percent of 2009 subject imports from Brazil, *** percent from China, *** percent from India, *** percent from Thailand, and *** percent from Vietnam. Data regarding U.S. imports appear in tables IV-1A and IV-1B.

Subject imports from Brazil decreased by 99.4 percent from 2005 to 2009, then increased 14.7 percent in the interim periods. Subject imports from China increased *** percent from 2005 to 2009, then increased *** percent in the interim periods. Subject imports from India decreased *** percent from 2005 to 2009, then increased *** percent in the interim periods. Subject imports from Thailand decreased *** percent from 2005 to 2009, then decreased *** percent in the interim periods. Subject imports from Vietnam decreased 4.7 percent from 2005 to 2009, then increased 1.0 percent in the interim periods.

[1] Thirteen firms reported that they did not import warmwater shrimp during the period for which data were collected.

[2] U.S. official import data from subject countries were adjusted to remove the following nonsubject producers: China (Zhanjiang Guolian Aquatic Products Co., Ltd., was nonsubject for the entire period of review); Ecuador (Exportadora de Alimentos, S.A. was nonsubject for the entire period of review. The order on imports from Ecuador was revoked effective August 15, 2007); India (Devi Sea Foods Limited was nonsubject after February 1, 2009); and Thailand (The Rubicon Group (Andaman Seafood Co., Ltd.; Chanthaburi Frozen Food Co., Ltd.; Chanthaburi Seafoods Co., Ltd.; Intersia Foods Co., Ltd.; Phatthana Frozen Food Co., Ltd.; Phatthana Seafood Co., Ltd.; S.C.C. Frozen Seafood Co., Ltd.; Sea Wealth Frozen Food Co.; Thailand Fishery Cold Storage Public Co., Ltd.; Thai International Seafoods Co., Ltd.; and Wales & Co. Universe Limited) and Thai I-Mei Frozen Foods Co. were nonsubject after January 16, 2009).

[3] The products covered by the reviews 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.

Table IV-1A
Warmwater shrimp: U.S. imports, by sources, 2005-09, January-September 2009, and January-September 2010

Item	2005	2006	2007	2008	2009	Jan.-Sept.	
						2009	2010
Quantity (*1,000 pounds*)							
Brazil (subject)	6,591	1,298	0	37	37	37	43
China (subject)	***	***	***	***	***	***	***
Ecuador (subject)	***	***	***	(1)	(1)	(1)	(1)
India (subject)	77,220	58,736	44,605	32,579	***	***	***
Thailand (subject)	339,751	411,739	397,381	376,182	***	***	***
Vietnam (subject)	92,890	79,149	83,689	102,944	88,489	62,002	62,607
Subtotal (subject)	***	***	***	***	***	***	***
China (nonsubject)	***	***	***	***	***	***	***
Ecuador (nonsubject)	***	***	***	122,770	133,934	102,309	111,899
India (nonsubject)	(1)	(1)	(1)	(1)	***	***	***
Thailand (nonsubject)	(1)	(1)	(1)	(1)	***	***	***
Nonsubject countries	395,592	425,948	420,789	448,302	401,163	285,675	247,760
Subtotal (nonsubject)	***	***	***	***	***	***	***
All countries	1,041,157	1,165,462	1,123,447	1,139,216	1,110,013	778,213	773,300
Value (*1,000 dollars*)							
Brazil (subject)	13,042	3,894	0	310	86	86	120
China (subject)	***	***	***	***	***	***	***
Ecuador (subject)	***	***	***	(1)	(1)	(1)	(1)
India (subject)	318,148	252,656	192,802	140,427	***	***	***
Thailand (subject)	986,504	1,293,735	1,246,318	1,273,117	***	***	***
Vietnam (subject)	448,803	434,290	462,043	485,410	379,595	266,137	301,412
Subtotal (subject)	***	***	***	***	***	***	***
China (nonsubject)	***	***	***	***	***	***	***
Ecuador (nonsubject)	***	***	***	350,521	339,850	262,593	316,186
India (nonsubject)	(1)	(1)	(1)	(1)	***	***	***
Thailand (nonsubject)	(1)	(1)	(1)	(1)	***	***	***
Nonsubject countries	1,370,781	1,469,994	1,449,913	1,577,511	1,295,902	925,911	847,564
Subtotal (nonsubject)	***	***	***	***	***	***	***
All countries	3,473,448	3,943,425	3,794,958	3,989,238	3,646,368	2,551,667	2,694,296

Table continued on next page.

Table IV-1A–*Continued*
Warmwater shrimp: U.S. imports, by sources, 2005-09, January-September 2009, and January-September 2010

Item	2005	2006	2007	2008	2009	Jan.-Sept. 2009	Jan.-Sept. 2010
Unit value (*dollars/pound*)							
Brazil (subject)	$1.98	$3.00	(1)	$8.34	$2.32	$2.32	$2.82
China (subject)	***	***	***	***	***	***	***
Ecuador (subject)	***	***	***	(1)	(1)	(1)	(1)
India (subject)	4.12	4.30	4.32	4.31	***	***	***
Thailand (subject)	2.90	3.14	3.14	3.38	***	***	***
Vietnam	4.83	5.49	5.52	4.72	4.29	4.29	4.81
Subtotal (subject)	***	***	***	***	***	***	***
China (nonsubject)	***	***	***	***	***	***	***
Ecuador (nonsubject)	***	***	***	2.86	2.54	2.57	2.83
India (nonsubject)	(1)	(1)	(1)	(1)	***	***	***
Thailand (nonsubject)	(1)	(1)	(1)	(1)	***	***	***
Nonsubject countries	3.47	3.45	3.45	3.52	3.23	3.24	3.42
Subtotal (nonsubject)	***	***	***	***	***	***	***
All countries	3.34	3.38	3.38	3.50	3.28	3.28	3.48
Share of quantity (*percent*)							
Brazil (subject)	0.6	0.1	(1)	(2)	(2)	(2)	(2)
China (subject)	***	***	***	***	***	***	***
Ecuador (subject)	***	***	***	(1)	(1)	(1)	(1)
India (subject)	7.4	5.0	4.0	2.9	***	***	***
Thailand (subject)	32.6	35.3	35.4	33.0	***	***	***
Vietnam (subject)	8.9	6.8	7.4	9.0	8.0	8.0	8.1
Subtotal (subject)	***	***	***	***	***	***	***
China (nonsubject)	***	***	***	***	***	***	***
Ecuador (nonsubject)	***	***	***	10.8	12.1	13.1	14.5
India (nonsubject)	(1)	(1)	(1)	(1)	***	***	***
Thailand (nonsubject)	(1)	(1)	(1)	(1)	***	***	***
Nonsubject countries	38.0	36.5	37.5	39.4	36.1	36.7	32.0
Subtotal (nonsubject)	***	***	***	***	***	***	***
All countries	100	100	100	100	100	100	100

Table continued on next page.

Table IV-1A–*Continued*
Warmwater shrimp: U.S. imports, by sources, 2005-09, January-September 2009, and January-September 2010

Item	2005	2006	2007	2008	2009	Jan.-Sept. 2009	Jan.-Sept. 2010
				Share of value (*percent*)			
Brazil (subject)	0.4	0.1	([1])	([2])	([2])	([2])	([2])
China (subject)	***	***	***	***	***	***	***
Ecuador (subject)	***	***	***	([1])	([1])	([1])	([1])
India (subject)	9.2	6.4	5.1	3.5	***	***	***
Thailand (subject)	28.4	32.8	32.8	31.9	***	***	***
Vietnam (subject)	12.9	11.0	12.2	12.2	10.4	10.4	11.2
Subtotal (subject)	***	***	***	***	***	***	***
China (nonsubject)	***	***	***	***	***	***	***
Ecuador (nonsubject)	***	***	***	8.8	9.3	10.3	11.7
India (nonsubject)	([1])	([1])	([1])	([1])	***	***	***
Thailand (nonsubject)	([1])	([1])	([1])	([1])	***	***	***
Nonsubject countries	39.5	37.3	38.2	39.5	35.5	36.3	31.5
Subtotal (nonsubject)	***	***	***	***	***	***	***
All countries	100	100	100	100	100	100	100

[1] Not applicable.
[2] Less than 0.05 percent.

Note.– Because of rounding, figures may not add to the totals shown.
Note.– imports from Canada, Chile, Denmark, Greenland, and Iceland are excluded.

Source: Compiled from official Commerce statistics adjusted with CNIF data to remove the following nonsubject producers: China (Zhanjiang Guolian Aquatic Products Co., Ltd., was nonsubject for the entire period of review); Ecuador (Exportadora de Alimentos, S.A. was nonsubject for the entire period of review. The order on imports from Ecuador was revoked in August 15, 2007); India (the order on Devi Sea Foods Limited was revoked effective February 1, 2009); and Thailand (The Rubicon Group (Andaman Seafood Co., Ltd.; Chanthaburi Frozen Food Co., Ltd.; (Andaman Seafood Co., Ltd.; Chanthaburi Frozen Food Co., Ltd.; Chanthaburi Seafoods Co., Ltd.; Intersia Foods Co., Ltd.; Phatthana Frozen Food Co., Ltd.; Phatthana Seafood Co., Ltd.; S.C.C. Frozen Seafood Co., Ltd.; Sea Wealth Frozen Food Co.; Thailand Fishery Cold Storage Public Co., Ltd.; Thai International Seafoods Co., Ltd.; and Wales & Co. Universe Limited) and Thai I-Mei Frozen Foods Co. were nonsubject after January 16, 2009).

Table IV-1B
Warmwater shrimp: U.S. imports, by sources, 2005-09, January-September 2009, and January-September 2010

Item	2005	2006	2007	2008	2009	Jan.-Sept. 2009	Jan.-Sept. 2010
				Quantity (*1,000 pounds*)			
Brazil	6,591	1,298	0	37	37	37	43
China (subject)	***	***	***	***	***	***	***
China (nonsubject)	***	***	***	***	***	***	***
China (total)	23,964	60,354	47,578	56,402	49,600	30,145	33,736
Ecuador (subject)	***	***	***	([1])	([1])	([1])	([1])
Ecuador (nonsubject)	***	***	***	122,770	133,934	102,309	111,899
Ecuador (total)	105,149	128,237	129,406	122,770	133,934	102,309	111,899
India (subject)	77,220	58,736	44,605	32,579	***	***	***
India (nonsubject)	([1])	([1])	([1])	([1])	***	***	***
India (total)	77,220	58,736	44,605	32,579	42,486	32,342	39,552
Thailand (subject)	339,751	411,739	397,381	376,182	***	***	***
Thailand (nonsubject)	([1])	([1])	([1])	([1])	***	***	***
Thailand (total)	339,751	411,739	397,381	376,182	394,304	265,702	277,703
Vietnam	92,890	79,149	83,689	102,944	88,489	62,002	62,607
All other sources	395,592	425,948	420,789	448,302	401,163	285,675	247,760
Subtotal (subject)	***	***	***	***	***	***	***
Subtotal (nonsubject)	***	***	***	***	***	***	***
All countries	1,041,157	1,165,462	1,123,447	1,139,216	1,110,013	778,213	773,300

[1] Not applicable.

Note.– Because of rounding, figures may not add to the totals shown.
Note.–-Imports from Canada, Chile, Denmark, Greenland, and Iceland are excluded.

Source: Compiled from official Commerce statistics adjusted with CNIF data to remove the following nonsubject producers: China (Zhanjiang Guolian Aquatic Products Co., Ltd., was nonsubject for the entire period of review); Ecuador (Exportadora de Alimentos, S.A. was nonsubject for the entire period of review. The order on imports from Ecuador was revoked in August 15, 2007); India (the order on Devi Sea Foods Limited was revoked effective February 1, 2009); and Thailand (The Rubicon Group (Andaman Seafood Co., Ltd.; Chanthaburi Frozen Food Co., Ltd.; (Andaman Seafood Co., Ltd.; Chanthaburi Frozen Food Co., Ltd.; Chanthaburi Seafoods Co., Ltd.; Intersia Foods Co., Ltd.; Phatthana Frozen Food Co., Ltd.; Phatthana Seafood Co., Ltd.; S.C.C. Frozen Seafood Co., Ltd.; Sea Wealth Frozen Food Co.; Thailand Fishery Cold Storage Public Co., Ltd.; Thai International Seafoods Co., Ltd.; and Wales & Co. Universe Limited) and Thai I-Mei Frozen Foods Co. were nonsubject after January 16, 2009).

LEADING NONSUBJECT SOURCES OF IMPORTS

During the period for which data were collected, imports of warmwater shrimp entered the United States from several sources. The leading nonsubject sources are shown in table IV-2. The total quantity of nonsubject warmwater shrimp imports increased during the period for which data were collected. Indonesia, Ecuador, Mexico, and Thai producers, were the largest such suppliers in 2009.[4]

Table IV-2
Warmwater shrimp: U.S. imports from leading nonsubject sources, 2005-09, January-September 2009, and January-September 2010

Item	2005	2006	2007	2008	2009	Jan.-Sept. 2009	Jan.-Sept. 2010
				Quantity (*1,000 pounds*)			
Indonesia	112,509	124,620	124,363	177,929	145,390	117,654	96,847
Ecuador (nonsubject)	***	***	***	122,770	133,934	102,309	111,899
Mexico	61,866	77,932	89,287	75,967	90,600	46,591	27,222
Thailand (nonsubject)	0	0	0	0	***	***	***
Malaysia	37,543	44,662	50,087	64,997	39,466	26,074	37,878
China (nonsubject)	***	***	***	***	***	***	***
Bangladesh	34,934	42,824	32,848	30,234	21,771	18,297	14,097
Guyana	18,950	17,165	19,657	20,002	19,655	16,921	15,543
Honduras	23,166	20,526	16,129	12,507	19,277	9,876	13,749
Peru	9,844	11,614	15,706	16,484	18,684	15,144	11,911
Nicaragua	10,839	10,683	9,131	5,377	10,539	6,653	7,070
Venezuela	25,056	21,659	23,797	15,591	8,360	7,398	6,692
Panama	10,576	9,905	9,421	7,509	7,754	6,168	4,763
All others	50,310	44,358	30,363	21,706	25,140	19,215	17,340
Total nonsubject	***	***	***	***	***	***	***

Table continued on next page.

[4] The order on imports from Ecuador was revoked in 2007. In 2008 and 2009, Ecuador was the second largest source of nonsubject imports of warmwater shrimp.

Table IV-2--*Continued*
Warmwater shrimp: U.S. imports from leading nonsubject sources, 2005-09, January-September 2009, and January-September 2010

Item	2005	2006	2007	2008	2009	Jan.-Sept.	
						2009	2010
				Value (*1,000 dollars*)			
Indonesia	378,967	433,571	446,582	632,613	487,326	393,489	361,010
Ecuador (nonsubject)	***	***	***	350,521	339,850	262,593	316,186
Mexico	322,511	325,692	371,271	358,098	348,785	193,892	110,497
Thailand (nonsubject)	0	0	0	0	***	***	***
Malaysia	119,306	141,128	157,429	189,442	113,842	76,543	108,376
China (nonsubject)	***	***	***	***	***	***	***
Bangladesh	141,033	194,565	158,663	131,796	94,680	78,245	71,564
Guyana	34,300	33,597	32,542	35,135	35,163	29,842	28,779
Honduras	65,015	54,221	43,238	36,970	48,215	24,839	40,265
Peru	27,068	33,090	42,003	48,286	48,209	39,008	36,076
Nicaragua	30,724	29,581	27,449	17,331	27,432	18,265	21,255
Venezuela	62,002	54,845	50,554	35,178	16,414	14,670	15,211
Panama	44,531	40,605	36,498	29,933	24,066	19,062	20,061
All others	145,323	129,098	83,683	62,730	76,558	57,457	62,953
Total nonsubject	***	***	***	***	***	***	***

Table continued on next page.

Table IV-2--*Continued*
Warmwater shrimp: U.S. imports from leading nonsubject sources, 2005-09, January-September 2009, and January-September 2010

Item	2005	2006	2007	2008	2009	Jan.-Sept.	
						2009	2010
				Unit value (*dollars/pound)*			
Indonesia	$3.37	$3.48	$3.59	$3.56	$3.35	$3.34	$3.73
Ecuador (nonsubject)	***	***	***	$2.86	$2.54	$2.57	$2.83
Mexico	$5.21	$4.18	$4.16	$4.71	$3.85	$4.16	$4.06
Thailand (nonsubject)	([1])	([1])	([1])	([1])	***	***	***
Malaysia	$3.18	$3.16	$3.14	$2.91	$2.88	$2.94	$2.86
China (nonsubject)	***	***	***	***	***	***	***
Bangladesh	$4.04	$4.54	$4.83	$4.36	$4.35	$4.28	$5.08
Guyana	$1.81	$1.96	$1.66	$1.76	$1.79	$1.76	$1.85
Honduras	$2.81	$2.64	$2.68	$2.96	$2.50	$2.52	$2.93
Peru	$2.75	$2.85	$2.67	$2.93	$2.58	$2.58	$3.03
Nicaragua	$2.83	$2.77	$3.01	$3.22	$2.60	$2.75	$3.01
Venezuela	$2.47	$2.53	$2.12	$2.26	$1.96	$1.98	$2.27
Panama	$4.21	$4.10	$3.87	$3.99	$3.10	$3.09	$4.21
All others	$2.89	$2.91	$2.76	$2.89	$3.05	$2.99	$3.63
Total nonsubject	***	***	***	***	***	***	***

[1] Not applicable.

Note.–Imports of nonsubject Indian warmwater shrimp are included in "All others."

Source: Compiled from official Commerce statistics

RATIO OF SUBJECT IMPORTS TO U.S. PRODUCTION

Information concerning the ratio of subject imports to U.S. production of warmwater shrimp is presented in Table IV-3. Imports from subject countries were equivalent to 441.9 percent of U.S. production during 2005. This level decreased to 286.9 percent during 2009, and stood at 401.4 percent in January-September 2010.

Table IV-3
Warmwater shrimp: Ratio of U.S. imports to U.S. production, by sources, 2005-09, January-September 2009, and January-September 2010

Item	2005	2006	2007	2008	2009	Jan.-Sept. 2009	Jan.-Sept. 2010
	Ratio of U.S. imports to converted domestic production (*percent*)						
Brazil (subject)	4.4	0.7	0.0	0.0	0.0	0.0	0.1
China (subject)	***	***	***	***	***	***	***
Ecuador (subject)	***	***	***	([1])	([1])	([1])	([1])
India (subject)	51.4	30.9	28.1	24.0	***	***	***
Thailand (subject)	226.1	216.3	250.4	277.5	***	***	***
Vietnam (subject)	61.8	41.6	52.7	75.9	53.0	49.5	89.6
Subtotal (subject)	***	***	***	***	***	***	***
China (nonsubject)	***	***	***	***	***	***	***
Ecuador (nonsubject)	***	***	***	90.6	80.1	81.6	160.2
India (nonsubject)	([1])	([1])	([1])	([1])	***	***	***
Thailand (nonsubject)	([1])	([1])	([1])	([1])	***	***	***
Nonsubject countries	263.3	223.8	265.2	330.7	240.1	227.9	354.6
Subtotal (nonsubject)	***	***	***	***	***	***	***
All countries	692.9	612.2	707.9	840.4	664.3	620.9	1,106.8

[1] Not applicable.

Source: Compiled from NMF data and from official Commerce statistics adjusted with CNIF data to remove the following nonsubject producers: China (Zhanjiang Guolian Aquatic Products Co., Ltd., was nonsubject for the entire period of review); Ecuador (Exportadora de Alimentos, S.A. was nonsubject for the entire period of review. The order on imports from Ecuador was revoked in August 15, 2007), India (the order on Devi Sea Foods Limited was revoked effective February 1, 2009); and Thailand (The Rubicon Group (Andaman Seafood Co., Ltd.; Chanthaburi Frozen Food Co., Ltd.; (Andaman Seafood Co., Ltd.; Chanthaburi Frozen Food Co., Ltd.; Chanthaburi Seafoods Co., Ltd.; Intersia Foods Co., Ltd.; Phatthana Frozen Food Co., Ltd.; Phatthana Seafood Co., Ltd.; S.C.C. Frozen Seafood Co., Ltd.; Sea Wealth Frozen Food Co.; Thailand Fishery Cold Storage Public Co., Ltd.; Thai International Seafoods Co., Ltd.; and Wales & Co. Universe Limited) and Thai I-Mei Frozen Foods Co. were nonsubject after January 16, 2009).

U.S. IMPORTERS' INVENTORIES

Data relating to U.S. importers' inventories of warmwater shrimp are presented in table IV-4. Inventories of subject imports fluctuated throughout the period for which data were collected, with the lowest inventory level reported in 2009 and the highest inventory level reported in 2006. Inventory levels of nonsubject imports were highest in 2009 and lowest in 2007.

Table IV-4
Warmwater shrimp: U.S. importers' end-of-period inventories of imports, by source, 2005-09, January-September 2009, and January-September 2010

* * * * * * *

CUMULATION CONSIDERATIONS

In assessing whether imports compete with each other and with the domestic like product, the Commission has generally considered four factors: (1) the degree of fungibility, including specific customer requirements an other quality related questions; (2) presence of sales or offers to sell in the same geographical markets; (3) common channels of distribution; and (4) simultaneous presence in the market. Degree of fungibility and channels of distribution are discussed in Parts I and II of this report; geographical markets and presence in the market are discussed below. Domestic interested parties state that subject imports should be cumulated for purposes of these sunset reviews and respondents have not contested cumulation.[5]

Geographical Markets

Warmwater shrimp products produced in the United States are shipped nationwide (see Part II for more information on geographic markets). While imports of warmwater shrimp from the subject countries may enter specific Customs districts, the product is then generally sold nationwide. Table IV-5, based on Commerce statistics for the period 2005-2009, presents U.S. import quantities of warmwater shrimp, by subject countries, according to Customs districts through which they entered. In 2009, the leading port of entry for subject countries were: Brazil (Baltimore-100 percent); China (Los Angeles - 83.2 percent); India (New York - 50.0 percent); Thailand (Los Angeles - 41.8 percent); and Vietnam (Los Angeles - 44.3 percent).

Simultaneous Presence in the Market

Warmwater shrimp produced in the United States was present in the market throughout the period for which data were collected. Table IV-6 present monthly U.S. subject and nonsubject imports of warmwater shrimp during calendar years 2005 to 2009, and January to September 2010. Based on official U.S. import statistics, there were U.S. imports of warmwater shrimp from each of the subject countries, except Brazil, in each month during January 2005-September 2010. Imports from Brazil largely ceased after 2006, with small amounts shipped in one month in 2008, 2009, and January-September 2010.

[5] Posthearing brief of Ad Hoc Shrimp Trade Action Committee, p. 1. Hearing transcript, p. 269 (Connelly).

Table IV-5
Warmwater shrimp: U.S. imports, by subject countries and by customs district, 2005-09

	2005	2006	2007	2008	2009
Brazil					
Los Angeles, CA	35	0	0	0	0
Miami, FL	803	39	0	0	0
New York, NY	5,709	1,260	0	37	0
All other	45	0	0	0	37
Total	6,591	1,298	0	37	37
China					
Los Angeles, CA	13,571	42,267	33,643	45,703	41,243
Miami, FL	1,716	904	904	6,050	2,906
New York, NY	5,416	4,789	2,160	1,719	1,515
All other	3,261	12,394	10,871	2,930	3,936
Total	23,964	60,354	47,578	56,402	49,600
India					
Los Angeles, CA	31,905	24,024	14,875	9,243	17,043
Miami, FL	1,099	964	1,090	1,202	1,299
New York, NY	35,638	22,856	19,868	17,020	21,229
All other	8,578	10,892	8,771	5,114	2,914
Total	77,220	58,736	44,605	32,579	42,486
Thailand					
Los Angeles, CA	217,158	252,388	193,932	166,318	164,643
Miami, FL	17,700	28,440	49,991	36,216	38,807
New York, NY	59,122	67,722	82,102	81,402	92,488
All other	45,771	63,190	71,355	92,246	98,367
Total	339,751	411,739	397,381	376,182	394,304
Vietnam					
Los Angeles, CA	59,444	45,144	45,427	46,552	39,217
Miami, FL	3,605	2,942	1,577	2,968	2,736
New York, NY	25,113	22,538	29,426	38,996	34,664
All other	4,728	8,525	7,259	14,428	11,873
Total	92,890	79,149	83,689	102,944	88,489

Source: Compiled from official statistics of the U.S. Department of Commerce.

Table IV-*6*
Warmwater shrimp: U.S. imports, by source, by month, January 2005-September 2010

Month	January	February	March	April	May	June	July	August	September	October	November	December	Total
2005													
Brazil	1,103	766	1,011	1,081	903	277	374	475	201	79	186	136	6,591
China	3,173	1,990	600	248	1,164	302	1,173	2,319	2,574	2,299	3,413	4,709	23,964
Ecuador	6,625	8,600	9,899	8,167	9,116	12,421	10,988	8,039	6,843	6,134	7,662	10,656	105,149
India	6,030	4,533	6,899	5,153	2,629	3,772	6,047	12,611	10,143	7,341	6,397	5,666	77,220
Thailand	27,632	20,354	18,045	15,761	15,635	23,254	31,309	44,036	37,751	36,560	36,050	33,365	339,751
Vietnam	10,666	7,005	5,024	3,789	2,561	2,949	6,266	9,749	12,552	12,421	11,326	8,584	92,890
Subtotal	55,230	43,247	41,478	34,197	32,007	42,974	56,157	77,228	70,063	64,834	65,033	63,116	645,565
All other	29,393	24,348	28,021	24,054	21,832	26,627	28,171	33,435	37,873	47,342	53,404	41,091	395,592
Total	84,623	67,595	69,499	58,251	53,839	69,601	84,328	110,663	107,937	112,177	118,437	104,207	1,041,157
2006													
Brazil	225	12	0	194	0	63	22	117	401	6	2	256	1,298
China	3,811	1,686	1,406	2,056	2,537	2,480	3,783	7,523	8,972	7,992	9,192	8,917	60,354
Ecuador	10,167	10,584	13,579	12,271	11,865	11,937	9,983	10,524	7,294	8,197	9,273	12,564	128,237
India	6,650	4,356	4,722	3,414	2,812	2,710	3,541	7,918	8,284	5,551	5,020	3,759	58,736
Thailand	24,215	18,284	28,736	22,758	20,610	29,139	35,477	50,300	46,453	47,643	47,200	40,925	411,739
Vietnam	8,234	4,110	5,657	5,053	4,123	4,857	4,927	7,054	10,313	10,182	9,003	5,636	79,149
Subtotal	53,303	39,031	54,099	45,745	41,946	51,186	57,733	83,435	81,717	79,572	79,691	72,056	739,514
All other	37,001	27,560	32,407	24,642	27,196	27,968	28,120	34,995	36,530	56,357	54,563	38,607	425,948
Total	90,304	66,591	86,507	70,388	69,142	79,154	85,853	118,430	118,247	135,929	134,253	110,663	1,165,462
2007													
Brazil	0	0	0	0	0	0	0	0	0	0	0	0	0
China	7,623	5,114	2,503	2,187	2,395	1,378	2,016	2,068	2,389	4,105	7,037	8,763	47,578
Ecuador	11,925	13,285	12,427	11,713	12,276	10,202	11,654	9,698	8,572	8,559	7,183	11,912	129,406
India	3,528	2,340	2,913	3,306	2,241	1,466	3,696	7,110	6,944	4,367	3,575	3,119	44,605
Thailand	32,210	24,362	26,833	23,429	20,485	30,951	29,007	50,690	41,892	44,267	41,993	31,262	397,381
Vietnam	5,293	3,884	3,242	4,086	4,266	5,338	7,958	13,044	11,597	8,230	9,051	7,699	83,689
Subtotal	60,578	48,986	47,917	44,721	41,663	49,335	54,331	82,610	71,394	69,528	68,840	62,755	702,659

Table continued on next page.

Table IV-*6*--*Continued*
Warmwater shrimp: U.S. imports, by source, by month, January 2005-September 2010

Month	January	February	March	April	May	June	July	August	September	October	November	December	Total
All other	33,154	25,068	28,916	25,977	26,648	28,339	33,736	40,725	39,583	54,311	46,911	37,419	420,789
Total	93,732	74,054	76,833	70,698	68,311	77,674	88,068	123,336	110,977	123,839	115,750	100,174	1,123,447
2008													
Brazil	0	0	0	0	0	0	0	37	0	0	0	0	37
China	8,125	3,235	2,140	2,709	2,956	2,793	4,996	6,946	6,723	5,189	6,416	4,173	56,402
Ecuador	11,785	11,039	11,428	10,648	10,762	13,917	10,800	9,963	7,132	5,086	7,223	12,985	122,770
India	2,238	2,103	1,777	1,645	1,945	1,174	2,360	4,686	4,815	4,304	3,001	2,530	32,579
Thailand	27,533	22,546	20,741	22,643	21,205	27,978	30,859	41,427	43,995	42,050	39,607	35,600	376,182
Vietnam	10,039	4,880	3,260	4,050	4,189	5,371	6,746	10,826	13,853	16,116	13,268	10,346	102,944
Subtotal	59,720	43,803	39,346	41,695	41,058	51,232	55,761	73,885	76,517	72,746	69,515	65,635	690,914
All other	37,995	33,710	31,037	28,797	29,172	27,880	35,024	43,010	42,268	63,328	40,745	35,335	448,302
Total	97,715	77,513	70,383	70,492	70,229	79,112	90,785	116,896	118,785	136,074	110,261	100,970	1,139,216
2009													
Brazil	37	0	0	0	0	0	0	0	0	0	0	0	37
China	3,651	1,954	1,126	2,831	2,692	1,672	3,670	5,445	7,102	7,708	6,737	5,010	49,600
Ecuador	9,413	12,280	13,104	13,408	12,484	11,660	10,711	10,211	9,038	8,437	8,825	14,363	133,934
India	2,890	2,979	4,029	3,371	2,613	2,471	4,153	4,814	5,021	3,723	3,113	3,308	42,486
Thailand	30,189	19,789	22,689	21,272	22,076	31,265	34,294	41,160	42,968	46,437	43,288	38,877	394,304
Vietnam	6,221	3,584	3,421	4,064	5,134	7,095	9,374	11,544	11,567	10,047	8,962	7,479	88,489
Subtotal	52,402	40,586	44,370	44,947	45,000	54,162	62,202	73,173	75,696	76,352	70,926	69,036	708,851
All other	32,260	29,896	32,924	30,338	30,636	30,539	29,217	31,368	38,496	48,912	37,610	28,965	401,163
Total	84,662	70,482	77,294	75,285	75,636	84,701	91,419	104,542	114,192	125,264	108,535	98,002	1,110,013

Table continued on next page.

Table IV-*6*--*Continued*
Warmwater shrimp: U.S. imports, by source, by month, January 2005-September 2010

Month	January	February	March	April	May	June	July	August	September		Total
2010											
Brazil	0	0	0	0	0	0	0	43	0		43
China	4,308	2,949	1,038	2,249	3,214	2,997	3,525	6,012	7,444		33,736
Ecuador	11,136	9,959	10,996	12,590	14,986	18,229	14,698	10,592	8,713		111,899
India	3,037	2,207	2,471	2,224	2,142	3,344	4,638	9,088	10,400		39,552
Thailand	29,391	25,746	22,490	31,040	21,881	32,122	35,261	40,310	39,461		277,703
Vietnam	6,151	3,156	3,486	4,227	5,726	5,904	6,831	12,532	14,593		62,607
Subtotal	54,023	44,017	40,481	52,330	47,950	62,597	64,953	78,577	80,612		525,540
All other	27,326	23,559	26,854	21,404	19,868	29,616	32,683	34,931	31,519		247,760
Total	81,350	67,576	67,335	73,734	67,818	92,213	97,636	113,508	112,131		773,300

Note: Imports from Canada, Chile, Denmark, Greenland, and Iceland are excluded.

Source: Compiled from official statistics of the Department of Commerce.

SUBJECT COUNTRY PRODUCERS

The Commission reported in its original investigations that, the vast majority of the imported warmwater shrimp from the subject countries were farmed shrimp, rather than wild-caught. The Commission also reported that there were very limited home markets in the subject countries and that the most important export markets were the United States, the European Union, and Japan. In the current reviews, warmwater shrimp from the subject countries continue to be predominantly farmed, rather than wild-caught and the United States, the European Union, and Japan continue to be the most important export markets.[5]

Publicly available information indicates that shrimp aquaculture production in the subject countries increased from 2005 and 2007 then declined from 2007 to 2010, and is expected to increase 16 percent between 2010 and 2012.[6]

Table IV-7
Warmwater Shrimp: Shrimp Aquaculture Production in Brazil, China, India, Thailand, and Vietnam, 2005-10, and Projected Production Through 2012

Country	2005	2006	2007	2008	2009	2010	2011	2012
	Quantity (*1,000 pounds, head-off*)							
Brazil	87,563	90,151	90,151	90,151	90,151	100,554	113,729	124,825
China	1,477,026	1,498,565	1,755,368	1,758,749	1,638,162	1,247,696	1,334,241	1,453,518
India	198,569	200,201	149,325	120,109	105,770	130,636	149,425	161,028
Thailand	556,513	694,582	700,208	703,875	751,716	761,155	767,258	820,378
Vietnam	453,808	484,044	522,462	528,842	419,412	496,110	559,771	616,497
Total	2,773,479	2,967,544	3,217,514	3,201,726	3,005,212	2,736,151	2,924,425	3,176,247

Note: Data on production of *M. rosenbergi* is not included.

Source: *Global Aquaculture Advocate*, "Global Outlook for Aquaculture Leadership Report," January/February 2011, 10. Data are based on information from the Food and Agriculture Organization of the United Nations, national associations, and a survey of industry representatives, and converted to heads-off weight.

THE INDUSTRY IN BRAZIL

In the original investigations, 13 firms that produced/exported frozen warmwater shrimp in Brazil provided usable data in response to the Commission's questionnaires. These firms' exports to the United States were equivalent to 46.7 percent of subject U.S. imports from Brazil during 2003.[7]

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[5] Australia, Canada, Korea, New Zealand, and Taiwan were other frequently cited export markets by foreign producer/exporter questionnaire respondents.

[6] *Global Aquaculture Advocate*, "Global Outlook for Aquaculture Leadership Report," January/February 2011, 10. Data are based on information from the Food and Agriculture Organization of the United Nations, national associations, and a survey of industry representatives.

[7] *Frozen or Canned Warmwater Shrimp and Prawns From Brazil, China, Ecuador, India, Thailand, and Vietnam, Investigation Nos. 731-TA-1063-1068 (Final),* USITC Publication 3748, January 2005.

In response to the Commission's notice of institution in the current reviews, the Commission received a submission from counsel on behalf of the ABCC, a trade and business association in Brazil, whose membership reportedly comprises the vast majority of Brazilian production and capacity of farmed shrimp.[8] In its response, the Brazilian interested parties indicated that the Brazilian farmed shrimp industry has undergone significant changes since the original investigations.[9] According to the ABCC, the farmed shrimp industry in Brazil has ***.[10] *** described the Brazilian market as growing with "good" prices. However, *** reported that it was currently only active in the fresh, not frozen, market. Both Brazilian processors indicated that there was no import competition in their home market.

In the current reviews, the Commission received useable data from three firms, ***, during the period for which data was collected.[11] According to the ABCC, Brazilian shrimp producers ***.[12] Table IV-8 presents data provided by Brazilian producers/exporters with respect to their warmwater shrimp operations in Brazil.

Producers of warmwater shrimp in Brazil were asked if they had experienced any plant openings, plant closures, relocations, expansions, acquisitions, consolidations, prolong shutdowns or importation curtailments, revised labor agreements, or other changes in their operations relating to the production of warmwater shrimp since January 1, 2005. *** indicated both plant closings and prolonged shutdowns as a result of adverse weather conditions, which resulted in the dismissal of 700 workers in 2008 and 580 workers in 2009. *** reported the dismissal of 600 employees since 2005. *** reported expansion, involving additional ponds.

Table IV-8
Warmwater Shrimp: Brazilian production capacity, production, shipments, and inventories, 2005-09, January-September 2009, January-September 2010

* * * * * * *

THE INDUSTRY IN CHINA

In the original investigations, twenty-eight firms producing frozen warmwater shrimp in China provided usable data in response to the Commission's foreign producer questionnaires.[13] The exports to the United States of these firms were equivalent to 54.9 percent of subject U.S. imports from China during 2003. In response to the Commission's notice of institution in the current reviews, the

[8] Counsel filed a entry of appearance on behalf of the ABCC on January 29, 2010, but subsequently withdrew its entry of appearance on October 27, 2010. The ABCC estimates that farmed shrimp production constituted between 66.7 and 70 percent of total Brazilian production of the subject merchandise in 2009. Brazilian interested parties' response to the Commission's notice of institution.

[9] The ABCC indicated that some of ABBC's 37 members have *** shrimp production (e.g.***. The ABCC also stated that the Brazilian shrimp industry has been adversely affected in recent years by ***, certain environmental restrictions imposed by state and federal laws, and the steep appreciation of the Brazilian currency. Brazilian interested parties' response to the Commission's notice of institution.

[10] Email from ***, December 2, 2010.

[11] The Commission received responses from 12 firms from Brazil that certified that they had not produced or exported frozen warmwater shrimp since 2005. ***. Email from ***, December 22, 2010.

[12] Brazilian interested parties' response to the Commission's notice of institution.

[13] *Frozen or Canned Warmwater Shrimp and Prawns From Brazil, China, Ecuador, India, Thailand, and Vietnam, Investigation Nos. 731-TA-1063-1068 (Final),* USITC Publication 3748, January 2005. Chinese producer, Zhangjiang Guolian Aquatic Products Co., Ltd., was found by Commerce to have a *de minimis* margin and was therefore excluded from the original order. Imports of this Chinese producer's merchandise into the United States from China were *** in 2009.

Commission received a submission from counsel on behalf of the Shrimp Committee of the China Aquatic Products Processing and Marketing Association ("CAPPMA"), a trade and business association in China. CAPPMA's Shrimp Committee currently has a total of 165 members that participate in one of the five following industry segments: processing, breeding, farming, fee, or services.[14]

Most Chinese producers described their home market as large and growing with promising prospects for increased demand. *** indicated that competition is stable and favorable for Chinese producers. *** indicated that competition in the Chinese market is not as "fierce" as for exports. At least four other Chinese processors also noted that there are a limited number of Chinese producers participating in the domestic market. However, *** described competition as "very fierce" due to raw materials shortages, and at least four other Chinese processors described intense competition and/or multiple processors in their home market. *** indicated that Chinese government restrictions on shrimp processing facilities had made competition more "orderly." Thirty-four Chinese processors reported no import competition in their home market.

In the current reviews, the Commission received usable data from 34 firms, which were equivalent to 6.2 percent of subject U.S. imports from China during 2009.[15] Table IV-9 presents data provided by Chinese producers/exporters with respect to their warmwater shrimp operations in China.

[14] Chinese interested parties' response to the Commission notice of institution.

[15] No firms from China reported having a related firm that produces, the capability to produce, or any plans to produce warmwater shrimp in the United States or other countries. No firms from China reported having a related firm that imports or plans to import warmwater shrimp into the United States. No firms from China provided a business plan. No firms from China reported that their exports of warmwater shrimp are subject to tariff and non-tariff barriers to trade in any other countries than the United States. No firms from China reported that their exports of warmwater shrimp in any countries outside the United States might result in tariff or non-tariff barriers to trade. No firms from China have maintained inventories of warmwater shrimp in the United States since 2005. Seven firms from China reported exports of dusted shrimp since 2005.

