

these preliminary results.<sup>4</sup> Hearing requests should contain the following information: (1) The party's name, address, and telephone number; (2) the number of participants; and (3) a list of the issues to be discussed. Oral presentations will be limited to issues raised in the briefs. If a request for a hearing is made, parties will be notified of the time and date for the hearing to be held at the U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230.<sup>5</sup>

The Department intends to issue the final results of these new shipper reviews, which will include the results of its analysis of issues raised in all comments and at any hearing, within 90 days of publication of these preliminary results, pursuant to section 751(a)(2)(B)(iv) of the Act.

#### Deadline for Submission of Publicly Available Surrogate Value Information

In accordance with 19 CFR 351.301(c)(3)(ii), the deadline for submission of publicly available information to value factors of production under 19 CFR 351.408(c) is 20 days after the date of publication of the preliminary results. In accordance with 19 CFR 351.301(c)(1), if an interested party submits factual information less than ten days before, on, or after (if the Department has extended the deadline) the applicable deadline for submission of such factual information, an interested party may submit factual information to rebut, clarify, or correct the factual information no later than ten days after such factual information is served on the interested party. However, the Department generally will not accept in the rebuttal submission additional or alternative surrogate value information not previously on the record, if the deadline for submission of surrogate value information has passed.<sup>6</sup> Furthermore, the Department generally will not accept business proprietary information in either the surrogate value submissions or the rebuttals thereto, as the regulation regarding the submission of surrogate values allows only for the submission of publicly available information.<sup>7</sup>

<sup>4</sup> See 19 CFR 351.310(c).

<sup>5</sup> See 19 CFR 351.310(d).

<sup>6</sup> See, e.g., *Glycine from the People's Republic of China: Final Results of Antidumping Duty Administrative Review and Final Rescission*, in Part, 72 FR 58809 (October 17, 2007), and accompanying Issues and Decision Memorandum at Comment 2.

<sup>7</sup> See 19 CFR 351.301(c)(3).

#### Assessment Rates

Upon completion of the final results, pursuant to 19 CFR 351.212(b), the Department will determine, and U.S. Customs Border and Protection ("CBP") shall assess, antidumping duties on all appropriate entries on a per-unit basis for the New Shipper Respondents. The Department intends to issue assessment instructions to CBP 15 days after the date of publication of the final results of review. Pursuant to 19 CFR 351.212(b)(1), we will calculate importer-specific (or customer) per-unit duty assessment rates. We will instruct CBP to assess antidumping duties on all appropriate entries covered by this review if any importer-specific assessment rate calculated in the final results of this review is above *de minimis*. The final results of these reviews shall be the basis for the assessment of antidumping duties on entries of merchandise covered by the final results of these reviews and for future deposits of estimated duties, where applicable.

#### Cash Deposit Requirements

The following cash deposit requirements will be effective upon publication of the final results of these new shipper reviews for all shipments of subject merchandise from the New Shipper Respondents entered, or withdrawn from warehouse, for consumption on or after the publication date, as provided for by section 751(a)(2)(C) of the Act: (1) For subject merchandise produced and exported by the New Shipper Respondents, the cash deposit rate will be the rates established in the final results of these reviews (except, if a rate is zero or *de minimis*, no cash deposit will be required); (2) for subject merchandise exported by the New Shipper Respondents but not manufactured by the New Shipper Respondents, the cash deposit rate will continue to be the Vietnam-wide rate (*i.e.*, \$2.11 per kilogram);<sup>8</sup> and (3) for subject merchandise manufactured by the New Shipper Respondents, but exported by any other party, the cash deposit rate will be the rate applicable to the exporter. These cash deposit requirements, when imposed, shall remain in effect until further notice.

#### Notification to Interested Parties

This notice serves as a preliminary reminder to importers of their responsibility under 19 CFR

<sup>8</sup> See *Certain Frozen Fish Fillets from the Socialist Republic of Vietnam: Final Results of the Antidumping Duty Administrative Review and New Shipper Reviews*, 75 FR 12726, 12728 (March 17, 2010).

351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this POR. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

We are issuing and publishing this determination in accordance with sections 751(a)(2)(B) and 777(i)(1) of the Act.

Dated: January 24, 2013.

**Paul Piquado,**

*Assistant Secretary for Import Administration.*

[FR Doc. 2013-02001 Filed 1-29-13; 8:45 am]

**BILLING CODE 3510-DS-P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

**RIN 0648-XC424**

#### Endangered and Threatened Species; Take of Anadromous Fish; Correction

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

**ACTION:** Notice of receipt of a Scientific purposes and Enhancement of survival permit application and Hatchery and Genetic Management Plan (HGMP); notice of availability of draft environmental assessment (EA); correction.

**SUMMARY:** This action corrects the **DATES** and **ADDRESSES** section to a notice published on January 8, 2013 (RIN 0648-XC424), which did not contain all of the necessary information regarding the correct comment and viewing period for the application and the HGMP or the correct email address where comments can be sent. This correction adds a sentence to further clarify the correct dates when the referenced documents will be available for public review and comment. This correction also provides the correct email address for submitting comments.

**DATES:** All the documents will be available to the public beginning on January 25, 2013. Written comments on the permit application, draft HGMP, and draft EA must be received at the appropriate address or fax number (see **ADDRESSES**) no later than 5 p.m. Pacific standard time on March 1, 2013.

**ADDRESSES:** Written comments on the application, draft HGMP or draft EA

should be submitted to Jim Simondet, Klamath Branch Supervisor, NMFS Northern California Office, 1655 Heindon Rd, Arcata, CA 95521. Comments may also be submitted via fax (707) 825-4840, or you may transmit your comment as an attachment to the following email address: [NMFS.SWR.NCO.IronGateHGMP@noaa.gov](mailto:NMFS.SWR.NCO.IronGateHGMP@noaa.gov).

