



Southern Shrimp Alliance

P.O. Box 1577 Tarpon Springs, FL 34688
955 E. MLK Dr. Suite D Tarpon Springs, FL 34689
727-934-5090 Fax 727-934-5362

April 27, 2023 (Revised)

Rachael Confair
Office of International Affairs, Trade, and Commerce
National Marine Fisheries Service
U.S. Department of Commerce
1315 East-West Highway (F/IS5)
Silver Spring, MD 20910

Re: Comments on Proposed Rule, Magnuson-Stevens Fishery Conservation and Management Act: Seafood Import Monitoring Program (NOAA-NMFS-2022-0119)

Dear Ms. Confair,

On behalf of the Southern Shrimp Alliance, I am writing to provide comments on the National Marine Fisheries Service's (NMFS) proposed rule that would (1) add species or groups of species to the Seafood Import Monitoring Program (SIMP) established pursuant to the Magnuson-Stevens Fishery Conservation and Management Act (MSA), and (2) amend SIMP regulations to (2a) clarify responsibilities of the importer of record; (2b) amend the definition of importer of record to more closely align with the U.S. Customs and Border Protection (CBP) definition; (2c) amend the language requiring chain of custody records to be made available for audit or inspection to add a requirement that such records be made available through digital means if requested by NMFS; (2d) clarify the Aggregated Harvest Report criteria; and (2e) clarify the application of SIMP requirements to imports into the Pacific Insular Areas.¹ These comments have been revised from those initially filed by the Southern Shrimp Alliance on March 28, 2023 to provide shorter excerpts of materials obtained from public records in the appendices.

As an initial matter, the Southern Shrimp Alliance believes that an effective and meaningfully enforced SIMP is vital to eliminating forced labor and human trafficking from seafood supply chains that ship product to the U.S. market. The use of forced labor in the harvesting and production of seafood is appropriately encompassed within the scope of illegal,

¹ See Magnuson-Stevens Fishery Conservation and Management Act; Seafood Import Monitoring Program: Proposed Rule; Request for Comments, 87 Fed. Reg. 79,836 (Dec. 28, 2022 NOAA) ("Proposed Rule").

unreported, and unregulated (IUU) fishing and should therefore be directly addressed by SIMP. Accordingly, the Southern Shrimp Alliance believes that the agency has erred in declaring that “labor-abuse concerns alone will not be used as a basis for identifying species.”² Absent any specific consideration actually before NMFS, there is no reason for the agency to posit an implausible circumstance where slave labor alone – to the exclusion of any other consideration – would potentially justify the identification of a species. In any final rule, to dispel any misunderstandings created by this negative approach, NMFS should confirm that labor-abuse concerns in seafood supply chains *will* be used as a basis for identifying species, in conjunction with other relevant factors.

Nevertheless, based on actual circumstances in seafood supply chains, the Southern Shrimp Alliance agrees that a review of reports and information from NMFS’s “Federal partner agencies” on forced labor, human trafficking, and child labor abuses in the seafood industry indicates that “shrimp and tuna (Albacore, Bigeye, Bluefin, Skipjack, and Yellowfin) are the most predominant species that are entering U.S. markets and that are vulnerable to forced labor in the supply chain.”³ As NMFS correctly observes, “[b]oth species groups are already included in SIMP”⁴

To be sure, shrimp is an identified species for considerations beyond labor abuse. Indeed, each of the seven principles developed by the agency supports the inclusion of shrimp in SIMP.⁵ Shrimp imports into the United States account for a significant portion of IUU seafood consumed in this market. If a traceability program cannot adequately ensure that shrimp is accurately tracked between packers and across borders, then shrimp – both wild-caught and farm-raised – will continue to be a conduit for substantial amounts of seafood harvested from IUU fishing, including through the use of forced labor, entering the United States. As the U.S. International Trade Commission (ITC) found in 2021, “aquaculture IUU imports (a measure of the proportion of IUU marine capture inputs in feed used to produce aquaculture products exported to the United States) accounted for 8.6 percent of the total value of U.S. aquaculture imports.”⁶ For shrimp, the ITC estimated that, on an annual basis, imports of farmed warmwater shrimp worth **US\$346.6 million** are comprised of IUU seafood.⁷ The ITC estimated that farmed warmwater shrimp, on its own, accounts for roughly 15 percent (14.7%) of the total value of *all* IUU seafood imported into the United States annually.⁸ Adding the ITC’s estimate of the value of IUU wild-caught warmwater shrimp imported into the United States annually (**US\$142.7 million**) and warmwater shrimp imports, both farmed and wild-caught, are estimated to comprise over one-fifth (20.8%) of the

² Id. at 79,838.

³ Id.

⁴ Id.

⁵ See, e.g., Presidential Task Force on Combating Illegal Unreported and Unregulated (IUU) Fishing and Seafood Fraud Action Plan, 80 Fed. Reg. 66,867, 66,871 (Oct. 30, 2015 NOAA).

⁶ U.S. International Trade Commission, Seafood Obtained via Illegal, Unreported, and Unregulated Fishing: U.S. Imports and Economic Impact on U.S. Commercial Fisheries, Inv. No. 332-575, USITC Pub. No. 51688 (Feb. 2021) at 118 (“ITC IUU Report”).

⁷ See id.

⁸ See id. at 113 and 118.

total value of IUU seafood imported into the United States each year (**US\$489.3 million** out of a total of **US\$2.4 billion**).⁹

By virtue of the sheer size of the country’s shrimp imports, this species category has a dominant presence in our seafood market, acting as the bellwether in evaluating the success or failure of traceability programs like SIMP. Last year, in 2022, the United States imported roughly **1.9 billion** pounds of shrimp and shrimp products, valued at **US\$7.8 billion**. The year prior, in 2021, this country imported nearly **2.0 billion** pounds of shrimp and shrimp products, valued at over **US\$8.0 billion**. Before they reach American shores, shrimp may be traded between foreign countries – grown, harvested, and frozen in one nation to be shipped to another for further processing (and perhaps another after that) prior to being exported to the United States. Thus, any meaningful traceability program must, as an example, demonstrate that it can account for Indian shrimp shipped to Vietnam (and Indonesian shrimp shipped to China, *etc.*) prior to being exported to the United States.

