

Revised Factual Information Requirements

On April 10, 2013, the Department published *Definition of Factual Information and Time Limits for Submission of Factual Information: Final Rule*, 78 FR 21246 (April 10, 2013), which modified two regulations related to antidumping and countervailing duty proceedings: The definition of factual information (19 CFR 351.102(b)(21)), and the time limits for the submission of factual information (19 CFR 351.301). The final rule identifies five categories of factual information in 19 CFR 351.102(b)(21), which are summarized as follows: (i) Evidence submitted in response to questionnaires; (ii) evidence submitted in support of allegations; (iii) other data or statements of facts; (iv) evidence placed on the record by the Department; and (v) evidence other than factual information described in (i)–(iv). The final rule requires any party, when submitting factual information, to specify under which subsection of 19 CFR 351.102(b)(21) the information is being submitted and, if the information is submitted to rebut, clarify, or correct factual information already on the record, to provide an explanation identifying the information already on the record that the factual information seeks to rebut, clarify, or correct. The final rule also modified 19 CFR 351.301 so that, rather than providing general time limits, there are specific time limits based on the type of factual information being submitted. These modifications are effective for all segments initiated on or after May 10, 2013. Please review the final rule, available at <http://enforcement.trade.gov/frn/2013/1304frn/2013-08227.txt>, prior to submitting factual information in these segments.

Any party submitting factual information in an antidumping duty proceeding must certify to the accuracy and completeness of that information.¹¹ Parties are hereby reminded that revised certification requirements are in effect for company/government officials as well as their representatives. All segments of any antidumping duty proceedings initiated on or after August 16, 2013, should use the formats for the revised certifications provided at the end of the *Final Rule*.¹² The Department

intends to reject factual submissions in these administrative reviews if the submitting party does not comply with applicable revised certification requirements.

Revised Extension of Time Limits Regulation

On September 20, 2013, the Department modified its regulation concerning the extension of time limits for submissions in antidumping duty proceedings.¹³ The modification clarifies that parties may request an extension of time limits before a time limit established under Part 351 expires, or as otherwise specified by the Secretary. In general, an extension request will be considered untimely if it is filed after the time limit established under Part 351 expires. For submissions which are due from multiple parties simultaneously, an extension request will be considered untimely if it is filed after 10:00 a.m. on the due date. Examples include, but are not limited to: (1) Case and rebuttal briefs, filed pursuant to 19 CFR 351.309; (2) rebuttal, clarification and correction filed pursuant to 19 CFR 351.301(c)(3)(iv); (3) comments concerning U.S. Customs and Border Protection data; and (4) quantity and value questionnaires. Under certain circumstances, the Department may elect to specify a different time limit by which extension requests will be considered untimely for submissions which are due from multiple parties simultaneously. In such a case, the Department will inform parties in the letter or memorandum setting forth the deadline (including a specified time) by which extension requests must be filed to be considered timely. This modification also requires that an extension request must be made in a separate, stand-alone submission, and clarifies the circumstances under which the Department will grant untimely-filed requests for the extension of time limits. These modifications are effective for all segments initiated on or after October 21, 2013. Please review the final rule, available at <http://www.gpo.gov/fdsys/pkg/FR-2013-09-20/html/2013-22853.htm>, prior to submitting factual information in these administrative reviews.

These initiations and this notice are in accordance with section 751(a) of the Act (19 U.S.C. 1675(a)) and 19 CFR 351.221(c)(1)(i).

Countervailing Duty Proceedings, 78 FR 42678 (July 17, 2013) (*Final Rule*); see also the frequently asked questions regarding the *Final Rule*, available at http://enforcement.trade.gov/lei/notices/factual_info_final_rule_FAQ_07172013.pdf.

¹³ See *Extension of Time Limits: Final Rule*, 78 FR 57790 (September 20, 2013).

Dated: March 28, 2014.