Copies of the draft EA and HGMP are available for public review during regular business hours from 9:00 a.m. to 5 p.m. at the NMFS Arcata office, 1655 Heindon Road, Arcata, CA 95521, (707) 825-5171. The permit application may be viewed online at: [https://apps.nmfs.noaa.gov/preview/preview\\_open\\_for\\_comment.cfm](https://apps.nmfs.noaa.gov/preview/preview_open_for_comment.cfm).

**FOR FURTHER INFORMATION CONTACT:** Jim Simondet, Klamath Branch Supervisor, NMFS, telephone (707) 825-5171, email: [jim.simondet@noaa.gov](mailto:jim.simondet@noaa.gov).

**SUPPLEMENTARY INFORMATION:**

**Background**

On Jan 8, 2013 NMFS published a Notice (78 FR 1201) that NMFS had received an application for a permit for scientific purposes and to enhance the propagation and survival of a listed species under the Endangered Species Act of 1973. NMFS also announced the availability for public review and comment of a Draft Environmental Assessment (EA) regarding issuance of the permit, which involves take of coho salmon listed as threatened under the ESA. The dates that these documents were to become available to the public were incorrect, and this correction clarifies when the documents will be available for public viewing and comment on the above mentioned Internet address.

In addition, the email address to where comments could be submitted and has been corrected and the correct email address is not provided above in the addresses section.

Dated: January 24, 2013.

**Angela Somma,**

*Chief, Endangered Species Division, Office of Protected Resources, National Marine Fisheries Service.*

[FR Doc. 2013-01940 Filed 1-29-13; 8:45 am]

**BILLING CODE 3510-22-P**

**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric Administration**

[Docket No. 120418011-2011-01]

RIN 0648-XB141

**Endangered and Threatened Wildlife; 90-Day Finding on Two Petitions To List White Marlin as Threatened or Endangered Under the Endangered Species Act**

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

**ACTION:** Notice of 90-day petition finding.

**SUMMARY:** We (NMFS) announce a 90-day finding on two petitions to list white marlin (*Kajikia albidus*) as threatened or endangered under the Endangered Species Act (ESA). We find that the petitions do not present substantial scientific information indicating that the petitioned action may be warranted.

**ADDRESSES:** Copies of the petitions and related materials are available upon request from the Assistant Regional Administrator, Protected Resources Division, Southeast Regional Office, NMFS, 263 13th Avenue South, St. Petersburg, FL 33701, or online at: <http://sero.nmfs.noaa.gov/pr/ListingPetitions.htm>

**FOR FURTHER INFORMATION CONTACT:** Dr. Stephania Bolden, NMFS Southeast Region, 727-824-5312, or Margaret Miller, NMFS Office of Protected Resources, 301-427-8403.

**SUPPLEMENTARY INFORMATION:**

**Background**

On February 9, 2012, we received a petition from Mr. James Chambers to list white marlin (*Kajikia albidus*) as threatened or endangered under the ESA. We received a separate petition to list white marlin from the Center for Biological Diversity (CBD) on April 3, 2012. Copies of these petitions are available from us (see **ADDRESSES**, above). The joint USFWS/NMFS petition management handbook states that if we receive two petitions for the same species and a 90-day finding has not yet been made on the earlier petition, then the later petition will be combined with the earlier petition and a combined 90-day finding will be prepared. Given that, this 90-day finding addresses petitions from both Mr. Chambers and CBD requesting us to list white marlin under the ESA.

We have previously reviewed the status of the white marlin for ESA listing as a result of a petition and legal action from these petitioners. In 2001, we received our first petition from Mr. Chambers, and the Biodiversity Legal Foundation, requesting us to list the white marlin as a threatened or endangered species. We convened a status review team to assess the species status and the degree of threat and prepared a status review report (Atlantic White Marlin Status Review Document, WMSRT, 2002). We published our determination on September 9, 2002, that white marlin did not warrant ESA listing (67 FR 57204). In 2006, per a settlement agreement between NMFS, CBD, and the Turtle Island Restoration Network, we revisited the status of the white marlin following the 2006 stock assessment by the International Commission for the Conservation of Atlantic Tunas (ICCAT). On December 21, 2006, we announced the initiation of a white marlin status review and solicited information regarding the status of and threats to the species (71 FR 76639) and convened a new biological review team (BRT) to commence a status review. The report (Atlantic White Marlin Status Review, AWMSR, 2007) prepared by the BRT was peer reviewed and the final document incorporated peer review comments. After considering the AWMSR, we determined the white marlin was neither threatened or endangered (73 FR 843; January 4, 2008).

**ESA Statutory and Regulatory Provisions and Evaluation Framework**

Section 4(b)(3)(A) of the ESA of 1973, as amended (U.S.C. 1531 *et seq.*), requires, to the maximum extent practicable, that within 90 days of receipt of a petition to list a species as threatened or endangered, the Secretary of Commerce make a finding on whether that petition presents substantial scientific or commercial information indicating that the petitioned action may be warranted, and to promptly publish such finding in the **Federal Register** (16 U.S.C. 1533(b)(3)(A)). When we find that substantial scientific or commercial information in a petition indicates the petitioned action may be warranted (a "positive 90-day finding"), we are required to promptly commence a review of the status of the species concerned during which we will conduct a comprehensive review of the best available scientific and commercial information. In such cases, we are to conclude the review with a finding as to whether, in fact, the petitioned action is warranted within 12 months of receipt