

MEMORANDUM TO: Ronald K. Lorentzen
Acting Assistant Secretary
for Import Administration

FROM: John M. Andersen
Acting Deputy Assistant Secretary
for Antidumping and Countervailing Duty Operations

SUBJECT: Issues and Decision Memorandum for the Final Results of the
Second New Shipper Review: Certain Frozen Warmwater Shrimp
from the Socialist Republic of Vietnam (“Vietnam”)

SUMMARY

The Department of Commerce (“Department”) published its preliminary results of this second new shipper review on January 28, 2009. See Certain Frozen Warmwater Shrimp from the Socialist Republic of Vietnam: Preliminary Results of the Second New Shipper Review, 74 FR 4924 (January 28, 2009) (“Preliminary Results”). On March 20, 2009, the Department issued a revised margin analysis memorandum. See Memorandum to the File, from Emeka Chukwudebe, Case Analyst, Office 9, Import Administration, through Alex Villanueva, Program Manager, Office 9, regarding “New Shipper Review of Certain Frozen Warmwater Shrimp from the Socialist Republic of Vietnam,” dated March 20, 2009. The period of review (“POR”) is February 1, 2007, through January 31, 2008. As a result of our analysis of the comments submitted by respondent BIM Seafood Joint Stock Company (“BIM Seafood”), we made changes to the margin calculations. We recommend that you approve the positions described in the “Discussion of the Issues” section of this Issues and Decision Memorandum. Below is the complete list of the issues in this antidumping duty new shipper review for which we received comments from BIM Seafood. No other party filed comments and no party requested a public hearing.

DISCUSSION OF THE ISSUES

Comment 1: International Freight

BIM Seafood contends that the Department erred in its calculation of the surrogate value for international freight in the Preliminary Results. BIM Seafood states that the Department adjusted the international freight value to convert a pound unit of measure to kilograms. However, BIM Seafood argues that the international freight surrogate value is already reported on a kilogram basis and does not need to be converted. BIM Seafood therefore asserts that the surrogate value for international freight should be reverted back to its kilogram value.

Department’s Position:

The Department agrees with BIM Seafood that we made a unit of measure conversion error in our international freight surrogate value. Therefore, for the final results, the Department will not convert the surrogate value for international freight as it is already reported on a kilogram basis.

Comment 2: Raw Shrimp Count-Size Conversion

BIM Seafood states that the March 20, 2009, revised margin analysis memorandum incorporates a clerical error for calculating the raw shrimp count-size conversion. BIM Seafood states that the Department recalculated the raw shrimp input from a Head-Less, Shell-On (“HLSO”) basis to a Head-On, Shell-On (“HOSO”) basis to correlate with the surrogate country raw shrimp input calculated on an HOSO basis. However, BIM Seafood argues that this calculation was unnecessary because the raw shrimp input was already calculated on an HOSO basis.

Department’s Position:

The Department agrees with BIM Seafood that we should not have recalculated the raw shrimp input. We reevaluated our calculations and found that the raw shrimp input was already calculated on an HOSO basis. Therefore, for the final results, the Department will not recalculate the raw shrimp input as issued in the revised analysis memorandum as the input is already on an HOSO basis.

RECOMMENDATION:

Based on our analysis of the comments received, we recommend adopting all of the above changes and positions, and adjusting the margin calculation programs accordingly. If accepted, we will publish the final results of this review and the final weighted-average dumping margins in the Federal Register.

AGREE _____

DISAGREE _____

Ronald K. Lorentzen
Acting Assistant Secretary
for Import Administration

Date