

of the return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a violation which is subject to sanction.

We are issuing and publishing this administrative review and notice in accordance with sections 751(a)(1) and 777(i) of the Act.

Dated: September 19, 2014.

**Ronald K. Lorentzen,**

*Acting Assistant Secretary for Enforcement and Compliance.*

### Appendix I—Issues & Decision Memorandum

Summary

Background

Scope of the Order

Discussion of the Issues

Comment 1: Adjustment to Newpro's Assessment Rate

Comment 2: Allied Pacific's Cash Deposit Instructions

Comment 3: Corroboration of the Adverse Facts Available ("AFA") Rate

Recommendation

### Appendix II—PRC-Wide Entity Companies

The PRC-wide entity includes 89 companies currently under review that have not established their eligibility for a separate rate. Those 89 companies, including Hilltop and Newpro, are:

Allied Pacific Aquatic Products Zhanjiang Co., Ltd.  
 Allied Pacific Food (Dalian) Co., Ltd.  
 Aqua Foods (Qingdao) Co., Ltd.  
 Asian Seafoods (Zhanjiang) Co., Ltd.  
 Beihai Boston Frozen Food Co., Ltd.  
 Beihai Evergreen Aquatic Product Science and Technology Co., Ltd.  
 Beihai Wanjing Marine Products Co., Ltd.  
 Dalian Hualian Foods Co., Ltd.  
 Dalian Shanhai Seafood Co., Ltd.  
 Dalian Taiyang Aquatic Products Co., Ltd.  
 Dalian Z&H Seafood Co., Ltd.  
 Eimskip Logistics (Qingdao) Co., Ltd.  
 Eimskip Logistics Inc.  
 EZ Logistics Inc.  
 EZ Logistics LLC  
 Fujian Chaohui International Trading  
 Fujian Dongshan County Shunfa Aquatic Product Co., Ltd.  
 Fujian Rongjiang Import and Export Co., Ltd.  
 Fuqing Minhua Trade Co., Ltd.  
 Fuqing Yihua Aquatic Food Co., Ltd.  
 Fuqing Yiyuan Trading Co., Ltd.  
 Guangdong Gourmet Aquatic Products Co., Ltd.  
 Guangdong Jinhang Foods Co., Ltd.  
 Guangdong Shunxin Sea Fishery Co., Ltd.  
 Guangdong Wanshida Holding Corp.  
 Guangdong Wanya Foods Fty. Co., Ltd.  
 Hai Li Aquatic Co., Ltd.  
 Hainan Brich Aquatic Products Co., Ltd.  
 Hainan Golden Spring Foods Co., Ltd.  
 Hainan Hailisheng Food Co., Ltd.  
 Hainan Xiangtai Fishery Co., Ltd.  
 Haizhou Aquatic Products Co., Ltd.  
 Hangzhou Tianhai Aquatic Products Co., Ltd.