Table IV-9
Warmwater Shrimp: Chinese production capacity, production, shipments, and inventories, 2005-09, January-September 2009, January-September 2010

Item	Calendar year					January-September	
	2005	2006	2007	2008	2009	2009	2010
	Quantity (*1,000 pounds*)						
Capacity	157,704	193,931	202,452	221,966	251,241	182,657	198,524
Production	67,958	88,605	102,802	107,472	127,792	81,105	103,488
End of period inventories	22,692	23,832	32,324	33,382	34,218	37,087	29,483
Shipments:							
Internal consumption	0	0	0	478	388	307	845
Home market	15,180	17,073	21,957	27,234	32,986	19,429	26,520
Exports to--							
The United States	4,983	13,776	7,232	988	1,344	1,009	0
European Union	7,567	11,251	16,667	16,030	19,234	12,934	18,614
Asia	24,668	33,527	33,730	35,879	43,926	28,072	33,731
All other markets	11,698	15,807	20,015	31,518	35,205	19,846	33,362
Total exports	48,916	74,360	77,644	84,414	99,709	61,861	85,708
Total shipments	64,095	91,433	99,601	112,126	133,084	81,597	113,073
	Ratios and shares (*percent*)						
Capacity utilization	43.1	45.7	50.8	48.4	50.9	44.4	52.1
Inventories to production	33.4	26.9	31.4	31.1	26.8	34.3	21.4
Inventories to total shipments	35.4	26.1	32.5	29.8	25.7	34.1	19.6
Share of total quantity of shipments:							
Internal consumption	0.0	0.0	0.0	0.4	0.3	0.4	0.7
Home market	23.7	18.7	22.0	24.3	24.8	23.8	23.5
Exports to--							
The United States	7.8	15.1	7.3	0.9	1.0	1.2	0.0
European Union	11.8	12.3	16.7	14.3	14.5	15.9	16.5
Asia	38.5	36.7	33.9	32.0	33.0	34.4	29.8
All other markets	18.3	17.3	20.1	28.1	26.5	24.3	29.5
Total exports	76.3	81.3	78.0	75.3	74.9	75.8	75.8

Note.–Because of rounding, figures may not add to the totals shown.

Source: Compiled from data submitted in response to Commission questionnaires.

Producers of warmwater shrimp in China were asked if they had experienced any plant openings, plant closures, relocations, expansions, acquisitions, consolidations, prolong shutdowns or importation curtailments, revised labor agreements, or other changes in their operations relating to the production of warmwater shrimp since January 1, 2005. Of the responding firms, four reported plant openings, four reported expansions, one reported a relocation, and six reported revised labor agreements.

Eleven firms reported producing other products on the same equipment and machinery used in the production of warmwater shrimp. These products included breaded shrimp, tilapia fillets, frozen crab, and other frozen aquatic products. No firms reported the ability to switch production between warmwater shrimp and other products in response to a relative change in the price of warmwater shrimp vis-a-vis the price of other products, using the same equipment or labor.

Of the responding producers of warmwater shrimp in China, 28 reported that there have been significant changes in the price of raw materials since 2005. These firms supplied the following factors as contributing to the increase in raw material prices: adverse weather conditions (flooding, climate change), supply shortages (particularly wild caught shrimp), increasing demand from the domestic market, increasing labor costs, and commodity price inflation. In general, these firms reported that the largest increases in raw material costs were between 2008 and 2010. Producers in China were asked to rank the importance of five specified constraints that limited their firm's production capacity of warmwater shrimp. The results are presented in the table IV-10.

Table IV-10
Warmwater Shrimp: Ranking of constraints on production capacity in China

Constraint	Number of firms reporting				
	Most important	2nd most important	3rd most important	4th most important	5th most important
Freezing capacity	1	0	11	0	2
Live shrimp supply	18	4	0	1	0
Machinery or equipment other than freezers	1	2	2	4	8
Storage capacity	1	1	7	10	3
Labor availability	10	14	2	1	0

Source: Compiled from data submitted in response to Commission questionnaires.

THE INDUSTRY IN INDIA

In the original investigations, 96 firms, 83 of which exported warmwater shrimp to the United States, provided usable data in response to Commission questionnaires. The exports to the United States of these firms were equivalent to 81.7 percent of subject U.S. imports from India during 2003.[16]
In response to the Commission's notice of institution in the current reviews, the Commission received a submission from counsel on behalf of the Seafood Exporters Association of India ("SEAI"). SEAI is comprised of 291 member firms that produce and/or export frozen seafood, including shrimp, 278 of

[16] *Frozen or Canned Warmwater Shrimp and Prawns From Brazil, China, Ecuador, India, Thailand, and Vietnam, Investigation Nos. 731-TA-1063-1068 (Final),* USITC Publication 3748, January 2005. Subsequent to the imposition of the 2005 original order, Commerce revoked the antidumping duty order on imports of frozen warmwater shrimp from India with respect to the Devi Sea Foods Limited effective February 1, 2009.

which are producers and/or exporters of warmwater shrimp in India.

Indian processors generally described demand for frozen warmwater shrimp in their home market as limited, although there was some consumption of fresh shrimp. *** explained that the domestic Indian market for frozen shrimp is less than one percent of total Indian exports. *** stated that 40 percent of the Indian population are vegetarians, that seafood is consumed only in coastal states, that shrimp is not a familiar food item, and that no organized food chain for shrimp storage and distribution exists. Twelve additional Indian processors reported that they had no home market sales. However, *** described the Indian market as "attractive" due to growth in Indian consumer income, and *** noted that the market is growing due to increased availability of *vannamei* shrimp (also known as whiteleg shrimp or Pacific white shrimp). *** also described a growing market for fresh shrimp iced at farms and transported "across the country." *** noted that it does not have any large competitors in the Indian market. Thirty-two Indian processors indicated that they faced no import competition in their home market.

In the current reviews, the Commission received usable data from 36 firms, which were equivalent to 75.9 percent of subject U.S. imports from India during 2009.[17] Table IV-11 presents data provided by producers/exporters from India with respect to their warmwater shrimp operations.[18]

[17] No firms from India reported having a related firm that produces, the capability to produce, or any plans to produce warmwater shrimp in the United States or other countries. Thirteen firms reported having a related firm that imports or plans to import warmwater shrimp into the United States. One firm provided a business plan. No firms reported that their exports of warmwater shrimp are subject to tariff and non-tariff barriers to trade in any other countries than the United States. No firms reported that their exports of warmwater shrimp in any countries outside the United States might result in tariff or non-tariff barriers to trade. One firm reported maintaining inventories of warmwater shrimp in the United States since 2005. No firms reported exports of dusted shrimp since 2005.

[18] Because Commerce revoked the antidumping duty orders on Devi Sea Foods Limited effective February 1, 2010, this firm's data for 2009-10 are excluded from table IV-10.

Table IV-11
Warmwater Shrimp: Indian production capacity, production, shipments, and inventories, 2005-09, January-September 2009, January-September 2010

Item	Calendar year					January-September	
	2005	2006	2007	2008	2009	2009	2010
	Quantity (*1,000 pounds*)						
Capacity	553,085	588,384	610,685	605,336	630,672	457,252	456,900
Production	121,129	125,242	125,913	112,305	110,788	80,598	93,506
End of period inventories	20,151	20,433	21,192	20,916	14,319	15,255	17,303
Shipments:							
Internal consumption	235	1,981	1,570	2,443	2,136	1,587	1,641
Home market	127	88	13	111	0	0	0
Exports to--							
The United States	53,819	40,990	34,898	27,251	28,107	21,464	30,714
European Union	32,471	50,095	51,451	52,917	51,753	37,223	35,223
Asia	23,120	21,298	22,327	19,001	21,723	12,745	16,818
All other markets	12,644	12,920	16,895	13,891	15,234	11,320	8,243
Total exports	122,054	125,303	125,571	113,061	116,817	82,752	90,998
Total shipments	122,416	127,372	127,154	115,615	118,953	84,339	92,639
	Ratios and shares (*percent*)						
Capacity utilization	21.9	21.3	20.6	18.6	17.6	17.6	20.5
Inventories to production	16.6	16.3	16.8	18.6	12.9	14.2	13.9
Inventories to total shipments	16.5	16.0	16.7	18.1	12.0	13.6	14.0
Share of total quantity of shipments:							
Internal consumption	0.2	1.6	1.2	2.1	1.8	1.9	1.8
Home market	0.1	0.1	0.0	0.1	0.0	0.0	0.0
Exports to--							
The United States	44.0	32.2	27.4	23.6	23.6	25.4	33.2
European Union	26.5	39.3	40.5	45.8	43.5	44.1	38.0
Asia	18.9	16.7	17.6	16.4	18.3	15.1	18.2
All other markets	10.3	10.1	13.3	12.0	12.8	13.4	8.9
Total exports	99.7	98.4	98.8	97.8	98.2	98.1	98.2

Note.–Because of rounding, figures may not add to the totals shown.
Source: Compiled from data submitted in response to Commission questionnaires.

Producers of warmwater shrimp in India were asked if they had experienced any plant openings, plant closures, relocations, expansions, acquisitions, consolidations, prolong shutdowns or importation curtailments, revised labor agreements, or other changes in their operations relating to the production of warmwater shrimp since January 1, 2005. Of the responding firms, three reported plant openings, two reported closures, 17 reported expansions, two reported a relocation, one reported an acquisition, one reported a revised labor agreement and one reported a curtailment of operations.[19]

Ten firms reported producing other products on the same equipment and machinery used in the production of frozen warmwater shrimp. These products included frozen fish, frozen crab, squid, cuttlefish, octopus, and seafood mixes. Five firms reported the ability to switch production between frozen warmwater shrimp and other products in response to a relative change in the price of warmwater shrimp vis-a-vis the price of other products, using the same equipment or labor.

Of the responding producers of warmwater shrimp in India, 19 reported that there have been significant changes in the price of raw materials since 2005. These firms supplied the following factors as contributing to the increase in raw material prices: fluctuations in supply and demand, commodity prices and currency exchange rates. In general, these firms reported that raw material prices have increased steadily since 2005, reaching their peak in 2009. Producers/exporters in India were asked to rank the importance of five specified constraints that limited their firm's production capacity of warmwater shrimp. The results are presented in table IV-12.

Table IV-12
Warmwater Shrimp: Ranking of constraints on production capacity in India

Constraint	Number of firms reporting				
	Most important	2nd most important	3rd most important	4th most important	5th most important
Freezing capacity	1	3	3	1	2
Live shrimp supply	23	0	0	0	0
Machinery or equipment other than freezers	1	3	3	3	1
Storage capacity	2	8	1	5	1
Labor availability	2	13	2	1	1

Source: Compiled from data submitted in response to Commission questionnaires.

THE INDUSTRY IN THAILAND

In the original investigations, 37 firms provided usable in response to Commission questionnaires. These firms' exports to the United States were equivalent to 95.4 percent of subject U.S. imports from Thailand during 2003.[20] In response to the Commission's notice of institution in the current

[19] In most cases, these expansions involved the purchase of additional freezers to increase freezing capacity.

[20] *Frozen or Canned Warmwater Shrimp and Prawns From Brazil, China, Ecuador, India, Thailand, and Vietnam, Investigation Nos. 731-TA-1063-1068 (Final),* USITC Publication 3748, January 2005. Subsequent to the imposition of the 2005 original order, Commerce revoked the antidumping duty order on imports of frozen warmwater shrimp from Thailand with respect to the following manufacturer/exporters, effective January 16, 2009: the Rubicon Group (including Andaman Seafood Co., Ltd.; Chanthaburi Frozen Food Co., Ltd.; Chanthaburi Seafoods Co., Ltd.; Intersia Foods Co., Ltd.; Phatthana Seafood Co., Ltd.; S.C.C. Frozen Seafood Co., Ltd.;

reviews, the Commission received a submission from counsel on behalf of the Thai Frozen Foods Association ("TFFA"), a trade and business association comprised of 178 members, 82 of which are producers/exporters of warmwater shrimp.

Thai processors generally offered two different descriptions of their home market: small and not served much by their own production or very competitive.[21] *** described the Thai market as consisting of only a few companies with local brand sales, supplying mostly restaurants and "major players." It added that Thai consumers prefer fresh domestic shrimp. *** described the home market as growing as Thailand becomes more urbanized and frozen food becomes more accepted. *** reported that the products it sells in Thailand are similar to those exported to the United States, including raw, cooked, and breaded products. Thirty-one Thai processors reported that they faced no import competition in their home market.

In the current reviews, the Commission received usable data from 34 firms.[22] Table IV-13 presents data provided by producers/exporters in Thailand with respect to their warmwater shrimp operations in Thailand, which were equivalent to 97.0 percent of subject U.S. imports from Thailand during 2009.[23]

Thailand Fishery Cold Storage Public Co., Ltd.; Thai International Seafoods Co., Ltd.; and Wales & Co. Universe Limited) and Thai 1-Mei Frozen Foods.

[21] Four Thai processors described the market and/or pricing as competitive. However, *** reported that there was "space left for competition."

[22] One firm from Thailand reported having a related firm that produces, the capability to produce, or any plans to produce warmwater shrimp in the United States or other countries. Ten firms reported having a related firm that imports or plans to import warmwater shrimp into the United States. Four firms provided a business plan. Five firms reported that their exports of warmwater shrimp are subject to tariff and non-tariff barriers to trade in countries other than the United States. *** reports a 8.0–20.0 percent tariff on shrimp imposed by the EU in 1999; *** reports a 4.0–4.5 percent tariff on freshwater shrimp imposed by France in 2005; *** report a 7.0 percent tariff on cooked shrimp and a 4.2 percent tariff on raw shrimp imposed by the EU. No firms reported that their exports of warmwater shrimp in any countries outside the United States might result in tariff or non-tariff barriers to trade. Two firms have maintained inventories of warmwater shrimp in the United States since 2005. Eight firms reported exports of dusted shrimp since 2005.

[23] Effective January 16, 2009, Commerce revoked the antidumping duty order on imports of frozen warmwater shrimp from Thailand with respect to the Rubicon Group (including Andaman Seafood Co., Ltd.; Chanthaburi Frozen Food Co., Ltd.; Chanthaburi Seafoods Co., Ltd.; Intersia Foods Co., Ltd.; Phatthana Seafood Co., Ltd.; S.C.C. Frozen Seafood Co., Ltd.; Thailand Fishery Cold Storage Public Co., Ltd.; Thai International Seafoods Co., Ltd.; and Wales & Co. Universe Limited) and Thai 1-Mei Frozen Foods. These firms did not respond to Commission questionnaires and their data are not presented in table IV-13.

Table IV-13
Warmwater Shrimp: Thai production capacity, production, shipments, and inventories, 2005-09, January-September 2009, January-September 2010

Item	Calendar year					January-September	
	2005	2006	2007	2008	2009	2009	2010
	Quantity (*1,000 pounds*)						
Capacity	637,022	663,839	698,124	718,140	761,148	574,115	581,532
Production	464,258	542,475	581,326	587,087	659,674	470,146	489,063
End of period inventories	83,298	87,182	68,013	77,322	83,168	85,396	79,515
Shipments:							
Internal consumption	27,054	58,539	75,951	59,301	66,661	50,484	45,090
Home market	16,695	23,846	42,224	26,402	22,355	16,521	22,306
Exports to--							
The United States	243,384	296,281	278,108	290,583	303,738	216,402	199,730
European Union	15,679	29,977	48,412	56,780	77,018	55,317	69,062
Asia	76,000	81,413	94,575	97,505	131,846	89,439	109,603
All other markets	43,720	45,281	57,875	46,676	57,188	39,132	44,492
Total exports	378,783	452,953	478,970	491,543	569,789	400,290	422,887
Total shipments	422,532	535,337	597,145	577,245	658,805	467,295	490,283
	Ratios and shares (*percent*)						
Capacity utilization	72.9	81.7	83.3	81.8	86.7	81.9	84.1
Inventories to production	17.9	16.1	11.7	13.2	12.6	13.6	12.2
Inventories to total shipments	19.7	16.3	11.4	13.4	12.6	13.7	12.2
Share of total quantity of shipments:							
Internal consumption	6.4	10.9	12.7	10.3	10.1	10.8	9.2
Home market	4.0	4.5	7.1	4.6	3.4	3.5	4.5
Exports to--							
The United States	57.6	55.3	46.6	50.3	46.1	46.3	40.7
European Union	3.7	5.6	8.1	9.8	11.7	11.8	14.1
Asia	18.0	15.2	15.8	16.9	20.0	19.1	22.4
All other markets	10.3	8.5	9.7	8.1	8.7	8.4	9.1
Total exports	89.6	84.6	80.2	85.2	86.5	85.7	86.3

Note.–Because of rounding, figures may not add to the totals shown.

Source: Compiled from data submitted in response to Commission questionnaires.

Producers of warmwater shrimp in Thailand were asked if they had experienced any plant openings, plant closures, relocations, expansions, acquisitions, consolidations, prolong shutdowns or importation curtailments, revised labor agreements, or other changes in their operations relating to the production of warmwater shrimp since January 1, 2005. Of the responding firms, seven reported plant openings, two reported plant closures; five reported expansions, two reported a relocation, one reported revised labor agreements, and two reported other changes, which including renovations, machine improvement .

Ten firms reported producing other products on the same equipment and machinery used in the production of warmwater shrimp. These products included: breaded shrimp, cuttlefish, and octopus. Eight firms reported the ability to switch production between warmwater shrimp and other products in response to a relative change in the price of warmwater shrimp vis-a-vis the price of other products, using the same equipment or labor.

Of the responding producers of warmwater shrimp in Thailand, 21 reported that there has been significant changes in the price of raw materials since 2005. These firms supplied the following factors as contributing to the increase in raw material prices: adverse weather conditions, supply shortages, changes in market conditions, exchange rate fluctuations, and seasonality. In general, these firms reported that the largest increases in raw material costs have come between 2009 and 2010. Producers in Thailand were asked to rank the importance of five specified constraints that limited their firm's production capacity of warmwater shrimp. The results are presented in the table IV-14.

Table IV-14
Warmwater Shrimp: Ranking of constraints on production capacity in Thailand

Constraint	Number of firms reporting				
	Most important	2nd most important	3rd most important	4th most important	5th most important
Freezing capacity	3	4	12	5	1
Live shrimp supply	15	9	1	2	3
Machinery or equipment other than freezers	2	2	5	9	7
Storage capacity	2	1	3	7	13
Labor availability	12	10	3	2	3

Source: Compiled from data submitted in response to Commission questionnaires.

THE INDUSTRY IN VIETNAM

In the original investigations, 36 firms provided usable responses to Commission questionnaires. The exports to the United States of these firms were equivalent to 97.1 percent of subject U.S. imports from Vietnam during 2003.[24] In response to the Commission's notice of institution in the current reviews, the Commission received a submission from counsel on behalf of 28 producers/exporters of frozen warmwater shrimp from Vietnam.

Vietnamese processor *** described the Vietnamese home market as approximately 100 producers competing for raw materials and labor. Multiple other processors indicated that they rarely made sales into the domestic market, with some noting that frozen warmwater shrimp is a high-priced

[24] *Frozen or Canned Warmwater Shrimp and Prawns From Brazil, China, Ecuador, India, Thailand, and Vietnam, Investigation Nos. 731-TA-1063-1068 (Final),* USITC Publication 3748, January 2005.

product for Vietnamese consumers and/or that Vietnamese consumers prefer to consume fresh shrimp. Twenty-four Vietnamese processors reported no import competition in their home market, while *** reported competition from Indian product.

In the current reviews, the Commission received usable data from 26 firms. Table IV-15 presents data provided by producers/exporters in Vietnam with respect to their warmwater shrimp operations in Vietnam, which were equivalent to 95.8 percent of subject U.S. imports from Vietnam during 2009.[25]

Producers of warmwater shrimp in Vietnam were asked if they had experienced any plant openings, plant closures, relocations, expansions, acquisitions, consolidations, prolong shutdowns or importation curtailments, revised labor agreements, or other changes in their operations relating to the production of warmwater shrimp since January 1, 2005. Of the responding firms, four reported plant openings, two firms reported plant closings, nine reported expansions, one reported a relocation, two reported acquisitions, one firm reported curtailments, and two firms reported other changes, including equipment maintenance, repairs, and upgrades. Four firms reported producing other products on the same equipment and machinery used in the production of frozen warmwater shrimp. These products included squid, octopus, spring rolls, breaded shrimp, cuttlefish, coldwater shrimp and frozen fish. Two firms reported the ability to switch production between frozen warmwater shrimp and other products in response to a relative change in the price of warmwater shrimp vis-a-vis the price of other products, using the same equipment or labor.

[25] No firms from Vietnam reported having a related firm that produces, the capability to produce, or any plans to produce warmwater shrimp in the United States or other countries. Six firms reported having a related firm that imports or plans to import warmwater shrimp into the United States. Sixteen firms provided a business plan. No firms reported that their exports of warmwater shrimp are subject to tariff and non-tariff barriers to trade in any other countries than the United States. No firms reported that their exports of warmwater shrimp in any countries outside the United States might result in tariff or non-tariff barriers to trade. One firm maintained inventories of warmwater shrimp in the United States since 2005. One firm reported exports of dusted shrimp since 2005.

Table IV-15
Warmwater Shrimp: Vietnamese production capacity, production, shipments, and inventories, 2005-09, January-September 2009, January-September 2010

Item	Calendar year					January-September	
	2005	2006	2007	2008	2009	2009	2010
	Quantity (*1,000 pounds*)						
Capacity	281,175	282,397	326,751	343,068	343,941	258,718	261,358
Production	224,335	203,949	250,684	246,303	258,377	192,420	202,668
End of period inventories	33,834	32,767	59,263	50,426	46,431	60,647	62,596
Shipments:							
Internal consumption	22,254	13,786	22,684	30,843	36,420	21,417	15,971
Home market	9,038	9,541	8,685	8,440	10,764	6,079	7,815
Exports to--							
The United States	78,346	70,735	81,947	91,807	84,738	63,156	69,146
European Union	23,306	25,806	25,107	34,453	42,309	28,753	31,218
Asia	76,010	72,991	72,088	73,355	70,665	49,155	51,259
All other markets	16,812	16,161	16,397	18,288	19,426	14,549	12,680
Total exports	194,474	185,694	195,540	217,903	217,138	155,613	164,303
Total shipments	225,766	209,021	226,909	257,185	264,322	183,110	188,089
	Ratios and shares (*percent*)						
Capacity utilization	79.8	72.2	76.7	71.8	75.1	74.4	77.5
Inventories to production	15.1	16.1	23.6	20.5	18.0	23.6	23.2
Inventories to total shipments	15.0	15.7	26.1	19.6	17.6	24.8	25.0
Share of total quantity of shipments:							
Internal consumption	9.9	6.6	10.0	12.0	13.8	11.7	8.5
Home market	4.0	4.6	3.8	3.3	4.1	3.3	4.2
Exports to--							
The United States	34.7	33.8	36.1	35.7	32.1	34.5	36.8
European Union	10.3	12.3	11.1	13.4	16.0	15.7	16.6
Asia	33.7	34.9	31.8	28.5	26.7	26.8	27.3
All other markets	7.4	7.7	7.2	7.1	7.3	7.9	6.7
Total exports	86.1	88.8	86.2	84.7	82.1	85.0	87.4

Note.–Because of rounding, figures may not add to the totals shown.

Source: Compiled from data submitted in response to Commission questionnaires.

Eight firms reported the ability to switch production between frozen warmwater shrimp and other products in response to a relative change in the price of warmwater shrimp vis-a-vis the price of other products, using the same equipment or labor. Of the responding producers of warmwater shrimp in Vietnam, 15 reported that there have been significant changes in the price of raw materials since 2005. These firms supplied the following factors as contributing to the increase in raw material prices: supply shortages, adverse weather conditions, disease, fluctuations in market conditions and currency exchange rates. In general, these firms reported that raw material sprices reached their pikes in 2009 and 2010. Producers/exporters in Vietnam were asked to rank the importance of five specified constraints that limited their firm's production capacity of warmwater shrimp. The results are presented in table IV-16.

Table IV-16
Warmwater Shrimp: Ranking of constraints on production capacity in Vietnam

Constraint	Number of firms reporting				
	Most important	2nd most important	3rd most important	4th most important	5th most important
Freezing capacity	1	1	7	1	0
Live shrimp supply	16	3	3	0	0
Machinery or equipment other than freezers	0	3	1	6	1
Storage capacity	0	1	1	1	8
Labor availability	5	13	2	2	0

Source: Compiled from data submitted in response to Commission questionnaires.

NONSUBJECT COUNTRY PRODUCERS

According to official Commerce statistics, the leading nonsubject sources of warmwater shrimp in the United States include Indonesia, Mexico, and Ecuador.[26] According to public sources, farmed shrimp production in Indonesia, which is produced primarily for the export market, accounts for 60 percent of total Indonesian shrimp production and totaled an estimated 776.5 million pounds in 2007. Indonesia's shrimp sector reportedly faces domestic constraints, such as poor compliance with international quality standards and high energy costs.[27] According to the United Nations' Food and Agricultural Organization, Mexico produced 260.4 million pounds of farmed shrimp in 2008.

[26] Ecuador was subject to the antidumping duties that had been imposed from the original investigations until August 15, 2007 when Commerce revoked the antidumping duty order on Ecuador based on its determination under Section 129 of the Uruguay Round Agreements Act.

[27] Indonesia Fishery Products Shrimp Update 2008, USDA Foreign Agricultural Service GAIN Report ID8020, July 1, 2008.

PART V: PRICING AND RELATED INFORMATION

FACTORS AFFECTING PRICES

U.S. Inland Transportation Costs

Most U.S. processors (26 of 32) and importers (32 of 47) reported that they, rather than their customers, usually arrange transportation for warmwater shrimp. U.S. processors generally estimated transportation costs in the range of 2 to 5 percent while importers generally estimated such costs in the range of 1 to 3 percent.

Exchange Rates[1]

Nominal and real exchange rate data for Brazil, China, India, Thailand, and Vietnam are presented on a quarterly basis in figure V-1.[2]

Figure V-1
Exchange rates: Indexes of nominal and real values of the Brazilian, Chinese, Indian, Thai, and Vietnamese currency relative to the U.S. dollar, by quarters, January 2005-September 2010

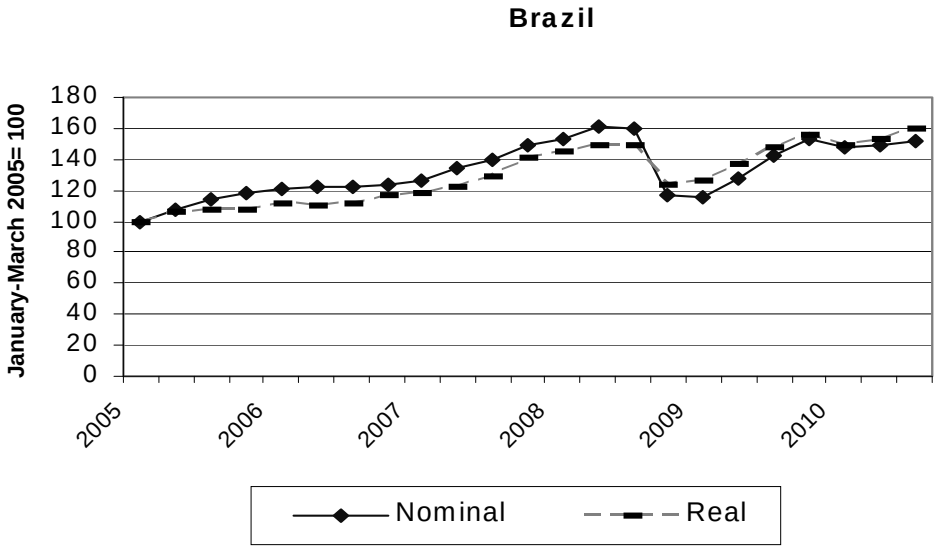
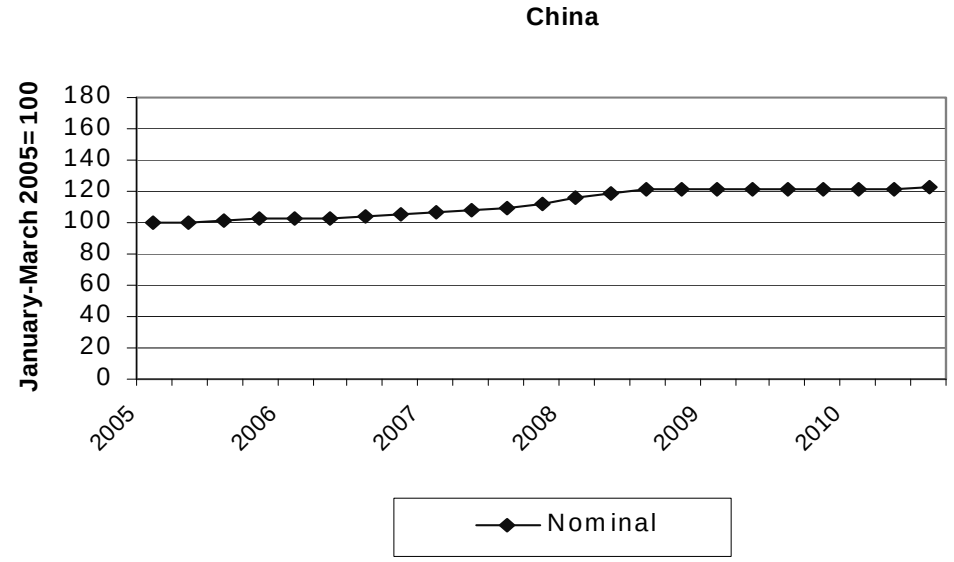


Figure continued on next page.

[1] Multiple firms discussed the role of exchange rates. See discussions on pages II-9, II-13, II-20, and II-24.

[2] The International Monetary Fund (IMF) does not list producer prices for China or Vietnam, so only nominal exchange rates are shown for these countries.

Figure V-1--*Continued*
Exchange rates: Indexes of nominal and real values of the Brazilian, Chinese, Indian, Thai, and Vietnamese currency relative to the U.S. dollar, by quarters, January 2005-September 2010



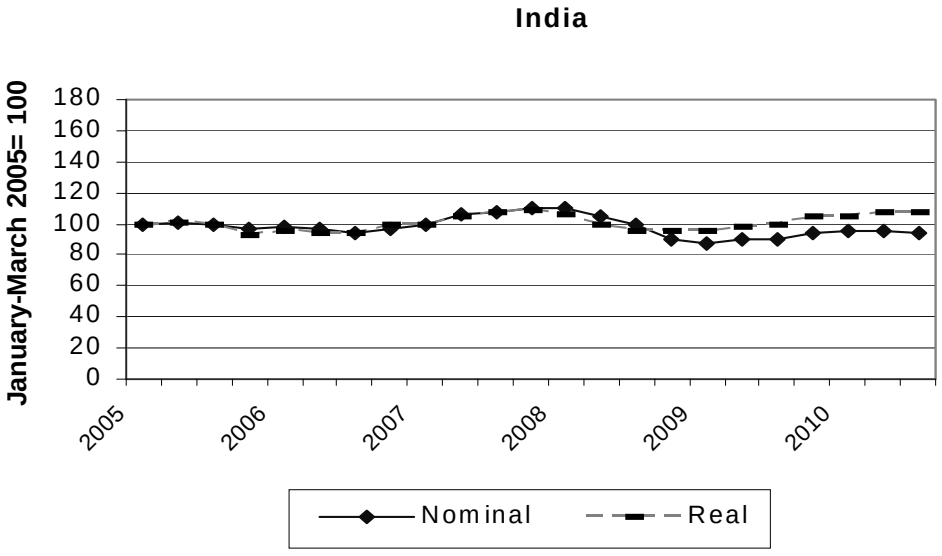
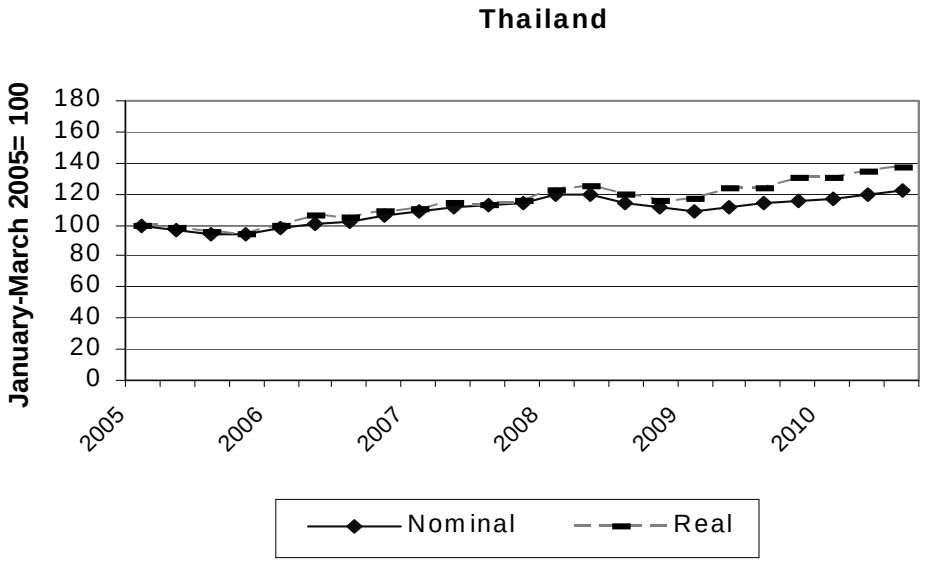
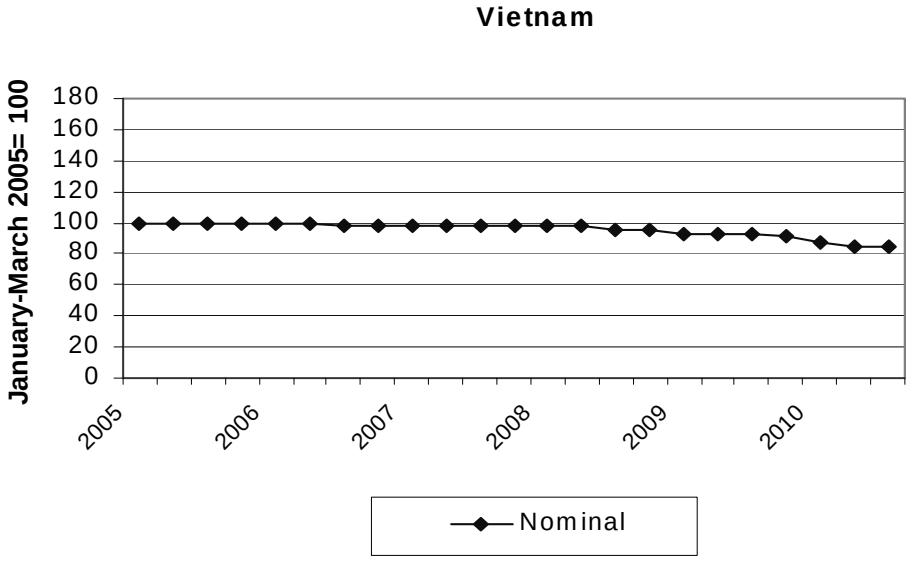


Figure continued on next page.

Figure V-1--*Continued*
Exchange rates: Indexes of nominal and real values of the Brazilian, Chinese, Indian, Thai, and Vietnamese currency relative to the U.S. dollar, by quarters, January 2005-September 2010





Source: IMF, *International Financial Statistics*.

PRICING PRACTICES

Pricing Methods

Most firms reported selling warmwater shrimp on a spot basis.[3] U.S. processors' and importers' most commonly reported pricing method was transaction-by-transaction negotiations, although price lists, standard mark-ups over cost, and contracts are also used.[4] Price lists may be issued as frequently as once per week, and may contain different prices for different sizes of shrimp, as well as information about species, freezing method (block or IQF), availability, and extent of peeling.[5] U.S. processors' and importers' short-term contracts were generally three to six months, fix both price and quantity, are not typically renegotiable, and do not typically contain meet-or-release provisions.[6] Importers' long-term contracts were for 1-3 years, and may fix price, quantity, or both.[7]

Indian and Brazilian processors were more likely than Thai and Vietnamese processors to report spot sales rather than contract sales.[8] *** Brazilian, 28 Indian,[9] 11 Thai, and 7 Vietnamese processors reported that at least 90 percent of their 2009 sales were on a spot basis. Thirteen Thai and 7 Vietnamese processors sold 15 to 60 percent of their product under short-term contracts (and the rest in the spot market),[10] and seven Thai and 12 Vietnamese processors sold over 70 percent under short-term contracts

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[3] Twenty-six U.S. processors and 31 importers reported selling 100 percent or the majority (more than 65 percent) of warmwater shrimp in the spot market, and one U.S. processor and 10 importers reported selling 100 percent or the majority (more than 58 percent) of warmwater shrimp through short-term contracts. Only three importers reported selling mostly through long-term contracts (more than 80 percent). Respondents note that the largest volume importers mainly sell on a short-term or long-term contract basis. Respondents' posthearing brief, p. 5.

[4] Fourteen U.S. processors reported using only the transaction-by-transaction method, 2 firms reported using both transaction-by-transaction negotiation and contracts, 5 firms reported using both transaction-by-transaction negotiation and price lists, 5 firms reported using their own price list, while 7 firms used different combinations of these methods.

Among importers, 25 firms reported using only the transaction-by-transaction method, 5 firms reported using both transaction-by-transaction negotiation and contracts, 13 firms reported using both transaction-by-transaction negotiation and price lists, while 5 firms use only contracts, and 4 firms reported using their own price list.

[5] *Certain Frozen or Canned Warmwater Shrimp and Prawns from Brazil, China, Ecuador, India, Thailand, and Vietnam, Invs. Nos. 731-TA-1063-1068 (Final)*, USITC Publication 3748, January 2005, p. V-5.

[6] All 8 reporting U.S. processors and 21 of 24 importers reported that short-term contracts usually fix both price and quantity. Some firms reported seven- and 12-month contracts. While 5 U.S. processors and 16 importers reported that contracts were not renegotiated, 3 U.S. processors and 6 importers reported at least occasional renegotiations. Only 3 of 8 U.S. processors and 3 of 24 importers reported that their contracts typically contain meet-or-release provisions (2 reported that these provisions were FDA/Customs release).

[7] No U.S. processors reported long-term contracts.

[8] Chinese processors did not provide answers regarding long- and short-term contracts versus spot sales.

[9] One Indian processor sold only under short-term contracts, and another sold only under long-term contracts. Indian processors' long-term contracts could be renegotiated, fixed price and quantity, and had a meet-or-release provision. Their short-term contracts could not be renegotiated, fixed price and quantity, and varied as to whether they included a meet-or-release provision.

[10] One of these Vietnamese processors, ***, sold 48 percent of its product in the spot market, 27 percent under short-term contracts, and 27 percent under long-term contracts. It was the only Vietnamese processor with any long-term contracts.

(and the rest in the spot market).[11] Foreign processors' primary pricing method was transaction-by-transaction negotiation.[12]

Most U.S. processors (20 of 30), importers (29 of 47), and foreign processors quote prices on a delivered basis.[13] Twenty U.S. processors and 24 importers reported sales terms of 30 days, while the remainder generally reported terms of 45 to 60 days. Indian and Vietnamese processors' sales terms were generally 30-60 days while Thai processors' sales terms ranged more widely, from a few days to 180 days.[14]

Overall, 16 U.S. processors, and 35 importers reported offering no or limited discounts. However, nine U.S. processors and 11 importers reported offering quantity or total volume discounts; and nine U.S. processors and six importers offer other types of discounts. Most foreign processors (*** Brazilian, 34 Chinese, 34 Indian, 33 Thai, and 20 Vietnamese) do not offer any discounts.[15]

When asked to identify price leaders in the warmwater shrimp market, seven purchasers reported there were none or that they did not know. *** described the shrimp market as "competitive" and "diverse" enough that no single firm could affect price. Six purchasers listed at least one company as a price leader and described price leaders as the first to announce price changes.[16]

PRICE DATA

The Commission requested U.S. processors and importers to provide quarterly quantity and value data for their shipments to unrelated U.S. customers of the following warmwater shrimp products during January 2005-September 2010:

Product 1.--Frozen, raw warmwater shrimp or prawns, all species, 71 to 90 count, headless, peeled (whether or not deveined), tail-off, block frozen (cut or not cut).

[11] Thai processor contracts were generally one to six months in duration, allowed renegotiation (in 21 of 24 responses), and fixed price and quantity (23 of 24). Thirteen of 24 Thai processors had contracts with meet-or-release provisions. Vietnamese processor short-term contracts were generally for one to three months, allowed renegotiation (17 of 20), fixed price and quantity (16 of 20), and did not have meet-or-release provisions (19 of 20).

[12] Two Brazilian, 34 Chinese, 34 Indian, 23 Thai, and 14 Vietnamese processors reported using transaction-by-transaction negotiations. Nine Thai and eight Vietnamese processors used transaction-by-transaction negotiations as well as contracts. Additionally, two Indian and two Vietnamese processors reported using other methods in addition to transaction-by-transaction negotiation, and one Indian and two Vietnamese processor reported using contracts.

[13] One Brazilian, 20 Chinese, 9 Indian, 21 Thai, and 18 Vietnamese processors quote delivered prices; while 1 Brazilian, 13 Chinese, 7 Indian, 6 Thai, and 8 Vietnamese processors quote f.o.b. prices; and three Thai processors reported a combination of delivered and f.o.b. pricing.

[14] Brazilian and Chinese processors did not provide usable answers to the question.

