

included in this notice of initiation. Parties wishing to participate in any of these administrative reviews should ensure that they meet the requirements of these procedures (e.g., the filing of separate letters of appearance as discussed at 19 CFR 351.103(d)).

Factual Information Requirements

Commerce's regulations identify 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) publicly available information to value factors under 19 CFR 351.408(c) or to measure the adequacy of remuneration under 19 CFR 351.511(a)(2); (iv) evidence placed on the record by Commerce; and (v) evidence other than factual information described in (i)–(iv). These regulations require 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 regulations, at 19 CFR 351.301, also provide specific time limits for such factual submissions based on the type of factual information being submitted. Please review the *Final Rule*,¹⁵ available at www.govinfo.gov/content/pkg/FR-2013-07-17/pdf/2013-17045.pdf, prior to submitting factual information in this segment. Note that Commerce has temporarily modified certain of its requirements for serving documents containing business proprietary information, until further notice.¹⁶

Any party submitting factual information in an AD or CVD proceeding must certify to the accuracy and completeness of that information using the formats provided at the end of the *Final Rule*.¹⁷ Commerce intends to reject factual submissions in any proceeding segments if the submitting

party does not comply with applicable certification requirements.

Extension of Time Limits Regulation

Parties may request an extension of time limits before a time limit established under Part 351 expires, or as otherwise specified by Commerce.¹⁸ 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) factual information to value factors under 19 CFR 351.408(c), or to measure the adequacy of remuneration under 19 CFR 351.511(a)(2), filed pursuant to 19 CFR 351.301(c)(3) and rebuttal, clarification and correction filed pursuant to 19 CFR 351.301(c)(3)(iv); (3) comments concerning the selection of a surrogate country and surrogate values and rebuttal; (4) comments concerning CBP data; and (5) Q&V questionnaires. Under certain circumstances, Commerce 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, Commerce 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 policy also requires that an extension request must be made in a separate, stand-alone submission, and clarifies the circumstances under which Commerce will grant untimely-filed requests for the extension of time limits. Please review the *Final Rule*, available at <https://www.gpo.gov/fdsys/pkg/FR-2013-09-20/html/2013-22853.htm>, prior to submitting factual information in these segments.

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).

Dated: June 6, 2022.

James Maeder,

Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

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¹⁸ See 19 CFR 351.302.

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XB888]

Endangered and Threatened Species; Notice of Availability of an Interim Report on Post-Delisting Monitoring of Nine Distinct Population Segments of Humpback Whales and Notice of Intent To Prepare a Recovery Plan for the Central America, Mexico, and Western North Pacific Distinct Population Segments of Humpback Whales

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

ACTION: Notice; request for information.

SUMMARY: NMFS is announcing the availability of an interim report for the post-delisting monitoring of nine distinct population segments (DPSs) of humpback whales (*Megaptera novaeangliae*). NMFS is also announcing its intent to prepare a recovery plan for three DPSs of humpback whales and requests information from the public. The Endangered Species Act (ESA) requires NMFS to develop a system to monitor the status of all species that have been recovered and removed from the lists of threatened and endangered species. The available interim report references the post-delisting monitoring plan that was developed for the nine humpback whale DPSs that are not listed as threatened or endangered. This interim report consolidates and evaluates available monitoring data from several-year intervals to summarize the best available information regarding the status of the nine non-listed humpback whale DPSs. The ESA also generally requires NMFS to develop plans for the conservation and survival of federally listed species, i.e., recovery plans. The current species-wide recovery plan originally prepared in 1991 will be replaced by a new recovery plan specific to the endangered Western North Pacific DPS, the endangered Central America DPS, and the threatened Mexico DPS of humpback whales. We request submission of any information on these DPSs of humpback whales, particularly information on the status, threats, and recovery of the DPSs that has become available since the listing status was revised in 2016 and was not considered as part of the critical habitat designation in 2021.

DATES: To allow us adequate time to conduct this review, we must receive

¹⁵ See *Certification of Factual Information To Import Administration During Antidumping and Countervailing Duty Proceedings*, 78 FR 42678 (July 17, 2013) (*Final Rule*); see also the frequently asked questions regarding the *Final Rule*, available at https://enforcement.trade.gov/tlei/notices/factual_info_final_rule_FAQ_07172013.pdf.

¹⁶ See *Temporary Rule Modifying AD/CVD Service Requirements Due to COVID–19*, 85 FR 41363 (July 10, 2020).

¹⁷ See section 782(b) of the Act; see also *Final Rule*; and the frequently asked questions regarding the *Final Rule*, available at https://enforcement.trade.gov/tlei/notices/factual_info_final_rule_FAQ_07172013.pdf.

your information no later than July 11, 2022.

ADDRESSES: You may submit information on this document, identified by NOAA–NMFS–2022–0039, by the following method:

- *Electronic Submission:* Submit electronic information via the Federal e-Rulemaking Portal. Go to www.regulations.gov and enter NOAA–NMFS–2022–0039 in the Search box. Click on the “Comment” icon, complete the required fields, and enter or attach your comments.

Instructions: Comments sent by any other method, to any other address or individual, or received after the end of the specified period, might not be considered. All comments received are a part of the public record and will generally be posted for public viewing on www.regulations.gov without change. All personal identifying information (e.g., name, address, etc.), confidential business information, or otherwise sensitive or protected information submitted voluntarily by the sender will be publicly accessible. NMFS will accept anonymous submissions (enter “N/A” in the required fields if you wish to remain anonymous).