Hilltop International  
 Hua Yang (Dalian) International Transportation Service Co.  
 Leizhou Beibuwan Sea Products Co., Ltd.  
 Longhai Gelin Seafoods Co., Ltd.  
 Longheng (Fuqing) Imp. & Exp. Co., Ltd.  
 Longsheng Aquatic Co., Ltd.  
 Maoming Xinzhou Seafood Co., Ltd.  
 Olanya (Germany) Ltd.  
 Qingdao Yuanqiang Foods Co., Ltd.  
 Rizhao Smart Foods Company Limited  
 Rizhao Xinghe Foodstuff Co., Ltd.  
 Rui'an Huasheng Aquatic Products Co., Ltd.  
 Savvy Seafood Inc.  
 Shandong Meijia Group Co., Ltd.  
 Shanghai Linghai Fisheries Trading Co., Ltd.  
 Shanghai Lingpu Aquatic Products Co., Ltd.  
 Shanghai Smiling Food Co., Ltd.  
 Shanghai Zhoulian Foods Co., Ltd.  
 Shantou Haiyou Aquatic Product Foodstuff Co., Ltd.  
 Shantou Jiazhou Foods Industry Co., Ltd.  
 Shantou Jin Cheng Food Co., Ltd.  
 Shantou Jintai Aquatic Product Industrial Co., Ltd.  
 Shantou Longsheng Aquatic Product Foodstuff Co., Ltd.  
 Shantou Ruiyuan Industry Company Ltd.  
 Shantou Wanya Foods Fty. Co., Ltd.  
 Shantou Yuexing Enterprises Co.  
 Shenzhen Allied Aquatic Produce Development Ltd.  
 Shenzhen Yudayuan Trade Ltd.  
 Thai Royal Frozen Food Zhanjiang Co., Ltd.  
 Xiamen Granda Import & Export Co., Ltd.  
 Yancheng Hi-king Agriculture Developing Co., Ltd.  
 Yanfeng Aquatic Product Foodstuff  
 Yangjiang Anyang Food Co., Ltd.  
 Yangjiang Wanshida Seafood Co., Ltd.  
 Yelin Enterprise Co., Ltd.  
 Zhangzhou Xinwanya Aquatic Product Co., Ltd.  
 Zhangzhou Yanfeng Aquatic Product Zhanjiang Bo Bo Go Ocean Co., Ltd.  
 Zhanjiang Evergreen Aquatic Product Science and Technology Co., Ltd.  
 Zhanjiang Fuchang Aquatic Products Co., Ltd.  
 Zhanjiang Go Harvest Aquatic Products Co., Ltd.  
 Zhanjiang Haizhou Aquatic Product Co., Ltd.  
 Zhanjiang Hengrun Aquatic Co., Ltd.  
 Zhanjiang Jinguo Marine Foods Co., Ltd.  
 Zhanjiang Join Wealth Aquatic Products Co., Ltd.  
 Zhanjiang Longwei Aquatic Products Industry Co., Ltd.  
 Zhanjiang Newpro Foods Co., Ltd.  
 Zhanjiang Rainbow Aquatic Development  
 Zhanjiang Universal Seafood Corp.  
 Zhejiang Daishan Baofa Aquatic Products Co., Ltd.  
 Zhejiang Evernew Seafood Co., Ltd.  
 Zhejiang Xinwang Foodstuffs Co., Ltd.  
 Zhejiang Zhoufu Food Co., Ltd.  
 Zhoushan Corporation  
 Zhoushan Genho Food Co., Ltd.  
 Zhoushan Haiwang Seafood Co., Ltd.

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

RIN 0648-XD385

### Determination of an Overfished Condition

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

**ACTION:** Notice.

**SUMMARY:** This action serves as a notice that NMFS, on behalf of the Secretary of Commerce (Secretary), has determined the South Atlantic stock of snowy grouper to be in an overfished condition.

NMFS, on behalf of the Secretary, notifies the appropriate fishery management council (Council) whenever it determines that overfishing is occurring, a stock is in an overfished condition, a stock is approaching an overfished condition, or when a rebuilding plan has not resulted in adequate progress toward ending overfishing and rebuilding affected fish stocks.

**FOR FURTHER INFORMATION CONTACT:** Mark Nelson, (301) 427-8565.

**SUPPLEMENTARY INFORMATION:** Pursuant to sections 304(e)(2) and (e)(7) of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), 16 U.S.C. 1854(e)(2) and (e)(7), and implementing regulations at 50 CFR 600.310(e)(2), NMFS, on behalf of the Secretary, must notify Councils whenever it determines that a stock or stock complex is overfished or approaching an overfished condition; or if an existing rebuilding plan has not ended overfishing or resulted in adequate rebuilding progress. NMFS also notifies Councils when it determines a stock or stock complex is subject to overfishing. Section 304(e)(2) further requires NMFS to publish these notices in the **Federal Register**.

NMFS has determined that, based on the latest stock assessment, the South Atlantic stock of snowy grouper is no longer subject to overfishing, but remains in an overfished condition. NMFS has notified the South Atlantic Fishery Management Council that they must continue to prevent overfishing and rebuild the stock.

Dated: September 23, 2014.

**Emily H. Menashes,**

*Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.*

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

[Docket No. 121204680-4789-03]

RIN 0648-XC387

#### Endangered and Threatened Wildlife and Plants; Notice of 12-Month Finding on a Petition To List the Humphead Wrasse as Threatened or Endangered Under the Endangered Species Act (ESA)

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

**ACTION:** Notice of 12-month finding and availability of a status review report.

**SUMMARY:** We, NMFS, announce a 12-month finding on a petition to list the humphead wrasse (*Cheilinus undulatus*) as threatened or endangered under the Endangered Species Act (ESA). We have completed a comprehensive status review of the humphead wrasse in response to this petition. Based on the best scientific and commercial information available, including the status review report (Graham *et al.*, 2014), we have determined that the species does not warrant listing at this time. We conclude that the humphead wrasse is not currently in danger of extinction throughout all or a significant portion of its range and is not likely to become so within the foreseeable future. We also announce the availability of the humphead wrasse status review report.