[15] However, one Indian and three Vietnamese processors indicated that they used volume discounts, and three Vietnamese processors also reported discounts for other reasons, such as market conditions or business relationships.

[16] Ocean Garden Products and Red Chamber were cited as a leaders for Mexican shrimp, Red Chamber was cited as a leader for Chinese shrimp, Pescanova was cited as price leader for South America, and 16 firms (Louisiana Shrimp, RA Lesso, CF Gollot, Laffitte, Hi-Seas, Paula Piazza, Empress International, Mazzetta, Contessa, Censea, Waldman, Orion, Meridian, Penguin, Carson, and Paul Poon) were cited as leaders for U.S. shrimp.

Product 2.--Frozen, raw warmwater shrimp or prawns, all species, 41 to 50 count, P&D (peeled and deveined), tail-off, block frozen (cut or not cut).

Product 3.--Frozen, raw warmwater shrimp or prawns, all species, 31 to 40 count, headless, shell-on, block frozen.

Product 4.--Frozen, raw warmwater shrimp or prawns, all species, 26 to 30 count, headless, shell-on, block frozen.

Product 5.--Frozen, raw warmwater shrimp or prawns, all species, 10 to 15 count, headless, shell-on, block frozen.

Product 6.--Frozen, cooked warmwater shrimp or prawns, all species, 51 to 60 finished count, headless, shell-on, IQF.

Product 7.--Frozen, cooked warmwater shrimp or prawns, all species, 26 to 30 count, P&D (peeled and deveined), headless, tail-on or tail-off, IQF.

Product 8.--Frozen, raw warmwater shrimp or prawns, all species, 16 to 20 count, headless, EZ-peel, deveined, tail-on, IQF.

Twenty-five U.S. processors and 37 importers provided usable pricing data for sales of the requested products, although not all firms reported pricing for all products and for all quarters. Pricing data reported by these firms accounted for 23.1 percent of U.S. processors' reported commercial shipments, 1.6 percent of imports from Brazil, 2.2 percent of subject imports from China, 14.2 percent of imports from India, 5.2 percent of subject imports from Thailand, and 9.9 percent of imports from Vietnam during January 2005-September 2010. Price data are presented in tables V-1 to V-8 and figure V-2. Price data excluding *** domestic shipments are presented in appendix H.[17]

Table V-1
Warmwater shrimp: Weighted-average f.o.b. selling prices and quantities for product 1,[1] and margins of underselling/(overselling), January 2005-September 2010

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Table V-2
Warmwater shrimp: Weighted-average f.o.b. selling prices and quantities for product 2,[1] and margins of underselling/(overselling), January 2005-September 2010

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Table V-3
Warmwater shrimp: Weighted-average f.o.b. selling prices and quantities for product 3,[1] and margins of underselling/(overselling), January 2005-September 2010

* * * * * * *

[17] ***.

Table V-4
Warmwater shrimp: Weighted-average f.o.b. selling prices and quantities for product 4,[1] and margins of underselling/(overselling), January 2005-September 2010

* * * * * * *

Table V-5
Warmwater shrimp: Weighted-average f.o.b. selling prices and quantities for product 5,[1] and margins of underselling/(overselling), January 2005-September 2010

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Table V-6
Warmwater shrimp: Weighted-average f.o.b. selling prices and quantities for product 6,[1] and margins of underselling/(overselling), January 2005-September 2010

* * * * * * *

Table V-7
Warmwater shrimp: Weighted-average f.o.b. selling prices and quantities for product 7,[1] and margins of underselling/(overselling), January 2005-September 2010

* * * * * * *

Table V-8
Warmwater shrimp: Weighted-average f.o.b. selling prices and quantities for product 8,[1] and margins of underselling/(overselling), January 2005-September 2010

* * * * * * *

Figure V-2
Warmwater shrimp: Weighted-average f.o.b. prices and quantities of products 1-8, by country, January 2005-September 2010

* * * * * * *

Price Trends

Prices for domestic product and subject imports fluctuated irregularly from January 2005 through September 2010. Domestic prices generally decreased from 2005 to 2006, increased in 2007-08, declined in 2009, and then increased in 2010. Subject import prices showed more variation in trends among products and countries, although also generally increased in 2008 and in 2010. Table V-9 shows price changes from the third quarter of 2005 compared to third quarter of 2010, for those countries and products for which a complete (or nearly complete) time series was available.[18] As shown in the table, both domestic and subject import prices increased for most products. Appendix I shows the price changes that occurred between first quarter of available data to the last quarter of available data for each country and pricing product.

[18] Because of seasonality, comparing the same quarters in each year may provide a more valid comparison than comparing first quarter 2005 to third quarter 2010. Third quarter data is used as it is most recent quarter of the period of review, and because July-September is during the main domestic shrimp harvesting season.

For products 1 and 2, U.S. processors' shipment quantities were generally larger than those for each subject country. The domestic industry and Thailand were the largest suppliers of products 3 and 4. The domestic industry and Vietnam were generally the largest suppliers of product 5. Thailand was by far the largest supplier of product 6. Thailand was the largest supplier of product 7; there were also substantial shipments from Vietnam. India was the largest supplier of product 8; there were also substantial shipments from the domestic industry, Thailand, and Vietnam.

Domestic shipment quantities were concentrated in products 1-5 (which comprised 92 percent of total domestic shipments), with 36 percent of shipments in product 1. Brazil shipments were exclusively in products 3 and 6. Over half (58 percent) of subject Chinese import shipments were in products 6 and 7 (IQF, cooked products). One third of Indian shipments were of product 8, the next largest shipments were in products 4, 5, and 3 (23, 15, and 14, percent, respectively). Subject Thai shipments were highest in products 3, 4, and 7 (25, 23, and 19 percent, respectively). Vietnamese shipments were concentrated in products 5, 7, and 8 (46, 20, and 16 percent, respectively).

Table V-9
Warmwater shrimp: Price changes from third quarter 2005 to third quarter 2010, by country[1] and product

Product	United States	India	Thailand	Vietnam
	Percent decline/increase			
1	1.0	(2)	-0.8	(2)
2	-4.0	6.0	41.1	3.1
3	48.3	-1.1	-0.5	-1.9
4	25.1	12.7	12.3	18.1
5	48.4	29.6	1.3	-2.8
6	1.5	(2)	1.1	20.0
7	-7.8	-1.8	5.8	24.1
8	-5.9	17.2	17.6	24.6

[1] Brazil and China were not included since data were not available for all years.
[2] Price data were not included in these instances as data were not available for all years.

Note.– A negative number indicates a price decline.

Source: Tables V-1 through V-8.

Price Comparisons

As shown in table V-10, there were 559 instances where prices for domestic warmwater shrimp and that imported from Brazil, China, India, Thailand, and Vietnam could be compared. Overall, subject imports were priced lower than domestic product in 336 (or 60 percent) of the possible comparisons; the average margin of underselling was 16.6 percent. Subject import prices were higher than domestic prices in 223 comparisons; the average margin of overselling was 26.8 percent. By country, subject imports undersold domestic product in the following percentage of instances– Brazil–69 percent, China–88 percent, India–45 percent, Thailand–81 percent, and Vietnam–45 percent.

Table V-10
Warmwater shrimp: Number of instances and average margins of underselling/overselling, by country and pricing product

	Brazil				China				India			
	Underselling		Overselling		Underselling		Overselling		Underselling		Overselling	
Product	No.	Margin	No.	Margin	No.	Margin	No.	Margin	No.	Margin	No.	Margin
1	0	--	0	--	5	12.0	1	(3.5)	5	14.3	4	(7.4)
2	0	--	0	--	2	9.5	3	(20.9)	4	8.9	17	(31.1)
3	3	10.6	5	28.3	5	22.1	0	--	8	12.9	15	(27.3)
4	0	--	0	--	1	29.6	0	--	8	5.2	15	(29.4)
5	0	--	0	--	2	60.4	0	--	2	12.5	21	(25.9)
6	8	23.9	0	--	9	32.3	0	--	10	15.0	0	--
7	0	--	0	--	3	46.2	0	--	17	22.2	5	(6.8)
8	0	--	0	--	1	64.0	0	--	16	18.5	7	(15.8)
Total	**11**	**20.2**	**5**	**28.3**	**28**	**29.7**	**4**	**(16.6)**	**70**	**15.7**	**84**	**(25.0)**

	Thailand				Vietnam				Total			
	Underselling		Overselling		Underselling		Overselling		Underselling		Overselling	
Product	No.	Margin	No.	Margin	No.	Margin	No.	Margin	No.	Margin	No.	Margin
1	14	6.8	9	(8.7)	9	9.2	3	(8.1)	33	9.4	17	(8.0)
2	10	9.0	13	(25.0)	5	5.7	18	(37.0)	21	8.2	51	(31.0)
3	20	17.8	3	(21.6)	6	9.5	17	(29.2)	42	15.7	40	(27.8)
4	18	13.3	5	(12.2)	8	6.2	15	(26.0)	35	10.3	35	(25.5)
5	23	30.5	0	--	0	--	23	(54.6)	27	31.4	44	(40.9)
6	23	13.9	0	--	21	12.8	2	(7.9)	71	17.2	2	(7.9)
7	23	14.3	0	--	17	11.4	6	(10.8)	60	17.3	11	(9.0)
8	18	20.8	5	(5.7)	12	18.6	11	(17.6)	47	20.4	23	(14.5)
Total	**149**	**16.8**	**35**	**(15.9)**	**78**	**11.6**	**95**	**(32.7)**	**336**	**16.6**	**223**	**(26.8)**

Source: Tables V-1 through V-8.

Price Differences Between Country Markets

According to ASPA, "In 2009, subject countries could get a 23 percent premium for shrimp exported to the U.S. over the shrimp they exported to the EU, and a 7 percent premium in the U.S. over shrimp exported to other countries."[19] According to Respondents, the price premium is because shrimp is sold in a different form in Europe, i.e., head-on and glazed, than in the United States, and prices in Japan are among the highest in the global marketplace.[20]

Foreign producers that compared market prices of warmwater shrimp in their home market, the United States, and third-country markets often (though not always) described U.S. prices as lower than those in other developed country markets, especially those of Japan and, to a lesser extent, the EU.

Brazilian processor *** reported that the U.S. buyers "pay very little and do not appreciate quality."

Although most Chinese processors indicated that they did not have enough information to compare prices in different markets, those that did comment generally described U.S. prices as lower than Japanese and European prices. *** reported that prices in other countries were generally 10 percent higher than in the United States. *** indicated that Chinese prices were approximately 20 cents less expensive per pound than U.S. prices while Japanese prices were about $1.50 per pound more expensive than U.S. prices. However, *** noted that the Chinese market also has high prices during winter. In other price comparisons, *** described U.S. prices as higher than Chinese prices while *** described Chinese prices as higher than other country markets.

Indian processors expressed a variety of views on the differences between U.S. and other markets' prices. Seven Indian processors described prices in foreign markets (including the EU and Japan) as higher than U.S. prices, with Japanese prices as the most expensive, while three described U.S. prices as higher than other markets (including the EU). Two other Indian processors indicated that U.S. and other foreign markets had similar pricing, and an additional two Indian processors reported that differences in product specifications made pricing comparisons impossible.

Thai processors offered a wide range of price observations and comparisons. Most Thai processors that offered a comparison reported that EU and Japanese prices were higher than U.S. prices, although several reported that prices in different markets were comparable. Some Thai processors attributed different prices among markets to transportation costs, while others noted that the EU and Japan had stricter rules on chemical treatment than the United States and Thailand, and that the EU market required specific production processes for European reprocessing. Several Thai processors reported that while U.S. prices were somewhat lower than in other countries, U.S. volumes were much higher. In comparing U.S. and Thai prices, two processors indicated U.S. prices were higher, one indicated U.S. prices were lower, and one indicated prices were the same. Another processor described its sales to Thailand as limited because its export sales prices are higher than the prices it can get selling fresh shrimp in Thailand. Other processors reported that the Thai price fluctuated based on seasonal variations in raw shrimp supply.

Vietnamese processors described their home market product as generally somewhat less expensive than product for export. However, unlike processors in the other countries, six Vietnamese processors described U.S. prices as equal to or slightly higher than Japanese prices. One Vietnamese processor also reported that U.S. prices are higher than Italian prices. Other Vietnamese processors expressed a lack of ability to make apples-to-apples comparisons, as the shrimp sold into different countries' markets often has different types of processing (e.g., more breaded into the Japanese market versus more IQF into the U.S. market).

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[19] Hearing transcript, p. 44 (Salonen). ASPA further discusses price differences in different markets in its posthearing brief, responses to Commissioner Aranoff, exh. 5.

[20] Hearing transcript, p. 253 (Gosselink) and p. 282 (Bloom).

APPENDIX A

FEDERAL REGISTER NOTICES AND THE COMMISSION'S STATEMENT ON ADEQUACY

DEPARTMENT OF COMMERCE

International Trade Administration

Initiation of Five-Year (''Sunset'') Review

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

SUMMARY: In accordance with section 751(c) of the Tariff Act of 1930, as amended (''the Act''), the Department of Commerce (''the Department'') is automatically initiating a five-year review (''Sunset Review'') of the antidumping duty orders listed below. The International Trade Commission (''the Commission'') is publishing concurrently with this notice its notice of *Institution of Five-Year Review* which covers the same orders.

DATES: *Effective Date:* January 4, 2010.

FOR FURTHER INFORMATION CONTACT: The Department official identified in the *Initiation of Review* section below at AD/CVD Operations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230. For information from the Commission contact Mary Messer, Office of Investigations, U.S. International Trade Commission, at (202) 205–3193.

SUPPLEMENTARY INFORMATION:

Background

The Department's procedures for the conduct of Sunset Reviews are set forth in its *Procedures for Conducting Five-Year (''Sunset'') Reviews of Antidumping and Countervailing Duty Orders*, 63 FR 13516 (March 20, 1998) and 70 FR 62061 (October 28, 2005). Guidance on methodological or analytical issues relevant to the Department's conduct of Sunset Reviews is set forth in the Department's Policy Bulletin 98.3—*Policies Regarding the Conduct of Five-Year (''Sunset'') Reviews of Antidumping and Countervailing Duty Orders: Policy Bulletin*, 63 FR 18871 (April 16, 1998).

Initiation of Review

In accordance with 19 CFR 351.218(c), we are initiating the Sunset Review of the following antidumping duty orders:

DOC Case No.	ITC Case No.	Country	Product	Department contact
A–351–838 ...	731–TA–1063	Brazil	Frozen Warmwater Shrimp	Brandon Farlander (202) 482–0182
A–570–893 ...	731–TA–1064	China	Frozen Warmwater Shrimp	Brandon Farlander (202) 482–0182

DOC Case No.	ITC Case No.	Country	Product	Department contact
A–533–840 ...	731–TA–1066	India	Frozen Warmwater Shrimp	Brandon Farlander (202) 482–0182
A–549–822 ...	731–TA–1067	Thailand	Frozen Warmwater Shrimp	Brandon Farlander (202) 482–0182
A–552–802 ...	731–TA–1068	Vietnam	Frozen Warmwater Shrimp	Brandon Farlander (202) 482–0182

Filing Information

As a courtesy, we are making information related to Sunset proceedings, including copies of the pertinent statute and Department's regulations, the Department schedule for Sunset Reviews, a listing of past revocations and continuations, and current service lists, available to the public on the Department's Internet Web site at the following address: *http://ia.ita.doc.gov/sunset/*. All submissions in these Sunset Reviews must be filed in accordance with the Department's regulations regarding format, translation, service, and certification of documents. These rules can be found at 19 CFR 351.303.

Pursuant to 19 CFR 351.103(c), the Department will maintain and make available a service list for these proceedings. To facilitate the timely preparation of the service list(s), it is requested that those seeking recognition as interested parties to a proceeding contact the Department in writing within 10 days of the publication of the Notice of Initiation.

Because deadlines in Sunset Reviews can be very short, we urge interested parties to apply for access to proprietary information under administrative protective order (''APO'') immediately following publication in the **Federal Register** of this notice of initiation by filing a notice of intent to participate. The Department's regulations on submission of proprietary information and eligibility to receive access to business proprietary information under APO can be found at 19 CFR 351.304–306.

Information Required From Interested Parties

Domestic interested parties defined in section 771(9)(C), (D), (E), (F), and (G) of the Act and 19 CFR 351.102(b) wishing to participate in a Sunset Review must respond not later than 15 days after the date of publication in the **Federal Register** of this notice of initiation by filing a notice of intent to participate. The required contents of the notice of intent to participate are set forth at 19 CFR 351.218(d)(1)(ii). In accordance with the Department's regulations, if we do not receive a notice of intent to participate from at least one domestic interested party by the 15-day deadline, the Department will automatically revoke the order without further review. *See* 19 CFR 351.218(d)(1)(iii).

If we receive an order-specific notice of intent to participate from a domestic interested party, the Department's regulations provide that *all parties* wishing to participate in the Sunset Review must file complete substantive responses not later than 30 days after the date of publication in the **Federal Register** of this notice of initiation. The required contents of a substantive response, on an order-specific basis, are set forth at 19 CFR 351.218(d)(3). Note that certain information requirements differ for respondent and domestic parties. Also, note that the Department's information requirements are distinct from the Commission's information requirements. Please consult the Department's regulations for information regarding the Department's conduct of Sunset Reviews.[1] Please consult the Department's regulations at 19 CFR Part 351 for definitions of terms and for other general information concerning antidumping and countervailing duty proceedings at the Department.

This notice of initiation is being published in accordance with section 751(c) of the Act and 19 CFR 351.218(c).

Dated: December 18, 2009.

John M. Andersen,

Acting Deputy Assistant Secretary, for Antidumping and Countervailing Duty Operations.

[FR Doc. E9–31177 Filed 12–31–09; 8:45 am]

BILLING CODE 3510–DS–P

[1] In comments made on the interim final sunset regulations, a number of parties stated that the proposed five-day period for rebuttals to substantive responses to a notice of initiation was insufficient. This requirement was retained in the final sunset regulations at 19 CFR 351.218(d)(4). As provided in 19 CFR 351.302(b), however, the Department will consider individual requests to extend that five-day deadline based upon a showing of good cause.

INTERNATIONAL TRADE COMMISSION

[Investigation No. 731–TA–1063, 1064, 1066–1068 (Review)]

Frozen Warmwater Shrimp From Brazil, China, India, Thailand, and Vietnam

AGENCY: United States International Trade Commission.

ACTION: Institution of five-year reviews concerning the antidumping duty orders on frozen warmwater shrimp from Brazil, China, India, Thailand, and Vietnam.

SUMMARY: The Commission hereby gives notice that it has instituted reviews pursuant to section 751(c) of the Tariff Act of 1930 (19 U.S.C. 1675(c)) (the Act) to determine whether revocation of the antidumping duty orders on frozen warmwater shrimp from Brazil, China, India, Thailand, and Vietnam would be likely to lead to continuation or recurrence of material injury. Pursuant to section 751(c)(2) of the Act, interested parties are requested to respond to this notice by submitting the information specified below to the Commission; [1] to be assured of consideration, the deadline for responses is February 3, 2010. Comments on the adequacy of responses may be filed with the Commission by March 19, 2010. For further information concerning the conduct of these reviews and rules of general application, consult the Commission's Rules of Practice and Procedure, part 201, subparts A through E (19 CFR part 201), and part 207, subparts A, D, E, and F (19 CFR part 207), as most recently amended at 74 FR 2847 (January 16, 2009).

DATES: *Effective Date:* January 4, 2010.

FOR FURTHER INFORMATION CONTACT: Mary Messer (202–205–3193), Office of Investigations, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. General information concerning the Commission may also be obtained by accessing its internet server (*http://www.usitc.gov*). The public record for these reviews may be viewed on the Commission's electronic docket (EDIS) at *http://edis.usitc.gov.*

SUPPLEMENTARY INFORMATION:

Background. On February 1, 2005, the Department of Commerce ("Commerce") issued antidumping duty orders on imports of frozen warmwater shrimp from Brazil, China, India, Thailand, and Vietnam (70 FR 5143–5156).[2] The Commission is conducting reviews to determine whether revocation of the orders would be likely to lead to continuation or recurrence of material injury to the domestic industry within a reasonably foreseeable time. It will assess the adequacy of interested party responses to this notice of institution to determine whether to conduct full reviews or expedited reviews. The Commission's determinations in any expedited reviews will be based on the facts available, which may include information provided in response to this notice.

Definitions. The following definitions apply to these reviews:

(1) *Subject Merchandise* is the class or kind of merchandise that is within the scope of the five-year reviews, as defined by the Department of Commerce.

(2) The *Subject Countries* in these reviews are Brazil, China, India, Thailand, and Vietnam.

(3) The *Domestic Like Product* is the domestically produced product or products which are like, or in the absence of like, most similar in characteristics and uses with, the *Subject Merchandise.* In its original affirmative determinations, the Commission defined the *Domestic Like Product* to consist of fresh warmwater shrimp and prawns and those frozen warmwater shrimp and prawn products defined in Commerce's scope definition. Certain Commissioners defined the *Domestic Like Product* differently.

(4) The *Domestic Industry* is the U.S. producers as a whole of the *Domestic Like Product,* or those producers whose collective output of the *Domestic Like Product* constitutes a major proportion of the total domestic production of the product. In its original affirmative determinations, the Commission defined the *Domestic Industry* to consist of: (1) All entities that harvest fresh warmwater shrimp (*i.e.,* fishermen and shrimp farmers) and (2) all processors of frozen shrimp products within the scope definition except for firms that do not engage in sufficient production-related activities to be considered domestic producers.[3] In addition several producers were excluded by the Commission from the *Domestic Industry* pursuant to the related parties provision.

(5) The *Order Date* is the date that the antidumping duty orders under review became effective. In these reviews, the *Order Date* is February 1, 2005.

(6) An *Importer* is any person or firm engaged, either directly or through a parent company or subsidiary, in importing the *Subject Merchandise* into the United States from a foreign manufacturer or through its selling agent.

Participation in the reviews and public service list. Persons, including industrial users of the *Subject Merchandise* and, if the merchandise is sold at the retail level, representative consumer organizations, wishing to participate in the reviews as parties must file an entry of appearance with the Secretary to the Commission, as provided in section 201.11(b)(4) of the Commission's rules, no later than 21 days after publication of this notice in the **Federal Register**. The Secretary will maintain a public service list containing

[1] No response to this request for information is required if a currently valid Office of Management and Budget (OMB) number is not displayed; the OMB number is 3117–0016/USITC No. 10–5–209, expiration date June 30, 2011. Public reporting burden for the request is estimated to average 15 hours per response. Please send comments regarding the accuracy of this burden estimate to the Office of Investigations, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436.

[2] Commerce has subsequently revoked the antidumping duty order on imports of frozen warmwater shrimp from Thailand with respect to certain manufacturer/exporters. 74 FR 5638 (January 30, 2009). On February 1, 2005, Commerce also issued an antidumping duty order on imports of frozen warmwater shrimp from Ecuador. Commerce subsequently revoked that order. 72 FR 48257 (August 23, 2007).

On May 5, 2005, the Commission instituted changed circumstances reviews pursuant to section 751(b) of the Act concerning its affirmative determinations on frozen warmwater shrimp from India and Thailand. 70 FR 23384 (May 5, 2005). In the changed circumstances reviews, it determined that revocation of the antidumping duty orders on subject imports from India and Thailand would be likely to lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time. 70 FR 71557 (November 29, 2005).

[3] The Commission found that processing activities such as deheading, grading, machine peeling, deveining, and cooking all constitute domestic production but that marinating and skewering do not constitute domestic production. The Commission also concluded that breading did not constitute domestic production activity because breaded shrimp was not part of the *Domestic Like Product.*

the names and addresses of all persons, or their representatives, who are parties to the reviews.

Former Commission employees who are seeking to appear in Commission five-year reviews are advised that they may appear in a review even if they participated personally and substantially in the corresponding underlying original investigation. The Commission's designated agency ethics official has advised that a five-year review is not considered the "same particular matter" as the corresponding underlying original investigation for purposes of 18 U.S.C. 207, the post employment statute for Federal employees, and Commission rule 201.15(b) (19 CFR 201.15(b)), 73 FR 24609 (May 5, 2008). This advice was developed in consultation with the Office of Government Ethics. Consequently, former employees are not required to seek Commission approval to appear in a review under Commission rule 19 CFR 201.15, even if the corresponding underlying original investigation was pending when they were Commission employees. For further ethics advice on this matter, contact Carol McCue Verratti, Deputy Agency Ethics Official, at 202–205–3088.

Limited disclosure of business proprietary information (BPI) under an administrative protective order (APO) and APO service list. Pursuant to section 207.7(a) of the Commission's rules, the Secretary will make BPI submitted in these reviews available to authorized applicants under the APO issued in the reviews, provided that the application is made no later than 21 days after publication of this notice in the **Federal Register**. Authorized applicants must represent interested parties, as defined in 19 U.S.C. 1677(9), who are parties to the reviews. A separate service list will be maintained by the Secretary for those parties authorized to receive BPI under the APO.

Certification. Pursuant to section 207.3 of the Commission's rules, any person submitting information to the Commission in connection with these reviews must certify that the information is accurate and complete to the best of the submitter's knowledge. In making the certification, the submitter will be deemed to consent, unless otherwise specified, for the Commission, its employees, and contract personnel to use the information provided in any other reviews or investigations of the same or comparable products which the Commission conducts under Title VII of the Act, or in internal audits and investigations relating to the programs and operations of the Commission pursuant to 5 U.S.C. Appendix 3.

Written submissions. Pursuant to section 207.61 of the Commission's rules, each interested party response to this notice must provide the information specified below. The deadline for filing such responses is February 3, 2010. Pursuant to section 207.62(b) of the Commission's rules, eligible parties (as specified in Commission rule 207.62(b)(1)) may also file comments concerning the adequacy of responses to the notice of institution and whether the Commission should conduct expedited or full reviews. The deadline for filing such comments is March 19, 2010. All written submissions must conform with the provisions of sections 201.8 and 207.3 of the Commission's rules and any submissions that contain BPI must also conform with the requirements of sections 201.6 and 207.7 of the Commission's rules. The Commission's rules do not authorize filing of submissions with the Secretary by facsimile or electronic means, except to the extent permitted by section 201.8 of the Commission's rules, as amended, 67 FR 68036 (November 8, 2002). Also, in accordance with sections 201.16(c) and 207.3 of the Commission's rules, each document filed by a party to the reviews must be served on all other parties to the reviews (as identified by either the public or APO service list as appropriate), and a certificate of service must accompany the document (if you are not a party to the reviews you do not need to serve your response).

Inability to provide requested information. Pursuant to section 207.61(c) of the Commission's rules, any interested party that cannot furnish the information requested by this notice in the requested form and manner shall notify the Commission at the earliest possible time, provide a full explanation of why it cannot provide the requested information, and indicate alternative forms in which it can provide equivalent information. If an interested party does not provide this notification (or the Commission finds the explanation provided in the notification inadequate) and fails to provide a complete response to this notice, the Commission may take an adverse inference against the party pursuant to section 776(b) of the Act in making its determinations in the reviews.

Information To Be Provided in Response to this Notice of Institution: If you are a domestic producer, union/worker group, or trade/business association; import/export *Subject Merchandise* from more than one *Subject Country*; or produce *Subject Merchandise* in more than one *Subject Country*, you may file a single response. If you do so, please ensure that your response to each question includes the information requested for each pertinent *Subject Country.* As used below, the term "firm" includes any related firms.

(1) The name and address of your firm or entity (including World Wide Web address) and name, telephone number, fax number, and E-mail address of the certifying official.

(2) A statement indicating whether your firm/entity is a U.S. producer of the *Domestic Like Product*, a U.S. union or worker group, a U.S. importer of the *Subject Merchandise*, a foreign producer or exporter of the *Subject Merchandise*, a U.S. or foreign trade or business association, or another interested party (including an explanation). If you are a union/worker group or trade/business association, identify the firms in which your workers are employed or which are members of your association.

(3) A statement indicating whether your firm/entity is willing to participate in these reviews by providing information requested by the Commission.

(4) A statement of the likely effects of the revocation of the antidumping duty orders on the *Domestic Industry* in general and/or your firm/entity specifically. In your response, please discuss the various factors specified in section 752(a) of the Act (19 U.S.C. 1675a(a)) including the likely volume of subject imports, likely price effects of subject imports, and likely impact of imports of *Subject Merchandise* on the *Domestic Industry.*

(5) A list of all known and currently operating U.S. producers of the *Domestic Like Product.* Identify any known related parties and the nature of the relationship as defined in section 771(4)(B) of the Act (19 U.S.C. 1677(4)(B)).

(6) A list of all known and currently operating U.S. importers of the *Subject Merchandise* and producers of the *Subject Merchandise* in each *Subject Country* that currently export or have exported *Subject Merchandise* to the United States or other countries since the Order Date.

(7) A list of 3–5 leading purchasers in the U.S. market for the *Domestic Like Product* and the *Subject Merchandise* that are not themselves members of the *Domestic Industry* (including street address, World Wide Web address, and the name, telephone number, fax number, and E-mail address of a responsible official at each firm).

(8) A list of known sources of information on national or regional prices for the *Domestic Like Product* or

the *Subject Merchandise* in the U.S. or other markets.

(9) If you are a U.S. producer of the *Domestic Like Product*, provide the following information on your firm's operations on that product during calendar year 2009, except as noted (report quantity data in pounds and value data in U.S. dollars, f.o.b. plant). If you are a union/worker group or trade/business association, provide the information, on an aggregate basis, for the firms in which your workers are employed/which are members of your association.

(a) Production (quantity) and, if known, an estimate of the percentage of total U.S. production of the *Domestic Like Product* accounted for by your firm's(s') production. If you are a processor, indicate the nature of the processing activities you perform (e.g., deheading, grading, machine peeling, deveining, cooking, marinating and/or skewering);

(b) Capacity (quantity) of your firm to produce the *Domestic Like Product* (i.e., the level of production that your establishment(s) could reasonably have expected to attain during the year, assuming normal operating conditions (using equipment and machinery in place and ready to operate), normal operating levels (hours per week/weeks per year), time for downtime, maintenance, repair, and cleanup, and a typical or representative product mix);

(c) the quantity and value of U.S. commercial shipments of the *Domestic Like Product* produced in your U.S. production facility(ies);

(d) the quantity and value of U.S. internal consumption/company transfers of the *Domestic Like Product* produced in your U.S. production facility(ies); and

(e) the value of (i) net sales, (ii) cost of goods sold (COGS), (iii) gross profit, (iv) selling, general and administrative (SG&A) expenses, and (v) operating income of the *Domestic Like Product* produced in your U.S. production facility(ies) (include both U.S. and export commercial sales, internal consumption, and company transfers) for your most recently completed fiscal year (identify the date on which your fiscal year ends).

(10) If you are a U.S. importer or a trade/business association of U.S. importers of the *Subject Merchandise* from the *Subject Country(ies),* provide the following information on your firm's(s') operations on that product during calendar year 2009 (report quantity data in pounds and value data in U.S. dollars). If you are a trade/business association, provide the information, on an aggregate basis, for the firms which are members of your association.

(a) The quantity and value (landed, duty-paid but not including antidumping duties) of U.S. imports and, if known, an estimate of the percentage of total U.S. imports of *Subject Merchandise* from each *Subject Country* accounted for by your firm's(s') imports;

(b) the quantity and value (f.o.b. U.S. port, including antidumping duties) of U.S. commercial shipments of *Subject Merchandise* imported from each *Subject Country;* and

(c) the quantity and value (f.o.b. U.S. port, including antidumping duties) of U.S. internal consumption/company transfers of *Subject Merchandise* imported from each *Subject Country.*

(11) If you are a producer, an exporter, or a trade/business association of producers or exporters of the *Subject Merchandise* in the *Subject Country(ies),* provide the following information on your firm's(s') operations on that product during calendar year 2009 (report quantity data in pounds and value data in U.S. dollars, landed and duty-paid at the U.S. port but not including antidumping duties). If you are a trade/business association, provide the information, on an aggregate basis, for the firms which are members of your association.

(a) Production (quantity) and, if known, an estimate of the percentage of total production of *Subject Merchandise* in each *Subject Country* accounted for by your firm's(s') production;

(b) Capacity (quantity) of your firm to produce the *Subject Merchandise* in each *Subject Country* (i.e., the level of production that your establishment(s) could reasonably have expected to attain during the year, assuming normal operating conditions (using equipment and machinery in place and ready to operate), normal operating levels (hours per week/weeks per year), time for downtime, maintenance, repair, and cleanup, and a typical or representative product mix); and

(c) the quantity and value of your firm's(s') exports to the United States of *Subject Merchandise* and, if known, an estimate of the percentage of total exports to the United States of *Subject Merchandise* from each *Subject Country* accounted for by your firm's(s') exports.

(12) Identify significant changes, if any, in the supply and demand conditions or business cycle for the *Domestic Like Product* that have occurred in the United States or in the market for the *Subject Merchandise* in each *Subject Country* since the Order Date, and significant changes, if any, that are likely to occur within a reasonably foreseeable time. Supply conditions to consider include technology; production methods; development efforts; ability to increase production (including the shift of production facilities used for other products and the use, cost, or availability of major inputs into production); and factors related to the ability to shift supply among different national markets (including barriers to importation in foreign markets or changes in market demand abroad). Demand conditions to consider include end uses and applications; the existence and availability of substitute products; and the level of competition among the *Domestic Like Product* produced in the United States, *Subject Merchandise* produced in each *Subject Country*, and such merchandise from other countries.

(13) (Optional) A statement of whether you agree with the above definitions of the *Domestic Like Product* and *Domestic Industry;* if you disagree with either or both of these definitions, please explain why and provide alternative definitions.

Authority: These reviews are being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to section 207.61 of the Commission's rules.

Issued: January 4, 2010.

By order of the Commission.

Marilyn R. Abbott,

Secretary to the Commission.

[FR Doc. 2010–88 Filed 1–7–10; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–351–838, A–533–840, A–570–893, A–549–822]

Certain Frozen Warmwater Shrimp from Brazil, India, the People's Republic of China and Thailand: Final Results of the Expedited Sunset Reviews of the Antidumping Duty Orders

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

SUMMARY: On January 4, 2010, the Department of Commerce (the Department) initiated sunset reviews of the antidumping duty orders on certain frozen warmwater shrimp from Brazil, India, the People's Republic of China (PRC), and Thailand, pursuant to section 751(c) of the Tariff Act of 1930, as amended (the Act). The Department has conducted expedited (120-day) sunset reviews for these orders pursuant to 19 CFR 351.218(e)(1)(ii)(C)(2). As a result of these sunset reviews, the Department finds that revocation of the antidumping duty orders would be likely to lead to continuation or recurrence of dumping.

FOR FURTHER INFORMATION CONTACT: FOR FURTHER INFORMATION: Kate Johnson, AD/CVD Operations, Office 2, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230; telephone: (202) 482–4929.

SUPPLEMENTARY INFORMATION:

Background

On February 1, 2005, the Department published the antidumping duty orders on certain frozen warmwater shrimp from Brazil, India, the PRC, and Thailand. *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 (February 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 (February 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 (February 1, 2005); and *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 (February 1, 2005).

On January 4, 2010, the Department published the notice of initiation of the sunset reviews of the antidumping duty orders on certain frozen warmwater shrimp from Brazil, India, the PRC, and Thailand, pursuant to section 751(c) of the Act. *See Initiation of Five-year ("Sunset") Review*, 75 FR 103 (January 4, 2010) (Notice of Initiation).[1]

The Department received a notice of intent to participate from the Ad Hoc Shrimp Trade Action Committee (petitioner) and the American Shrimp Processors Association (ASPA) within the deadline specified in 19 CFR 351.218(d)(1)(i). The petitioner claimed interested party status under section 771(9)(C) of the Act stating that its individual members are each producers in the United States of a domestic like product. ASPA claimed interested party status under section 771(9)(E) of the Act stating that it is a trade association, the majority of whose members are producers and/or processors of a domestic like product in the United States.

The Department received complete substantive responses to the *Notice of Initiation* from the domestic interested parties within the 30-day deadline specified in 19 CFR 351.218(d)(3)(i). We received no substantive responses from respondent interested parties with respect to the orders on certain frozen warmwater shrimp from Brazil, the PRC, or Thailand, nor was a hearing requested. We received a substantive response from the Seafood Exporters Association of India (SEAI), which is a trade association whose membership consists of Indian producers and exporters of the subject merchandise, within the 30-day deadline specified in 19 CFR 351.218(d)(3)(i). On February 12, 2010, ASPA submitted rebuttal comments to SEAI's substantive response. We determined that SEAI's substantive response was not adequate because it failed to provide the volume and value of its members' exports of subject merchandise to the United States for several specific time periods enumerated by 19 CFR 351.218(d)(3)(iii)(B–E). *See* the March 2, 2010, memorandum entitled "Adequacy Determination in Antidumping Duty Sunset Review of Certain Frozen Warmwater Shrimp from India." On March 4, 2010, SEAI requested that the Department reconsider its adequacy finding. On March 30, 2010, we notified SEAI that we continued to find that its substantive response was inadequate. As a result, pursuant to 19 CFR 351.218(e)(1)(ii)(C)(2), the Department conducted expedited (120-day) sunset reviews of the antidumping duty orders on certain frozen warmwater shrimp from Brazil, India, the PRC, and Thailand.

Scope of the Orders

The products covered by the orders include 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,[2] deveined or not deveined, cooked or raw, or otherwise processed in frozen form.

The frozen warmwater shrimp and prawn products included in the orders, regardless of definitions in the Harmonized Tariff Schedule of the United States (HTSUS), 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 vannemei*), 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 orders. 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 orders.

Excluded from the orders are: 1) breaded shrimp and prawns (HTSUS subheading 1605.20.10.20); 2) shrimp and prawns generally classified in the

[1] The Notice of Initiation also announced the initiation of the sunset review of the antidumping duty order on certain frozen warmwater shrimp from the Socialist Republic of Vietnam. However, the results of that sunset review will be discussed within a separate **Federal Register** notice in the context of a full sunset review in that case.

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

Pandalidae family and commonly referred to as coldwater shrimp, in any state of processing; 3) fresh shrimp and prawns whether shell–on or peeled (HTSUS subheadings 0306.23.00.20 and 0306.23.00.40); 4) shrimp and prawns in prepared meals (HTSUS subheading 1605.20.05.10); 5) dried shrimp and prawns; 6) canned warmwater shrimp and prawns (HTSUS 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 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 the orders are currently classified 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, and 1605.20.10.30. These HTSUS subheadings are provided for convenience and for customs purposes only and are not dispositive, but rather the written description of the scope of the orders is dispositive.

Analysis of Comments Received

All issues raised in these reviews are addressed in the "Issues and Decision Memorandum for the Expedited Sunset Reviews of the Antidumping Duty Orders on Certain Frozen Warmwater Shrimp from Brazil, India, the People's Republic of China, and Thailand" from John M. Andersen, Acting Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, to Ronald K. Lorentzen, Deputy Assistant Secretary for Import Administration (Decision Memo), which is hereby adopted by, and issued concurrently with, this notice. The issues discussed in the Decision Memo include the likelihood of continuation or recurrence of dumping and the magnitude of the margins likely to prevail if the orders were revoked. Parties can find a complete discussion of all issues raised in these reviews and the corresponding recommendations in this public memorandum which is on file in the Central Records Unit, room 1117 of the main Department building.

In addition, a complete version of the Decision Memo can be accessed directly on the Web at http://ia.ita.doc.gov/frn. The paper copy and electronic version of the Decision Memo are identical in content.

Final Results of Reviews

We determine that revocation of the antidumping duty orders on certain frozen warmwater shrimp from Brazil, India, the PRC, and Thailand would be likely to lead to continuation or recurrence of dumping at the following weighted–average percentage margins:

Manufacturers/Exporters/Producers	Weighted–Average Margin (percent)
Brazil	
Netuno Alimentos S.A./ Maricultura Netuno S.A./ Netuno USA, Inc. (collectively, Netuno)*	7.94
Central de Industrializacao de Distribuicao de Alimentos Ltda./Cia. Exportadora de Produtos do Mar (Produmar)	4.97
Norte Pesca	67.80
All–Others Rate	7.05
*Netuno is the successor–in-interest to Empresa de Armazenagem Frigorifica Ltda./ Maricultura Netuno S.A.	
India.	
Devi Sea Foods Ltd.	4.94
Hindustan Lever Ltd.	15.36
Nekkanti Seafoods Ltd.	9.71
All–Others Rate	10.17
PRC[3]	
Allied Pacific Group	80.19
Hilltop International**	82.27
Shantou Red Garden Foodstuff Co., Ltd.	27.89
PRC–Wide Rate	112.81
Separate Rate	53.68
**Hilltop International is the successor–in-interest to Yelin Enterprise Hong Kong.	
Thailand[4].	
The Union Frozen Products Co., Ltd.	5.34
All–Others Rate	5.34

[3] Zhanjiang Guolian Aquatic Products Co., Ltd. was excluded from the antidumping duty order because it was found to have a *de minimis* margin in the less–than-fair–value (LTFV) investigation.