FOR FURTHER INFORMATION CONTACT: Caroline Good by phone at (301) 427–8445 or Caroline.Good@noaa.gov.

SUPPLEMENTARY INFORMATION: In 2016, NMFS revised the listing status of the humpback whale under the ESA. The globally listed endangered species was divided into 14 DPSs, the species-level listing was removed, and NMFS listed four DPSs as endangered and one DPS as threatened (81 FR 62260, September 8, 2016). Under section 4(g) of the ESA, and joint guidance from NMFS and U.S. Fish and Wildlife Service, NMFS is to monitor, for a minimum of five years, any species delisted due to its recovery (guidance is available at: https://media.fisheries.noaa.gov/dam-migration/final_pdm_guidance-fws_and_nmfs-updated_7-2-18_508_compliant.pdf). Although nine DPSs of humpback whales no longer qualified for listing and thus were technically not “delisted”, for the reasons explained in the ESA listing final rule, NMFS considered it appropriate to monitor the status of the populations that were no longer listed.

As a result, in 2016, NMFS implemented a 10-year plan to carry out the required monitoring for nine DPSs of humpback whales: the Hawai’i, West Indies, Brazil, West Australia, East Australia, Southeastern Pacific, Oceania, Southeast Africa/Madagascar, and Gabon/Southwest Africa DPSs (available at <https://www.fisheries.noaa.gov/resource/document/monitoring-plan-nine-distinct-population-segments-humpback-whale-megaptera>). This notice announces the availability of an interim report, which provides an evaluation of available monitoring data from 2017 to 2021 and summarizes the best available information regarding the status of the nine non-listed humpback whale DPSs. The interim report is available online at <https://www.fisheries.noaa.gov/species/humpback-whale#conservation-management> or upon request from the NMFS Office of Science and Technology.

noaa.gov/resource/document/monitoring-plan-nine-distinct-population-segments-humpback-whale-megaptera). This notice announces the availability of an interim report, which provides an evaluation of available monitoring data from 2017 to 2021 and summarizes the best available information regarding the status of the nine non-listed humpback whale DPSs. The interim report is available online at <https://www.fisheries.noaa.gov/species/humpback-whale#conservation-management> or upon request from the NMFS Office of Science and Technology.

NMFS is required by section 4(f) of the ESA to develop and implement recovery plans for the conservation and survival of federally listed species unless the Secretary finds that such a plan will not promote the conservation of the species. Recovery means improvement in the status of listed species to the point at which the protections of the ESA are no longer necessary. Section 4(f)(1)(B) of the ESA specifies that recovery plans must include, to the maximum extent practicable: (i) a description of such site-specific management actions as may be necessary to achieve the plan’s goal for the conservation and survival of the species; (ii) objective, measurable criteria which when met, would result in a determination that the species be removed from the list; and (iii) estimates of the time required and the cost to carry out those measures needed to achieve the plan’s goal and to achieve intermediate steps toward that goal.

NMFS previously determined that a recovery plan would not promote the conservation of the Arabian Sea and Cape Verde Islands/Northwest Africa DPSs (Memorandum for Chris Oliver, Assistant Administrator for Fisheries, from Donna Wieting, Director, Office of Protected Resources (Sep. 12, 2019) (regarding Cape Verde/Northwest Africa DPS); Memorandum for Chris Oliver, Assistant Administrator for Fisheries, from Donna Wieting, Director, Office of Protected Resources (Dec. 11, 2019) (regarding Arabian Sea DPS)). This notice announces our intent to replace the species-wide humpback whale recovery plan with a new plan specific to the endangered Western North Pacific DPS, the endangered Central America DPS, and the threatened Mexico DPS. In the interim, the recovery strategy for these DPSs will be guided by the existing species-wide plan and a new DPS-specific recovery outline under development. Critical habitat was designated for these DPSs in 2021 (86 FR 21082, April 21, 2021).

Background information on the species is available on the NMFS website at: <https://www.fisheries.noaa.gov/species/humpback-whale>.

Public Solicitation of New Information

Section 4(f)(4) of the ESA requires that public notice and an opportunity for public review and comment be provided prior to final approval of a new or revised recovery plan. Further, section 4(f)(5) mandates that all information presented during the public comment period is considered prior to implementing a new or revised recovery plan. To ensure that recovery plan development is complete and based on the best available scientific and commercial information, we are soliciting new information from the public, governmental agencies, Tribes, the scientific community, industry, environmental entities, and any other interested parties concerning the status of the Western North Pacific, Mexico, and Central America DPSs of humpback whale. Such information should address: (a) criteria for removing these whales from the lists of threatened and endangered species; (b) factors that are presently limiting, or threaten to limit, the survival of these humpback whales distinct population segments; (c) actions to address limiting factors and threats; (d) estimates of time and cost to implement recovery actions; and (e) research, monitoring, and evaluation needs. Upon completion, the draft recovery plan will be available for public review and comment through the publication of a **Federal Register** Notice.

If you wish to provide information for review, you may submit your information and materials electronically (see **ADDRESSES** section). We request that all information be accompanied by supporting documentation such as maps, bibliographic references, or reprints of pertinent publications.

Authority: 16 U.S.C. 1531 *et seq.*

Dated: June 3, 2022.

Angela Somma,

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

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