**DATES:** This finding was made on September 26, 2014.

**ADDRESSES:** The humphead wrasse status review report is available electronically at: [http://www.fpir.noaa.gov/PRD/prd\\_humpheadwrasse.html](http://www.fpir.noaa.gov/PRD/prd_humpheadwrasse.html). You may also receive a copy by submitting a request to the Protected Resources Division, Pacific Islands Regional Office, NMFS, 1845 Wasp Blvd., Building 176, Honolulu, HI 96818, Attention: Humphead Wrasse 12-month Finding.

**FOR FURTHER INFORMATION CONTACT:** Krista Graham, NMFS, Pacific Islands Regional Office, (808) 725-5152; or Lisa Manning, NMFS, Office of Protected Resources, (301) 427-8466.

**SUPPLEMENTARY INFORMATION:**

#### Background

On October 31, 2012, we received a petition from WildEarth Guardians to list the humphead wrasse (*Cheilinus undulatus*) as threatened or endangered under the ESA throughout its entire range. The petitioners also requested that critical habitat be designated for the humphead wrasse under the ESA. On February 28, 2013, we published a positive 90-day finding (78 FR 13614), announcing that the petition presented substantial scientific or commercial information indicating the petitioned action of listing the species may be warranted and explained the basis for that finding. We also announced the initiation of a status review of the species, as required by section 4(b)(3)(a) of the ESA, and requested information to inform the agency's decision on whether the species warranted listing as endangered or threatened under the ESA.

#### *Listing Species Under the Endangered Species Act*

Section 4(b)(3)(B) of the ESA requires us to make a finding within 12-months of the date of receipt of any petition that was found to present substantial information indicating that the petitioned action may be warranted. The 12-month finding must provide a determination of whether the petitioned action is: (a) Not warranted; (b) warranted; or (c) warranted but precluded. In this case, we are responsible for determining whether the humphead wrasse warrants listing as threatened or endangered under the ESA (16 U.S.C. 1531 *et seq.*). To make this determination, we first consider whether a group of organisms constitutes a "species" under section 3 of the ESA, then whether the status of the species qualifies it for listing as either threatened or endangered. Section 3 of the ESA defines species to include "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." On February 7, 1996, NMFS and the U.S. Fish and Wildlife Service (USFWS; together, the Services) adopted a policy describing what constitutes a distinct population segment (DPS) of a taxonomic species (61 FR 4722). The DPS Policy identifies two elements that must be considered when identifying a DPS: (1) The discreteness of the population segment in relation to the remainder of the species (or subspecies) to which it belongs; and (2) the significance of the population segment to the remainder of the species (or subspecies) to which it belongs.

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, in the context of the ESA, we interpret an "endangered species" to be one that is presently in danger of extinction. A "threatened species" is not presently at risk of extinction, but is likely to become so in the foreseeable future. The key statutory difference between an endangered and threatened species is the timing of when a species may be in danger of extinction, either presently (endangered) or in the foreseeable future (threatened).

Section 4 of the ESA and implementing regulations at 50 CFR part 424 require us to determine whether any species is endangered or threatened as a result of any one or a combination of the following five factors: (A) The present or threatened destruction, modification, or curtailment of its habitat or range; (B) overutilization for commercial, recreational, scientific, or educational purposes; (C) disease or predation; (D) the inadequacy of existing regulatory mechanisms; or (E) other natural or manmade factors affecting its continued existence (ESA section 4(a)(1)(A)-(E)). Section 4(b)(1)(A) of the ESA requires us to make listing determinations based solely on the best scientific and commercial data available after conducting a review of the status of the species and after taking into account efforts being made by any State or foreign nation or political subdivision thereof to protect the species. We also consider the comments received in response to issuance of the 90-day finding. In evaluating the efficacy of existing protective efforts, we rely on the Services' joint *Policy on Evaluation of Conservation Efforts When Making Listing Decisions* ("PECE"; 68 FR 15100; March 28, 2003). The PECE provides direction for considering conservation efforts that have not been implemented, or have been implemented but not yet demonstrated effectiveness.

#### *Status Review*

We appointed an Endangered Species Biologist in the Protected Resources Division of the NMFS Pacific Islands Regional Office (PIRO) to gather and review the best available data and information on the life history and ecology, distribution, abundance, and threats to the humphead wrasse and to document this review in a status review report. Next, we convened a team of