[4] The LTFV margins for Thailand were amended as a result of *Implementation of the Findings of the WTO Panel in United States–Antidumping Measure on Shrimp From Thailand: Notice of Determination Under Section 129 of the Uruguay Round Agreements Act and Partial Revocation of the Antidumping Duty Order on Frozen Warmwater Shrimp From Thailand*, 74 FR 5638, 5639 (January 30, 2009). The Rubicon Group, comprised of Andaman Seafood Co., Ltd., Wales & Co. Universe Limited, Chanthaburi Frozen Food Co., Ltd., Chanthaburi Seafoods Co., Ltd., Intersia Foods Co., Ltd. (formerly Y2K Frozen Foods Co., Ltd.), Phatthana Seafood Co., Ltd., Phatthana Frozen Food Co., Ltd., Thailand Fishery Cold Storage Public Co., Ltd., Thai International Seafood Co., Ltd., S.C.C. Frozen Seafood Co., Ltd., Sea Wealth Frozen Food Co., Ltd., and Thai I–Mei Frozen Foods Co., Ltd. were revoked from the antidumping duty order effective January 16, 2009, also as a result of this determination. *See also Certain Frozen Warmwater Shrimp From Thailand: Final Results of Antidumping Duty Changed Circumstances Review and Notice of Revocation in Part*, 74 FR 52452 (October 13, 2009).

This notice also serves as the only reminder to parties subject to administrative protective orders (APO) of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305. Timely notification of the return or destruction of APO materials or conversion to judicial protective orders is hereby requested. Failure to comply with the regulations and terms of an APO is a violation which is subject to sanction.

We are issuing and publishing the results and notice in accordance with sections 751(c), 752(c), and 777(i)(1) of the Act.

Dated: May 10, 2010.

Ronald K. Lorentzen,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 2010–11704 Filed 5–13–10; 8:45 am]

BILLING CODE 3510–DS–S

DEPARTMENT OF COMMERCE

International Trade Administration

[A–552–802]

Certain Frozen Warmwater Shrimp From the Socialist Republic of Vietnam: Final Results of the First Five-year "Sunset" Review of the Antidumping Duty Order

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

SUMMARY: On January 4, 2010, the Department of Commerce ("the Department") published the notice of initiation of the first sunset review of the antidumping duty order on certain frozen warmwater shrimp from the Socialist Republic of Vietnam ("Vietnam"). On the basis of the notices of intent to participate by domestic interested parties and adequate substantive responses filed on behalf of the domestic and respondent interested parties, the Department conducted a full sunset review of the antidumping duty order pursuant to section 751(c) of the Tariff Act of 1930, as amended ("the Act"), and 19 CFR 351.218(e)(2)(i). As a result of this sunset review, the Department finds that revocation of the antidumping duty order would likely lead to continuation or recurrence of dumping at the levels listed below in the section entitled "Final Results of Review."

DATES: *Effective Date:* December 7, 2010.

FOR FURTHER INFORMATION CONTACT: Jerry Huang, AD/CVD Operations, Office 9, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; *telephone:* 202–482–4047.

SUPPLEMENTARY INFORMATION:

Background

On January 4, 2010, the Department published in the **Federal Register** the notice of initiation of its sunset reviews of the antidumping duty orders on certain frozen warmwater shrimp from Brazil, the People's Republic of China, India, Thailand, and Vietnam, in accordance with section 751(c) of the Act. *See Initiation of Five-Year ("Sunset") Review,* 75 FR 103 (January 4, 2010) ("*Notice of Initiation*").

The Department received notices of intent to participate from domestic interested parties, the Ad Hoc Shrimp Trade Action Committee ("AHSTAC"), and the American Shrimp Processors Association ("ASPA"), within the 15-day deadline specified in 19 CFR 351.218(d)(1)(i). The domestic interested parties claimed interested party status under section 771(9)(C) of the Act, as manufacturers of a domestic-like product in the United States.

The Department received substantive responses to the *Notice of Initiation* from respondent interested parties (collectively "Vietnamese Respondents") and domestic interested parties within the 30-day deadline specified in 19 CFR 351.218(d)(3)(i). On February 12, 2010, Vietnamese Respondents and ASPA filed rebuttal comments to parties' substantive responses.

19 CFR 351.218(e)(1)(ii)(A) provides that the Secretary normally will conclude that respondent interested parties have provided adequate response to a notice of initiation where the Department receives complete substantive responses from respondent interested parties accounting on average for more than 50 percent, by volume, or value, if appropriate, of the total exports of the subject merchandise to the United States over the five calendar years preceding the year of publication of the notice of initiation. On March 2, 2010, the Department determined that Vietnamese Respondents accounted for more than 50 percent of exports by volume of the subject merchandise and, therefore, submitted an adequate substantive response to the Department's *Notice of Initiation. See* Memorandum to James C. Doyle: Adequacy Determination in Antidumping Duty Sunset Review of Certain Frozen Warmwater Shrimp from the Socialist Republic of Vietnam, dated March 2, 2010. The Department also determined that domestic interested parties submitted an adequate response as at least one domestic interested party submitted a complete substantive response. *See* 19 CRF 351.218(e)(1)(i). In accordance with 19 CFR 351.218(e)(2)(i), the Department determined to conduct a full sunset review of this antidumping duty order.

On May 6, 2010, in accordance with section 751(c)(5)(B) of the Act, the Department extended the deadlines for the preliminary and final results of this sunset review by 90 days from the scheduled dates. *See Certain Frozen Warmwater Shrimp from the Socialist Republic of Vietnam: Extension of Time Limits for Preliminary and Final Results of Full Five-year ("Sunset") Review of Antidumping Duty Order,* 75 FR 24883 (May 6, 2010).

The Department published the preliminary results of this sunset review on August 6, 2010. *See Certain Frozen Warmwater Shrimp from the Socialist Republic of Vietnam: Preliminary Results of the First Five-year "Sunset" Review of the Antidumping Duty Order,* 75 FR 47546 (August 6, 2010) ("*Preliminary Results*"). In the *Preliminary Results,* the Department found that revocation of the order would likely result in continuation or recurrence of dumping at margins found in the original investigation.

On September 7, 2010, within the deadline specified in 19 CFR 351.309(c)(1)(i), the Department received a case brief on behalf of Vietnamese Respondents. On September 13, 2010, the Department received rebuttal briefs on behalf of AHSTAC and ASPA.

Scope of the Order

The scope of the 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,[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 the order, regardless of definitions in the Harmonized Tariff Schedule of the United States ("HTSUS"), 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 vannemei*), 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*),

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

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 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 the order.

Excluded from the scope are: (1) Breaded shrimp and prawns (HTSUS 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 (HTSUS subheadings 0306.23.00.20 and 0306.23.00.40); (4) shrimp and prawns in prepared meals (HTSUS subheading 1605.20.05.10); (5) dried shrimp and prawns; (6) canned warmwater shrimp and prawns (HTSUS 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 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 the order are currently classified 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, and 1605.20.10.30. These HTSUS subheadings are provided for convenience and for customs purposes only and are not dispositive, but rather the written description of the scope of the order is dispositive.

Analysis of Comments Received

All issues raised in this sunset review are addressed in the "Issues and Decision Memorandum for the Final Results of the First Sunset Review of the Antidumping Duty Order on Certain Frozen Warmwater Shrimp from the Socialist Republic of Vietnam" to Ronald K. Lorentzen, Deputy Assistant Secretary for Import Administration, dated November 30, 2010 ("Decision Memo"), which is hereby adopted by this notice. The issues discussed in the Decision Memo include the likelihood of continuation or recurrence of dumping and the magnitude of the margins likely to prevail if the antidumping duty order were revoked. Parties can find a complete discussion of all issues raised in this sunset review and the corresponding recommendations in this public memorandum, which is on file in the Central Records Unit, room 7046 of the main Commerce Department building. In addition, a complete version of the Decision Memo can be accessed directly on the Web at *http://ia.ita.doc.gov/frn/index.html.* The paper copy and electronic version of the Decision Memo are identical in content.

Final Results of Review

The Department determines that revocation of the antidumping duty order on certain frozen warmwater shrimp from Vietnam is likely to lead to continuation or recurrence of dumping at the following weighted-average margins:

CERTAIN FROZEN WARMWATER SHRIMP FROM VIETNAM

Manufacturer/Exporter	Weighted-average margin (percent)
Bac Lieu Fisheries Joint Stock Company	4.57
Bim Seafood Joint Stock Company	4.57
C.P. Vietnam Livestock Corporation	4.57
Ca Mau Seafood Joint Stock Company ("Seaprimexco Vietname")	4.57
Cadovimex Seafood Import-Export and Processing Joint Stock Company ("Cadovimex-Vietnam")	4.57
Cafatex Fishery Joint Stock Corporation ("Cafatex Corporation") aka Camranh Seafoods	4.57
Camau Frozen Seafood Processing Import Export Corporation ("CAMIMEX")	5.24
Cam Ranh Seafoods Processing Enterprise PTE ("Cam Ranh Seafoods")	4.57
Coastal Fishery Development Corporation ("COFIDEC")	4.57
Cuulong Seaproducts Company ("Cuulong Seapro")	4.57
Danang Seaproducts Import Export Corporation ("Seaprodex Danang") (and its affiliate Tho Quang Seafood Processing & Export Company)	4.57
Grobest & I–Mei Industry (Vietnam) Co., Ltd	4.57
Investment Commerce Fisheries Corporation ("Incomfish")	4.57
Minh Hai Export Frozen Seafood Processing Joint Stock Company ("Minh Hai Jostoco")	4.57
Minh Hai Joint-Stock Seafoods Processing Company ("Seaprodex Minh Hai")	4.30
Minh Phu Seafood Corp. (and its affiliates Minh Qui Seafood Co., Ltd. and Minh Phat Seafood Co., Ltd.) (collectively "Minh Phu Group")	4.38
Ngoc Sinh Private Enterprise	4.57
Nha Trang Fisheries Joint Stock Company ("Nha Trang Fisco")	4.57
Nha Trang Seaproduct Company ("Nha Trang Seafoods")	4.57
Phu Cuong Seafood Processing & Import-Export Co., Ltd	4.57
Phuong Nam Co., Ltd	4.57
Sao Ta Foods Joint Stock Company ("FIMEX VN")	4.57
Soc Trang Seafood Joint Stock Company ("STAPIMEX")	4.57
Thuan Phuoc Seafoods and Trading Corporation (and its affiliates Frozen Seafoods Factory No. 32, Seafoods and Foodstuff Factory, and My Son Seafoods Factory)	4.57
UTXI Aquatic Products Processing Corporation	4.57
Viet Foods Co., Ltd	4.57
Viet Hai Seafood Co., Ltd. aka Viet Nam Fish-One Co., Ltd	4.57

CERTAIN FROZEN WARMWATER SHRIMP FROM VIETNAM—Continued

Manufacturer/Exporter	Weighted-average margin (percent)
Vinh Loi Import Export Company ("VIMEX")	4.57
Vietnam-Wide Entity	25.76

This notice also serves as a reminder to parties subject to administrative protective order (APO) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305, which continues to govern business proprietary information in this segment of the proceeding. Timely written notification of the return or destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

This five-year ("sunset") review and notice are in accordance with sections 751(c), 752(c), and 777(i)(1) of the Act.

Dated: November 29, 2010.

Ronald K. Lorentzen,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 2010–30664 Filed 12–6–10; 8:45 am]

BILLING CODE 3510–DS–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 731–TA–1063, 1064, 1066–1068 (Review)]

Frozen Warmwater Shrimp From Brazil, China, India, Thailand, and Vietnam

AGENCY: United States International Trade Commission.

ACTION: Notice of Commission determinations to conduct full five-year reviews concerning the antidumping duty orders on frozen warmwater shrimp from Brazil, China, India, Thailand, and Vietnam.

SUMMARY: The Commission hereby gives notice that it will proceed with full reviews pursuant to section 751(c)(5) of the Tariff Act of 1930 (19 U.S.C. 1675(c)(5)) to determine whether revocation of the antidumping duty orders on frozen warmwater shrimp from Brazil, China, India, Thailand, and Vietnam would be likely to lead to continuation or recurrence of material injury within a reasonably foreseeable time. A schedule for the reviews will be established and announced at a later date. For further information concerning the conduct of these reviews and rules of general application, consult the Commission's Rules of Practice and Procedure, part 201, subparts A through E (19 CFR part 201), and part 207, subparts A, D, E, and F (19 CFR part 207).

DATES: *Effective Date:* April 9, 2010.

FOR FURTHER INFORMATION CONTACT: Mary Messer (202–205–3193), Office of Investigations, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. General information concerning the Commission may also be obtained by accessing its Internet server (*http://www.usitc.gov*). The public record for these reviews may be viewed on the Commission's electronic docket (EDIS) at *http://edis.usitc.gov.*

SUPPLEMENTARY INFORMATION: On April 9, 2010, the Commission determined that it should proceed to full reviews in the subject five-year reviews pursuant to section 751(c)(5) of the Act. The Commission found that both the domestic and respondent interested party group responses to its notice of institution (75 FR 1078, January 8, 2010) were adequate for each order under review.[1] A record of the Commissioners' votes, the Commission's statement on adequacy, and any individual Commissioner's statements are available from the Office of the Secretary and at the Commission's Web site.

Authority: These reviews are being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to section 207.62 of the Commission's rules.

Issued: April 22, 2010.

By order of the Commission.

Marilyn R. Abbott,

Secretary to the Commission.

[FR Doc. 2010–9812 Filed 4–27–10; 8:45 am]

BILLING CODE 7020–02–P

[1] Commissioner Dean A. Pinkert determined that the respondent interested party response for the review of the order on subject merchandise from Brazil was inadequate but determined to conduct a full review of the order in order to promote administrative efficiency in light of his decision to conduct full reviews with respect to the orders in the other reviews.

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 731–TA–1063, 1064, 1066–1068 (Review)]

Frozen Warmwater Shrimp From Brazil, China, India, Thailand, and Vietnam

AGENCY: United States International Trade Commission.

ACTION: Scheduling of full five-year reviews concerning the antidumping duty orders on frozen warmwater shrimp from Brazil, China, India, Thailand, and Vietnam.

SUMMARY: The Commission hereby gives notice of the scheduling of full reviews pursuant to section 751(c)(5) of the Tariff Act of 1930 (19 U.S.C. 1675(c)(5)) (the Act) to determine whether revocation of the antidumping duty orders on frozen warmwater shrimp from Brazil, China, India, Thailand, and Vietnam would be likely to lead to continuation or recurrence of material injury within a reasonably foreseeable time. The Commission has determined that these reviews are extraordinarily complicated, and will therefore exercise its authority to extend its time for making its determinations by up to 90 days pursuant to 19 U.S.C. 1675(c)(5)(B). For further information concerning the conduct of these reviews and rules of general application, consult the Commission's Rules of Practice and Procedure, part 201, subparts A through

E (19 CFR part 201), and part 207, subparts A, D, E, and F (19 CFR part 207).

DATES: *Effective Date:* April 28, 2010.

FOR FURTHER INFORMATION CONTACT: Elizabeth Haines (202–205–3200), Office of Investigations, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. General information concerning the Commission may also be obtained by accessing its Internet server (*http://www.usitc.gov*). The public record for theses reviews may be viewed on the Commission's electronic docket (EDIS) at *http://edis.usitc.gov.*

SUPPLEMENTARY INFORMATION:

Background.—On April 9, 2010, the Commission determined that it should proceed to full reviews in the subject five-year reviews pursuant to section 751(c)(5) of the Act (75 FR 22424, April 28, 2010). The Commission found that both the domestic and respondent interested party group responses to its notice of institution (75 FR 1078, January 8, 2010) were adequate for each order under review. A record of the Commissioners' votes, the Commission's statement on adequacy, and any individual Commissioner's statements are available from the Office of the Secretary and at the Commission's Web site.

Participation in the reviews and public service list.—Persons, including industrial users of the subject merchandise and, if the merchandise is sold at the retail level, representative consumer organizations, wishing to participate in these reviews as parties must file an entry of appearance with the Secretary to the Commission, as provided in section 201.11 of the Commission's rules, by 45 days after publication of this notice. A party that filed a notice of appearance following publication of the Commission's notice of institution of the reviews need not file an additional notice of appearance. The Secretary will maintain a public service list containing the names and addresses of all persons, or their representatives, who are parties to the reviews.

Limited disclosure of business proprietary information (BPI) under an administrative protective order (APO) and BPI service list.—Pursuant to section 207.7(a) of the Commission's rules, the Secretary will make BPI gathered in these reviews available to authorized applicants under the APO issued in the reviews, provided that the application is made by 45 days after publication of this notice. Authorized applicants must represent interested parties, as defined by 19 U.S.C. 1677(9), who are parties to the reviews. A party granted access to BPI following publication of the Commission's notice of institution of the reviews need not reapply for such access. A separate service list will be maintained by the Secretary for those parties authorized to receive BPI under the APO.

Staff report.—The prehearing staff report in the reviews will be placed in the nonpublic record on January 12, 2011, and a public version will be issued thereafter, pursuant to section 207.64 of the Commission's rules.

Hearing.—The Commission will hold a hearing in connection with the reviews beginning at 9:30 a.m. on February 1, 2011, at the U.S. International Trade Commission Building. Requests to appear at the hearing should be filed in writing with the Secretary to the Commission on or before January 25, 2011. A nonparty who has testimony that may aid the Commission's deliberations may request permission to present a short statement at the hearing. All parties and nonparties desiring to appear at the hearing and make oral presentations should attend a prehearing conference to be held at 9:30 a.m. on January 25, 2011, at the U.S. International Trade Commission Building. Oral testimony and written materials to be submitted at the public hearing are governed by sections 201.6(b)(2), 201.13(f), 207.24, and 207.66 of the Commission's rules. Parties must submit any request to present a portion of their hearing testimony *in camera* no later than 7 business days prior to the date of the hearing.

Written submissions.—Each party to the reviews may submit a prehearing brief to the Commission. Prehearing briefs must conform with the provisions of section 207.65 of the Commission's rules; the deadline for filing is January 20, 2011. Parties may also file written testimony in connection with their presentation at the hearing, as provided in section 207.24 of the Commission's rules, and posthearing briefs, which must conform with the provisions of section 207.67 of the Commission's rules. The deadline for filing posthearing briefs is February 10, 2011; witness testimony must be filed no later than three days before the hearing. In addition, any person who has not entered an appearance as a party to the reviews may submit a written statement of information pertinent to the subject of the reviews on or before February 10, 2011. On March 7, 2011, the Commission will make available to parties all information on which they have not had an opportunity to comment. Parties may submit final comments on this information on or before March 9, 2011, but such final comments must not contain new factual information and must otherwise comply with section 207.68 of the Commission's rules. All written submissions must conform with the provisions of section 201.8 of the Commission's rules; any submissions that contain BPI must also conform with the requirements of sections 201.6, 207.3, and 207.7 of the Commission's rules. The Commission's rules do not authorize filing of submissions with the Secretary by facsimile or electronic means, except to the extent permitted by section 201.8 of the Commission's rules, as amended, 67 FR 68036 (November 8, 2002). Even where electronic filing of a document is permitted, certain documents must also be filed in paper form, as specified in II(c) of the Commission's Handbook on Electronic Filing Procedures, 67 FR 68168, 68173 (November 8, 2002).

Additional written submissions to the Commission, including requests pursuant to section 201.12 of the Commission's rules, shall not be accepted unless good cause is shown for accepting such submissions, or unless the submission is pursuant to a specific request by a Commissioner or Commission staff.

In accordance with sections 201.16(c) and 207.3 of the Commission's rules, each document filed by a party to the reviews must be served on all other parties to the reviews (as identified by either the public or BPI service list), and a certificate of service must be timely filed. The Secretary will not accept a document for filing without a certificate of service.

Authority: These reviews are being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to section 207.62 of the Commission's rules.

Issued: August 5, 2010.

By order of the Commission.

Marilyn R. Abbott,

Secretary to the Commission.

[FR Doc. 2010–19766 Filed 8–10–10; 8:45 am]

BILLING CODE 7020–02–P

EXPLANATION OF COMMISSION DETERMINATION ON ADEQUACY

in

Frozen Warmwater Shrimp from Brazil, China, India, Thailand and Vietnam,
Inv. Nos. 731-TA-1063, 1064, 1066-1068 (Review)

On April 9, 2010, the Commission determined that it should proceed to full reviews in each of the subject five-year reviews pursuant to section 751(c)(3)(B) of the Tariff Act of 1930, as amended, 19 U.S.C. § 1675(c)(3)(B).

The Commission received two responses to the notice of institution from domestic interested parties. One response was filed by the Ad Hoc Shrimp Trade Action Committee (AHSTAC), the petitioner in the original investigations. AHSTAC is an association of eight members, six of which are shrimp fishermen, one of which is a processor, and one of which engages in both fishing and processing. The second response was filed on behalf of the American Shrimp Processors Association (ASPA), the Louisiana Shrimp Association (LSA), Dean Blanchard Seafood, and Seafood Shed. ASPA is an association of 41 entities, 31 of which are involved in processing of frozen warmwater shrimp. LSA is an association of nearly 500 members, the great majority of whom are shrimp fishermen. Dean Blanchard Seafood and Seafood Shed are U.S. processors of frozen warmwater shrimp. The Commission determined that the individual responses of AHSTAC, ASPA, LSA, Dean Blanchard Seafood, and Seafood Shed were adequate. Because the domestic interested parties that filed responses to the notice of institution collectively account for a substantial proportion of domestic production of fresh and frozen warmwater shrimp, the domestic like product that the Commission defined in the original investigations, the Commission also determined that the domestic interested party group response was adequate.

With respect to the antidumping duty order on subject merchandise from Brazil, the Commission received two sets of responses to the notice of institution from respondent interested parties. The first was made by Associacao Brasileira de Criadores de Camaro (ABCC), a foreign trade association which is an interested party because a majority of its members is composed of producers or exporters of the subject merchandise from Brazil. The Commission determined that ABCC's individual response was adequate, notwithstanding deficiencies.[1] The second response was filed jointly by Northern Star, a producer of subject merchandise in Brazil, and Fujicom-USA, a U.S. importer of warmwater shrimp. The Commission determined that the individual response of Northern Star/Fujicom was inadequate.[2] Because ABCC represents a substantial proportion of the production of subject merchandise in Brazil, the Commission determined that the respondent interested party group response was adequate for the review of the order covering subject merchandise from Brazil.[3]

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[1] Most notably, while ABCC did furnish some empirical data about production of subject merchandise in Brazil, it did not provide production and capacity data for its individual members.

[2] Northern Star/Fujicom did not attempt to respond to most of the inquiries made in the notice of institution.

[3] Commissioner Dean A. Pinkert determined that the respondent interested party response for the review of the order on subject merchandise on Brazil was inadequate because, although ABCC estimated that its members accounted for "the vast majority" of Brazilian production of farmed shrimp, ABCC did not provide a sufficiently precise estimate of this figure or estimate ABCC's percentage of all production of subject merchandise in Brazil.

With respect to the antidumping duty order on subject merchandise from China, the Commission received a collective response to the notice of institution from 35 individual members of the Shrimp Committee of China Aquatic Products Processing and Marketing Association (CAPPMA) that produce and/or export subject merchandise.[4] The Commission determined that the individual responses of these 35 CAPPMA members were adequate. Because the 35 responding CAPPMA members represent a substantial proportion of the exports of subject merchandise from China, the Commission determined that the respondent interested party group response was adequate for the review on the order covering subject merchandise from China.

With respect to the antidumping duty order on subject merchandise from India, the Commission received a response to the notice of institution from Seafood Exporters Association of India (SEAI). SEAI is a trade association of seafood producers in India and is an interested party because 278 of its 291 members produce or export frozen warmwater shrimp. The Commission determined that the individual response of SEAI was adequate. Because SEAI represents a substantial proportion of exports of subject merchandise from India, the Commission determined that the respondent interested party group response was adequate for the review of the order covering subject merchandise from India.

With respect to the antidumping duty order on subject merchandise from Thailand, the Commission received a collective response to the notice of institution from 38 individual members of the Thai Frozen Food Association (TFFA) that produce and/or export subject merchandise.[5] The Commission determined that the individual responses of these 38 TFFA members were adequate. Because the 38 responding TFFA members represent a substantial proportion of the exports of subject merchandise from Thailand, the Commission determined that the respondent interested party group response was adequate for the review of the order covering subject merchandise from Thailand.

With respect to the antidumping duty order on subject merchandise from Vietnam, the Commission received a collective response to the notice of institution from 28 individual producers and exporters of subject merchandise from Vietnam. The Commission determined that the individual responses of these 28 producers were adequate. Because the 28 responding producers represent a substantial proportion of the exports of subject merchandise from Vietnam, the Commission determined that the respondent interested party group was adequate for the review of the order covering subject merchandise from Vietnam.

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[4] Because counsel states CAPPMA's Shrimp Committee has 165 members, and it has identified only 35 of those members as producers or exporters of subject merchandise, there is insufficient information in the record to conclude that CAPPMA is an interested party. *See* 19 U.S.C. § 1677(9). Each of the 35 members identified in the response to the notice of institution, however, is an interested party. CAPPMA has indicated that its entry of appearance should be considered to be on behalf of the 35 individual members if the association is not itself an interested party. The Commission consequently evaluated the responses of the individual members.

[5] The record indicates that 82 of the 178 TFFA members produce or export subject merchandise and have not been revoked from the order. Because this is not a majority, the record indicates that TFFA is not an interested party in its own right. In any event, TFFA did not purport to submit data for the association, but only for 38 of its individual members. Counsel also entered appearances for these members. The Commission consequently evaluated the responses of these 38 members.

Consequently, in each of the subject reviews both the domestic interested party group response and the respondent interested party group response was adequate. The Commission accordingly determined to conduct full reviews in each of the subject reviews.[6]

A record of the Commissioners' votes is available from the Office of the Secretary and the Commission's web site (http://www.usitc.gov).

[6] While Commissioner Pinkert found respondent interested party group response inadequate for the review of the order on subject merchandise from Brazil, he nevertheless determined to conduct a full review of the order in order to promote administrative efficiency in light of his decision to conduct full reviews with respect to the orders in the other reviews.

APPENDIX B

HEARING WITNESSES

CALENDAR OF PUBLIC HEARING

Those listed below appeared as witnesses at the United States International Trade Commission's hearing:

Subject:	Frozen Warmwater Shrimp from Brazil, China, India, Thailand, and Vietnam
Inv. Nos.:	731-TA-1063, 1064, and 1066-1068 (Review)
Date and Time:	February 1, 2011 - 9:30 a.m.

Sessions were held in connection with these investigations in the Main Hearing Room (room 101), 500 E Street, SW, Washington, D.C.

CONGRESSIONAL WITNESSES:

The Honorable Thad Cochran, United States Senator, Mississippi

The Honorable Mary L. Landrieu, United States Senator, Louisiana

The Honorable Roger F. Wicker, United States Senator, Mississippi

STATE GOVERNMENT WITNESS:

The Honorable Joseph A. Harrison, State Representative, District 51, Louisiana

OPENING REMARKS:

In Support of Continuation (**Elizabeth J. Drake**, Stewart and Stewart)
In Opposition to Continuation (**Warren J. Connelly**, Akin Gump Strauss Hauer & Feld LLP)

In Support of the Continuation of
Antidumping Duty Orders:

Stewart and Stewart
Washington, D.C.

and

Leake & Anderson L.L.P.
New Orleans, LA

and

Picard Kentz & Rowe LLP
Washington, D.C.
on behalf of

The American Shrimp Processors Association ("ASPA")
The Louisiana Shrimp Association ("LSA")
Dean Blanchard Seafood, Inc.
Seafood Shed
The Ad Hoc Shrimp Trade Action Committee

E. Richard Gollott, Sr., Vice President, Golden Gulf Coast Packaging Co., Inc.

Clint P. Guidry, Jr., President, LSA

Jonathan McLendon, Controller, Biloxi Freezing & Processing, Inc.

Trey Pearson, President, JBS Packing Company, Inc.

Angel Truong, Vice Chairperson, Asian Americans for Change

Dr. David Veal, Executive Director, ASPA

In Support of the Continuation of
Antidumping Duty Orders (continued):

Jonathan D. Appelbaum, President, Penguin Frozen Foods, Inc.

James Blanchard, President, Big Grapes, Inc.

O. Steven Bosarge, Chief Operations Officer, Bosarge Boats, Inc.

Nicole Dubberly, Shrimper & Marketing Consultant

Regina Garcia Pena, Chief Executive Officer, Philly Seafood Company, Inc.

Terence P. Stewart)
Eric P. Salonen)
Elizabeth J. Drake)
) – OF COUNSEL
Edward T. Hayes)
)
Kevin M. O'Connor)
Nathaniel Maandig Rickard)

In Opposition to the Continuation of
Antidumping Duty Orders:

Akin Gump Strauss Hauer & Feld LLP
Washington, D.C.

and

Trade Pacific PLLC
Washington, D.C.

and

Thompson Hine LLP
Washington, D.C.
on behalf of

Chinese, Indian, Thai, and Vietnamese Respondents

Eric Bloom, President, Eastern Fish Company

Andrew Kaelin, Managing Director, AIS Aqua Foods, Inc.

Jeff Stern, Vice President of Purchasing, Censea, Inc.

Stephen Weitzer, CEO, Arista Industries, Inc.

Warren Connelly)
Jarrod Goldfeder)
)
Robert Gosselink) – OF COUNSEL
Jon Freed)
)
Matthew Nicely)
David Christy)

REBUTTAL/CLOSING REMARKS:

In Support of Continuation (**Elizabeth J. Drake**, Stewart and Stewart; *and* **Kevin M. O'Connor**, Picard Kentz & Rowe LLP)
In Opposition to Continuation (**Matthew Nicely**, Thompson Hine LLP)

-END-

APPENDIX C

SUMMARY DATA

Table C-1
Frozen WW shrimp: Summary data concerning the U.S. market, 2005-09, January-September 2009, and January-September 2010

(Quantity=1,000 pounds, value=1,000 dollars, unit values, unit labor costs, and unit expenses are per pound; period changes=percent, except where noted)

	Reported data							Period changes					
						January-September							Jan.-Sept.
Item	2005	2006	2007	2008	2009	2009	2010	2005-09	2005-06	2006-07	2007-08	2008-09	2009-10
U.S. consumption quantity:													
Amount	1,169,260	1,334,762	1,261,164	1,254,032	1,259,986	891,707	832,301	7.8	14.2	-5.5	-0.6	0.5	-6.7
Producers' share (1)	11.0	12.7	10.9	9.2	11.9	12.7	7.1	0.9	1.7	-1.8	-1.8	2.7	-5.6
Importers' share (1):													
Brazil	0.6	0.1	0.0	0.0	0.0	0.0	0.0	-0.6	-0.5	-0.1	0.0	-0.0	0.0
China (subject)	***	***	***	***	***	***	***	***	***	***	***	***	***
Ecuador (subject)	***	***	***	***	***	***	***	***	***	***	***	***	***
India (subject)	***	***	***	***	***	***	***	***	***	***	***	***	***
Thailand (subject)	***	***	***	***	***	***	***	***	***	***	***	***	***
Vietnam	7.9	5.9	6.6	8.2	7.0	7.0	7.5	-0.9	-2.0	0.7	1.6	-1.2	0.6
Subtotal (subject)	***	***	***	***	***	***	***	***	***	***	***	***	***
China (nonsubject)	***	***	***	***	***	***	***	***	***	***	***	***	***
Ecuador (nonsubject)	***	***	***	***	***	***	***	***	***	***	***	***	***
India (nonsubject)	***	***	***	***	***	***	***	***	***	***	***	***	***
Thailand (nonsubject)	***	***	***	***	***	***	***	***	***	***	***	***	***
All other sources	33.8	31.9	33.4	35.7	31.8	32.0	29.8	-2.0	-1.9	1.5	2.4	-3.9	-2.3
Subtotal (nonsubject)	***	***	***	***	***	***	***	***	***	***	***	***	***
Total imports	89.0	87.3	89.1	90.8	88.1	87.3	92.9	-0.9	-1.7	1.8	1.8	-2.7	5.6
U.S. consumption value:													
Amount	4,034,123	4,631,645	4,367,136	4,564,116	4,239,648	3,000,643	2,961,350	5.1	14.8	-5.7	4.5	-7.1	-1.3
Producers' share (1)	13.9	14.9	13.1	12.6	14.0	15.0	9.0	0.1	1.0	-1.8	-0.5	1.4	-5.9
Importers' share (1):													
Brazil	0.3	0.1	0.0	0.0	0.0	0.0	0.0	-0.3	-0.2	-0.1	0.0	-0.0	0.0
China (subject)	***	***	***	***	***	***	***	***	***	***	***	***	***
Ecuador (subject)	***	***	***	***	***	***	***	***	***	***	***	***	***
India (subject)	***	***	***	***	***	***	***	***	***	***	***	***	***
Thailand (subject)	***	***	***	***	***	***	***	***	***	***	***	***	***
Vietnam	11.1	9.4	10.6	10.6	9.0	8.9	10.2	-2.2	-1.7	1.2	0.1	-1.7	1.3
Subtotal (subject)	***	***	***	***	***	***	***	***	***	***	***	***	***
China (nonsubject)	***	***	***	***	***	***	***	***	***	***	***	***	***
Ecuador (nonsubject)	***	***	***	***	***	***	***	***	***	***	***	***	***
India (nonsubject)	***	***	***	***	***	***	***	***	***	***	***	***	***
Thailand (nonsubject)	***	***	***	***	***	***	***	***	***	***	***	***	***
All other sources	34.0	31.7	33.2	34.6	30.6	30.9	28.6	-3.4	-2.2	1.5	1.4	-4.0	-2.2
Subtotal (nonsubject)	***	***	***	***	***	***	***	***	***	***	***	***	***
Total imports	86.1	85.1	86.9	87.4	86.0	85.0	91.0	-0.1	-1.0	1.8	0.5	-1.4	5.9
U.S. imports from:													
Brazil:													
Quantity	6,591	1,298	0	37	37	37	43	-99.4	-80.3	-100.0	(2)	-0.4	14.7
Value	13,042	3,894	0	310	86	86	120	-99.3	-70.1	-100.0	(2)	-72.3	39.1
Unit value	$1.98	$3.00	(2)	$8.34	$2.32	$2.32	$2.82	17.4	51.6	(2)	(2)	-72.2	21.2
Ending inventory quantity	***	***	***	***	***	***	***	***	***	***	***	***	***
China (subject):													
Quantity	***	***	***	***	***	***	***	***	***	***	***	***	***
Value	***	***	***	***	***	***	***	***	***	***	***	***	***
Unit value	***	***	***	***	***	***	***	***	***	***	***	***	***
Ending inventory quantity	***	***	***	***	***	***	***	***	***	***	***	***	***
Ecuador (subject):													
Quantity	***	***	***	***	***	***	***	***	***	***	***	***	***
Value	***	***	***	***	***	***	***	***	***	***	***	***	***
Unit value	***	***	***	***	***	***	***	***	***	***	***	***	***
Ending inventory quantity	***	***	***	***	***	***	***	***	***	***	***	***	***
India (subject):													
Quantity	***	***	***	***	***	***	***	***	***	***	***	***	***
Value	***	***	***	***	***	***	***	***	***	***	***	***	***
Unit value	***	***	***	***	***	***	***	***	***	***	***	***	***
Ending inventory quantity	***	***	***	***	***	***	***	***	***	***	***	***	***
Thailand (subject):													
Quantity	***	***	***	***	***	***	***	***	***	***	***	***	***
Value	***	***	***	***	***	***	***	***	***	***	***	***	***
Unit value	***	***	***	***	***	***	***	***	***	***	***	***	***
Ending inventory quantity	***	***	***	***	***	***	***	***	***	***	***	***	***
Vietnam:													
Quantity	92,890	79,149	83,689	102,944	88,489	62,002	62,607	-4.7	-14.8	5.7	23.0	-14.0	1.0
Value	448,803	434,290	462,043	485,410	379,595	266,137	301,412	-15.4	-3.2	6.4	5.1	-21.8	13.3
Unit value	$4.83	$5.49	$5.52	$4.72	$4.29	$4.29	$4.81	-11.2	13.6	0.6	-14.6	-9.0	12.2
Ending inventory quantity	***	***	***	***	***	***	***	***	***	***	***	***	***
Subtotal (subject):													
Quantity	***	***	***	***	***	***	***	***	***	***	***	***	***
Value	***	***	***	***	***	***	***	***	***	***	***	***	***
Unit value	***	***	***	***	***	***	***	***	***	***	***	***	***
Ending inventory quantity	***	***	***	***	***	***	***	***	***	***	***	***	***

Table continued on next page.

Table C-1--Continued
Warmwater shrimp and prawns: Summary data concerning the U.S. market, 2005-09, January-September 2009, and January-September 2010

(Quantity=1,000 pounds, value=1,000 dollars, unit values, unit labor costs, and unit expenses are per pound; period changes=percent, except where noted)

	Reported data							Period changes					
						January-September							Jan.-Sept.
Item	2005	2006	2007	2008	2009	2009	2010	2005-09	2005-06	2006-07	2007-08	2008-09	2009-10
U.S. imports from:													
China (nonsubject):													
Quantity	***	***	***	***	***	***	***	***	***	***	***	***	***
Value	***	***	***	***	***	***	***	***	***	***	***	***	***
Unit value	***	***	***	***	***	***	***	***	***	***	***	***	***
Ending inventory quantity	***	***	***	***	***	***	***	***	***	***	***	***	***
Ecuador (nonsubject):													
Quantity	***	***	***	***	***	***	***	***	***	***	***	***	***
Value	***	***	***	***	***	***	***	***	***	***	***	***	***
Unit value	***	***	***	***	***	***	***	***	***	***	***	***	***
Ending inventory quantity	***	***	***	***	***	***	***	***	***	***	***	***	***
India (nonsubject):													
Quantity	***	***	***	***	***	***	***	***	***	***	***	***	***
Value	***	***	***	***	***	***	***	***	***	***	***	***	***
Unit value	***	***	***	***	***	***	***	***	***	***	***	***	***
Ending inventory quantity	***	***	***	***	***	***	***	***	***	***	***	***	***
Thailand (nonsubject):													
Quantity	***	***	***	***	***	***	***	***	***	***	***	***	***
Value	***	***	***	***	***	***	***	***	***	***	***	***	***
Unit value	***	***	***	***	***	***	***	***	***	***	***	***	***
Ending inventory quantity	***	***	***	***	***	***	***	***	***	***	***	***	***
All other sources:													
Quantity	395,592	425,948	420,789	448,302	401,163	285,675	247,760	1.4	7.7	-1.2	6.5	-10.5	-13.3
Value	1,370,781	1,469,994	1,449,913	1,577,511	1,295,902	925,911	847,564	-5.5	7.2	-1.4	8.8	-17.9	-8.5
Unit value	$3.47	$3.45	$3.45	$3.52	$3.23	$3.24	$3.42	-6.8	-0.4	-0.2	2.1	-8.2	5.5
Ending inventory quantity	***	***	***	***	***	***	***	***	***	***	***	***	***
Subtotal (nonsubject):													
Quantity	***	***	***	***	***	***	***	***	***	***	***	***	***
Value	***	***	***	***	***	***	***	***	***	***	***	***	***
Unit value	***	***	***	***	***	***	***	***	***	***	***	***	***
Ending inventory quantity	***	***	***	***	***	***	***	***	***	***	***	***	***
All sources:													
Quantity	1,041,157	1,165,462	1,123,447	1,139,216	1,110,013	778,213	773,300	6.6	11.9	-3.6	1.4	-2.6	-0.6
Value	3,473,446	3,943,425	3,794,958	3,989,238	3,646,368	2,551,667	2,694,296	5.0	13.5	-3.8	5.1	-8.6	5.6
Unit value	$3.34	$3.38	$3.38	$3.50	$3.28	$3.28	$3.48	-1.5	1.4	-0.2	3.7	-6.2	6.3
Ending inventory quantity	78,719	88,803	77,856	82,095	82,383	84,907	87,319	4.7	12.8	-12.3	5.4	0.4	2.8
U.S. processors':													
Average capacity quantity	***	***	***	***	***	***	***	***	***	***	***	***	***
Production quantity	***	***	***	***	***	***	***	***	***	***	***	***	***
Capacity utilization (1)	***	***	***	***	***	***	***	***	***	***	***	***	***
U.S. shipments:													
Quantity	***	***	***	***	***	***	***	***	***	***	***	***	***
Value	***	***	***	***	***	***	***	***	***	***	***	***	***
Unit value	***	***	***	***	***	***	***	***	***	***	***	***	***
Export shipments:													
Quantity	***	***	***	***	***	***	***	***	***	***	***	***	***
Value	***	***	***	***	***	***	***	***	***	***	***	***	***
Unit value	***	***	***	***	***	***	***	***	***	***	***	***	***
Ending inventory quantity	***	***	***	***	***	***	***	***	***	***	***	***	***
Inventories/total shipments (1)	***	***	***	***	***	***	***	***	***	***	***	***	***
Production workers	***	***	***	***	***	***	***	***	***	***	***	***	***
Hours worked (1,000s)	***	***	***	***	***	***	***	***	***	***	***	***	***
Wages paid ($1,000s)	***	***	***	***	***	***	***	***	***	***	***	***	***
Hourly wages	***	***	***	***	***	***	***	***	***	***	***	***	***
Productivity (pounds per hour)	***	***	***	***	***	***	***	***	***	***	***	***	***
Unit labor costs	***	***	***	***	***	***	***	***	***	***	***	***	***
Net sales:													
Quantity	***	***	***	***	***	***	***	***	***	***	***	***	***
Value	***	***	***	***	***	***	***	***	***	***	***	***	***
Unit value	***	***	***	***	***	***	***	***	***	***	***	***	***
Cost of goods sold (COGS)	***	***	***	***	***	***	***	***	***	***	***	***	***
Gross profit or (loss)	***	***	***	***	***	***	***	***	***	***	***	***	***
SG&A expenses	***	***	***	***	***	***	***	***	***	***	***	***	***
Operating income or (loss)	***	***	***	***	***	***	***	***	***	***	***	***	***
Capital expenditures	***	***	***	***	***	***	***	***	***	***	***	***	***
Unit COGS	***	***	***	***	***	***	***	***	***	***	***	***	***
Unit SG&A expenses	***	***	***	***	***	***	***	***	***	***	***	***	***
Unit operating income or (loss)	***	***	***	***	***	***	***	***	***	***	***	***	***
COGS/sales (1)	***	***	***	***	***	***	***	***	***	***	***	***	***
Operating income or (loss)/ sales (1)	***	***	***	***	***	***	***	***	***	***	***	***	***
Calculated U.S. shipments:													
Quantity	128,103	169,300	137,717	114,817	149,973	113,495	59,001	17.1	32.2	-18.7	-16.6	30.6	-48.0
Value	560,677	688,219	572,179	574,878	593,281	448,976	267,054	5.8	22.7	-16.9	0.5	3.2	-40.5
Unit value	$4.38	$4.07	$4.15	$5.01	$3.96	$3.96	$4.53	-9.6	-7.1	2.2	20.5	-21.0	14.4

(1) "Reported data" are in percent and "period changes" are in percentage points.
(2) Not available/not applicable.
(3) Undefined.