Because shrimp constitutes a substantial portion of the problem that the program was developed to address, the proper functioning of SIMP with regard to shrimp imports is vital to the federal government’s goal of eliminating IUU seafood from the market in the United States. At present, it is not possible for the public to evaluate whether SIMP accounts for the cross-border movement of seafood products. The limited information that has been available to the Southern Shrimp Alliance raises substantial concerns as to whether NMFS is requiring foreign processors to accurately trace seafood through their production process. Although this is fundamentally inconsistent with NMFS’s numerous public statements regarding enforcement actions taken against U.S. seafood producers under the agency’s jurisdiction, there is no routine public summary reporting of the agency’s enforcement measures under SIMP. In any final rule, NMFS should address how the agency intends to communicate information regarding enforcement actions to the public.

Beyond these observations, the Southern Shrimp Alliance writes to express support for NMFS’s decision to include all species in the Snapper (*Lutjanidae*) family within SIMP and to register its opposition to the agency’s proposed changes to 50 C.F.R. § 300.322 with respect to requirements related to the International Fisheries Trade Permit (IFTP).

I. SIMP Should Encompass All Species of Snapper

In the Proposed Rule, NMFS explains that the same factors that initially led the agency to identify Northern Red Snapper (*Lutjanus campechanus*) as a species that should be subject to SIMP reporting – a history of fisheries violations, the lack of a catch documentation scheme, and frequent species substitution – continue to exist today.¹⁰ The agency further noted that it “has particular concern about the potential to mislabel Northern Red Snapper as another snapper species that is not subject to reporting and recordkeeping requirements,” as, despite the fact that only *Lutjanus campechanus* may be marketed as “red snapper” under the U.S. Food and Drug Administration’s (FDA) Seafood List, “there are roughly 28 additional snapper species that

⁹ See id.

¹⁰ See Proposed Rule at 79,839.

include the word ‘red’ in their common or vernacular name (*e.g.*, Caribbean Red Snapper as a common name for the FDA approved market name ‘snapper,’ or Pacific Red Snapper as vernacular for the approved FDA market name ‘rockfish’).”¹¹

All of these various snapper products are imported under one of two ten-digit codes in the Harmonized Tariff Schedule of the United States (HTSUS), 0302.89.0067 and 0302.89.5058, without distinguishing between *Lutjanus campechanus* and other species in the *Lutjanid* family. Combined, the two “unspecified snapper species” HTSUS codes are one of the top 50 seafood products imported into the United States.¹² NMFS observed that in reviewing declared species data in 2019 and 2021, the agency “found that approximately 19 percent of imports declared the species as either Northern Red Snapper (‘SNR’) or the flagged non-specific snapper in the *Lutjanid* family (‘SNX’).”¹³ The agency noted that it was “consult[ing] with CBP” and analyzing imports based on “species code usage and trends before and after SIMP implementation.”¹⁴

For these reasons, NMFS explains that the agency “has particular concern about the potential to mislabel Northern Red Snapper as another snapper species that is not subject to reporting and recordkeeping requirements.”¹⁵ Accordingly, NMFS appropriately proposes to extend SIMP to cover all species of snapper. Doing so would not require the inclusion of any additional HTSUS codes, as both ten-digit codes properly utilized to import snapper are already encompassed within SIMP, but would “add 92 new ASFIS three-alpha species codes under SIMP.”¹⁶

The Southern Shrimp Alliance supports the proposed expansion of SIMP to all snapper species. As described by the Gulf of Mexico IUU Fishing Subworking Group (comprised of NOAA Fisheries, the United States Coast Guard, and the U.S. Department of State), there is a “longstanding issue of Mexican nationals operating out of fishing camps in Tamaulipas state, repeatedly entering the U.S. exclusive economic zone (EEZ) of the Gulf of Mexico via small boats, and fishing without authorization.”¹⁷ The proliferation of Mexican *lanchas* operating within the U.S. EEZ with gill nets and long lines has significantly adversely impacted the conservation measures imposed upon the U.S. commercial shrimp industry with respect to pelagic fish (including red snapper), sea turtles, and other marine life.¹⁸ As such, IUU fishing of snapper

¹¹ See id. at 79,840.

¹² See id. at 79,839.

¹³ See id. at 79,840.

¹⁴ Id.

¹⁵ Id.

¹⁶ Id.

¹⁷ “Report of the Gulf of Mexico Illegal, Unreported, and Unregulated Fishing Subworking Group,” Report to Congress (March 2021) at 5.

¹⁸ See “A Battle on the Gulf Pits the Coast Guard Against Mexican Red Snapper Poachers,” NPR Radio (July 18, 2021) (including quote from U.S. Coast Guard First Class Petty Officer Erin Welch: “We find red snapper, sharks, sea turtles. It’s incredibly physically taxing on the crew. We have to utilize everybody that’s onboard to be able to pull this up.” Also including quote from Michael Walker, charter boat captain, regarding gill netting set adrift by *lanchas*: “I pulled one up a few years ago. It had about a

in the Gulf of Mexico continues to undermine federal fisheries management controls that threaten the operations of the U.S. warmwater commercial fishery.