Christian Marsh,

Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XD204

Reestablishment of the Marine Fisheries Advisory Committee

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of advisory committee reestablishment.

SUMMARY: Notice is hereby given that the Secretary of Commerce has determined that the reestablishment of the Marine Fisheries Advisory Committee is necessary and in the public interest. Accordingly, the National Marine Fisheries Service has chartered the Marine Fisheries Advisory Committee (MAFAC). The charter for the MAFAC expired on January 18, 2014 while its renewal was in process.

FOR FURTHER INFORMATION CONTACT: Mark Holliday, MAFAC Executive Director; (301) 427–8004; email: Mark.Holliday@noaa.gov.

SUPPLEMENTARY INFORMATION: MAFAC will advise NOAA and Commerce on short- and long-range strategies for rebuilding and managing the sustained use of living marine resources and recovering and protecting endangered and protected marine species to meet the needs of commercial and recreational fisheries, and environmental, State, consumer, academic, tribal, and other national interests. MAFAC members will help identify common ground on controversial matters of policy and science. The Committee's expertise and diversity are not found in any Commerce component, or in any other Federal Advisory Committee.

The MAFAC will function solely as an advisory body and in compliance with provisions of the Federal Advisory Committee Act. Copies of the charter will be filed with the appropriate Committees of the Congress and with the Library of Congress.

Revocation of Order (in Part) 2011–2012, 78 FR 42497, 42499 (July 16, 2013). Accordingly, we are initiating this administrative review with respect to Marine Gold only for shrimp produced in Thailand where Marine Gold acted as either the manufacturer or exporter (but not both).

¹¹ See section 782(b) of the Act.

¹² See *Certification of Factual Information To Import Administration During Antidumping and*

Dated: March 28, 2014

Paul Doremus,

Deputy Assistant Administrator for
Operations, National Marine Fisheries
Service.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[Docket No. 0810061318-4050-02]

RIN 0648 -XL10

Endangered and Threatened Wildlife and Plants; Endangered Species Act Listing Determination for Southeast Alaska Pacific Herring

AGENCY: National Marine Fisheries
Service (NMFS), National Oceanic and
Atmospheric Administration (NOAA),
Commerce.

ACTION: Notice of a listing
determination; availability of status
review report.

SUMMARY: We, NMFS, have completed a
comprehensive status review of the
Southeast Alaska Distinct Population
Segment (DPS) of Pacific herring
(*Clupea pallasii*) under the Endangered
Species Act (ESA). Based upon the best
scientific and commercial data
available, we conclude that listing the
Southeast Alaska DPS of Pacific herring
is not warranted at this time. We also
announce the availability of the status
review report.

DATES: This finding is made as of April
2, 2014.

ADDRESSES: The Status Review of
Southeast Alaska Pacific Herring,
Extinction Risk Analysis report, as well
as this listing determination, can be
obtained via the internet at [http://
alaskafisheries.noaa.gov/](http://alaskafisheries.noaa.gov/) or from Kate
Savage, NMFS Alaska Region, Protected
Resources Division, P.O. Box 21668,
Juneau, AK 99802-1668.

FOR FURTHER INFORMATION CONTACT: Kate
Savage, NMFS Alaska Region, (907)
586-7312; Jon Kurland, NMFS Alaska
Region, (907) 586-7638; or Dwayne
Meadows, NMFS Office of Protected
Resources, (301) 427-8403.