Note.--Financial data are reported on a fiscal year basis and may not necessarily be comparable to data reported on a calendar year basis. Because of rounding, figures may not add to the totals shown. Unit values and shares are calculated from the unrounded figures.

Source: Compiled from data submitted in response to Commission questionnaires, National Marine Fisheries Services statistics, and official Commerce statistics.

Table C-2
Frozen WW shrimp: Summary data concerning the U.S. market (excluding *), 2005-09, January-September 2009, and January-September 2010**

(Quantity=1,000 pounds, value=1,000 dollars, unit values, unit labor costs, and unit expenses are per pound; period changes=percent, except where noted)

	Reported data							Period changes					
						January-September							Jan.-Sept.
Item	2005	2006	2007	2008	2009	2009	2010	2005-09	2005-06	2006-07	2007-08	2008-09	2009-10
U.S. processors':													
Average capacity quantity	315,473	364,360	380,512	394,964	399,753	286,796	278,103	26.7	15.5	4.4	3.8	1.2	-3.0
Production quantity	126,682	163,863	145,266	126,257	146,197	105,576	68,350	15.4	29.3	-11.3	-13.1	15.8	-35.3
Capacity utilization (1)	40.2	44.6	38.2	32.0	36.6	36.8	24.6	-3.6	4.4	-6.4	-6.2	4.6	-12.2
U.S. shipments:													
Quantity	125,012	152,018	142,848	123,616	144,752	106,340	84,773	15.8	21.6	-6.0	-13.5	17.1	-20.3
Value	393,284	446,846	472,791	428,464	397,242	304,405	292,236	1.0	13.6	5.8	-9.4	-7.3	-4.0
Unit value	$3.15	$2.99	$3.36	$3.53	$2.93	$3.05	$3.67	-7.0	-5.0	12.4	5.0	-17.1	20.3
Export shipments:													
Quantity	2,348	1,928	1,714	1,419	1,454	1,130	294	-38.1	-17.9	-11.1	-17.2	2.5	-74.0
Value	6,806	4,924	4,447	3,839	3,511	2,775	864	-48.4	-27.7	-9.7	-13.7	-8.5	-68.9
Unit value	$2.90	$2.55	$2.59	$2.71	$2.41	$2.46	$2.94	-16.7	-11.9	1.6	4.3	-10.7	19.7
Ending inventory quantity	21,386	28,226	28,991	31,606	34,776	30,035	20,882	62.6	32.0	2.7	9.0	10.0	-30.5
Inventories/total shipments (1)	16.8	18.3	20.1	25.3	23.8	21.0	18.4	7.0	1.5	1.7	5.2	-1.5	-2.5
Production workers	1,498	1,430	1,473	1,356	1,489	1,476	1,291	-0.6	-4.5	3.0	-7.9	9.8	-12.5
Hours worked (1,000s)	2,698	2,857	2,937	2,570	3,043	2,220	1,845	12.8	5.9	2.8	-12.5	18.4	-16.9
Wages paid ($1,000s)	26,834	30,531	31,680	30,907	34,248	24,423	20,440	27.6	13.8	3.8	-2.4	10.8	-16.3
Hourly wages	$9.95	$10.69	$10.79	$12.03	$11.26	$11.00	$11.08	13.2	7.4	0.9	11.5	-6.4	0.7
Productivity (pounds per hour)	45.5	54.4	48.0	48.0	47.0	47.0	38.4	3.4	19.8	-11.8	-0.1	-2.1	-18.3
Unit labor costs	$0.22	$0.20	$0.22	$0.25	$0.24	$0.23	$0.30	9.4	-10.3	14.4	11.6	-4.4	27.8
Net sales:													
Quantity	125,932	151,001	141,919	123,115	137,160	101,669	81,588	8.9	19.9	-6.0	-13.2	11.4	-19.8
Value	400,964	451,538	480,852	434,868	406,169	310,197	294,675	1.3	12.6	6.5	-9.6	-6.6	-5.0
Unit value	$3.18	$2.99	$3.39	$3.53	$2.96	$3.05	$3.61	-7.0	-6.1	13.3	4.2	-16.2	18.4
Cost of goods sold (COGS)	371,689	415,676	443,562	405,606	366,910	284,174	269,457	-1.3	11.8	6.7	-8.6	-9.5	-5.2
Gross profit or (loss)	29,275	35,862	37,290	29,262	39,259	26,023	25,218	34.1	22.5	4.0	-21.5	34.2	-3.1
SG&A expenses	29,857	33,232	36,454	35,094	35,655	26,412	23,784	19.4	11.3	9.7	-3.7	1.6	-10.0
Operating income or (loss)	(582)	2,630	836	(5,832)	3,604	(389)	1,434	(3)	(3)	-68.2	(3)	(3)	(3)
Capital expenditures	3,669	7,269	8,496	5,214	4,920	4,054	6,598	34.1	98.1	16.9	-38.6	-5.6	62.8
Unit COGS	$2.95	$2.75	$3.13	$3.29	$2.68	$2.80	$3.30	-9.4	-6.7	13.5	5.4	-18.8	18.2
Unit SG&A expenses	$0.24	$0.22	$0.26	$0.29	$0.26	$0.26	$0.29	9.6	-7.2	16.7	11.0	-8.8	12.2
Unit operating income or (loss)	($0.00)	$0.02	$0.01	($0.05)	$0.03	($0.00)	$0.02	(3)	(3)	-66.2	(3)	(3)	(3)
COGS/sales (1)	92.7	92.1	92.2	93.3	90.3	91.6	91.4	-2.4	-0.6	0.2	1.0	-2.9	-0.2
Operating income or (loss)/ sales (1)	(0.1)	0.6	0.2	(1.3)	0.9	(0.1)	0.5	1.0	0.7	-0.4	-1.5	2.2	0.6

(1) "Reported data" are in percent and "period changes" are in percentage points.
(2) Not available/not applicable.
(3) Undefined.

Note.--Financial data are reported on a fiscal year basis and may not necessarily be comparable to data reported on a calendar year basis. Because of rounding, figures may not add to the totals shown. Unit values and shares are calculated from the unrounded figures.

Source: Compiled from data submitted in response to Commission questionnaires.

APPENDIX D

RESPONSES OF U.S. PRODUCERS, U.S. IMPORTERS, U.S. PURCHASERS, BRAZILIAN, CHINESE, INDIAN, THAI, AND VIETNAMESE PRODUCERS CONCERNING THE SIGNIFICANCE OF THE ANTIDUMPING DUTY ORDER AND THE LIKELY EFFECTS OF REVOCATION

U.S. PRODUCERS' COMMENTS REGARDING THE SIGNIFICANCE OF THE ANTIDUMPING DUTY ORDER AND THE LIKELY EFFECTS OF REVOCATION

The Commission requested U.S. processors to describe the significance of the existing antidumping orders covering imports of frozen warmwater shrimp from Brazil, China, India, Thailand, and Vietnam in terms of its effect on their firm's production capacity, production, U.S. shipments, inventories, purchases, employment, revenues, costs, profits, cash flow, capital expenditures, research and development expenditures, and asset values. (Question II-19.) The following are quotations from the responses of producers.

* * * * * * *

The Commission requested U.S. processors if they would anticipate any changes in their production capacity, production, U.S. shipments, inventories, purchases, employment, revenues, costs, profits, cash flow, capital expenditures, research and development expenditures, and asset values relating to the production of frozen warmwater shrimp in the future if the antidumping duty orders on frozen warmwater shrimp from Brazil, China, India, Thailand, and Vietnam were revoked. (Question II-20.) The following are quotations from the responses of processors.

* * * * * * *

U.S. IMPORTERS' COMMENTS REGARDING THE SIGNIFICANCE OF THE ANTIDUMPING DUTY ORDER AND THE LIKELY EFFECTS OF REVOCATION

The Commission requested U.S. importers to describe any anticipated changes in the character of their operations or organizations relating to the importation of frozen warmwater shrimp in the future.(Question II-3.) The following are quotations from the responses of U.S. importers.

* * * * * * *

The Commission requested U.S. importers to describe any anticipated changes to the character of their operations or organizations relating to the importation of frozen warmwater shrimpin the future if the antidumping duty orders were to be revoked. (Question II-4.) The following are quotations from the responses of U.S. importers.

* * * * * * *

The Commission requested U.S. importers to describe the significance of the existing antidumping duty orders covering imports of frozen warmwater shrimp from Brazil, China, India, Thailand, or Vietnam in terms of its effect on their imports, U.S. shipments of imports, and inventories. (Question II-13). The following are quotations from the responses of importers.

* * * * * * *

The Commission requested U.S. importers to describe any anticipated changes in their imports, U.S. shipments of imports, or inventories of frozen warmwater shrimp in the future if the existing antidumping duty orders Brazil, China, India, Thailand, or Vietnam were revoked. (Question II-14). The following are quotations from the responses of importers.

* * * * * * *

U.S. PURCHASER COMMENTS REGARDING THE SIGNIFICANCE OF THE ANTIDUMPING DUTY ORDERS AND THE LIKELY EFFECTS OF REVOCATION

The Commission asked U. S. purchasers to comment on the likely effect of any revocation of the antidumping duty orders covering frozen warmwater shrimp from Brazil, China, India, Thailand, and Vietnam. They were asked to discuss the potential effects of revocation of the antidumping duty orders in terms of (1) the future activities of their firm and (2) the U.S. market as a whole. (Question III-30.) Their responses are as follows.

* * * * * * *

The Commission asked U. S. purchasers to identify and discuss (1) any improvements/changes in the U.S. frozen warmwater shrimp industry since 2005 and (2) what improvements/changes in the U.S. frozen warmwater shrimp industry they anticipate in the future. The firms were also asked to explain the factor(s) responsible for each improvement/change (Question II-29). Their responses are as follows.

* * * * * * *

FOREIGN PRODUCERS'/EXPORTERS COMMENTS REGARDING THE SIGNIFICANCE OF THE ANTIDUMPING DUTY ORDERS AND THE LIKELY EFFECTS OF REVOCATION

The Commission requested foreign producers/exporters to describe any anticipated changes to the character of their operations or organizations relating to the production frozen warmwater shrimp in the future (Question II-3). The following are quotations from the responses of foreign producers.

* * * * * * *

The Commission requested foreign producers/exporters to describe any anticipated changes to the character of their operations or organizations relating to the production frozen warmwater shrimp in the future if the antidumping duty orders were to be revoked (Question II-4). The following are quotations from the responses of foreign producers.

* * * * * * *

The Commission requested foreign producers/exporters to describe the significance of the existing orders covering imports of frozen warmwater shrimp in terms of its effects on their firm's production capacity, home market shipments, exports to the United States and other markets, and inventories. (Question II-12). The following are quotations from the responses of foreign producers.

* * * * * * *

The Commission requested foreign producers/exporters to describe any anticipated changes in their firm's production capacity, production, home market shipments, exports to the United States and other markets, or inventories relating to the production of frozen warmwater shrimp in the future if the antidumping duty orders were revoked. (Question II-13). The following are quotations from the responses of foreign producers.

* * * * * * *

APPENDIX E

U.S. FISHERMEN DATA

Table E-1
Warmwater shrimp: U.S. fishermen, location, quantity of harvest in 2009, share of U.S. harvest in 2009, position on continuation of orders, and position of changed circumstance request

Firm	Location	Harvest in 2009		Positions on the continuation of the orders					Position on changed circumstance request seeking revocation of order on Thailand
		Quantity	Share						
		Pounds	*Percent*	Brazil	China	India	Thailand	Vietnam	
Albert J. Granger	LA	***	***	***	***	***	***	***	***
Anna Grace	SC	***	***	***	***	***	***	***	***
B & B Boats	MS	***	***	***	***	***	***	***	***
Big Grapes	LA	***	***	***	***	***	***	***	***
Blue Ocean	LA	***	***	***	***	***	***	***	***
Bodden Caddell	TX	***	***	***	***	***	***	***	***
Brad R. Onacay	LA	***	***	***	***	***	***	***	***
Bun Ly Long Keo	LA	***	***	***	***	***	***	***	***
Byron Despaux	LA	***	***	***	***	***	***	***	***
C.A. Magwood	SC	***	***	***	***	***	***	***	***
Captain Joe's Seafood	MS	***	***	***	***	***	***	***	***
Captain Price	LA	***	***	***	***	***	***	***	***
Captain Sang	LA	***	***	***	***	***	***	***	***
Captain Vie	LA	***	***	***	***	***	***	***	***
Captain Walley	TX	***	***	***	***	***	***	***	***
Carl A. Stelly	LA	***	***	***	***	***	***	***	***
Charles Rebstock	LA	***	***	***	***	***	***	***	***
Chris Hansen Seafood	LA	***	***	***	***	***	***	***	***
Christopher A. Vallot	LA	***	***	***	***	***	***	***	***
Cleveland L. Dale	LA	***	***	***	***	***	***	***	***
Clinton Guidry Jr.	LA	***	***	***	***	***	***	***	***
Co. D. Ha	AL	***	***	***	***	***	***	***	***

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Table E-1--*Continued*
Warmwater shrimp: U.S. fishermen, location, quantity of harvest in 2009, share of U.S. harvest in 2009, position on continuation of orders, and position of changed circumstance request

Firm	Location	Harvest in 2009		Positions on the continuation of the orders					Position on changed circumstance request seeking revocation of order on Thailand
		Quantity	Share						
		Pounds	*Percent*	Brazil	China	India	Thailand	Vietnam	
Daddy's Boy	GA	***	***	***	***	***	***	***	***
Dale Levron	LA	***	***	***	***	***	***	***	***
Dan V. Nguyen	LA	***	***	***	***	***	***	***	***
Danh T. Le	LA	***	***	***	***	***	***	***	***
Daniel Davis	LA	***	***	***	***	***	***	***	***
Daniel M. Bruce Sr.	LA	***	***	***	***	***	***	***	***
Daniel Palmisano	LA	***	***	***	***	***	***	***	***
Don Coulon	LA	***	***	***	***	***	***	***	***
Donald Basse	LA	***	***	***	***	***	***	***	***
Dwayne Pamisana Jr.	LA	***	***	***	***	***	***	***	***
Earl Aucion	LA	***	***	***	***	***	***	***	***
Earl Plaisance	LA	***	***	***	***	***	***	***	***
Erica Lynn	AL	***	***	***	***	***	***	***	***
Fair Maiden Seafood	MS	***	***	***	***	***	***	***	***
Frank D. Kruth	LA	***	***	***	***	***	***	***	***
Gale Force	GA	***	***	***	***	***	***	***	***
Gavin C. Parria Sr.	LA	***	***	***	***	***	***	***	***
Gayland Lascoste Fishing	LA	***	***	***	***	***	***	***	***
Gene B. Vincent	LA	***	***	***	***	***	***	***	***
George R. Kuhn	LA	***	***	***	***	***	***	***	***

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Table E-1--*Continued*
Warmwater shrimp: U.S. fishermen, location, quantity of harvest in 2009, share of U.S. harvest in 2009, position on continuation of orders, and position of changed circumstance request

Firm	Location	Harvest in 2009		Positions on the continuation of the orders					Position on changed circumstance request seeking revocation of order on Thailand
		Quantity	Share						
		Pounds	*Percent*	Brazil	China	India	Thailand	Vietnam	
George T. Reno	LA	***	***	***	***	***	***	***	***
Gerry J. Helmer	LA	***	***	***	***	***	***	***	***
Gore Seafood	FL	***	***	***	***	***	***	***	***
H & A Seafood	LA	***	***	***	***	***	***	***	***
H & N	LA	***	***	***	***	***	***	***	***
Hanh Vo	LA	***	***	***	***	***	***	***	***
Hen Lim Lai	LA	***	***	***	***	***	***	***	***
Henry McAnespy	LA	***	***	***	***	***	***	***	***
Henry Nguyen	LA	***	***	***	***	***	***	***	***
Ho Van Tran	LA	***	***	***	***	***	***	***	***
Hoang C. Nguyen	LA	***	***	***	***	***	***	***	***
Hong & Men	MS	***	***	***	***	***	***	***	***
Hung P. Tran	LA	***	***	***	***	***	***	***	***
J & J Rentals	TX	***	***	***	***	***	***	***	***
Jackie Riley	LA	***	***	***	***	***	***	***	***
James C. Pelas	LA	***	***	***	***	***	***	***	***
James J. Matherne Sr.	LA	***	***	***	***	***	***	***	***
James Serigne	LA	***	***	***	***	***	***	***	***
Jerry D. Parria	LA	***	***	***	***	***	***	***	***
Jess J. Galjour	LA	***	***	***	***	***	***	***	***
John B. Touchard Jr.	LA	***	***	***	***	***	***	***	***

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Table E-1--*Continued*
Warmwater shrimp: U.S. fishermen, location, quantity of harvest in 2009, share of U.S. harvest in 2009, position on continuation of orders, and position of changed circumstance request

Firm	Location	Harvest in 2009		Positions on the continuation of the orders					Position on changed circumstance request seeking revocation of order on Thailand
		Quantity	Share						
		Pounds	*Percent*	Brazil	China	India	Thailand	Vietnam	
John F. Blanchard Jr.	LA	***	***	***	***	***	***	***	***
John Verdin	LA	***	***	***	***	***	***	***	***
John W. Brown	LA	***	***	***	***	***	***	***	***
Joseph C. Sauce Jr.	LA	***	***	***	***	***	***	***	***
Joseph F. Latapie Sr.	LA	***	***	***	***	***	***	***	***
Justin Mitchell	AL	***	***	***	***	***	***	***	***
J.F. Dubberly/Julie Shea	GA	***	***	***	***	***	***	***	***
Ken Despaux	LA	***	***	***	***	***	***	***	***
Kerry D. Rojas	LA	***	***	***	***	***	***	***	***
Kong Duong	LA	***	***	***	***	***	***	***	***
Ky Van Le	LA	***	***	***	***	***	***	***	***
Lady Gail	MS	***	***	***	***	***	***	***	***
Larry J. Alexie Sr.	LA	***	***	***	***	***	***	***	***
Larry J. Helmer Sr.	LA	***	***	***	***	***	***	***	***
Larry Mathoric Jr.	LA	***	***	***	***	***	***	***	***
Lee Phenh Lam	LA	***	***	***	***	***	***	***	***
Lionel J. Parria	LA	***	***	***	***	***	***	***	***
Loi T. Ve	LA	***	***	***	***	***	***	***	***
Long Thanh Nguyen	LA	***	***	***	***	***	***	***	***
Louis McAnespy	LA	***	***	***	***	***	***	***	***

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Table E-1--*Continued*
Warmwater shrimp: U.S. fishermen, location, quantity of harvest in 2009, share of U.S. harvest in 2009, position on continuation of orders, and position of changed circumstance request

Firm	Location	Harvest in 2009		Positions on the continuation of the orders					Position on changed circumstance request seeking revocation of order on Thailand
		Quantity	Share						
		Pounds	*Percent*	Brazil	China	India	Thailand	Vietnam	
Louis Parria Jr.	LA	***	***	***	***	***	***	***	***
Louisiana Gulf Shrimp	LA	***	***	***	***	***	***	***	***
Lucky Angel	FL	***	***	***	***	***	***	***	***
Luom T. Nguyen	LA	***	***	***	***	***	***	***	***
Malcolm D. Olds Jr.	LA	***	***	***	***	***	***	***	***
Mark Richardson	SC	***	***	***	***	***	***	***	***
Meng Seang	LA	***	***	***	***	***	***	***	***
Michael A. Lobue	LA	***	***	***	***	***	***	***	***
Michael & Jeanine Enclade	LA	***	***	***	***	***	***	***	***
Minh Huu Chau	LA	***	***	***	***	***	***	***	***
Minh Nguyen	LA	***	***	***	***	***	***	***	***
Miss Kelly	MS	***	***	***	***	***	***	***	***
Miss Lauri	LA	***	***	***	***	***	***	***	***
Miss Trisha	LA	***	***	***	***	***	***	***	***
Morris G. Sekul	MS	***	***	***	***	***	***	***	***
Mrs. Judy Too	SC	***	***	***	***	***	***	***	***
Ms. Kandy Tran	LA	***	***	***	***	***	***	***	***
Muoi Nguyen	LA	***	***	***	***	***	***	***	***
My T. Tran	LA	***	***	***	***	***	***	***	***

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Table E-1--*Continued*
Warmwater shrimp: U.S. fishermen, location, quantity of harvest in 2009, share of U.S. harvest in 2009, position on continuation of orders, and position of changed circumstance request

Firm	Location	Harvest in 2009		Positions on the continuation of the orders					Position on changed circumstance request seeking revocation of order on Thailand
		Quantity	Share						
		Pounds	*Percent*	Brazil	China	India	Thailand	Vietnam	
Nancy H. Vallot	LA	***	***	***	***	***	***	***	***
Nancy Joy	NC	***	***	***	***	***	***	***	***
Nat Alaio	LA	***	***	***	***	***	***	***	***
Ngoc. T. Nguyen	NC	***	***	***	***	***	***	***	***
Ngoc Van Nguyen	LA	***	***	***	***	***	***	***	***
Nghi Nguyen	LA	***	***	***	***	***	***	***	***
Noert Huon	LA	***	***	***	***	***	***	***	***
Ocean Emperor	LA	***	***	***	***	***	***	***	***
Ojess M. Cheramie	LA	***	***	***	***	***	***	***	***
P & T Fisheries	LA	***	***	***	***	***	***	***	***
Papa Rod	AL	***	***	***	***	***	***	***	***
Paula D. Armbuster	MS	***	***	***	***	***	***	***	***
Phonny Yean	LA	***	***	***	***	***	***	***	***
Phuc H. Vu	LA	***	***	***	***	***	***	***	***
Preston J. Dore	LA	***	***	***	***	***	***	***	***
Pursuer	FL	***	***	***	***	***	***	***	***
Quang Nguyen	LA	***	***	***	***	***	***	***	***
Raul L. Castellanos	TX	***	***	***	***	***	***	***	***
Raymond P. Taravella	LA	***	***	***	***	***	***	***	***
Robin G. Palmisano	LA	***	***	***	***	***	***	***	***
Rudolph S. Gonzales Jr.	LA	***	***	***	***	***	***	***	***

Table continued on next page.

Table E-1--*Continued*
Warmwater shrimp: U.S. fishermen, location, quantity of harvest in 2009, share of U.S. harvest in 2009, position on continuation of orders, and position of changed circumstance request

Firm	Location	Harvest in 2009		Positions on the continuation of the orders					Position on changed circumstance request seeking revocation of order on Thailand
		Quantity	Share						
		Pounds	*Percent*	Brazil	China	India	Thailand	Vietnam	
Rudolph S. Gonzales Sr.	LA	***	***	***	***	***	***	***	***
Rudy J. Carmadelle	LA	***	***	***	***	***	***	***	***
Rusty Helmer	LA	***	***	***	***	***	***	***	***
Ruttley Boys	LA	***	***	***	***	***	***	***	***
S & S Seafood	LA	***	***	***	***	***	***	***	***
Sea Champ Seafood	MS	***	***	***	***	***	***	***	***
Si Ky Lan	LA	***	***	***	***	***	***	***	***
Sim	LA	***	***	***	***	***	***	***	***
Siphan Sreiy	LA	***	***	***	***	***	***	***	***
Start Young	TX	***	***	***	***	***	***	***	***
Stephen M. Dargis	LA	***	***	***	***	***	***	***	***
Tam V. Nguyen	LA	***	***	***	***	***	***	***	***
Tasha Lou	LA	***	***	***	***	***	***	***	***
Tee Sam	LA	***	***	***	***	***	***	***	***
Tee Ted	LA	***	***	***	***	***	***	***	***
Terral J. Melancon	LA	***	***	***	***	***	***	***	***
Thomas G. Fazende	LA	***	***	***	***	***	***	***	***
Tim J. Gonzales	LA	***	***	***	***	***	***	***	***
Tinh Do	LA	***	***	***	***	***	***	***	***
Tom H. Do	LA	***	***	***	***	***	***	***	***
Tootsie Wes	LA	***	***	***	***	***	***	***	***

Table continued on next page.

Table E-1--*Continued*
Warmwater shrimp: U.S. fishermen, location, quantity of harvest in 2009, share of U.S. harvest in 2009, position on continuation of orders, and position of changed circumstance request

Firm	Location	Harvest in 2009		Positions on the continuation of the orders					Position on changed circumstance request seeking revocation of order on Thailand
		Quantity	Share						
		Pounds	*Percent*	Brazil	China	India	Thailand	Vietnam	
Trang Van Le	LA	***	***	***	***	***	***	***	***
Trawler Jehovah Jireh	AL	***	***	***	***	***	***	***	***
Tri Van Huynh	LA	***	***	***	***	***	***	***	***
Troy Pellegrin	LA	***	***	***	***	***	***	***	***
Troy & Penny Zar	LA	***	***	***	***	***	***	***	***
Tuan H. Nguyen	LA	***	***	***	***	***	***	***	***
Tuan Minh Tran	LA	***	***	***	***	***	***	***	***
Tung H. Nguyen	LA	***	***	***	***	***	***	***	***
Tung Le	LA	***	***	***	***	***	***	***	***
Tuong V. Tran	LA	***	***	***	***	***	***	***	***
Tyler James	LA	***	***	***	***	***	***	***	***
Van Cam Tran	LA	***	***	***	***	***	***	***	***
Van Nhuyen	LA	***	***	***	***	***	***	***	***
Venice Seafood	LA	***	***	***	***	***	***	***	***
Versaggi Shrimp	FL	***	***	***	***	***	***	***	***
W & W Dock	TX	***	***	***	***	***	***	***	***
Wayne A. Rollo	LA	***	***	***	***	***	***	***	***
Whitebird	LA	***	***	***	***	***	***	***	***
Whitney Marie	LA	***	***	***	***	***	***	***	***
William Lutz	LA	***	***	***	***	***	***	***	***

[1] Not available

Source: Compiled from data submitted in response to Commission questionnaires.

Table E-2
Warmwater shrimp: U.S. fishermen's quantity harvested and employment-related indicators, 2005-09, January-September 2009, and January-September 2010

Item	2005	2006	2007	2008	2009	January-September 2009	January-September 2010
WW shrimp harvested (pounds)	8,323,733	13,586,501	10,652,193	9,917,494	11,262,889	7,791,266	3,956,072
PRWs (number)	323	322	312	333	339	301	256
PRW hours worked	398,105	438,229	465,124	424,754	452,027	262,926	128,483
Wages paid to PRWs	3,312,384	4,113,988	4,233,605	4,250,817	3,583,908	2,449,563	1,989,418
Days boat at sea	16,350	20,740	21,810	18,830	21,430	14,464	7,411
Average PRW hourly wages	$8.93	$10.38	$10.41	$12.53	$9.64	$11.91	$19.47
Productivity (pounds/hour)	14.2	21.2	16.0	16.0	18.0	21.2	26.2
Average labor costs (per pound)	$0.55	$0.40	$0.52	$0.59	$0.43	$0.44	$0.62
Average daily harvest (pounds)	3,006.4	4,786.8	3,684.1	3,324.6	3,861.5	2,965.2	2,322.5

Source: Compiled from data submitted in response to Commission questionnaires.

Table E-3
Warmwater shrimp: U.S. fishermen's shipments, by type, 2005-09, January-September 2009, and January-September 2010

Item	2005	2006	2007	2008	2009	January-September 2009	January-September 2010
	Quantity (pounds)						
Sold to processors/docks	7,911,901	13,115,743	10,480,763	9,503,545	10,917,257	7,604,772	3,752,394
Transfers to related firms	322,065	343,544	218,106	273,290	215,205	156,125	214,851
Other U.S. shipments	17,939	20,951	11,436	7,693	21,643	9,421	10,281
U.S. shipments	8,251,905	13,480,238	10,710,305	9,784,527	11,154,105	7,770,318	3,977,526
Export shipments	0	0	0	0	0	0	0
Total	8,251,905	13,480,238	10,710,305	9,784,527	11,154,105	7,770,318	3,977,526
	Value ($)						
Sold to processors/docks	16,319,616	21,640,084	22,706,412	22,395,098	18,413,883	13,471,590	9,229,526
Transfers to related firms	882,104	875,804	774,928	858,411	576,416	453,173	554,685
Other U.S. shipments	32,406	44,203	21,873	24,460	78,359	43,972	44,555
U.S. shipments	17,234,126	22,560,090	23,503,212	23,277,969	19,068,658	13,968,734	9,828,766
Export shipments	0	0	0	0	0	0	0
Total	17,234,126	22,560,090	23,503,212	23,277,969	19,068,658	13,968,734	9,828,766
	Unit value (dollars per pound)						
Sold to processors/docks	2.13	1.65	2.16	2.36	1.76	1.84	2.56
Transfers to related firms	2.74	2.55	3.55	3.14	2.68	2.90	2.58
Other U.S. shipments	1.81	2.11	1.91	3.18	3.62	4.67	4.33
U.S. shipments	2.16	1.68	2.19	2.39	1.78	1.87	2.56
Export shipments	NO VALUE	NO VALUE	NO VALUE	NO VALUE	NO VALUE	NO VALUE	NO VALUE
Total	2.16	1.68	2.19	2.39	1.78	1.87	2.56
	Share of shipment quantity (percent)						
Sold to processors/docks	95.9	97.3	97.9	97.1	97.9	97.9	94.3
Transfers to related firms	3.9	2.5	2.0	2.8	1.9	2.0	5.4
Other U.S. shipments	0.2	0.2	0.1	0.1	0.2	0.1	0.3
U.S. shipments	100.0	100.0	100.0	100.0	100.0	100.0	100.0
Export shipments	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Total	100.0	100.0	100.0	100.0	100.0	100.0	100.0

Source: Compiled from data submitted in response to Commission questionnaires.

Table E4
Deepwater Horizon/BP Oil Spill: Size and Percent Coverage of Fishing Area Closures Due to BP Oil Spill

Date of Closure	Area (sq mi)	Area (sq km)	Percent Coverage of Gulf EEZ	Percent Change in Coverage
May 2	6,817	17,648	2.8	N/A
May 7	10,807	27,989	4.5	58.5
May 11	16,027	41,511	6.6	48.3
May 12	17,651	45,717	7.3	10.1
May 14	19,377	50,187	8.0	9.8
May 17	24,241	62,784	10.0	25.1
May 18	45,728	118,435	18.9	88.6
May 21	48,005	124,333	19.8	5.0
May 25	54,096	140,109	22.4	12.7
May 28	60,683	157,169	25.1	12.2
May 31	61,854	160,200	25.6	1.9
June 1	75,920	196,633	31.4	22.7
June 2	88,522	229,270	36.6	16.6
June 4	78,182	202,491	32.3	-11.7
June 5	78,603	203,582	32.5	0.5
June 7	78,264	202,703	32.3	-0.4
June 16	80,806	209,286	33.4	3.2
June 21	86,985	225,290	35.9	7.6
June 23	78,597	203,564	32.5	-9.6
June 28	80,228	207,790	33.2	2.1
July 4	81,181	210,259	33.5	1.2
July 12	84,101	217,821	34.8	3.6
July 13	83,927	217,371	34.7	-0.2
July 22	57,539	149,026	23.8	-31.4
August 10	52,395	135,703	21.7	-8.9
August 27	48,114	124,614	19.9	-8.2
September 2	43,000	111,369	17.8	-10.6
September 3	39,885	103,303	16.5	-7.2
September 21	31,915	82,659	13.2	-20.0
October 1	26,287	68,083	10.9	-17.6
October 5	23,360	60,502	9.7	-11.1
October 15	16,481	42,686	6.8	-29.4
October 22	9,444	24,461	3.9	-42.7
November 15	1,041	2,697	0.4	-89.0
Source: National Marine Fisheries, http://sero.nmfs.noaa.gov/ClosureSizeandPercentCoverage.htm				

FINANCIAL EXPERIENCE OF SHRIMP FISHERMEN

BACKGROUND

Of the 165 shrimp fisherman questionnaires returned to the Commission, 134 contained usable financial data. Of this total, only 69 reported data for every period, with the fewest reporting data in 2005 and interim 2010. The 134 fishermen operated a total of 170 fishing vessels as follows: 118 reported operating one, eight reported operating two, two reported operating three, three reported operating four, and three reported operating six.[1] Transfers to related parties were quite minimal, and are therefore not reported separately.

The 134 fishermen that provided usable data were comprised of 38 corporations, 2 partnerships, and 93 proprietorships (1 fisherman did not indicate its organizational form). While salaries are paid to the officers of corporations and the partners of partnerships, none are paid to proprietors – they depend upon the net income of the proprietorship for income. In order to present the financial data of all three types of companies on a consistent basis, the data is presented in table E-5 as follows:.

1. Operating income or (loss) before corporation officers' and partnership partners' salaries
2. Minus corporation officers' and partnership partners' salaries
3. Equals operating income or (loss) after corporation officers' and partnership partners' salaries

The vast majority of the fishermen had fiscal years ending December 31.

OPERATIONS ON SHRIMPING

Aggregate income-and-loss data for the U.S. fishermen are presented in table E-5. During the full-year periods, the financial results increased by all measures from 2005 to 2008 before declining in 2009. Sales quantities increased by approximately one-quarter, sales value increased by about one-third, and the average unit value ("AUV") of sales increased (particularly from 2006 on) on an absolute basis and relative to the AUV of operating costs. As a result, the industry's 2005 operating loss became an operating profit in 2008, and the operating margin increased by 7.5 percentage points.

The financial results of the domestic industry worsened in 2009. Net sales quantities increased by approximately 15 percent, but sales AUVs decreased by more than one-quarter, resulting in a 17 percent decline in net sales values. This decrease in sales combined with the fact that sales AUVs declined relative to operating cost AUVs resulted in the industry's 2008 operating income becoming an operating loss in 2009.

The domestic industry's interim 2010 operating results were down compared to interim 2009. The absolute values of net sales quantities decreased by one-half, while values decreased by one-third. Even though the AUV of net sales increased by $0.67, the AUV of operating costs increased by $0.81. The result was very large decrease in operating income, an aggregate operating loss as opposed to an aggregate operating profit, and a large increase in the relative number of fishermen reporting operating losses. As indicted in the table, while the absolute number of fishermen reported operating losses was lower in interim 2010 (40) than in interim 2009 (47), the number in interim 2010 represented approximately one-half of those reporting data while the number in interim 2009 represented approximately 37 percent of those reporting data.

Non-operating revenue accounted for a large share of the industry's net income every period. During the full year periods the largest component of non-operating revenue was CDSOA (Byrd amendment payments), accounting for 56 percent of the total. Not surprisingly, reported Gulf Oil Spill compensation was quite substantial in interim 2010. 59 of the 82 fishermen reporting useable financial

[1] All but one of the fishermen that operated more than one vessel reported the data on a combined basis. ***, which operated six vessels, reported data separately for each vessel. For purposes of this section, each of *** six vessels is considered a separate fisherman.

Table E-5
Frozen Warmwater Shrimp: Results of operations of U.S. shrimp fishermen, fiscal years 2005-2009, January-September 2009, and January-September 2010

Item	Fiscal years					January - September	
	2005	2006	2007	2008	2009	2009	2010
	Quantity (pounds)						
Net sales	6,513,994	11,082,361	9,063,427	8,165,619	9,379,877	6,857,811	3,384,490
	Value (dollars)						
Net sales	15,942,738	20,914,580	20,944,333	21,200,361	17,591,870	12,788,245	8,549,428
Operating expenses							
Crew labor	3,495,820	4,787,289	4,624,332	4,531,389	3,849,929	2,743,819	2,407,058
Fuel/oil	5,538,800	7,147,439	7,406,599	7,857,512	6,085,929	4,255,990	3,207,455
Groceries/ice	623,624	822,040	878,192	890,053	1,005,146	741,063	344,187
Fishing gear	935,945	1,340,899	1,449,186	1,150,869	1,258,485	874,559	477,144
Taxes/licenses	92,158	89,850	110,943	103,453	94,479	60,829	62,867
Insurance	688,321	767,849	820,255	673,904	768,433	496,406	418,570
Vessel repair	1,494,015	1,953,818	1,810,257	1,661,220	1,812,608	1,407,314	1,033,571
Depreciation	1,330,779	1,540,426	1,385,022	1,186,973	1,191,999	633,460	191,965
All other	1,687,354	1,722,789	1,696,332	1,774,317	1,682,082	1,325,203	789,994
Operating expenses	15,886,816	20,172,399	20,181,118	19,829,690	17,749,090	12,538,642	8,932,811
Operating income or (loss) before owners salaries	55,922	742,181	763,215	1,370,671	(157,220)	249,603	(383,383)
Owners salaries	457,817	433,598	332,853	318,443	305,889	185,199	95,528
Operating income or (loss) after owners salaries	(401,895)	308,583	430,362	1,052,228	(463,109)	64,404	(478,911)
Non operating revenues							
Other revenue including Gulf Oil Spill Compensation[1]	289,242	520,325	439,051	376,211	362,195	271,997	3,139,234
Settlement funds	0	14,871	23,778	3,580	18,915	15,754	42,000
CDSOA (Byrd)	53,583	1,316,252	596,188	313,831	552,604	364,161	16,968
Total non-operating revenue	342,825	1,851,448	1,059,017	693,622	933,714	651,912	3,198,202
Net income or (loss) before taxes	(59,070)	2,160,031	1,489,379	1,745,850	470,605	716,316	2,719,291

Table continued on following page.