The continuing illegal harvest of snapper (and other species) in U.S. waters in the Gulf of Mexico by Mexican nationals in *lanchas* is well documented.¹⁹ Nevertheless, the United States has also continued to import substantial quantities of snapper from Mexico. In the proposed rule, NMFS observes that “[t]he United States imported 4,796,693 kilograms of fresh and frozen snapper from Mexico in 2018 (with a declared value of \$33,036,108).”²⁰ Official U.S. import data demonstrates that both the volume and value of U.S. imports of snapper from Mexico have increased since then, as the United States imported 4,952,432 kilograms of fresh and frozen snapper from Mexico in 2022 (with a declared value of \$47,881,760). Moreover, a review of bills of lading for truck and air shipments of snapper from Mexico to the United States, accessible through Panjiva, shows that these fish are described as being of a variety of species beyond Northern Red Snapper (*Lutjanus campechanus*), including Pacific Red Snapper (*Lutjanus peru*), Vermilion Snapper (*Rhomboplites aurorubens*), Lane Snapper (*Lutjanus Synagris*), Mangrove Snapper (*Lutjanus Griseus*), Yellow Snapper (*Lutjanus argentiventris*), and Yellowtail Snapper (*Ocyurus Chrysurus*). Thus, in order to ensure that consumers in the United States are not consuming – and unintentionally economically supporting – illegally harvested snapper, SIMP should be extended to include all snapper species imported under the HTSUS codes 0302.89.0067 and 0302.89.5058.²¹

dozen dead sailfish in it. I don’t know how many mackerel, little sharks, big sharks. It was about a mile long.”), available at: <https://www.npr.org/2021/07/18/1014782927/gulf-coast-guard-mexican-red-snapper-poachers>.

¹⁹ See NOAA Fisheries, “Improving International Fisheries Management: 2021 Report to Congress” (Aug. 2021) at 18; U.S. Coast Guard, “United States Coast Guard Annual Performance Report, Fiscal Year 2020” (Mar. 2021) at 36; United States Coast Guard News Release, “Coast Guard Interdicts 2 Lancha Crews Illegally Fishing US Waters” (Sept. 22, 2021); United States Coast Guard News Release, “Coast Guard Interdicts 3 Lanchas Illegally Fishing US Waters” (Oct. 22, 2021); John Mone, “Coast Guard Searches for Poachers from Mexico Stealing Fish from U.S.” Scripps News (May 19, 2022); United States Coast Guard News Release, “Coast Guard Interdicts Lanchas Crew, Seizes 600 Pounds of Illegal Fish Off Texas Coast” (June 18, 2022); United States Coast Guard News Release, “Coast Guard Interdicts Lancha Crew, Seizes 40 Sharks Illegally Caught Off Texas Coast” (Aug. 3, 2022); Priscilla Aguirre, “Coast Guard Seizes Over 2,000 Pounds of Red Snapper Caught in Texas Waters,” Houston Chronicle (Sept. 2, 2022); United States Coast Guard News Release, “Coast Guard Interdicts 5 Lanchas Crews, Seizes 590 Pounds of Illegal Fish Off Texas Coast” (Dec. 30, 2022); United States Coast Guard News Release, “Coast Guard Interdicts 2 Lanchas Crews, Seizes 480 Pounds of Illegal Fish Off Texas Coast” (Jan. 27, 2023); United States Coast Guard News Release, “Coast Guard Interdicts 2 Lanchas Crews, Seizes 600 Pounds of Illegal Fish, Shark Off Texas Coast” (Feb. 10, 2023); United States Coast Guard News Release, “Coast Guard Interdicts 2 Lanchas Crews, Seizes 200 Pounds of Illegal Fish Off Texas Coast” (Mar. 4, 2023); and Gulf States Marine Fisheries Commission, “Management Profile for Gulf of Mexico Red Drum,” Pub. Number 317 (Jan. 2023) at 6-31 and 6-32.

²⁰ Proposed Rule at 79,840.

²¹ Although not directly relevant to the commercial warmwater shrimp fishery in the United States, the Southern Shrimp Alliance also supports NMFS’s proposal to expand SIMP to cover cuttlefish and squid (fifteen HTSUS codes and 240 ASFIS three-alpha species codes) and octopus (five HTSUS codes and 75

II. Nonresident Entities Should Not Be Eligible to Apply for IFTPs

In the proposed rule, NMFS expresses its intention “to clarify that the importer of record on the Customs entry filing and the IFTP holder must be the same entity.”²² The agency explains that “SIMP audits have revealed that, in many cases, a third party (*e.g.*, the U.S. purchaser of the seafood) has allowed their IFTP number to be used by a foreign importer of record even though this is not allowed under the SIMP regulations.”²³ This observation is consistent with the experience of the Southern Shrimp Alliance in working on enforcement issues on seafood imports. For foreign shrimp entered into the United States, it appears to be a routine practice for the shipper to also act as the importer of record, while another party, the U.S. purchaser, is identified as the IFTP-holder.

At the Appendices to these comments, the Southern Shrimp Alliance has compiled excerpts of public documents filed with the U.S. Department of Commerce last year by four different Indian shrimp exporters – NK Marine Exports LLP, Megaa Moda Private Limited, Nekkanti Sea Foods Ltd., and Devi Fisheries Limited – that includes the Entry Summary information submitted to CBP for certain U.S. shipments. For example, the appendix for NK Marine sets forth a redacted version of the CBP Form 7501 related to the exporter’s shipment of frozen warmwater shrimp dated June 3, 2021 that reports, at Box 26, the name and address of the importer of record as “NK Marine Exports LLP, Survey No. 750, DOS Apadu, Puntha Road, Tanuku 534211.” Similarly, the appendix for Megaa Moda also includes a redacted version of the CBP Form 7501, Entry Summary, document dated October 20, 2021 that reports, at Box 26, the name and address of the importer of record as “Megaa Moda Pvt Ltd, 9th Flat A10 CIC Building 33A, Chowringhee Rd., Kolkata, IN 700071.” The appendix for Nekkanti Sea Foods also includes a redacted version of the CBP Form 7501, Entry Summary, document related to that exporter’s shipment of frozen warmwater shrimp dated April 21, 2022, that reports, in the same box, a name and address of “Nekkanti Sea Foods Limited, No 1 Jayaprada Apts Nowroji Rd, Visakhapatnam, 530 0.” And the appendix for Devi Fisheries Limited also includes a redacted version of the CBP Form 7501, Entry Summary, document related to that exporter’s shipment of frozen warmwater shrimp dated May 5, 2021, where much of the response to the box is omitted but the city name of “Visakhapatnam” is reported, consistent with the Commercial Invoice within the packet reporting the importer of record as “Devi Fisheries Limited, 6-21-7, East Point Colony, Visakhapatnam-530017, India.” Accordingly, in each of these circumstances, an entity that is not resident in the United States (non-resident importer) acted as the importer of record of seafood subject to SIMP. Pursuant to current regulations, 50 C.F.R. § 300.322, these entities would not be eligible to apply for an IFTP.

