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Case Nos. A-331-802, A-533-840,  
A-549-822 and A-351-838

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Second Administrative Review Period

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DELIVERY BY HAND

The Honorable Carlos M. Gutierrez  
Secretary of Commerce  
Attn: Import Administration  
Central Records Unit, Room 1870  
U.S. Department of Commerce  
14th Street and Constitution Avenue, N.W.  
Washington, DC 20230

Attn: James Maeder, Room 3713

Re: Second Antidumping Duty Administrative Review of Certain  
Frozen Warmwater Shrimp from Ecuador, India, Thailand and  
Brazil (2006-2007): Selection of Appropriate Third-Country  
Comparison Markets

Dear Secretary Gutierrez:

On behalf of the Domestic Producers<sup>1</sup> in the above-captioned administrative  
reviews, we hereby supplement Domestic Producers' comments of June 6, 2007<sup>2</sup>

<sup>1</sup> Ad Hoc Shrimp Trade Action Committee ("Domestic Producers"). The  
Committee is a domestic interested party to this proceeding.

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responding to the comments of counsel for certain Ecuadorian producers<sup>3</sup> objecting to Domestic Producers' request that the U.S. Department of Commerce (the "Department") obtain from all mandatory respondents detailed information on the comparability of merchandise sold in each of the various potential comparison markets to the merchandise sold in the U.S. market.<sup>4</sup>

Included as the attachment to this submission is a May 4, 2004 letter submitted on behalf of Promarisco S.A. in the original LTFV investigation.<sup>5</sup> In the attached letter, counsel for certain Ecuadorian producers unequivocally advocated precisely the same approach as have Domestic Producers for determining the most appropriate comparison market:

**The Department must examine the full range of product characteristics included in a CONNUM for purposes of determining the similarity between products sold in two countries. The most appropriate comparison market is the one in which the Department can find the most matches for the range of models sold in the United States. Case precedent supports this position, as we now show.**<sup>6</sup>

Counsel for certain Ecuadorian parties' May 31, 2007 comments in this proceeding vigorously attack Domestic Producers' request and note Domestic Producers

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<sup>2</sup> Letter from Dewey Ballantine LLP to the U.S. Department of Commerce, Case Nos. A-331-802, A-533-840, A-549-822, and A-351-838 (June 6, 2007).

<sup>3</sup> Letter from Akin Gump Strauss Hauer & Feld LLP to the U.S. Department of Commerce, Case Nos. A-331-802, A-533-840, A-549-822, and A-351-838 (May 31, 2007) ("May 31, 2007 comments").

<sup>4</sup> Letter from Dewey Ballantine LLP to the U.S. Department of Commerce, Case Nos. A-331-802, A-533-840, A-549-822, and A-351-838 (May 9, 2007).

<sup>5</sup> Letter from Akin Gump Strauss Hauer & Feld LLP to the U.S. Department of Commerce, Case No. A-331-802 (May 4, 2004) (Public Version).

<sup>6</sup> Id. at 11 (emphasis added).

“erroneously {} assumes that similarity is a function of the particular CONNUM that a producer assigns to a product.”<sup>7</sup> Counsel for certain Ecuadorian producers has made no attempt to explain, nor does it even bother to acknowledge, its inconsistent, irreconcilable positions over the course of these proceedings.

Stripping away the arguments that respondents’ counsel has now constructed from whole cloth for this proceeding, the entirety of respondents’ arguments against the provision of the information requested by Domestic Producers can be summarized as follows: compiling the information is too hard. However, as Domestic Producers have previously observed, this argument collapses under its own weight. In proposing a third country comparison market from the pool of the three largest third country markets, a respondent necessarily would had to have performed a country-specific analysis for each of the three identified third countries to ascertain which third-country contains sales of merchandise “most similar” to that sold in the U.S. market. In that event, a respondent should have already compiled CONNUM-specific information. If not, the respondent cannot reasonably claim that sales to any one third-country market is “most similar” to sales made in the United States.