Table E-5-*continued*
Frozen Warmwater Shrimp: Results of operations of U.S. shrimp fishermen, fiscal years 2005-2009, January-September 2009, and January-September 2010

Item	Fiscal years					January - September	
	2005	2006	2007	2008	2009	2009	2010
	Number of firms reporting						
Operating losses	41	44	46	40	50	47	40
Net losses	37	24	34	31	39	37	12
Data	119	131	134	133	134	126	82
	Ratio to net sales (percent)						
Operating expenses							
Crew labor	21.9	22.9	22.1	21.4	21.9	21.5	28.2
Fuel/oil	34.7	34.2	35.4	37.1	34.6	33.3	37.5
Groceries/ice	3.9	3.9	4.2	4.2	5.7	5.8	4.0
Fishing gear	5.9	6.4	6.9	5.4	7.2	6.8	5.6
Taxes/licenses	0.6	0.4	0.5	0.5	0.5	0.5	0.7
Insurance	4.3	3.7	3.9	3.2	4.4	3.9	4.9
Vessel repair	9.4	9.3	8.6	7.8	10.3	11.0	12.1
Depreciation	8.3	7.4	6.6	5.6	6.8	5.0	2.2
All other	10.6	8.2	8.1	8.4	9.6	10.4	9.2
Operating expenses	99.6	96.5	96.4	93.5	100.9	98.0	104.5
Operating income or (loss) before owners' salaries	0.4	3.5	3.6	6.5	(0.9)	2.0	(4.5)
Owners' salaries	2.9	2.1	1.6	1.5	1.7	1.4	1.1
Operating income or (loss) after owners' salaries	(2.5)	1.5	2.1	5.0	(2.6)	0.5	(5.6)
Non-operating expenses							
Other revenue including Gulf Oil Spill Compensation[1]	1.8	2.5	2.1	1.8	2.1	2.1	36.7
Settlement funds	0.0	0.1	0.1	0.0	0.1	0.1	0.5
CDSOA (Byrd)	0.3	6.3	2.8	1.5	3.1	2.8	0.2
Total non-operating revenue	2.2	8.9	5.1	3.3	5.3	5.1	37.4
Net income or (loss) before taxes	(0.4)	10.3	7.1	8.2	2.7	5.6	31.8

Table continued on following page

Table E-5-*continued*
Frozen Warmwater Shrimp: Results of operations of U.S. shrimp fishermen, fiscal years 2005-2009, January-September 2009, and January-September 2010

Item	Fiscal years					January - September	
	2005	2006	2007	2008	2009	2009	2010
	Unit value (dollars per pound)						
Net sales	$2.45	$1.89	$2.31	$2.60	$1.88	$1.86	$2.53
Operating expenses							
Crew labor	0.54	0.43	0.51	0.55	0.41	0.40	0.71
Fuel/oil	0.85	0.64	0.82	0.96	0.65	0.62	0.95
Groceries/ice	0.10	0.07	0.10	0.11	0.11	0.11	0.10
Fishing gear	0.14	0.12	0.16	0.14	0.13	0.13	0.14
Taxes/licenses	0.01	0.01	0.01	0.01	0.01	0.01	0.02
Insurance	0.11	0.07	0.09	0.08	0.08	0.07	0.12
Vessel repair	0.23	0.18	0.20	0.20	0.19	0.21	0.31
Depreciation	0.20	0.14	0.15	0.15	0.13	0.09	0.06
All other	0.26	0.16	0.19	0.22	0.18	0.19	0.23
Operating expenses	2.44	1.82	2.23	2.43	1.89	1.83	2.64
Operating income or (loss) before owners' salaries	0.01	0.07	0.08	0.17	(0.02)	0.04	(0.11)
Owners' salaries	0.07	0.04	0.04	0.04	0.03	0.03	0.03
Operating income or (loss) after owners' salaries	(0.06)	0.03	0.05	0.13	(0.05)	0.01	(0.14)
Non-operating expenses							
Other revenue including Gulf Oil Spill Compensation[1]	0.04	0.05	0.05	0.05	0.04	0.04	0.93
Settlement funds	0.00	0.00	0.00	0.00	0.00	0.00	0.01
CDSOA (Byrd)	0.01	0.12	0.07	0.04	0.06	0.05	0.01
Total non-operating revenue	0.05	0.17	0.12	0.08	0.10	0.10	0.95
Net income or (loss) before taxes	(0.01)	0.19	0.16	0.21	0.05	0.10	0.80

Table continued on following page

Table E-5-*continued*
Frozen Warmwater Shrimp: Results of operations of U.S. shrimp fishermen, fiscal years 2005-2009, January-September 2009, and January-September 2010

[1] The interim 2010 Gulf Oil Spill compensation presented in this table ($3.1 million) represents the data reported by the fishermen that reporting useable financial data. Another 47 fishermen that did not report useable financial data during the period also indicated they received $1.4 million in such funds.

Source: Compiled from data submitted in response to Commission questionnaires.

data for the interim 2010 period indicated they received Gulf Oil Spill compensation totaling $3.1 million; an additional 47 fishermen that did not report useable financial data for the period (and whose data are not presented) during the period indicated they also received $1.4 million in such funds.

The fishermen were asked if they received any payment pursuant to a settlement agreement with any importers, exporters, foreign producers, or any other entities during the period of review. Of the 134 fishermen providing useable financial data, *** indicated it received such payments ($***).

During the last few years the U.S. Department of Commerce (Commerce) has surveyed fishermen who have Federal Gulf Shrimp Permits.[2] Selected financial data for the total Gulf Fleet[3] is as follows:

Item	2006	2007	2008
Net sales per vessel (dollars)	$208,756	$214,707	$195,885
Operating margin (percent)	(3.8)	(9.1)	(4.5)
Net margin (percent)	(1.1)	(8.6)	(5.1)
Assets/fisherman (dollars)	$175,149	$186,021	$165,101
Unit sales value ($/lb)	$2.45	$2.99	$3.32

The Commerce data are generally similar to the data gathered by the Commission in many respects, and somewhat different in others. For example, the assets per fisherman data reported to Commerce are within ten percent of the data reported to the Commission every period, the net sales per vessel reported to Commerce are about one-quarter to one-third higher than the data reported to the Commission, and the unit sales values reported to both Commerce and the Commission both increased by about one-third from 2006 to 2008. On the other hand, the average unit sales values reported to Commerce were $0.56 to $0.72 per pound higher every period, and the operating and net margins as reported to Commerce were 5.3 to 15.7 percentage points less than the ones reported to the Commission every period.

A variance analysis is not being presented on the results of the fishermen's operations in this review. The usefulness of such an analysis depends upon the different participants within an industry reporting per-unit sales and per-unit cost data on a consistent basis. Since such consistency was not evident in the fisherman's data, a variance analysis is not being presented.

The domestic fishermen's assets, return on assets, and capital expenditures are reported in table E-6. A total of 87 fishermen reported assets for the full year periods, with 61 reporting such data in interim 2010. While the absolute value of the fishermen's assets (almost exclusively the value of their fishing vessels) increased irregularly from 2005 to 2009, the per-fisherman value decreased irregularly

[2] See, for example, NOAA Technical Memorandum NMFS-SEFSC-601, "The Annual Economic Survey of federal Gulf Shrimp Permit Holders: Implementation and Descriptive Results for 2008", published in March, 2010.

[3] Commerce defined the Gulf Fleet as vessels holding Federal Gulf Shrimp Permits that were engaged primarily in other fisheries. The number of Gulf Fleet vessels providing data to the Commerce survey (463 in 2008) was substantially higher than the number of vessels providing data to the Commission. Moreover, staff is not sure what percentage of the 134 fishermen providing useable financial data to the Commission in this review hold Federal Gulf Shrimp permits.

from approximately $197,000 to approximately $187,000.[4] Conversely, while the absolute value of the fishermen's assets was approximately 20 percent lower in interim 2010 than in interim 2009, the per-fisherman value was higher in interim 2010 (approximately $206,000) than in interim 2009 ($189,000).

Capital expenditures were quite low. Relatively few fishermen (30) reported such data, with 12 to 20 reporting expenditures every period.

Table E-6
Frozen Warmwater Shrimp: Assets, return on assets, and Capital Expenditures reported by U.S. shrimp fishermen, fiscal years 2005-2009, January-September 2009, and January-September 2010

Item	Fiscal years					January - September	
	2005	2006	2007	2008	2009	2009	2010
	Value (dollars)						
Assets	15,754,143	16,157,603	15,567,684	15,515,485	16,047,468	15,856,730	12,584,890
	Ratio of operating or net income to assets (percent)						
Return on assets							
Operating income	(3.8)	2.8	0.5	3.6	(2.9)	(1.3)	(3.9)
Net income	(2.3)	10.1	5.8	7.1	1.5	1.8	13.9
	Value (dollars)						
Capital expenditures	469,588	146,000	415,000	182,000	456,978	234,978	192,000

Source: Compiled from data submitted in response to Commission questionnaires.

[4] Not all fishermen reported data in every period, so the per-fisherman value does not equal the value of assets in table E-6 divided by 87 (the total number of fishermen reporting asset data).

APPENDIX F

ADMINISTRATIVE REVIEW TABLES

Table F-1
Warmwater shrimp from BRAZIL: Administrative reviews of the antidumping duty order

Date results published	Period of review	Producer or exporter	Margin (*percent)*
September 12, 2007 (72 FR 52061)	08/04/04-01/31/06	Aquatica Maricultura do Brasil Ltda./Aquafeed do Brasil Ltda.	4.62
		Amazonas Industrias Alimenticias S.A. (“AMASA”)	6.96
		Bramex Brasil Mercantil S.A.	6.96
		Comercio de Pescado Aracatiense Ltda. (“Compescal”)	15.41
		Guy Vautrin Importacao & Exportacao	6.96
		JK Pesca Ltda.	6.96
		Lusomar Maricultura Ltda.	6.96
		S.W.F. Importacao E Exportacao Ltda. (“ITA Fish”)	6.96
		Santa Lavinia Comercio E Exportacao Ltda.	6.96
		SM Pescados Industria Comercio E Exportacao Ltda.	67.80
		Valenca da Bahia Maricultura SA	67.80
July 11, 2008 (73 FR 39940)	02/01/06-01/31/07	Acarau Pesca Distr. de Pescado Imp. e Exp. Ltda.	67.80
		Amazonas Industrias Alimenticias S.A. (“AMASA”)	48.60
		Aquacultura Fortaleza Aquafort SA	67.80
		Aquatica Maricultura do Brasil Ltda./Aguafeed do Brasil Ltda.	48.60
		Central de Industrializacao e Distribuicao de Alimentos Ltda. (“CIDA”) and Cia Exportadora de Produtos do Mar (“Produmar”)	48.60
		Comercio de Pescado Aracatiense Ltda. (“Compescal”)	67.80
		Industria de Frio e Pesca S.A (“Ipesca”)	48.60
		Intermarine Servicos Nauticos Ltda.	48.60
		JK Pesca Ltda.	48.60
		Orion Pesca Ltda.	67.80
		Pesqueira Maguary Ltda.	48.60
		S.W.F. Importacao e Exportacao Ltda. (“ITA Fish”)	67.80
		Santa Lavinia Comercio e Exportacao Ltda.	67.80
		Secom Aquicultura Comercio E Industria SA	67.80
		Tecmares Maricultura Ltda.	67.80

Source: Cited *Federal Register* notices.

Table F-2
Warmwater shrimp from CHINA: Administrative reviews of the antidumping duty order

Date results published	Period of review	Producer or exporter	Margin (*Percent)*
September 12, 2007 (72 FR 52049)	07/16/04-01/31/06	Allied Pacific Aquatic Products (Zhangjiang) Co., Ltd.	53.68
		Allied Pacific (H.K.) Co. Ltd.[1]	53.68
		Yelin Enterprise Co. Hong Kong	0.44[1]
		Zhanjiang Evergreen Aquatic Product Science and Technology Co. Ltd.	53.68
		Zhoushan Huading Seafood Co., Ltd.	225.62
		Shantou Red Garden Foodstuff/ Shantou Red Garden Food Processing Co. ("Red Garden")	112.81
		Meizhou Aquatic Products Quick-Frozen Industry Co., Ltd. ("Meizhou")	112.81
		PRC-wide rate	112.81
September 10, 2009 (74 FR 46565)	02/01/07-01/31/08	Regal	9.08
		Shantou Longsheng	9.08
		PRC-wide rate	112.81
August 13, 2010 (75 FR 49460)	02/01/08-01/31/09	Hilltop International[2]	0.00[1]
		Regal	0.00[1]
		Shantou Yuexing Enterprises Co.	9.08
		PRC-wide rate	112.81

[1] Margins less than 0.50 percent were considered *de minimis* and liquidated without regard to antidumping duties.

[2] In its most recent administrative review, Commerce conducted a duty absorption inquiry with regard to Hilltop, and determined that Hilltop had not absorbed antidumping duties on U.S. sales made through its affiliated importer. *Administrative Review of Certain Frozen Warmwater Shrimp From the People's Republic of China: Final Results and Partial Rescission of Antidumping Duty Administrative Review*, 75 FR 49460, August 13, 2010.

Note.--Commerce partially revoked the antidumping duty order in 2007 (Yelin).
Note.–Commerce concluded one new shipper review with respect to China. Zhanjiang Regal Integrated Marine Resources Co., Ltd. received a *de minimis* rate of 0.00. *Certain Frozen Warmwater Shrimp From the People's Republic of China: Final Results of the Antidumping Duty New Shipper Review*, 71 FR 70362, December 4, 2006.

Source: Cited *Federal Register* notices.

Table F-3
Warmwater shrimp from INDIA: Administrative reviews of the antidumping duty order

Date results published	Period of review	Producer or exporter	Margin (*Percent)*
September 12, 2007 (72 FR 52055); amended October 25, 2007 (72 FR 60638)[1]	08/04/04-01/31/06	Falcon Marine Exports Limited	4.39
		Hindustan Lever, Ltd.	18.83
		The Liberty Group[2]	4.03
		Allanasons Ltd.	7.22
		Amalgam Foods & Beverages Limited	7.22
		Amulya Seafoods	7.22
		Ayshwarya Seafood Private Limited	7.22
		Baby Marine International	7.22
		Baraka Overseas Traders	7.22
		Bhatsons Aquatic Products	7.22
		Calcutta Seafoods	7.22
		Castlerock Fisheries Ltd.	7.22
		Coastal Corporation Ltd.	7.22
		Coastal Trawlers Ltd.	7.22
		Cochin Frozen Food Exports Pvt. Ltd.	7.22
		Coreline Exports	7.22
		Gajula Exim P Ltd.	7.22
		Haripriya Marine Food Exports	7.22
		IFB Agro Industries Ltd. (Aquatic & Marine Products Div.)	7.22
		ITC Ltd.	7.22
		K R M Marine Exports Ltd.	7.22
		Kadalkanny Frozen Foods	7.22
		Kalyanee Marine	7.22
		Kings Marine Products	7.22
		Konark Aquatics & Exports Pvt. Ltd.	7.22
		MSC Marine Exporters	7.22
		Magnum Estate Private Limited	7.22
		Magnum Export	7.22
		Magnum Seafoods Pvt. Ltd.	7.22
		Mangala Marine Exim India Pvt. Ltd.	7.22

September 12, 2007 (72 FR 52055), amended October 25, 2007 (72 FR 60638)[1]–*continued*	08/04/04-01/31/06	Mangala Sea Products	7.22
		NGR Aqua International	7.22
		Navayuga Exports Ltd.	7.22
		Nila Sea Foods Pvt. Ltd.	7.22
		Penver Products (P) Ltd.	7.22
		Raa Systems Pvt. Ltd.	7.22
		Raju Exports	7.22
		Ram's Assorted Cold Storage Ltd.	7.22
		Saanthi Seafoods Ltd.	7.22
		Seagold Overseas Pvt. Ltd.	7.22
		Sri Chandrakantha Marine Exports	7.22
		Sri Sakthi Marine Products P Ltd.	7.22
		Sun Bio-Technology Limited	7.22
		Suvarna Rekha Exports Private Limited	7.22
		Survarna Rekha Marines P Ltd.	7.22
		Uniroyal Marine Exports Ltd.	7.22
		Vaibhav Sea Foods	7.22
		Veejay IMPEX	7.22
		Victoria Marine & Agro Exports Ltd.	7.22
		Amison Foods Ltd.	82.30
		Amison Seafoods Ltd.	82.30
		Baby Marine (Eastern) Exports	82.30
		Baby Marine Exports	82.30
		Baby Marine Products	82.30
		Cherukattu Industries (Marine Div)	82.30
		Global Sea Foods & Hotels Ltd.	82.30
		HA & R Enterprises	82.30
		InterSea Exports Corporation	82.30
		Lotus Sea Farms	82.30
		National Steel	82.30
		National Steel & Agro Ind	82.30
		Nsil Exports	82.30
		Premier Marine Foods	82.30
		R.F. Exports	82.30

July 15, 2008 (73 FR 40492)	02/01/06-01/31/07	Devi Sea Foods Limited	0.35[3]
		Falcon Marine Exports Limited	1.69
		Ananda Aqua Exports (P) Ltd.	1.69
		Ananda Foods	1.69
		Andaman Sea Foods Pvt. Ltd.	1.69
		Angelique International Ltd.	1.69
		Apex Exports	1.69
		Asvini Exports	1.69
		Asvini Fisheries Limited/Asvini Fisheries Private Limited	1.69
		Avanti Feeds Limited	1.69
		Bhatsons Aquatic Products	1.69
		Bluepark Seafoods Pvt. Ltd.	1.69
		Calcutta Seafoods	1.69
		Castlerock Fisheries Pvt. Ltd.	1.69
		Choice Canning Company	1.69
		Choice Trading Corporation Pvt. Ltd.	1.69
		Coreline Exports	1.69
		Devi Fisheries Limited	1.69
		Digha Sea Food Exports	1.69
		Five Star Marine Exports Private Limited	1.69
		GVR Exports Pvt. Ltd.	1.69
		Gayatri Sea Foods	1.69
		Haripriya Marine Export Pvt. Ltd.	1.69
		Hindustan Lever, Ltd.	1.69
		IFB Agro Industries Ltd.	1.69
		ITC Limited (International Business Division)	1.69
		Jaya Satya Marine Exports Pvt. Ltd.	1.69
		Jaya Lakshmi Sea Foods Pvt. Ltd.	1.69
		K V Marine Exports	1.69
		Kings Marine Products	1.69
		Konark Aquatics & Exports Pvt. Ltd.	1.69
		Magnum Estate Private Limited	1.69
		Magnum Export	1.69
		Magnum Sea Foods Pvt. Ltd.	1.69
		Mangala Marine Exim India Pvt. Ltd.	1.69

		Mangala Sea Products	1.69
		NGR Aqua International	1.69
		Navayuga Exports Ltd.	1.69
		Nekkanti Sea Foods Limited	1.69
		Nila Sea Foods Pvt. Ltd.	1.69
		Penver Products (P) Ltd.	1.69
		RVR Marine Products Private Limited	1.69
		Raa Systems Pvt. Ltd.	1.69
		Raju Exports	1.69
		Ram's Assorted Cold Storage Ltd.	1.69
		S A Exports	1.69
		Sagar Grandhi Exports Pvt. Ltd.	1.69
		Sai Marine Exports Pvt. Ltd.	1.69
		Sandhya Marines Limited	1.69
		Satya Seafoods Private Limited	1.69
		Seagold Overseas Pvt. Ltd.	1.69
		Selvam Exports Private Limited	1.69
		Sprint Exports Pvt. Ltd.	1.69
		Sri Chandrakantha Marine Exports	1.69
		Sri Sakthi Marine Products P Ltd.	1.69
		Star Agro Marine Exports Private Limited	1.69
		Sun Bio-Technology Limited	1.69
		Surya Marine Exports/Suryamitra Exim Private Limited	1.69
		Suvarna Rekha Exports Private Limited	1.69
		Suvarna Rekha Marines P Ltd.	1.69
		The Liberty Group[2]	1.69
		The Waterbase Ltd.	1.69
		Usha Seafoods	1.69
		Veejay IMPEX	1.69
		Vinner Marine	1.69
		Wellcome Fisheries Limited	1.69
		A.S. Marine Industries Pvt. Ltd.	110.90
		Adani Exports Ltd.	110.90
		Aditya Udyog	110.90
		Agri Marine Exports Ltd.	110.90

		Al Mustafa Exp & Imp	110.90
		Alapatt Marine Exports	110.90
		All Seas Marine P. Ltd.	110.90
		Alsa Marine & Harvests Ltd.	110.90
		Ameena Enterprises	110.90
		Anjani Marine Traders	110.90
		Aqua Star Marine Foods	110.90
		Arsha Seafood Exports Pvt. Ltd.	110.90
		ASF Seafoods	110.90
		Ashwini Frozen Foods	110.90
		Aswin Associates	110.90
		Balaji Seafood Exports I Ltd.	110.90
		Baraka Overseas Traders	110.90
		Bell Foods (Marine Division)	110.90
		Bharat Seafoods	110.90
		Bhisti Exports	110.90
		Bilal Fish Suppliers	110.90
		Capital Freezing Complex	110.90
		Cham Exports Ltd.	110.90
		Cham Ocean Treasures Co., Ltd.	110.90
		Cham Trading Organization	110.90
		Chand International	110.90
		Danda Fisheries	110.90
		Dariapur Aquatic Pvt. Ltd.	110.90
		Deepmala Marine Exports	110.90
		Dhanamjaya Impex P. Ltd.	110.90
		Dorothy Foods	110.90
		El-Te Marine Products	110.90
		Excel Ice Services/Chirag Int'l	110.90
		Firoz & Company	110.90
		Freeze Engineering Industries (Pvt. Ltd.)	110.90
		Gajula Exim (P) Ltd.	110.90
		Gausia Cold Storage P. Ltd.	110.90
		Goan Bounty	110.90
		Gold Farm Foods (P) Ltd.	110.90

		Golden Star Cold Storage	110.90
		Gopal Seafoods	110.90
		Gtc Global Ltd.	110.90
		Hanswati Exports P. Ltd.	110.90
		HMG Industries Ltd.	110.90
		Honest Frozen Food Company	110.90
		India CMS Adani Exports	110.90
		India Seafoods	110.90
		Indian Seafood Corporation	110.90
		Interfish	110.90
		J R K Seafoods Pvt. Ltd.	110.90
		Kaushalya Aqua Marine Product Exports Pvt. Ltd.	110.90
		Keshodwala Foods	110.90
		Key Foods	110.90
		King Fish Industries	110.90
		Konkan Fisheries Pvt. Ltd.	110.90
		Lakshmi Marine Products	110.90
		Lansea Foods Pvt. Ltd.	110.90
		Laxmi Narayan Exports	110.90
		M K Exports	110.90
		M.R.H. Trading Company	110.90
		Malabar Marine Exports	110.90
		Mamta Cold Storage	110.90
		Marina Marine Exports	110.90
		Marine Food Packers	110.90
		Miki Exports International	110.90
		Mumbai Kamgar MGSM Ltd.	110.90
		N.C. Das & Company	110.90
		Naik Ice & Cold Storage	110.90
		Nas Fisheries Pvt. Ltd.	110.90
		National Seafoods Company	110.90
		New Royal Frozen Foods	110.90
		Noble Aqua Pvt. Ltd.	110.90
		Omsons Marines Ltd.	110.90
		Padmaja Exports	110.90

		Partytime Ice Pvt. Ltd.	110.90
		Philips Foods India Pvt. Ltd.	110.90
		Premier Exports International	110.90
		R K Ice & Cold Storage	110.90
		Rahul Foods (GOA)	110.90
		Rahul International	110.90
		Raj International	110.90
		Ramalmgeswara Proteins & Foods Ltd.	110.90
		Rameshwar Cold Storage	110.90
		Ravi Frozen Foods Ltd.	110.90
		Regent Marine Industries	110.90
		Relish Foods	110.90
		Royal Link Exports	110.90
		Rubian Exports	110.90
		Ruby Marine Foods	110.90
		Ruchi Worldwide	110.90
		S K Exports (P) Ltd.	110.90
		SLS Exports Pvt. Ltd.	110.90
		S S International	110.90
		Sabri Food Products	110.90
		Sagar Samrat Seafoods	110.90
		Salet Seafoods Pvt. Ltd.	110.90
		Samrat Middle East Exports (P) Ltd.	110.90
		Sarveshwari Ice & Cold Storage P Ltd.	110.90
		Satyam Marine Exports	110.90
		Sea Rose Marine Exports	110.90
		Sealand Fisheries Ltd.	110.90
		Seaperl Industries	110.90
		Sharat Industries Ltd.	110.90
		Shimpo Exports	110.90
		Shipper Exporter National Steel	110.90
		Siddiq Seafoods	110.90
		Skyfish	110.90
		Sonia Fisheries	110.90
		Sourab	110.90

		Sreevas Export Enterprises	110.90
		Sri Sidhi Freezers & Exporters Pvt. Ltd.	110.90
		Star Fish Exports	110.90
		Supreme Exports	110.90
		The Canning Industries (Cochin) Ltd.	110.90
		Tony Harris Seafoods Ltd.	110.90
		Tri Marine Foods Pvt. Ltd.	110.90
		Trinity Exports	110.90
		Tri-Tee Seafood Company	110.90
		Ulka Seafoods (P) Ltd.	110.90
		Uniroyal Marine Exports Ltd.	110.90
		Upasana Exports	110.90
		V Marine Exports	110.90
		Varnita Cold Storage	110.90
		Veraval Marines & Chemicals P Ltd.	110.90
		Vijayalaxmi Seafoods	110.90
		Winner Seafoods	110.90
		Z A. Food Products	110.90
July 13, 2009 (74 FR 33409)	01/01/07-01/31/08	Devi Sea Foods Limited	0.39[3]
		Falcon Marine Exports Limited	0.79
		Abad Fisheries	0.79
		Accelerated Freeze-Drying Co.	0.79
		Allana Frozen Foods Pvt. Ltd.	0.79
		Allanasons Ltd.	0.79
		AMI Enterprises	0.79
		Amulya Seafoods	0.79
		Anand Aqua Exports	0.79
		Ananda Aqua Exports (P) Ltd./Ananda Foods/ Ananda Aqua Applications	0.79
		Andaman Sea Foods Pvt. Ltd.	0.79
		Angelique International Ltd.	0.79
		Anjaneya Seafoods	0.79
		Apex Exports	0.79
		Asvini Exports	0.79
		Asvini Fisheries Limited/Asvini Fisheries Private Limited	0.79
		Avanti Feeds Limited	0.79

		Ayshwarya Seafood Private Limited	0.79
		Baby Marine International	0.79
		Baby Marine Sarass	0.79
		Bhatsons Aquatic Products	0.79
		Bhavani Seafoods	0.79
		Bijaya Marine Products	0.79
		Blue Water Foods & Exports P. Ltd.	0.79
		Bluefin Enterprises	0.79
		Bluepark Seafoods Pvt. Ltd.	0.79
		BMR Exports	0.79
		Britto Exports	0.79
		Calcutta Seafoods	0.79
		Calcutta Seafoods Pvt. Ltd.	0.79
		Castlerock Fisheries Pvt. Ltd.	0.79
		Chemmeens (Regd)	0.79
		Choice Canning Company	0.79
		Choice Trading Corporation Pvt. Ltd.	0.79
		Coastal Corporation Ltd.	0.79
		Corlim Marine Exports Pvt. Ltd.	0.79
		Coreline Exports	0.79
		Devi Fisheries Limited	0.79
		Digha Sea Food Exports	0.79
		Esmario Export Enterprises	0.79
		Exporter Coreline Exports	0.79
		Five Star Marine Exports Private Limited	0.79
		Forstar Frozen Foods Pvt. Ltd.	0.79
		Frigerio Conserva Allana Limited	0.79
		Frontline Exports Pvt. Ltd.	0.79
		G A Randerian Ltd.	0.79
		Gadre Marine Exports	0.79
		Galaxy Maritech Exports P. Ltd.	0.79
		Gayatri Seafoods	0.79
		Geo Aquatic Products (P) Ltd.	0.79
		Geo Seafoods	0.79
		Grandtrust Overseas (P) Ltd.	0.79

		GVR Exports Pvt. Ltd.	0.79
		HIC ABF Special Foods Pvt. Ltd.	0.79
		Haripriya Marine Export Pvt. Ltd.	0.79
		Hindustan Lever, Ltd.	0.79
		Hiravata Ice & Cold Storage	0.79
		Hiravati Exports Pvt. Ltd.	0.79
		Hiravati International Pvt. Ltd. (located in Gujarat)	0.79
		Hiravati International Pvt. Ltd. (located in Mumbai)	0.79
		IFB Agro Industries Ltd.	0.79
		Indian Aquatic Products	0.79
		Indo Aquatics	0.79
		Innovative Foods Limited	0.79
		International Freezefish Exports	0.79
		Interseas	0.79
		ITC Ltd.	0.79
		Jagadeesh Marine Exports	0.79
		Jaya Satya Marine Exports	0.79
		Jaya Satya Marine Exports Pvt. Ltd.	0.79
		Jayalakshmi Sea Foods Private Limited	0.79
		Jinny Marine Traders	0.79
		Jiya Packagings	0.79
		K R M Marine Exports Ltd.	0.79
		Kalyanee Marine	0.79
		Kay Kay Exports	0.79
		Kings Marine Products	0.79
		Koluthara Exports Ltd.	0.79
		Konark Aquatics & Exports Pvt. Ltd.	0.79
		Libran Cold Storages (P) Ltd.	0.79
		Magnum Estate Private Limited	0.79
		Magnum Export	0.79
		Magnum Sea Foods Pvt. Ltd.	0.79
		Malabar Arabian Fisheries	0.79
		Malnad Exports Pvt. Ltd.	0.79
		Mangala Marine Exim India Private Ltd.	0.79
		Mangala Sea Products	0.79

		MSC Marine Exporters	0.79
		MTR Foods	0.79
		Naga Hanuman Fish Packers	0.79
		Naik Frozen Foods	0.79
		Navayuga Exports Ltd.	0.79
		Nekkanti Sea Foods Limited	0.79
		NGR Aqua International	0.79
		Nila Sea Foods Pvt. Ltd.	0.79
		Overseas Marine Export	0.79
		Penver Products (P) Ltd.	0.79
		Pijikay International Exports P Ltd.	0.79
		Pisces Seafood International	0.79
		Premier Seafoods Exim (P) Ltd.	0.79
		Raa Systems Pvt. Ltd.	0.79
		Raju Exports	0.79
		Ram’s Assorted Cold Storage Ltd.	0.79
		Raunaq Ice & Cold Storage	0.79
		Raysons Aquatics Pvt. Ltd.	0.79
		Razban Seafoods Ltd.	0.79
		RBT Exports	0.79
		Riviera Exports Pvt. Ltd.	0.79
		Rohi Marine Private Ltd.	0.79
		RVR Marine Products Private Limited	0.79
		S A Exports	0.79
		S Chanchala Combines	0.79
		S & S Seafoods	0.79
		Safa Enterprises	0.79
		Sagar Foods	0.79
		Sagar Grandhi Exports Pvt. Ltd.	0.79
		Sagarvihar Fisheries Pvt. Ltd.	0.79
		Sai Marine Exports Pvt. Ltd.	0.79
		Sai Sea Foods	0.79
		Sai Sea Foods a.k.a. Sai Marine Exports Pvt. Ltd.	0.79
		Sandhya Aqua Exports Pvt. Ltd.	0.79
		Sandhya Marines Limited	0.79

		Santhi Fisheries & Exports Ltd.	0.79
		Satya Seafoods Private Limited	0.79
		Sawant Food Products	0.79
		Seagold Overseas Pvt. Ltd.	0.79
		Selvam Exports Private Limited	0.79
		Shippers Exports	0.79
		Shroff Processed Food & Cold Storage P Ltd.	0.79
		Silver Seafood	0.79
		Sita Marine Exports	0.79
		Sprint Exports Pvt. Ltd.	0.79
		Sri Chandrakantha Marine Exports	0.79
		Sri Sakthi Cold Storage	0.79
		Sri Sakthi Marine Products P Ltd.	0.79
		Sri Satya Marine Exports	0.79
		Sri Venkata Padmavathi Marine Foods Pvt. Ltd.	0.79
		SSF Ltd.	0.79
		Star Agro Marine Exports Private Limited	0.79
		Sun Bio-Technology Ltd.	0.79
		Suryamitra Exim Private Limited	0.79
		Suvarna Rekha Exports Private Limited	0.79
		Suvarna Rekha Marines P Ltd.	0.79
		TBR Exports Pvt. Ltd.	0.79
		Teekay Marine P. Ltd.	0.79
		The Kadalkanny Group[4]	0.79
		The Liberty Group[2]	0.79
		The Waterbase Ltd.	0.79
		Tejaswani Enterprises	0.79
		Usha Seafoods	0.79
		Veejay IMPEX	0.79
		Victoria Marine & Agro Exports Ltd.	0.79
		Vinner Marine	0.79
		Vishal Exports	0.79
		Wellcome Fisheries Limited	0.79

July 19, 2010 (75 FR 41813)[5]	02/01/08-01/31/09	Devi Sea Foods Limited	0.38
		Falcon Marine Exports Limited/KR Enterprises	0.89
		The Liberty Group[2]	4.44
		Accelerated Freeze-Drying Co.	2.67
		AMI Enterprises	2.67
		Anand Aqua Exports	2.67
		Ananda Aqua Exports: Ananda Aqua Exports (P) Ltd./Ananda Foods/ Ananda Aqua Applications	2.67
		Andaman Sea Foods Pvt. Ltd.	2.67
		Angelique International Ltd.	2.67
		Apex Exports	2.67
		Asvini Exports	2.67
		Asvini Fisheries Private Limited	2.67
		Avanti Feeds Limited	2.67
		Ayshwarya Seafood Private Limited	2.67
		Bhatsons Aquatic Products	2.67
		Bhavani Seafoods	2.67
		Bijaya Marine Products	2.67
		Bluefin Enterprises	2.67
		Bluepark Seafoods Pvt. Ltd.	2.67
		Britto Exports	2.67
		C P Aquaculture (India) Ltd.	2.67
		Calcutta Seafoods Pvt. Ltd.	2.67
		Capithan Exporting Co.	2.67
		Castlerock Fisheries Pvt. Ltd.	2.67
		Chemmeens (Regd)	2.67
		Choice Canning Company	2.67
		Choice Trading Corporation Pvt. Ltd.	2.67
		Coastal Corporation Ltd.	2.67
		Cochin Frozen Food Exports Pvt. Ltd.	2.67
		Corlim Marine Exports Pvt. Ltd.	2.67
		Devi Fisheries Limited	2.67
		Digha Sea Food Exports	2.67
		Esmario Export Enterprises	2.67
		Exporter Coreline Exports	2.67
		Five Star Marine Exports Private Limited	2.67

		Forstar Frozen Foods Pvt. Ltd.	2.67
		Frontline Exports Pvt. Ltd.	2.67
		Gadre Marine Exports	2.67
		Galaxy Maritech Exports P. Ltd.	2.67
		Gayatri Seafoods	2.67
		Geo Aquatic Products (P) Ltd.	2.67
		Geo Seafoods	2.67
		Goodwill Enterprises	2.67
		Grandtrust Overseas (P) Ltd.	2.67
		GVR Exports Pvt. Ltd.	2.67
		HIC ABF Special Foods Pvt. Ltd.	2.67
		Haripriya Marine Export Pvt. Ltd.	2.67
		Hindustan Lever, Ltd.	2.67
		IFB Agro Industries Ltd.	2.67
		Indo Aquatics	2.67
		International Freezefish Exports	2.67
		ITC Limited (International Business Division)	2.67
		ITC Ltd.	2.67
		Jagadeesh Marine Exports	2.67
		Jaya Satya Marine Exports	2.67
		Jaya Satya Marine Exports Pvt. Ltd.	2.67
		Jayalakshmi Sea Foods Private Limited	2.67
		Jinny Marine Traders	2.67
		Jiya Packagings	2.67
		Kanch Ghar	2.67
		Kay Kay Exports	2.67
		Kings Marine Products	2.67
		Koluthara Exports Ltd.	2.67
		Konark Aquatics & Exports Pvt. Ltd.	2.67
		Magnum Estate Private Limited	2.67
		Magnum Export	2.67
		Magnum Sea Foods Pvt. Ltd.	2.67
		Malabar Arabian Fisheries	2.67
		Malnad Exports Pvt. Ltd.	2.67
		Mangala Marine Exim India Private Ltd.	2.67

		Mangala Sea Products	2.67
		Meenaxi Fisheries Pvt. Ltd.	2.67
		MSC Marine Exporters	2.67
		MTR Foods	2.67
		Naga Hanuman Fish Packers	2.67
		Naik Frozen Foods	2.67
		Naik Seafoods Ltd.	2.67
		Navayuga Exports	2.67
		Navayuga Exports Ltd.	2.67
		Nekkanti Sea Foods Limited	2.67
		NGR Aqua International	2.67
		Nila Sea Foods Pvt. Ltd.	2.67
		Overseas Marine Export	2.67
		Paragon Sea Foods Pvt. Ltd.	2.67
		Penver Products (P) Ltd.	2.67
		Pijikay International Exports P Ltd.	2.67
		Pisces Seafood International	2.67
		Premier Exports International	2.67
		Premier Marine Foods	2.67
		Premier Seafoods Exim (P) Ltd.	2.67
		Raa Systems Pvt. Ltd.	2.67
		Raju Exports	2.67
		Ram’s Assorted Cold Storage Ltd.	2.67
		Raunaq Ice & Cold Storage	2.67
		Raysons Aquatics Pvt. Ltd.	2.67
		Razban Seafoods Ltd.	2.67
		RBT Exports	2.67
		Riviera Exports Pvt. Ltd.	2.67
		Rohi Marine Private Ltd.	2.67
		RVR Marine Products Private Limited	2.67
		S A Exports	2.67
		S Chanchala Combines	2.67
		S & S Seafoods	2.67
		Safa Enterprises	2.67
		Sagar Foods	2.67

		Sagar Grandhi Exports Pvt. Ltd.	2.67
		Sagar Samrat Seafoods	2.67
		Sagarvihar Fisheries Pvt. Ltd.	2.67
		Sai Marine Exports Pvt. Ltd.	2.67
		Sai Sea Foods	2.67
		Sandhya Aqua Exports	2.67
		Sandhya Aqua Exports Pvt. Ltd.	2.67
		Sandhya Marines Limited	2.67
		Santhi Fisheries & Exports Ltd.	2.67
		Satya Seafoods Private Limited	2.67
		Sawant Food Products	2.67
		Seagold Overseas Pvt. Ltd.	2.67
		Selvam Exports Private Limited	2.67
		Shippers Exports	2.67
		Shroff Processed Food & Cold Storage P Ltd.	2.67
		Sita Marine Exports	2.67
		Sprint Exports Pvt. Ltd.	2.67
		Sri Chandrakantha Marine Exports	2.67
		Sri Sakthi Cold Storage	2.67
		Sri Sakthi Marine Products P Ltd.	2.67
		Sri Satya Marine Exports	2.67
		Sri Venkata Padmavathi Marine Foods Pvt. Ltd.	2.67
		SSF Ltd.	2.67
		Star Agro Marine Exports Private Limited	2.67
		Sun Bio-Technology Ltd.	2.67
		Suryamitra Exim (P) Ltd.	2.67
		Suvarna Rekha Exports Private Limited	2.67
		Suvarna Rekha Marines P Ltd.	2.67
		TBR Exports Pvt. Ltd.	2.67
		Teekay Marine P. Ltd.	2.67
		Tejaswani Enterprises	2.67
		The Kadalkanny Group[4]	2.67
		The Waterbase Ltd.	2.67
		Triveni Fisheries P Ltd.	2.67
		Uniroyal Marine Exports Ltd.	2.67

		Usha Seafoods	2.67
		V.S Exim Pvt Ltd.	2.67
		Vaibhav Sea Foods	2.67
		Victoria Marine & Agro Exports Ltd.	2.67
		Vinner Marine	2.67
		Vishal Exports	2.67
		Wellcome Fisheries Limited	2.67

[1] Administrative review for Lotus was later rescinded due to ministerial error. *Certain Frozen Warmwater Shrimp from India: Amended Final Results of Antidumping Duty Administrative Review and Rescission In Part*, 72 FR 60638, October 25, 2007.

[2] The Liberty Group includes Devi Marine Food Exports Private Limited, Kader Exports Private Limited, Kader Investment and Trading Company Private Limited, Liberty Frozen Foods Private Limited, Liberty Oil Mills Limited, Premier Marine Products, and Universal Cold Storage Private Limited.

[3] Margins less than 0.50 percent were considered *de minimis* and liquidated without regard to antidumping duties.