ASFIS three-alpha species codes). When combatting the transshipment of Chinese-origin shrimp through Malaysia, the Southern Shrimp Alliance found that supply chains that trafficked in fraudulent shrimp also trafficked squid tubes and octopus products, along with chum salmon. For the domestic industry, participation in the trade of this unique subset of seafood products became a reliable indicator of a heightened risk of importations made with false designations of origin.

²² Proposed Rule at 79,838.

²³ Id.

Thus, although NMFS's regulations as promulgated prohibit the importation of seafood species covered by SIMP by entities that do not possess an IFTP, this appears to have been a common practice that went unaddressed by the agency. The proposed rule appropriately acknowledges this discrepancy between industry practice and regulatory requirement. However, rather than simply clarify the rule to definitively establish that the importer of record must be an IFTP holder, NMFS proposes a change to existing regulations that is confusing, unadministrable, and would effectively eliminate the requirement that IFTP holders reside in the United States.

Specifically, NMFS proposes to amend 50 C.F.R. § 300.322 so that the regulation would read, in salient part: "The importer of record and IFTP holder identified in an entry filing must be the same entity. . . Only persons residing in the United States are eligible to apply for the IFTP. A resident agent of a nonresident corporation (see 19 CFR 141.18) may apply for an IFTP." On its face, this makes little sense. By its very definition, a nonresident corporation does not reside in the United States. Authorizing a resident agent to apply for an IFTP means that for SIMP-covered seafood imported by a nonresident corporation, the importer of record would be the nonresident corporation, while the IFTP-holder would be the resident agent. This structure runs afoul of the proposed regulation's requirement that the importer of record and IFTP holder be the same entity.

The confusing and internally contradictory language of the proposed revisions to the regulation would appear to be intended to achieve a problematic outcome: foreign entities (nonresident companies) would now be authorized to obtain IFTPs. Nonresident importers of record have long been identified by CBP as posing enhanced enforcement risks. For example, the U.S. Government Accountability Office, in a 2008 report regarding antidumping duty collection, described the challenges presented by nonresident importers of record as follows:

CBP officials pointed out that foreign companies and individuals are allowed to be importers, and that CBP's ability to collect from such importers, especially illegitimate ones, is very limited. According to CBP officials, the number of nonresident importers (i.e., foreign importers of record) seems to be growing and poses unique issues when it comes to collecting AD/CV duties. CBP officials indicated that if foreign importers of record do not pay supplemental duties, the cost of attempting to collect the duties would be high and would likely exceed the amount collected.²⁴

More recently, CBP has explained that the choice to enter merchandise into the United States, particularly of agricultural and aquacultural goods sourced from China, by nonresident importers of record may reflect an intentional effort to frustrate enforcement:

It is very challenging for CBP to collect these multi-million-dollar bills for AD/CVD duties, especially when an extended period of time has passed since the goods were originally imported. Some importers are unwilling or unable to pay the actual duties. Others are no longer in business when CBP issues a bill, leading to

²⁴ Government Accountability Office, Antidumping and Countervailing Duties: Congress and Agencies Should Take Additional Steps to Reduce Substantial Shortfalls in Duty Collection, GAO-08-391 (Mar. 2008) at 29.

uncollected AD/CVD. If still in business when the final AD/CVD bills are issued, undercapitalized importers with few assets often have difficulties paying these bills. **Some importers, including those that have formed shell companies and foreign non-resident importers, never intended to pay the final duties and often disappear as soon as there is an indication that final duties may increase.** This scenario is especially true for AD/CVD orders covering imports from China, particularly agriculture and aquaculture imports.²⁵

CBP's experience demonstrates that nonresident entities acting as importers of record for regulated merchandise poses significant enforcement challenges. Indeed, when mandating that CBP establish an importer risk assessment program in Section 115 of the *Trade Facilitation and Trade Enforcement Act of 2015*, Public Law 114-125 (Feb. 24, 2015), Congress specifically required the agency to account for the risk profiles presented by both new importers and nonresident importers.

NMFS's administration of SIMP has already raised substantial questions regarding the agency's enforcement efforts. Beyond failing to enforce the requirement that the importer of record of seafood covered by SIMP be an IFTP-holder, a review of the current list of IFTP holders establishes that, despite being directly contradictory to 50 C.F.R. § 300.322, NMFS has issued IFTPs to entities that do not reside in the United States. Specifically, the agency has granted an IFTP to "Luis Antonio Aramburo" of "Calle-34, A-34, # 1107, Mexicali, 21394" that expires on June 23, 2023. This means that despite submitting a Mexican postal address with a postal code designating Mexicali, Baja California, Mexico, the agency nevertheless issued an IFTP to the applicant. This error in the issuance of an IFTP is easily identifiable and, yet, appears to have nevertheless resulted in the foreign, non-U.S. entity being authorized to import seafood covered by SIMP for roughly nine months.

In total, NMFS identifies 2,016 IFTP holders (although a significant number of these appear to be duplicated permits issued to the same entity), with several IFTPs held by individuals – not corporations – providing residential apartment addresses.²⁶ Other IFTPs are possessed by corporate entities that appear to be paper/shell companies created for the purposes of obtaining an

²⁵ U.S. Customs and Border Protection, [Antidumping and Countervailing Duty Enforcement Actions and Compliance Initiatives: FY 2020](#), Fiscal Year 2021 Report to Congress (Aug. 11, 2021) at 10 (emphases added).