SUPPLEMENTARY INFORMATION:

Background

On April 2, 2007, we received a
petition from the Juneau Group of the
Sierra Club to list the Lynn Canal stock
of Pacific herring as a threatened or
endangered species under the ESA and
to designate critical habitat. We
determined that the petition presented

substantial information indicating that
the petitioned action may be warranted
and published a 90-day finding (72
FR51619; September 10, 2007) that
initiated a status review. We convened
a Biological Review Team (BRT)
composed of Federal scientists with
expertise in Pacific herring biology and
ecology to conduct the status review.
The BRT reviewed existing research and
information, including both published
and unpublished literature and data on
herring stocks throughout the eastern
North Pacific. Based on information
contained in the status review report
produced by the BRT, we published a
finding (73 FR 19824; April 11, 2008)
that listing the Lynn Canal Pacific
herring as threatened or endangered
under the ESA was not warranted
because the population does not
constitute a listable entity (species,
subspecies, or DPS) under the ESA. We
concluded that the Lynn Canal Pacific
herring stock is part of a larger
Southeast Alaska DPS, extending from
Dixon Entrance in the south, where the
Southeast Alaska stock is genetically
distinguished from the British Columbia
stock, to Cape Fairweather and Icy Point
in the north, where the stock is limited
by physical and ecological barriers. We
further concluded that the DPS to which
Lynn Canal Pacific herring belong
should be considered a candidate
species under the ESA. Consequently,
we initiated a status review of the
Southeast Alaska DPS and published a
request for information, data, and
comments pertinent to a risk assessment
(73 FR 66031; November 6, 2008).

Listing Determinations Under the ESA

Two key tasks are associated with
conducting an ESA status review. The
first is to identify the taxonomic group
under consideration, and the second is
to conduct an extinction risk assessment
to determine whether the species,
subspecies, or DPS is threatened or
endangered.

Section 3 of the ESA defines a
“species” as “any subspecies of fish or
wildlife or plants, and any distinct
population segment of any species of
vertebrate fish or wildlife which
interbreeds when mature.” Section 3 of
the ESA further defines an endangered
species as “any species which is in
danger of extinction throughout all or a
significant portion of its range” and a
threatened species as one “which is
likely to become an endangered species
within the foreseeable future throughout
all or a significant portion of its range.”
Thus, we interpret an “endangered
species” to be one that is presently in
danger of extinction. A “threatened
species,” on the other hand, is not

presently in danger of extinction, but is
likely to become so in the foreseeable
future (that is, at a later time). In other
words, the primary statutory difference
between a threatened and endangered
species is the timing of when a species
may be in danger of extinction, either
presently (endangered) or in the
foreseeable future (threatened). The
determination of whether a species
should be listed as endangered or
threatened must be based solely on the
best scientific and commercial data
available.

NMFS and the U.S. Fish and Wildlife
Service (USFWS) have a joint policy on
recognizing distinct vertebrate
population segments to outline the
principles for identifying and managing
a DPS under the ESA (61 FR 47222;
February 7, 1996). Under the DPS
policy, both the discreteness and
significance of a population segment in
relation to the remainder of the species
to which it belongs must be evaluated.
A population segment of a vertebrate
species may be considered discrete if it
satisfies any one of the following
conditions:

(1) It is markedly separated from other
populations of the same taxon as a
consequence of physical, physiological,
ecological, or behavioral factors.
Quantitative measures of genetic or
morphological discontinuity may
provide evidence of this separation.

(2) It is delimited by international
governmental boundaries within which
differences in control of exploitation,
management of habitat, conservation
status, or regulatory mechanisms exist
that are significant in light of section
4(a)(1)(D) of the Act.

If a population segment is discrete, we
will evaluate its biological and
ecological significance in light of
Congressional guidance (see Senate
Report 151, 96th Congress, 1st Session)
that the authority to list DPSs be used
“sparingly” while encouraging the
conservation of genetic diversity. The
significance consideration may include,
but is not limited to, the following:

(1) Persistence of the discrete
population segment in an ecological
setting unusual or unique for the taxon,

(2) Evidence that loss of the discrete
population segment would result in a
significant gap in the range of a taxon,

(3) Evidence that the discrete
population segment represents the only
surviving natural occurrence of a taxon
that may be more abundant elsewhere as
an introduced population outside its
historic range, or

(4) Evidence that the discrete
population segment differs markedly
from other populations of the species in
its genetic characteristics.