[4] The Kadalkanny Group includes Kadalkanny Frozen Foods, Edhayam Frozen Foods Pvt. Ltd., Diamond Seafoods Exports, and Theva & Company.

[5] In its fourth administrative review, Commerce conducted a duty absorption inquiry, and determined that there was no duty absorption applicable to Devi's U.S. sales because there was no dumping margin with respect to Devi's U.S. sales. In addition, Commerce revoked the antidumping duty order with respect to Devi. *Certain Frozen Warmwater Shrimp From India: Final Results of Antidumping Duty Administrative Review, Partial Rescission of Review, and Notice of Revocation of Order in Part*, 75 FR 41813, July 19, 2010.

Source: Cited *Federal Register* notices.

Table F-4
Warmwater Shrimp from THAILAND: Administrative reviews of the antidumping duty order

Date results published	Period of review	Producer or exporter	Margin (*percent*)
September 12, 2007 (72 FR 52065)	08/04/04-01/31/06	Good Luck Product Co., Ltd.	10.75
		Pakfood Public Company Limited/Asia Pacific (Thailand) Company Limited/Chaopraya Cold Storage Company Limited/Okeanos Company Limited/Takzin Samut Company Limited	4.29
		Thai I-Mei Frozen Foods Co., Ltd.	2.58
		Crystal Frozen Foods Co., Ltd.	4.31
		Far East Cold Storage Co., Ltd.	4.31
		Fortune Frozen Foods (Thailand) Co., Ltd.	4.31
		Inter-Oceanic Resources Co., Ltd.	4.31
		Kitchens of the Oceans (Thailand), Ltd.	4.31
		Lee Heng Seafood Co., Ltd.	4.31
		Narong Seafood Co., Ltd.	4.31
		NR Instant Produce Co., Ltd.	4.31
		Pacific Queen Co., Ltd.	4.31
		Piti Seafood Co., Ltd.	4.31
		S&D Marine Products Co., Ltd.	4.31
		Siam Intersea Co., Ltd.	4.31
		Siamchai International Food Co., Ltd.	4.31
		SMP Food Product Co., Ltd.	4.31
		Suratthani Marine Products Co., Ltd.	4.31
		Anglo-Siam Seafoods Co., Ltd.	57.64
		Gallant Ocean (Thailand) Co., Ltd.	57.64
		Li-Thai Frozen Foods Co., Ltd.	57.64
		Queen Marine Food Co., Ltd.	57.64
		Smile Heart Foods	57.64
		Thai World Imports and Exports Co., Ltd.	57.64

August 29, 2008 (73 FR 50933)[1]	02/01/06-01/31/07	Pakfood Public Company Limited/Asia Pacific (Thailand) Company Limited/Chaophraya Cold Storage/Okeanos Company Limited/Takzin Samut Company Limited	2.44
		Andaman Seafood Co., Ltd./Chanthaburi Frozen Food Co., Ltd./Chanthaburi Seafoods Co., Ltd./Euro-Asian International Seafoods Co., Ltd./Intersia Foods Co., Ltd./Phattana Seafood Co., Ltd./Phattana Frozen Food Co., Ltd./S.C.C. Frozen Seafood Co., Ltd./Seawealth Frozen Food Co. Ltd./Thailand Fishery Cold Storage Public Co., Ltd./Thai International Seafoods Co., Ltd./Wales & Co. Universe Limited	3.77
		Thai I-Mei Frozen Foods Co., Ltd.	3.09
		Thai Union Frozen Products Public Co., Ltd./Thai Union Seafood Co., Ltd.	2.85
		Asian Seafoods Coldstorage Public Company Limited/Asian Seafoods Coldstorage (Suratthani) Co., Ltd./STC Foodpak Limited	3.18
		Charoen Pokphand Foods Public Company Limited/CP Merchandising Co., Ltd./Klang Co., Ltd./Seafoods Enterprise Co., Ltd./Thai Prawn Culture Center Co., Ltd.	3.18
		Crystal Frozen Foods Co., Ltd.	3.18
		CY Frozen Co., Ltd.	3.18
		Fortune Frozen Foods (Thailand) Co., Ltd.	3.18
		Good Fortune Cold Storage Ltd.	3.18
		Good Luck Product Co., Ltd.	3.18
		Inter-Pacific Marine Products Co., Ltd.	3.18
		I.T. Foods Industries Co., Ltd.	3.18
		Kiang Huat Sea Gull Trading Frozen Food Public Company Limited	3.18
		Kingfisher Holdings Limited/KF Foods Limited	3.18
		Kitchens of the Ocean (Thailand) Co., Ltd.	3.18
		Konghop Frozen Foods Co., Ltd.	3.18
		Marine Gold Products Ltd.	3.18
		May Ao Co., Ltd/May Ao Foods Co., Ltd.	3.18
		Narong Seafood Co., Ltd.	3.18
		Ongkorn Cold Storage Co., Ltd./Thai-ger Marine Co., Ltd.	3.18
		S&D Marine Products Co., Ltd.	3.18
		Seafresh Industry Public Company Limited/Seafresh Fisheries	3.18
		Siam Intersea Co., Ltd.	3.18
		SMP Food Product Co., Ltd.	3.18

		Surapon Foods Public Co., Ltd./Surat Seafoods Co., Ltd.	3.18
		Tey Seng Cold Storage Co., Ltd./Chaiwarut Co., Ltd.	3.18
		Thai Royal Frozen Food Co., Ltd.	3.18
		The Siam Union Frozen Foods Co., Ltd./Kosamut Frozen Foods Co., Ltd.	3.18
		The Union Frozen Products Co., Ltd./Bright Sea Co., Ltd.	3.18
		Transamut Food Co., Ltd.	3.18
		Xian-Ning Seafood Co., Ltd.	3.18
		Yeenin Frozen Foods Co,. Ltd.	3.18
		Applied DB	57.64
		Chonburi LC	57.64
		Haitai Seafood Co., Ltd.	57.64
		High Way International Co., Ltd.	57.64
		Merkur Co., Ltd.	57.64
		Ming Chao Ind Thailand	57.64
		Nongmon SMJ Products	57.64
		SCT Co., Ltd.	57.64
		Search and Serve	57.64
		Shianlin Bangkok Co., Ltd. (located at 159 Surawong Road, Suriyawong, Bangrak, Bangkok 10500 Thailand)	57.64
		Star Frozen Foods Co., Ltd.	57.64
		Wann Fisheries Co., Ltd.	57.64
September 16, 2009 (74 FR 47551)	02/01/07-01/31/08	Pakfood Public Company Limited/Asia Pacific (Thailand) Company Limited/Chaophraya Cold Storage/Okeanos Company Limited/Takzin Samut Company Limited	4.61
		Andaman Seafood Co., Ltd./Chanthaburi Frozen Food Co., Ltd./Chanthaburi Seafoods Co., Ltd./Euro-Asian International Seafoods Co., Ltd./Intersia Foods Co., Ltd./Phattana Seafood Co., Ltd./Phattana Frozen Food Co., Ltd./S.C.C. Frozen Seafood Co., Ltd./Seawealth Frozen Food Co. Ltd./Thailand Fishery Cold Storage Public Co., Ltd./Thai International Seafoods Co., Ltd./Wales & Co. Universe Limited	4.80
		ACU Transport Co., Ltd.	4.71
		Ampai Frozen Food Co., Ltd.	4.71
		A.S. Intermarine Foods Co., Ltd.	4.71
		Asian Seafoods Coldstorage Public Co., Ltd.	4.71
		Asian Seafoods Coldstorage (Suratthani) Co., Ltd.	4.71
		Assoc. Commercial Systems	4.71

		A. Wattanachai Frozen Products Co., Ltd.	4.71
		Bangkok Dehydrated Marine Product Co., Ltd.	4.71
		Bright Sea Co., Ltd.	4.71
		C P Mdse	4.71
		C Y Frozen Food Co., Ltd.	4.71
		Chaiwarut Co., Ltd.	4.71
		Chaivaree Marine Products Co., Ltd.	4.71
		Charoen Pokphand Foods Public Co., Ltd.	4.71
		Chue Eie Mong Eak Ltd. Part.	4.71
		Core Seafood Processing Co., Ltd.	4.71
		Crystal Seafood	4.71
		Daedong (Thailand) Co., Ltd.	4.71
		Daiei Taigen (Thailand) Co., Ltd.	4.71
		Daiho (Thailand) Co., Ltd.	4.71
		Earth Food Manufacturing Co., Ltd.	4.71
		F.A.I.T. Corporation Limited	4.71
		Far East Cold Storage Co., Ltd.	4.71
		Findus (Thailand) Ltd.	4.71
		Fortune Frozen Foods (Thailand) Co., Ltd.	4.71
		Frozen Marine Products Co., Ltd.	4.71
		Gallant Ocean (Thailand) Co., Ltd.	4.71
		Gallant Ocean Seafood Corporation	4.71
		Good Fortune Cold Storage Co., Ltd.	4.71
		Good Luck Product Co., Ltd.	4.71
		Gulf Coast Crab Intl	4.71
		H.A.M. International Co., Ltd.	4.71
		Heng Seafood Limited Partnership	4.71
		Heritrade Co., Ltd.	4.71
		HIC (Thailand) Co., Ltd.	4.71
		I.T. Foods Industries Co., Ltd.	4.71
		Inter-Oceanic Resources Co., Ltd.	4.71
		Inter-Pacific Marine Products Co., Ltd.	4.71
		K.D. Trading Co., Ltd.	4.71
		K Fresh	4.71
		KF Foods	4.71

		K.L. Cold Storage Co., Ltd.	4.71
		Kiang Huat Sea Gull Trading Frozen Food Public Co. Ltd.	4.71
		Kingfisher Holdings Ltd.	4.71
		Kibun Trdg	4.71
		Klang Co., Ltd.	4.71
		Kitchens of the Ocean (Thailand) Ltd.	4.71
		Kongphop Frozen Foods Co., Ltd.	4.71
		Kosamut Frozen Foods Co., Ltd.	4.71
		Lee Heng Seafood Co., Ltd.	4.71
		Leo Transports.	4.71
		Maersk Line	4.71
		Magnate & Syndicate Co., Ltd.	4.71
		Mahachai Food Processing Co., Ltd.	4.71
		Marine Gold Products Limited	4.71
		May Ao Co., Ltd.	4.71
		May Ao Foods Co., Ltd.	4.71
		N&N Foods Co., Ltd.	4.71
		Namprik Maesri Ltd. Part.	4.71
		Narong Seafood Co., Ltd.	4.71
		Ongkorn Cold Storage Co., Ltd.	4.71
		Pacific Queen Co., Ltd.	4.71
		Penta Impex Co., Ltd.	4.71
		Pinwood Nineteen Ninety Nine	4.71
		Piti Seafoods Co., Ltd.	4.71
		Premier Frozen Products Co., Ltd.	4.71
		Preserved Food Specialty Co., Ltd.	4.71
		Rayong Coldstorage (1987) Co., Ltd.	4.71
		S&D Marine Products Co., Ltd.	4.71
		S&P Aquarium	4.71
		S&P Syndicate Public Company Ltd.	4.71
		S. Chaivaree Cold Storage Co., Ltd.	4.71
		S. Khonkaen Food Industry Public Co., Ltd.	4.71
		SMP Food Products Co., Ltd.	4.71
		Samui Foods Company Limited	4.71
		Sea Bonanza Food Co., Ltd.	4.71

		Seafoods Enterprise Co., Ltd.	4.71
		Seafresh Fisheries	4.71
		Seafresh Industry Public Co., Ltd.	4.71
		Siam Food Supply Co., Ltd.	4.71
		Siam Intersea Co., Ltd.	4.71
		Siam Marine Products Co. Ltd.	4.71
		Siam Ocean Frozen Foods Co. Ltd.	4.71
		Siam Union Frozen Foods	4.71
		Siamchai International Food Co., Ltd.	4.71
		Southport Seafood	4.71
		STC Foodpak Ltd.	4.71
		Suntechthai Intertrading Co., Ltd.	4.71
		Surapon Foods Public Co., Ltd.	4.71
		Surapon Nichirei Foods Co., Ltd.	4.71
		Surapon Seafood	4.71
		Suratthani Marine Products Co., Ltd.	4.71
		Suree Interfoods Co., Ltd.	4.71
		T.S.F. Seafood Co., Ltd.	4.71
		Tanaya International Co., Ltd.	4.71
		Teppitak Seafood Co., Ltd.	4.71
		Tey Seng Cold Storage Co., Ltd.	4.71
		Thai-Ger Marine Co., Ltd.	4.71
		Thai Agri Foods Public Co., Ltd.	4.71
		Thai I-Mei Frozen Foods Co., Ltd.	4.71
		Thai Mahachai Seafood Products Co., Ltd.	4.71
		Thai Ocean Venture Co., Ltd.	4.71
		Thai Patana Frozen	4.71
		Thai Prawn Culture Center Co., Ltd.	4.71
		Thai Royal Frozen Food Co. Ltd.	4.71
		Thai Spring Fish Co., Ltd.	4.71
		Thai Union Frozen Products Public Co., Ltd.	4.71
		Thai Union Seafood Co., Ltd.	4.71
		Thai Yoo Ltd., Part.	4.71
		The Siam Union Frozen Food Co., Ltd.	4.71
		The Union Frozen Products Co., Ltd.	4.71

		Trang Seafood Products Public Co., Ltd.	4.71
		Transamut Food Co., Ltd.	4.71
		Tung Lieng Trdg.	4.71
		United Cold Storage Co., Ltd.	4.71
		V Thai Food Product	4.71
		Xian-Ning Seafood Co., Ltd.	4.71
		Yeenin Frozen Foods Co., Ltd.	4.71
		YHS Singapore Pte.	4.71
		ZAFCO TRDG.	4.71
September 9, 2010 (75 FR 54847)	02/01/08-01/31/09	Marine Gold Products Limited	1.63
		Pakfood Public Company Limited/Asia Pacific (Thailand) Company Limited/Chaophraya Cold Storage/Okeanos Company Limited/Takzin Samut Company Limited	1.11
		Andaman Seafood Co., Ltd./Chanthaburi Frozen Food Co., Ltd./Chanthaburi Seafoods Co., Ltd./Euro-Asian International Seafoods Co., Ltd./Intersia Foods Co., Ltd./Phattana Seafood Co., Ltd./Phattana Frozen Food Co., Ltd./S.C.C. Frozen Seafood Co., Ltd./Seawealth Frozen Food Co. Ltd./Thailand Fishery Cold Storage Public Co., Ltd./Thai International Seafoods Co., Ltd./Wales & Co. Universe Limited (collectively, the Rubicon Group)	4.39
		A. Wattanachai Frozen Products Co., Ltd.	2.61
		A.S. Intermarine Foods Co., Ltd.	2.61
		ACU Transport Co., Ltd.	2.61
		Anglo-Siam Seafoods Co., Ltd.	2.61
		Apex Maritime (Thailand) Co., Ltd.	2.61
		Apitoon Enterprise Industry Co., Ltd.	2.61
		Applied DB Ind.	2.61
		Asian Seafood Colstorage (Sriracha)	2.61
		Asian Seafoods Coldstorage Public Co., Ltd.	2.61
		Asian Seafoods Coldstorage (Suratthani) Co., Ltd.	2.61
		Asian Seafoods Coldstorage (Suratthani) Co.	2.61
		Assoc. Commercial Systems	2.61
		B.S.A. Food Products Co., Ltd.	2.61
		Bangkok Dehydrated Marine Product Co., Ltd.	2.61
		Bright Sea Co., Ltd.	2.61
		C.P. Merchandising Co., Ltd.	2.61
		C.P. Mdse	2.61

		C.P. Retailing and Marketing Co. Ltd.	2.61
		C.Y. Frozen Food Co., Ltd.	2.61
		Chaiwarut Co., Ltd.	2.61
		Chaivaree Marine Products Co., Ltd.	2.61
		Charoen Pokphand Foods Public Co., Ltd.	2.61
		Chonburi LC	2.61
		Chue Eie Mong Eak Ltd. Part.	2.61
		Core Seafood Processing Co., Ltd.	2.61
		Crystal Seafood	2.61
		Daedong (Thailand) Co., Ltd.	2.61
		Daiei Taigen (Thailand) Co., Ltd.	2.61
		Daiho (Thailand) Co., Ltd.	2.61
		Dynamic Intertransport Co., Ltd.	2.61
		Earth Food Manufacturing Co., Ltd.	2.61
		Findus (Thailand) Ltd.	2.61
		Fortune Frozen Foods (Thailand) Co., Ltd.	2.61
		Frozen Marine Products Co., Ltd.	2.61
		GSE Lining Technology Co., Ltd.	2.61
		Gallant Ocean (Thailand) Co., Ltd.	2.61
		Gallant Seafood Corporation	2.61
		Global Maharaja Co., Ltd.	2.61
		Golden Sea Frozen Foods	
		Golden Sea Frozen Foods Co., Ltd.	2.61
		Good Fortune Cold Storage Co., Ltd.	2.61
		Good Luck Product Co., Ltd.	2.61
		Gulf Coast Crab Intl.	2.61
		H.A.M. International Co., Ltd.	2.61
		Haitai Seafood Co., Ltd.	2.61
		Handy International (Thailand) Co., Ltd.	2.61
		Heng Seafood Limited Partnership	2.61
		Heritrade Co., Ltd.	2.61
		HIC (Thailand) Co., Ltd.	2.61
		High Way International Co., Ltd.	2.61
		I.T. Foods Industries Co., Ltd.	2.61
		Inter-Pacific Marine Products Co., Ltd.	2.61

		K.D. Trading Co., Ltd.	2.61
		K Fresh	2.61
		KF Foods	2.61
		K.L. Cold Storage Co., Ltd.	2.61
		K & U Enterprise Co., Ltd.	2.61
		Kiang Huat Sea Gull Trading Frozen Food Public Co. Ltd.	2.61
		Kingfisher Holdings Ltd.	2.61
		Kibun Trdg	2.61
		Klang Co., Ltd.	2.61
		Kitchens of the Ocean (Thailand) Ltd.	2.61
		Kongphop Frozen Foods Co., Ltd.	2.61
		Kosamut Frozen Foods Co., Ltd.	2.61
		Lee Heng Seafood Co., Ltd.	2.61
		Li-Thai Frozen Foods Co., Ltd.	2.61
		Maersk Line	2.61
		Magnate & Syndicate Co., Ltd.	2.61
		Mahachai Food Processing Co., Ltd.	2.61
		May Ao Co., Ltd.	2.61
		May Ao Foods Co., Ltd.	2.61
		Merit Asia Foodstuff Co., Ltd.	2.61
		Merkur Co., Ltd.	2.61
		Ming Chao Ind Thailand	2.61
		N&N Foods Co., Ltd.	2.61
		Namprik Maesri Ltd. Part.	2.61
		Narong Seafood Co., Ltd.	2.61
		Nongmon SMJ Products	2.61
		N.R. Instant Produce Co., Ltd.	2.61
		Ongkorn Cold Storage Co., Ltd.	2.61
		Pacific Queen Co., Ltd.	2.61
		Penta Impex Co., Ltd.	2.61
		Pinwood Nineteen Ninety Nine	2.61
		Piti Seafoods Co., Ltd.	2.61
		Premier Frozen Products Co., Ltd.	2.61
		Preserved Food Specialty Co., Ltd.	2.61
		Queen Marine Food Co., Ltd.	2.61

		Rayong Coldstorage (1987) Co., Ltd.	2.61
		S&D Marine Products Co., Ltd.	2.61
		S&P Aquarium	2.61
		S&P Syndicate Public Company Ltd.	2.61
		S. Chaivaree Cold Storage Co., Ltd.	2.61
		SCT Co., Ltd.	2.61
		S. Khonkaen Food Industry Public Co., Ltd. and/or S. Khonkaen Food Ind. Public	2.61
		SMP Food Product Co., Ltd.	2.61
		Samui Foods Company Limited	2.61
		Sea Bonanza Food Co., Ltd.	2.61
		Sea Int'l Co., Ltd.	2.61
		Seafoods Enterprise Co., Ltd.	2.61
		Seafresh Fisheries	2.61
		Seafresh Industry Public Co., Ltd.	2.61
		Search & Serve	2.61
		Shianlin Bangkok Co., Ltd.	2.61
		Siam Food Supply Co., Ltd.	2.61
		Siam Intersea Co., Ltd.	2.61
		Siam Marine Products Co. Ltd.	2.61
		Siam Union Frozen Foods	2.61
		Siamchai International Food Co., Ltd.	2.61
		Smile Heart Foods Co., Ltd.	2.61
		Southport Seafood	2.61
		Star Frozen Foods Co., Ltd.	2.61
		STC Foodpak Ltd.	2.61
		Suntechthai Intertrading Co., Ltd.	2.61
		Surapon Seafoods Public Co., Ltd./ Surapon Foods Public Co., Ltd.	2.61
		Surapon Nichirei Foods Co., Ltd.	2.61
		Surapon Seafood	2.61
		Surat Seafoods Co., Ltd.	2.61
		Suratthani Marine Products Co., Ltd.	2.61
		T.S.F. Seafood Co., Ltd.	2.61
		Tanaya International Co., Ltd.	2.61
		Tanaya Intl.	2.61

		Teppitak Seafood Co., Ltd.	2.61
		Tey Seng Cold Storage Co., Ltd.	2.61
		Tep Kinsho Foods Co., Ltd.	2.61
		Thai-Ger Marine Co., Ltd.	2.61
		Thai Agri Foods Public Co., Ltd.	2.61
		Thai I-Mei Frozen Foods Co., Ltd.	2.61
		Thai Mahachai Seafood Products Co., Ltd.	2.61
		Thai Ocean Venture Co., Ltd.	2.61
		Thai Patana Frozen	2.61
		Thai Prawn Culture Center Co., Ltd.	2.61
		Thai Royal Frozen Food Co. Ltd.	2.61
		Thai Spring Fish Co., Ltd.	2.61
		Thai Union Frozen Products Public Co., Ltd.	2.61
		Thai Union Seafood Co., Ltd.	2.61
		Thai World Imports & Exports	2.61
		The Siam Union Frozen Foods Co., Ltd.	2.61
		The Union Frozen Products Co., Ltd.	2.61
		Trang Seafood Products Public Co., Ltd.	2.61
		Transamut Food Co., Ltd.	2.61
		Tung Lieng Trdg.	2.61
		United Cold Storage Co., Ltd.	2.61
		Xian-Ning Seafood Co., Ltd.	2.61
		Yeenin Frozen Foods Co., Ltd.	2.61
		YHS Singapore Pte.	2.61
		ZAFCO TRDG.	2.61

[1] In its second administrative review, Commerce found that antidumping duties were being absorbed by the Rubicon Group, Thai I-Mei, and Thai Union on all U.S. sales made through their affiliated importers of record. *Certain Frozen Warmwater Shrimp From Thailand: Final Results and Final Partial Rescission of Antidumping Duty Administrative Review*, 73 FR 50933, August 29, 2008.

Source: Cited *Federal Register* notices.

Table F-5
Warmwater Shrimp from VIETNAM: Administrative reviews of the antidumping duty order

Date results published	Period of review	Producer or exporter	Margin (*percent*)
September 12, 2007 (72 FR 52052)	07/16/04-01/31/06	Produced and Exported by Grobest[1]	0.00[2]
		Fish One	0.00[2]
		Nha Trang Fisco	4.57
		Bac Lieu Fisheries	4.57
		Cam Ranh Seafoods	4.57
		Incomfish	4.57
		Vietnam-Wide Rate[3]	25.76
September 9, 2008 (73 FR 52273)	02/01/06-01/31/07	Minh Phat Seafood Co., Ltd., aka Minh Phat Seafood, aka Minh Phu Seafood Export Import Corporation (and affiliates Minh Qui Seafood Co., Ltd. and Minh Phat Seafood Co., Ltd.), aka Minh Phu Seafood Corp., aka Minh Phu Seafood Corporation, aka Minh Qui Seafood, aka Minh Qui Seafood Co., Ltd.	0.01[2]
		Camau Frozen Seafood Processing Import Export Corporation (“CAMIMEX”), aka Camimex, aka Camau Seafood Factory No. 4, aka Camau Seafood Factory No. 5	0.00[2]
		Amanda Foods (Vietnam) Ltd.	4.57
		C.P. Vietnam Livestock Co. Ltd., aka C P Vietnam Livestock Co. Ltd., aka C P Livestock	4.57
		Cadovimex Seafood Import-Export and Processing Joint Stock Company (“CADOVIMEX”), aka Cai Doi Vam Seafood Import-Export Company (Cadovimex)	4.57
		Cafatex Fishery Joint Stock Corporation (“Cafatex Corp.”), aka Cantho Animal Fisheries Product Processing Export Enterprise (Cafatex), aka Cafatex, aka Cafatex Vietnam, aka Xi Nghiep Che Bien Thuy Suc San Xuat Khau Can Tho, aka Cas, aka Cas Branch, aka Cafatex Saigon, aka Cafatex Fishery Joint Stock Corporation, aka Cafatex Corporation, aka Taydo Seafood Enterprise	4.57
		Can Tho Agricultural and Animal Product Import Export Company (“CATACO”), aka Can Tho Agricultural Products, aka CATACO	4.57
		Coastal Fishery Development, aka Coastal Fisheries Development Corporation (Cofidec), aka Coastal Fisheries Development Corporation (Cofidec)	4.57
		Cuulong Seaproducts Company (“Cuu Long Seapro”), aka Cuu Long Seaproducts Limited (Cuulong Seapro)	4.57

		Danang Seaproducts Import Export Corporation (“Seaprodex Danang"), aka Tho Quang Seafood Processing & Export Company, aka Seaprodex Danang, aka Tho Quang Seafood Processing And Export Company, aka Tho Quang	4.57
		Frozen Seafoods Factory No. 32, aka Frozen Seafoods Fty, aka Thuan Phuoc, aka Thuan Phuoc Seafoods and Trading Corporation, aka Frozen Seafoods Factory 32, aka Seafoods and Foodstuff Factory	4.57
		Grobest & I-Mei Industry Vietnam, aka Grobest	0.00[2]
		Investment Commerce Fisheries Corporation (“Incomfish”)	4.57
		Kim Anh Co., Ltd.	4.57
		Minh Hai Export Frozen Seafood Processing Joint Stock Company, aka Minh Hai Jostoco, aka Minh Hai Export Frozen Seafood Processing Joint-Stock Company (“Minh Hai Jostoco"), aka Minh Hai Export Frozen Seafood Processing Joint-Stock Company, aka Minh Hai Joint Stock Seafood Processing Joint-Stock Company, aka Minh Hai Export Frozen Seafood Processing Joint-Stock Co.	4.57
		Minh Hai Joint-Stock Seafoods Processing Company (“Seaprodex Minh Hai”)	4.30
		Minh Hai Sea Products Import Export Company (Seaprimex Co.), aka Ca Mau Seafood Joint Stock Company (“SEAPRIMEXCO”)	4.57
		Ngoc Sinh Private Enterprise, aka Ngoc Sinh Seafoods	4.57
		Nha Trang Fisheries Joint Stock Company (“Nha Trang Fisco”)	4.57
		Nha Trang Seaproduct Company (“Nha Trang Seafoods”)	4.57
		Phu Cuong Seafood Processing and Import-Export Co., Ltd.	4.57
		Phuong Nam Co. Ltd., aka Phuong Nam Seafood Co. Ltd.	4.57
		Sao Ta Foods Joint Stock Company (“Fimex VN”), aka Sao Ta Seafood Factory	4.57
		Soc Trang Aquatic Products and General Import Export Company (“Stapimex”)	4.57
		UTXI Aquatic Products Processing Company, aka UT XI Aquatic Products Processing Company, aka UT-XI Aquatic Products Processing Company, aka UTXI, aka UTXI Co. Ltd., aka Khanh Loi Seafood Factory, aka Hoang Phuong Seafood Factory	4.57
		Viet Foods Co., Ltd (“Viet Foods”)	4.57
		Viet Hai Seafoods Company Ltd. (“Vietnam Fish One Co. Ltd.”), aka Vietnam Fish-One Co., Ltd.	0.00[2]

		Vinh Loi Import Export Company, aka Vimexco, aka Vinh Loi Import/Export Co., aka VIMEX, aka Vinhloi Import Export Company, aka Vinh Loi Import-Export Company	4.57
		Vietnam-Wide Rate[1]	25.76
September 15, 2009 (74 FR 47191); amended October 20, 2009 (74 FR 53701)[3]	02/01/07-01/31/08	Minh Phu Group: Minh Phat Seafood Co., Ltd., aka Minh Phat Seafood, aka Minh Phu Seafood Export Import Corporation (andaffiliates Minh Qui Seafood Co., Ltd. and Minh Phat Seafood Co., Ltd.), aka Minh Phu Seafood Corp., aka Minh Phu Seafood Corporation, aka Minh Qui Seafood, aka Minh Qui Seafood Co., Ltd.	0.43[2]
		Camau Frozen Seafood Processing Import Export Corporation (“CAMIMEX"), aka Camimex, aka Camau Seafood Factory No. 4, aka Camau Seafood Factory No. 5.	0.08[2]
		Phuong Nam Co. Ltd., aka Phuong Nam Seafood Co. Ltd., aka Western Seafood.	0.21[2]
		Amanda Foods (Vietnam) Ltd.	4.57
		Bac Lieu Fisheries Joint Stock Company	4.57
		Cadovimex-Vietnam, aka Cadovimex Seafood Import-Export and Processing Joint Stock Company (“Cadovimex-Vietnam")	4.57
		Cafatex Fishery Joint Stock Corporation (“Cafatex Corp.") aka Cantho Animal Fisheries Product Processing Export Enterprise (Cafatex), aka Cafatex, aka Cafatex Vietnam, aka Xi Nghiep Che Bien Thuy Suc San Xuat Khau Can Tho, aka Cas, aka Cas Branch, aka Cafatex Saigon, aka Cafatex Fishery Joint Stock Corporation, aka Cafatex Corporation, aka Taydo Seafood Enterprise.	4.57
		Cam Ranh Seafoods Processing Enterprise Company (“Camranh Seafoods"), aka Camranh Seafoods	4.57
		Can Tho Agricultural and Animal Products Import Export Company (“CATACO"), aka Can Tho Agricultural Products, aka CATACO, aka Can Tho Agricultural and Animal Products Imex Company	4.57
		Coastal Fishery Development, aka Coastal Fisheries Development Corporation (Cofidec), aka Coastal Fisheries Development Corporation (Cofidec)	4.57
		Cuulong Seaproducts Company (“Cuu Long Seapro"), aka Cuu Long Seaproducts Limited (Cuulong Seapro), aka Cuulong Seapro, aka Cuulong Seaproducts Company (“Cuulong Seapro") (“Cuu Long Seapro")	4.57
		Danang Seaproducts Import Export Corporation (“Seaprodex Danang"), aka Tho Quang Seafood Processing & Export Company, aka Seaprodex Danang, aka Tho Quang Seafood Processing And Export Company, aka Tho Quang, aka Tho Quang Co.	4.57
		Thuan Phuoc Seafoods and Trading Corporation (“Thuan Phuoc JSC”)	4.57

		Grobest & I-Mei Industrial (Vietnam) Co., Ltd., aka Grobest & I-Mei Industry Vietnam, aka Grobest	0.00[2]
		Investment Commerce Fisheries Corporation ("Incomfish")	4.57
		Minh Hai Export Frozen Seafood Processing Joint Stock Company, aka Minh Hai Jostoco, aka Minh Hai Export Frozen Seafood Processing Joint-Stock Company ("Minh Hai Jostoco"), aka Minh Hai Export Frozen Seafood Processing Joint-Stock Company, aka Minh Hai Joint Stock Seafood Processing Joint-Stock Company, aka Minh Hai Export Frozen Seafood Processing Joint-Stock Co., aka Minh Hai Export Frozen Seafood Processing Joint-Stock Company Minh Hai Jostoco	4.57
		Minh Hai Joint-Stock Seafoods Processing Company ("Seaprodex Minh Hai")	4.30
		Minh Hai Sea Products Import Export Company (Seaprimex Co.), aka Ca Mau Seafood Joint Stock Company ("SEAPRIMEXCO")	4.57
		Ngoc Sinh Private Enterprise, aka Ngoc Sinh Seafoods	4.57
		Nha Trang Fisheries Joint Stock Company ("Nha Trang Fisco")	4.57
		Nha Trang Seaproduct Company ("Nha Trang Seafoods")	4.57
		Phu Cuong Seafood Processing and Import-Export Co., Ltd.	4.57
		Sao Ta Foods Joint Stock Company ("Fimex VN"), aka Sao Ta Seafood Factory	4.57
		Soc Trang Seafood Joint Stock Company, aka STAPIMEX	4.57
		UTXI Aquatic Products Processing Company, aka UTXI, aka UTXI Co. Ltd., aka UTXICO, aka Khanh Loi Seafood Factory, aka Hoang Phuong Seafood Factory	4.57
		Viet Foods Co., Ltd. ("Viet Foods")	4.57
		Viet Hai Seafood Co., Ltd., aka Vietnam Fish One Co., Ltd. (Fish One)	0.00[2]
		Vinh Loi Import Export Company ("Vimexco"), aka Vinh Loi Import Export Company	4.57
		Vietnam-Wide Rate	25.76

August 9, 2010 (75 FR 47771)[4]	02/01/08-01/31/09	Minh Phu Group: Minh Phat Seafood Co., Ltd., aka Minh Phat Seafood, aka Minh Phu Seafood Export Import Corporation (and affiliates Minh Qui Seafood Co., Ltd. and Minh Phat Seafood Co., Ltd.), aka Minh Phu Seafood Corp., aka Minh Phu Seafood Corporation, aka Minh Qui Seafood, aka Minh Qui Seafood Co., Ltd.	2.96
		Nha Trang Seaproduct Company ("Nha Trang Seafoods"), aka Nha Trang Seafoods, aka Nha Trang Seaproduct Company Nha Trang Seafoods	5.58
		Bac Lieu Fisheries Company Limited, aka Bac Lieu Fisheries Company Limited ("Bac Lieu"), aka Bac Lieu Fisheries Joint Stock Company, aka Bac Lieu Fisheries Limited Company, aka Bac Lieu Fisheries Company Limited	4.27
		C.P. Vietnam Livestock Company Limited ("C.P. Vietnam"), aka C.P. Vietnam Livestock Company Limited, aka C.P. Vietnam Livestock Corporation ("C.P. Vietnam")	4.27
		Cadovimex Seafood Import-Export and Processing Joint Stock Company ("CADOVIMEX-VIETNAM"), aka Cai Doi Vam Seafood Import-Export Company ("Cadovimex"), aka Cai Doi Vam Seafood, aka Cai Doi Vam Seafood Im-Ex Company (Cadovimex), aka Cai Doi Vam Seafood Processing Factory, aka Caidoivam Seafood Company (Cadovimex), aka Caidoivam Seafood Im-Ex Co.	4.27
		Cafatex Fishery Joint Stock Corporation ("Cafatex Corp."), aka Cantho Animal Fisheries Product Processing Export Enterprise (Cafatex), aka Cafatex, aka Cafatex Vietnam, aka Xi Nghiep Che Bien Thuy Suc San Xuat Khau Can Tho, aka Cas, aka Cas Branch, aka Cafatex Saigon, aka Cafatex Fishery Joint Stock Corporation, aka Cafatex Corporation, aka Taydo Seafood Enterprise.	4.27
		Cam Ranh Seafoods Processing Enterprise Company ("Camranh Seafoods"), aka Camranh Seafoods	4.27
		Camau Frozen Seafood Processing Import Export Corporation ("CAMIMEX"), aka Camimex, aka Camau Seafood Factory No. 4, aka Camau Seafood Factory No. 5.	4.27
		Can Tho Agricultural and Animal Products Import Export Company ("CATACO"), aka Can Tho Agricultural Products, aka CATACO, aka Can Tho Agricultural and Animal Products Imex Company	4.27
		Can Tho Agricultural and Animal Products Imex Company ("CAFISH")	4.27
		Coastal Fishery Development, aka Coastal Fisheries Development Corporation ("Cofidec"), aka COFIDEC, aka Coastal Fisheries Development Corporation, aka Coastal Fisheries Development Co., aka Coastal Fisheries Development Corp.	4.27

		Cuulong Seaproducts Company (“Cuu Long Seapro"), aka Cuu Long Seaproducts Limited (Cuulong Seapro), aka Cuulong Seapro, aka Cuulong Seaproducts Company (“Cuulong Seapro") (“Cuu Long Seapro")	4.27
		Danang Seaproducts Import Export Corporation (“Seaprodex Danang"), aka Tho Quang Seafood Processing & Export Company, aka Seaprodex Danang, aka Tho Quang Seafood Processing And Export Company, aka Tho Quang, aka Tho Quang Co.	4.27
		Gallant Ocean (Vietnam) Co., Ltd. (“Gallant Ocean Vietnam”)	4.27
		Grobest & I-Mei Industrial (Vietnam) Co., Ltd., aka Grobest & I-Mei Industry Vietnam, aka Grobest	4.27
		Investment Commerce Fisheries Corporation (“Incomfish”)	4.27
		Kim Anh Company Limited (“Kim Anh”)	4.27
		Minh Hai Export Frozen Seafood Processing Joint Stock Company, aka Minh Hai Jostoco, aka Minh Hai Export Frozen Seafood Processing Joint-Stock Company (“Minh Hai Jostoco"), aka Minh Hai Export Frozen Seafood Processing Joint-Stock Company, aka Minh Hai Joint Stock Seafood Processing Joint-Stock Company, aka Minh Hai Export Frozen Seafood Processing Joint-Stock Co., aka Minh Hai Export Frozen Seafood Processing Joint-Stock Company Minh Hai Jostoco	4.27
		Minh Hai Joint-Stock Seafoods Processing Company (“Seaprodex Minh Hai"), aka Sea Minh Hai, aka Minh Hai Joint-Stock Seafoods Processing Company, aka Seaprodex Minh Hai, aka Seaprodex Min Hai, aka Seaprodex Minh Hai (Minh Hai Joint Stock Seafoods Processing Co.), aka Seaprodex Minh Hai Factory, aka Seaprodex Minh Hai Factory No. 69, aka Seaprodex Minh Hai Workshop 1, aka Seaprodex Minh Hai-Factory No. 78, aka Workshop I Seaprodex Minh Hai	4.27
		Minh Hai Sea Products Import Export Company (Seaprimex Co.), aka Ca Mau Seafood Joint Stock Company (“SEAPRIMEXCO”), aka Seaprimexco Vietnam, aka Seaprimexco Ca Mau Seafood Joint Stock Company (“Seaprimexco") Minh Hai Seaproducts Import Export Corporation Seaprimexco Minh Hai Seaproducts Co Ltd. (Seaprimexco)	4.27
		Ngoc Sinh Private Enterprise, aka Ngoc Sinh Seafoods, aka Ngoc Sinh Seafoods Processing and Trading Enterprise, aka Ngoc Sinh Fisheries, aka Ngoc Sinh Private Enterprises, aka Ngoc Sinh Seafoods Processing and Trading Enterprises, aka Ngoc Sinh, aka Ngoc Sinh Seafood Processing Company, aka Ngoc Sinh Seafoods (Private Enterprise)	4.27

		Nha Trang Fisheries Joint Stock Company (“Nha Trang Fisco”)aka Nha Trang Fisheries Joint Stock Company, aka Nhatrang Fisheries Joint Stock Company, aka Nha Trang Fisco, aka Nhatrang Fisco, aka Nha Trang Fisheries Joint Stock Company (“Nha Trang Fisco"), aka Nha Trang Fisheries, Joint Stock	4.27
		Phu Cuong Seafood Processing and Import-Export Co., Ltd.	4.27
		Phuong Nam Co., Ltd. (“Phuong Nam”), aka Wester Seafood Processing and Exporting Factory (“Western Seafood”)	4.27
		Sao Ta Foods Joint Stock Company (“Fimex VN"), aka Sao Ta Foods Joint Stock Company, aka Fimex VN, aka Sao Ta Seafood Factory, aka Saota Seafood Factory	4.27
		Soc Trang Aquatic Products and General Import Export Company (“Stapimex"), aka Soc Trang Seafood Joint Stock Company (“Stapimex"), aka Soc Trang Aquatic Products and General Import Export Company, aka Stapimex, aka Soc Trang Aquatic Products and General Import Export Company-(Stapimex), aka Stapimex Soc Trans Aquatic Products and General Import Export Company, aka Stapmex	4.27
		Thuan Phuoc Seafoods and Trading Corporation, aka Frozen Seafoods Factory No. 32, aka Seafoods and Foodstuff Factory, aka My Son Seafoods Factory	4.27
		UTXI Aquatic Products Processing Company, aka UT XI Aquatic Products Processing Company, aka UT-XI Aquatic Products Processing Company, aka UTXI, aka UTXI Co. Ltd., aka Khanh Loi Seafood Factory, aka Hoang Phuong Seafood Factory, aka UTXI Aquatic Products Processing Corporation (“UTXICO”)	4.27
		Viet Foods Co., Ltd., aka Nam Hai Foodstuff and Export Company Ltd	4.27
		Viet Hai Seafood Co., Ltd., aka Vietnam Fish One Co., Ltd. (Fish One)	4.27
		Vinh Loi Import Export Company (“Vimexco”), aka Vinh Loi Import Export Company (“VIMEX”), aka VIMEXCO, aka VIMEX, aka Vinh Loi Import/Export Co., aka Vinhloi Import Export Company, aka Vinh Loi Import-Export Company	4.27
		Vietnam-Wide Entity Rate	25.76

[1] New shipper.