²⁶ See, e.g., "Paul Peter Manoppo, 1017 Lombard Dr., Apt. D, San Bernardino, CA 92410" (<https://www.compass.com/listing/1017-lombard-drive-unit-d-redlands-ca-92374/885610532579060985/>); "Danny Reznik, 7440 N. Kendall Dr., Apt. 2601, Miami, FL 33156-8065" (https://www.realtor.com/realestateandhomes-detail/7440-N-Kendall-Dr_Miami_FL_33156_M65197-90859); "Nicholas Gabriel Soria, 1800 N. Bayshore Dr., Apt. 3202, Miami, FL 33132-3232"; "Nelson Alvarado, 190 River Rd., Apt. 605, Edgewater, NJ 07020-1812" (<https://www.apartments.com/the-metropolitan-edgewater-nj/zg9z3tx/>); and "Ying Cui, 14241 Franklin Ave., Apt. 16, Flushing, NY 11355-2631" (<https://www.apartments.com/14241-franklin-ave-flushing-ny/q74e42w/>).

IFTP.²⁷ Given NMFS’s already incredibly lenient standard for granting IFTPs, there appears to be no justification for now eliminating the one regulatory restriction on who may hold an IFTP.

This revision appears even more egregiously unnecessary given that a review of IFTP holders makes clear that at least some foreign seafood exporters have found ways to comply with the requirements of 50 C.F.R. § 300.322 even if NMFS does not enforce those requirements. Specifically, foreign seafood exporters like the Indian shrimp exporter Nezami Rekha Seafoods Private Limited (doing business as K.N.C. Agro Ltd.), the Vietnamese seafood exporter Ngoc Tri Seafood Joint Stock Company, and the Mexican seafood company Maquiladora y Comercializadora El Camaron LLC, each hold IFTPs based on their registrations of a corporate presence in the United States. There is no reason why such an option would not be available to any other foreign corporation supplying a SIMP-covered seafood product to the United States.

For all of these reasons, NMFS should not adopt a revision of 50 C.F.R. § 300.322 that includes the sentence: “A resident agent of a nonresident corporation (see 19 CFR 141.18) may apply for an IFTP.” This language is contrary to the regulation’s requirement that only persons residing in the United States are eligible to apply for an IFTP and, as such, should be omitted from the final revised rule.

* * * * *

Thank you for any consideration you are able to give to these comments. I am available to address any questions you might have regarding this correspondence.

Sincerely,



John Williams
Executive Director

²⁷ See, e.g., “Vriante Inc., 30 N. Gould St., Ste. R, Sheridan, WY 82801-6317.” Vriante Inc. was registered as a corporation using the address of “Registered Agents Inc.” – an address also used by two other IFTP holders (“Inca Trail LLC” and “Amplitude Holdings LLC”) – with the state of Wyoming on February 8, 2023 (Original ID: 2023-001221020) and NMFS lists Vriante Inc.’s IFTP as valid through February 8, 2024.

APPENDIX A
(NK Marine Exports)

August 11, 2022

PUBLIC VERSION

Case No.: A-533-840 Total
No. of Pages: 122
17th Administrative Review
(02/01/2021–01/31/2022)
AD/CVD Office II

The proprietary version of this submission contains
BUSINESS PROPRIETARY INFORMATION
at Pages 2,4,5-10,12,14-20,30-32 and 40, and in
Exhibits 1-15.

This information has been ranged, rounded,
or deleted in the public version of this submission.

The proprietary version of this submission
may be released under APO.

BY ELECTRONIC FILING

The Honorable Gina Raimondo Secretary of Commerce
Attn: Enforcement and Compliance
APO/Dockets Unit, Room 18022
U.S. Department of Commerce
14th Street and Constitution Avenue, NW
Washington, DC 20230

Attn: Elizabeth Eastwood, Adam Simons, Terre Keaton Stefanova

**Re: Certain Frozen Warmwater Shrimp from India: NK Marine Exports LLP's
Response to Section A Questionnaire**

Dear Secretary Raimondo,

NK Marine Exports LLP ('NK Marine') was selected as a mandatory respondent in this proceeding. NK Marine hereby submits its response to Section A Questionnaire dated July 21, 2022, within the timeline set by the Department for this response.

NK Marine requests the Department to give proprietary treatment for the information in this submission that is bracketed, in accordance with applicable regulatory and statutory

NK Marine Exports LLP

Address :

Survey Nos-750-4A/1B/1A/2, 750-10/11A/9B/8/7/5
Survey Nos-751-2B/2B,753-1, Dosapadu Puntha Road,
DUVVA Village-534211, West Godavari Dist,
Andhra Pradesh, INDIA

Exhibit A-7

NK Group

Exhibit A-7

Sale documents for one sale to U.S during POR

Seq No.	List of Documents for U.S .invoice No: NKM/MNC-1/2021-22 dated 21st April 2021	Traceability
1	PURCHASE ORDER (PO)	
2		
3	SHIPPING BILL	
4	PACKING LIST	
5	COMMERCIAL INVOICE	
6	BILL OF LADING	
7	CERTIFICATE OF ORIGIN	
8	EXPORTS SALE LEDGER	
9		
10		
11	BANK RECEIPT VOUCHER FOR RECORDING PAYMENT	
12	ENTRY SUMMARY - 7501	
13	BANK REALISATION CERTIFICATE (BRC)	

DEPARTMENT OF HOMELAND SECURITY
U.S. Customs and Border Protection

ENTRY SUMMARY

1. Filer Code/ Entry Number KM6 1559792-9	2. Entry Type 03 ABI/A	3. Summary Date 6/16/21 BBZ	4. Surety Number 054 8 1703
8. Importing Carrier MSC HEIDI	9. Mode of Transport 11	10. Country of Origin IN	
12. B/L or AWB Number MEDUMZ764975	13. Manufacturer ID	14. Exporting Country	
	19. Foreign Port of Lading 53399	20. U.S. Port of Unlading 1703	