To that end, Domestic Producers reiterate their request that the Department institute a simple, objective, and unassailable tool for determining the respective similarity of sales to a third-country market to sales to the U.S. market. Because the Department is required to consider similarity by the agency’s own regulations, Domestic

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<sup>7</sup> May 31, 2007 comments at 2.

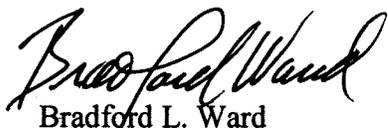
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Producers request that the Department obtain CONNUM-specific sales volume information for the three largest potential comparison markets and the U.S. market.

\* \* \* \* \*

This submission has been filed on interested parties as indicated on the attached certificate of service. Please contact any of the undersigned should you have any questions.

Respectfully submitted,



Bradford L. Ward  
Nathaniel Maandig Rickard  
Gregory I. Hume, *Economist*

*Counsel to Domestic Producers*

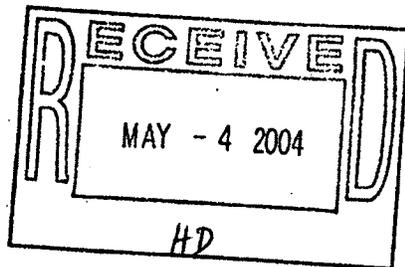
Enclosure

**ATTACHMENT**

AKIN GUMP  
STRAUSS HAUER & FELD LLP

Attorneys at Law

MAY 04 2004



May 4, 2004

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**PUBLIC VERSION**

Case No. A-331-802  
Total Pages: 19 and 3 Attachments  
Investigation  
ITA/IA/I/2  
Business Proprietary Information deleted  
from pages 4, 7, 9, 10, 13, 14, and Attachment 1

**VIA MESSENGER**

The Honorable Donald L. Evans  
U.S. Department of Commerce  
International Trade Administration  
Import Administration  
Central Records Unit, Room 1870  
14<sup>th</sup> Street & Constitution Avenue, N.W.  
Washington, D.C. 20230

**Re: Certain Frozen and Canned Warmwater Shrimp from Ecuador**

Dear Mr. Secretary:

On behalf of Promarisco S.A., we hereby submit a further explanation of the reasons why the Department should use Spain, not Japan, as the comparison market in its dumping analysis. We have explained in detail in Promarisco's May 3, 2004 Supplemental Section A response all of the reasons why its home market is not viable and that a "particular market situation" exists there. We need not repeat that discussion here.

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Promarisco's data shows, it sold only frozen, uncooked shrimp (product characteristics 1 and 2) in the United States, Spain, and Japan. Thus, petitioners' analysis simply recognizes that Promarisco sells only headless shrimp (product characteristic 3) in Japan and a high proportion of headless shrimp to the United States. However, as noted above, petitioners completely ignore the fact that Promarisco sold both head-on and headless shrimp in the United States and Spain. In fact, when considering the broader range of product characteristics requested by the Department, it is clear, as Promarisco's analysis in **Attachment 1** shows, that the product mixes in Spain and the United States are the most comparable.

The Department must examine the full range of product characteristics included in a CONNUM for purposes of determining the similarity between products sold in two countries. The most appropriate comparison market is the one in which the Department can find the most matches for the range of models sold in the United States. Case precedent supports this position, as we now show.

In Stainless Steel Bar from India, 65 Fed. Reg. 12209 (Mar. 8, 2002) (preliminary results), the Department rejected one respondent's two largest third country markets, Germany and Belgium, and selected the smallest market, Mexico, because the products sold in Mexico were "more similar" to the products sold in the United States.<sup>5</sup> In making this determination, the Department considered all, not some, of the model matching characteristics (type, grade,

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<sup>5</sup> The Department made a similar determination for a second respondent in Stainless Steel Bar from India by selecting Venezuela as the comparison market, even though it was not the largest third country market, based on the similarity of merchandise sold to the United States.