[2] Margins less than 0.50 percent were considered *de minimis* and liquidated without regard to antidumping duties.

Note.--Commerce has partially revoked the antidumping duty order for Grobest and Fish One in 2007 and Minh Phat Seafood and CAMIMEX in 2008.

Note.–Commerce concluded two new shipper reviews with respect to Vietnam. Grobest and BIM Seafood were not found to have sold subject merchandise at less-than-normal-value during their respective periods of review, and thus received a margin of 0.00. See *Certain Frozen Warmwater Shrimp From the Socialist Republic of Vietnam: Final Results of the First Antidumping Duty Administrative Review and First New Shipper Review*, 72 FR 52052, September 12, 2007; and *Certain Frozen Warmwater Shrimp from the Socialist Republic of Vietnam: Final Results of the Second New Shipper Review*, 74 FR 24796, May 26, 2009.

[3] Commerce amended its final results to correct for a ministerial error.

[4] In its fourth administrative review, Commerce conducted a duty absorption inquiry, and determined that antidumping duties had not been absorbed by the Minh Phu Group or Nha Trang Seafoods on U.S. sales made through its affiliated importer. *Certain Frozen Warmwater Shrimp from the Socialist Republic of Vietnam: Final Results and Partial Rescission of Antidumping Duty Administrative Review*, 75 FR 47771, August 9, 2010.

Source: Cited *Federal Register* notices.

APPENDIX G

TARIFF TREATMENT

Heading/ Subheading	Stat. Suf-fix	Article Description	Unit of Quantity	Rates of Duty 1 General	Rates of Duty 1 Special	Rates of Duty 2
0306 (con.)		Crustaceans, whether in shell or not, live, fresh, chilled, frozen, dried, salted or in brine; crustaceans, in shell, cooked by steaming or by boiling in water, whether or not chilled, frozen, dried, salted or in brine; flours, meals and pellets of crustaceans, fit for human consumption (con.):				
		Frozen (con.):				
0306.13.00		Shrimps and prawns		Free		Free
		Shell-on, imported in accordance with Statistical Note 1 to this chapter:				
	03	Count size (headless weight) less than 33 per kg (15s)	kg			
	06	Count size (headless weight) 33-45 per kg (15-20s)	kg			
	09	Count size (headless weight) 46-55 per kg (21-25s)	kg			
	12	Count size (headless weight) 56-66 per kg (26-30s)	kg			
	15	Count size (headless weight) 67-88 per kg (31-40s)	kg			
	18	Count size (headless weight) 89-110 per kg (41-50s)	kg			
	21	Count size (headless weight) 111-132 per kg (51-60s)	kg			
	24	Count size (headless weight) 133-154 per kg (61-70s)	kg			
	27	Count size (headless weight) more than 154 per kg (70s)	kg			
	40	Peeled, imported in accordance with Statistical Note 1 to this chapter	kg			
0306.14		Crabs:				
0306.14.20	00	Crabmeat	kg	7.5%	Free (A,AU,BH,CA, CL,E,IL,J,JO,MA, MX,OM,P,PE,SG)	15%
0306.14.40		Other		Free		Free
	10	King crab	kg			
	20	Snow crab	kg			
	30	Dungeness crab	kg			
	90	Other	kg			
0306.19.00		Other, including flours, meals and pellets of crustaceans, fit for human consumption		Free		Free
	10	Freshwater crawfish	kg			
	30	Antarctic krill (Euphausia superba)	kg			
	60	Other	kg			
		Not frozen:				
0306.21.00	00	Rock lobster and other sea crawfish (Palinurus *spp.*, Panulirus *spp.*, Jasus *spp.*)	kg	Free		Free
0306.22.00		Lobsters (Homarus *spp.*)		Free		Free
	10	Live	kg			
	90	Other	kg			
0306.23.00		Shrimps and prawns		Free		Free
	20	Shell-on	kg			
	40	Peeled	kg			

Heading/ Subheading	Stat. Suf- fix	Article Description	Unit of Quantity	Rates of Duty 1 General	Rates of Duty 1 Special	Rates of Duty 2
1605 (con.)		Crustaceans, molluscs and other aquatic invertebrates, prepared or preserved (con.):				
1605.20		Shrimps and prawns:				
1605.20.05		Products containing fish meat; prepared meals		5%	Free (A*,AU,BH, CA,CL,E,IL,J,JO, MA,MX,OM,P, PE,SG)	20%
	10	In airtight containers, imported in accordance with Statistical Note 1 to this chapter	kg			
	90	Other, imported in accordance with Statistical Note 1 to this chapter	kg			
1605.20.10		Other		Free		Free
		Frozen, imported in accordance with Statistical Note 1 to this chapter:				
	10	In airtight containers	kg			
		Other:				
	20	Breaded	kg			
	30	Other	kg			
		Other, imported in accordance with Statistical Note 1 to this chapter:				
	40	Canned	kg			
	50	Other	kg			
1605.30		Lobster:				
1605.30.05		Products containing fish meat; prepared meals		10%	Free (A,AU,BH,CA, CL,E,IL,J,JO,MA, MX,OM,P,PE,SG)	20%
	10	In airtight containers	kg			
	90	Other	kg			
1605.30.10		Other		Free		Free
		Lobster meat, cooked by steaming or boiling in water and out of shell, whether or not frozen but not further prepared or preserved:				
	10	Frozen	kg			
	30	Not frozen	kg			
		Other:				
	50	In airtight containers	kg			
	90	Other	kg			
1605.40		Other crustaceans:				
1605.40.05	00	Products containing fish meat; prepared meals	kg	Free		20%
1605.40.10		Other		Free		Free
	10	Peeled freshwater crawfish tail meat	kg			
	90	Other	kg			
1605.90		Other:				
1605.90.05	00	Products containing fish meat; prepared meals	kg	Free		20%
		Other:				
		Clams:				
		In airtight containers:				
1605.90.06	00	Razor clams (Siliqua patula)	kg	Free		23%
		Other:				
1605.90.10	00	Boiled clams, whether whole, minced or chopped, and whether or not salted, but not otherwise prepared or preserved, in immediate containers, the contents of each container not exceeding 680 grams gross weight	kg	10%	Free (A,AU,BH,CA, CL,E,IL,J,JO,MA, MX,OM,P,PE,SG)	110%
1605.90.20	00	Other	kg	Free		35%
1605.90.30	00	Other	kg	Free		Free

APPENDIX H

PRICE DATA EXCLUDING *** DOMESTIC SHIPMENTS

Table H-1
Warmwater shrimp: Weighted-average f.o.b. selling prices and quantities for product 1,[1] and margins of underselling/(overselling), January 2005-September 2010

Period	United States		China			India		
	Price (*per lb*)	Quantity (*lbs*)	Price (*per lb*)	Quantity (*lbs*)	Margin (*percent*)	Price (*per lb*)	Quantity (*lbs*)	Margin (*percent*)
2005:								
January-March	$2.89	1,625,330	--	0	--	--	0	--
April-June	3.06	2,669,651	--	0	--	--	0	--
July-September	2.77	3,735,456	--	0	--	$2.65	1,970	4.4
October-December	3.06	2,177,330	--	0	--	2.71	62,350	11.6
2006:			--					
January-March	3.08	1,311,349		0	--	2.26	18,900	26.4
April-June	2.34	4,436,583	--	0	--	--	0	--
July-September	2.33	4,347,684	$***	***	***	2.36	22,000	(1.2)
October-December	2.49	2,489,966	***	***	***	3.04	11,000	(22.1)
2007:								
January-March	2.66	1,351,817	***	***	***	2.77	9,750	(4.3)
April-June	2.57	4,541,519	--	0	--	--	0	--
July-September	2.42	3,992,870	--	0	--	2.47	6,800	(2.2)
October-December	2.65	3,090,171	--	0	--	2.27	19,850	14.2
2008:								
January-March	2.74	1,633,873	--	0	--	2.33	6,500	14.9
April-June	2.84	3,210,261	***	***	***	--	0	--
July-September	2.84	2,825,218	--	0	--	--	0	--
October-December	2.90	2,549,598	***	***	***	--	0	--
2009:								
January-March	2.95	1,750,651	--	0	--	--	0	--
April-June	2.65	4,272,193	--	0	--	--	0	--
July-September	2.48	3,396,068	--	0	--	--	0	--
October-December	2.57	2,775,387	--	0	--	--	0	--
2010:								
January-March	3.03	1,530,662	--	0	--	--	0	--
April-June	3.08	2,306,789	--	0	--	--	0	--
July-September	2.80	2,903,828	***	***	***	--	0	--

[1] Frozen, raw warmwater shrimp or prawns, all species, 71 to 90 count, headless, peeled (whether or not deveined), tail-off, block frozen (cut or not cut).

Note.– ***. No importer provided price data for sales of product 1 from Brazil.

Source: Compiled from data submitted in response to Commission questionnaires.

Table H-1--*Continued*
Warmwater shrimp: Weighted-average f.o.b. selling prices and quantities for product 1,[1] and margins of underselling/(overselling), January 2005-September 2010

Period	United States		Thailand			Vietnam		
	Price (*per lb*)	Quantity (*lbs*)	Price (*per lb*)	Quantity (*lbs*)	Margin (*percent*)	Price (*per lb*)	Quantity (*lbs*)	Margin (*percent*)
2005:								
January-March	$2.89	1,625,330	$***	***	***	--	0	--
April-June	3.06	2,669,651	***	***	***	--	0	--
July-September	2.77	3,735,456	***	***	***	--	0	--
October-December	3.06	2,177,330	***	***	***	--	0	--
2006:								
January-March	3.08	1,311,349	***	***	***	--	0	--
April-June	2.34	4,436,583	***	***	***	--	0	--
July-September	2.33	4,347,684	***	***	***	--	0	--
October-December	2.49	2,489,966	***	***	***	--	0	--
2007:								
January-March	2.66	1,351,817	***	***	***	--	0	--
April-June	2.57	4,541,519	***	***	***	--	0	--
July-September	2.42	3,992,870	***	***	***	--	0	--
October-December	2.65	3,090,171	***	***	***	$***	***	***
2008:								
January-March	2.74	1,633,873	***	***	***	***	***	***
April-June	2.84	3,210,261	***	***	***	***	***	***
July-September	2.84	2,825,218	***	***	***	***	***	***
October-December	2.90	2,549,598	***	***	***	***	***	***
2009:								
January-March	2.95	1,750,651	***	***	***	***	***	***
April-June	2.65	4,272,193	***	***	***	***	***	***
July-September	2.48	3,396,068	***	***	***	***	***	***
October-December	2.57	2,775,387	***	***	***	***	***	***
2010:								
January-March	3.03	1,530,662	***	***	***	***	***	***
April-June	3.08	2,306,789	***	***	***	***	***	***
July-September	2.80	2,903,828	***	***	***	***	***	***

[1] Frozen, raw warmwater shrimp or prawns, all species, 71 to 90 count, headless, peeled (whether or not deveined), tail-off, block frozen (cut or not cut).

Note.– ***. No importer provided price data for sales of product 1 from Brazil.

Source: Compiled from data submitted in response to Commission questionnaires.

Table H-2
Warmwater shrimp: Weighted-average f.o.b. selling prices and quantities for product 2,[1] and margins of underselling/(overselling), January 2005-September 2010

Period	United States		China			India		
	Price (*per lb*)	Quantity (*lbs*)	Price (*per lb*)	Quantity (*lbs*)	Margin (*percent*)	Price (*per lb*)	Quantity (*lbs*)	Margin (*percent*)
2005:								
January-March	$2.46	450,645	--	0	--	$***	***	***
April-June	3.09	463,596	--	0	--	3.64	351,300	(17.6)
July-September	***	***	--	0	--	***	***	***
October-December	***	***	--	0	--	3.28	586,880	***
2006:								
January-March	2.58	198,630	$***	***	***	3.22	78,500	24.8
April-June	2.57	569,699	***	***	***	***	***	***
July-September	***	***	--	0	--	3.47	80,453	***
October-December	1.78	884,116	***	***	***	3.53	17,100	(98.1)
2007:								
January-March	3.05	291,555	***	***	***	3.16	22,200	(3.6)
April-June	2.94	627,870	--	0	--	--	0	--
July-September	2.55	2,486,603	--	0	--	2.90	26,400	(13.8)
October-December	2.71	1,245,221	--	0	--	***	***	***
2008:								
January-March	3.54	470,785	--	0	--	2.68	58,450	24.1
April-June	3.52	833,158	--	0	--	***	***	***
July-September	3.38	1,976,040	--	0	--	***	***	***
October-December	3.35	1,290,609	3.13	24,000	6.4	***	***	***
2009:								
January-March	3.50	630,404	--	0	--	***	***	***
April-June	2.43	1,873,751	--	0	--	***	***	***
July-September	2.08	3,963,511	--	0	--	***	***	***
October-December	2.54	1,572,196	--	0	--	3.18	36,000	(25.0)
2010:								
January-March	3.07	1,310,023	--	0	--	***	***	***
April-June	3.51	860,984	--	0	--	--	0	--
July-September	2.72	2,762,748	--	0	--	3.50	135,256	(28.9)

[1] Frozen, raw warmwater shrimp or prawns, all species, 41 to 50 count, P&D (peeled and deveined), tail-off, block frozen (cut or not cut).

Note.– ***. No importer provided price data for sales of product 2 from Brazil.

Source: Compiled from data submitted in response to Commission questionnaires.

Table H-2--*Continued*
Warmwater shrimp: Weighted-average f.o.b. selling prices and quantities for product 2,[1] and margins of underselling/(overselling), January 2005-September 2010

Period	United States		Thailand			Vietnam		
	Price (*per lb*)	Quantity (*lbs*)	Price (*per lb*)	Quantity (*lbs*)	Margin (*percent*)	Price (*per lb*)	Quantity (*lbs*)	Margin (*percent*)
2005:								
January-March	$2.46	450,645	$***	***	***	$***	***	***
April-June	3.09	463,596	***	***	***	***	***	***
July-September	***	***	***	***	***	***	***	***
October-December	***	***	***	***	***	***	***	***
2006:								
January-March	2.58	198,630	***	***	***	***	***	***
April-June	2.57	569,699	***	***	***	***	***	***
July-September	***	***	***	***	***	***	***	***
October-December	1.78	884,116	***	***	***	***	***	***
2007:								
January-March	3.05	291,555	***	***	***	***	***	***
April-June	2.94	627,870	***	***	***	***	***	***
July-September	2.55	2,486,603	***	***	***	***	***	***
October-December	2.71	1,245,221	***	***	***	***	***	***
2008:								
January-March	3.54	470,785	***	***	***	***	***	***
April-June	3.52	833,158	***	***	***	***	***	***
July-September	3.38	1,976,040	***	***	***	***	***	***
October-December	3.35	1,290,609	***	***	***	***	***	***
2009:								
January-March	3.50	630,404	***	***	***	***	***	***
April-June	2.43	1,873,751	***	***	***	***	***	***
July-September	2.08	3,963,511	***	***	***	***	***	***
October-December	2.54	1,572,196	***	***	***	***	***	***
2010:								
January-March	3.07	1,310,023	***	***	***	***	***	***
April-June	3.51	860,984	***	***	***	***	***	***
July-September	2.72	2,762,748	***	***	***	***	***	***

[1] Frozen, raw warmwater shrimp or prawns, all species, 41 to 50 count, P&D (peeled and deveined), tail-off, block frozen (cut or not cut).

Note.– ***. No importer provided price data for sales of product 2 from Brazil.

Source: Compiled from data submitted in response to Commission questionnaires.

Table H-3
Warmwater shrimp: Weighted-average f.o.b. selling prices and quantities for product 3,[1] and margins of underselling/(overselling), January 2005-September 2010

Period	United States		Brazil			China		
	Price (*per lb*)	Quantity (*lbs*)	Price (*per lb*)	Quantity (*lbs*)	Margin (*percent*)	Price (*per lb*)	Quantity (*lbs*)	Margin (*percent*)
2005:								
January-March	$3.72	257,292	$***	***	***	--	0	--
April-June	3.27	380,462	***	***	***	--	0	--
July-September	1.93	1,951,816	***	***	***	--	0	--
October-December	2.98	906,402	***	***	***	--	0	--
2006:								
January-March	3.92	250,768	***	***	***	$2.40	25,000	38.7
April-June	2.97	686,924	***	***	***	2.37	90,320	20.1
July-September	***	***	***	***	***	--	0	--
October-December	2.46	1,273,477	***	***	***	2.43	235,440	1.2
2007:								
January-March	3.30	302,568	--	0	--	--	0	--
April-June	2.92	567,211	--	0	--	--	0	--
July-September	2.76	1,324,195	--	0	--	--	0	--
October-December	3.02	879,608	--	0	--	2.69	9,640	10.9
2008:								
January-March	3.90	340,317	--	0	--	2.59	10,240	33.7
April-June	3.89	546,166	--	0	--	--	0	--
July-September	3.90	938,079	--	0	--	--	0	--
October-December	3.53	545,736	--	0	--	--	0	--
2009:								
January-March	4.05	286,003	--	0	--	--	0	--
April-June	3.13	542,024	--	0	--	--	0	--
July-September	2.36	1,298,739	--	0	--	--	0	--
October-December	2.57	579,071	--	0	--	--	0	--
2010:								
January-March	3.01	430,572	--	0	--	--	0	--
April-June	3.49	536,553	--	0	--	--	0	--
July-September	2.92	563,719	--	0	--	--	0	--

[1] Frozen, raw warmwater shrimp or prawns, all species, 31 to 40 count, headless, shell-on, block frozen.

Source: Compiled from data submitted in response to Commission questionnaires.

Table H-3--*Continued*
Warmwater shrimp: Weighted-average f.o.b. selling prices and quantities for product 3,[1] and margins of underselling/(overselling), January 2005-September 2010

Period	United States		India			Thailand		
	Price (*per lb*)	Quantity (*lbs*)	Price (*per lb*)	Quantity (*lbs*)	Margin (*percent*)	Price (*per lb*)	Quantity (*lbs*)	Margin (*percent*)
2005:								
January-March	$3.72	257,292	$3.11	745,994	16.4	$***	***	***
April-June	3.27	380,462	4.18	400,860	(27.6)	***	***	***
July-September	1.93	1,951,816	3.43	653,152	(78.3)	***	***	***
October-December	2.98	906,402	3.83	544,553	(28.7)	***	***	***
2006:								
January-March	3.92	250,768	3.67	164,425	6.2	***	***	***
April-June	2.97	686,924	4.13	72,504	(39.1)	***	***	***
July-September	***	***	3.71	389,478	***	***	***	***
October-December	2.46	1,273,477	3.68	152,230	(49.4)	***	***	***
2007:								
January-March	3.30	302,568	3.65	121,550	(10.7)	***	***	***
April-June	2.92	567,211	3.83	45,828	(30.9)	***	***	***
July-September	2.76	1,324,195	3.21	262,784	(16.4)	***	***	***
October-December	3.02	879,608	3.42	133,680	(13.2)	***	***	***
2008:								
January-March	3.90	340,317	3.26	82,860	16.4	***	***	***
April-June	3.89	546,166	3.17	117,178	18.6	***	***	***
July-September	3.90	938,079	3.12	213,553	20.0	***	***	***
October-December	3.53	545,736	3.04	244,305	13.9	***	***	***
2009:								
January-March	4.05	286,003	***	***	***	***	***	***
April-June	3.13	542,024	3.40	209,613	(8.7)	***	***	***
July-September	2.36	1,298,739	3.45	183,248	(46.1)	***	***	***
October-December	2.57	579,071	***	***	***	***	***	***
2010:								
January-March	3.01	430,572	3.63	62,904	(20.8)	***	***	***
April-June	3.49	536,553	3.40	176,788	2.6	***	***	***
July-September	2.92	563,719	3.40	235,609	(16.2)	***	***	***

[1] Frozen, raw warmwater shrimp or prawns, all species, 31 to 40 count, headless, shell-on, block frozen.

Source: Compiled from data submitted in response to Commission questionnaires.

Table H-3--*Continued*
Warmwater shrimp: Weighted-average f.o.b. selling prices and quantities for product 3,[1] and margins of underselling/(overselling), January 2005-September 2010

Period	United States		Vietnam		
	Price (*per lb*)	Quantity (*lbs*)	Price (*per lb*)	Quantity (*lbs*)	Margin (*percent*)
2005:					
January-March	$3.72	257,292	$***	***	***
April-June	3.27	380,462	***	***	***
July-September	1.93	1,951,816	***	***	***
October-December	2.98	906,402	***	***	***
2006:					
January-March	3.92	250,768	***	***	***
April-June	2.97	686,924	***	***	***
July-September	***	***	***	***	***
October-December	2.46	1,273,477	***	***	***
2007:					
January-March	3.30	302,568	***	***	***
April-June	2.92	567,211	***	***	***
July-September	2.76	1,324,195	***	***	***
October-December	3.02	879,608	***	***	***
2008:					
January-March	3.90	340,317	***	***	***
April-June	3.89	546,166	***	***	***
July-September	3.90	938,079	***	***	***
October-December	3.53	545,736	***	***	***
2009:					
January-March	4.05	286,003	***	***	***
April-June	3.13	542,024	***	***	***
July-September	2.36	1,298,739	***	***	***
October-December	2.57	579,071	***	***	***
2010:					
January-March	3.01	430,572	***	***	***
April-June	3.49	536,553	***	***	***
July-September	2.92	563,719	***	***	***

[1] Frozen, raw warmwater shrimp or prawns, all species, 31 to 40 count, headless, shell-on, block frozen.

Source: Compiled from data submitted in response to Commission questionnaires.

Table H-4
Warmwater shrimp: Weighted-average f.o.b. selling prices and quantities for product 4,[1] and margins of underselling/(overselling), January 2005-September 2010

Period	United States		China			India		
	Price (*per lb*)	Quantity (*lbs*)	Price (*per lb*)	Quantity (*lbs*)	Margin (*percent*)	Price (*per lb*)	Quantity (*lbs*)	Margin (*percent*)
2005:								
January-March	$3.94	589,587	--	0	--	$3.97	298,548	(0.7)
April-June	3.57	840,803	--	0	--	5.89	291,034	(65.1)
July-September	3.43	1,405,575	--	0	--	3.74	844,564	(8.8)
October-December	3.48	1,012,426	--	0	--	4.09	560,016	(17.5)
2006:								
January-March	4.40	429,705	--	0	--	4.26	543,872	3.2
April-June	3.36	1,413,190	--	0	--	4.68	272,039	(39.2)
July-September	2.80	2,030,050	--	0	--	4.44	885,096	(58.6)
October-December	2.86	1,206,766	--	0	--	5.38	317,848	(88.1)
2007:								
January-March	3.75	829,546	--	0	--	4.52	94,200	(20.6)
April-June	3.81	855,054	--	0	--	4.68	68,656	(23.1)
July-September	3.59	1,425,314	--	0	--	5.00	802,946	(39.4)
October-December	3.68	1,153,011	$2.62	600	29.0	3.97	184,776	(7.8)
2008:								
January-March	4.53	530,845	--	0	--	4.45	225,961	1.8
April-June	4.31	850,590	--	0	--	4.38	236,456	(1.6)
July-September	4.19	974,653	--	0	--	3.80	307,415	9.3
October-December	3.85	812,492	--	0	--	3.66	281,652	4.8
2009:								
January-March	4.08	633,159	--	0	--	3.36	371,049	17.7
April-June	3.51	961,157	--	0	--	***	***	***
July-September	2.91	1,493,665	--	0	--	3.79	369,783	(30.4)
October-December	3.05	827,957	--	0	--	3.81	141,080	(24.9)
2010:								
January-March	3.51	712,079	--	0	--	4.51	297,990	(28.2)
April-June	4.35	805,809	--	0	--	4.24	531,477	2.4
July-September	4.34	545,461	--	0	--	4.21	982,674	3.0

[1] Frozen, raw warmwater shrimp or prawns, all species, 26 to 30 count, headless, shell-on, block frozen.

Note.– No importer provided price data for sales of product 4 from Brazil.

Source: Compiled from data submitted in response to Commission questionnaires.

Table H-4--*Continued*
Warmwater shrimp: Weighted-average f.o.b. selling prices and quantities for product 4,[1] and margins of underselling/(overselling), January 2005-September 2010

Period	United States		Thailand			Vietnam		
	Price (*per lb*)	Quantity (*lbs*)	Price (*per lb*)	Quantity (*lbs*)	Margin (*percent*)	Price (*per lb*)	Quantity (*lbs*)	Margin (*percent*)
2005:								
January-March	$3.94	589,587	$***	***	***	$***	***	***
April-June	3.57	840,803	***	***	***	***	***	***
July-September	3.43	1,405,575	***	***	***	***	***	***
October-December	3.48	1,012,426	***	***	***	***	***	***
2006:								
January-March	4.40	429,705	***	***	***	***	***	***
April-June	3.36	1,413,190	***	***	***	***	***	***
July-September	2.80	2,030,050	***	***	***	***	***	***
October-December	2.86	1,206,766	***	***	***	***	***	***
2007:								
January-March	3.75	829,546	***	***	***	***	***	***
April-June	3.81	855,054	***	***	***	***	***	***
July-September	3.59	1,425,314	***	***	***	***	***	***
October-December	3.68	1,153,011	***	***	***	***	***	***
2008:								
January-March	4.53	530,845	***	***	***	***	***	***
April-June	4.31	850,590	***	***	***	***	***	***
July-September	4.19	974,653	***	***	***	***	***	***
October-December	3.85	812,492	***	***	***	***	***	***
2009:								
January-March	4.08	633,159	***	***	***	***	***	***
April-June	3.51	961,157	***	***	***	***	***	***
July-September	2.91	1,493,665	***	***	***	***	***	***
October-December	3.05	827,957	***	***	***	***	***	***
2010:								
January-March	3.51	712,079	***	***	***	***	***	***
April-June	4.35	805,809	***	***	***	***	***	***
July-September	4.34	545,461	***	***	***	***	***	***

[1] Frozen, raw warmwater shrimp or prawns, all species, 26 to 30 count, headless, shell-on, block frozen.

Note.– No importer provided price data for sales of product 4 from Brazil.

Source: Compiled from data submitted in response to Commission questionnaires.

Table H-5
Warmwater shrimp: Weighted-average f.o.b. selling prices and quantities for product 5,[1] and margins of underselling/(overselling), January 2005-September 2010

Period	United States		China			India		
	Price (*per lb*)	Quantity (*lbs*)	Price (*per lb*)	Quantity (*lbs*)	Margin (*percent*)	Price (*per lb*)	Quantity (*lbs*)	Margin (*percent*)
2005:								
January-March	$5.98	471,848	--	0	--	$***	***	***
April-June	4.82	902,459	--	0	--	***	***	***
July-September	3.91	1,904,204	--	0	--	***	***	***
October-December	3.96	1,243,255	--	0	--	***	***	***
2006:								
January-March	6.27	547,835	--	0	--	***	***	***
April-June	4.97	893,831	--	0	--	***	***	***
July-September	3.87	1,603,001	--	0	--	***	***	***
October-December	3.86	1,369,768	--	0	--	***	***	***
2007:								
January-March	5.51	686,232	--	0	--	***	***	***
April-June	4.81	1,219,140	--	0	--	***	***	***
July-September	4.60	1,561,156	--	0	--	***	***	***
October-December	5.10	1,002,208	$***	***	***	***	***	***
2008:								
January-March	6.71	606,410	***	***	***	***	***	***
April-June	5.45	1,024,955	--	0	--	***	***	***
July-September	4.42	1,877,318	--	0	--	***	***	***
October-December	4.00	898,497	--	0	--	***	***	***
2009:								
January-March	5.20	578,183	--	0	--	***	***	***
April-June	5.03	916,451	--	0	--	***	***	***
July-September	4.14	1,250,071	--	0	--	***	***	***
October-December	4.71	833,128	--	0	--	***	***	***
2010:								
January-March	5.53	708,716	--	0	--	***	***	***
April-June	6.25	885,171	--	0	--	***	***	***
July-September	6.00	737,876	--	0	--	***	***	***

[1] Frozen, raw warmwater shrimp or prawns, all species, 10 to 15 count, headless, shell-on, block frozen.

Note.– No importer provided price data for sales of product 5 from Brazil.

Source: Compiled from data submitted in response to Commission questionnaires.

Table H-5--*Continued*
Warmwater shrimp: Weighted-average f.o.b. selling prices and quantities for product 5,[1] and margins of underselling/(overselling), January 2005-September 2010

Period	United States		Thailand			Vietnam		
	Price (*per lb*)	Quantity (*lbs*)	Price (*per lb*)	Quantity (*lbs*)	Margin (*percent*)	Price (*per lb*)	Quantity (*lbs*)	Margin (*percent*)
2005:								
January-March	$5.98	471,848	$***	***	***	$***	***	***
April-June	4.82	902,459	***	***	***	***	***	***
July-September	3.91	1,904,204	***	***	***	***	***	***
October-December	3.96	1,243,255	***	***	***	***	***	***
2006:								
January-March	6.27	547,835	***	***	***	***	***	***
April-June	4.97	893,831	***	***	***	***	***	***
July-September	3.87	1,603,001	***	***	***	***	***	***
October-December	3.86	1,369,768	***	***	***	***	***	***
2007:								
January-March	5.51	686,232	***	***	***	***	***	***
April-June	4.81	1,219,140	***	***	***	***	***	***
July-September	4.60	1,561,156	***	***	***	***	***	***
October-December	5.10	1,002,208	***	***	***	***	***	***
2008:								
January-March	6.71	606,410	***	***	***	***	***	***
April-June	5.45	1,024,955	***	***	***	***	***	***
July-September	4.42	1,877,318	***	***	***	***	***	***
October-December	4.00	898,497	***	***	***	***	***	***
2009:								
January-March	5.20	578,183	***	***	***	***	***	***
April-June	5.03	916,451	***	***	***	***	***	***
July-September	4.14	1,250,071	***	***	***	***	***	***
October-December	4.71	833,128	***	***	***	***	***	***
2010:								
January-March	5.53	708,716	***	***	***	***	***	***
April-June	6.25	885,171	***	***	***	***	***	***
July-September	6.00	737,876	***	***	***	***	***	***

[1] Frozen, raw warmwater shrimp or prawns, all species, 10 to 15 count, headless, shell-on, block frozen.

Note.– No importer provided price data for sales of product 5 from Brazil.

Source: Compiled from data submitted in response to Commission questionnaires.

Table H-6
Warmwater shrimp: Weighted-average f.o.b. selling prices and quantities for product 6,[1] and margins of underselling/(overselling), January 2005-September 2010

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Table H-7
Warmwater shrimp: Weighted-average f.o.b. selling prices and quantities for product 7,[1] and margins of underselling/(overselling), January 2005-September 2010

Period	United States		China			India		
	Price (*per lb*)	Quantity (*lbs*)	Price (*per lb*)	Quantity (*lbs*)	Margin (*percent*)	Price (*per lb*)	Quantity (*lbs*)	Margin (*percent*)
2005:								
January-March	$***	***	--	0	--	$4.19	27,000	***
April-June	***	***	--	0	--	--	0	--
July-September	***	***	--	0	--	4.74	303,140	***
October-December	***	***	--	0	--	2.63	840,560	***
2006:								
January-March	***	***	--	0	--	4.12	168,190	***
April-June	***	***	--	0	--	4.24	50,800	***
July-September	***	***	--	0	--	4.43	90,410	***
October-December	***	***	--	0	--	4.63	34,290	***
2007:								
January-March	***	***	$2.39	101,340	***	6.19	1,310	***
April-June	***	***	2.21	109,290	***	6.43	1,440	***
July-September	***	***	--	0	--	5.88	14,410	***
October-December	***	***	--	0	--	5.95	81,800	***
2008:								
January-March	***	***	4.70	32,860	***	5.41	12,250	***
April-June	***	***	--	0	--	5.24	17,670	***
July-September	***	***	--	0	--	4.90	92,943	***
October-December	***	***	--	0	--	4.80	291,878	***
2009:								
January-March	5.51	59,676	--	0	--	4.25	310,473	22.9
April-June	5.91	91,616	--	0	--	3.62	78,500	38.8
July-September	4.20	181,578	--	0	--	4.44	125,538	(5.6)
October-December	3.80	188,353	--	0	--	4.82	430,403	(26.8)
2010:								
January-March	4.51	114,240	--	0	--	4.46	175,221	1.3
April-June	6.51	57,412	--	0	--	4.25	128,875	34.7
July-September	6.24	79,906	--	0	--	4.65	111,030	25.4

[1] Frozen, cooked warmwater shrimp or prawns, all species, 26 to 30 count, P&D (peeled and deveined), headless, tail-on or tail-off, IQF.

Note.– No importer provided price data for sales of product 7 from Brazil.

Source: Compiled from data submitted in response to Commission questionnaires.

Table H-7--*Continued*
Warmwater shrimp: Weighted-average f.o.b. selling prices and quantities for product 7,[1] and margins of underselling/(overselling), January 2005-September 2010

Period	United States		Thailand			Vietnam		
	Price (*per lb*)	Quantity (*lbs*)	Price (*per lb*)	Quantity (*lbs*)	Margin (*percent*)	Price (*per lb*)	Quantity (*lbs*)	Margin (*percent*)
2005:								
January-March	$***	***	$***	***	***	$***	***	***
April-June	***	***	***	***	***	***	***	***
July-September	***	***	***	***	***	***	***	***
October-December	***	***	***	***	***	***	***	***
2006:								
January-March	***	***	***	***	***	***	***	***
April-June	***	***	***	***	***	***	***	***
July-September	***	***	***	***	***	***	***	***
October-December	***	***	***	***	***	***	***	***
2007:								
January-March	***	***	***	***	***	***	***	***
April-June	***	***	***	***	***	***	***	***
July-September	***	***	***	***	***	***	***	***
October-December	***	***	***	***	***	***	***	***
2008:								
January-March	***	***	***	***	***	***	***	***
April-June	***	***	***	***	***	***	***	***
July-September	***	***	***	***	***	***	***	***
October-December	***	***	***	***	***	***	***	***
2009:								
January-March	5.51	59,676	***	***	***	***	***	***
April-June	5.91	91,616	***	***	***	***	***	***
July-September	4.20	181,578	***	***	***	***	***	***
October-December	3.80	188,353	***	***	***	***	***	***
2010:								
January-March	4.51	114,240	***	***	***	***	***	***
April-June	6.51	57,412	***	***	***	***	***	***
July-September	6.24	79,906	***	***	***	***	***	***

[1] Frozen, cooked warmwater shrimp or prawns, all species, 26 to 30 count, P&D (peeled and deveined), headless, tail-on or tail-off, IQF.

Note.– No importer provided price data for sales of product 7 from Brazil.

Source: Compiled from data submitted in response to Commission questionnaires.

Table H-8
Warmwater shrimp: Weighted-average f.o.b. selling prices and quantities for product 8,[1] and margins of underselling/(overselling), January 2005-September 2010

Period	United States		China			India		
	Price (*per lb*)	Quantity (*lbs*)	Price (*per lb*)	Quantity (*lbs*)	Margin (*percent*)	Price (*per lb*)	Quantity (*lbs*)	Margin (*percent*)
2005:								
January-March	$***	***	--	0	--	$5.31	671,854	***
April-June	***	***	--	0	--	5.98	897,490	***
July-September	***	***	--	0	--	***	***	***
October-December	***	***	--	0	--	***	***	***
2006:								
January-March	***	***	--	0	--	5.24	428,816	***
April-June	***	***	--	0	--	***	***	***
July-September	***	***	--	0	--	***	***	***
October-December	***	***	--	0	--	***	***	***
2007:								
January-March	***	***	--	0	--	***	***	***
April-June	***	***	--	0	--	***	***	***
July-September	5.56	552,913	--	0	--	***	***	***
October-December	***	***	--	0	--	5.79	303,480	***
2008:								
January-March	6.74	181,986	$***	***	***	5.23	270,586	22.4
April-June	7.30	123,628	--	0	--	5.32	340,586	27.1
July-September	7.13	186,244	--	0	--	5.23	766,688	26.7
October-December	6.00	347,446	--	0	--	5.20	249,066	13.2
2009:								
January-March	***	***	--	0	--	4.35	449,917	***
April-June	***	***	--	0	--	4.64	489,985	***
July-September	3.79	891,086	--	0	--	4.86	559,748	(28.4)
October-December	3.70	1,471,326	--	0	--	5.01	130,977	(35.3)
2010:								
January-March	4.55	662,049	--	0	--	6.08	354,048	(33.7)
April-June	***	***	--	0	--	5.94	474,308	***
July-September	6.85	249,618	--	0	--	6.24	1,146,928	8.9

[1] Frozen, raw warmwater shrimp or prawns, all species, 16 to 20 count, headless, EZ-peel, deveined, tail-on, IQF.

Note.– No importer provided price data for sales of product 8 from Brazil.

Source: Compiled from data submitted in response to Commission questionnaires.

Table H-8--*Continued*
Warmwater shrimp: Weighted-average f.o.b. selling prices and quantities for product 8,[1] and margins of underselling/(overselling), January 2005-September 2010

Period	United States		Thailand			Vietnam		
	Price (*per lb*)	Quantity (*lbs*)	Price (*per lb*)	Quantity (*lbs*)	Margin (*percent*)	Price (*per lb*)	Quantity (*lbs*)	Margin (*percent*)
2005:								
January-March	$***	***	$***	***	***	$***	***	***
April-June	***	***	***	***	***	***	***	***
July-September	***	***	***	***	***	***	***	***
October-December	***	***	***	***	***	***	***	***
2006:								
January-March	***	***	***	***	***	***	***	***
April-June	***	***	***	***	***	***	***	***
July-September	***	***	***	***	***	***	***	***
October-December	***	***	***	***	***	***	***	***
2007:								
January-March	***	***	***	***	***	***	***	***
April-June	***	***	***	***	***	***	***	***
July-September	5.56	552,913	***	***	***	***	***	***
October-December	***	***	***	***	***	***	***	***
2008:								
January-March	6.74	181,986	***	***	***	***	***	***
April-June	7.30	123,628	***	***	***	***	***	***
July-September	7.13	186,244	***	***	***	***	***	***
October-December	6.00	347,446	***	***	***	***	***	***
2009:								
January-March	***	***	***	***	***	***	***	***
April-June	***	***	***	***	***	***	***	***
July-September	3.79	891,086	***	***	***	***	***	***
October-December	3.70	1,471,326	***	***	***	***	***	***
2010:								
January-March	4.55	662,049	***	***	***	***	***	***
April-June	***	***	***	***	***	***	***	***
July-September	6.85	249,618	***	***	***	***	***	***

[1] Frozen, raw warmwater shrimp or prawns, all species, 16 to 20 count, headless, EZ-peel, deveined, tail-on, IQF.

Note.– No importer provided price data for sales of product 8 from Brazil.

Source: Compiled from data submitted in response to Commission questionnaires.

APPENDIX I

ADDITIONAL PRICE DATA

Table I-1
Warmwater shrimp: Price changes from January 2005-September 2010, by country and product

Product	United States	Brazil	China	India	Thailand	Vietnam
	Percent decline/increase					
1	-3.1	--	32.0	-12.0	-21.0	25.5
2	10.3	--	13.9	-8.2	63.5	-4.5
3	-21.6	-13.2	7.7	9.1	-2.7	5.7
4	9.3	--	0.0	6.1	8.6	20.8
5	-2.9	--	-2.3	42.7	-6.6	1.8
6	8.6	-2.7	3.6	6.0	15.4	50.0
7	-8.2	--	97.0	11.2	-12.9	3.6
8	-5.7	--	0.0	17.5	10.3	24.8

Note.– A negative number indicates a price decline.

Source: Tables V-1 through V-8.