21. Location of Goods/G.O. Number L737	22. Consignee Number 47-144410700	23. Importer Number 192704-36326	24. Reference Number
25. Ultimate Consignee Name and Address [REDACTED]		26. Importer of Record Name and Address NK MARINE EXPORTS LLP SURVEY NO 750, DOSAPADU PUNTHA ROAD	
City LAKELAND	State FL	Zip 33801-0000	City TANUKU
			State
			Zip 534211

27. Line Number	28. Description of Merchandise			32. A. Entered Value B. CHGS C. Relationship	33. A. HTSUS Rate B. AD/CVD Rate C. IRC Rate D. Visa Number				34. Duty and I.R. Tax Dollars Cents	
	29. A. HTSUS No. B. AD/CVD Case No.	30. A. Gross Weight B. Manifest Qty	31. Net Quantity in HTSUS Units							
001	[REDACTED]			[REDACTED]	[REDACTED]				[REDACTED]	[REDACTED]

[REDACTED]				TOTALS			
A. LIQ CODE		B. Ascertained Duty		37. Duty		0.00	
REASON CODE		C. Ascertained Tax		38. Tax		0.00	
		D. Ascertained Other		39. Other		9991.20	
		E. Ascertained Total		40. Total		9991.20	

purchaser, or consignee for CBP purposes is as shown above, OR owner or purchaser or agent thereof. I further declare that the merchandise was obtained pursuant to a purchase or agreement to purchase and that the prices set forth in the invoices are true, OR was not obtained pursuant to a purchase or agreement to purchase and the statements in the invoices as to value or price are true to the best of my knowledge and belief. I also declare that the statements in the documents herein filed fully disclose to the best of my knowledge and belief the true prices, values, quantities, rebates, drawbacks, fees, commissions, and royalties and are true and correct, and that all goods or services provided to the seller of the merchandise either free or at reduced cost are fully disclosed.

I will immediately furnish to the appropriate CBP officer any information showing a different statement of facts.

41. DECLARANT NAME (LAST, FIRST, M.I.) TITLE SIGNATURE DATE
PEGASUS SHIPPING INC LA, ATTY-IN-FACT CAROLYN KUO 06/03/21

Broker/Filer Information Name (Last, First, M.I.) and Phone Number 43. Broker/Importer File Number
PEGASUS SHIPPING INC LA 1559792
535 N BRAND BLVD #400
GLENDALE, CA 91203-0000 818-844-3510

APPENDIX B

(Megaa Moda)



MEGAA MODA Pvt. Ltd.

An ISO 9001:2015 Certified Organisation A Govt. of India Recognised Two Star Export House

Registered & Head Office :

9th Floor, Flat A10, CIC Building, 33A Chowringhee Road,
Kolkata 700071, India, P: +91 33 4029 5578
E: megaa@megaa.in W: www.megaa.in

Case No. A-533-840

Total Pages: 240

Anti-dumping duty

POR –February 1st, 2021 to January 31st, 2022

E&C/OII: AS

PUBLIC VERSION

On Page no. 12, 13, 14, 17, 18, 19, 22 & 26 of the
Section A Response and in all Exhibits except A-
1.a, A.2, A.9 & A.12

Proprietary Treatment Requested
May be released under APO

FINAL VERSION

September 27, 2022

VIA IA ACCESS FILLING

Secretary of Commerce
Attention: Enforcement and Compliance/OII:AS
APO/Dockets Unit, Room 18022
U.S. Department of Commerce
Fourteenth Street and Constitution Avenue, N.W.
Washington, D.C. 20230

Re: Certain Frozen Warmwater Shrimp from India:

Megaa Moda Private Limited's Re-file of Public Version of Section A Response of the Original Antidumping Questionnaire

Dear Sir/Madam,

We hereby submit the response to **Re-file of Public Version of Section A Response** of Department's Antidumping Duty Questionnaire in the above noted review.

Pursuant to 19 C.F.R. §351.105 and 19 C.F.R. §351.304, we hereby request proprietary treatment for the bracketed information contained on the pages and exhibits noted in the caption.

Certifications



GSTIN : 19AACJ1411H1ZX CIN : U51101WB2009 PTC 133139

Megaa Moda Private Limited ("Megaa")

Section A Response

Exhibit A.7

**Sample sales documents for sale made by
Megaa to U.S. unaffiliate customer**

USA Sample sales documents

S. No.	Particulars	From	To
1	Index	1	1
2	Email communication with the US Customer	2	5
3	Purchase Order copy	6	6
4	Proforma Invoice	7	7
5	Commercial Invoice	8	8
6	Packing List	9	9
7	E Invoice	10	10
8	Bill of Lading	11	12
9	Analytical Report	13	14
10	Transporter Bill for Inland Freight to Port of Exit	15	15
11	Bill for Brokerage & Handling in India	16	18
12	Bill for Ocean Freight	19	19
13	Marine Insurance	20	22
14	Bill for Brokerage & Handling in USA & US Duties	23	23
15	Entry Summary Copy (Form 7501)	24	24
16	Bill for Testing Charges	25	29
17	Bill for Monitoring Fees	30	30
18	Bank Documents for Bill Discounted and Payment realization	31	35



Paperless

DEPARTMENT OF HOMELAND SECURITY
U.S. Customs and Border Protection

OMB APPROVAL NO. 1651-0022
EXPIRATION DATE 01/31/2021

ENTRY SUMMARY

CST: BBG ACE Version 00100

1. Filer Code / Entry Number 082 0425796-1	2. Entry Type 03 ABI/A	3. Summary Date 10/20/2021	4. Surety Number 036	5. Bond Type 8	6. Port Code 2704	7. Entry Date 10/10/2021
8. Importing Carrier WAN HAI 621 WHLC	E003	9. Mode of Transport 11	10. Country of Origin IN		11. Import Date 10/10/2021	
12. B / L or AWB Number	13. Manufacturer ID		14. Exporting Country		15. Export Date	

26. Importer of Record Name (Last, First, M.I.) and Address MEGAA MEGAA MODA PVT LTD Street 9TH FL FLAT A10 CIC BUILDING, 33A CHOWRINGHEE RD City KOLKATA State FN Zip 700071		
--	--	--

27. Line No.	28. Description of Merchandise			32.		33.		34.	
				A. Entered Value	B. CHGS	A. HTSUS Rate	B. ADA/CVD Rate	Duty and I.R. Tax	
	A. HTSUS No.	A. Gross Weight	31. Net Quantity in HTSUS Units	C. Relationship	D. Visa Number	C. IRC Rate		Dollars	Cents
	B. ADA/CVD No.	B. Manifest Qty							

APPENDIX C
(Nekkanti Sea Foods)



NEKKANTI SEA FOODS LIMITED

Regd. Off: D.No.3-16/3, Ocean Drive Layout, Gudlavanipalem, Sagar Nagar, Visakhapatnam – 530 045
Andhra Pradesh, India Tel: +91-891-2567767/69, E-mail: info@nekkanti.net
CIN : U05005AP1983PLC004128 GSTIN: 37AAACN4664J1Z7

June 02, 2022

PUBLIC VERSION

Case No.: A-533-840
Total No. of Pages: 266
17th Administrative Review
(02/01/2021–01/31/2022)
AD/CVD Office II

The proprietary version of this submission contains
BUSINESS PROPRIETARY INFORMATION
at pages 7,9-14,16,19,24,30 and 48 in Exhibits A-1 to
A-7 and A-10 to A-17.

This information has been ranged, rounded,
or deleted in the public version of this submission.
This proprietary version may be released under APO.

BY ELECTRONIC FILING

The Honorable Gina Raimondo Secretary of Commerce
Attn: Enforcement and Compliance
APO/Dockets Unit, Room 1870
U.S. Department of Commerce
14th Street and Constitution Avenue, NW
Washington, DC 20230

Attn: Elizabeth Eastwood, Terre Keaton, Adam Simons

Re: Certain Frozen Warmwater Shrimp from India: Nekkanti Sea Foods Limited's Response to Section A Questionnaire

Dear Secretary Raimondo,

Nekkanti Sea Foods Limited ('Nekkanti') was selected as a respondent in the above-referenced proceedings and asked to respond to the Department's questionnaires.

Nekkanti hereby submits its Section A Questionnaire response within the timeline set by the Department for this response.

Exhibit A-10

DEPARTMENT OF HOMELAND SECURITY
U.S. Customs and Border Protection

ENTRY SUMMARY

8. Importing Carrier CMDU-CMA CGM PANA-001M		9. Mode of Transport 11		1. Filer Code/Entry No. AMQ-0645708-2		2. Entry Type 03 ABI/A		3. Summary Date	
12. B/L or AWB No. CMDUIGC0126797				13. Manufacturer ID INNEKSEA2485EAS		10. Country of Origin IN		11. Import Date 12/14/2021	
16. I.T. No.		17. I.T. Date		18. Missing Docs NONE		19 Foreign Port of Lading 53399		20. U.S. Port of Unlading 4601	
21. Location of Goods/G.O. No. E425		22. Consignee No. 13-279581700		23. Importer No.		and Address NEKKANTI SEA FOODS LIMITED NO 1 JAYAPRADA APTS NOWROJI RD			
27.		28. Description of Merchandise		32.		33.		34.	
Line No.	29. A. HTSUS No. B. ADA/CVD No.	30. A. Grossweight B. Manifest Qty.	31. Net Quantity in HTSUS Units	A. Entered Value B. CHGS C. Relationship	A. HTSUS Rate B. ADA/CVD Rate C. IRC Rate D. Visa No.	Duty and I.R. Tax Dollars Cents			
001	SHRIMPS/PRAWNS, OTH, FRZN, P 0306.17.0041	16208	15436 KG	134352 C7021	FREE	1.35% .3464% .125%	1813.75 465.40 167.94		
G.I.V. US\$		143820.00							
DED MMV		2447.09-							
N.D.C.		7021.00-							
Other Fee Summary for Block 39				35. Total Entered Value		CBP USE ONLY		TOTALS	
012	1813.75			A. LIQ CODE	B. Ascertained Duty	37. Duty			
499	465.40	\$ 134352.00		REASON CODE		C. Ascertained Tax		38. Tax	
501	167.94	Total Other Fees				D. Ascertained Other		39. Other	
		\$ 2447.09				E. Ascertained Total		40. Total	
36. DECLARATION OF IMPORTER OF RECORD (OWNER OR PURCHASER) OR AUTHORIZED AGENT								2447.09	
I declare that I am the <input type="checkbox"/> Importer of record and that the actual owner, purchaser, or consignee for CBP purposes is as shown above, OR <input checked="" type="checkbox"/> owner or purchaser or agent thereof. I further declare that the merchandise <input checked="" type="checkbox"/> was obtained pursuant to a purchase or agreement to purchase and that the prices set forth in the invoices are true, OR <input type="checkbox"/> was not obtained pursuant to a purchase or agreement to purchase and the statements in the invoices as to value or price are true to the best of my knowledge and belief. I also declare that the statements in the documents herein filed fully disclose to the best of my knowledge and belief the true prices, values, quantities, rebates, drawbacks, fees, commissions, and royalties and are true and correct, and that all goods or services provided to the seller of the merchandise either free or at reduced cost are fully disclosed. I will immediately furnish to the appropriate CBP officer any information showing a different statement of facts.								2447.09	
41. DECLARANT NAME		TITLE		SIGNATURE		DATE			
ATTY IN FACT						04/21/2022			
42. Broker/Filer Information (Name, address, phone number) FREIGHT BROKERS GLOBAL SERVICES INC 1200 BRUNSWICK AVENUE FAR ROCKAWAY, NY 11691 347-926-7001 (EMILIO)				43. Broker/Importer File No. FGS 0645708					

DEPARTMENT OF HOMELAND SECURITY
U.S. Customs and Border Protection

OMB APPROVAL NO. 1651-0022
EXPIRATION DATE 01/31/2021

ENTRY SUMMARY CONTINUATION SHEET

1. Filer Code / Entry No. AMQ-0645708-2
--

27. Line No.	28. Description of Merchandise			32. A. Entered Value B. CHGS C. Relationship	33. A. HTSUS Rate B. ADA/CVD Rate C. IRC Rate D. Visa No.	34. Duty and I.R. Tax	
	29. A. HTSUS No. B. ADA/CVD No.	30. A. Grossweight B. Manifest Qty.	31. Net Quantity in HTSUS Units			Dollars	Cents
N.I.V.		134351.91					
T.E.V. ROUNDED		134352.00					

APPENDIX D
(Devi Fisheries)

DEVI FISHERIES LIMITED

CIN : U05005AP1997PLC027100

(A Government of India Recognised Export House)

6-21-7, East Point Colony, VISAKHAPATNAM-530 017, INDIA
TEL: 0891-2595672, 2595673 E-mail: accounts@devifisheries.com

June 02, 2022

PUBLIC VERSION

Case No.: A-533-840
Total No. of Pages: 432
17th Administrative Review
(02/01/2021–01/31/2022)
AD/CVD Office II

The proprietary version of this submission contains
BUSINESS PROPRIETARY INFORMATION
at **Pages 4,13,15,17,21,23,28,32,37,43,46,48 and**
53 in Exhibits A-1 to A-23 and A-28 to A-35.
This information has been ranged, rounded,
or deleted in the public version of this submission.
This proprietary version may be released under APO.

BY ELECTRONIC FILING

The Honorable Gina Raimondo Secretary of Commerce
Attn: Enforcement and Compliance
APO/Dockets Unit, Room 1870
U.S. Department of Commerce
14th Street and Constitution Avenue, NW
Washington, DC 20230

Attn: Elizabeth Eastwood, Terre Keaton, Adam Simons

Re: Certain Frozen Warmwater Shrimp from India: Devi Fisheries Limited's Response to Section A Questionnaire

Dear Secretary Raimondo,

Devi Fisheries Limited ('Devi Group') was selected as a respondent in the above-referenced proceedings and asked to respond to the Department's questionnaires.

Devi Group hereby submits its Section A Questionnaire response within the timeline set by the Department for this response.

EXHIBIT A-28

Devi Fisheries Group

Sample Sales Documents of a US Sale

Exhibit A-28

US Invoice No:

- 1 COMMERCIAL INVOICE
- 2 SHIPPING BILL COPY
- 3 BILL OF LADING
- 4 CERTIFICATE OF ORIGIN
- 5 DS-2031
- 6 ENTRY SUMMARY (FORM NO 7501)
- 7 JOURNAL VOUCHER FOR RECORDIING THE EXPORT SALE
- 8 EXPORT SALE LEDGER EXTRACT
- 9 BANK DOCUMENT EVIDENCING RECEIPT OF PAYMENT



DEPARTMENT OF HOMELAND SECURITY
U.S. Customs and Border Protection

OMB APPROVAL NO. 1651-0022
EXPIRATION DATE 01/31/2021

ENTRY SUMMARY

1. Filer Code/ Entry Number 334 5828529-4		2. Entry Type 03 ABI/A		3. Summary Date 5/19/21 BC		4. Surety Number 036		5. Bond Type 8		6. Port Code 4601		7. Entry Date			
MEDUMZ437085				INDEVAQU241AND				IN				4/04/21			
16. I.T. Number			17. I.T. Date			18. Missing Docs			19. Foreign Port of Lading 53399			20. U.S. Port of Unlading 4601			
21. Location of Goods/ 98121-0000 City VISAKHAPATNAM State Zip 530017															
27.	28. Description of Merchandise					32.		33.			34.				
Line Number	29. A. HTSUS No. B. AD/CVD Case No.		30. A. Gross Weight B. Manifest Qty.		31. Net Quantity in HTSUS Units	A. Entered Value B. CHGS C. Relationship		A. HTSUS Rate B. AD/CVD Rate C. IRC Rate D. Visa Number			Duty and I.R. Tax Dollars Cents				
001	1st Qty:		3300 PCS		Invoice 001 (DFLDAT2021523)										
	Duty :		\$-193												
	:		\$-2459												
Other Fee Summary (for Block 39)					35. Total Entered Value					CBP USE ONLY				TOTALS	
012 1822.80															
499 467.72															
7															
prices set forth in the invoices are true, OR <input type="checkbox"/> was not obtained pursuant to a purchase or agreement to purchase and the statements in the invoices as to value or price are true to the best of my knowledge and belief. I also declare that the statements in the documents herein filed fully disclose to the best of my knowledge and belief the true prices, values, quantities, rebates, drawbacks, fees, commissions, and royalties and are true and correct, and that all goods or services provided to the seller of the merchandise either free or at reduced cost are fully disclosed. I will immediately furnish to the appropriate CBP officer any information showing a different statement of facts.															
41. DECLARANT NAME (LAST, FIRST, M.I.) JOHN A STEER COMPANY, ATTY-IN-FACT						TITLE AMY CHRISTIAN						SIGNATURE AMY CHRISTIAN		DATE 05/05/21	
Broker/Filer Information Name (Last, First, M.I.) and Phone Number JOHN A STEER COMPANY 5423 HENNEMAN DRIVE SUITE A NORFOLK VA 23513 757 853 1940						43. Broker/Importer File Number 50-036334 P812832-1 / DFLDAT2021523									